ORDINANCE NO. 611

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, CONCERNING THE CITY ZONING CODE; ADOPTING FINDINGS; REPEALING TITLES 17, 20, 21 AND 24 WMC, CHAPTERS 14.04 AND 15.21 WMC; ADOPTING A NEW TITLE 21 WMC; MAKING FINDINGS OF FACT AND THE FOLLOWING AMENDMENTS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION BY TITLE ONLY.

WHEREAS, the Growth Management Act, including RCW 36.70A.130(5)(a), requires that Woodinville, along with King County and other cities within King County take action to review, and, if needed, revise their comprehensive plan and development regulations to ensure that the plans and regulations comply with the requirements of Chapter 36.70A RCW; and

WHEREAS, the City of Woodinville adopted the 2015 Comprehensive Plan and PRO Plan by Ordinance No. 591 on December 15, 2015 after an extensive public participation process, recommendation by the Planning Commission, and concurrence by the City Council consistent with the requirements of the Growth Management Act; and

WHEREAS, the City Council first adopted interim zoning regulations by Ordinance No. 43 on March 22, 1993, and adopted zoning regulations by Ordinance No. 175 on July 14, 1997, and last amended by Ordinance No. 605 adopted March 15, 2016; and

WHEREAS, the City desires to develop a user-friendly code that is more easily understood by the general public who are not land use professionals; and

WHEREAS, the City Council desires to update the City of Woodinville development regulations consistent with the 2015 Comprehensive Plan;

WHEREAS, after providing notice, the Planning Commission held a public hearing on July 19, 2016, to receive public testimony concerning the proposed amendment and voted to forward a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing on September 6, 2016 to receive public testimony and consider the proposed code amendment; and

WHEREAS, the requirements of the State Environmental Policy Act (SEPA) RCW 43.21C have been met;

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

Section 1. Findings. The City Council hereby adopts as findings the recitals expressed above.

1. Pursuant to Chapter 17 Woodinville Municipal Code (WMC), the Planning Commission is required to hold a public hearing on the proposed amendments and make a recommendation to the City Council.

ORDINANCE NO. 611

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, CONCERNING THE CITY ZONING CODE; ADOPTING FINDINGS; REPEALING TITLES 17, 20, 21 AND 24 WMC, CHAPTERS 14.04 AND 15.21 WMC; ADOPTING A NEW TITLE 21 WMC; MAKING FINDINGS OF FACT AND THE FOLLOWING AMENDMENTS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION BY TITLE ONLY.

WHEREAS, the Growth Management Act, including RCW 36.70A.130(5)(a), requires that Woodinville, along with King County and other cities within King County take action to review, and, if needed, revise their comprehensive plan and development regulations to ensure that the plans and regulations comply with the requirements of Chapter 36.70A RCW; and

WHEREAS, the City of Woodinville adopted the 2015 Comprehensive Plan and PRO Plan by Ordinance No. 591 on December 15, 2015 after an extensive public participation process, recommendation by the Planning Commission, and concurrence by the City Council consistent with the requirements of the Growth Management Act; and

WHEREAS, the City Council first adopted interim zoning regulations by Ordinance No. 43 on March 22, 1993, and adopted zoning regulations by Ordinance No. 175 on July 14, 1997, and last amended by Ordinance No. 605 adopted March 15, 2016; and

WHEREAS, the City desires to develop a user-friendly code that is more easily understood by the general public who are not land use professionals; and

WHEREAS, the City Council desires to update the City of Woodinville development regulations consistent with the 2015 Comprehensive Plan;

WHEREAS, after providing notice, the Planning Commission held a public hearing on July 19, 2016, to receive public testimony concerning the proposed amendment and voted to forward a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing on September 6, 2016 to receive public testimony and consider the proposed code amendment; and

WHEREAS, the requirements of the State Environmental Policy Act (SEPA) RCW 43.21C have been met;

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

Section 1. Findings. The City Council hereby adopts as findings the recitals expressed above.

1. Pursuant to Chapter 17 Woodinville Municipal Code (WMC), the Planning Commission is required to hold a public hearing on the proposed amendments and make a recommendation to the City Council.

2. The City issued an SEPA threshold Determination of Nonsignificance on May 30, 2016. The appeal period ended without any comments or appeals received.
3. Pursuant to the Growth Management Act, the proposed amendments were submitted to the Washington State Department of Commerce for review and comment. The state initiated the required 60-day state agency review period on June 20, 2016.
4. The Planning Commission held a public hearing on July 6, 2016, and received written comments and public testimony, deliberated and produced a public record and recommendations on the amendments. Public hearing notices were issued in the Woodinville Weekly and posted in city posting locations.
5. The City Council considered the Planning Commission's public record and recommendations concerning the amendments that are subject of this Ordinance at public hearings on August 2, 2016.
6. The City Council held first reading of Ordinance No. 611 on September 6, 2016 and second reading on September 20, 2016.
7. The code amendments that are the subject of this ordinance are consistent with the required decision criteria found in WMC 21.46.030 and WMC 21.44.070.

Section 2. Repeal Chapter 14.04 WMC, Environmental Regulations. Chapter 14.04 of the Woodinville Municipal Code is hereby repealed in its entirety.

Section 3. Repeal Chapter 15.21 WMC, Flood Hazard Regulations. Chapter 15.21 of the Woodinville Municipal Code is hereby repealed in its entirety.

Section 4. Repeal Title 17 WMC, Land Development. Title 17 of the Woodinville Municipal Code is hereby repealed in its entirety.

Section 5. Repeal Title 20 WMC, Subdivisions. Title 20 of the Woodinville Municipal Code is hereby repealed in its entirety.

Section 6. Repeal Title 21 WMC, Zoning. Title 21 of the Woodinville Municipal Code is hereby repealed in its entirety.

Section 7. Repeal Title 24 WMC, Shoreline Management. Title 24 of the Woodinville Municipal Code is hereby repealed in its entirety.

Section 8. Adopt Title 21 WMC, Zoning. Title 21 of the Woodinville Municipal Code shall be replaced as set forth in Attachment A.

Section 9. Adopt Chapter 15.19 WMC Condominium Conversions. Chapter 15.19 of the Woodinville Municipal Code is hereby adopted as set forth below.

15.19.010 Conversion condominium requirements created.
This chapter establishes requirements pertaining to the conversion of apartments to condominiums as set forth in Chapter 64.34 RCW, The Condominium Act. Unless otherwise specified, all terms used herein shall have the same meaning as defined in Chapter 64.34 RCW as now exists or as may hereafter be amended. (Ord. 448 § 2, 2007; Ord. 70 § 1, 1993)

15.19.020 Written inspection report.

(1) The public offering statement of a conversion condominium shall contain, in addition to the information required by RCW 64.34.410 and 64.34.415, a copy of the written inspection report prepared by the City's Building Official, which report shall list any violations of the construction codes, as adopted by City of Woodinville ordinances or other applicable governmental regulation related to life/safety matters. Costs of the inspection shall be borne by declarant.

(2) Said inspection shall be made within 45 days of the declarant's written request for the inspection and said report shall be issued within 14 days of said inspection being made.

(3) The Building Official may require a report from a qualified inspection service in lieu of the inspection required above.

(4) A building permit is required to record the transfer of occupancy sub-type and ensure compliance with this chapter. Fees shall be based per building and based on the current fee resolution table established by City Council. (Ord. 448 § 2, 2007; Ord. 70 § 1, 1993)

15.19.030 Repair of violations.

(1) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant:

(a) All violations disclosed in the inspection report, not otherwise waived by the City, shall be repaired with valid building permits; and

(b) A letter of certification shall be obtained from the City stating that such repairs have been made. This certification shall be based on a re-inspection to be made within seven days of the declarant's written request for the re-inspection and shall be issued within seven days of the re-inspection being made. Costs of the re-inspection shall be borne by declarant at the rates set forth by the City.

(2) Certification by the City shall state that only those defects discovered by the residential inspection have been corrected and that the certification does not guarantee that all relevant code violations have been corrected. No declarant shall use the City's certification in any advertising, nor shall a declarant indicate or imply to anyone, for the purpose of inducing a person to purchase a condominium unit, that the City has "approved" the premises or any unit for sale. (Ord. 448 § 2, 2007; Ord. 70 § 1, 1993)

15.19.040 Warrant of repairs.

(1) The repairs required to be made under this section shall be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs after building permits have been finalized and the public statement of condition is received by the City and the homeowners association.

(2) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant:

(a) The declarant shall establish and maintain, during the one-year warranty period, an account containing a sum equal to 10 percent of the actual cost of making the repairs.

(b) During the one-year warranty period, the funds in such account shall be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made, under such warranty.

(c) Following the expiration of the one-year warranty period, any funds remaining in such account shall be disbursed to the declarant.

(d) The declarant shall notify in writing the property association and the City as to the location of such account and any disbursements from it. (Ord. 448 § 2, 2007; Ord. 70 § 1, 1993)

Section 10. 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 11. Copy to Department of Commerce. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten days after adoption of this ordinance.

Section 12. Authorization to Make Corrections. Upon approval by the City Attorney, the City Clerk and code reviser are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's or clerical errors, references other local, state, or federal codes or rules, ordinance number, and section numbers and any references thereto.

Section 13. Effective Date and Summary Publication. This ordinance shall become effective December 1, 2016. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date by publication of the ordinance title.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 20th DAY OF SEPTEMBER, 2016.

Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:

Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

Jeffrey Ganson
City Attorney

PASSED BY THE CITY COUNCIL: 9-20-2016
PUBLISHED: 9-26-2016
EFFECTIVE DATE: 12-01-2016
ORDINANCE NO. 611

Title 21
ZONING

Article 1 General Administration

21.10 Authority, Purpose, Interpretation and Administration
21.11 Technical Terms and Land Use Definitions
21.12 Enforcement

Article 2 Zoning, Districts, and Land Use

21.20 Zones, Maps and Designations
21.21 Permitted Uses
21.22 Densities and Dimensions
21.23 Office/Research park Development Overlay
21.24 Pedestrian-Oriented Commercial Overlay
21.25 Sexually Oriented Business Overlay
21.26 Tourist District Overlay
21.27 Transit Oriented-Housing Development Overlay

Article 3 Special Development Standards

21.30 Accessory Uses and Structures
21.31 Animals, Home Occupation, Home Industry
21.32 Essential Public Facilities/Special Uses
21.33 Landmark Protection and Preservation
21.34 Nonconformity
21.35 Signs
21.36 Temporary Uses
21.37 Wireless Service Facilities

Article 4 Project Design

21.40 Commercial Design Standards
21.41 Industrial Design Guidelines
21.42 Residential Design Standards
21.43 Landscaping
21.44 Parking and Circulation
21.45 Recreation and Trail Corridors

Article 5 Environment

21.50 Tree Protection
21.51 Critical Areas
21.52 Environmental Protection

Article 6 Subdivisions

21.60 Subdivision Design

Article 7 Shoreline Master Program

21.70 Shoreline Management

Article 8 Project Permit and Legislative Procedures

21.80 Decision Criteria
21.81 Adequacy of Public Facilities
21.82 Development Agreement Procedure and Criteria
21.83 Review Procedures

21.84 Application and Notice Requirements
21.85 Amendments
21.86 Appeals

Article 1 – General Administration
Chapter 21.10
AUTHORITY, PURPOSE, INTERPRETATION AND ADMINISTRATION

Sections:

21.10.010 Title.
21.10.020 Authority to adopt code.
21.10.030 Purpose.
21.10.040 Conformity with this title required.
21.10.050 Minimum requirements.
21.10.060 Interpretation – General.
21.10.070 Interpretation – North American Industrial Classification System.
21.10.080 Interpretation – Zoning maps.
21.10.090 Administration and review authority.
21.10.100 Severability.

21.10.010 Title.

This title shall be known as the City of Woodinville Zoning Code, hereinafter referred to as "this title."

21.10.020 Authority to adopt code.

(1) The City of Woodinville Zoning Code is adopted by City of Woodinville ordinance, pursuant to the Washington State Constitution, and Chapter 35A.63 RCW.
(2) The comprehensive land use plan entitled "The City of Woodinville Comprehensive Plan," as may be amended, is on file with the office of the City Clerk for public inspection, and is hereby adopted as the GMA Comprehensive Plan for the City of Woodinville.

21.10.030 Purpose.

The general purposes of this title are:
(1) To encourage land use decision making in accordance with the public interest and applicable laws of the State of Washington;
(2) To protect the general public health, safety, and welfare;
(3) To implement the City of Woodinville Comprehensive Plan's goals and policies through land use regulations;
(4) To provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
(5) To provide for adequate public facilities and services in conjunction with development; and
(6) To promote general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development.

21.10.040 Conformity with this title required.

(1) No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.
(2) Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this title and WMC Title 20, Subdivisions.
(3) All land uses and development authorized by this title shall comply with all other regulations and/or requirements of this title as well as any other applicable local, State or Federal law. Where a difference exists between this title and other City regulations, the more restrictive requirements shall apply. Where a conflict exists between Federal law and State law, Federal law prevails.
    (a) The growing, production, processing and sale of marijuana are prohibited in all zoning districts of the City of Woodinville whether it is grown, produced, processed or sold for medical or recreational use, and nothing in this title should be construed differently.
(4) Where more than one part of this title applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply.

21.10.050 Minimum requirements.

In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of this title.

21.10.060 Interpretation – General.

(1) In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.
(2) A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise, subject to other standards in code and any required permits for structures.
(3) Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section. In case of any ambiguity, difference of meaning or implication between the text and any heading, caption or illustration, the text and the permitted use tables in Chapter 21.21 WMC shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.
(4) The word “shall” is mandatory and the word “may” is discretionary.
(5) Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this title, all words and terms used in this title shall have their customary meanings.

21.10.070 Interpretation – North American Industrial Classification System.

(1) All references to the North American Industrial Classification System (NAICS) are to the titles and descriptions found in the North American Industrial Classification System, 2002 Edition, prepared by the United States Office of Management and Budget which is hereby adopted by reference. The NAICS is used, with modifications to suit the purposes of this title, to list and define land uses authorized to be located in the various zones.
(2) The NAICS categorizes each land use under a general two-digit major group number, or under a more specific five-or six-digit industry group or industry number. A use shown on a land use table with a two-digit number includes all uses listed in the SIC for that major group. A use shown with a five-digit or six-digit number includes only the uses listed in the NAICS for that industry group or industry, respectively, and the uses so listed are excluded from the respective major group.
(3) An asterisk (*) in the NAICS number column of a land use table means that the NAICS definition for the specific land use identified has been modified by this title. The definition may include one or more NAICS sub-classification numbers, or may define the use without reference to the NAICS.
(4) The Development Services Director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a NAICS classification is allowed in a zone. The Development Services Director’s determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone’s purpose as set forth in Chapter 21.20 WMC, by considering the following factors:
    (a) The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;
    (b) Whether or not the use complements or is compatible with other uses permitted in the zone; and
    (c) The NAICS classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use. (5) The decision of the Development Services Director on an NAICS classification shall be final unless the applicant or an adverse party files an appeal to the Hearing Examiner pursuant to Chapters 2.30 and 17.17 WMC.

21.10.080 Interpretation – Zoning maps.

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

(1) Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non-road- related uses by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owners lot;

(2) Where boundaries are indicated as following approximately lot lines, the actual lot lines shall be considered the boundaries;
(3) Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change the boundaries shall be considered to move with them; and
(4) If none of the rules of interpretation described in subsections (1) through (3) apply, then the zoning boundary shall be determined by map scaling.

21.10.090 Administration and review authority.

(1) The Hearing Examiner shall have authority to hold public hearings and make decisions and recommendations on development proposals as set forth in WMC Title 17, and appeals of Development Services Director and Building Official decisions, as set forth in Chapter 2.30 WMC and WMC Titles 15 and 17.
(2) The Development Services Director shall have the authority to grant, condition or deny applications for development proposals as set forth in WMC Title 17.
(3) Except for other agencies with authority to implement specific provisions of this title, the Development Services Director shall have the sole authority to issue official interpretations of this title.
(4) The Development Services Director is hereby authorized after July 14. 1997. to incorporate drawings as necessary for the purpose of illustrating concepts and regulatory standards contained in this title; provided. that the adopted provisions of the code shall control.

21.10.100 Severability.

Should any chapter, section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this title.

Chapter 21.11
TECHNICAL TERMS AND LAND USE DEFINITIONS

Sections:

21.11.010 Scope of chapter.
21.11.020 Purpose.
21.11.030 A.
21.11.040 B.
21.11.050 C.
21.11.060 D.
21.11.070 E.
21.11.080 F.
21.11.090 G.
21.11.100 H.
21.11.110 I.
21.11.120 J.
21.11.130 K.
21.11.140 L.
21.11.150 M.
21.11.160 N.
21.11.170 O.
21.11.180 P.
21.11.190 Q.
21.11.200 R.
21.11.210 S.
21.11.220 T.
21.11.230 U.
21.11.240 V.
21.11.250 W.
21.11.260 Y.
21.11.270 Z.

21.11.010 Scope of chapter.

This chapter contains definitions of technical and procedural terms used throughout the code as well as definitions of land use shown in Chapter 21.21 WMC, Permitted Uses. See Chapter 21.10 WMC, Authority, Purpose, Interpretation and Administration, for rules on interpretation of the code, including use of these definitions. Development standards are found in Chapters 21.22 through 21.30 WMC.

21.11.020 Purpose.

The purpose of this chapter is to set forth the meanings of words and phrases used in this title.

21.11.030 A.

Abutting, adjoining.
Abutting, adjoining: to touch along a border or bounding at a point or line.

Access.
Access: ingress and egress to and from premises. This also means access to public way and general road system.

Access corridor.
Access corridor: a vehicle circulation area in private ownership, including easements, tracts and driveways in common ownership, over which access is afforded to more than one lot, or which serves more than 30 dwelling units in a multifamily development. Driveways serving a group of less than 30 dwelling units in multifamily developments shall not be considered access corridors.

Accessible electric vehicle charging station.

Accessible electric vehicle charging station: an electric vehicle charging station where the battery charging station equipment is located within accessible reach of a barrier-free access aisle (minimum 44-inch width) and the electric vehicle.

Accessory living quarters.
Accessory living quarters: living quarters in an accessory building for the use of the occupant or persons employed on the premises, or for temporary use of guests of the occupant. Such quarters have no kitchen as defined in the International Building Code and are not otherwise used as a separate dwelling unit.

Accessory use, resource.
Accessory use, resource:
(1) A use, structure, or part of a structure which is customarily subordinate and incidental to a resource use including, but not limited to, the following uses:
(a) Housing of agricultural workers; or
(b) Storage of agricultural products or equipment used on-site.
(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval.

Accessory use, commercial/industrial.
Accessory use, commercial/industrial:
(1) A use that is subordinate and incidental to a commercial or industrial use; including but not limited to the following uses:
(a) Administrative offices, not to exceed 49 percent of gross floor area (in industrial uses);
(b) Employee exercise facilities;
(c) Employee food service facilities;
(d) Incidental storage of raw materials and finished products sold or manufactured on-site;
(e) Business owner or caretaker residence;
(f) Cogeneration facilities;
(g) Ground maintenance facilities; and
(h) Retail area is limited to 10 percent of the gross floor area, not to exceed 3,000 square feet regardless of gross floor area of the principal manufacturing use.
(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval.

Accessory use, residential.
Accessory use, residential:
(1) A use, structure, or activity which is subordinate and incidental to a residence including, but not limited to, the following uses:
(a) Accessory living quarters and dwellings;
(b) Fallout/bomb shelters;
(c) Keeping household pets;
(d) On-site rental office;
(e) Pools, private docks, piers;
(f) Antennas for private telecommunication services;
(g) Storage of yard maintenance equipment; or
(h) Storage of private vehicles, e.g., motor vehicles, boats, trailers or aircraft.
(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval.

Adjacent.
Adjacent: property that is located within 300 feet of a property line of a subject property.

Adult use facility.
Adult use facility: an enterprise predominantly involved in the selling, renting or presenting for commercial purposes of books, magazines, motion pictures, films, video cassettes, cable television, live entertainment, performance or

activity distinguished or characterized by a predominant emphasis on the depiction, simulation or relation to "specified sexual activities" as defined in this chapter for observation by patrons therein. Examples of such establishments include, but are not limited to, adult book or video stores and establishments offering panoramas, peep shows or topless or nude dancing

Agricultural crop sales.
Agricultural crop sales: the retail sale of fresh fruits, vegetables and flowers produced on-site. This use is frequently found in roadside stands or U-pick establishments and includes uses located in NAICS Major Group and Industry Group Nos.:
(1) 111 – Agricultural production-crops; and
(2) 44523 – Fruit and vegetable markets.

Agricultural produce.
Agricultural products: items resulting from the practice of agriculture, including crops such as fruits, vegetables, grains, seed, feed, and plants, or animal products such as eggs, milk and meat

Aircraft, ship and boat building.
Aircraft, ship and boat building: the fabrication and/or assembling of aircraft, ships or boats, and including uses located in NAICS Industry Group Nos.:
(1) 33641 – Aerospace, and aircraft product and parts manufacturing;
(2) 541771 – Aircraft research and development in the physical engineering and life sciences;
(3) 48839 – Other support activities for water transportation;
(4) 33661 – Ship and boat building and repairing.

Airport/heliport.
Airport/heliport: any runway, landing area or other facility excluding facilities for the primary use of the individual property owner which is designed or used by both public carriers or private aircraft for the landing and taking off of aircraft, including the following associated facilities:
(1) Taxiways;
(2) Aircraft storage and tie-down areas;
(3) Hangars;
(4) Servicing; and
(5) Passenger and air freight terminals.

Alley.
Alley: an improved thoroughfare or right-of-way, whether public or private, usually narrower than a street, that provides vehicular access to an interior boundary of one or more lots, and is not designed for general traffic circulation.

Alternative antenna support structure.
Alternative antenna support structure: an "alternative antenna support structure" shall include flat roofs of buildings; bell towers; clock towers; water towers; church steeples; street light standards; traffic light and traffic sign structures; utility poles; and other manmade structures and devices, excluding billboards and commercial signs, that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is required for commercial activity for wireless communications signal transmission and reception.

Amusement arcades.
Amusement arcades: a building or part of a building in which five or more pinball machines, video games, or other such player-operator amusement devices (excluding jukeboxes or gambling- related machines) are operated.

Anadromous fish.
Anadromous fish: fish that spawn and rear in fresh water and mature in the marine environment.

Animal, small.

Animal, small: any animal other than livestock or animals considered to be predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition.

Antenna.
Antenna: a specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas. For purposes of illustration, such antennas include, but are not limited to, the following:
(1) Omni-directional (or "whip") antennas, designed to transmit and/or receive signals in a 360-degree pattern;
(2) Directional (or "panel") antennas, designed to transmit and/or receive signals in a directional pattern which is less than 360 degrees, typically an arc of approximately 120 degrees;
(3) Parabolic (or "dish") antennas, generally bowl-shaped devices that are designed to transmit and/or receive signals in a specific directional pattern; and
(4) Ancillary antennas that are not directly used to provide wireless communication services, such as a global positioning system ("GPS") antenna.

Antenna array.
Antenna array: two or more devices used for the transmission or reception of radio frequency signals, microwave or other signals for personal wireless services purposes and may include omni-directional antennas, directional antennas, parabolic antennas, and ancillary antennas. Two or more antennas situated or mounted upon or attached to a single platform or mounting structure which is affixed or attached to the top of an antenna support structure or mid-way thereon, or to an alternative antenna support structure, including the roof of a flat-roofed building, are included in the definition of antenna array.

Antenna support structure.
Antenna support structure: a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude, or elevation for the purpose of providing personal wireless services. For purposes of illustration, antenna support structures include, but are not limited to, the following:
(1) A "lattice tower" is a support structure that consists of metal crossed strips, bars, or braces, forming a tower which may have three, four, or more sides;
(2) A "monopole tower" is a support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation; and
(3) A "guyed tower" is a support structure usually over 100 feet tall, which consists of metal crossed strips or bars, and is steadied by wire guys in a radial pattern around the tower.

Applicant.
Applicant: a property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit or approval.

Appropriate provisions.
Appropriate provisions: the adequate and timely provision of public services and facilities to be utilized by the lots of a plat, including roads, access, potable water, sanitary waste, parks and open space, and playgrounds, consistent with level of service standards established by the City of Woodinville comprehensive plan.

Auction house.
Auction house: an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events.

Auto parts yard.
Auto parts yard: a tract of land on which used, damaged or otherwise inoperable motor vehicles are stored and disassembled, the parts of which may be sold (wholesale or retail) on site.

21.11.040 B.

Base flood.

Base flood: a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the “100-year flood.” Designation on FIRM maps always includes the letter A or V.

Base flood elevation.
Base flood elevation: the water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929.

Basement.
Basement: any area of a building having its floor subgrade (below ground level) on all sides. That portion of a building that is partly or entirely below grade and intended as building square footage and used for habitation, storage, or parking.

Battery charging station.
Battery charging station: an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Battery electric vehicle (BEV).
Battery electric vehicle (BEV): any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

Battery exchange station.
Battery exchange station: a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

Bed and breakfast.
Bed and breakfast: a dwelling unit or accessory building within which bedrooms are available for paying guests.

Beehive.
Beehive: a structure designed to contain one colony of honey bees (Apis mellifera).

Best available science.
Best available science: current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925. Sources of best available science are included in “Citations of Recommended Sources of Best Available Science for Designated and Protecting Critical Areas” published by the State Office of Community Development.

Billboard.
Billboard: a sign, including both the supporting structural framework and attached billboard faces, used principally for advertising a business activity, use, product, or service unrelated to the primary use or activity of the property on which the billboard is located; excluding off-premises directional, or temporary real estate signs.

Billboard face.
Billboard face: that portion of a billboard, exclusive of its structural support, on which changeable advertising copy is displayed, either by affixing preprinted poster panels or by painting copy on location; sub-classified as follows:
(1) Billboard face I – a billboard face not exceeding a height of 14 feet or a width of 48 feet; and
(2) Billboard face II – a billboard face not exceeding a height of 12 feet or a width of 24 feet.

Binding site plan.
Binding site plan: a drawing to a scale of no smaller than one inch to 100 feet which:
(1) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations;

(2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City of Woodinville; and
(3) Contains provisions making any development be in conformity with the site plan.

Biologist.
Biologist: a person who has earned at least a Bachelor of Science degree in the biological sciences from an accredited college or university or who has equivalent educational training and experience.

Block.
Block: a group of lots, tracts, or parcels within well defined and fixed boundaries.

Book, stationery, video and art supply store.
Book, stationery, video and art supply store: an establishment engaged in the retail sale of books and magazines, stationery, records and tapes, video and art supplies, including uses located in NAICS Industry Nos.:
(1) 451211 – Book stores;
(2) 45321 – Stationery stores;
(3) 453998 – Limited to art supply and architectural supply stores;
(4) 53223 – Video tape rental;
(5) 45122 – Record and prerecorded tape stores; and
(6) 45114 – Musical instrument stores.

Broadleaf tree.
Broadleaf tree: a tree characterized by leaves that are broad in width and may include both deciduous and evergreen species.

Buffer, critical area.
Buffer, critical area: a designated area contiguous to and protective of a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

Building.
Building: any structure having a roof.

Building, hardware and garden materials.
Building, hardware and garden materials: an establishment engaged in selling lumber and other building materials, feed, and lawn and garden supplies, including but not limited to uses located in NAICS Major Group No. 444 – Building materials, hardware, garden supply.

Building coverage.
Building coverage: area of a lot that is covered by the total horizontal surface area of the roof of a building.

Building envelope.
Building envelope: area of a lot that delineates the limits of where a building may be placed on the lot.

Building facade.
Building facade: that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation.

Building footprint.
Building footprint: portion of a building, measured from the exterior of the exterior walls that covers the ground, including cantilevered portions of the building, but excluding roof overhangs.

Building Official.
Building Official: the officer or other designated authority charged with the administration and enforcement of construction codes.

Bulk retail.
Bulk retail: an establishment offering the sale of bulk goods to the general public, including limited sales to wholesale customers. These establishments may include a variety of lines of merchandise such as: food, building, hardware and garden materials, dry goods, apparel and accessories, home furnishings, housewares, drugs, auto supplies, hobby, toys, games, photographic, and electronics.

21.11.050 C.

Calculated LOS.
Calculated LOS: a quantitative measure of traffic congestion identified by a declining letter scale (A – F) as calculated by the methodology contained in the 1985 Highway Capacity Manual Special Report 209 or as calculated by another method approved by the department. LOS "A" indicates free flow of traffic with no delays while LOS "F" indicates jammed conditions or extensive delay.

Camouflage.
Camouflage: the use of shape, color, and/or texture to cause an object to appear to become a part of something else, usually a structure, such as a building, wall, or roof. Camouflage does not mean "invisible," but rather "appearing as part or exactly like the structure used as a mount

Campground.
Campground: an area of land on which accommodations for temporary occupancy such as tents or recreational vehicles without hook-up facilities are permitted and which is used primarily for recreational purposes.

Cannabis.
Cannabis: all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this definition, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and usable cannabis. (Ord. 541 § 3, 2012)

Cannabis collective garden.
Cannabis collective garden: a garden where "qualifying patients" as described in Section 403 of Engrossed Second Substitute Senate Bill 5073 and Chapter 181, Laws (of the State of Washington) of 2011 may engage in the production, processing, and/or delivery of cannabis for medical use.

Cannabis dispensary.
Cannabis dispensary: any facility or location where cannabis is grown, produced, manufactured or made available to and/or distributed.

Canopy.
Canopy: the percentage of the City or a site's area that is shaded by trees.

Capacity, school.
Capacity, school: the number of students a school district's facilities can accommodate district-wide, based on the district's standard of service, as determined by the school district.

Capital facilities plan, school.
Capital facilities plan, school: a district's facilities plan adopted by the school board consisting of:

(1) A forecast of future needs for school facilities based on the district's enrollment projections;
(2) The long-range construction and capital improvements projects of the district;
(3) The schools under construction or expansion;
(4) The proposed locations and capacities of expanded or new school facilities;
(5) At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of

financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters;
(6) Any other long-range projects planned by the district;
(7) The current capacity of the district's school facilities based on the districts adopted standard of service, and a plan to eliminate existing deficiencies, if any, without the use of impact fees; and
(8) An inventory showing the location and capacity of existing school facilities.

Cattery.
Cattery: a place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is of either sex, altered or unaltered, that has reached the age of six months.

Charging levels.
Charging levels: the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:
(1) Level 1 is considered slow charging.
(2) Level 2 is considered medium charging.
(3) Level 3 is considered fast or rapid charging.

Church, synagogue or temple.
Church, synagogue or temple: a place where religious services are conducted and including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy, but excluding facilities for training of religious orders; including uses located in NAICS Industry No. 81311.

City Tree Official.
City Tree Official: the Development Services Director or his/her designees responsible for implementing the Community Urban Forestry Plan and Regulations. The City Tree Official shall use the expertise of a certified arborist, under contract by the City, for technical advice on decisions related to the community urban forest.

Civic center.
Civic center: a building or group of buildings containing administrative offices for the operations of local government that is: (1) owned and operated by the City of Woodinville, and (2) used predominantly for office and meeting space for local government and/or for community activities.

Classrooms, school.
Classrooms, school: educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to best serve its student population. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms.

Clearing.
Clearing: the limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical or other means.

Clustered development.
Clustered development: a method of locating residences close to each other on small lots. The purpose of clustering residences is to preserve tracts of open space including critical areas and to limit the location, cost and coverage of land by roads and utilities.

Cogeneration.
Cogeneration: the sequential generation of energy and useful heat from the same primary source or fuel for industrial, commercial, or residential heating or cooling purposes.

Collectable shop.

Collectable shop: an establishment engaged in the selling of used merchandise that is at least 25 years old or older excluding motor vehicles, motor vehicle parts, tires, recreational vehicles (RVs) and mobile homes.

Co-location.
Co-location: the common use of a single antenna support structure, alternative support structure or by two or more personal wireless service providers.

Communication facility, major.
Major communication facility: a communication facility for transmission and reception of:
(1) UHF and VHF television signals; or
(2) FM or AM radio signals.

Communication facility, minor.
Minor communication facility: an unstaffed facility for the transmission and/or reception of wireless communication services, usually consisting of antennas, equipment enclosures, transmission cables, and a support structure. A "minor communication facility" is used for the transmission and/or reception of:
(1) Two-way and/or citizen band (CB) radio signals;
(2) Point-to-point microwave signals;
(3) Signals through FM radio translators; and
(4) Signals through FM radio boosters under 10 watts effective radiated power (ERP).

Community center.
Community center: a building or other enclosed structure open to the general public that is owned and operated by the City of Woodinville, another public agency, or a nonprofit organization, and that is used predominantly for cultural, educational, recreational, or social purposes.

Community residential facility (CRF).
Community residential facility (CRF): living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification; which is classified in WMC 21.21.030 as group residences, if staffed by nonresident staff, each 24 staff hours per day equals one fulltime residing staff member. The number of occupants shall not exceed the occupant load of the structure calculated as provided in the 2003 International Building Code, Section 1002, or as hereafter amended.

Compensatory storage.
Compensatory storage: new, excavated storage volume equivalent to any flood storage which is eliminated by building, filling or grading within the floodplain. For the purpose of this definition, equivalent flood storage capacity is that which is replaced by equal volume between corresponding one-foot contour intervals which are hydraulically connected to the floodway through their entire depth.

Concealment.
Concealment: fully hidden from view. For example, a personal wireless service facility is concealed when it is completely hidden or contained within a structure, such as a building, wall, or roof.

Conditional use permit.
Conditional use permit: permit granted by the City to locate a permitted use on a particular property subject to conditions placed on the permitted use to ensure compatibility with nearby land uses in accordance with WMC 21.80.060.

Condominium.
Condominium: a type of property ownership consisting of an individual interest in an apartment or commercial building, and an undivided common interest in common areas such as parking area, elevators, etc.

Conference center.

Conference center: an establishment developed primarily as a meeting facility; including facilities for recreation and related activities provided for conference participants, excluding overnight lodging.

Confinement area.
Confinement area: any open land area in which livestock are kept where the forage does not meet the definition of a grazing area.
Consolidation.
Consolidation: the relocation to a consolidated transmission structure of the main transmit antennae of two or more FCC broadcast licensees which prior to such relocation utilized transmission structures located within a 1,500-foot radius of the center of the consolidated transmission structure to support their main transmit antennas.

Construction cost per student, school.
Construction cost per student, school: the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district's facilities standard per grade span and taking into account the requirements of students with special needs.

Critical aquifer recharge area (CARA).
Critical aquifer recharge area (CARA): areas that have a critical recharging effect on aquifers used for potable water as described in WAC 365-190-100. Due to soil infiltration conditions of these CARAs, they contribute significantly to the replenishment of groundwater, and often have a high potential for contamination of groundwater resources

Critical areas.
Critical areas: any of those areas in the City of Woodinville which are subject to natural hazards or those land features which support unique, fragile or valuable natural resources including fishes, wildlife and other organisms and their habitat and such resources which carry, hold or purify water in their natural state. Critical areas include critical aquifer recharge areas, geologically sensitive areas, frequently flooded areas, fish and wildlife habitat conservation areas, wetlands, and their associated buffers.

Critical facility.
Critical facility: a facility necessary to protect the public health, safety and welfare and which is defined under the occupancy categories of "essential facilities," "hazardous facilities," and "special occupancy structures" in the International Building Code. These facilities include, but are not limited to, schools, hospitals, nursing homes and police stations, fire departments and other emergency response facilities. Critical facilities also include nursing homes, public roadway bridges and sites for hazardous substance storage or production, not including the temporary storage of consumer products containing hazardous substances intended for household use or for retail sale on the site.

Critical root zone.
Critical root zone: the area surrounding a tree at a distance from the trunk, which is equal to one foot for every inch of tree diameter-at-breast-height or otherwise determined by a qualified tree professional.

Crown. (21.06.140)
Crown: the area of a tree containing leaf- or needle-bearing branches.

21.11.060 D.

Daycare. (21.06.141)
Daycare: an establishment for group care of nonresident adults or children.

(1) Daycare shall include, but not be limited to, NAICS Industry No. 624411 – Child daycare services, NAICS Industry No. 62412 – Adult daycare centers, and the following:
    (a) Adult daycare, such as adult day health centers or social daycare as defined by the Washington State Department of Social and Health Services;
    (b) Nursery schools for children under minimum age for education in public schools;
    (c) Kindergartens or pre-kindergartens when not a part of a public or private school; and
    (d) Programs covering after-school care for school children.
(2) Daycare establishments are sub-classified as follows:

(a) Daycare I – a maximum of 12 adults or children in any 24-hour period; and
(b) Daycare II – over 12 adults or children in any 24-hour period.

Deciduous.
Deciduous: a plant species with foliage that is shed annually.

Dedication.
Dedication: the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plan or short plat showing the dedication thereon; and, in the acceptance by the public shall be evidenced by the approval of such plat.

Department.
Department: the City of Woodinville Department of Community Development.

Department and variety store.
Department and variety store: an establishment engaged in the retail sale of a variety of lines of merchandise, such as dry goods, apparel and accessories, home furnishings, housewares, and including uses located in NAICS Major Group and Industry Nos.:
(1) 452 – General merchandise;
(2) 45322 – Gift, novelty, and souvenir shops;
and
(3) 44832 – Luggage and leather goods stores.

Design standard, school.
Design standard, school: the space required, by grade span and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the school district as identified in the district's capital facilities plan.

Destination resort.
Destination resort: an establishment for resource-based recreation and intended to utilize outdoor recreational opportunities, including related services, which may include food, overnight lodging, equipment rentals, entertainment and other conveniences for guests of the resort.

Developer.
Developer: the person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.

Development.
Development: any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development activity.
Development activity: any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand for school facilities.

Development agreement.
Development agreement: an agreement between the City and a person who owns or controls real property regarding the development, use and mitigation of development of that property.

Development proposal.
Development proposal: any activities requiring a permit or other approval from the City of Woodinville relative to the use or development of land.

Development proposal site.
Development proposal site: the legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from the City of Woodinville to carry out a development proposal.

Development Services Director.
Development Services Director: the Manager of the City of Woodinville's Development Services Department or his or her designee.

Diameter-at-breast-height.
Diameter-at-breast-height: tree measurement guideline that is the measure in inches of the trunk diameter of each protected or preserved tree 4.5 feet above the ground line.

Director.
Director: the Director of Planning and Community Development or his/her designees unless another department or agency is in charge of the project permit in which case it refers to the chief administrative officer of that department or agency.

Dormitory.
Dormitory: a residential building that provides sleeping quarters, but not separate dwelling units, and may include common dining, cooking and recreation or bathing facilities.

Dripline.
Dripline: the distance from the tree trunk, that is equal to the furthest extent of the tree's crown.

Driveway.
Driveway: a vehicle entrance which serves a lot, structure or parking area.

Drug store.
Drug store: an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies, including uses located in NAICS Industry Group and Industry Nos.:
(1) 44611 – Drug stores and proprietary stores; (2) 453991 – Tobacco stores and stands; and
(2) 44612 – Cosmetics stores.

Dwelling unit.
Dwelling unit: one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupant; including but not limited to bachelor, efficiency and studio apartments, factory-built housing and mobile homes.

Dwelling unit.
Dwelling unit, accessory: a separate, complete dwelling unit attached to or contained within the structure of the primary dwelling; or contained within a separate structure that is accessory to the primary dwelling unit on the premises.

Dwelling unit, apartment.
Dwelling unit, apartment: a building containing two or more dwelling units which may be stacked on one or more dwellings or nonresidential uses.

Dwelling unit, duplex.
Dwelling unit, duplex: a building containing two separate, complete, attached dwellings.

Dwelling unit, senior citizen assisted.
Dwelling unit, senior citizen assisted: a building containing two or more dwelling units restricted to occupancy by senior citizens, and including but not limited to the following support services, as deemed necessary:
(1) Food preparation and dining areas;
(2) Group activity areas;

(3) Medical supervision; and
(4) Similar activities.

Dwelling unit, single detached.
Dwelling unit, single detached: a detached building containing one dwelling unit.

Dwelling unit, townhome.
Dwelling unit, townhome: a building containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhome dwellings by common walls that may be located on lot lines.

21.11.070 E.

Earth station.
Earth station: a communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas.

Eaves.
Eaves: the lower border of a roof that overhangs the wall.

Effective radiated power.
Effective radiated power: the product of the antenna power input and the numerical antenna power gain.

Elderly. (21.06.197)
Elderly: a person 62 years of age or older.

Electric vehicle.
Electric vehicle: any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. Electric vehicle includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

Electric vehicle charging station.
Electric vehicle charging station: a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

Electric vehicle charging station – Restricted.*
Electric vehicle charging station – restricted: an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

Electric vehicle infrastructure.
Electric vehicle infrastructure: structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Electric vehicle parking space.
Electric vehicle parking space: any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Energy resource recovery facility.
Energy resource recovery facility: an establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste.

Engineering geologist.
Engineering geologist: a practicing engineering geologist licensed in the State of Washington.

Enhancement, critical area.
Enhancement, critical area: an action which increases the functions and values of a stream, wetland or other critical area or buffer.

Equipment enclosure, wireless service facilities.
wireless service facility equipment enclosure: a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing personal wireless service signals and data, including any provisions for air conditioning, ventilation, or auxiliary electric generators.

Equipment, heavy.
Equipment, heavy: high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:
(1) Carryalls;
(2) Graders;
(3) Loading and unloading devices;
(4) Cranes;
(5) Drag lines;
(6) Trench diggers;
(7) Tractors;
(8) Augers;
(9) Bulldozers;
(10) Concrete mixers and conveyers;
(11) Harvesters;
(12) Combines; or
(13) Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

Erosion.
Erosion: the process by which soil particles are mobilized and transported by natural agents such as wind, rain splash, frost action or surface water flow.

Erosion hazard areas.
Erosion hazard areas: those areas in City of Woodinville underlain by soils, which are subject to severe erosion when disturbed. Such soils include but are not limited to those classified as having a severe to very severe erosion hazard according to the USDA Natural Resource Conservation Service (NRCS), the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources. These soils include, but are not limited to, any occurrence of river wash (Rh) and the following when they occur on slopes 15 percent or steeper:
(1) The Alderwood gravely sandy loam (AgD);
(2) The Alderwood and Kitsap soils (AkF);
(3) The Beausite gravely sandy loam (BeD and BeF);
(4) The Kitsap silt loam (KpD);
(5) The Ovall gravely loam (OvD and OvF);
(6) The Ragnar fine sandy loam (RaD); and
(7) The Ragnar-Indianola Association (RdE).
(8)

Essential public facility.
Essential public facility (EPF): a facility that is typically difficult to site, such as airports, State education facilities, State or regional transportation facilities as defined by RCW 47.06.140, State or local correctional facilities, solid waste handling facilities, in-patient facilities, including substance abuse, mental health, or group home facilities, and secure community transition facilities as defined by RCW 71.09.020. The term “essential public facility” includes, but is not necessarily limited to, all facilities referenced in RCW 36.70A.200, all facilities enumerated on the list maintained by the State Office of Financial Management pursuant to RCW 36.70A.200(4), all facilities categorized as essential public facilities in the City’s Comprehensive Plan or this title, and all facilities enumerated on the essential public facility list maintained by the City pursuant to the City’s Comprehensive Plan.

Essential public facility, local.
Essential public facility, local: an EPF that is owned, operated, or sponsored by the City of Woodinville, a special purpose district, King County (for facilities that do not provide service to the County-wide population), or another unit of local government. An EPF is "sponsored" by a local government when it will be owned or operated by a nongovernmental entity pursuant to a contract with the local government to provide the EPF.

Essential public facility, regional.
Essential public facility, regional: an EPF that is owned, operated, or sponsored by King County or a regional agency whose boundaries encompass the City and which serves a substantial portion of the County-wide population or a geographic area that is greater than the County. An EPF is "sponsored" by the County or a regional agency when it will be owned or operated by a nongovernmental entity pursuant to a contract with the County or regional agency to provide the EPF.

Essential public facility, State.
Essential public facility, State: an EPF that is owned, operated, or sponsored by the State of Washington, including any department or agency thereof. An EPF is "sponsored" by the State when it will be owned or operated by a nongovernmental entity pursuant to a contract with the State to provide the EPF.

Evergreen.
Evergreen: a plant species with foliage that persists and remains green year-round.

Exotic animal.
Exotic animal: any of the following:
(1) Venomous species of snakes capable of inflicting serious physical harm or death to human beings;
(2) Nonhuman primates and prosimians;
(3) Bears;
(4) Nondomesticated species of felines;
(5) Nondomesticated species of canines and their hybrids, including wolf and coyote hybrids; and
(6) The order Crocodilia, including alligators, crocodiles, caimans and gavials.

21.11.080 F.

Fabric shop.
Fabric shop: an establishment engaged in the retail sale of sewing supplies and accessories, including uses located in NAICS Industry Nos.:
(1) 45113 – Sewing, supply stores; and
(2) Awning shops, banner shops, and flag shops found in 453998.

Facilities, public.
Facilities, public: include streets, roads, high-ways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm water management systems, sewage disposal systems, parks, and recreation facilities and schools directly controlled by a public authority.

Fairground.
Fairground: a site permanently designated and improved for holding a County fair, as provided in Chapters 15.76 and 36.37 RCW, or for holding similar events, including, but not limited to:
(1) Carnivals;
(2) Circuses;
(3) Expositions;
(4) Animal shows; and
(5) Exhibitions and/or demonstrations of farm and home products with accompanying entertainment and amusements.

Family.
Family: an individual or individuals domiciled together in one dwelling unit whose relationship is of a domestic character and who are cooking and living together as a single, housekeeping unit, but the number of individuals

occupying the dwelling unit shall not exceed the occupant load of the structure, calculated as provided in the 1994 International Building Code, Section 1002, or as may hereafter be amended.

FCC.
FCC: the Federal Communications Commission.

Federal Emergency Management Agency (FEMA) floodway.
Federal Emergency Management Agency (FEMA) floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Designation appears as cross-hatched area within the AE zone on FIRM maps.

Fence.
Fence: a barrier for the purpose of enclosing space or separating lots, composed of:
(1) Masonry or concrete walls, excluding retaining walls; or
(2) Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh.

Final plat.
Final plat: the final drawing of the subdivision and dedication prepared for filing for record with the King County Department of Records and Elections, and containing all elements and requirements set forth in this title.

Fish and wildlife habitat conservation areas.
Fish and wildlife habitat conservation areas: those areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-130. These areas include:
(1) Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;
(2) State priority habitat and species identified the Washington State Department of Fish and Wildlife;
(3) Habitat and species of local importance;
(4) Streams and watercourses;
(5) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;
(6) Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington;
(7) Areas of rare plant species and high quality ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program; and
(8) Native growth protection areas and other areas designated by the City.

Flag.
Flag: a piece of cloth of distinctive color or design that is used as a signal, emblem, or symbol of a nation, State, or public or private institution.

Flood fringe.
Flood fringe: that portion of the floodplain out-side of the zero-rise floodway which is covered by floodwaters during the base flood, generally associated with standing water rather than rapidly flowing water.

Frequently flooded areas.
Frequently flooded areas: those areas in the City of Woodinville subject to inundation by the base flood including, but not limited to, streams, lakes, wetlands and closed depressions. Frequently flooded areas shall include the floodplain, flood fringe, zero-rise floodway, and FEMA floodway.

Flood insurance rate map (FIRM).
Flood insurance rate map (FIRM): the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study for King County.
Flood insurance study for King County: the official report provided by the Federal Insurance Administration which includes flood profiles and the flood insurance rate map.

Flood protection elevation.
Flood protection elevation: an elevation which is one foot above the base flood elevation.

Floodplain.
Floodplain: the total area subject to inundation by the base flood as defined herein.

Floodproofing.
Floodproofing: adaptations which will make a structure that is below the flood protection elevation substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy.

Floodway, zero-rise.
Floodway zero-rise: the channel of a stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without any measurable increase in flood height. A measurable increase in base flood height means a calculated upward rise in the base flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the floodplain. This definition is broader than that of the FEMA floodway, but always includes the FEMA floodway. The boundaries of the 100-year floodplain, as shown on the flood insurance study for King County, are considered the boundaries of the zero-rise floodway unless otherwise delineated by a critical area special study.

Floor area ratio (FAR).
Floor area ratio: the floor area intended for human occupation, exclusive of vehicle parking areas and mechanical areas, divided by the net developable lot area of the development site.

Florist shop.
Florist shop: an establishment engaged in the retail sale of flowers and plants, including uses located in NAICS Industry Nos.:
(1) 45311 – Florists; and
(2) 453998 – Limited to artificial flowers retail.

Flush mounted.
Flush mounted: attached to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the outside edge of the antenna.

Forest product sales.
Forest product sales: the sale of goods produced, extracted, consumed, gathered or harvested from a forest including, but not limited to:
(1) Trees;
(2) Wood chips;
(3) Logs;
(4) Fuelwood;
(5) Cones;
(6) Christmas trees;
(7) Berries;
(8) Herbs; or
(9) Mushrooms.

Forest research.

Forest research: the performance of scientific studies relating to botany, hydrology, silviculture, biology and other branches of science in relation to management of forest lands, including but not limited to NAICS Industry Nos.:
(1) 54171 – Physical and biological research;
(2) 54171 – Noncommercial research organizations; and
(3) 54171 – Testing laboratories.

Frequency, radio.
Frequency, radio : the number of times the current from a given source of non-ionizing electromagnetic radiation changes from a maximum positive level through a maximum negative level and back to a minimum positive level in one second; measured in cycles per second or Hertz ("Hz").

Furniture and home furnishings store.
Furniture and home furnishings store: an establishment engaged in the retail sale of household furniture and furnishings for the home, including uses located in NAICS Major Group and Industry Nos.:
(1) 442 – Furniture and home furnishings stores; and
(2) Baby carriages, cake decorating supplies, hot tubs, picture frames (ready-made), swimming pools (above ground, not site-built), telephone stores and typewriter stores found in 443112 and 453998, respectively.

21.11.090 G.

General business service.
General business service: an establishment engaged in providing services to businesses or individuals, with no outdoor storage or fabrication, including uses located in NAICS Major Group Nos.:
(1) 522 – Depository and non-depository institutions;
(2) 523 – Security and commodity brokers, dealers, exchanges, and services;
(3) 5241 – Insurance carriers;
(4) 531 – Real estate;
(5) 551 – Holding and other investment offices;
(6) 541, 561, 323 – Business services, except Industry Group and Industry No. 54185 – Outdoor advertising services; and
(7) 813 – Membership organizations, including administrative offices of organized religions found in 81311, but excluding churches and places of worship.

Geologically sensitive areas.
Geologically sensitive areas are those areas susceptible to erosion, sliding, earthquake, or other geological events. Geologically sensitive areas pose a risk to health and safety of citizens when incompatible development is located in areas of significant hazard. Geologically sensitive areas shall include erosion hazard, landslide hazard, seismic hazard, and other geologic hazard areas.

Geologist.
Geologist: a person licensed as a geologist in the State of Washington.

Geotechnical engineer.
Geotechnical engineer: a practicing geotechnical/civil engineer licensed as a professional civil engineer by the State of Washington.

Gift shop.
Gift shop: a retail establishment, limited to 3,000 square feet, engaged in the sale of gifts and other small items, such as gift-wrapping materials, greeting cards, and related items.

Golf facility.
Golf facility: a recreational facility, under public or private ownership, designed and developed primarily for use as a golf course, and may include the following accessory uses:
(1) Pro shops;
(2) Caddy-shack buildings;
(3) Restaurants;

(4) Office and meeting rooms; and
(5) Related storage facilities.

Grade span, school.
Grade span, school: the categories into which a district groups its grades of students; i.e., elementary, middle or junior high school, and high school.

Grading.
Grading: any excavation, filling, removing the duff layer or any combination thereof.

Grazing area.
Grazing area: any open land area used to pasture livestock in which the forage is maintained over 80 percent of the area at all times of the year.

Gross square footage.
Gross square footage: the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the centerline of division walls, and including basement space, garage space, elevator shafts and stairwells at each floor, mechanical equipment rooms and attic spaces with a headroom of more than seven feet, interior balconies, mezzanines and enclosed porches.

Groundcover.
Groundcover: living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against erosion.

Grove.
Grove: a group of three or more significant trees with overlapping or touching crowns.

21.11.100 H.

Hazardous household substance.
Hazardous household substance: a substance as defined in RCW 70.105.010.

Hazardous materials or substance.
Hazardous materials or substance: any hazardous waste, hazardous substance, dangerous waste, or extremely hazardous waste that is a physical or health hazard as defined and classified in Chapter 70.105 RCW and Chapter 173-303 WAC, whether the materials are in usable or waste condition.

Hearing Examiner.
Hearing Examiner: the zoning and subdivision examiner as established by City of Woodinville Chapter 2.27 WMC.

Heavy equipment repair.
Heavy equipment repair: the repair and maintenance of self-powered, self-propelled or towed mechanical devices, and equipment and vehicles used for commercial purposes:
(1) Including:
  (a) Tandem axel trucks;
  (b) Graders;
  (c) Backhoes;
  (d) Tractor trailers;
  (e) Cranes; and
  (f) Lifts; but
(2) Excluding:
  (a) Automobiles;
  (b) Recreational vehicles; and
  (c) Boats and their trailers.

Height, wireless service facilities.

Height, wireless service facilities: for personal wireless service facilities, “height” means the vertical distance measured from existing unaltered ground level to the highest point on the communication facility, including the antenna or antenna array.

Helistop.
Helistop: an area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo but not including fueling service, hangers, maintenance or overhaul facilities.

Heritage tree.
Heritage tree: a tree or stand of trees that is particularly desirable because it has valued, unique characteristics that set them apart from other similar trees. Valued, unique characteristics include uncommon genus, species, form, size, location, historic significance or other desirable feature(s).

Hobby, toy, and game shop.
Hobby, toy, and game shop: an establishment engaged in the retail sale of toys, games, hobby and craft kits, including uses located in NAICS Industry Nos.:
(1) 45112 – Hobby, toy and game shops; and
(2) 453998 – Limited to collectors items (e.g., autograph, coin, card and stamp shops).

Home industry.
Home industry: a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the premises as a residence or farm.

Home occupation.
Home occupation: a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit and is subordinate to the primary use of the premises as a residence.

Household pets.
Household pets: small animals that are kept within a dwelling unit.

Hydroelectric generation facility.
Hydroelectric generation facility: an establishment for the generation of electricity using water sources.

21.11.110 I.

Impervious surface.
Impervious surface: any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to: roof tops, swimming pools, paved or graveled roads or parking areas, and excluding landscaping, surface water retention/detention facilities, and pedestrian walkways five feet wide or less.

Improved public right-of-way.
Improved public right-of-way: public road rights-of-way that have been improved with at least two travel lanes and are maintained by either City of Woodinville or the State of Washington.

Individual transportation and taxi.
Individual transportation and taxi: an establishment engaged in furnishing individual or small group transportation by motor vehicle, including uses located in NAICS Industry Group and Industry Nos.:
(1) 48531 – Taxicabs; and
(2) 48532, 485991, 485999, 48711, 62191 – Local passenger transportation, not elsewhere classified.

Indoor batting cage facility.
Indoor batting cage facility: a participant sports or recreational baseball facility within an enclosed structure that is used for baseball training and entertainment purposes where spectators are incidental and not primary to the activities. The facility houses one or more batting cages installed in accordance with the licensed manufacturer’s

recommendations and is designed and developed for uses limited to batting practice, pitching practice, and other related baseball skill development activities.

Indoor go-cart racing facility.
Indoor go-cart racing facility: a participant sports or training facility within a fully enclosed structure that is used for training and entertainment purposes where spectators are incidental and not primary to the activities. The facility is designed and developed to accommodate the safe operation of propane, gas, or electric-powered go-carts, with a maximum engine size of 10 horse power, within a defined track.

Interim recycling facility.
Interim recycling facility: a site or establishment engaged in collection or treatment of recyclable materials, which is not the final disposal site, and including:
(1) Drop boxes;
(2) Source-separated, organic waste processing facilities; and
(3) Collection, separation and shipment of glass, metal, paper or other recyclables to others who will re-use them or use them to manufacture new products.

21.11.120 J.

Jail.
Jail: a facility operated by a governmental agency, designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following conviction of an offense.

21.11.130 K.

Kennel.
Kennel: a place where adult dogs are temporarily boarded for compensation, whether or not for training. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months

21.11.140 L.

Land use decision.
Land use decision: this term shall have the meaning provided in RCW 36.70C.020 and shall include, but not be limited to, a final decision by the City approving, granting, issuing or denying an application for any of the following: conditional use permits, home occupation and home industry permits, temporary use permits, special use permits, variances, and any other “project permit” as that term is defined in RCW 36.70B.020(4).

Landfill.
Landfill: a disposal site or part of a site at which refuse is deposited.

Landing field.
Landing field: a runway or landing area which is designed, used or intended to be used by private aircraft; including necessary taxiways, storage and tie-down areas.

Landscaping.
Landscaping: live vegetative materials included in the development of a site. Said materials provided along the boundaries of a development site is referred to as perimeter landscaping. Landscaping provided on the remainder of the site is referred to as interior landscaping.

Landslide.
Landslide: episodic downslope movement of a mass including, but not limited to, soil, rock or snow.

Landslide hazard areas.
Landslide hazard areas: those areas susceptible to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to, the following:

(1) Areas of historic failures, such as areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geologic Survey or Washington Department of Natural Resources, and/or other research meeting the best available science criteria in WAC 365-195-915.
(2) Areas with all three of the following characteristics:
  (a) Slopes steeper than 15 percent;
  (b) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
  (c) Springs or ground water seepage.
(3) Areas that have shown movement during the Holocene epoch (from 11,700 years ago to the present) or that are underlain or covered by mass wastage debris from that epoch.
(4) Areas potentially unstable due to rapid stream incision, stream bank erosion, or undercutting by wave action.
(5) Areas located in a ravine, canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
(6) Any area with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

Level of service (LOS).
Level of service (LOS): a measure of traffic congestion along a roadway or at an intersection identified by a letter scale from A to F as calculated by a methodology endorsed by the Institute of Transportation Engineers.

Light equipment.
Light equipment: hand-held tools and construction equipment, such as chain saws, wheelbarrows and post-hole diggers.

Limit of disturbance, tree.
Limit of disturbance, tree: the boundary between the area of minimum protection around a tree and the allowable site disturbance as determined by a qualified tree professional.

Line, property.
Line, property: the line defining the extent of a lot in a given direction.

Line, setback.
Line, setback: a line beyond which, toward a property line, no structure may extend or be placed except as permitted by the regulations of this title.

Livestock.
Livestock: grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to:
(1) Cattle;
(2) Riding and draft horses;
(3) Hogs excluding pigs under 120 pounds and standing 20 inches or less at the shoulder, which are kept as pets or small animals;
(4) Sheep; and
(5) Goats.

Livestock, large.
Livestock: large cattle, horses, llamas, alpaca, and other livestock generally weighing over 500 pounds.

Livestock, small.
Livestock, small: hogs (excluding pigs under 120 pounds and standing 20 inches or less at the shoulder which are kept as household pets or small animals), sheep, goats, miniature horses, llamas, alpaca and other livestock generally weighing under 500 pounds.

Loading space.

Loading space: a space for the temporary parking of a vehicle while loading or unloading cargo or passengers.

Log storage.
Log storage: a facility for the open or enclosed storage of logs which may include repair facilities for equipment used on-site or operations offices.

Lot.
Lot: a specifically described parcel of land with lines defining the extent of the lot in a given direction which is intended to be conveyed in its entirety. A lot may be a lot of record, more than one lot of record or portion of a lot of record.

A physically separate and distinct parcel of property, which has been created pursuant to the City of Woodinville Subdivision Code or otherwise legally established.

Lot line, interior.
Lot line, interior: lot lines that delineate property boundaries along those portions of the property which do not abut a street.

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.

Lot of record.
Lot of record: a lot created by a recorded subdivision or short subdivision or a lot that is otherwise legally created on March 31, 1993, the effective date of the Woodinville Municipal Code (WMC).

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.

21.11.150 M.

Manufactured home.
Manufactured home: a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also includes plumbing, heating, air conditioning, and electrical systems; is built on a permanent chassis; and can be transported in one or more sections with each section at least eight feet wide and 40 feet long when transported; or, when installed on the site, is 320 square feet or greater. The term “manufactured home” does not include a recreational vehicle.

Marina.
Marina: an establishment providing docking, moorage space and related activities limited to the provisioning or minor repair of pleasure boats and yachts; and personal services including, but not limited to:
(1) Showers;
(2) Toilets; and
(3) Self-service laundries.

Marijuana.
Marijuana: all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term includes marijuana-infused products, but does not include:
(1) The mature stalks of the plant;
(2) Fiber produced from the mature stalks of the plant;
(3) Oil or cake made from the seeds of the plant;

(4) Any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake; or
(5) The sterilized seed of the plant which is incapable of germination.

Medium-speed electric vehicle.
Medium-speed electric vehicle: a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR 571.500.

Microwave.
Microwave: electromagnetic waves with a frequency of 890 megahertz (mhz) or greater.

Mitigation.
Mitigation: the use of any or all of the following actions listed in descending order of preference:
(1) Avoiding the impact by not taking a certain action;
(2) Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;
(3) Rectifying the impact by repairing, rehabilitating or restoring the affected area; or
(4) Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
(5) Compensating for the impact by replacing, enhancing or providing substitute; and
(6) Monitoring the impact and taking appropriate corrective measures.

Mobile home.
Mobile home: a factory-built dwelling built prior to June 15, 1976, to standards other than the Department of Housing and Urban Development Code, and acceptable under applicable State codes in effect at the time of construction or introduction of the home into the State. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter, references to manufactured homes include mobile homes.

Mobile home park.
Mobile home park: a development with two or more improved pads or spaces designed to accommodate mobile homes.

Mobile vendor.
Mobile vendor: an itinerant business or person who engages in selling goods, services, or food from a temporary structure, vehicle, or other conveyance.

Monitoring.
Monitoring: evaluating the impacts of development proposals on natural or manmade systems and assessing the performance of required mitigation through the collection and analysis of data for the purpose of understanding and documenting changes in the natural or manmade systems, functions and features including, but not limited to, gathering baseline data.

Monuments, tombstones, and gravestones sales.
Monuments, tombstones, and gravestones sales: the retail sale of custom stonework products including uses located in NAICS Industry No. 327991 – Monuments, finished to custom order, tombstones and gravestones finished.

Motor vehicle, boat and mobile home dealer.
Motor vehicle, boat and mobile home dealer: an establishment engaged in the retail sale of new and/ or used automobiles, motor homes, motorcycles, trailers, boats or mobile homes, including uses located in NAICS Major Group and Industry Group Nos.:
(1) 4411 – Automotive dealers and gasoline service stations except:
    (a) 4413 – Auto and home supply stores; (b) 4471 – Gasoline service stations; and

(2) Aircraft dealers found in 441229:
  (a) 45393 – Mobile home dealers; and
  (b) Yacht brokers found in 441222.
  (c)

Motor vehicle and bicycle manufacturing.
Motor vehicle and bicycle manufacturing: fabricating or assembling complete passenger automobiles, trucks, commercial cars and buses, motorcycles, and bicycles, including uses located in NAICS Industry Group Nos.:
(1) 3362 – Motor vehicles and motor vehicle equipment; and
(2) 336991 – Motorcycles, bicycles, and parts.

Mount.
Mount: any mounting device or bracket which is used to attach an antenna or antenna array to an antenna support structure or alternative antenna support structure.

Municipal water production.
Municipal water production: the collection and processing of surface water through means of dams or other methods of impoundment for municipal water systems.

21.11.160 N.

Native vegetation.
Native vegetation: vegetation comprised of plant species, other than noxious weeds, which are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.

Native growth protection area (NGPA).
Native growth protection area (NGPA): an area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

Naturalized species.
Naturalized species: nonnative species of vegetation that are adaptable to the climatic conditions of the coastal region of the Pacific Northwest.

Neighborhood electric vehicle.
Neighborhood electric vehicle: a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under 49 CFR 571.500.

Nonconformance.
Nonconformance: any use, improvement or structure established in conformance with City of Woodinville or County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses, improvements, critical area and critical area buffer requirements permitted in the site's current zone or to the current development standards of the code due to changes in the code or its application to the subject property.

Non-hydroelectric generation facility.
Non-hydroelectric generation facility: an establishment for the generation of electricity by nuclear reaction, burning fossil fuels, or other electricity generation methods.

Noxious weed.
Noxious weed: any plant which is highly destructive, competitive or difficult to control by cultural or chemical practices, limited to those plants on the State noxious weed list contained in Chapter 16-750 WAC.

21.11.170 O.

Open space.

Open space: open land for conservation of natural features, provision of visual amenity and for recreational use. It is land which is retained in or restored to a condition where nature predominates, and is substantially free of structures, impervious surface, and other land altering activities of man's built environment.

Open-work fence.
Open-work fence: a fence in which the solid portions are evenly distributed and constitute no more than 50 percent of the total surface area.

Ordinary high water mark.
Ordinary high water mark: the mark found by examining the bed and banks of a stream or lake and ascertaining where the presence and action of waters are so common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature.

Outdoor performance center.
Outdoor performance center: establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions.

21.11.180 P.

Park.
Park: a site designed or developed for recreational use by the public including, but not limited to:
(1) Indoor facilities, such as:
  (a) Gymnasiums;
  (b) Swimming pools; or
  (c) Activity centers; and
  (d) Outdoor facilities, such as:
  (e) Playfields;
  (f) Fishing areas; or
  (g) Picnic and related outdoor activity areas;
  and
(2) Areas and trails for:
  (a) Hikers;
  (b) Equestrians;
  (c) Bicyclists; or
  (d) Off-road recreational vehicle users.

Parking lot aisle.
Parking lot aisle: that portion of the off-street parking area used exclusively for the maneuvering and circulation of motor vehicles and in which parking is prohibited.

Parking lot unit depth.
Parking lot unit depth: the linear distance within which one parking aisle is flanked by accessible rows of parking stalls as measured perpendicular to the parking aisle.

Parking space.
Parking space: an area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle.

Parking space angle.
Parking space angle: the angle measured from a reference line, generally the property line or center line of an aisle, at which motor vehicles are to be parked.

Parking, structured.

Parking, structured: any underground or above ground parking that is contained within a structure that also contains other levels of parking, and/or residential, and/or commercial uses.

Parks and Recreation Director.
Parks and Recreation Director: the manager of the City of Woodinville's Parks and Recreation Department, or his or her designee.

Party of record.
Party of record (POR): a person, who has submitted written comments, testified, asked to be notified or is the sponsor of a petition entered as part of the official City record on a specific development proposal.

Peak hour.
Peak hour: the hour during the morning or afternoon when the most critical level of service occurs for a particular roadway or intersection.

Permanent school facilities.
Permanent school facilities: facilities of a school district with a fixed foundation which are not relocatable facilities.

Personal medical supply store.
Personal medical supply store: an establishment engaged in the retail sale of eyeglasses, contact lenses, hearing aids, and artificial limbs, including uses located in NAICS Industry Nos.:
(1) 44613 – Optical goods stores; and
(2) 44619 – Hearing aids and orthopedic and artificial limb stores.

Pervious surfacing materials.
Pervious surfacing materials: engineered building materials arranged, manufactured or assembled in such a way to allow storm water to flow through to recharge groundwater. Pervious surfacing material includes pervious concretes (asphalts), applied as pavement, brick assemblies and other evaluated engineered products. These products require engineering of the product itself and the base materials. Special inspection is also required for the installation. Pervious surfacing materials are generally used for walkways, patios, off-street parking lots, private easement access roads and similar hard surface areas.

Pet shop.
Pet shop: an establishment engaged in the retail sale of pets, small animals, pet supplies, or grooming of pets, including uses located in NAICS Industry No. 45391 – Pet shops.

Photographic and electronic shop.
Photographic and electronic shop: an establishment engaged in the retail sale of cameras and photographic supplies, and a variety of household electronic equipment, including uses located in NAICS Industry Nos.:
(1) 44313 – Camera and photographic supply stores;
(2) 453998 – Limited to binoculars and telescopes;
(3) 443112 – Radio, television, and consumer electronics stores; and
(4) 44312 – Computer and computer software stores.

Planning Department.
Planning Department: the City of Woodinville Department of Planning and Community Development.

Planning Director.
Planning Director: the manager of the City of Woodinville's Development Services Department or his or her designee.

Plant associations of infrequent occurrence.
Plant associations of infrequent occurrence: one or more plant species of a landform type which does not often occur in the City of Woodinville because of the rarity of the habitat and/or the species involved or for other botanical or environmental reasons.

Plat.
Plat: a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

Preliminary plat.
Preliminary plat: a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of the WMC. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

Primary association.
Primary association: use of a habitat area by a species for breeding, nesting, rearing young, roosting, feeding, or foraging on a regular basis.

Priority habitat.
Priority habitat: habitat type or elements with unique or significant value to one or more species as classified by the Washington Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type of dominant plant species, a described successional stage, or a specific structural element.

Private.
Private: solely or primarily for the use of residents or occupants of the premises; e.g., a non-commercial garage used solely by residents or their guests is a private garage.

Private storm water management facility.
Private storm water management facility: a surface water control structure installed by a project proponent to retain, detain or otherwise limit run- off from an individual or group of developed sites specifically served by such structure.

Professional office.
Professional office: an office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodities; including the following NAICS Major Group and Industry Nos.:
(1) 5242 – Insurance agents, brokers and ser- vice;
(2) 53121 – Real estate agents and managers;
(3) 541213 – Income tax return preparation services;
(4) 54111 – Legal services;
(5) 54133 – Engineering, architectural and surveying services;
(6) 54121 – Accounting, auditing and book-keeping services; and
(7) 541611 – Administrative management and general management consulting services; and
(8) 54182 – Public relations services.

Public agency.
Public agency: any agency, political subdivision or unit of local government of this State including, but not limited to, municipal corporations, special purpose districts and local service districts, any agency of the State of Washington, the United States or any State thereof or any Indian tribe recognized as such by the Federal government.

Public agency animal control facility.
Public agency animal control facility: a facility for the impoundment and disposal of stray or abandoned small animals.

Public agency archive.
Public agency archive: facilities for the enclosed storage of public agency documents or related materials, excluding storage of vehicles, equipment, or similar materials.

Public agency or utility office.
Public agency or utility office: an office for the administration of any governmental activity or program, with no outdoor storage and including, but not limited to uses located in NAICS Major Group, Industry Group and Industry Nos.:

(1) 9211 – Executive, legislative, and general government, except finance;
(2) 92113 – Public finance, taxation, and monetary policy;
(3) 9231 – Administration of human resource programs;
(4) 9241 – Administration of environmental quality and housing program;
(5) 92611 – Administration of economic programs;
(6) 92812 – International affairs;
(7) 92213 – Legal counsel and prosecution; and
(8) 92219 – Public order and safety.

Public agency or utility yard.
Public agency or utility yard: a facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage. (

Public agency training facility.
Public agency training facility: an establishment or school for training State and local law enforcement, fire safety, national guard or transit personnel and facilities including but not limited to:

(1) Dining and overnight accommodations;
(2) Classrooms;
(3) Shooting ranges;
(4) Auto test tracks; and
(5) Fire suppression simulations.

Public Works Director.
Public Works Director: the manager of the City of Woodinville's Public Works Department, or his or her designee.

21.11.190 Q.

Qualified tree professional.
Qualified tree professional: an individual with relevant education and training in arboriculture or urban forestry. The individual must be an arborist certified by the International Society of Arboriculture or a registered consulting arborist from the American Society of Consulting Arborists. A qualified tree professional must be certified at tree risk assessments and prescribe appropriate measures necessary for the preservation of trees during land development. For Forest Management Plans, the qualified tree professional must have the ability to assess wooded sites and prescribe measures for forest health and safety. A qualified tree professional that makes determinations on hazard or nuisance trees is required to have certification as a tree risk assessor.

21.11.200 R.

Rapid charging stations.
Rapid charging stations: an industrial grade outlet that allows for faster charging of electrical vehicle batteries through higher power levels and that meets or exceeds any standard, codes, or regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Recreational vehicle (RV).
Recreational vehicle (RV): a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

(1) Travel trailer;
(2) Folding camping trailer;
(3) Park trailer;
(4) Truck camper;
(5) Park trailer;
(6) Motor home; and
(7) Multi-use vehicle.

Recreational vehicle parks.
Recreational vehicle parks: the use of land upon which two or more recreational vehicle sites, including hook up facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes.

Recyclable material.
Recyclable material: a nontoxic, recoverable substance that can be reprocessed for the manufacture of new products.

Regional utility corridor.
Regional utility corridor: a right-of-way tract or easement which contains transmission lines or pipelines for utility companies, excluding distribution lines contained within street rights-of-way or lines serving individual lots or developments.

Relocatable facility, school.
Relocatable facility, school: any factory-built structure, transportable in one or more sections that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.

Relocatable facilities cost per student.
Relocatable facilities cost per student: the estimated cost of purchasing and siting a relocatable facility in a school district for the grade span of school to be provided, as a function of the district's design standard per grade span and taking into account the requirements of students with special needs.

Restoration, critical area.
Restoration, critical area: returning a stream, wetland, other critical area or any associated buffer to a state in which its stability and functions approach its unaltered state as closely as possible.

Retail, comparison.
Retail, comparison: for the sale of comparison good and services and is centrally located in the community or region.

Retail, convenience.
Retail, convenience: provides for daily living goods, is easy to access and use and is close to residential neighborhoods.

Retention/detention facility.
Retention/detention facility: a type of drainage facility designed either to hold water for a considerable length of time and then to release it by evaporation, plant transpiration and/or infiltration into the ground or to hold run-off for a short period of time and then to release it to the surface and storm water management system.

Right-of-way.
Right-of-way: the land owned by a public agency and used or planned to be used as a public thoroughfare.

21.11.210 S.

Salmonid. (21.06.520)
Salmonid: a species of fish of the Salmonidae family, including: salmon, trout, char, whitefishes, and graylings. The species of the Salmonidae family found within the City of Woodinville include, but are not limited to, the following:
(1) Oncorhynchus clarkii – Cutthroat trout
(2) Oncorhynchus gorbuscha – Pink salmon
(3) Oncorhynchus keta – Keta or chum salmon
(4) Oncorhynchus kisutch – Coho salmon
(5) Oncorhynchus nerka –Sockeye and kokanee salmon
(6) Oncorhynchus tshawytscha – Chinook salmon

(7) Oncorhynchus mykiss – Rainbow and steelhead trout
(8) Salvelinus confluentus – Bull trout and Dolly Varden

School bus base.
School bus base: an establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a school transit system.

School district.
School district: any school district whose boundaries include an area of the City.

School district support facility.
School district support facility: uses (excluding schools and bus bases) that are required for the operation of a school district. This term includes school district administrative offices, centralized kitchens, and maintenance or storage facilities.

Schools, elementary, and middle/junior high.
Schools, elementary, and middle/junior high: institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.

Schools, preschool.
Schools, preschool: establishments providing exclusively educational programs for prekindergarten or preschool children (ages two through five), but excluding daycare as defined by WMC 21.11.060, Daycare.

Schools, secondary or high school.
Schools, secondary or high school: institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities.

Secondhand/used merchandise shop.
Secondhand/used merchandise shop: an establishment engaged in retailing used merchandise and secondhand goods excluding motor vehicles, such as automobiles, recreational vehicles (RVs), motorcycles, and boats; motor vehicle parts; tires; and mobile homes.

Secure community transition facilities.
Secure community transition facilities: are smaller housing units required by the Federal court to provide a community-based treatment setting for SCC sex offenders who have progressed successfully through multiple levels of treatment over several years.

Seismic hazard areas.
Seismic hazard areas: Those areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, surface rupture, or soil liquefaction.

Self-service storage facility.
Self-service storage facility: an establishment containing separate storage spaces that are leased or rented as individual units.

Setback.
Setback: the minimum required distance between a structure and a lot line, access easement boundary, sensitive buffer or other buffer line that is required to remain free of structures.

Setback, interior.
Interior setback: the setback extending from the interior lot line to a line parallel to and measured perpendicularly from the interior lot lines at the depth prescribed for each zone.
Setback, street.

Street setback: the setback required between a structure and a street, measured pursuant to WMC 21.21.050 at the depth prescribed for each zone.

Sewer, public.
Sewer, public: a sewage disposal system directly controlled by public authority.

Sexually oriented business.
Sexually oriented business: See WMC 21.25.030 for the definition of sexually oriented business. It shall not include any play, opera, musical or other dramatic works that are not obscene; classes, seminars or lectures held for serious, scientific or educational purposes that are not obscene; or exhibitors, performances, expressions or dances that are not obscene.

Shooting range.
Shooting range: a facility designed to provide a confined space for safe target practice with fire- arms, archery equipment, or other weapons.

Short plat.
Short plat: the map or representation of a short subdivision.

Short subdivision.
Short subdivision: the division or re-division of land, creating four or fewer lots.

Sign.
Sign: any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, or written copy for the purpose of advertising or identifying any establishment, product, goods, service or event.

Sign, animated.
Sign, animated: any sign that includes action or motion or the optical illusion of action or motion or color changes of all or any part of the sign.

Sign, building.
Sign, building: any sign that is painted on, or attached directly to or supported by, an exterior building wall, fence, or gate; including facade signs, awning signs, canopy signs, and marquees, but excluding window signs. Signs that are located at the entrance to an outdoor eating and drinking area or outdoor garden merchandise area shall be treated as a building sign.

Sign, changing message center.
Sign, changing message center: an electrically controlled sign that contains messages for date, time, and temperature only which changes at intervals of one minute or less.

Sign, community bulletin board.
Sign, community bulletin board: a permanent sign used to notify the public of community events, public services, or jobs, and which contains no commercial advertising.

Sign, directional.
Sign, directional: a sign designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trademarks.

Sign frame.
Sign frame: an enclosing structure or case around or supporting a sign.

Sign, freestanding.
Sign, freestanding: a sign standing directly upon the ground or having one or more supports standing directly upon the ground, and being detached from any building or similar structure.

Sign, fuel price.
Sign, fuel price: a sign utilized to advertise the price of gasoline and/or diesel fuel.

Sign, human held.
Sign, human held: a sign held, worn, or waved by humans.

Sign, incidental.
Sign, incidental: a sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include, but not be limited to, signs designating:
(1) Restrooms;
(2) Hours of operation;
(3) Acceptable credit cards;
(4) Property ownership or management; (5) Phone booths;
(5) Recycling containers; (7) ATM machines; and
(6) Employment signs.

Sign, indirectly illuminated.
Sign, indirectly illuminated: a sign that is illuminated entirely from an external artificial source.

Sign, monument.
Sign, monument: a freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground.

Sign mounting.
Sign mounting: a support, backing, or setting for a sign.

Sign, nonconforming.
Sign, nonconforming: any existing permanent, legally erected, on-premises sign which does not comply with the current requirements of Chapter 21.35 WMC.

Sign, off-premises directional.
Sign, off-premises directional: a sign which contains no advertising of a commercial nature which is used to direct pedestrian or vehicular traffic circulation to a facility, service or business located on other premises within 660 feet of the sign.

Sign, on-premises.
Sign, on-premises: a sign which displays a message which is incidental to and directly associated with the use of the property on which it is located.

Sign, permanent residential development identification.
Sign, permanent residential development identification: a permanent, freestanding sign identifying the residential development upon which the sign is located.

Sign, political.
Sign, political: a sign which solely and exclusively advertises a candidate, an elective or appointive office, a political party, or promotes a position on a public, social or ballot issue.

Sign, portable.
Sign, portable: a sign which is capable of being moved and is not permanently affixed to the ground, a structure or building, such as an A-frame sign.

Sign, projecting.
Sign, projecting: any sign, other than a flat wall sign, which is attached to and projects vertically more than one foot from the wall of a building or other structure.

Sign, reader board.
Sign, reader board: a sign face consisting of tracks to hold readily changeable letters, allowing frequent changes of copy manually.

Sign, recommended face background colors.
Sign, recommended face background colors: colors recommended by the City for use on the sign face background of freestanding signs and building signs. Sign, recommended face background colors are defined using the Pantone color system as a reference, as follows:

Red	Pantone Nos. 181, 188, 194, 202, 208, 216, 222, 229, 235, 242, 262, 478, 483, 506, 518 or darker or duller (more black or green added to the color).
Yellow/ Brown	Pantone Nos. 133, 140, 147, 154, 161, 168, 174, 464, 469, 478, 491, 499 or darker or duller (more black or violet added to the color).
Blue	Pantone Nos. 269, 276, 281, 289, 296, 302, 309, 533, 540, 548 or darker or duller (more black or orange added to the color).
Green	Pantone Nos. 316, 322, 329, 336, 343, 554, 562, 567, 574 or darker or duller (more black or red added to the color).
Gray	Pantone Nos. 404, 409, 416, 425, 431, 437, 444, 450 or darker or duller (more black added to the color).

Sign, required frame colors.
Sign, required frame colors: colors required by the City for use on the frames of freestanding signs. Required frame colors include white and cream or are defined using the Pantone color system as a reference, as follows:

Red	Pantone Nos. 181, 188, 194, 202, 208, 216, 222, 229, 235, 242, 262, 478, 483, 506, 518 or darker or duller (more black or green added to the color).
Yellow/ Brown	Pantone Nos. 133, 140, 147, 154, 161, 168, 174, 464, 469, 478, 491, 499 or darker or duller (more black or violet added to the color).
Blue	Pantone Nos. 269, 276, 281, 289, 296, 302, 309, 533, 540, 548 or darker or duller (more black or orange added to the color).
Green	Pantone Nos. 316, 322, 329, 336, 343, 554, 562, 567, 574 or darker or duller (more black or red added to the color).
Gray	Pantone Nos. 404, 409, 416, 425, 431, 437, 444, 450 or darker or duller (more black added to the color).

Sign, wayfinding.
Sign, wayfinding: an off-premises sign that is part of a City-sponsored and coordinated program for the purpose of facilitating vehicular tourist transit to local tourist destinations as designated and recognized by the City's Wayfinding Sign Program.

Sign, window.
Sign, window: any sign located inside or on, affixed to, or located within three feet of a window of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. Merchandise located within three feet of a window is not included in the definition unless the merchandise blocks more than one third of the window.

Significant tree.
Significant tree: an existing healthy tree which has a minimum diameter-at-breast-height of six inches, as measured according to the most current published edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

Signs or displays of limited duration.
Signs or displays of limited duration: any sign, banner, pennant, or advertising display intended to be displayed for a limited time period. Easily removed signs attached to windows are considered temporary signs. Signs of limited duration can be manually removed without the use of tools or equipment.

Site cost per student.
Site cost per student: the estimated cost of a site in the district for the grade span of school to be provided, as a function of the district's design standard per grade span and taking into account the requirements of students with special needs.

Soil recycling/incineration facility.
Soil recycling/incineration facility: an establishment engaged in the collection, storage and treatment of contaminated soils to remove and reuse organic contaminants.

Special event.
Special event: any event meeting the definition of special event found in WMC 8.12.020(1). Special events may include, but are not limited to: fun runs, races on foot, bicycle, or roller-skates, other athletic events, fundraising events, auctions, bike-a-thons, parades, political demonstrations, carnivals, shows or exhibitions, film-making, circuses, block parties and fairs.

Special use permit.
Special use permit: a permit granted by the City to locate an essential public facility or a regional land use at a particular location, subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

Specialized instruction school.
Specialized instruction school: establishments engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas, including, but not limited to:
(1) Art;
(2) Dance;
(3) Music;
(4) Cooking;
(5) Driving; and
(6) Pet obedience training.

Species, endangered.
Endangered species: any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the State or Federal government as an endangered species.

Species of local importance.
Species of local importance: those species of local concern due to their population status or their sensitivity to habitat manipulation.

Species, threatened.
Threatened species: any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the State or Federal government as a threatened species.

Specified sexual activities.
Specified sexual activities: human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or erotic fondling, touching or display of human genitalia, pubic region, buttock, or female breast.

Specimen tree.
Specimen tree: a viable tree that is considered in very good to excellent health and free of major defects, as determined by the City's Tree Official.

Sporting goods store.
Sporting goods store: an establishment engaged in the retail sale of sporting goods and equipment, including uses located in NAICS Industry Nos.:
(1) 451110 – Sporting goods stores and bicycle shops; and

(2) 453998 – Limited to trophy shops.

Sports club.
Sports club: an establishment engaged in operating physical fitness facilities and sports and recreation clubs, including uses located in NAICS Industry Nos.:
(1) 71394 – Physical fitness facilities; and
(2) 7139 – Membership sports and recreation clubs.

Stable.
Stable: a structure or facility in which horses or other livestock are kept for:
(1) Boarding,
(2) Training;
(3) Riding lessons;
(4) Breeding;
(5) Rental; or
(6) Personal use.

Standard of service, school.
Standard of service, school: the standard adopted by each school district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the school district. The district's standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or for any specialized facilities housed in relocatable facilities. Except as otherwise defined by the school board pursuant to a board resolution, transitional facilities shall mean those facilities that are used to cover the time required for the construction of permanent facilities; provided, that the "necessary financial commitments" as defined in Chapter 21.81 WMC are in place to complete the permanent facilities called for in the capital plan.

Stream functions.
Stream functions: natural processes performed by streams including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, such as purifying water, acting as recharge and discharge areas for groundwater aquifers, moderating surface and storm water flows and maintaining the free flowing conveyance of water, sediments and other organic matter.

Streams.
Streams: those areas in the City of Woodinville where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water run-off devices or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction in such water- courses. For the purpose of this definition, a defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round.

Street.
Street: a public or recorded private thoroughfare providing the main pedestrian and vehicular access through neighborhoods and communities and to abutting property.

Street banner.
Street banner: a temporary sign without mechanical or electrical devices made of cloth or similar non-rigid materials suspended with rope or cable over the public street right-of-way.

Street frontage.
Street frontage: any portion of a lot or combination of lots which directly abut a public right-of-way.

Street/utility pole.

Street/utility pole: telephone, utility/electric, cable television, or street light poles located within a public right-of-way.

Structure.
Structure: anything permanently constructed in or on the ground, or over the water; including rockeries and retaining walls over four feet and signs, but excluding fences less than six feet in height and decks less than 18 inches above grade; or paved areas, and excluding structural or nonstructural fill.

Student factor.
Student factor: the number derived by a school district to describe how many students of each grade span are expected to be generated by a dwelling unit. Student factors shall be based on district records of average actual student generated rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; if such information is not available in the district, data from adjacent districts, districts with similar demographics, or County-wide averages must be used. Student factors must be separately determined for single family and multifamily dwelling units, and for grade spans.

Subdivision.
Subdivision: the division of land, creating five or more lots.

Submerged land.
Submerged land: any land at or below the ordinary high water mark.

Substantial improvement.
Substantial improvement: any maintenance, repair, structural modification, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the maintenance, repair, modification or addition is started or before the damage occurred, if the structure has been damaged and is being restored.

21.11.220 T.

Tasting room.
Tasting room: an establishment that allows customers to taste samples of wine, beer or spirits and has a State of Washington issued liquor license as a tasting room. A tasting room may also include wine, beer, or spirits and related items sales, marketing events, special events, entertainment, and/or food service. Establishments that are classified by the State Liquor Board as bars, nightclubs, taverns or restaurants are not included in this classification.

Temporary shelter.
Temporary shelter: a dormitory set up by an institution or nonprofit agency for the protection of homeless people on a temporary basis.

Temporary use permit.
Temporary use permit: permit to allow a use of limited duration and/or frequency, or to allow multiple related events over a specified period.

Tightline to a sewer.
Tightline to a sewer: a sewer trunk line designed and intended specifically to serve only a particular facility or place, and whose pipe diameter should be sized appropriately to ensure service only to that facility or place. It may occur outside the local service area for sewers, but does not amend the local service area.

Traffic impact, direct.
Traffic impact, direct: any increase in vehicle traffic generated by a proposed development which equals or exceeds 10 peak hour, peak direction vehicle trips on any roadway or intersection.

Trails.
Trails: manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users

Transfer station.
Transfer station: a staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites; and may also include recycling facilities involving collection or processing for shipment.

Transit base.
Transit base: an establishment for the storage, dispatch, repair and maintenance of coaches, light rail trains, and other vehicles of a public transit system.

Transit-oriented housing development.
Transit-oriented housing development: a public or public/private land use development which:
(1) Directly supports mass transit use through an on-site public park-and-ride at an existing public park-and-ride facility owned, leased, and/or operated by a public transit service provider;
(2) Facilitates pedestrian and bicycle access to the site through direct connections to non-motorized transportation networks and surrounding pedestrian facilities;
(3) Contains both ownership and rental residential dwellings;
(4) Contains commercial uses; and
(5) Includes a portion of its dwelling units as below market rate housing.

Transit park and ride lot.
Transit park and ride lot: vehicle parking specifically for the purpose of access to a public transit system.

Transmission equipment, electronic.
Transmission equipment, electronic: equipment, such as antennas and satellite, or point-to-point microwave dishes, that transmit or receive radio signals.

Transmission structure.
Transmission structure: a structure intended to support transmission equipment or function as an antenna for AM radio or an earth station satellite dish antenna. The term does not include brackets, platforms, or other apparatus which mount transmission equipment onto transmission structures, buildings or other structures.

Tree removal.
Tree removal: the removal of a tree, through either direct or indirect actions, including but not limited to: (1) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (2) removal of at least half of the live crown; or (3) damage to roots or trunk that is likely to destroy the tree's structural integrity.

21.11.230 U.

Ultimate roadway section.
Ultimate roadway section: a designation by the City of Woodinville that the maximum roadway or intersection capacity has been reached and further right-of-way acquisition and/or improvements are not feasible to increase peak hour vehicle capacity.

Understory.
Understory: the layer formed by grasses, shrubs, and small trees under the canopy of larger trees and plants.

Use.
Use: activity or function carried out on an area of land, or in a building or structure located thereon. Any use comprising the sole or main use on the site is considered the primary use of the site. Any use subordinate or incidental to the primary use on a site is considered an accessory use.

Use, reasonable.
Reasonable use: the minimum use to which a property owner is entitled under applicable State and Federal constitutional provisions in order to avoid a taking and/or violation of substantive due process. "Reasonable use" shall be liberally construed to protect the constitutional property rights of the applicant. For example, the minimum reasonable use of a residential lot which meets or exceeds minimum bulk requirements is usually use for one single-

family residential structure. Determination of “reasonable use” shall not include consideration of factors personal to the owner such as a desire to make a more profitable use of the site.

Utility facility.
Utility facility: a facility for the distribution or transmission of services to an area, requiring location in the area to be served, including, but not limited to:
(1) Telephone exchanges;
(2) Water pumping or treatment stations;
(3) Electrical switching substations;
(4) Water storage reservoirs or tanks;
(5) Municipal ground water well-fields;
(6) Regional storm water management facilities;
(7) Natural gas gate stations and limiting stations;
(8) Propane, compressed natural gas and liquified natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users; and
(9) Sewer lift stations.

21.11.240 V.

Variance.
Variance: an adjustment in the application of standards of a zoning code to a particular property.

Vegetation.
Vegetation: any and all plant life growing at, below or above the soil surface.

Veterinary clinic.
Veterinary clinic: a licensed clinic, hospital, or doctor’s office providing veterinary care to pets, small animals, and livestock.

Viable tree.
Viable tree: a significant tree that a qualified tree professional has determined to be in good health, not classified as a hazard or nuisance tree, with a low risk of failure due to structural defects, and is a species suitable for its location.

Vocational school.
Vocational school: establishments offering training in a skill or trade to be pursued as a career, including uses located in NAICS Industry Group Nos.:
(1) 61151 – Apprenticeship training; and
(2) 61121 – Junior colleges.

21.11.250 W.

Warehousing and wholesale trade.
Warehousing and wholesale trade: establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which is classified as a retail use in WMC 21.08.070. These establishments shall include NAICS Major Group Nos. 421, 444, 422, 454 and NAICS Industry Group Nos. 4931 and 48848.

Wastewater treatment facility.
Wastewater treatment facility: a plant for collection, decontamination and disposal of sewage, including residential, commercial, industrial and agricultural liquid wastes, and including any physical improvement within the scope of the definition of “water pollution control facility” set forth in WAC 173-90-015(4) as amended.

Wet meadows, grazed.
Wet meadows, grazed: palustrine emergent wetlands typically having up to six inches of standing water during the wet season and dominated under normal conditions by meadow emergents such as reed canary grass, spike

rushes, bulrushes, sedges and rushes. During the growing season, the soil is often saturated but not covered with water. These meadows frequently have been or are being used for livestock activities.

Wetland.
Wetland: area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

Wetland classes.
Wetland classes: descriptive classes of the wetlands taxonomic classification system of the U.S. Fish and Wildlife Service (Cowardin et al., 1979).

Wildlife shelter.
Wildlife shelter: a facility for the temporary housing of sick or wounded or displaced wildlife.

Windfirm.
Windfirm: a condition of a tree in which it can withstand moderate storm winds.

Wireless service facilities.
Wireless service facilities: any unstaffed facility for the transmission and/or reception of wireless services as defined by Section 704(a)(7)(c)(i) of the Federal Telecommunications Act of 1996, including cellular, PCS, enhanced specialized mobile radio (ESMR), specialized mobile radio (SMR), paging, 800 MHz and other similar technologies covered by the aforementioned section.

Wireless service facility, temporary.
wireless service facility, temporary: a nonpermanent facility installed on a short-term basis, for the purpose of evaluating the technical feasibility of a particular site for placement of a wireless service facility or for providing emergency communications during a natural disaster or other emergency. Examples of temporary wireless service facilities include, but are not limited to, placement of an antenna upon a fully extended bucket truck, crane, or other device capable of reaching the height necessary to evaluate the site for placement of a wireless service facility.

Work release facility.
Work release facility: a facility which allows the opportunity for convicted persons to be employed outside of the facility, but requires confinement within the facility when not in the place of employment.

21.11.260 Y.

Yard waste processing facility.
Yard waste processing facility: a site where yard and garden wastes, including wood and land clearing debris, are processed into new products, which include but are not limited to soil amendments and wood chips.

Youth hostel.
Youth hostel: a registered indoor facility providing board and other necessities for the temporary housing of travelers.

21.11.270 Z.

Zone. (21.06.800)
Zone: a specifically designated area or district within which uniform regulations and requirements govern the use, placement, spacing and size of land and buildings.

Chapter 21.12
Enforcement
Sections:

21.12.010 Purpose.
21.12.020 Authority and application.
21.12.030 Violations defined.
21.12.040 Permit suspension, revocation or modification.
21.12.050 Initiation of revocation or modification proceedings.

21.12.010 Purpose.

The purpose of this chapter is to promote compliance with this title by establishing enforcement authority, defining violations, and setting standards for initiating the procedures set forth in this chapter when violations of this title occur.

21.12.020 Authority and application.

The Development Services Director is authorized to enforce the provisions of this code, any implementing administrative rules, and approval conditions attached to any land use approval, through revocation or modification of permits, or through the enforcement, penalty and abatement provisions of the WMC.

21.12.030 Violations defined.

No building permit or land use approval in conflict with the provisions of this title shall be issued. Structures or uses which do not conform to this title, except legal nonconformances specified in Chapter 21.34 WMC and approved variances, are violations subject to the enforcement, penalty and abatement provisions of this chapter and Chapter 1.06 WMC, including but not limited to:

(1) Establishing a use not permitted in the zone in which it is located;
(2) Constructing, expanding or placing a structure in violation of setback, height, and other dimensional standards in this title;
(3) Establishing a permitted use without complying with applicable development standards set forth in other titles, ordinances, rules or other laws, including but not limited to road construction, surface water management, the fire code and rules of the County Department of Health;
(4) Failing to carry out or observe conditions of land use or permit approval, including contract development standards;
(5) Failing to secure required land use or permit approval prior to establishing a permitted use; and (6) Failing to maintain site improvements, such
(6) as landscaping, parking or drainage control facilities as required by this code or other City of Woodinville ordinances

21.12. 040 Permit suspension, revocation or modification.

(1) Permit suspension, revocation or modification shall be carried out through the procedures set forth herein. Any permit, variance, or other land use approval issued by the City of Woodinville pursuant to this title may be suspended, revoked or modified on one or more of the following grounds:
    (a) The approval was obtained by fraud;
    (b) The approval was based on inadequate or inaccurate information;
    (c) The approval, when given, conflicted with existing laws or regulations applicable thereto;
    (d) An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;
    (e) The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law or regulation;
    (f) The use for which the approval was granted is being exercised in a manner detrimental to the public health or safety;
    (g) The holder of the permit or approval interferes with the Development Services Director or any authorized representative in the performance of his or her duties; or
    (h) The holder of the permit or approval fails to comply with any notice and order issued pursuant to the WMC.

(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 preliminary subdivision, zone reclassification or special use permit;
   (b) The Hearing Examiner may revoke or modify any variance or conditional use permit; provided, that it was reviewed through a public hearing and a new public hearing was held on its revocation or modification; and
   (c) The Development Services Director may revoke or modify any permit or other land use approval issued by the Development Services Director.

21.12.050 Initiation of revocation or modification proceedings.

(1) The Development Services Director may suspend any permit, variance or land use approval issued by any City of Woodinville issuing agency and processed by the Department pending its revocation or modification, or pending a public hearing on its revocation or modification;
(2) The issuing agency may initiate proceedings to revoke or modify any permit or land use approval it has issued; and
(3) Persons who are aggrieved may petition the issuing agency to initiate revocation or modification proceedings, and may petition the Development Services Director to suspend a permit, variance or land use approval pending a public hearing on its revocation or modification.

Article 2 – Zoning, Districts, and Land Use
Chapter 21.20
ZONES, MAPS AND DESIGNATIONS

Sections:

21.20.010 Zones and map designations established.
21.20.020 Zone and map designation purpose.
21.20.030 Public/Institutional zone.
21.20.040 Residential zones.
21.20.050 Neighborhood Business zone.
21.20.060 Tourist Business zone.
21.20.070 General Business zone.
21.20.080 Central Business District.
21.20.090 Office zone.
21.20.100 Industrial zone.
21.20.110 Park.
21.20.120 Map designation – Special district overlay
21.20.130 Map designation – Newly annexed territory
21.20.140 Map designation – Undesignated property
21.20.150 Zoning maps and boundaries.

21.20.010 Zones and map designations established.

In order to accomplish the purposes of this title the following zoning designations and zoning map symbols are established:

Zoning Designations	Map Symbol
Public/Institutional	P/I
Residential	R (base density in dwellings per acre)
Neighborhood Business	NB
Tourist Business	TB
General Business	GB
Central Business District	CBD
Office	O
Industrial	I
High Density	
Park	P
Special District Overlay	Pattern applied to affected area

21.20.020 Zone and map designation purpose.

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in the City of Woodinville. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title.

21.20.030 Public/Institutional zone.

(1) The purpose of the Public/Institutional zone (P/I) is to provide and protect properties devoted to public and semi-public uses and uses providing social and physical services to the Woodinville community. This purpose is accomplished by:
   (a) Providing a zone in which uses serving public needs may be located;
   (b) Limiting residential and privately owned operations; and
   (c) Protecting adjacent properties from potential impacts of public uses.

(2) Use of this zone is appropriate on properties designated by the Comprehensive Plan to be public and/or institutional, such as schools, government facilities, social services, hospitals, libraries, utilities, parks and recreational facilities, etc.

21.20.040 Residential zones.

(1) The purpose of the Urban Residential zones (R) is to implement Comprehensive Plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:
   (a) Providing, in the low density zones (R-1 through R-4), for predominantly single-family detached dwelling units. Other development types, such as duplexes and accessory units, are allowed under special circumstances. Developments with densities less than R-4 are allowed only if adequate services cannot be provided;
   (b) Providing, in the moderate density zones (R-5 through R-8), for a mix of predominantly single-family attached and detached dwelling units. Other development types, such as apartments, duplexes, and townhomes, would be allowed so long as they contribute to Woodinville's small town atmosphere as articulated in the vision statement found in the City's Comprehensive Plan and conform to all applicable regulations;
   (c) Providing, in the medium density zones (R-9 through R-18), for duplexes, multifamily apartments, and townhomes, at densities supportive of transit and providing a transition to lower density areas; and
   (d) Providing, in the high density zones (R-19 through R-48), for the highest residential densities, consisting of duplexes and multistory apartments. Developments have access to transit, pedestrian and nearby commercial facilities, and provide a transition to high intensity commercial uses.

(2) Use of this zone is appropriate in residential areas designated by the Comprehensive Plan as follows:
   (a) The R-1 zone on or adjacent to lands with area-wide environmental constraints, or in well-established subdivisions of the same density, which are served at the time of development by public or private facilities and services adequate to support planned densities;
   (b) The R-4 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are served at the time of development, by adequate public sewers, water supply, roads and other needed public facilities and services; and
   (c) The R-12 through R-48 zones in appropriate areas of the City that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.20.050 Neighborhood Business zone.

(1) The purpose and intent of the Neighborhood Business zone (NB) is to provide for small-scale, convenience retail shopping and office facilities at the neighborhood level located in accordance with the City of Woodinville Comprehensive Plan and encourage the compatible integration of small-scale shopping and office centers into the neighborhood areas which it serves.

(2) Use of this zone is appropriate in neighborhood centers designated by the Comprehensive Plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.20.060 Tourist Business zone.

(1) The purpose of the Tourist Business zone (TB) is to encourage tourist-related uses, to provide convenient daily retail and personal services for a limited service area, and to minimize impacts of commercial activities on nearby properties. These purposes are accomplished by:
   (a) Limiting nonresidential uses to those retail or personal services which can serve the everyday needs of the tourist industry and surrounding residential area;
   (b) Allowing for a mix of retail, service and residential uses; and
   (c) Excluding industrial and community/regional business-scaled uses.

(2) Use of this zone is appropriate in areas designated tourist business by the Comprehensive Plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.20. 070 General Business zone.

(1) The purpose of the General Business zone (GB) is to provide auto-oriented retail and services for local and regional service areas that exceed the daily convenience needs of residential neighborhoods but that cannot be served conveniently by the Central Business District, and to provide retail and business services in locations within the City that are appropriate for extensive outdoor storage and auto-related and commercial

uses, and to provide space for offices as primary uses and for hotels and motels. These purposes are accomplished by:

(a) Providing a wider and more diverse range of the retail, recreation, office and business services than are found in neighborhood business areas;
(b) Allowing for commercial uses with extensive outdoor storage or auto-related and industrial uses; and
(c) Limiting residential, institutional and personal services to those necessary to directly support commercial activity.

(2) Use of this zone is appropriate in commercial areas that are designated by the Comprehensive Plan and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

(3) Subject to the requirements of WMC 21.21.080(B), the location and operation of sexually oriented businesses within the General Business zone is consistent with the purposes of that zone.

21.20.080 Central Business District.

(1) The purpose of the Central Business District (CBD) zone is to provide for the broadest mix of comparison retail, higher density residential (R-12 through R-48), service and recreation/cultural uses with compatible storage and fabrication uses, serving regional market areas and offering significant employment and housing opportunities. These purposes are accomplished by:

(a) Encouraging compact development that is supportive of transit and pedestrian travel, through higher nonresidential building heights and floor area ratios than those found in other business areas;
(b) Allowing for outdoor sales and storage, regional shopping areas and limited fabrication uses; and
(c) Concentrating large scale commercial and office uses to facilitate the efficient provision of public facilities and services.

(2) Use of this zone is appropriate in the urban center as designated by the Comprehensive Plan that is served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.20.090 Office zone.

(1) The purpose of the Office zone (O) is to provide for pedestrian and transit-oriented high-density employment uses together with limited complementary retail and higher density residential development in locations where the full range of commercial activities is not desirable. These purposes are accomplished by:

(a) Allowing for uses that will take advantage of pedestrian-oriented site and street improvement standards;
(b) Providing for higher building heights and floor area ratios than those found in the GB zone;
(c) Reducing the ratio of required parking to building floor area;
(d) Allowing for on-site convenient daily retail and personal services for employees and residences; and
(e) Excluding auto-oriented, outdoor or other retail sales and services which do not provide for the daily convenience needs of on-site and nearby employees or residents.

(2) Use of this zone is appropriate in office areas designated by the Comprehensive Plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.20.100 Industrial zone.

(1) The purpose of the Industrial zone (I) is to provide for the location and grouping of industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing and heavy trucking. It is also a purpose of this zone to protect the industrial land base for industrial economic development and employment opportunities. These purposes are accomplished by:

(a) Allowing for a wide range of industrial and manufacturing uses;
(b) Establishing appropriate development standards and public review procedures for industrial activities with the greatest potential for adverse impacts; and
(c) Limiting residential, institutional, service, office and other nonindustrial uses to those necessary to directly support industrial activities.

(2) Use of this zone is appropriate in industrial areas designated by the Comprehensive Plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

(3) Subject to the requirements of WMC 21.21.080(B), the location and operation of sexually oriented businesses within the Industrial zone is consistent with the purposes of that zone.

21.20.110 Park.

The purpose of the Park zone (P) is to provide opportunities for public parks and other recreation facilities, such as playgrounds, trails, publicly accessible open space, or as meet the definition of parks in WMC 21.11.180. Only facilities providing such public recreation shall be allowed to locate in the Park zones.

21.20.120 Map designation – Special district overlay.

(1) The purpose of the special district overlay designation is to carry out Comprehensive Plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from the general provisions of this title. Special district overlays are generally applied to a group of individual properties or entire planning subareas.

(2) The purposes of special district overlays are to provide for alternative development standards to address unique site characteristics, and to address development opportunities which can exceed the quality of standard developments, by:

(a) Establishing authority to adopt property-specific development standards for increasing minimum requirements of the code on individual sites;

(b) Establishing special district overlays with alternative standards for special areas designated by master or neighborhood plans; and

(c) Establishing authority to approve alternative development standards for specific areas through a development agreement; provided, that nothing in this chapter shall be construed as requiring the City to approve or otherwise execute any development agreement regarding a particular property or properties. The City expressly reserves full discretion in determining whether to approve, condition and/or reject any proposed development agreement.

(3) This section authorizes the City of Woodinville to increase development standards or limit uses on specific properties beyond the general requirements of the code through property-specific development standards, and to carry out Comprehensive Plan policies through special overlay districts which supplement or modify standard zones through different uses, design or density standards or review processes;

(4) Property-specific development standards shall be applied to specific properties through reclassification of individual properties as provided in Chapter 21.80 WMC; and

(5) Special district overlays shall be applied to specific properties or areas containing several properties through zoning reclassification as provided in Chapter 21.80 WMC; or

(6) Property-specific development standards may be applied to a specific property or properties through a development agreement approved by the City Council and consistent with Chapter 36.70B RCW, as the same now exists or may be amended, and as provided in Chapter 21.82 WMC.

(7) Special district overlays shall be designated on the City zoning map as follows:

(a) Designation of an overlay district shall include policies that prescribe the purposes and location of the overlay;

(b) The special district overlays set forth in this article are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies shall be adopted as part of this article;

(c) The special district overlays set forth in this chapter may expand the range of permitted uses and development standards established by the code for any use or underlying zone; and

(d) Unless they are specifically modified by the provisions of this chapter, the standard requirements of the code and other City ordinances and regulations govern all development and land uses within special district overlays.

21.20.130 Map designation – Newly annexed territory.

Unless pre-annexation zoning is approved, all newly annexed territory shall be designated R-1 until the zoning map is amended pursuant to WMC 21.20.150 and the annexed territory is classified in conformance with the City of Woodinville Comprehensive Plan.

21.20.140 Map designation – Undesignated property.

All property not designated by the zoning map shall be designated R-1.

21.20.150 Zoning maps and boundaries.

(1) The location and boundaries of the zones defined by this chapter shall be shown and delineated on a zoning map adopted by ordinance.

(2) Changes in the boundaries of the zones shall be made by ordinance adopting or amending the zoning map.

Chapter 21.21
PERMITTED USES

Sections:

21.21.010 Establishment of uses.
21.21.020 Interpretation of land use tables.
21.21.030 Residential land uses.
21.21.040 Recreational/cultural land uses.
21.21.050 General services land uses.
21.21.060 Institutional land uses.
21.21.070 Business services land uses.
21.21.080 Retail/wholesale land uses.
21.21.090 Manufacturing land uses.
21.21.100 Resource land uses.
21.21.110 Regional land uses.

21.21.010 Establishment of uses.

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered permanently established when that use will or has been in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of Chapter 21.36 WMC. All applicable requirements of this code, or other applicable State or Federal requirements, shall govern a use located in the City of Woodinville. By way of example, see WMC 21.10.040 clarifying that the growing, production, processing and sale of marijuana are prohibited in all zoning districts of the City of Woodinville whether it is grown, produced, processed or sold for medical or recreational use, and nothing in this title should be construed differently.

21.21.020 Interpretation of land use tables.

(1) The land use tables in this chapter determine whether a specific use is allowed in a zone district. The zone district is located on the vertical column and the specific use is located on the horizontal row of these tables.
(2) If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.
(3) If the letter “P” appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in Chapters 21.80 through 21.86 WMC and the general requirements of the code.
(4) If the letter “C” appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in Chapters 21.80 through 21.86 WMC and the general requirements of the code.
(5) If the letter “S” appears in the box at the intersection of the column and the row, the regional use is permitted subject to the special use permit review procedures specified in Chapters 21.80 through 21.86 WMC and the general requirements of the code.
(6) If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the land use table.
(7) If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.
(8) All applicable requirements shall govern a use whether or not they are cross-referenced in a section.
(9) Only public parks or recreational facilities shall be allowed to locate in the Park zone (P).
(10) Where there is a *, for the definition of this specific land use, see Chapter 21.11 WMC.

21.21.030 Residential land uses.

A. Residential Land Uses

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
DWELLING UNITS, TYPES:												
*	Single detached	P, C19	P, C19	P					P23			
*	Duplex	P10	P10	P10	P10							
*	Townhome	C10, 12	C7, 10, 12	P	P		P20		P1, 21, 22	P18		
*	Apartment		P11	P	P		P20		P1, 21, 22	P18		
*	Mobile home park		P	P								
623311 623312	Senior citizen assisted (See WMC 21.11.060 for definition)		P11	P	P				P1, 21			
GROUP RESIDENCES:												
*	Community residential facility	C15	C15	P15	P15				P1, 15, 21			P15
721310	Dormitory	C2	C2	P2	P2				P1, 2, 4, 21		P2	P13
ACCESSORY USES:												
*	Residential accessory uses	P3	P3	P3	P3				P			P16
*	Home occupation (8)	P	P	P	P				P			
*	Home industry (9)	C	C	C	C							

B. Development Conditions.

(1) Except as provided in this section, residential dwelling units are not permitted on the ground floor or below grade abutting a public street. Foyers or lobbies providing access to dwelling units may front onto a public street.

(2) Only as an accessory to a school, college/university, church, or fire station.

(3)

(a) Accessory dwelling units:

(i) Only one accessory dwelling per lot;

(ii) The primary residence or the accessory dwelling unit shall be owner occupied;

(iii) If the accessory dwelling unit is a separate structure, the accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence;

(iv) One additional off-street parking space is provided; and

(v) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied.

(b) Accessory Aircraft. One single- or twin-engine general aviation aircraft shall be permitted only on lots which abut, or have a legal access which is not a public right-of-way to, a waterbody or landing field, provided:

(i) No aircraft sales, service, repair, charter or rental;

(ii) No storage of aviation fuel except that contained in the tank or tanks of the aircraft; and

(iii) Storage hangars shall not exceed 20 feet in height above average finished grade or have a gross area exceeding 3,000 square feet.

(4) Allowed only as an accessory to another permitted use. Limited to the maximum density in the zone, pursuant to Chapter 21.22 WMC.

(5) Reserved.

(6) Reserved.

(7) A conditional use permit is not required if the townhomes are approved through subdivision review or if the project is in the R-8 zone.

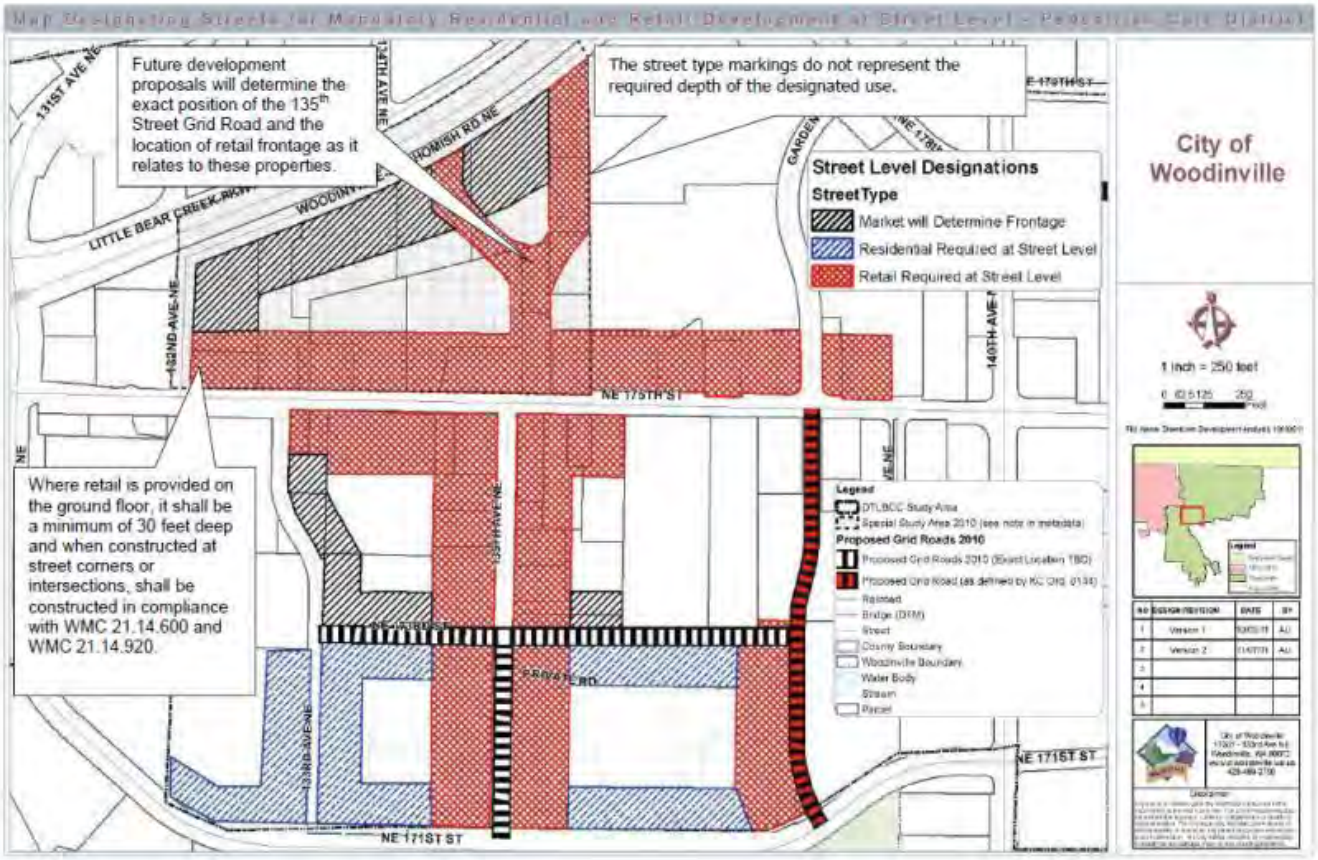
(8) Home occupations are subject to the requirements and standards contained in WMC 21.31.080.

(9) Home industries are subject to the requirements and standards contained in WMC 21.30.090.

(10) Townhomes and duplexes must be compatible in design, height, color, style, and materials with existing neighborhood.

(11) Permitted only in the R-8 zone.

(12) Permitted only in the R-4 and R-6 zones, on parcels where protection of critical areas prohibits traditional single-family development.
(13) Only as an accessory to a public school.
(14) Reserved.
(15) The number of occupants shall not exceed the occupant load of the structure, calculated as provided in Chapter 15.04 WMC, Building Codes, or as may be hereafter amended.
(16) Only as an accessory to a permitted use.
(17) Reserved.
(18) Limited to current location. No new townhomes or apartments are permitted in the office zone except on the site currently containing townhomes or apartments on January 1, 2002.
(19) A conditional use permit is required for a single-family structure exceeding 8,500 gross square feet in the R-1 through R-6 zones.
(20) Residential development is not permitted on the ground floor and is only permitted as part of a development that integrates residential with tourist-oriented business development and is conditioned through a development agreement with the City that ensures a City-approved economic analysis will be provided and the proposed mixed use development meets the vision and goals of the Tourist District Master Plan. No more than 25 percent of the entire area development may include residential uses. No direct residential dwelling unit entrances or exits may be permitted onto NE 148th Avenue NE, NE 145th Street, or Woodinville-Redmond Road.
(21) Residential dwelling units are not permitted within 300 feet of State Route 522.
(22) In the Pedestrian Core Design District only, residential and/or retail uses shall be required for all new development on the ground floor as shown on the map titled "Map Designating Streets for Mandatory Residential and Retail Development at Street Level – Pedestrian Core Design District." Where retail is provided on the ground floor, it shall be a minimum of 30 feet deep and, when constructed at street corners or intersections, shall be constructed in compliance with WMC 21.40.180 and 21.40.340.
(23) No new single-family detached dwelling units are permitted except on the sites with existing single-family detached dwelling units on December 24, 2012.



21.21.040 Recreational/cultural land uses.

A. Recreational/Cultural Land Uses

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
PARK /RECREATION:												
*	Parks	P1	P1	P1	P1	P1	P1	P	P		P	P
*	Trails	P	P	P	P	P	P	P	P		P	P
*	Destination resorts											
*	Marina			C4	C4		P5	C9	C9		P	
AMUSEMENT/ ENTERTAINMENT:												
512131	Theater							P6	P6			
512132	Theater, drive-in											
711110 711130	Plays/Theatrical production						P6	P6	P6		P6, 16	P6, 16
71395	Bowling center							P	P			
71394*	Sports club	C4	C4	C4	C4		C	P	P		C	
71391*	Golf facility	C7	C7	C7	C7			P				
71391	Golf driving range							C17	C17			
*	Shooting range										C8,10	
71312*	Amusement arcades						P	P	P			
71311	Amusement park											
*	Outdoor performance center						S	S	S			
*	Indoor batting cage facility										C13	
*	Indoor go-cart facility							P14				
CULTURAL:												
51412	Library	P11, C	P11, C	P11, C	P11, C		P		P			P3
71211	Museums and art galleries	P11, C	P11, C	P11, C	P11, C		P		P			P3
71213	Arboretum	P	P	P	P		P					P3
81311	Churches, temples, and synagogues	P12, C	P12, C	P12, C	P12, C		P	P	P		P	P15
*	Civic center											P
*	Community center											P
*	Conference center	P11, C	P11, C	P11, C	P11, C			C	C			

B. Development Conditions.

(1) The following conditions and limitations shall apply, where appropriate:
   (a) No stadiums on sites less than 10 acres;
   (b) Lighting for structures and fields shall be directed away from residential areas;
   (c) Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

(2) Except recreational vehicle parks.

(3) Limited to publicly owned facilities.

(4) Limited to recreation facilities for residents of a specified residential development.

(5) Limited to day moorage.

(6) Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, or school-licensed daycare centers, public parks, community centers, public libraries or churches that conduct religious or educational classes for minors.

(7) Structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

(8) Shooting Ranges.
   (a) Structures and ranges shall maintain a minimum distance of 50 feet from property lines adjoining residential zones or developments with residential uses;
   (b) Ranges shall be designed to prevent stray or ricocheting projectiles or pellets, or any spent rounds or other hazardous materials, from leaving the property;
   (c) Site plans shall include safety features of the range; provisions for reducing noise produced on the firing line; and elevations of the range showing target area, backdrops or butts;

(d) All activities associated with the shooting range shall not exceed the noise limitations adopted by WMC 8.08.040 and WAC 173-60-040;
(e) Shooting ranges are not permitted in the Tourist District Overlay; and
(f) Shooting ranges shall be subject to an inspection, every one to three years, or as part of a business license renewal program, as determined by the Director. The cost of the inspection shall be paid by the operator of the shooting range. The purpose of the inspection will be to confirm that operations continue in conformance with the approved permit.

(9) Limited to marina facilities for non-motorized craft and/or for motorized crafts with engines of five horsepower or less.
(10) Only in an enclosed building.
(11) Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a landmark subject to the provisions of Chapter 21.33 WMC.
(12) Only as accessory to a nonresidential use established through a discretionary permit process and limited in scale to ensure compatibility with surrounding neighborhoods.
(13) Indoor batting facilities are subject to the following conditions and limitations:
(a) Facilities open to youth under the age of 18 shall not be located in the Sexually Oriented Business Overlay District.
(b) The facility shall require the minimum safety standards as provided for a national youth baseball association such as the Little League Association.
(c) Signs regarding safety rules must be prominently displayed.
(d) Pedestrian walkways shall be clearly marked.
(e) The business owner shall provide to the City a signed statement by the building owner declaring that high hazard occupancies (Type H occupancies as defined in Chapter 15.04 WMC, Building Codes) shall not be located in any spaces adjacent to the indoor batting facility; or the facility shall be located in a single occupancy building.
(f) Retail sales at an indoor batting facility shall be limited to baseball-related items, and the retail sales area shall not exceed 500 square feet.
(g) Children under the age of 15 are not permitted on the premises without a supervising adult.
(h) On-site food preparation is prohibited.
(i) A safe pedestrian “pick-up/drop-off” area that does not interfere with local traffic shall be provided.

(14) Indoor go-cart racing facilities are subject to the following conditions and limitations:
(a) Signs regarding safety rules must be prominently displayed.
(b) Pedestrian walkways shall be clearly marked.
(c) The business owner shall provide to the City a signed statement by the building owner declaring that high hazard occupancies (Type H occupancies as defined in Chapter 15.04 WMC, Building Codes) shall not be located in any spaces adjacent to the indoor go-cart racing facility, or the facility shall be located in a single occupant building.
(d) A safe pedestrian “pick-up/drop-off” area that does not interfere with local traffic shall be provided.
(e) Until and unless the City adopts an overriding noise ordinance, the maximum noise levels (dBA) associated with the operation of any go-cart racing facility shall not exceed the following maximum dBAs:

Receiving Property		
Residential Zones	**Commercial Zones**	**Industrial Zones**
57*	60	65

(f) Loitering outside the facility shall be strictly controlled by the facility’s management.
(g) Prior to the opening of the facility, proof of suitable insurance is required.

(15) Permitted within a publicly owned building as part of a standard lease or other use agreement between the church, temple, or synagogue and the owner or operator of the underlying property.
(16) Only as an accessory use to another permitted use.
(17) Golf driving range uses are limited to the following:
(a) All activities must take place within an enclosed building.
(b) All activities associated with the golf driving range are only allowed as an accessory use to another permitted use, not to exceed 49 percent of gross floor area.

21.21.050 General services land uses.

A. General Services Land Uses

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
PERSONAL SERVICES:												
8121	General personal service					P20	P	P	P	P3, 23		P18
81232	Dry cleaning and laundry services					P33		P	P		P	
812332	Industrial launderers										P	
81221	Funeral home/crematory							P47			P	
81222	Cemetery, columbarium	C5, 26	C5, 26	C5, 26	C5, 26			P26, C5				
*	Daycare I	P6	P6	P6	P6	P		P	P	P7, 23	P7	P18
*	Daycare II	P8	P8	P8	P8	P		P	P		P7	P18
541940	Veterinary services					P10		P10	P10		P	
81111 – 81112	Automotive repair (1)					P11		C22			P	P
81119	Automotive service					P11	P11	P22	C22		P	
8112, 8114	Miscellaneous repair							P	P		P	
6241 – 6243	Social services					P13			P	P23		P
*	Stable	P14, C										
812910	Pet care services (2)	C9						P27, 36	P27, 35		P27, 36	
HEALTH SERVICES:												
6211 – 6214	Medical office/outpatient clinic					P		P30	P30	P30		P18, 30
6231 – 6232	Nursing and personal care facilities					C30		P30	P30			P18, 30
62211	Hospital							P30	P30			P18, 30
6215 339116	Medical/dental lab							P30	P30		P30	P18, 30
62199	Miscellaneous health							P30	P30	P3, 23, 37		P18, 30, 37
EDUCATION SERVICES:												
61111	Elementary or middle/ junior high school	P16, 30 C30	P16, 30 C15, 30	P16, 30 C30	P16, 30 C30			C30, 43	C30, 43	C30, 31	C38	P30
61111	Secondary or high school	P16, 30 C30	P16, 30 C15, 30	P16, 30 C30	P16, 30 C30			C30, 43	C30, 43		C38	P30
61151*	Vocational school							P30, 43, 45	P30, 43, 45	P17, 20, 23	P30	P30
*	Specialized instruction school	P19, 30	P19, 30	P19, 30	P19, 30	P		P30, 43, 45	P30, 43, 45		C32	P21, 30
*	Preschool	C28, 30	C28, 30	C28, 30	C28, 30	P		P30, 43	P30, 43			P21, 30
*	School district support facility	C25, 30	C25, 30	C25, 30	C25, 30			P30, 44	P30, 44		P30	P30
611620	Gymnastic schools							P29, 30, 43	P29, 30, 43		C29, 30	
611620 611691 611699	Sports and recreational instruction	P19	P19	P19	P19	P24, 34	C	P43	P43		C	

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
	Miscellaneous schools and instruction											
TEMPORARY LODGING:												
721110	Hotel/motel						P48, 49	P	P			
721191*	Bed and breakfast inns	P39	P39	P39			P48					
721310	Organization hotel/ lodging											
624221*	Temporary shelter								P40			P42
721199*	Youth hostel						P48		P41, 46		41	

B. Development Conditions.

(1) Except NAICS Industry No. 326212 – Tire retreading; see manufacturing permitted use table.
(2) Excluding dog pounds.
(3) Permitted only on sites with a High Density Residential (R-48)/Office zone designation and limited to NAICS Industry Group and Industry Nos.:
  (a) 81211 – Beauty shops;
  (b) 81211 – Barber shops; and
  (c) 81232 – Garment pressing and agents for laundries and dry cleaners.
(4) Only as an accessory to a cemetery.
(5) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
(6) Only as an accessory to residential use, provided:
  (a) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet;
  (b) Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones; and
  (c) Only two nonresident staff are present on site at any one time.
(7) Permitted as an accessory use, see commercial/industrial accessory uses, WMC 21.21.070(A).
(8) Only as a re-use of a public school facility subject to the provisions of WMC 21.22.210 and WMC 21.22.220, an accessory use to a school or church, provided:
  (a) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet;
  (b) Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
  (c) Direct access to a developed arterial street shall be required in any residential zone; and
  (d) Hours of operation may be restricted to assure compatibility with surrounding development.
(9) Only as an accessory to a residential use, provided:
  (a) No more than 20 percent of the area of the residential use is dedicated to pet care services.
  (b) The portion of the building in which animals are kept shall be soundproof.
  (c) No exotic animal is permitted at any time.
(10)
  (a) No burning of refuse or dead animals is allowed;
  (b) The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
  (c) The provisions of Chapter 21.31 WMC relative to animal keeping are met.
(11) Only as an accessory to a gasoline service station; see retail and wholesale permitted use table (WMC 21.21.080(A)).
(12) Only as a re-use of a public school facility subject to the provisions of WMC 21.22.210 and WMC 21.22.220.
(13) Only as a re-use of surplus nonresidential facility subject to WMC 21.22.210 and WMC 21.22.220.
(14) Covered riding arenas shall not exceed 20,000 square feet; stabling areas, whether attached or detached, shall not be counted in this calculation and are subject to the provisions of WMC 21.31.030.
(15) Limited to projects which do not require or result in an expansion of the sewer local service area (LSA), unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline to a sewer sized only to meet the needs of the school may be used.

(16) Only as a re-use of a public school facility subject to the provisions of Chapter 21.34 or 21.36 may be used. WMC. An expansion of such school facility shall be subject to approval of a conditional use permit and the expansion shall not require or result in an extension of the sewer local service area (LSA), unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline to a sewer sized only to meet the needs of the school
(17) All instruction must be within an enclosed structure.
(18) Only as an accessory to a hospital or other permitted institutional use.
(19) Only as an accessory to residential use, provided:
  (a) Students are limited to 12 students in any 24-hour period;
  (b) All instruction must be within an enclosed structure;
  (c) Structures used for the school shall maintain a distance of 25 feet from property lines of adjoining residential zones; and
  (d) Hours of operation may be restricted to assure compatibility with surrounding development.
(20) Nail salons and similar uses designated as NAICS No. 812113 are permitted only if the business is connected to a public sewer.
(21) Limited to publicly owned facilities.
(22) Services and other business and commercial activities shall only be provided in an enclosed building.
(23) Not permitted on sites contiguous to property designated Low Density Residential or less by the City of Woodinville adopted Comprehensive Plan. This limitation also applies to sites in unincorporated King County with equivalent designations.
(24) Limited to martial arts instruction, yoga instruction and fitness instruction and training.
(25) Only when adjacent to an existing or proposed school.
(26) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.
(27)
  (a) The portion of the building in which animals are kept shall be soundproof.
  (b) All run areas and confinement areas shall be within the building.
  (c) No exotic animal is permitted at any time.
(28) Operation limited to the hours between 8:30 a.m. and 3:30 p.m., Monday through Friday. A maximum of 12 children at any one time may be present, with no more than 24 children permitted in a 24-hour period.
(29) Gymnastics schools are allowed, subject to the following conditions:
  (a) A gymnastic school shall be a member in good standing of the United States Gymnastics Federation.
  (b) A gymnastic school shall demonstrate conformance to guidelines of the United States Gymnastics Federation for equipment used for gymnastics instruction.
  (c) A safe student "pick-up/drop-off" area that does not interfere with local traffic shall be provided.
  (d) Retail sales at a gymnastic school shall be limited to gymnastic-related items, and the retail sales area shall not exceed 500 square feet.
(30) If use abuts an agriculturally zoned property, the following conditions apply:
  (a) Buildings and parking areas must be set back 50 feet from the property line abutting an agriculturally zoned parcel;
  (b) Fifty feet of Type II landscaping is required in the setback; and
  (c) Nonemergency access through or to the agriculturally zoned parcel is prohibited.
(31) Elementary/junior high schools are allowed in Office zones that are adjacent to the Urban Growth Area Boundary.
(32) Limited to dance instruction and subject to the following conditions:
  (a) Pedestrian walkways shall be clearly marked.
  (b) The business owner shall provide to the City a signed statement by the building owner declaring that high hazard occupancies (Type H occupancies as defined in Chapter 15.04 WMC, Building Codes) shall not be located in any spaces adjacent to the dance instruction facility; or the facility shall be located in a single occupancy building.
  (c) Retail sales shall be limited to dance-related items, and the total retail sales area shall not exceed 500 square feet.
  (d) On-site food preparation is prohibited.
  (e) A safe pedestrian "pick-up/drop-off" area that does not interfere with local traffic shall be provided.
(33) Service limited to:

(a) Drop-off and pick-up only;
(b) Gross floor area of 1,800 square feet;
and
(c) The cleaning technology used at the off-site laundry cleaning process facility to clean clothing delivered for pick-up is restricted to certified nontoxic products and chemicals. Proof of compliance with this requirement shall be provided to the Director of Development Services or his designee upon request on a form approved by the Director.

(34) These facilities may not provide shower and bathing facilities, hot tubs, spas, swimming pools, or other uses that use a large volume of water.
(35) Only grooming and training services are permitted.
(36) No burning of refuse or dead animals is allowed.
(37) Excepting "cannabis dispensaries" and "cannabis collective gardens" as those terms are defined or described in this code and/or under State law, which facilities or uses are prohibited in all zoning districts of the City.
(38) Limited to junior high/secondary schools grades seven through 12 and subject to the following conditions:
(a) Pedestrian walkways shall be clearly marked.
(b) The business owner shall provide to the City a signed statement by the building owner declaring that high hazard occupancies (Type H occupancies as defined in Chapter 15.04 WMC, Building Codes) shall not be located in any spaces adjacent to the school; or the facility shall be located in a single occupancy.
(c) A safe pedestrian "pick-up/drop-off" area that does not interfere with local traffic shall be provided.
(d) Schools shall be located 330 feet from any adult entertainment facility.
(e) A parking plan is required to assure enough available parking is on site.
(f) The school will be a closed campus where students will remain on site during operation hours.
(g) Class size shall be limited to the occupancy load permitted by the certificate of occupancy.
(39) Only as an accessory use to the permanent residence of the operator, provided:
(a) Serving meals to paying guests shall be limited to breakfast;
(b) The number of guest rooms shall not exceed three; and
(c) The fee owner of the residence serving as a bed and breakfast must reside on the premises.
(40) Only as an accessory use to an institution, school, public agency, church, synagogue, temple, or nonprofit community organization.
(41) Also permitted in the Tourist District. See WMC 21.26.010.
(42) Only as an accessory use to an institution, school, or public agency.
(43) Limited to a maximum of 25,000 square feet of gross floor area.
(44) Limited to school district administrative offices.
(45) Indoor classroom instruction only. No outdoor or manufacturing instruction shall be conducted.
(46) Limited to a maximum of 25,000 square feet of gross floor area.
(47) Limited to funeral homes. Crematory services not permitted.
(48) See WMC 21.26.010, Special district overlay – Tourist District.
(49) Hotels/motels in the TB District shall be a permitted use not subject to requirements of WMC 21.26.010(2)(f); however, the style of the structure may fit one of the following styles: country inn, bed and breakfast, Victorian, woodland lodge, or other style defined in the Tourist District Master Plan and approved by the Planning Commission Design Review Subcommittee.

21.21.060 Institutional land uses.

A. Institutional Land Uses

NAICS #	SPECIFIC LAND	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
*	Public agency or utility office	P1, 9, C2, 9	P1, 9, C2, 9	P1, 9, C2, 9	P1, 9, C2, 9			P9	P9, 15	P9		P9
*	Public agency or utility yard	P3, 9	P3, 9								P9	P9
*	Public agency archives							P9	P9, 13	P14	P9	P9
92211	Court								P9, 13			P9
92212	Police facility					P5		P9	P9, 13		P9	P9
92216	Fire facility	C4, 9	C4, 9	C4, 9	C4, 9		P9, C4	P9	P9, 13		P9	P9
*	Utility facility	P9	P9	P9	P9		P9	P9, 16, C	P9, 16, C		P9	P9

*	Minor communication facility (6)	C9	C9	C9	C9		C9	P9	P9	P9, 14	P9	C9, 12
*	Private storm water management facility	P7, 9	P7, 9	P7, 9	P7, 9		P8, 9	P8, 9	P8, 9	P8, 9, 14	P8, 9	P9
*	Interim recycling facility	P9, 10, 11	P9, 10, 11	P9, 10, 11	P9, 10, 11	P10		P9, 17	P9, 13, 17		P9	P9, 12

B. Development Conditions.

(1) Only as a re-use of a public school facility subject to the provisions of WMC 21.22.210 and WMC 21.22.220.
(2) Only as a re-use of a surplus nonresidential facility subject to WMC21.22.210.
(3) Limited to material storage for road maintenance facilities.
(4)
  (a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining Residential zones;
  (b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street; and
  (c) No outdoor storage.
(5) Limited to police substation facilities.
(6) Minor communication facilities shall be regulated relative to setback and height pursuant to Chapter 21.22 WMC.
(7) Such facilities shall be located on the same lot that they are designed to serve except in subdivisions that set aside a separate tract for such facilities.
(8) Such facilities which are not located on the lot they are designed to serve shall be located on a lot with the same or more intensive zoning designation.
(9) If use abuts an agriculturally zoned property, the following conditions apply:
  (a) Buildings and parking areas must be set back 50 feet from the property line abutting an agriculturally zoned parcel;
  (b) Fifty feet of Type II landscaping is required in the setback; and
  (c) Nonemergency access through or to the agriculturally zoned parcel is prohibited.
(10) Limited to drop box facilities accessory to a public or community use such as a school, fire station, or community center.
(11) All processing and storage of material shall be within enclosed buildings and excluding yard waste processing.
(12) Limited to publicly owned facilities.
(13) Not permitted in the Pedestrian Core Design District; see WMC 21.40.030.
(14) Not permitted on sites contiguous to property designated Low Density Residential or less by the City of Woodinville adopted Comprehensive Plan. This limitation also applies to sites in unincorporated King County with equivalent designations.
(15) No outdoor storage or display. All activity associated with permitted use shall take place within an enclosed building.
(16) Utility facilities that are accessory to another permitted use are permitted outright. All other utility facilities require a conditional use permit.
(17) Only drop box facilities are allowed as accessory use to another permitted use. Drop box facilities shall be within an enclosed building or within a structure that meets the City's design standards. (Ord. 560 § 2, 2013; Ord. 489 § 6 (Att. E), 2010; Ord. 347 § 9, 2003; Ord. 326 § 7, 2002; Ord. 324 § 1, 2002; Ord. 304 § 1, 2001; Ord. 295 § 2, 2001; Ord. 233 §§ 17, 18, 19, 1999; Ord. 194 § 3, 1997; Ord. 175 § 1, 1997)

21.21.070 Business services land uses.

A. BUSINESS SERVICES LAND USES

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
236 – 238	Construction and trade									P7, 10	P	
*	Individual transportation and taxi base							18	18			

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
4841–2492	Trucking and courier service							C29		P7, 13	P	
493	Warehousing (1)										P	
53113*	Self-service storage			C14	C14					P7, 11	P	
49313, 49312	Farm product warehousing, refrigeration and storage										P	
*	Log storage										P	
4882, 48849, 488991	Transportation service							P			P	
48851	Freight and cargo service							P		P7, 10	P	
5615	Passenger transportation service							P	P20	P7		
51322	Communication offices							P	P	P7	P	
5133	Telegraph and other communications							P	P	P7	P	
*	General business service					P8	P	P	P	P	P16	
*	Professional office					P	P26, 27	P	P	P	P16	P3
54185	Outdoor advertising service							P17, 30	P17, 30	P7, 17	P	
323114 561439	Photocopying and duplicating service					P15, 28	P	P	P	P	P16	
53212 5322-3	Miscellaneous equipment rental							P	P17, 21		P	P4
5324	Machinery and equipment rental										P	
53211	Automotive rental and leasing							P	P17			
81293	Automotive parking	P19	P19	P19	P19			P25	P25		P	P5
711211 7113-4	Professional sport teams/ promoters							P	P7			
5415, 5112	Software development and publishing					P30	P30	P30	P30	P30		
5417	Research, development and testing							P2, 17, 31	P2, 17, 31		P2	P6
8113*	Heavy equipment and truck repair							P			P	
*	Commercial/industrial accessory uses		P22				P22	P	P	P7	P	
561431	Mailbox rental services					P15, 28	P	P	P	P	P16	
*	Helistop (emergency landings excluded from permitting requirements)					C23	C23	C24, 32	C24, 32	C7, 23	C24	C24

B. Development Conditions.

(1) Except self-service storage.
(2) Except NAICS Industry No. 54172 – Commercial, economic, sociological, and educational research. See general business services/ office.
(3) Only as a government, public agency, community service, or nonprofit use, or as an accessory to a permitted use.
(4) Only as an accessory to a permitted use.
(5) Only as an accessory to a permitted use and as a facility fully accessible to the public.
(6) Only as a medical research and development facility associated with a hospital or other medical service provider.
(7) Not permitted on sites contiguous to property designated Low Density Residential or less by the City of Woodinville adopted Comprehensive Plan. This limitation also applies to sites in unincorporated King County with equivalent designations.
(8) Except for NAICS Major Group Nos. 541, 561 and 323.
(9) No outdoor storage of materials.
(10) Limited to office uses. No storage of non-office equipment, tools, machinery, supplies or commercial vehicles exceeding one-ton capacity.
(11) Limited to current location. No new self-storage land uses are permitted in the Office zone as of January 1, 2003.
(12) Limited to self-service household moving truck or trailer rental accessory to a gasoline service station and NAICS Industry No. 49211 – Courier services, except by air.
(13) Limited to NAICS Industry No. 49211 – Courier services, except by air.
(14) Accessory to an apartment development of at least 12 units, provided:
    (a) The gross floor area in self-service storage shall not exceed 50 percent of the total gross floor area of the apartment dwellings on the site;
    (b) All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
    (c) The use of the facility shall be limited to dead storage of household goods;
    (d) No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
    (e) No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
    (f) No residential occupancy of the storage units;
    (g) No business activity other than the rental of storage units to the apartment dwellings on the site; and
    (h) A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
(15) Service limited to the use of dry-ink toner copying only, and toxic chemical usage for any of the processing equipment, either as part of the process or for cleaning and maintenance of equipment, is prohibited.
(16) Only as an accessory use to another permitted use, not to exceed 49 percent of gross floor area.
(17) No outdoor storage or display. All activity associated with permitted use shall take place within an enclosed building.
(18) Individual transportation and taxi services are permitted.
(19) Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:
    (a) They are located on existing parking lots for churches, schools, or other permitted non- residential uses which have excess capacity available during commuting hours; and
    (b) The site is adjacent to a designated arterial that has been improved to a standard acceptable to the Public Works Department.
(20) Not permitted in the Pedestrian Core Design District or Civic/Gateway Design District; see WMC 21.40.030.
(21) Limited to NAICS 5322, Consumer goods rental.
(22) Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
(23) Limited to emergency medical evacuation sites in conjunction with police, fire or health service facility.
(24) Allowed as accessory to an allowed use; or limited to emergency evacuation sites in conjunction with police, fire or health service facility.
(25) Parking lots that are intended as a primary use must be completely within an enclosed structure. All parking lots and garages shall conform to the City's adopted design standards in Chapter 21.40 WMC.
(26) Permitted professional office uses shall be limited to the following NAICS Major Group and Industry Numbers:
    (a) 5242 – Insurance agents, brokers and

(b) 53121 – Real estate agents and man-
(c) 54111 – Legal services;
(d) 541330 – Engineering services;
(e) 541611 – Administrative management and general management consulting services; and
(f) 54182 – Public relations services.

(27) A maximum of 20 percent of the gross square footage of the ground floor of any building may be used for professional office uses, and up to 40 percent of gross square footage of floors above the ground floor for the entire development may be used for professional office uses.
(28) Services such as photographic processing, photo printing or other types of photo processing that employ wet chemical processes are prohibited.
(29) Reserved.
(30) Office, service and sales uses are permitted. Manufacturing uses are not permitted.
(31) Research, development and testing uses may not use bio-hazardous, radioactive, nuclear, or fissile materials.
(32) Limited to rooftop helistops.

21.21.080 Retail/wholesale land uses.

A. Retail/Wholesale Land Uses

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
423	Wholesale trade (34)					P34	P34	P34	P34	P34	P	P34
*	Building, hardware and garden materials					P2	P	P	P4, 28			
*	Forest products sales										P	
*	Department and variety stores						P5	P	P			
445	Food stores					P	P	P	P29			
*	Agricultural crop sales	P3, 7										
*	Motor vehicle and boat dealers							P31, 32	P8, 27, 30, 31			
4413	Auto supply stores							P9	P9, 30		P	
4471	Gasoline service stations					P	P	C12, 33	C12, 27, 33		P	
448	Apparel, jewelry and accessory stores					P	P		P			
44311*	Furniture and home furnishings stores						P21	P	P			
722	Eating and drinking places					P10, 16	P10, 16	P	P12	P17	P6	P1
*	Tasting room						P	P	P	P12	P26 C25	
*	Drug stores					P23	P	P	P	P18, 19		P13
44531	Liquor stores					P24		P	P			
45331	Antique/Collectable shops					P	P4	P	P			
*	Collectable shops					P		P	P			
*	Secondhand/used merchandise shops					P		P	P22			
*	Sporting goods and related stores					P	P	P	P			

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
*	Book, stationery, video and art supply stores					P	P11	P11	P11			
*	Monuments, tombstones, and gravestones							P			P	
*	Hobby, toy, game shops					P	P	P	P			
*	Photographic and electronic shops					P	P	P	P			
*	Fabric shops					P	P	P	P			
45431	Fuel dealers										P	
*	Florist shops					P	P	P	P			P13
*	Personal medical supply stores					C		P	P			
*	Pet shops					P	P	P	P			
*	Bulk retail							P	P12			
*	Auction houses							P	P1		P	
4412	Truck and motorhome dealers (14)							C12, 30			P	
*	Auto parts yard										P20	
*	Sexually oriented businesses (15)							P11			P11	
*	Gift shops					P	P	P	P			P13

B. Development Conditions.

(1) Only as an accessory to a permitted use.

(2) Only hardware and garden materials stores shall be permitted.

(3)

(a) Limited to products produced on site;

and

(b) Covered sales areas shall not exceed a total area of 500 square feet.

(4) Excludes used building material stores and pawnshops.

(5) Limited to NAICS Industry No. 45299 – Variety stores, and further limited to a maximum of 2,000 square feet of gross floor area.

(6) Permitted in conjunction with an on-site food processing facility; otherwise permitted only in multi-tenant building and limited to a maximum of 2,000 square feet of gross floor area.

(7)

(a) The floor area devoted to retail sales shall not exceed 2,500 square feet;

(b) Sales shall be limited to agricultural produce and plants;

(c) Storage areas for produce may be included in a farm store structure or in any accessory building;

(d) Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. during the months of May through September and 7:00 a.m. to 7:00 p.m. during the months of October through April. Outside lighting is permitted; provided, no off-site glare is allowed; and

(e) Noncontiguous lands within the City of Woodinville may be assembled by an individual farmer or group of farmers for the purposes of establishing a source of local products to be sold in a farm store on one of the properties.

(8) Excluding retail sale of trucks exceeding one-ton capacity.

(9) Only the sale of new or reconditioned automobile supplies is permitted.

(10) Excluding NAICS Industry No. 72241 – Drinking places.

(11) Sexually oriented businesses shall be prohibited within:

(a) Six hundred sixty feet of the perimeter of the building or point of access in which: any other sexually oriented business is located; or

(b) Three hundred thirty feet from any Office zone or Residential zone, except the Single- Family Residential zoned areas to the west and east of the North Industrial Neighborhood Sexually Oriented Business Overlay District; or
(c) Three hundred thirty feet of any school, licensed daycare, public park, community center, public library, sports club with children's
(d) activities, or church which conducts religious or educational classes for minors.

(12) Subject to the City's adopted commercial design standards.
(13) Only as an accessory to a hospital or other medical facility.
(14) Includes wholesale and retail sale of trucks exceeding one-ton capacity.
(15) See Chapter 21.25 WMC for regulations governing a sexually oriented business. See the zoning map for regulations governing the location of sexually oriented businesses.
(16) No drive-through window restaurants, except drive-through kiosks with a footprint of less than 200 square feet that serve beverages and pre-prepared, pre-packaged food items to be consumed off site.
(17) Permitted only on sites with a High Density Residential (R-48)/Office zone designation.
(18) Except NAICS 453991 – Tobacco stores and stands, which are not permitted.
(19) Drug stores are limited to 25 percent of total office building square footage.
(20) The perimeter of all areas used for the storage of inoperable vehicles or vehicle parts must be screened with a six-foot sight-obscuring fence and a 10-foot width of Type I landscaping.
(21) Limited to culinary-related uses under the following NAICS categories:
(a) 443111 – Household appliance stores; and
(b) 44229 – Other home furnishings stores.
These uses are only permitted as part of a development that integrates residential with tourist-oriented business development on the property and is conditioned through a development agreement with the City that ensures the proposed mixed use development meets the vision and goals of the Tourist District Master Plan.
(22) Limited to a maximum of 10,000 square feet of gross floor area.
(23) Gross floor area of drug stores shall not exceed 3,500 square feet.
(24) Beverage sales limited to beer and wine.
(25) Tasting rooms are only permitted on those properties that have sufficient parking, vehicular access to the site, and pedestrian access to the business entrance as determined by the Director. Tasting rooms are required to undergo review for traffic impacts pursuant to Chapter 3.39 WMC and the infrastructure standards as adopted under Chapter 12.09 WMC. A parking study will be required to determine the number of spaces needed to meet the needs of a tasting room. All facilities shall provide or obtain: ADA compliant facilities; current State liquor license as a tasting room; direct pedestrian access from the business entrance to a public street or other public trail.
(26) Permitted as an accessory to an on-site wine, beer or spirits production facility.
(27) Not permitted in the Pedestrian Core Design District or Civic/Gateway Design District; see WMC 21.40.030.
(28) Limited to a maximum of 24,000 square feet of gross floor area in the Pedestrian Core District; see WMC 21.40.030.
(29) Limited to a maximum of 10,000 square feet of gross floor area in the Pedestrian Core Design District or Civic/Gateway Design District; see WMC 21.40.030.
(30) No outdoor storage or display. All activity associated with permitted use shall take place within an enclosed building.
(31) No direct vehicle access to a public right-of-way.
(32) Outdoor storage or display shall comply with the outdoor sales lot design standards in WMC 21.40.150. All other activity associated with permitted use shall take place within an enclosed building.
(33) Gasoline service stations shall comply with the gasoline service station design standards in WMC 21.40.160.
(34) Wholesale trade is limited to:
(a) An accessory use to another permitted retail use, and subject to the same development conditions as that retail use; or
(b) An accessory use to a use where items are items manufactured, warehoused, or assembled on-site. Retail area is limited to 10 per- cent of the gross floor area, not to exceed 3,000 square feet, regardless of gross floor area of the principal use.
(35) Not permitted in the Pedestrian Core Design District; see WMC 21.40.030.

21.21.090 Manufacturing land uses.

A. Manufacturing Land Uses

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
311	Food and kindred products							C1	C1, 3		P2	
31212 31213 31214	Winery/brewery/distillery						P	C1	C1, 3		P	
313	Textile mill products										P	
315	Apparel and other textile products							C			P	
321	Wood products, except furniture							C6			P	
337	Furniture and fixtures							C			P	
322	Paper and allied products										P	
511	Printing and publishing					P7	P7	P7	P7		P	
325	Chemicals and allied products										P	
32411	Petroleum refining and related industries										C	
3261 3262	Plastics and rubber products manufacturing										P	
326212	Tire retreading										C	
316	Leather and leather goods							C			P	
3271 – 3279	Stone, clay, glass and concrete products							P4, 9			P	
331	Primary metal industries										C	
332	Fabricated metal products										P	
333	Industrial and commercial machinery, heavy machinery and equipment										P, C	
334	Computer and office equipment, measuring and controlling instruments							C			P	
335	Electronic and other electric equipment and appliances							C			P	
336	Transportation equipment manufacturing										C	
339	Miscellaneous light manufacturing										P	

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
*	Motor vehicle and bicycle manufacturing										C	
*	Aircraft, ship and boat building										P10, C	
51211	Movie production/distribution										P	
*	Accessory use, commercial/industrial										P12, 13	

B. Development Conditions.

(1) Permitted upon the Hearing Examiner's determination that appropriate mitigation measures will be implemented sufficient to mitigate the anticipated impacts of the use. Such mitigation measures may include, but are not necessarily limited to, the following:
  (a) Odor control.
  (b) Noise control.
  (c) Operating hour limitations.
  (d) Facility size limitations.
(2) Except slaughterhouses.
(3) Production facilities are limited to a maximum of 10,000 square feet of gross floor area. When the production facility is in conjunction with a retail use, the square footage of the retail use shall not be included in this limitation.
(4) Permitted only as part of a permitted artist's studio.
(5) Reserved.
(6) Limited to uses found in NAICS Industry No. 33711 – Wood kitchen cabinets, and No. 32191 – Millwork (excluding planing mills).
(7) Limited to photocopying and printing services offered to the general public.
(8) Reserved.
(9) Only within enclosed buildings.
(10) Limited to boat building of craft not exceeding 48 feet in length and aircraft parts.
(11) Reserved.
(12) Retail activity is limited to items manufactured or assembled on site.
(13) Retail area is limited to 10 percent of the gross floor area not to exceed 3,000 square feet regardless of gross floor area of the principal manufacturing use.
(14) Food and kindred products manufacturing is permitted outright in conjunction with on-site retail sales of the products manufactured on site. Otherwise, a conditional use permit is required.
(15) Wineries, breweries and distilleries shall be permitted outright: (a) in conjunction with on-site tasting and/or retail sales of the products manufactured on site; and (b) up to the following production limits: for wineries, up to 250,000 liters per year; for breweries, up to 60,000 barrels per year; and for distilleries, up to 60,000 gallons per year. Otherwise, a conditional use permit is required.

21.21.100 Resource land uses.

A. Resource Land Uses

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
AGRICULTURAL:												
111	Growing and harvesting crops	P									P	
112	Raising livestock and small animals	P6									P	
FORESTRY:												

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
113	Growing and harvesting forest products	P									P	
541710*	Forest research									P2, 3	P	
FISH AND WILDLIFE MANAGEMENT:												
11251	Hatchery/fish preserve and aquaculture (1)	C									P	
*	Wildlife shelters	C									P	
MINERAL:												
21232	Mineral extraction											
327	Processing of minerals										P	
32412	Asphalt paving, roofing and saturated materials manufacturing										P	
RESOURCE ACCESSORY USES:												
*	Resource accessory uses										P4	

B. Development Conditions.

(1) May be further subject to the provisions of City of Woodinville Shoreline Management Program.
(2) Only forest research conducted within an enclosed building.
(3) Not permitted on sites contiguous to property designated Low Density Residential or less by the City of Woodinville adopted Comprehensive Plan. This limitation also applies to sites in unincorporated King County with equivalent designations.
(4) Excluding housing for agricultural workers.
(5) Reserved.
(6) Only allowed in the R-1 zone.

21.21.110 Regional land uses.

A. Regional Land Uses

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
*	Jail (26)										S11, 25	S11
*	Secure community transition facility (26)										S16, 25	
*	Work release facility (26)										S11, 25	
*	Public agency animal control facility										P11	S11
*	Public agency training facility (26)										S4, 11	S11
*	Hydroelectric generation facility (26)										S11	
*	Non-hydroelectric generation facility (26)									S11, 12, 15	S11, 12	
*	Major communication facility										S6c, 11	
*	Personal wireless facilities (14)	14	14	14	14	14	14	14	14	14, 15	14	14
*	Electric vehicle (EV) charging station (20)	P19, 21, 23	P19, 21, 23	P19, 21, 23	P19, 21, 23	P	P	P	P	P	P	P
*	Rapid charging station (22)	P23	P23	P23	P23	P	P	P	P	P	P	P
*	Battery exchange station										P24	
21111	Oil and gas extraction (26)									S11, 15	S11	

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
*	Energy resource recovery facility										S11	
*	Soil recycling/incineration facility										C11	
*	Landfill										S11	S8, 11
*	Transfer station										S17	
*	Wastewater treatment facility (26)										S11	S11
*	Municipal water production (26)										S11	S11
*	Airport/Heliport (26)										S11	S8, 11
*	Landing field										S11	S8, 11
*	Transit base (26)										S11	S11
*	Transit park and ride lot (26)							S11	S11, 5		S11	S11
*	School bus base (26)										S11	S8, 11
711212	Racetrack											
*	Fairground (26)										S11	S8, 11
71213 71219	Zoo/Wildlife exhibit (2) (26)											S8, 11
71131	Stadium/Arena (26)										S11	S8, 11
6113 6112	Junior college College/University (26)							S11, 27	S11, 27		S11	S11

B. Development Conditions.

(1) Except technical institutions. See vocational schools on general services land use table, WMC 21.21.050.
(2) Except arboretum. See WMC 21.21.040, recreation/cultural land use table.
(3) Except weapons armories and outdoor shooting ranges.
(4) Except outdoor shooting range.
(5) Not permitted in the Pedestrian Core District or Civic/Gateway District; see WMC 21.40.030.
(6)
  (a) Limited to one receive-only satellite parabolic antenna not exceeding one meter in diameter in a Residential zone and not exceeding two meters in diameter in all other zones.
  (b) Limited to no more than three satellite parabolic antennas not exceeding one meter in diameter in a Residential zone and not exceeding two meters in diameter in all other zones.
  (c) Limited to tower consolidations.
(7) Except racing of motorized vehicles.
(8) Only as an accessory to a permitted use or if operated by a public agency.
(9) Only as a re-use of a public school facility subject to the provisions of WMC 21.22.210 and WMC 21.22.220.
(10) Only as a re-use of surplus nonresidential facility subject to WMC 21.22.210.
(11) If use abuts an agriculturally zoned property, the following conditions apply:
  (a) Buildings and parking areas must be set back 50 feet from the property line abutting an agriculturally zoned parcel;
  (b) Fifty feet of Type II landscaping is required in the setback; and
  (c) Nonemergency access through or to the agriculturally zoned parcel is prohibited.
(12) Excluding impoundment of water using a dam.
(13) Limited to facilities that comply with the following provisions:
  (a) Any new diversion structure shall not:
    (i) Exceed a height of eight feet as measured from the streambed; or
    (ii) Impound more than three surface acres of water at the normal maximum surface level.
  (b) There shall be no active storage.
  (c) The maximum water surface area at any existing dam or diversion shall not be increased.
  (d) An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained.
  (e) Any transmission line shall be limited to a:

(i) Right-of-way of five miles or less; and
(ii) Capacity of 230 KV or less.
(f) Any new, permanent access road shall be limited to five miles or less.
(g) The facility shall be located above an anadromous fish barrier.

(14) Personal wireless service facilities shall be regulated pursuant to Chapter 21.37 WMC.
(15) Not permitted on sites contiguous to property designated Low Density Residential or less by the City of Woodinville adopted Comprehensive Plan. This limitation also applies to sites in unincorporated King County with equivalent designations.
(16) Secure community transition facilities (SCTF) shall in no case be sited adjacent to, immediately across a street or parking lot from, or within the line of sight of risk potential facilities defined in the law as schools, school bus stops, preschool facilities, daycare facilities, public parks, publicly dedicated trails, sports fields, recreational and community centers, churches, synagogues, temples, mosques or public libraries.
(17) Permitted only (i) within the North Industrial Neighborhood as illustrated by Figure 1-2 of the Woodinville Comprehensive Plan, (ii) upon approval of a special use permit, and (iii) upon the Hearing Examiner's determination that appropriate measures have been or, prior to operation of the transfer station, will be implemented sufficient to mitigate the anticipated impacts of the transfer station. Such mitigation measures may include, but are not necessarily limited to, the following:
(a) Odor control.
(b) Vector control.
(c) Waste residency durational limitations.
(d) Containment and/or covering of waste transport vehicles.
(e) Operating hour limitations. (f) Facility size limitations.
(f) Maximum weight limitations for waste transport vehicles.
(g) Noise control.
(h) Truck tip limitations.
(18) Fuel source limited to a renewable resource (i.e., solar or wind).
(19) Level 1 and Level 2 charging stations only
(20) Level 1 and Level 2 charging stations are permitted in critical aquifer recharge areas and in other critical areas when serving an existing use.
(21) Allowed only as an accessory use to a primary permitted use or permitted conditional use.
(22) The term rapid is used interchangeably with Level 3 and rapid charging.
(23) Only as an electrical vehicle charging station – restricted.
(24) The battery exchange station work or service shall only be performed in an enclosed building, and no outdoor storage of materials.
(25) Not permitted within the Tourist District Overlay; see WMC 21.26.010.
(26) Only allowed through the essential public facilities regulations; see Chapter 21.32 WMC.
(27) Limited to a maximum of 15,000 square feet of gross floor area.

Chapter 21.22
DENSITY AND DIMENSIONS

Sections:

21.22.010 Purpose.
21.22.020 Interpretation of tables.
21.22.030 Densities and dimensions – Residential zones.
21.22.040 Densities and dimensions – Public and commercial/industrial zones.
21.22.050 Measurement methods.
21.22.060 Minimum urban residential density.
21.22.070 Calculations – Allowable dwelling units or floor area.
21.22.080 Calculations – Site area used for density calculations.
21.22.090 Lot area – Prohibited reduction.
21.22.100 Lot area – Minimum lot area for construction.
21.22.110 Setbacks – Specific building or use.
21.22.120 Setbacks – Modifications.
21.22.130 Setbacks – From alley.
21.22.140 Setbacks – Adjoining half-street or designated arterial.
21.22.150 Setbacks – Projections allowed.
21.22.160 Height – Exceptions to limits.
21.22.170 Lot size averaging.
21.22.180 Lot divided by zone boundary.
21.22.190 Sight distance requirements.
21.22.200 Nonresidential land uses in residential zones.
21.22.210 Re-use of facilities – General standards.
21.22.220 Re-use of facilities – Re-establishment of closed public school facilities.

21.22.010 Purpose.

The purpose of this chapter is to establish requirements for development relative to residential density and basic dimensional standards as well as specific rules for general application. The standards and rules are established to provide flexibility in project design, provide solar access, and maintain privacy between adjacent uses. (Ord. 175 § 1, 1997)

21.22.020 Interpretation of tables.

(1) WMC 21.22.030 and 21.22.040 contain general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules, exceptions, and methodology are set forth in Chapters 21.23 through 21.27 WMC.

(2) The density and dimension tables are arranged in a matrix format on two separate tables and are delineated into two general land use categories:
   (a) Residential; and
   (b) Resource and commercial/industrial.

(3) Development standards are listed down the left side of both tables, and the zones are listed across the top. Each cell contains the minimum or maximum requirement of the zone. Numbers in parentheses identify specific requirements found in the development conditions that follow the matrix. A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable development condition as noted.

(4) Property-specific development standards may be applied to specific properties or areas containing several properties through a development agreement consistent with Chapter 36.70B RCW, and approved by the City Council.

21.22.030 Densities and dimensions – Residential zones.

A. STANDARDS	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
Minimum Density: % of Base Density (2)		75%	75%	85%	80%	75%	70%	65%
Minimum Lot Area (1)	35,000 sf	9,000 sf	6,000 sf	5,000 sf				

Minimum Lot Width (3)	100 ft/75 ft (7) (12)	60 ft	50 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Lot Width at Street (9)	100 ft/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) Except as modified by WMC 21.22.170 and WMC 21.51.080.

(2) Also see WMC 21.22.060.

(3) These standards may be modified under the provisions for zero-lot-line and townhome developments.

(4) Reserved.

(5) Applies to each individual lot. Building coverage and impervious surface area standards for:

(a) Regional uses shall be established at the time of permit review; or

(b) Nonresidential uses in Residential zones shall comply with WMC 21.22.200.

(6) Reserved.

(7) The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.

(8) At least 20 linear feet of driveway shall be provided between any garage, carport, or other fenced parking area and the street property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the street property line or pedestrian walkway, sidewalk, or easement access road(s), whichever is closest to the garage, carport or fenced parking area.

(9) 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 20 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 12 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.

(10) For townhomes or apartment development, the setback shall be the greater of:

(a) Twenty feet along any property line abutting R-4 through R-8 zones; or

(b) The average setback of the R-4 through R-8 zoned single-family detached dwelling units from the common property line separating said dwelling units from the adjacent townhome or apartment development, provided the required setback applied to said development shall not exceed 60 feet. The setback shall be measured from said property line to the closest point of each single-family detached dwelling unit, excluding projections allowed per WMC 21.22.150 and accessory structures existing at the time the townhome or apartment development receives conditional use permit approval by the City.

(c) See also landscaping requirements under WMC 21.43.060(2).

(11) On any lot over one acre in area, an additional five percent may be used for buildings related to agricultural or forestry practices.

(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.

(13) Reserved.

(14) Maximum Building Coverage Percentage.

Lot Size	Max. Percentage Allowed
<15,000 SF	35% (Permitted for R-4 zone)
15,000 to 25,000 SF	28%
25,000 to 35,000 SF	22%
Over 35,000 SF	15%

(15) Maximum Impervious Surface Percentage.

Lot Size	Max. Percentage Allowed
<15,000 SF	45% (Permitted in R-4 zone)
15,000 to 25,000 SF	37%
25,000 to 35,000 SF	28%
Over 35,000 SF	20%

(16) New mobile home parks are exempt from this requirement.
(17) If located in the Tourist District Overlay, see WMC 21.26.010.
(18) Reserved.
(19) A maximum impervious credit of up to 50 percent for the use of pervious concrete materials as a recognized engineered all-weather surface used for walkways, patios, off-street parking lots, private easement access roads and similar hard surface areas.

21.22.040 Densities and dimensions – Public and commercial/industrial zones.

A. STANDARDS	P/I	NB	TB	GB	CBD (27)	O	I
Base Density: Dwelling Unit/Acre			12 du/ac		36 du/ac	36 du/ac	
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) 35 ft (12)	45 ft (4)	45 ft (14)
Maximum Height with Incentives				51 ft (24)	51 ft (24)		
Maximum Height with Structured Parking				60 ft (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 21.12.220 and meeting the criteria contained in WMC 21.27.010(2), may use alternative development standards in WMC 21.27.010(3) as a method of calculating allowable dwelling units.
(2) Ten-foot setback may not be required on those sites abutting a designated pedestrian-oriented street pursuant to City of Woodinville Design Standards, or as may hereafter be amended.
(3) Reserved.

(4) Height is limited to 35 feet when development abuts a Low or Moderate Residential zoned property.
(5) Gas station pump islands shall be placed no closer than 25 feet to street front lines.
(6) Mixed use developments that include a minimum of 25 percent of the total area as office space may increase height limits to a maximum of 45 feet.
(7) A 20-foot Type I landscaped setback only required along property lines adjoining single-family residential zones, otherwise no specific setback requirement.
(8) Fifty-foot setback only required along property lines adjoining Residential zones for industrial uses established by conditional use permits, otherwise no specific interior setback requirement.
(9) Ten-foot setback permitted only on those sites not abutting a designated arterial street.
(10) Height limits may be increased when portions of the structure or building which exceed the base height limit provide one additional foot of street and interior setback beyond the required setback for each foot above the base height limit, provided the maximum height may not exceed 45 feet.
(11) Twenty-foot setback required only along property lines adjoining the Woodinville-Duvall Road right-of-way.
(12) Height is limited to 35 feet in the Civic Gateway Design District only when development abuts a low or moderate residentially zoned property.
(13) See WMC 21.43.060, Landscaping – Interior lot lines.
(14) If located in the Tourist District, see WMC 21.26.010.
(15) Reserved.
(16) Fifty-foot setback required along property lines abutting agriculturally zoned parcels.
(17) Does not apply to signage. For applicable sign setbacks, see Chapter 21.35 WMC.
(18) Height limit may be increased to a maximum of 45 feet when a multi-story building is designed and used entirely for either office or mixed office and retail uses.
(19) Maximum floor/lot area ratio percentage may be increased to 4/1 when a multi-story building is designed and used entirely for office or mixed office and retail uses.
(20) Height may be increased to 49 feet when authorized by a development agreement.
(21) In the design districts pursuant to WMC 21.40.030 and in the CBD zoned area west of the Sammamish River hereby designated as the Old Town District, a retail establishment in a single building may not exceed the gross square footage (GSF) in the aggregate as follows:
    (a) Little Bear Creek Corridor Design District retail GSF limit: 80,000 square feet;
    (b) Civic/Gateway Design District retail GSF limit: 25,000 square feet;
    (c) Pedestrian Core Design District retail GSF limit: 30,000 square feet;
    (d) East Frame Design District retail GSF limit: 150,000 square feet;
    (e) Transition Area Design District retail GSF limit: 75,000 square feet;
    (f) Old Town District retail GSF limit: 35,000 square feet.

    "Gross square footage (GSF)" is measured according to WMC 21.11.090. "Retail establishment" means a business engaged in the selling of goods or merchandise from a fixed location for direct purchase by the consumer, including services incidental to the sale of such goods. The GSF of abutting retail establishments shall be aggregated in cases where the establishments: (i) are engaged in the selling of similar or related goods, wares, or merchandise and operate under common ownership or management; or (ii) share checkout stands, a warehouse, or a distribution facility; or (iii) otherwise operate as associated, integrated or cooperative business enterprises.
(22) Building elevation fronting a street shall step back a minimum of 10 feet after the first 30 feet of building height. "Street" does not include SR 522.
(23) Building elevation fronting a street shall step back a minimum of 10 feet after the first 28 feet of building height or other building modulations as approved through design review approval pursuant to Chapter 21.40 WMC.
(24) A maximum height of 51 feet with no more than four floors may be obtained through the provision of City-approved public open space and at least two or more City-approved incentives intended to mitigate the impacts of taller buildings and/or provide a public benefit pursuant to WMC 21.40.330(2)(c).
(25) Developments that provide structured parking for all required on-site parking may exceed the height limit by one story for every level of parking provided, to a maximum of 57 feet, with no more than five floors, in the CBD zone and 60 feet, with no more than five floors, in the GB zone. Developments that provide said parking and five floors shall also include City-approved public open space and at least two or more City-approved

incentives, intended to mitigate the impacts of taller buildings and/or provide a public benefit pursuant to WMC 21.40.330(2)(c).

(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 provides 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:

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

(27) For all new residential development within the CBD zone, individual unit clothes washer and dryer hook ups, fireplaces, and storage spaces are required for each new residential unit.

21.22.050 Measurement methods.

The following provisions shall be used to determine compliance with this title:

(1) Street setbacks shall be measured as follows:
   (a) Where existing or planned street and sidewalk improvements are both located on a public right-of-way, the street setback shall extend perpendicularly from the lot line;
   (b) Where existing or planned street improvements are located on a public right-of-way and the City has obtained a public access easement for placement of existing or planned sidewalk improvements, the street setback shall extend perpendicularly from the lot line and may overlap the public easement;
   (c) Where the existing street improvements are on private property and consist of a separate tract, the street setback shall extend perpendicularly from the lot line; and
   (d) Where the existing street improvements are located over a private access easement, the street setback shall extend perpendicularly from the edge of the easement closest to the structure;

(2) Lot widths shall be measured by scaling a circle of the applicable diameter within the boundaries of the lot; provided, that an access easement shall not be included within the circle;

(3) Building height shall be measured from the average finished grade measured six feet away from the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof. The average finished grade shall be determined by first delineating the smallest square or rectangle which can enclose the building and then averaging the elevations taken at the midpoint of each side of the square or rectangle; provided, that the measured elevations do not include berms;

(4) Lot area shall be the total horizontal land area contained within the boundaries of a lot;

(5) Impervious surface calculations shall not include areas of turf, landscaping, natural vegetation, five-foot (or less) wide pedestrian walkways, or surface water retention/detention facilities; and

(6) The square footage of buildings and other structures shall be measured from the outside walls and shall include all spaces in between said walls.

21.22.060 Minimum urban residential density.

Minimum density for residential development in the urban areas designated by the Comprehensive Plan shall be based on the tables in WMC 21.22.030, adjusted as provided for in WMC 21.22.070 and 21.22.080.

(1) A proposal may be phased, when compliance with the minimum density requirement results in noncompliance with the standards of Chapter 21.81 WMC; provided the overall density of the proposal is consistent with this section.

(2) Minimum density requirements may be waived by City of Woodinville if the applicant demonstrates one or more of the following:

(a) The proposed layout of the lots in a subdivision or the buildings in a multiple dwelling development will not preclude future residential development consistent with the minimum density of the zone.
(b) The non-sensitive area of the parcel is of a size or configuration that results in lots which cannot meet the minimum dimensional requirements of the zone.
(c) In the R-12 through R-48 zones, the area of the parcel required to accommodate storm water facilities exceeds 10 percent of the area of the site. (d) The site contains a national, State or County historic landmark.

(3) The minimum density requirements of WMC 21.22.030 shall be adjusted for the proportion of sensitive areas on the site, as follows:

Percentage of Site in Sensitive Area and/or Buffer	Percentage Minimum Density
1 – 20%	90%
21 – 40%	80%
41 – 60%	60%
61 – 80%	40%
81 – 99%	20%

21.22.070 Calculations – Allowable dwelling units or floor area.

Permitted number of units or floor area shall be determined as follows:

(1) Unless subject to WMC 21.22.040(B)(1), the maximum allowed number of dwelling units shall be computed by multiplying the site area (in acres) by the applicable residential density, subject to WMC 21.22.080;
(2) The allowed floor area which excludes structured or underground parking areas and mechanical equipment shall be computed by multiplying the project site area by the applicable floor/lot area ratio (FAR); and
(3) When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
(a) Fractions of 0.50 or above shall be rounded up; and
(b) Fractions below 0.50 shall be rounded down.

21.22.080 Calculations – Site area used for density calculations.

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.

21.22.090 Lot area – Prohibited reduction.

Any portion of a lot that was required to calculate and ensure compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot.

21.22.100 Lot area – Minimum lot area for construction.

Except as provided for non-conformances by Chapter 21.34 WMC, in the R zones no construction shall be permitted on a lot that contains an area of less than 2,500 square feet or that does not comply with the applicable minimum lot width, except for townhome developments or zero lot line subdivisions.

21.22.110 Setbacks – Specific building or use.

When a building or use is required to maintain a specific setback from a property line or other building, such setback shall apply only to the specified building or use.

21.22.120 Setbacks – Modifications.

The following setback modifications are permitted:

(1) When the common property line of two lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property line; and
(2) When a lot is located between lots having nonconforming street setbacks, the required street setback for such lot may be the average of the two nonconforming setbacks or 60 percent of the required street setback, whichever results in the greater street setback.

21.22.130 Setbacks – From alley.

(1) Structures may be built to the property line abutting an alley, except as provided in subsection (2) of this section.
(2) Vehicle access points from garages, carports or fenced parking areas shall be set back from the alley property line to provide a straight line length of at least 26 feet from the access point to the opposite edge of the alley. No portion of the garage or the door in motion may cross the property line.

21.22.140 Setbacks – Adjoining half-street or designated arterial.

In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.

21.22.150 Setbacks – Projections allowed.

Projections may extend into required setbacks as follows:
(1) Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into any setback; provided such projections are:
  (a) Limited to two per facade,
  (b) Not wider than 10 feet, and
  (c) Not more than 24 inches into an interior setback or 30 inches into a street setback;
(2) Porches and decks which exceed 18 inches above the finished grade may project:
  (a) Eighteen inches into interior setbacks, and
  (b) Five feet into the street setback;
(3) Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the property line;
(4) Eaves may not project more than:
  (a) Eighteen inches into an interior setback, (b) Twenty-four inches into a street setback,
  or
  (b) Eighteen inches across a lot line in a zero lot line development; and
(5) Fences with a height of six feet or less may project into any setback; provided, that the sight distance requirements of WMC 21.22.190 are maintained.

21.22.160 Height – Exceptions to limits.

The following structures may be erected above the height limits of WMC 21.22.030 through 21.22.050.
(1) Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and
(2) Fire or parapet walls, skylights (not cupolas), chimneys, smoke stacks, church steeples, major or minor communication facility transmission structures, and street poles.
(3) For structures with pitched roofs, portions of the space created by the slope of the roof and not providing for human habitation shall not be included in the calculations for determining the maximum allowed height of the structure; provided, that the highest point of any such pitched roof shall not exceed the base height otherwise permissible in the underlying zone by more than 20 percent or 10 feet, whichever is greater; provided further, that the pitch of any such roof shall not be greater than a six-foot rise in a 12-foot run, unless a greater pitch is approved through the design review process.

21.22.170 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 21.22.030 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 21.22.100 shall also apply.
(5) All other dimensional requirements of this code 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.

21.22.180 Lot divided by zone boundary.

When a lot is divided by a zone boundary, the following rules shall apply:

(1) When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;

(2) When a lot contains Residential zones of varying density, any residential density transfer within the lot shall only be allowed from the portion with the lesser residential density to that of the greater residential density; and

(3) Uses on each portion of the lot shall only be those permitted in each zone pursuant to Chapter 21.21 WMC.

21.22.190 Sight distance requirements.

Except for utility poles, trunks of approved street trees, and traffic control signs, the following sight distance provisions shall apply to all intersections, roadways, and site access points:

(1) A sight distance triangle area as determined by subsection (2) of this section shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 42 inches and eight feet above the existing street grade.

(2) The sight distance triangle at:

  (a) A street intersection shall be determined by measuring 15 feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle; or

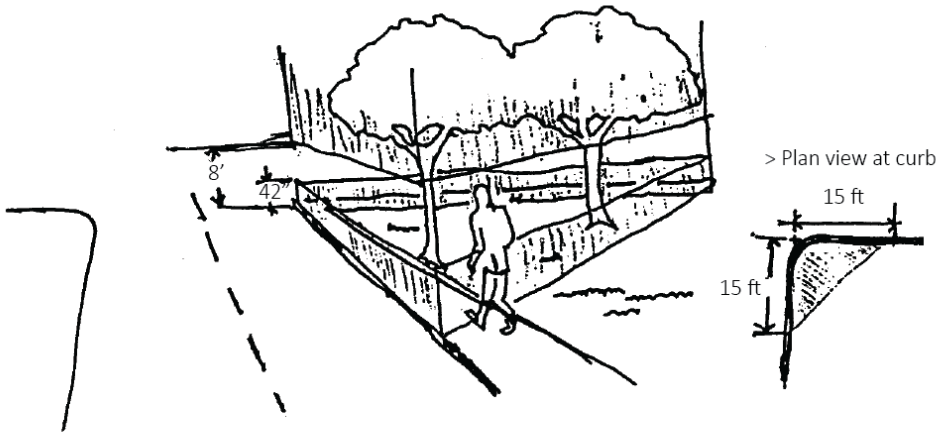
  (b) A site access point shall be determined by measuring 15 feet along the street lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle.

(3) The Development Services Director may require modification or removal of structures, landscaping or other objects located in required street setbacks, if:

  (a) Such improvements prevent adequate sight distance to drivers entering or leaving a drive- way and no reasonable driveway relocation alternative for an adjoining lot is feasible; or

  (b) Clear lines of sight are obstructed by such structures, landscaping, or objects as to pose a potential public safety hazard as determined by the Development Services Director.

(4) Any access or roadway where additional vehicle trips are expected to utilize that access or roadway as a result of a new or modified development shall conform to “A Policy on Geometric Design of Highways and Streets,” 1994 Edition (or latest edition as may be amended hereafter) by the American Association of State Highway and Transportation Officials. Exceptions to this rule may be granted by the Public Works Director.



NOTE: The area of a sight distance triangle between 42 inches and eight feet above the existing street grade shall remain open.

21.22.200 Nonresidential land uses in Residential zones.

Except for utility facilities and uses listed in WMC 21.21.110, all nonresidential uses located in the R zones shall be subject to the following requirements:

(1) Building coverage shall not exceed:
  (a) Fifty percent of the site in the R-1 through R-8 zones.
  (b) Sixty percent of the site in the R-12 through R-48 zones.

(2) Impervious surface coverage shall not exceed:
  (a) Seventy percent of the site in the R-1 through R-8 zones.
  (b) Eighty percent of the site in the R-12 through R-48 zones.

(3) Buildings and structures, except fences and wire or mesh backstops, shall not be closer than 30 feet to any property line, except as provided in subsection (4) of this section.

(4) Single detached dwelling allowed as accessory to a church or school shall conform to the setback requirements of the zone.

(5) Parking areas are permitted within the required setback area from property lines; provided such parking areas are located outside of the required landscape area.

(6) Sites shall abut or be accessible from at least one public street functioning at a level consistent with City of Woodinville street design standards. New high school sites shall abut or be accessible from a public street functioning as an arterial per the City of Woodinville design standards.

(7) The base height shall conform to height limitation of the zone in which the use is located.

21.22.210 Re-use of facilities – General standards.

The interim or permanent re-use of surplus nonresidential facilities in Residential zoned areas shall require that no more than 50 percent of the original floor area may be demolished for either permanent or interim re-use of facilities.

21.22.220 Re-use of facilities – Re-establishment of closed public school facilities.

The re-establishment or reconversion of an interim nonschool use of school facilities back to school uses shall require a site plan and the issuance of a change of use permit.

Chapter 21.23
OFFICE/RESEARCH PARK DEVELOPMENT OVERLAY

Sections

21.23.010 Special district overlay – Office/Research Park Development.

21.23.010 Special district overlay – Office/Research Park Development.

(1) The purpose of the office/research park special district overlay is to establish an area for development to occur in a campus setting with integrated building designs, flexible grouping of commercial and industrial uses, generous landscaping and buffering treatment, and coordinated auto and pedestrian circulation plans. Office/research park districts shall only be established in areas zoned GB, O, or I zones. Permitted uses shall include all uses permitted in the GB, O, and I zones, as set forth in Chapter 21.21 WMC, regardless of the classification used as the underlying zone on a particular parcel of land.

(2) The following development standards shall apply to uses locating in office/research park overlay districts:

(a) All uses shall be conducted inside an entirely enclosed building, except that outdoor storage and loading areas may be permitted if screened from public view with Type I landscaping;

(b) An internal circulation plan shall be developed to facilitate pedestrian and vehicular traffic flow between major project phases and individual developments;

(c) The standards set forth in this section shall be applied to the development as a unified site, notwithstanding any division of the development site under a binding site plan or subdivision;

(d) All buildings shall maintain a 50-foot setback from perimeter streets and from Residential zoned areas;

(e) The total permitted impervious lot coverage shall be 80 percent. The remaining 20 percent shall be devoted to open space. Open space may include all required landscaping, and any unbuildable environmentally sensitive areas and their associated buffers;

(f) The landscaping standards set forth in Chapter 21.43 WMC are modified as follows:

(i) Twenty-foot-wide Type II landscaping shall be provided along exterior streets, and 20-foot-wide Type III landscaping shall be provided along interior streets;

(ii) Twenty-foot-wide Type I landscaping shall be provided along property lines adjacent to Residential zoned areas;

(iii) Fifteen-foot-wide Type II landscaping shall be provided along lines adjacent to Nonresidential zoned areas; and

(iv) Type IV landscaping shall be provided within all surface parking lots as follows:

(g) Fifteen percent of the parking area, excluding required perimeter landscaping, shall be landscaped in parking lots with more than 30 parking stalls;

(h) At least one tree for every four parking stalls shall be provided, to be reasonably distributed throughout the parking lot; and

(i) No parking stall shall be more than 40 feet from some landscaping;

(i) An inventory of existing site vegetation shall be conducted pursuant to the procedures set forth in Chapter 21.50 WMC. Significant trees identified in the inventory shall be retained as set forth in Chapter 21.50 WMC for commercial and industrial developments; and

(ii) An overall landscaping plan which conforms to the requirements of this subsection shall be submitted for the entire district or each major development phase prior to the issuance of any site development, grading, or building permits;

(j) Lighting within an office/industrial park shall shield the light source from the direct view of surrounding residential areas;

(k) Refuse collection/recycling areas and loading or delivery areas shall be located at least 100 feet from residential areas and screened with a solid view-obscuring barrier;

(l) Off-street parking standards as set forth in Chapter 21.44 WMC are modified as follows:

(m) One space for every 300 square feet of floor area shall be provided for all uses, except on-site daycare, exercise facilities, eating areas for employees, archive space for tenants, and retail/service uses;

(3) (ii) Parking for on-site daycare, exercise facilities, eating areas for employees, archive space for tenants, and retail/service uses shall be no less than one space for every 1,000 square feet of floor area and no greater than one space for every 500 square feet of floor area; and

(4) (iii) At least 25 percent of required parking is encouraged to locate in a parking structure; and

(a) Sign standards as set forth in Chapter 21.35 WMC are modified as follows:

(i) Signs visible from the exterior of the park shall be limited to one monument office/research park identification sign at each entrance. Such signs shall not exceed an area of 64 square feet per sign;
(ii) No pole signs shall be permitted; and
(iii) All other signs shall be visible only from within the park.

Chapter 21.24
PEDESTRIAN-ORIENTED COMMERCIAL OVERLAY

Sections:

21.24.010 Special district overlay – Pedestrian-Oriented Commercial Development.

21.24.010 Special district overlay – Pedestrian-Oriented Commercial Development.

(1) Purpose. The purpose of the Pedestrian-Oriented Mixed Use Development Special District Overlay is to provide for high-density, pedestrian- oriented housing/retail/employment uses. This overlay is also intended to promote development that:
   (a) Provides adequate protection of environmental resources;
   (b) Provides adequate private and public infrastructure, including but not limited to park and open space, transportation and parking facilities;
   (c) Makes efficient use of land;
   (d) Meets minimum requirements for development parcel size and type of development; and
   (e) Is consistent with Comprehensive Plan goals for this district. This special district overlay shall only be utilized in areas zoned CBD.

(2) Findings. The City finds that the downtown area is an appropriate location for development that has a higher intensity than permitted under standard regulations; provided, that the development is adequately served by necessary infrastructure, provides adequate mitigations or public benefits, and is planned, designed and constructed in a manner that is consistent with the City's Comprehensive Plan vision for a compact, attractive, functional and pedestrian-oriented downtown area. The City finds that higher development intensities may create greater impacts. Developments involving greater intensity must provide an increased level of mitigation and public benefit commensurate with their increased community impact. By allowing greater development intensity subject to increased mitigation and public benefits, the City desires to form productive partnerships that will further the City's adopted goals, objectives and policies. The City finds that partnerships involving larger developments on larger parcels will most likely have a greater opportunity for accomplishing the City's vision for downtown. The City finds that these partnerships will likely benefit the City and enhance the economic vitality of the Woodinville community in numerous ways, including, but not limited to, the following:
   (a) Significantly increasing sales tax revenues and other revenues to the City;
   (b) Increasing real property tax revenues;
   (c) Increasing the City's employment base;
   (d) Generating substantial business and sales taxes from construction required for developments;
   (e) Increasing the City's access to goods and services;
   (f) Redirecting the public's retail expenditures to business located within the City limits;
   (g) Providing amenities for public enjoyment such as trails, open public spaces and plaza areas;
   (h) Creating attractive and unique condominium communities;
   (i) Helping the City to accommodate its GMA residential and employment growth targets where adequate infrastructure exists, or can be provided concurrent with development;
   (j) Helping to preserve and enhance the natural environment through directing growth and development to areas where environmental impacts can be adequately mitigated;
   (k) Helping to provide solutions to problems or amenities that have community-wide benefits;
   (l) Enhancing the vehicular and non-motorized transportation circulation in the City's down- town area; and
   (m) Providing for development in the down-town area consistent with the City's Downtown and Little Bear Creek Corridor Master Plan.

(3) Development involving higher intensity than permitted under standard regulations may be authorized only through the use of a development agreement with the City. Pursuant to RCW 36.70B.170 and the provisions of this chapter, any such development agreement shall include development standards, which may include but are not necessarily limited to the following:
   (a) Project elements such as permitted uses, applicable residential and nonresidential densities, intensities, and/or building sizes;
   (b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

(c) Mitigation measures, development conditions, and other requirements pursuant to applicable City and State regulations;
(d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and similar development features;
(e) Affordable housing;
(f) Parks and open space preservation;
(g) Phasing;
(h) Review procedures and standards for implementing decisions;
(i) A build-out or vesting period for applicable standards; and
(j) Any other appropriate development requirement or procedure.

(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) Non-motorized transportation improvements within the adopted Non-motorized 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) Repealed by Ord. 532.
(f) Other mitigation projects that the City finds will provide mitigation and/or public benefits commensurate with any development with higher intensity than permitted under standard regulations.

(5) Criteria for Use of Development Agreements. For the purposes of this section, development that contemplates approval of higher development intensity through the voluntary use of a development agreement between the City and developer is reserved for developments that are determined by the Development Services Director (Director) to meet the following criteria:
(a) The development, whether single-story or multistory, combines two or more distinct land use categories that are consistent with the City's Comprehensive Plan.

(6) Development Potential. Except as otherwise provided herein, all development in the Pedestrian- Oriented Commercial Overlay zone shall comply with all applicable City regulations. Developments that are determined by the Director to meet the criteria as shown in subsection (5) of this section and that enter into a voluntary development agreement with the City and that provide mitigations or public benefits that exceed those required under standard regulations may receive additional development potential or incentives, as part of an approved development agreement that specifies the mitigation or public benefit and the City-provided development incentive. These development incentives may include but are not limited to the following:
(a) City cooperation in timing the construction of public infrastructure, including but not limited to streets designated on the City's official Street Map, that will in part serve and facilitate the proposed development.
(b) Potential increased structure height limit, up to a maximum of 150 percent (52.5 feet) of the standard limit of 35 feet, as specified in WMC 21.22.040.
(c) Potential increased residential density, up to a maximum of 150 percent (54 du/ac) of the standard limit of 36 du/ac, as specified in WMC 21.22.040, or use a floor area ratio (FAR) of not more than two and one-half.
(d) Other alternative standards, as determined through a development agreement, consistent with the provisions of Chapter 21.82 WMC.

(7) Permitted Uses. Permitted uses in the CBD zone shall be those uses permitted in the underlying zone, excluding the following:
(a) Motor vehicle, boat and mobile home dealer;
(b) Gasoline service station;
(c) Drive-through retail and service uses;
(d) Car washes;
(e) Retail and service uses with outside storage, e.g., lumber yards, miscellaneous equipment rental or machinery sales;
(f) Wholesale uses;

(g) Recreation/cultural uses as set forth in WMC 21.21.040, except parks, sports clubs, theaters, libraries and museums;
(h) NAICS Major Group 811111 (automotive repair, services and parking) except 812930 (automobile parking, but excluding tow-in parking lots);
(i) NAICS Major Group 811 (miscellaneous repair services), except 811490 (watch, clock and jewelry repair);
(j) NAICS Major Group 51211 (motion pictures), except 512131 (theater) and 53223 (video tape rental);
(k) NAICS Major Group 621 (health services), except offices and outpatient clinics (6211 through 6213);
(l) NAICS Industry Group 484 (trucking and courier service);
(m) Public agency archives;
(n) Self-service storage;
(o) Manufacturing land uses as set forth in WMC 21.21.090, except 323 (commercial printing);
(p) Resource land uses as set forth in WMC 21.21.100;
(q) Kennel or cattery;
(r) Bulk retail (over 50,000 square feet gross floor area);
(s) Veterinary clinic;
(t) Cemetery;
(u) Columbarium;
(v) Research development and testing;
(w) Public agency utility yard;
(x) Construction and trade;
(y) Miscellaneous equipment rental;
(z) Regional land uses set forth in WMC 21.21.110, except for personal wireless facilities, transit park and ride lot, and college or university.

(8) Development Standards. The following development standards shall apply to uses locating in pedestrian-oriented mixed use commercial overlay district:
(a) Every use shall be subject to applicable provisions of the City's adopted commercial design standards, and other applicable provisions of the WMC.

Chapter 21.25
SEXUALLY ORIENTED BUSINESS OVERLAY

Sections:

21.25.010 Purpose and intent.
21.25.020 Findings of fact.
21.25.030 Definitions.
21.25.040 Prohibition.
21.25.050 Regulated uses. 21.25.060 Permit required.
21.25.070 Investigation and application.
21.25.080 Issuance of permit.
21.25.090 Licenses required for sexually oriented businesses – Fees.
21.25.100 Licenses for managers, entertainers, escorts, or nude or semi-nude models – Fee.
21.25.110 Temporary licenses for managers and entertainers.
21.25.120 Due date for license fees.
21.25.130 Manager on premises.
21.25.140 License nontransferable.
21.25.150 License – Posting and display.
21.25.160 Specifications – Adult cabarets and adult theaters.
21.25.170 Standards of conduct and operation applicable to adult cabarets.
21.25.180 Regulations.
21.25.190 Regulations applicable to video stores not qualifying as sexually oriented businesses.
21.25.200 Exemptions.
21.25.210 License – Name of business and place of business.
21.25.220 Inspections.
21.25.230 Hours of operation.
21.25.240 Alcohol prohibited.
21.25.250 Recordkeeping requirements.
21.25.260 Denial, suspension or revocation of license or permit – Procedures – Appeal.
21.25.270 Suspension or revocation of license/permit – Duration.
21.25.280 Applicability to currently operating businesses.
21.25.290 Limitations of liability.
21.25.300 Penalties for violation.
21.25.310 Public nuisance – Injunctions.

21.25.010 Purpose and intent.

It is the purpose of this chapter to regulate sexually oriented businesses and related activities, including the activities of sexually oriented business patrons, in order to promote health, safety, morals, and general welfare of the citizens of the City of Woodinville, and to establish reasonable and uniform regulations to prevent the deleterious location of sexually oriented businesses within the City. It is not the intent of the City that it should be the purpose or effect of this chapter to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the City that it should be the effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the State or Federal Constitutions, or to deny access by the distributors and exhibitors of sexually oriented material to their intended market. Neither is it the intent of the City that it should be the purpose or effect of this chapter to condone or legitimize the distribution of obscene materials.

21.25.020 Findings of fact.

Based upon a wide range of evidence presented to the Woodinville City Council and to other jurisdictions, including but not limited to the testimony of law enforcement officers and members of public, and on other evidence, information, publications, articles, studies, documents, case law and material submitted to and reviewed and considered by the City Council and staff, the councils of other cities within the region and in other jurisdictions, nonprofit organizations and other legislative bodies, the City Council makes the following findings:

(1) Certain conduct occurring on premises offering sexually oriented business creates secondary impacts that are detrimental to the public health, safety and general welfare of the citizens of the City, and therefore such conduct must be regulated as provided herein.
(2) Regulation of the sexually oriented business industry through permitting and/or licensing is necessary because, in the absence of such regulation, significant criminal activity has historically and regularly occurred.
(3) It is necessary to license entertainers in the sexually oriented industry to prevent the exploitation of minors; to ensure that each such entertainer is an adult; and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.
(4) The evidence supporting the need to protect minors and families from the criminal and other unlawful activities associated with the operation of sexually oriented businesses is compelling. The provisions of this chapter are necessary to ensure that sexually oriented uses in Woodinville are conducted a reasonable distance away from places where minors regularly gather, often in large numbers.
(5) It is necessary to have a licensed manager on the premises of sexually oriented businesses at such times as such establishments are offering sexually oriented business so there will, at all necessary times, be an individual responsible for the overall operation of the establishment, including the actions of patrons, entertainers and other employees.
(6) The license fees required herein are nominal fees imposed as necessary cost recoupment measures designed to help defray the substantial expenses incurred by the City in regulating the sexually oriented businesses, and in increased police costs in enforcement.
(7) Businesses providing sexually oriented businesses are increasingly associated with ongoing prostitution, disruptive conduct and other criminal activity. Such businesses are currently not subject to effective regulation and constitute an immediate threat to the public peace, health and safety. The hours of operation of such businesses have a significant impact on the occurrence of illegal drug transactions, and other criminal activities.
(8) Due to the information presented regarding the connection of prostitution with sexually oriented businesses, there is concern over sexually transmitted diseases which is a legitimate health concern of the City and thus requires regulation of sexually oriented businesses in order to protect the health, safety and well-being of the public.
(9) Many cities, including Seattle and Tacoma, have experienced negative secondary impacts from sexually oriented business land uses. The skid row effect is one of these secondary impacts and is evident in certain parts of Seattle. Such an effect would be significantly magnified in Woodinville due to the difference in size and characteristics of the City.
(10) The City of Woodinville may rely on the experiences and studies of other cities, counties and organizations in assessing the need for regulation of sexually oriented business use, operations and licensing.
(11) The City takes notice of studies and experiences of other cities and counties in combating the specific adverse impacts of sexually oriented businesses.
(12) Regulation of sexually oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than in response to an existing problem.
(13) Increased levels of criminal activities occur in the vicinity of sexually oriented businesses. Additionally, hidden ownership interests for the purpose of skimming profits, avoiding payment of taxes, and racketeering have historically occurred in sexually oriented businesses, in the absence of regulations.
(14) The City Council therefore finds that the protection and the preservation of the public health, safety and welfare requires establishment of this chapter.
(15) There are sufficient important and substantial government interests to provide a constitutional basis for reasonable regulation of time, place, and manner under which sexually oriented businesses can operate.
(16) It is not the intent of this chapter to unconstitutionally suppress any speech activities protected by the First Amendment of the United States Constitution or Article I, Section 5 of the Washington State Constitution but to enact content neutral chapters which address the secondary effects of sexually oriented businesses, as well as the health problems associated with such businesses.
(17) In a family community, sexually oriented businesses are not uniformly compatible with community standards, as defined during the numerous public hearings.
(18) The law enforcement resources available for responding to problems associated with or created by sexually oriented businesses are limited and are best conserved by regulating and licensing sexually oriented businesses and those associated with them.

(19) In order to assure that all conditions, regulations, etc. are met, the City has established a reasonable time period for review of license applications.

21.25.030 Definitions.

For the purposes of this chapter, certain terms and words are defined as follows:

(1) "Sexually oriented business" shall mean those businesses defined as follows:

(a) "Adult arcade" shall mean an establishment containing any individual viewing areas or booths, where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines are used to show films, motion pictures, video cassettes, slides, or other photographic reproduction of specified sexual activities or specified anatomical areas.

(b) "Adult bookstore", "adult novelty store", or "adult video store" shall mean a commercial establishment which has 30 percent or more of its inventory or floor space used for the sale or rental, for any form of consideration, any one or more of the following:

(i) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations or sexually oriented paraphernalia or novelty items, which are characterized by the depiction, description or reproduction of specified sexual activities or specified anatomical areas; or

(ii) An establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting, describing or reproducing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as 30 percent or more of its inventory or floor space is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

(iii) Video stores that sell and/or rent video tapes or other photographic reproductions and associated equipment shall come within this definition if 30 percent or more of the inventory or floor space includes the rental or sale of video tapes or other photographic reproductions or associated equipment which are characterized by the depiction, description or reproduction of specified sexual activities or specified anatomical areas.

(c) "Adult cabaret" shall mean a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which features:

(i) Persons who appear semi-nude or nude; or

(ii) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(d) "Adult motel" means a hotel, motel, or similar commercial establishment which:

(i) Offers sleeping accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(ii) Offers a sleeping room for rent for a rental fee period of time that is less than 20 hours; or

(iii) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 20 hours.

(e) "Adult motion picture theater" shall mean a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of specified anatomical areas or specified sexual activities are shown for any form of consideration.

(f) "Adult theater" shall mean a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, features persons who appear live in a semi-nude or nude state, or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.

(g) "Escort agency" means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as its business purpose for a fee, tip, or other consideration. This shall not include any escort service offered by a charity or nonprofit organization for medical assistance or assistance to the elderly or infirm.

(h) "Nude or semi-nude model studio" shall mean any place where a person, who appears nude or semi-nude, or displays specified anatomical areas, is provided for money or any other form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

(2) "Barker" shall mean any person who is located at the entrance of or outside of a sexually oriented business, and attempts to solicit business for the same by using voice, or gestures.

(3) "City" means the City of Woodinville, Washington.

(4) "Director" means the City Clerk, or designee.

(5) "Employee" means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of any sexually oriented business of live entertainment, adult theater, or adult use establishments, whether or not such person is paid compensation by the operator of said business.

(6) "Entertainer" means any person who provides sexually oriented live entertainment in an adult cabaret or adult theater, whether or not they are an employee of the business and whether or not a fee is charged or accepted for such entertainment, and whether or not nude, semi-nude or clothed.

(7) "Manager" means any person who manages, directs, administers, or is in charge of, the affairs and/or the conduct of a sexually oriented business.

(8) "Escort" means a person who provides services for an escort service as defined herein, who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(9) "Establishment" shall mean and include any of the following:

(a) The opening or commencement of any sexually oriented business as a new business; or

(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented businesses defined herein; or

(c) The addition of any of the sexually oriented businesses defined herein to any other existing sexually oriented business; or

(d) The relocation of any such sexually oriented business; or

(e) An existing sexually oriented business.

(10) "Nude or state of nudity" shall mean the appearance or less than complete and opaque covering of the human anus, male genitals, female genitals, or the areola or nipple of the female breast.

(11) "Operator" shall mean and include the owner, significant stockholder or significant owner of interest, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed premises.

(12) "Permitted and/or licensed premises" shall mean any premises that requires a license and/or permit and that is classified as a sexually oriented business.

(13) "Permittee and/or licensee" shall mean a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

(14) "Person" shall mean any individual, firm, joint venture, co-partnership, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver or any other group or combination acting as a unit.

(15) "Semi-nude" shall mean a state of dress in which clothing completely and opaquely covers no more than the genitals, pubic region, and areola and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

(16) "Specified anatomical areas" shall mean and include any of the following:

(a) Less than completely and opaquely covered human genitals, pubic region, anus, or areola of the female breasts or any artificial depiction of the same; or

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(17) "Specified criminal activities" shall mean any conviction for acts which are sexual crimes against children, sexual abuse, rape, or distribution of obscenity or erotic material to minors, prostitution, pandering, or racketeering.

(18) "Specified sexual activity" shall mean and include any of the following:

(a) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or

(c) Masturbation, actual or simulated; or

(d) Human genitals or artificial depictions of the same in a state of sexual stimulation, arousal or tumescence; or
(e) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (a) through (d) of this subsection.

(19) "Sexually oriented live entertainment" means a live performance which is characterized by the performer's exposure of specified anatomical areas or performance or specified sexual activities.

(20) "Obscenity" shall mean the definition of lewd material provided by RCW 7.48.050, including any matter:
(a) Which the average person applying contemporary community standards would find when considered as a whole, appeals to the prurient interests in sex; or
(b) Which explicitly depicts or describes patently offensive representations or descriptions of:
(i) Ultimate sexual acts, normal or perverted, actual or simulated; or
(ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions or lewd exhibitions of the genital or genital areas; or
(iii) Violent or destructive sexual acts, including, but not limited to, human and or animal mutilation, dismemberment, rape and or torture; or
(iv) Has a dominant theme which appeals to the prurient interests of minors and sex; which is patently offensive because it affronts contemporary community standards relating the description of representation of sexual matters or sadomasochistic abuse; and
(c) Which when considered as a whole lacks serious, literary, artistic, political or scientific value.

(21) "Transfer of ownership or control" of a sexually oriented business shall mean and include any of the following:
(a) The sale, lease, or sublease of the business; or
(b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
(c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

21.25.040 Prohibition.

For the reasons stated in the recitals to the ordinance codified in this chapter and WMC 21.25.010, a person shall not use any property or premises for a sexually oriented business within the City of Woodinville, except as permitted in this chapter and WMC 21.21.080(B).

21.25.050 Regulated uses.

All sexually oriented businesses are subject to the provisions of WMC 21.25.040 and the regulations contained in this chapter.

21.25.060 Permit required.

(1) No sexually oriented business shall be permitted to operate without a valid sexually oriented business permit, issued by the City for the particular type of business. It shall be unlawful and a person commits a misdemeanor if he/she operates, knowingly allows or causes to be operated a sexually oriented business without said permit.

(2) The City Clerk, or his/her designee, is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually oriented business permits and related licenses. The Building Official and City Planner or his/her designee are responsible for ascertaining whether a proposed sexually oriented business for which a permit and/or license is being applied for complies with all requirements enumerated herein and all other applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of this chapter.

(3) An application for a sexually oriented business permit shall be made on a form provided by the City. Each person desiring to operate a sexually oriented business shall file with the City Clerk an application supplied by the City.

(4) An application shall be deemed complete upon receipt of all the information and documents requested by this section. Where necessary to determine compliance with this chapter, the City Clerk may request information or clarification in addition to that provided in a complete application. The completed application shall contain the following information and shall be accompanied by the following documents:

(a) If the applicant is:
   (i) An individual/sole proprietor, the individual/owner shall state his/her legal name and any aliases, stage names, or previous names, date of birth, social security number and submit satisfactory proof that he/she is 18 years of age or older.
   (ii) A partnership, the partnership shall state its complete name, and the legal names of all partners, including their dates of birth, social security numbers, and submit satisfactory proof that each is 18 years of age and whether the partnership is general or limited, and a copy of the partnership agreement, if any.
   (iii) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of the State of Washington, the legal names, dates of birth, social security numbers, proof that each is 18 years of age or older and the capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, and the address of the registered office for service of process.
   (iv) As a part of the application process, each officer, director, or principal stockholder, as defined above, shall provide the City Clerk with an affidavit attesting to their identity and relationship to the corporation. Principal stockholder shall mean those persons who own 10 percent or greater interest in the sexually oriented business.

(b) Whether the applicant or any other individuals listed pursuant to subsections (4)(a)(i), (ii) and (iii) of this section within a four-year period immediately preceding the date of the application has been convicted of a specified criminal activity and, if so, the specified criminal act involved, the date of conviction and the place of conviction.

(c) Whether the applicant or any of the other individuals listed pursuant to this section has, within the last four years, had a previous permit or license under this chapter or other similar ordinances from another city or county denied, suspended, or revoked, including the name and location of the sexually oriented business for which the permit or license was denied, suspended, or revoked, the entity denying the same, as well as the date of the denial, suspension, or revocation.

(d) Whether the applicant or any other entity listed pursuant to this section holds any other permits and/or licenses under this chapter, et seq. or other similar sexually oriented business license from another city or county and, if so, the names and locations of such other permitted businesses.

(e) The single classification of permit for which the applicant is filing.

(f) The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.

(g) The applicant's mailing address and residential address.

(h) Two two-inch by two-inch black and white photographs of the applicant, including any corporate applicants, taken within six months of the date of the application, showing only the full face of the same. The photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it one such photograph of the applicant.

(i) The applicant or each corporate applicant's driver's license number, social security number, and or his/her State or Federally issued tax identification number.

(j) Each application shall be accompanied by a complete set of fingerprints of each person required to be a party to the application, including all corporate applicants as defined above, utilizing fingerprint forms as prescribed by the Chief of Police or his/her designee.

(k) In the case of all sexually oriented businesses, a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram must be professionally prepared and accepted by the City, and it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(l) Applicants for a permit and/or license under this chapter shall have a continuing duty to promptly supplement application information required in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within 30 days from the date of such change by supplementing the application on file with the City Clerk or his/her designee shall be grounds for suspension of a permit and/or license.

(m) In the event the City Clerk or his/her designee determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business permit or license, he/she shall promptly notify the applicant of such fact and allow the applicant 10 days to properly complete the

application. (The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application).

(n) The applicant must be qualified according to the provisions of this section, must have a current City business license, and the premises must be inspected and found to be in compliance with health, fire, and building codes of the City.

(o) The applicant shall be required to pay a preliminary nonrefundable processing fee established by resolution at the time of filing an application under this section. This is a processing fee. License fees shall also be required in the event the application is approved.

(p) The fact that a person possesses other types of State or City permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually oriented business permit.

(q) The application form for licenses and permits issued under this chapter shall contain a provision providing that under penalty of perjury, the applicant verifies that the information contained therein is true to the best of his/her knowledge.

(r) If any person or entity acquires, subsequent to the issuance of an adult business license, a significant interest in the licensed adult entertainment facility, notice of such acquisition shall be provided in writing to the City Clerk within 21 calendar days following such acquisition and the person acquiring the interest shall submit a complete application to the City Clerk pursuant to this section within 45 calendar days of acquiring such interest. For the purpose of this section, “significant interest” means principal responsibility for management or operation of an adult entertainment facility.

21.25.070 Investigation and application.

(1) Upon receipt of an application properly filed with the City Clerk, and upon payment of the nonrefundable processing fee, the City Clerk or his/her designee shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to other City departments or other agencies responsible for enforcement of health, fire, and building codes and laws. Each department or agency shall promptly conduct an investigation of the application and the proposed sexually oriented business. Said investigation shall be completed within 20 working days of receipt of the application by the City Clerk or his/her designee, unless circumstances support extending the same. If such circumstances exist, the City shall inform the applicant of the same and why, and said extension shall not exceed 10 additional calendar days from the original expiration of the 20 day time period stated above. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its recommendation as to approval or disapproval of the application, date it, sign it, and in the event it recommends disapproval, state the specific reasons therefore, citing applicable laws or regulations.

(2) In the event the proposed adult entertainment facility is in a state of construction at the time of the inspection, each interested department or agency shall make a preliminary determination of approval or disapproval based on the drawings submitted in the application. Any adult business license approved prior to final construction of the adult entertainment facility shall contain a condition that the adult entertainment facility shall not open for business until the facility has been inspected and determined to be in compliance with applicable laws and regulations and substantially conforms with the drawings submitted with the application.

(3) A department or agency shall recommend disapproval of an application if it finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation, or other law in effect in the City, or if the applicant does not meet the conditions as specified in this chapter. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the City Clerk or his/her designee.

21.25.080 Issuance of permit.

(1) The City Clerk or his/her designee shall grant or deny an application for a permit within 30 days from the date of its proper filing unless the City or applicant establishes a good reason for an extension.

(2) Grant of Application for Permit.

(a) The City Clerk or his/her designee shall grant the application unless one or more of the criteria set forth in subsection (3) below (Denial of Application for Permit) is present.

(b) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place, at or near the entrance to the sexually oriented business so that it can be easily read at any time. It shall be valid until the end of the year.

(3) Denial of Application for Permit. The City Clerk or his/her designee shall deny the application for any of the following reasons:
   (a) An applicant is under 18 years of age or will be employing a person under 18 years of age.
   (b) An applicant is overdue on his/her payment to the City of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business.
   (c) An applicant has failed to provide information required by this section or the application for the issuance of the permit, or has falsely answered a question or request for information on the application form.
   (d) The applicant has failed to comply with any provision or requirement of this chapter.
   (e) The premises to be used for the proposed sexually oriented business are not in compliance with applicable laws and ordinances.
   (f) The applicant has been convicted, forfeited bail or other adverse finding for a specified criminal activity within the four years prior to the application date.

21.25.090 Licenses required for sexually oriented businesses – Fees.

(1) No sexually oriented business shall be operated or maintained in the City of Woodinville unless the owner or operator has obtained a sexually oriented business permit as set forth above, and the applicable licenses from the City Clerk. For adult cabarets the required license shall be the adult cabaret license set forth in subsection (2) below. It is unlawful for any entertainer, employee, or operator to knowingly work in or about or knowingly perform any service directly related to the operation of an unlicensed adult cabaret business. Any adult cabaret must meet all of the requirements for a sexually oriented business license as set forth above.
(2) The annual fee for an adult cabaret business license shall be established by resolution. The amount shall be used for the cost of administration and enforcement of this chapter.
(3) The annual license fee for all other sexually oriented businesses described in subsection (2) above shall be established by resolution. The amount shall be used for the cost of administration and enforcement of this chapter.
(4) The above-referenced licenses expire annually on December 31st and must be renewed by January 1st.
(5) The applicant must be 18 years of age or older.

21.25.100 Licenses for managers, entertainers, escorts, or nude or semi-nude models – Fee.

(1) No person shall work or perform as a manager, entertainer, escort, or nude or semi-nude model at an adult entertainment facility without a valid manager's or entertainer's license issued by the City Clerk.
(2) All applications shall be submitted to the City Clerk on a form supplied by the City and shall contain or be accompanied by all of the following information and documents:
   (a) The date of the application.
   (b) The legal name, any previous names, any aliases, any driver's license number, any social security number, and the date of birth of the applicant.
   (c) Documentation that the applicant has attained the age of 18 years. Any of the following shall be accepted as documentation of age:
      (i) A valid driver's license issued by any State bearing the applicant's photograph and date of birth;
      (ii) A valid identification card issued by any State bearing the applicant's photograph and date of birth;
      (iii) An official passport issued by the United States of America;
      (iv) An immigration card issued by the United States of America; or
      (v) Any other form of identification that the City Clerk determines to be acceptable.
   (d) The height, weight, hair and eye color of the applicant.
   (e) The present mailing and residential address of the applicant.
   (f) The name and address of the adult entertainment facility at which the applicant will work or perform.
   (g) A description of the principal activities or services to be rendered by the applicant at the adult entertainment facility.
   (h) Two two-inch by two-inch color photographs of the applicant, taken within six months of the date of the application, showing the full face of the applicant. The photographs shall be provided at the expense of the applicant.
   (i) A complete set of fingerprints of the applicant, taken by a designated City official, on a form adopted and approved by the City of Woodinville Police Department.

(j) A statement whether the applicant has been convicted of a specified criminal offense, and if so, the date, place, and jurisdiction of each specified criminal offense.
(k) A statement whether the applicant holds any license issued under this chapter or under a similar ordinance from another city or county, and if so, the operating names and locations of the other licensed businesses.
(l) A statement whether the applicant has had a previous license issued under this chapter denied, suspended, or revoked, and if so, the name and location of the adult entertainment facility for which the license was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation.
(m) Authorization for the City, its agents, and employees to seek information to confirm any statements or other information set forth in the application.

(3) The applicant shall verify under penalty of perjury that the information contained in the application is true to the best of his or her knowledge.
(4) An application shall be deemed complete upon receipt of all the information and documents requested by this section. Where necessary to determine compliance with this chapter, the City Clerk may request information or clarification in addition to that provided in a complete application.
(5) Each manager's and entertainer's license application shall be accompanied by a nonrefundable application fee, the amount of which shall be established by resolution.
(6) In addition to the requirements of this chapter, an applicant for a manager's or entertainer's license must also obtain any other permits or licenses required by State or local laws or regulations.

21.25.110 Temporary licenses for managers and entertainers.

An applicant for a manager's or entertainer's license shall be issued a temporary license upon the City's receipt of a complete license application and fee. Said temporary license shall expire automatically on the fifteenth day following filing of a complete application and fee, unless the City Clerk has failed to approve or deny the license application, in which case the temporary license shall be valid until the City Clerk approves or denies the application, or until the final determination of any appeal from a denial of the application. In no event may the City Clerk extend the application review time for more than an additional 20 days.

21.25.120 Due date for license fees.

All licenses required in this chapter must be issued and the applicable fees paid to the City Clerk at least 14 calendar days before commencing work at a sexually oriented business, and on an annual basis as described above. The sexually oriented business permit required by WMC 21.25.060 must only be renewed based on changed circumstances as set forth in WMC 21.25.060(4)(l). The fee structure for all fees and fines in this chapter shall be reviewed annually after a renewal has been applied for, to assure that the fees accurately reflect the cost of enforcement and administration of this chapter.

21.25.130 Manager on premises.

(1) A licensed manager shall be on duty at all sexually oriented business premises at all times during which the business is open to customers, whether the business provides live or other performances. The manager shall be stationed at a location within the facility where he or she shall have an unobstructed view of all public portions of the facility.
(2) The licensed manager on duty shall not be an entertainer.
(3) It shall be the responsibility of the manager to verify that any entertainer who works or appears within the premises possesses a current and valid entertainer's license posted in the manner required by this chapter.
(4) The manager shall not knowingly allow a violation of this code to continue or exist at the facility

21.25.140 License nontransferable.

No license or permit issued pursuant to this chapter shall be transferable.

21.25.150 License – Posting and display.

(1) Every entertainer, manager, escort or model shall post his/her license in his/her work area so that it is readily available for public inspection.

(2) Every person, corporation, partnership, or association licensed under this chapter shall display its license in a prominent place within the establishment. In the case of adult cabarets, the name of the manager on duty shall be prominently posted during business hours.

21.25.160 Specifications – Adult cabarets and adult theaters.

(1) Separation of Sexually Oriented Live Entertainment Performance Area. The portion of adult cabaret, adult theater or any other premises in which sexually oriented business live entertainment is performed shall be a stage or platform at least 18 inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least 10 feet from all areas of the premises to which patrons have access. A continuous railing at least three feet in height and located at least six feet from all points of the sexually oriented live entertainment performance area shall separate the performance area and the patron areas.

(2) Lighting. A minimum lighting level of 30 lux semi-cylindrical measured at 30 inches from the floor on 10-foot centers shall be provided and equally distributed in and about the public portions of the cabaret or theater, including the patron seating areas, so that all objects are plainly visible at all times.

(3) Submittal of Plans. Building plans and lighting calculations showing conformance with the requirements of this section shall be included with any application for an adult cabaret or adult theater business license. Building plans must be in compliance with all building, planning and other applicable State, local and Federal regulations.

21.25.170 Standards of conduct and operation applicable to adult cabarets.

(1) Standards for Patrons, Employees and Entertainers. The following standards of conduct must be adhered to by patrons, entertainers and/or employees of adult cabarets at all times live performances are provided:

(a) No employee or entertainer may appear nude on any part of the premises open to view of members of the public, except in the entertainment performance area described in WMC 21.25.160(1). No entertainer may perform anywhere on the premises except in the entertainment performance area described above.

(b) No patron or customer shall go into or upon the sexually oriented live performance area described in WMC 21.25.160(1).

(c) No member of the public or employee or entertainer shall allow, encourage, or knowingly permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, pubic area, or genitals of themselves or another.

(d) No member of the public or employee or entertainer shall allow, encourage, or permit physical contact between an employee or entertainer and any member of the public.

(e) No employee or entertainer shall perform acts of or acts which simulate:

(i) Sexual intercourse, masturbation, bestiality, sodomy, oral copulation, flagellation, or any sexual acts the performance of which are prohibited by law; or

(ii) The touching, caressing, or fondling of the breasts, buttocks, pubic area, or genitals.

(f) No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.

(g) No activity or entertainment occurring at or in an adult cabaret, nor any photograph, drawing, sketch or other pictorial or graphic representation of any specified sexual activities or specified anatomical areas, shall be visible at any time from outside the adult cabaret.

(h) No entertainer or other employee employed or otherwise working at an adult cabaret or adult theater shall solicit, demand, accept, or receive either directly or indirectly any gratuity or other payment from a patron, customer, or member of the public except an initial entrance fee or similar fee set out by the premises.

(i) It is unlawful for any entertainer, manager, or wait person to perform more than one such function at an adult cabaret on the same business day.

(j) No customer or patron of an adult cabaret shall give either directly or indirectly, or otherwise provide an entertainer with a gratuity or other payment, except an initial entrance fee or similar fee set out by the premises.

(k) When not performing, entertainers are prohibited from being present in areas of the establishment that are open to the patrons of the establishment. Entertainers are required to use separate restroom facilities.

(l) At least two signs, in English, of sufficient size to be readable at 20 feet shall be conspicuously displayed in the public area of the establishment stating the following:

THIS ADULT CABARET OR ADULT THEATER IS REGULATED BY THE CITY OF WOODINVILLE. ENTERTAINERS ARE:

(i) Not permitted to engage in any type of sexual conduct;
(ii) Not permitted to appear nude except on stage;
(iii) Not permitted to appear semi-nude or clothed and dance or model, except on stage;
(iv) Not permitted to dance or model except on stage;
(v) Not permitted to solicit, demand, accept, or receive directly or indirectly any gratuity or other payment from a patron.

(m) There must be at least one employee not an entertainer on duty and situated in any public area at all times that any patron, member or customer is present inside the premises.
(n) Doors to areas on the premises which are available for use by persons other than the owner, manager, operator or their agents or employees may not be locked during business hours.
(o) No person may operate or maintain any warning system or device, of any nature or kind, for the purpose of warning or aiding and abetting the warning of patrons, members, customers or any other persons that police officers or health, fire or building inspectors are approaching or have entered the premises.

(2) Standards for Owner or Operator of Adult Cabarets or Adult Theaters. At any adult cabaret or adult theater where live performances are provided:
(a) Admission must be restricted to persons of the age of 18 years or more pursuant to RCW 9.68A.150; and the identification of all patrons must be checked by the employees of the premises.
(b) A minimum lighting level of 30 lux semi-cylindrical measured at 30 inches from the floor on 10-foot centers shall be provided and equally distributed in and about the public portions of the cabaret or theater, including the patron seating areas, so that all objects are plainly visible at all times.

21.25.180 Regulations.

All adult bookstores, adult novelty stores, adult arcades, or adult video stores having facilities for customers' viewing of depictions of human nudity and/or sexual conduct of any nature, including depictions of specified sexual activities, shall comply with the following regulations:

(1) Construction/Maintenance.
(a) The viewing areas within the sexually oriented adult arcade premises shall each be visible from a manager's station and shall not be obscured by any curtain, door, wall or other enclosure. As used in this section "viewing area" means the area where a patron or customer would be positioned while watching a film, video or other viewing device.
(b) All areas shall be maintained in a clean and sanitary condition at all times. A minimum lighting level of 30 lux semi-cylindrical measured at 30 inches from the floor on 10-foot centers shall be provided and equally distributed in and about the public portions of the cabaret or theater, including the patron seating areas, so that all objects are plainly visible at all times.
(c) Restrooms may not contain video reproduction equipment.
(d) No steps or risers are allowed in any adult arcade booth or station.
(e) No adult arcade station or booth shall have more than one stool type seat. In order to prevent obscuring the occupant of an adult arcade station or booth from view, no stool for seating within an adult arcade station or booth shall have any seat back or sides.
(f) All ventilation devices between the adult arcade booths must be covered by a permanently affixed ventilation cover. Ventilation holes may only be located one foot from the top of the booth walls or one foot from the bottom of the booth walls. There may not be any other holes or openings ("glory holes," etc.) in the booths.
(g) No person may operate any kind of warning device or system for the purpose of warning or aiding or abetting the warning of any patron, employee or other persons that the police, health, fire or building inspector or other public officials are approaching or entering the premises.
(h) The licensee shall not permit any doors to public areas on the premises to be locked during business hours, in violation of the applicable provisions of the Woodinville Building Code, Uniform Fire Code, and National Fire Protection Association Code.
(i) No person under 18 years of age shall be permitted in such premises. The employees shall check identification of all who enter.

(2) Unlawful Conduct. The following conduct or activity is unlawful:

(a) Masturbation or sexual activity of any kind in viewing booths;
(b) Two or more customers in a viewing booth at the same time;
(c) For the owner or manager to knowingly allow any of the disallowed conduct;
(d) Noncompliance with any other regulations set forth in this chapter.

(3) Signs. At least two signs shall be conspicuously and permanently posted on the premises in readable English type from 10 feet away, advising customers using viewing booths that:
(a) Masturbation in such booths is prohibited and unlawful;
(b) That it is unlawful for more than one customer to occupy a viewing booth at any time;
(c) Violations are subject to criminal prosecution.

21.25.190 Regulations applicable to video stores not qualifying as sexually oriented businesses.

(1) Video stores that sell or otherwise distribute films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and less than 30 percent of their revenues, inventory or floor space includes such items, shall be subject to State regulations, and the following:
(2) All such items as are described above shall be physically segregated and closed off from other portions of the store such that these items are not visible and/or accessible from other portions of the store.
(3) No advertising for such items shall be posted or otherwise visible, except where such items are authorized by law for display.
(4) Signs, in English, readable at a distance of 20 feet shall be posted at the entrance to the area where such items are displayed stating that persons under the age of 18 are not allowed access to the area where “erotic” items as defined by State statute and/or court order are displayed.
(5) The manager or attendant shall take reasonable steps to monitor the area where such “erotic” items are displayed to ensure that persons under 18 years of age do not access the age-restricted area.
(6) Rental or sale of obscene material (as defined herein) shall be considered a moral nuisance, and subject to abatement pursuant to this chapter and RCW 7.48.058.
(7) Employees of such video stores shall check identification for the age of all persons renting or purchasing such “erotic” items.
(8) The store shall not employ anyone under 18 if the store sells or otherwise distributes films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

21.25.200 Exemptions.

This chapter shall not be construed to prohibit:

(1) A person appearing in a state of nudity or semi-nudity, modeling in a class operated by: a proprietary school, licensed by the State of Washington; a college, junior college, or university supported entirely or partly by taxation; a private college university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or the modeling of clothing or lingerie in a full-service restaurant where no consideration is charged, whether directly or indirectly, specified anatomical areas are opaquely covered and not exposed by the model and the models are not within six feet of any patron of the restaurant;
(2) Plays, operas, musicals, or other dramatic works that are not obscene;
(3) Classes, seminars, and lectures held for serious scientific or educational purposes that are not obscene; or
(4) Exhibitions, performances, expression or dances that are not obscene.

21.25.210 License – Name of business and place of business.

No person granted a permit and/or license pursuant to this chapter shall operate a sexually oriented business under a name not specified in his/her license, nor shall he/she conduct business under any designation or at a location not specified in his/her permit and/or license.

21.25.220 Inspections.

(1) All books and records required to be kept pursuant to this chapter shall be open to inspection by the Chief of Police or designee of the City of Woodinville during the hours when the licensed premises is open for business.

The purpose of such inspection shall be to determine if the books and records meet the requirements of this chapter.

(2) The licensed premises shall be (as an implied condition of receiving a sexually oriented business permit and/or license) open to inspection by the City's Chief of Police, fire or health officials, or their designees during the hours when the sexually oriented business premises is open for business. The purpose of such inspection shall be to determine if the licensed premises is operated in accordance with the requirements of this chapter. It is hereby expressly declared that unannounced inspections are necessary to ensure compliance with this chapter.

21.25.230 Hours of operation.

It is unlawful for any sexually oriented business premises, except adult motels, to be conducted, operated, or otherwise open to the public between the hours of 1:00 a.m. and 4:00 p.m.

21.25.240 Alcohol prohibited.

Alcoholic beverages are prohibited from being served or present at any business subject to regulation under this chapter.

21.25.250 Recordkeeping requirements.

(1) Within 30 days following each calendar quarter, each sexually oriented business licensee shall file with the City Clerk a verified report showing the licensee's gross receipts and amounts paid to entertainers, models, or escorts, if applicable, for the preceding calendar year.

(2) Each sexually oriented business licensee shall maintain and retain for a period of two years from the date of termination of employment, the names, addresses, social security numbers and ages of all persons employed or otherwise retained as entertainers, models, and escorts by the licensee.

21.25.260 Denial, suspension or revocation of license or permit – Procedures – Appeal.

(1) When the City Clerk refuses to grant a license or permit under this chapter, or revokes the same, he/she shall notify the applicant in writing of the same, describing the reasons therefore, and shall inform the applicant of his right to appeal to the City Council within 10 days of the date of the written notice by filing a written notice of appeal with the City Clerk containing a statement of the specific reasons for the appeal and a statement of the relief requested.

(2) Whenever the City Clerk has found or determined that any violation or change in circumstances of this chapter has occurred, s/he shall issue a notice of violation and suspension or revocation ("notice") to the licensee or permit holder.

(3) The notice shall include the following:
   (a) Name(s) of person(s) involved;
   (b) Description of the violation(s), including date and section of this chapter violated;
   (c) Description of the administrative action taken;
   (d) Rights of appeal as set forth above.

(4) The notice shall be served either personally or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested, to the licensee at his or her last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury, executed by the person effecting the service, declaring the time, date, and the manner by which service was made. The decision may be appealed to the City Council if request for appeal is filed with the City Clerk within 10 days of receipt of the notice. Said request shall be in writing, state specific reasons for the appeal, and the relief requested.

(5) The suspension or revocation of a license shall be immediately effective unless a stay thereof is specifically requested in the written request for an appeal. If a request for such a stay is made, the licensee may continue to engage in the activity for which the license was issued pending the decision of the City Council, unless the license was suspended or revoked based on a threat of immediate serious injury to public health or safety.

(6) Within 10 days of receiving a timely appeal, the City Clerk shall forward the administrative record of the licensing decision to the City Council.

(7) When an applicant has appealed the City Clerk decision according to the stipulations herein, the City Council shall review the administrative record at the next regularly scheduled meeting for which proper notice can be given. Written notice of the date and time of the scheduled meeting will be given to the applicant by the City

Clerk by mailing the same, postage prepaid, to the applicant at the address shown on the license or permit application.

(8) If the licensee appeals the notice to the City Council, the licensee shall be afforded a reasonable opportunity to be heard as to the violation and action taken. The applicant and City Clerk or his representative shall be given an opportunity to argue the merits of the appeal before the City Council. Oral argument by each party shall not exceed 10 minutes and shall be limited to the administrative record before the Council.

(9) The City Council shall uphold the City Clerk's decision unless it finds the decision is not supported by substantial evidence in the administrative record. The City Clerk shall have the initial burden of proof.

(10) The City Council shall issue a written decision within 10 days of hearing the appeal. The Council may uphold the City Clerk's decision and deny the permit, overrule the City Clerk's decision and grant the permit, or remand the matter to the City Clerk for further review and action. The City Clerk shall complete further action or review within 30 days of receiving the remand.

(11) Decision by the City Council shall constitute final administrative review. Applicant shall be responsible for the cost of any preparation of record for appeal.

(12) Either party may seek judicial review of a final decision of the City Council as provided by law. If a licensee timely appeals a decision of the City Council, the licensee may continue to engage in the activity for which the license was issued pending the decision of the court, unless the license was suspended or revoked based on a threat of immediate serious injury to public health or safety.

(13) Applicant shall be responsible for the cost of any preparation of record for appeal.

21.25.270 Suspension or revocation of license/permit – Duration.

(1) The City shall suspend any license as required by this chapter for a period of 90 days upon the licensee's first violation of this chapter.

(2) The City shall suspend any license required by this chapter for a period of 180 days upon the licensee's second violation of this chapter.

(3) The City shall revoke any license required by this chapter for a period of two years upon the licensee's third, or any subsequent, violation of this chapter.

(4) Notwithstanding the other provisions of this chapter, the City shall revoke or deny the renewal of any license required by this chapter for two years if the licensee has made any false or misleading statements or misrepresentations to the City.

(5) Application for a new license may be made following the expiration of the applicable revocation period.

21.25.280 Applicability to currently operating businesses.

Any sexually oriented business legally operating upon the effective date of this chapter shall be exempted from the permit and application requirements of WMC 21.25.060, 21.25.070 and 21.25.080 for the remainder of 1994. This section shall not be construed to exempt any legally operating adult bookstore from ceasing to operate portions of such business as an adult arcade pursuant to other regulations.

21.25.290 Limitations of liability.

None of the provisions of this chapter are intended to create a cause of action or provide the basis for a claim against the City, its officials, or employees for the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.

21.25.300 Penalties for violation.

Any person violating any provision(s) of this chapter shall be guilty of a misdemeanor. Any person convicted of such a violation shall be punished by a fine of not more than $1,000 or a jail term of not more than 90 days, or both. Each such person is guilty of a separate misdemeanor for each and every day which any violation of this chapter is committed, continued, or permitted by any such person and said person shall be punished accordingly. Any persons violating any of the provisions of this chapter shall also be subject to license suspension or revocation and nuisance abatement as set forth herein.

21.25.310 Public nuisance – Injunctions.

Any sexually oriented businesses in violation of this chapter shall be deemed a public nuisance, which, in addition to all other remedies, may be abated by injunctive relief.

Chapter 21.26
TOURIST DISTRICT OVERLAY

Sections

21.26.010 Special district overlay – Tourist District

21.26.010 Special district overlay – Tourist District.

(1) The purpose of the Tourist District Overlay is to provide for tourist-oriented retail and commercial uses in the Sammamish Valley. These uses are additional to the uses permitted in the underlying zoning, are visually compatible with surrounding uses, complement the agricultural and recreational activities in the valley, and are planned and conducted in an environmentally sensitive manner. Permitted uses in the Tourist District Overlay and development standards are established to ensure that uses and development within the overlay area fit harmoniously and compatibly and inappropriate intrusion is minimized.

(2) The following additional uses are permitted in the Tourist District Overlay:

(a) Wineries, breweries and distilleries (NAICS 312), and those uses customarily associated with wineries, breweries, and distilleries including administrative offices, grounds maintenance, gardens, parking, visitor services, retail outlets primarily for products produced on site, public concert and theatrical events, restaurants, as well as beer and wine tasting events and facilities;

(b) Manufacture of arts and crafts; provided, that at least 10 percent of floor area is devoted to retail;

(c) Manufacture of bakery (NAICS 311811), confectionery (NAICS 722213), and other specialty food and kindred products; provided, that at least 10 percent of the products manufactured on site must be sold on site;

(d) Tourist-related retail and commercial uses: bike shops, delicatessens, art/Northwest craft shops, and food stores limited to NAICS 4452;

(e) Theaters, museums, and outdoor performance centers, provided:

(i) Movie theaters with more than one screen and drive-in theaters are prohibited;

(f) Lodging facilities, including bed and breakfast guest houses, lodges, and inns, youth hostels, and campgrounds, except hotels/motels located in the Tourist Business Zone, provided:

(i) The number of rooms is limited to 24 per acre;

(ii) Impervious surface shall be limited to 50 percent of the site;

(iii) The height is limited to 35 feet, not exceeding three stories; and

(iv) The style of the structure shall:

(A) Fit one of the following styles: country inn, bed and breakfast, Victorian, woodland lodge, or other style defined in the Tourist District Master Plan and approved by the Planning Commission Design Review Subcommittee;

(B) Be compatible with existing development; and

(C) Meet the criteria as listed in the Tourist District Master Plan;

(g) Conference centers; provided, that:

(i) The design and scope of the project fit in with the intent of the Tourist District and are compatible with surrounding development; and

(ii) The design meets the criteria of the Tourist District Master Plan;

(h) Passenger train stations;

(i) Parks, trails and recreation services providing rental of bicycles, roller skates or blades, canoes, kayaks, rowboats, and flotation devices;

(j) Restaurants, except drive-through facilities;

(k) Antique stores and bookstores;

(l) Art dealers and galleries (retail);

(m) River-related uses and accessories, such as small-boat rentals or steamboat quays/docking;

(n) Accessory uses incidental to or dependent upon permitted uses; and

(o) Uses similar to those listed above which the Development Services Director determines are consistent with the purposes of the Tourist District Master Plan.

(3) Existing manufacturing businesses, in existence prior to January 1, 2010, shall continue to be permitted as an outright use. No provisions in subsection (4) of this section shall be construed to require an existing business to comply with the stated requirements. However, this status does not run with the property, and

once the existing business ceases to exist, this status is removed. A new business moving into an existing building shall comply with the requirements in subsection (4) of this section.

(4) New manufacturing uses or businesses that are permitted in the underlying zoning are allowed in the Tourist District, except that:
   (a) No primary manufacturing, including smelting or refining, as defined in the NAICS Manual, is allowed;
   (b) All manufacturing activities must take place indoors;
   (c) No ongoing outdoor storage of machinery, raw materials, or finished products is permitted in excess of 60 days without proper and complete screening from public view;
   (d) Noxious and persistent odors must be minimized to the greatest extent available and feasible; and
   (e) Repetitive noise that is attributable to manufacturing must be minimized between the hours of 9:00 p.m. and 7:00 a.m.

(5) The following development criteria shall apply to development proposals within the Tourist District Overlay:
   (a) Building architecture, including design, materials, bulk and scale shall be compatible with the recreational, agricultural, and tourist character of surrounding uses and consistent with the purposes of Tourist District Master Plan;
   (b) Site and landscape design shall facilitate pedestrian, bicycle, and vehicular traffic flow between major project phases and individual developments and any adjacent tourist-related uses;
   (c) Site design shall minimize connections to the Woodinville-Redmond Road (SR 202) through use of shared driveways;
   (d) All development is subject to the City of Woodinville's Design Guidelines and Standards, except that:
      (i) Developments shall provide a 10-foot width of pedestrian-oriented space as defined in WMC 21.40.380 or provide 10 feet of Type III landscaping; and
      (ii) A 10-foot sidewalk/bike path shall be provided; and
   (e) All development with frontage on SR 202 is subject to the City's Design Guidelines and Standards for pedestrian-oriented streets.

(6) The following development standards and requirements shall apply to all new development or redevelopment and all property under common ownership located within the Tourist District Overlay:
   (a) All uses except for accessory uses shall be conducted inside an entirely enclosed building; provided, that uses that are not contained in the enclosed building shall be treated architecturally to minimize visual impact;
   (b) The height of each building and accessory structures shall not exceed 45 feet from the existing grade, provided height may be increased when the increase is for architectural or functional features integral to the design or use of the structure and is consistent with the purpose of the Tourist District Overlay, subject to approval by the Development Services Director. Said architectural or functional features shall be limited to penthouses or roof structures for housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, flag poles, chimneys, smoke stacks, church steeples and belfries, wireless mast, utility line towers and poles, windmills, food silos and barns, and similar structures required for the use of the building;
   (c) All loading and service areas shall be screened so that they are not visible from public roads and trails by berms, Type I landscaping and/ or architectural features;
   (d) All buildings shall maintain a 20-foot landscaped setback from residentially zoned or developed areas, unless it can be shown that 20 feet of permanent landscaped buffer exists between structures;
   (e) All buildings shall maintain a five-foot- wide landscaped setback from interior property lines abutting non-residentially zoned areas;
   (f) All buildings shall maintain a 100-foot landscaped setback from the Sammamish River;
   (g) Trails shall either be provided or land for trails dedicated along the Sammamish River;
   (h) The site coverage standards set forth in Chapter 21.22 WMC are modified as follows:
      (i) The total permitted impervious lot coverage shall be 85 percent. The remaining 15 percent shall be devoted to open space. Open space may include all required landscaping, and any unbuildable environmentally sensitive areas and their associated buffers;
      (ii) Trails may be provided in the area dedicated to open space; and
      (iii) When a subdivision or a binding site plan is proposed for a unified site, the site coverage standards apply to the total unified site and not each proposed lot;

(i) Landscaping shall meet the standards set forth in the City's Design Guidelines and Standards; provided, that:
  (i) An overall landscaping plan for each development phase shall be approved by the Development Services Director prior to the issuance of any site development, grading, or building permits;
  (ii) Either 10 feet of street front landscaping or 10 feet of pedestrian-oriented space shall be provided;
  (iii) Landscaping shall be included along interior lot lines in a commercial, office, or industrial development as follows:
    (A) A 20-foot width of Type I abutting residentially developed property or undeveloped residentially zoned property;
    (B) A 10-foot width of Type I abutting property developed public recreational;
    (C) A 10-foot width of Type I abutting property designated as permanent open space; or
    (D) Five feet of Type II abutting commercially or industrially zoned or developed areas;
  (iv) Type IV landscaping shall be provided within all surface parking lots as follows:
    (A) Fifteen percent of the parking area, excluding required perimeter landscaping, shall be landscaped in parking lots with more than 30 parking stalls;
    (B) At least one tree for every four parking stalls shall be provided, to be reasonably distributed throughout the parking lot; and
    (C) No parking shall be more than 40 feet from some landscaping;
  (v) Notable trees identified in the Tree Board inventory shall be retained as set forth in Chapter 21.50 WMC;
(j) Refuse collection/recycling areas and loading or delivery areas shall meet the requirements of WMC 21.30.020(4) and shall be located at least 20 feet from residential areas, tourist-related uses, or trails and screened with Type I landscaping;
(k) Sign standards for the Tourist District are set forth in Chapter 21.35 WMC;
(l) All rooftop mechanical equipment shall be screened architecturally to minimize its visual impact; provided, that the screen is as high as the equipment.

(7) All development in the Tourist District shall be subject to design review, provided design review shall be performed considering the following factors:
  (a) These regulations;
  (b) The City's design standards;
  (c) The design is consistent with any existing development on the site; and
  (d) The Tourist District Master Plan.

(8) Street frontage standards shall adhere to the following:
  (a) Landscaping and open space shall conform to subsection (6)(l) of this section;
  (b) Standard sidewalks and bike paths shall be provided; however a 10-foot combined side- walk/bike path made of asphalt may be provided in lieu of standard sidewalks and bike paths;
  (c) The sidewalk or the combined sidewalk/ bike path shall be separated from vehicle lanes by a minimum five-foot landscaped strip;
  (d) The sidewalk or the combined sidewalk/ bike path may meander on to private property with a public access easement; and
  (e) Street trees shall be planted in the landscaping strip 25 feet on center utilizing one of the species of street tree selected from the Tree Board recommended Tree Species List, and approved by the City's Tree Official.

(9) Special events and outdoor performances shall comply with the temporary use permits section of Chapter 21.36 WMC and the following:
  (a) All needed parking will be accommodated on site by a combination of permanent and temporary facilities or on other private sites with appropriate written consent;
  (b) An event management plan covering sanitation, crowd control, traffic parking and emergency services shall be filed with the Public Works Director; and
  (c) Chapter 8.08 WMC, Noise Regulation.

Chapter 21.27
Transit Oriented-Housing Development Overlay

Sections

21.27.010 Transit Oriented-Housing Development Overlay

21.27.010 Special district overlay – Transit Oriented-Housing Development Overlay.

(1) Purpose. The purpose of the Transit-Oriented Housing Development Overlay is to encourage redevelopment of existing publicly owned park and ride lots within the Central Business District zone as mixed use developments consistent with the definition of transit-oriented housing development in WMC 21.11.220.

(2) The alternative development standards contained in subsection (3) of this section may apply to any transit-oriented housing development which satisfies the following criteria:

(a) The proposed development is located within the Central Business District zone; and

(b) The proponent(s) of the proposed development have executed a development agreement with the City consistent with this chapter and Chapter 36.70B RCW which:

(i) Incorporates the Woodinville TOHD Community Guidelines adopted by the Woodinville City Council on January 3, 2005, including any amendments thereto;

(ii) Ensures the continued viability of the development site as a public transit center;

(iii) Adequately provides for on-site affordable housing;

(iv) Adequately provides for streets, roads, and sidewalks, including but not limited to applicable grid roads depicted on the Roadway Improvement Plan for the downtown area contained within the Transportation Chapter of the adopted Comprehensive Plan.

(3) Alternative Development Standards. For any transit-oriented housing development satisfying the criteria contained in subsection (2) of this section, the calculation of permissible dwelling units may be based upon the maximum floor/lot ratio (FAR) with a base minimum of two and up to a maximum allowable of two and one-half rather than the otherwise applicable dwelling units per acre standard.

Article 3 – Special Development Standards
Chapter 21.30
ACCESSORY USES AND STRUCTURES

Sections:

21.30.010 Site lighting.
21.30.020 Storage space and collection points for recyclables and garbage.
21.30.030 Fences.

21.30.010 Site lighting.

(1) Lighting provided on sites shall utilize energy-efficient light sources.
(2) All lighting shall comply with the Washington State Energy Code with respect to the selection and regulation of light sources.
(3) Glare from light sources shall not trespass onto adjacent properties or rights-of-way.
(4) Design of interior and exterior lighting levels shall conform to the recommendations of the Illuminating Engineering Society's "Lighting Handbook," 8th Edition, or as may hereafter be amended.

21.30.020 Storage space and collection points for recyclables and garbage.

Multifamily, commercial, office, and industrial developments shall provide storage space for the collection of recyclables and garbage as follows:

(1) The storage space shall be provided at the rate of:
    (a) Three square feet per dwelling unit in multiple-dwelling developments except where the development is participating in a public agency-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;
    (b) Four square feet per every 1,000 square feet of building gross floor area in office, educational and institutional developments;
    (c) Six square feet per every 1,000 square feet of building gross floor area in manufacturing and other nonresidential developments; and
    (d) Ten square feet per every 1,000 square feet of building gross floor area in retail developments.
(2) The storage space for multifamily residential developments shall be apportioned and located in collection points as follows:
    (a) The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.
    (b) There shall be one collection point for every 30 dwelling units.
    (c) Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.
    (d) Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.
    (e) Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.
(3) The storage space for nonresidential development shall be apportioned and located in collection points as follows:
    (a) Storage space may be allocated to a centralized collection point.
    (b) Outdoor collection points shall not be located in any required setback areas.
    (c) Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.
    (d) Access to collection points may be limited, except during regular business hours and/or specified collection hours.
(4) The collection points shall be designed as follows:
    (a) Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables and garbage.
    (b) Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.
    (c) Collection points shall be identified by signs not exceeding two square feet.

(d) An eight-foot wall or fence shall enclose any outdoor collection point, excluding collection points located in industrial developments that are greater than 100 feet from Residential zoned property.
(e) Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.
(f) Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.
(g) No collection point or container shall be visible from the street right-of-way. The collection point or container shall either be located behind the building or shall be adequately screened with Type I landscaping.

(5) Only recyclable materials and garbage generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.
(6) No container shall be collected and stored at any location on the site except in a designated storage facility.
(7) The lids of all garbage and recyclables containers shall be maintained in a closed position.

21.30.030 Fences.

Fences are permitted as follows:

(1) Fences shall not exceed a height of six feet in all Residential and NB zones, except as required pursuant to WMC 21.30.020(4)(d);
(2) Fences exceeding a height of six feet in CBD, GB, O and I zones shall comply with the applicable street and interior setbacks of the zone in which the property is located;
(3) The height of a fence located on a rockery, retaining wall, or berm shall be measured from the top of the fence to the ground on the low side of the rockery, retaining wall, or berm;
(4) When a protective fence is located on top of a rockery within the required setback area, any portion of the fence above a height of six feet shall be an open-work fence;
(5) Electric fences shall:
(a) Be permitted in all zones; provided, that when placed within R-4 through R-48 zones, additional fencing or other barriers shall be constructed to prevent inadvertent contact with the electric fence from abutting property;
(b) Comply with the following requirements:
(i) An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamps;
(ii) An electric fence using continuous current shall be limited to 1,500 volts at seven milliamps;
(iii) All electric fences in the R-4 through R-48 zones shall be posted with permanent signs a minimum of 36 square inches in area at 50-foot intervals stating that the fence is electrified; and
(iv) Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an A.N.S.I. approved testing agency;
(6) No barbed or razor-wire fence shall be located in any R-4 through R-48 zone or any commercial zone; and
(7) Where possible, the use of landscaping instead of fences is encouraged. Landscaping is not subject to the six-foot height restriction of subsection (1) of this section.
(8) Notwithstanding the foregoing provisions, and as necessary to protect essential water and sewer capital facilities in any zone, fences may be constructed as follows:
(a) Up to eight feet high with vinyl- or similarly-coated chain-link fence with landscaping to soften the impact as determined by the landscape code;
(b) Such fence may include three strands of barbed wire above the fence not to exceed an additional 18” in height;
(c) Such fence may exceed otherwise-applicable setback provisions; and
(d) The Development Services Director may require additional screening and design elements in order to maintain and preserve neighborhood design patterns and to limit impacts upon neighboring properties. Such additional elements may include, but are not limited to:
(i) Decorative block walls, split-faced and colored;
(ii) Wrought iron on top of split-faced, colored and/or similar decorative block walls to prevent entry;

(iii) Landscaping;
(iv) Lighting with motion detectors; and/or
(v) Additional setbacks.

Chapter 21.31
ANIMALS, HOME OCCUPATION, HOME INDUSTRY

Sections:

21.31.010 Purpose.
21.31.020 Animal regulations – Small animals.
21.31.030 Animal regulations – Livestock – Purpose.
21.31.040 Animal regulations – Livestock – Densities.
21.31.050 Farm management plan.
21.31.060 Animal regulations – Livestock – Management standards.
21.31.070 Existing livestock operations.
21.31.080 Home occupation.
21.31.090 Home industry.

21.31.010 Purpose.

The purpose of this chapter is to enhance and preserve the compatibility between neighboring properties by regulating the scope and intensity of accessory uses or activities.

21.31.020 Animal regulations – Small animals.

(1) The raising, keeping, breeding or fee boarding of small animals are subject to Chapter 11.04 KCC, Animal Control Regulations, and the following requirements:

(2) Small animals which are kept indoors as household pets in aquariums, terrariums, cages or similar containers shall not be limited in number, except as may be provided in KCC Title 11.

(3) Other small animals kept outside, including adult cats and dogs, shall be limited to a maximum of 20, unless more are allowed as an accessory use pursuant to subsection (5) of this section; provided, that not more than three of such cats or dogs are unaltered, or as authorized for a hobby kennel or cattery or commercial kennel or cattery pursuant to Chapter 11.04 KCC, Animal Control Regulations. (3) Excluding kennels and catteries, the total number of unaltered adult cats and dogs per household shall not exceed three, whether those animals are kept in a dwelling or outside.

(4) Animals considered to be household pets shall be treated as other small animals pursuant to subsection (5) of this section when they are kept for commercial breeding, boarding or training.

(5) Small animals and household pets kept as an accessory use outside the dwelling shall be raised, kept or bred only as an accessory use on the premises of the owner or in a kennel or cattery approved through the conditional use permit process, subject to the following limitations:

(a) Birds shall be kept in an aviary or loft that meets the following standards:

(i) The aviary or loft shall provide one-half square foot for each parakeet, canary or similarly sized birds, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird.

(ii) Aviaries or lofts shall not exceed 2,000 square feet.

(iii) The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.

(b) Small animals other than birds shall be kept according to the following standards:

(i) The minimum site area shall be one-half acre if more than three small animals are being kept;

(ii) All animals shall be confined within a building, pen, aviary or similar structure;

(iii) Any covered structure used to house or contain such animals shall maintain a distance of not less than 35 feet to any property line, except structures used to house mink and fox shall be a distance of not less than 150 feet;

(iv) Poultry, chicken, squab and rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of 2,000 square feet;

(v) Hamsters, nutria and chinchilla are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of 2,000 square feet;

(vi) Mink and fox are permitted only on sites having a minimum area of five acres;

(vii) Beekeeping is limited as follows: (A) Beehives are limited to 50 on sites less than five acres;

(A) The number of beehives shall not be limited on sites of five acres or greater;

(B) Colonies shall be maintained in movable-frame hives at all times;

(C) Adequate space shall be provided in each hive to prevent overcrowding and swarming;
(D) Colonies shall be re-queened following any swarming or aggressive behavior;
(E) All colonies shall be registered with the County Extension Agent prior to April 1st of each year, on a State registration form acceptable to the County; and
(F) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 21.12 WMC, Enforcement.

(c) Kennels and catteries are subject to the following requirements:
(i) For kennels located on Residential zoned sites:
(A) The minimum site area shall be five acres; and
(B) Structures housing animals and outdoor animal runs shall be a minimum distance of 100 feet from property lines abutting Residential zones;
(ii) For kennels located on nonresidential zoned sites, run areas shall be completely surrounded by an eight-foot solid wall or fence, and be subject to the requirements in KCC 11.04.060; and
(iii) Catteries shall be on sites of 35,000 square feet or more, and buildings used to house cats shall be a minimum distance of 50 feet from property lines abutting Residential zones.

21.31.030 Animal regulations – Livestock – Purpose.

The primary purpose of this section is to support the raising and keeping of livestock in the City by setting livestock densities and by implementing applicable best management practices for land used to accommodate such livestock in ways which reduce the impact of livestock on the environment, particularly with regard to their impacts on water quality. The regulations set forth in this section are intended to be consistent with livestock welfare; however, those concerns are more appropriately addressed through Chapter 11.04 KCC.

21.31.040 Animal regulations – Livestock – Densities.

The raising, keeping, breeding or fee boarding of livestock are subject to Chapter 11.04 KCC, Animal Control Regulations, and the following requirements:

(1) The minimum site which may be used to accommodate large livestock shall be 35,000 square feet; provided, that the portion of the total site area used for confinement or grazing meets the requirements of this section; and
(2) The maximum number of livestock shall be as follows:
(a) Commercial dairy farms – as authorized by the Washington State Department of Ecology NPDES permit;
(b) Stables with covered arenas for which farm management plans are implemented and maintained pursuant to WMC 21.31.050 such that pasture and paddock use does not exceed the equivalent of three animals using the areas on a full-time basis, up to six resident horses per acre; provided further, that higher densities may be allowed subject to the conditional use permit process to confirm compliance with the management standards;
(c) For all large livestock not covered by subsections (2)(a) or (b) of this section:
(i) If a farm management plan pursuant to WMC 21.31.050 is implemented and maintained as or, in the alternative, all of the management standards of sections WMC 21.31.060 are met, three horses, cows or similarly sized animals per gross acre of total site area; provided further, that two ponies shall be counted as being equivalent to one horse and that miniature horses shall be treated as small livestock subject to subsection (d) of this section;
(ii) If subsection (2)(c)(i) is not met, one horse, cow, or similarly sized animal (excluding any young under six months of age) per two acres of fenced grazing area;
(d) Five of each or any combination of small livestock (excluding sucklings) per one acre of fenced pasturage, or per one-half acre of total site area subject to the management standards set out in WMC 21.31.060 below.

21.31.050 Farm management plan.

In order to achieve the maximum livestock density allowances provided for in WMC 21.31.040, above, a farm management plan developed by the property owner with the assistance of the King County Conservation District which incorporates best management practices for grazing and pasture management, manure management, watering and feeding area management, and stream corridor management must be developed, implemented and

maintained. Such plans must include a schedule for implementation and shall be reviewed by the SWM division if the plan is for a site that has streams or wetlands present. Any Indian tribe with tribal rights to protection of the fisheries habitat provided by the site shall have 60 days from plan submission to comment on the plan. The plan must, as a minimum, achieve 25-foot vegetated buffers for all Class 1 and Class 2 streams on the site, and assure that drainage ditches on the site do not channel animal waste to such streams. (Ord. 175 § 1, 1997)

21.31.060 Animal regulations – Livestock – Management standards.

(1) As an alternative to a farm management plan, any property owner may implement the following management standards:

(a) Livestock access to streams and their buffers shall be limited to stream crossings which have been addressed by a crossing plan designed to SCS/SCD specifications which shall prevent free access along the length of the stream; fencing shall be used to meet this standard wherever topographic constraints or impassible vegetative barriers do not prevent livestock access to streams. Bridges may be used in lieu of stream crossings; provided, that piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, which- ever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish the flood-carrying capacity of the stream; these bridges may be placed without a City building permit; provided, that such permit waiver shall not constitute any assumption of liability by the City with regard to such bridge or its placement. The waiver of City building permit requirements does not constitute a waiver from other required agency permits;

(b) Grazing areas not addressed by the sensitive areas regulations shall maintain buffers of 10 feet from any naturally occurring pond, wetland edge of a Class I or II wetland (except those wetlands meeting the definition of a grazed wet meadow) or the ordinary high water mark of a Class 1 or 2 stream (excluding grazed wet meadows) within five years of the effective date of the ordinance codified in this section. If the buffer does not contain vegetation sufficient for bank stability and biofiltration, fencing or timed rotational grazing shall be used to establish and maintain the buffer;

(c) Confinement areas located within 200 feet of any Class 1 or 2 streams shall:

(i) Have a 20-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other groundcover with high stem density and which may also include tree cover;

(ii) Not be located in any stream or wetland buffer area required by the City's sensitive areas regulations in effect at the time the confinement area is built, or within 50 feet of any naturally occurring pond, wetland edge of any Class I or II wetland or the ordinary high water mark of any Class 1 or 2 stream, unless some other distance has been approved by a City permit issued following an environment review or by a conservation district plan pursuant to subsection (2) of this section. Existing confinement areas which do not meet these requirements shall be modified as necessary to provide the buffers specified herein within five years of the effective date of the ordinance codified in this section; provided further, that buildings in the confinement area need not be modified;

(iii) Have roof drains of any buildings in the confinement area diverted away from the confinement area;

(d) Manure storage areas shall be managed as follows:

(i) Surface flows and roof runoff shall be diverted away from manure storage areas;

(ii) All manure stockpiled within 200 feet of any stream or wetland shall be covered during the winter months (October 15th to April 15th) in a manner that excludes precipitation and allows free flow of air to minimize fire danger; and

(iii) Manure shall be stored in a location that avoids having runoff from the manure enter streams or wetlands. Manure piles shall not be closer than 50 feet to any wetland edge, the ordinary high water mark of any stream, or any ditch to which the topography would generally direct runoff from the manure, nor in any stream buffer; and (e) Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields;

(2) The following setback and buffer requirements apply to the keeping of livestock:

(a) Any building used to house, confine or feed livestock shall not be located closer than 10 feet to any boundary property line or 35 feet to any residence existing when the livestock structure is built, and shall be increased to 100 feet for any building used to house, confine or feed swine;

(b) Any building used to house, confine or feed livestock shall not be located closer than 35 feet to any dwelling unit or accessory living quarters on the same premises, except that a barn or stable may contain a caretaker's accessory living quarters;

(c) There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any dwelling unit or accessory living quarters; and
(d) Grazing and confinement areas may extend to the property line;
(3) In Residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a residence on the subject property; and
(4) A barn or stable may contain a caretaker's accessory living quarters.

21.31.070 Existing livestock operations.

All existing livestock operations shall either implement a farm management plan pursuant to WMC 21.31.050 or meet the management standards in WMC 21.31.060 within five years of the adoption date of the ordinance codified in this chapter; existing buildings are exempt from this provision.

21.31.080 Home occupation.

Residents of a dwelling unit may conduct one or more home occupations as accessory activities, provided:
(1) The total area devoted to all home occupation(s) shall not exceed 20 percent of the floor area of the dwelling unit. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation;
(2) All the activities of the home occupation(s) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s);
(3) No nonresident shall be employed by the home occupation(s);
(4) The following activities shall be prohibited as home occupations:
(a) Automobile, truck and heavy equipment repair;
(b) Autobody work or painting;
(c) Parking and storage of heavy equipment; and
(d) Storage of building materials for use on other properties;
(5) In addition to required parking for the dwelling unit, one on-site parking stall shall be provided when services are rendered on-site;
(6) Sales shall be limited to mail order, Internet sales and telephone sales with off-site delivery;
(7) Services to patrons shall be arranged by appointment or provided off-site;
(8) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
(a) No more than one such vehicle shall be allowed;
(b) Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and
(c) Such vehicle shall not exceed a weight capacity of one ton;
(9) The home occupation(s) shall not use electrical or mechanical equipment that results in:
(a) A change to the fire rating of the structure(s) used for the home occupation(s);
(b) Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
(c) Fluctuations in line voltage off-premises; and
(10) A home occupation permit is approved by the Development Services Director for each home occupation.

21.31.090 Home industry.

A resident may establish a home industry as an accessory activity, provided:
(1) The site area shall be no less than one acre;
(2) The area of the home industry shall not exceed 50 percent of the floor area of the dwelling unit. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home industry area but may be used for storage of goods associated with the home occupation;
(3) No more than two nonresidents shall be employed in a home industry;
(4) In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:
(a) One stall for each nonresident employee of the home industry; and
(b) One stall for customer parking;

(5) Additional customer parking shall be calculated for areas devoted to the home industry at the rate of one stall per:
   (a) One thousand square feet of building floor area; and
   (b) Two thousand square feet of outdoor work or storage area;
(6) Sales shall be limited to items produced on-site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;
(7) Ten feet of Type I landscaping shall be provided around portions of parking and outside storage areas which are otherwise visible from adjacent properties or public rights-of-way;
(8) The Development Services Director shall ensure compatibility of the home industry by:
   (a) Limiting the type and size of equipment used by the home industry to those which are compatible with the surrounding neighborhood;
   (b) Providing for setbacks or screening as needed to protect adjacent residential properties;
   (c) Specifying hours of operation;
   (d) Determining acceptable levels of outdoor lighting; and
   (e) Requiring sound level tests for activities determined to produce sound levels which may be in excess of those set forth in the WMC;
(9) The following activities shall be prohibited as a home industry:
   (a) Outdoor repair of any automobile, truck or heavy equipment, pursuant to subsection (9)(d) of this section;
   (b) Outdoor autobody work, pursuant to subsection (9)(d) of this section;
   (c) Autobody painting;
   (d) Outdoor is defined to include carports or other unenclosed structures;
(10) No vehicle, equipment or material shall be parked or stored within any required setback areas of the lot or on adjacent streets;
(11) A home industry permit is approved by the Development Services Director for each home industry.

Chapter 21.32
ESSENTIAL PUBLIC FACILITIES/SPECIAL USES

Sections:

21.32.010 Authority.
21.32.020 Inventory of essential public facilities.
21.32.030 Purpose.
21.32.040 Siting and expansion of local essential public facilities.
21.32.050 Siting and expansion of State and regional essential public facilities.
21.32.060 Permit conditions.
21.32.070 Optional site consultation process.
21.32.080 Interjurisdictional siting.
21.32.090 Public involvement.
21.32.100 Consultant and legal review – Deposit.
21.32.110 Hearing Examiner decision.
21.32.120 Suspension or revocation of permit.
21.32.130 Appeal.
21.32.140 Decision timing.
21.32.150 Building permit application.
21.32.160 Secure community transition facilities.

21.32.010 Authority.

This chapter is established to regulate the siting of essential public facilities pursuant to RCW 36.70A.200.

21.32.020 Inventory of essential public facilities.

The City of Woodinville currently hosts or borders several essential public facilities, including but not limited to the following:

(1) The Brightwater regional wastewater treatment facility;
(2) The Cascade recycling facility;
(3) The Sound Transit/Metro park and ride facility;
(4) The Olympic pipeline system;
(5) Burlington Northern Santa Fe Railroad corridor;
(6) State Route 522; and
(7) State Route 202.

21.32.030 Purpose.

The purpose of this chapter is to implement the Growth Management Act and the Woodinville Comprehensive Plan by establishing a process for the siting and expansion of essential public facilities as necessary to support orderly growth and delivery of public services. Essential public facilities and transportation facilities of State-wide significance are necessary and important in the provision of public systems and services. The City's goal in promulgating the regulations under this chapter is to ensure the timely, efficient and appropriate siting of EPFs while simultaneously acknowledging and mitigating the significant community impacts often created by such facilities. Nothing in this chapter should be construed as an attempt by the City to preclude the siting of essential public facilities in contravention of applicable State law.

21.32.040 Siting and expansion of local essential public facilities.

(1) A special use permit shall be required as provided in this section before any local essential public facility may be located or expanded within the City of Woodinville, regardless of the zoning district in which such facility is or is proposed to be located.
(2) A complete application for a special use permit for a local essential public facility shall comply with WMC 21.83.130. The Director shall develop a supplemental application form which addresses and provides sufficient information to determine the application's estimated compliance with each of the approval criteria set forth in this section.
(3) A special use permit for a local essential public facility shall be processed as a Type III permit under the table codified at WMC 21.83.030. Notice of the application and the required public hearing shall be given as

provided in Chapter 17.11 WMC. Notices shall be posted on-site, posted at the City's designated posting places, advertised in the City's official newspaper, and mailed to property owners within 500 feet of the project site.

(4) A special use permit for a local essential public facility shall be approved upon a determination that:
   (a) The project sponsor has demonstrated a need for the project, as supported by a detailed written analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;
   (b) The project sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, and as verified by the City and reviewed by any relevant associated jurisdictions and agencies;
   (c) Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency to the extent required by applicable State and City regulations;
   (d) Necessary infrastructure is or will be made available to ensure that public safety responders have capacity to handle increased calls or expenses that will occur as the result of the facility;
   (e) The project sponsor has the ability to fund all capital costs associated with required on-site and off-site improvements;
   (f) The facility will not unreasonably increase noise level in residential areas, especially at night;
   (g) Visual screening will be provided that will mitigate the facility's visual impacts from streets and adjoining properties;
   (h) The facility is not located in any residential zoning district, except to the extent provided herein;
   (i) The facility meets all provisions of this title for development within the underlying zoning district, except to the limited extent provided in this subsection. If a local essential public facility does not meet all such provisions, the applicant must demonstrate that compliance with such provisions would preclude the siting of all similar facilities anywhere within the City. If the applicant is able to make such a demonstration, the Hearing Examiner shall authorize the essential public facility to deviate from the provisions of this title to the minimum extent necessary to avoid such preclusion;
   (j) The project sponsor's public participation plan has allowed for public participation in the siting decision and with respect to appropriate mitigation measures;
   (k) The project will not result in an unnecessarily disproportionate burden of essential public facilities on a particular geographic area of the City; and
   (l) Any and all probable significant adverse environmental impacts, including but not limited to impacts to wetlands, shorelines and wildlife habitat, are adequately mitigated.

(5) The Hearing Examiner may, pursuant to WMC 21.32.060, impose such reasonable conditions on approval of the special use permit as may be necessary in order to enable the proposed facility to:
   (a) Satisfy the decision criteria set forth in subsection (4) of this section;
   (b) Satisfy any other applicable criteria set forth in this title; and
   (c) Protect the public health, safety and welfare.

(6) The decision criteria set forth in this section shall not be applied in such a manner as to preclude the siting or expansion of local essential public facilities in the City of Woodinville. In the event that a local essential public facility cannot, by the imposition of reasonable conditions, satisfy the decision criteria set forth in this section with respect to the applicant's preferred site, the Hearing Examiner shall either:
   (a) Deny the special use permit with respect to the requested site, and require the local essential public facility to be located on one of the investigated alternative sites, if the proposal can be reasonably conditioned to meet the decision criteria at the alternative site; or
   (b) Approve the siting or expansion of the local essential public facility at the requested site with such reasonable conditions of approval as may be imposed to mitigate the impacts of the proposal to the maximum extent practicable, if there is no reasonable alternative site on which the decision criteria can be met.

21.32.050 Siting and expansion of State and regional essential public facilities.

(1) A special use permit shall be required as provided in this section before any State or regional essential public facility may be located or expanded within the City of Woodinville, regardless of the zoning district in which such facility is or is proposed to be located.

(2) A complete application for a special use permit for a State or regional essential public facility shall comply with WMC 21.83.130. The Director shall develop a supplemental application form which addresses and provides

sufficient information to determine the application's estimated compliance with each of the approval criteria set forth in this section.

(3) A special use permit for a State or regional essential public facility shall be processed as a Type III permit under the table codified at WMC 21.83.030. Notice of the application and the required public hearing shall be given as provided in Chapter 21.84 WMC. Notices shall be posted on-site, posted at the City's designated posting places, advertised in the City's official newspaper, and mailed to property owners within 500 feet of the project site.

(4) State and regional essential public facilities shall satisfy the provisions of this title for development within the zoning district in which they are proposed to be located, except as provided in this section.

(5) The Hearing Examiner shall not deny a special use permit application for a State or regional essential public facility, and shall accept the valid siting determination made by a State or regional sponsor with respect to any such facility. The Hearing Examiner may, pursuant to WMC 21.32.060, impose reasonable conditions upon the State or regional essential public facility in order to ensure that:

(a) Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;

(b) Necessary infrastructure is or will be made available to ensure that public safety responders have sufficient capacity to handle increased calls or expenses that will occur as the result of the facility;

(c) All capital costs associated with on-site and off-site improvements necessitated by the facility are borne by the project sponsor to the extent legally permissible;

(d) The facility will not unreasonably increase noise levels in residential areas, especially at night;

(e) Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties;

(f) Any and all probable significant adverse environmental impacts, including but not limited to impacts to wetlands, shorelines and wildlife habitat, are adequately mitigated;

(g) Any other applicable criteria set forth in this title are satisfied; and

(h) The public health, safety and welfare are adequately protected.

(6) In the event that a State or regional essential public facility cannot, by the imposition of reasonable conditions of approval, satisfy the criteria set forth in this section, the Hearing Examiner shall approve the siting or expansion of the State or regional essential public facility with such reasonable conditions of approval as may mitigate such impacts to the maximum extent practicable. The Hearing Examiner shall not impose conditions in such a manner as to preclude the siting or expansion of any State or regional essential public facility in the City of Woodinville.

21.32.060 Permit conditions.

(1) In issuing a special use permit under this chapter, the Hearing Examiner may impose such reasonable conditions as necessary in order to ensure that a proposed essential public facility satisfies, to the extent practicable, the applicable permit criteria therefore and does not unreasonably impact the public health, safety, environment and welfare. Such conditions may include, but are not limited to, the following:

(a) Limiting the manner in which the proposed special use is conducted, including restricting the time during which an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor;

(b) Requiring a special yard or other open space or lot area or dimension;

(c) Limiting the height, size or location of a building or other structure;

(d) Designating the size, number, location or nature of vehicle access points;

(e) Designating the amount of street dedication, roadway width or improvements within the street right-of-way;

(f) Designating the size, location, screening, drainage, surfacing or other improvement of parking or vehicle loading areas;

(g) Limiting or otherwise designating the number, size, location, and height of lighting of signs;

(h) Limiting the location and intensity of outdoor lighting, and/or requiring shielding thereof;

(i) Requiring screening, landscaping or another facility to protect adjacent or nearby property, and designate standards for the installation or maintenance of such facility;

(j) Designating the size, height, location or constituent materials for on-site fencing;

(k) Protecting existing trees, vegetation, water resources, wildlife habitat or other significant natural resources;

(l) Requiring provisions for public access, both physical and visual, to natural, scenic and recreational resources;
(m) Requiring provisions for stormwater drainage, including designating the size, location, screening, or other improvements of detention ponds and related facilities;
(n) Imposing special conditions on the proposed special use to reasonably ensure its conformance with the surrounding neighborhood and the intent and purpose of the underlying zoning district; and
(o) Requiring financial guarantees regarding the installation of required infrastructure and landscaping improvements, as well as reasonable evidence or assurances that any permit conditions will be complied with.

(2) The list of conditions enumerated in subsection (1) of this section is nonexclusive. Nothing in this chapter is intended to diminish or otherwise abridge the City's authority to require mitigation measures or impose conditions pursuant to any other applicable State or local requirement, including but not limited to the SEPA regulations codified at Chapter 14.04 WMC and the subdivision regulations codified at Chapter 21.60 WMC.

21.32.070 Optional site consultation process.

Prior to submitting a special use permit application under this chapter, an EPF sponsor may request site consultation with the Director. Participation in this consultation process is encouraged as a means for project sponsors to present facility proposals, provide information about potential sites, and discuss possible siting incentives and mitigation measures.

21.32.080 Interjurisdictional siting.

Where the City has executed an interlocal agreement with one or more other jurisdictions regarding the siting of EPFs of a regional or State-wide nature, the City shall cooperate fully and in good faith with said jurisdiction(s) to the extent specified in the interlocal agreement; provided, that nothing in this section nor in any such interlocal agreement shall be construed as waiving, limiting or otherwise abridging the City's regulatory authority. The City may also in its discretion execute a development agreement with the sponsor of any proposed EPF pursuant to Chapter 21.82 WMC and Chapter 36.70B RCW.

21.32.090 Public involvement.

The special use permit application process shall include a public participation plan designed to encourage early public involvement in the siting decision and to assist in determining possible mitigation measures. Informational public meetings within the City shall be scheduled pursuant to this process, the number of which shall be determined by the Director based upon consideration of the size, complexity and estimated impacts of the proposed facility. The Director shall determine the format and location(s) for the meetings, and shall require that public notice and meeting summaries acceptable to the City shall be either prepared or funded by the EPF sponsor.

21.32.100 Consultant and legal review – Deposit.

The Director may require legal and/or independent consultant review of a proposed EPF or expansion of an existing EPF in order to assess its impacts and compliance with the criteria contained in this chapter. If such review is required, the project sponsor shall make a deposit with the City sufficient to reasonably fund the cost of such review, as determined by the Director. Said deposit shall be separate from and in addition to any other required fee. The deposit shall be set at a level reasonably consistent with the anticipated cost of review based on the size, complexity and estimated impacts of the proposal, as determined by the Director. The Director may require the sponsor to periodically supplement the deposit to the extent necessary to ensure payment of the review. Any unexpended funds shall be returned to the applicant following the final decision on the underlying special use permit application.

21.32.110 Hearing Examiner decision.

(1) The Hearing Examiner shall issue a written decision approving, approving with conditions, or denying an application for a special use permit for an essential public facility under this chapter. The Hearing Examiner's decision shall contain findings and conclusions addressing the standards and criteria applicable to the category of EPF under consideration.
(2) The decision criteria set forth in this chapter shall not be applied in such a manner as to preclude the siting or expansion of essential public facilities in the City of Woodinville.
(3) Any party of record may request reconsideration of the Hearing Examiner's decision within 10 days of issuance thereof. Any such request for reconsideration shall be in writing and addressed to the Director, who shall transmit it to the Hearing Examiner. If a request for reconsideration is received, the Hearing Examiner shall, within 10 days, issue a decision granting or denying said request. The relevant appeal deadline for the Hearing Examiner's underlying decision shall be tolled during the period of any reconsideration.

21.32.120 Suspension or revocation of permit.

A special use permit issued for an EPF may be suspended or revoked by the Director if the sponsor subsequently fails to comply with any condition of approval.

21.32.130 Appeal.

Appeal of the Hearing Examiner's ruling shall be governed by Chapter 21.86 WMC.

21.32.140 Decision timing.

The review, reconsideration and appeal process set forth in this chapter shall not be used to preclude an EPF. The Hearing Examiner shall render a final, appealable decision with respect to special use permit application for an EPF within 240 days of the City's notice of completion regarding the permit application.

21.32.150 Building permit application.

(1) Any building permit for an EPF approved under this chapter shall comply with all conditions of approval in the special use permit. In the event a building permit for an EPF is denied, suspended or revoked due to a failure to comply, the Director shall submit in writing the reasons for denial to the project sponsor.

(2) No building or construction permits may be applied for prior to special use permit approval of an EPF unless the applicant signs a written release acknowledging that such approval is neither guaranteed nor implied by the Director's acceptance of the building or construction permit applications. The applicant shall expressly accept all financial risk associated with preparing and submitting construction plans before the final decision is made under this chapter.

(3) Building permits for an EPF which fails to comply with the conditions of approval shall be suspended and a report made to the Director. The Director shall institute a proceeding before the Hearing Examiner to permit the EPF's sponsor a hearing at which to show cause why its special use permit should not be revoked or further conditioned. Such hearing shall be conducted in accordance with Chapter 21.84 WMC; provided, that the Hearing Examiner's decision shall be final and appealable only to Superior Court pursuant to the Land Use Petition Act. (Ord. 425 § 11, 2006)

21.32.160 Secure community transition facilities.

(1) The siting of secure community transition facilities as defined by RCW 71.09.020 shall be governed by the applicable provisions of Chapter 71.09 RCW and this section.

(2) The Hearing Examiner may impose reasonable conditions upon the granting of a special use permit for a secure community transition facility, pursuant to applicable provisions of the WMC; provided, that with respect to the subject matters specifically addressed in RCW 71.09.285 through 71.09.340, the Hearing Examiner shall not impose any condition more restrictive than the requirements specifically addressed by those sections. This subsection shall not be construed as limiting any authority the Hearing Examiner may have to impose conditions of a type that are not specifically addressed by RCW 71.09.285 through 71.09.340. The State Department of Social and Health Services (DSHS) may voluntarily impose conditions upon its proposal that would be more restrictive than the requirements of RCW 71.09.285 through 71.09.340. To the extent that this subsection conflicts with subsection (4) of this section, subsection (4) shall control.

(3) The City hereby acknowledges and adopts the siting policy guidelines developed by DSHS pursuant to RCW 71.09.285 and 71.09.290 and such guidelines shall be considered by the Hearing Examiner in making his/her decision on the special use permit for a secure community transition facility. The Hearing Examiner shall deny a special use permit application if it determines that DSHS did not comply with the siting policy guidelines in selecting the proposed site.

(4) With respect to the siting of secure community transition facilities, nothing in this section shall be construed by the Hearing Examiner or a reviewing court to be a regulation more restrictive than the minimum requirements (RCW 71.09.285 through 71.09.340). The Hearing Examiner is hereby authorized, in making his/her decision regarding the siting of a secure community transition facility, to ignore any regulation herein that the Hearing Examiner determines to be more restrictive than the minimum requirements.

Chapter 21.33
LANDMARK PROTECTION AND PRESERVATION

Sections:

21.33.010 Purpose.
21.33.020 Landmarks and Heritage Commission.
21.33.030 King County Code sections adopted.
21.33.040 Review of building and related permits.
21.33.050 Direction to City Clerk.
21.33.060 Re-use of facilities – Standards for conversion of historic buildings.

21.33.010 Purpose.

The purposes of this chapter are to:

(1) Designate, preserve, protect, enhance, and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the City's, County's, State's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;

(2) Re-designate two sites in the City of Woodinville, previously designated as historic landmarks by the King County Landmarks and Heritage Commission, as City of Woodinville Landmarks, thereby entitling them to the same advantages, responsibilities and opportunities under the City of Woodinville Ordinance as were available under the King County Landmarks Ordinance and program. These two sites are the Hollywood Farm, 14111 NE 145th Street, and the Hollywood School, 14810 NE 145th Street;

(3) Foster civic pride in the beauty and accomplishments of the past;

(4) Stabilize and improve the economic values and vitality of landmarks;

(5) Protect and enhance the Woodinville tourist industry by promoting heritage-related tourism;

(6) Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, and objects for the education, inspiration and welfare of the people of Woodinville;

(7) Promote and continue incentives for ownership and utilization of landmarks;

(8) Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects; and

(9) Work cooperatively with other jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter.

21.33.020 Landmarks and Heritage Commission.

(1) The King County Landmarks and Heritage Commission established pursuant to Chapter 20.62 KCC is hereby designated and empowered to act as the Landmarks Commission for the City of Woodinville pursuant to the provisions of this chapter.

(2) The special member of the King County Landmarks and Heritage Commission provided for in KCC 20.62.030 shall be appointed by the Mayor subject to confirmation of the Council. Such special member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a three-year term. Such special member shall serve until his or her successor is duly appointed and confirmed. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Such special member may be reappointed, but may not serve more than two consecutive three-year terms. Such special member shall be deemed to have served one full term if such special member resigns at any time after appointment or if such special member serves more than two years of an unexpired term. The special member shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or programs. The City of Woodinville shall reimburse such expenses incurred by the special member.

(3) The Commission shall not conduct any public hearings required under this chapter with respect to properties located within the City of Woodinville until its rules and regulations, including procedures consistent with this chapter, have been filed with the Woodinville City Clerk.

21.33.030 King County Code sections adopted.

The City Council hereby adopts the following sections of Chapter 20.62 KCC which are incorporated by reference herein and made a part of this chapter:

(1) KCC 20.62.020 – Definitions, except as follows:

(a) Paragraph (H) is changed to read "'Director' is the City of Woodinville Building Official or his or her designee."

(2) KCC 20.62.040 – Designation Criteria, except all references to "King County" are changed to read "Woodinville."
(3) KCC 20.62.050 – Nomination Procedure.
(4) KCC 20.62.070 – Designation Procedure,
(5) except all references to "King County" are changed to read "Woodinville."
(6) KCC 20.62.080 – Certificate of Appropriateness Procedure, except the last sentence of paragraph A thereof.
(7) KCC 20.62.100 – Evaluation of Economic Impact.
(8) KCC 20.62.110 – Appeal Procedure.
(9) KCC 20.62.130 – Penalty for Violation of Section 20.62.080
(10) KCC 20.62.140 – Special Valuation for Historic Properties.
(11) KCC 20.62.150 – Historic Resources – Review Process, except all sections but the final sentence of paragraph B(4) and the entirety of paragraph C thereof.

21.33.040 Review of building and related permits.

The official responsible for the issuance of building and related permits shall promptly refer applications for permits which "affect" historic buildings, structures, objects, sites, districts, or archaeological sites to the King County Historic Preservation Officer (HPO) for review and comment. For the purposes of this section, "affect" shall be defined as an application for change to the actual structure, on a property with a landmark structure or designated as a landmark property, or on an adjacent property sharing a common boundary line. The responsible official shall seek and take into consideration the comments of the HPO regarding mitigation of any adverse effects affecting historic buildings, structures, objects, sites, or districts.

21.33.050 Direction to City Clerk.

Pursuant to RCW 35A.12.140, the City Clerk is directed to keep on file a copy of the King County Code sections adopted by this chapter for the use and examination by the public

21.33.060 Re-use of facilities – Standards for conversion of historic buildings.

In order to insure that significant features of the property are protected, the following standards shall apply to conversion of historic buildings:

(1) Gross floor area of building additions or new buildings required for the conversion shall not exceed 20 percent of the gross floor area of the historic building, unless allowed by the zone;
(2) Conversions to apartments shall not exceed one dwelling unit for each 3,600 square feet of lot area, unless allowed by the zone; and
(3) Any construction required for the conversion shall require certification of appropriateness from the King County Landmarks Commission.

Chapter 21.34
NONCONFORMITY

Sections:

21.34.010 Purpose.
21.34.020 Nonconformance – Applicability.
21.34.030 Nonconformance – Determining status.
21.34.040 Nonconformance – Abatement of illegal use, structure or development.
21.34.050 Nonconformance – Continuation and maintenance of nonconformance.
21.34.060 Nonconformance – Re-establishment of a discontinued nonconformance.
21.34.070 Nonconformance – Repair, remodel or reconstruction of nonconforming structure.
21.34.080 Nonconformance – Modifications to nonconforming structure.
21.34.090 Nonconformance – Expansion of nonconformance prohibited.
21.34.100 Nonconforming lots.

21.34.010 Purpose.

The purposes of this chapter are to:

(1) Establish the legal status of a nonconformance by creating provisions through which a nonconformance may be maintained, altered, reconstructed or terminated;

(2) Provide for the temporary establishment of uses that are not otherwise permitted in a zone and to regulate such uses by their scope and period of use; and

(3) Encourage the adaptive re-use of existing public facilities which will continue to serve the community, and to ensure public review of redevelopment plans by allowing:

(4) (a) Temporary re-use of closed public school facilities retained in school district ownership, and the reconversion of a temporary re-use back to a school use;

(a) Permanent re-use of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in school district ownership; or

(b) Permanent re-use of historic structures listed on the National Register or designated as County landmarks.

21.34.020 Nonconformance – Applicability.

(1) All non-conformances shall be subject to the provisions of this chapter.

(2) The provisions of this chapter do not supersede or relieve a property owner from compliance with:

(a) The requirements of the International Building and Fire Codes; or

(b) The provisions of this code beyond the specific nonconformance addressed by this chapter.

21.34.030 Nonconformance – Determining status.

(1) Any use, structure, or other site improvement (e.g., landscaping or signage) that was legally established prior to the effective date of the ordinance codified in this title shall be considered non-conforming if:

(a) The nonconformance is now prohibited or cannot meet use or site limitations applicable to the zone in which it is located; or

(b) The nonconformance does not comply with the density, dimensions, landscaping, parking, sign, buffer or design standards of this title.

(2) A change in the required permit review process shall not create a nonconformance.

(3) Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance, except as specified by WMC 21.34.060.

21.34.040 Nonconformance – Abatement of illegal use, structure or development.

Any use, including structures, or other site improvement not established in compliance with use, development, setback, site, and design standards or critical areas and buffers in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to the applicable provisions of the WMC.

21.34.050 Nonconformance – Continuation and maintenance of nonconformance.

A nonconformance may be continued or physically maintained as provided by this chapter.

21.34.060 Nonconformance – Re-establishment of a discontinued nonconformance.

Except as otherwise provided in WMC 21.34.070, a nonconformance may be re-established as a nonconformance, except any nonconformance that is discontinued for a period of 12 continuous months shall be deemed abandoned and shall not be re-established.

21.34.070 Nonconformance – Repair, remodel or reconstruction of nonconforming structure.

A damaged or partially destroyed nonconforming structure may be repaired, remodeled or reconstructed; provided, that:

(1) The extent of the previously existing non-conformance is not increased;
(2) The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction; and
(3) The structure has not been damaged or destroyed beyond 50 percent of its assessed value.

21.34.080 Nonconformance – Modifications to nonconforming structure.

Modifications to a nonconforming structure may be permitted; provided the modification does not increase the area, height or degree of an existing nonconformity.

21.34.090 Nonconformance – Expansion of nonconformance prohibited.

A nonconformance may not be expanded.

21.34.100 Nonconforming lots.

Legally established lots in existence prior to the effective date of the ordinance codified in 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 21.22 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.

Chapter 21.35
SIGNS
Sections:

21.35.010 Purpose.
21.35.020 Permit requirements.
21.35.030 Exempt signs.
21.35.040 Prohibited signs.
21.35.050 Sign area calculation.
21.35.060 General sign requirements.
21.35.070 Community bulletin board signs.
21.35.080 Sign types permitted by zone.
21.35.090 Bulk standard by zone.
21.35.100 Changing general message electronic reader boards.
21.35.110 Window signs.
21.35.120 Master signage plan.
21.35.130 Signs or displays of limited duration.
21.35.140 Nonconforming signs.

21.35.010 Purpose.

The purpose of this chapter is to enhance the visual environment and safety of the City by:

(1) Establishing standards that regulate the type, number, location, size, and lighting of signs; (2) Encouraging attractive, effective signage throughout the community, and providing clearly identifiable design objectives for public and private signage in the downtown.

21.35.020 Permit requirements.

(1) Except as otherwise permitted by this chapter, no sign shall be erected, altered or relocated without a sign permit issued by the City.
(2) No permit shall be required for cleaning or other normal maintenance and repair of a sign, except as it is regulated under WMC 21.35.120 and 21.35.140.

21.35.030 Exempt signs.

The following signs or displays are exempted from the regulations under this chapter:

(1) Historic site markers or plaques, gravestones, and address numbers;
(2) Signs required by law, including but not limited to:
  (a) Official or legal notices issued and posted by any public agency or court; or
  (b) Traffic directional or warning signs;
(3) Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are non-illuminated, and which do not exceed four square feet in surface area;
(4) Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings or information when established and maintained by a public agency;
(5) State or Federal flags; (6) Religious symbols;
(6) The flag of a commercial institution, provided no more than one on-site flag is permitted per business premises; or one per tenant in a multi-tenant building; and further provided, the flag is on a designated flagpole or a flag stand attached to a building, the flag does not exceed 20 square feet in surface area and does not advertise a product. This does not include pennant-style or feather-style signs, which are prohibited;
(7) Signs or displays not intended to be visible from streets or public ways, signs in the interior of a building more than three feet from the closest window and not facing a window, and point of purchase advertising displays, such as vending machines;
(8) Wayfinding signs installed as part of a City-sponsored and coordinated wayfinding program;
(9) Public gateway entrance signs.

21.35.040 Prohibited signs.

Except as indicated by this chapter, the following signs or displays are prohibited:

(1) Portable signs; except as provided for in WMC 21.25.130, Signs or displays of limited duration;
(2) Signs on utility poles, except signs of the utility or government;
(3) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with traffic control signs or signals;
(4) Signs located in the public right-of-way, except where permitted in this chapter;
(5) Posters, pennants, strings of lights, blinking lights, balloons, searchlights and other displays of a carnival nature; except as provided for in WMC 21.25.130, Signs or displays of limited duration;
(6) Billboards, poster boards and other advertising for products or business not located on the site of the business or place of sale, except as permitted by WMC 21.35.060(6) and (7);
(7) Signs that are located so as to interfere with visibility for the safe movement of pedestrians, bicycles, and vehicles;
(8) Animated signs;
(9) Highly reflective frame materials such as mirrored glass or chrome metal;
(10) Signs for businesses that are no longer operating and open for business;
(11) Off-premises signs, except where permitted in this chapter;
(12) Signs located on or above a roof; and
(13) Human held signs.

21.35.050 Sign area calculation.

Sign area shall be calculated by measuring the smallest single rectangle, which will enclose the combined letters and symbols, and for freestanding signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point.

21.35.060 General sign requirements.

(1) Because fuel price signs are required by Federal statute, such signs shall not be included in determining sign area square footage or number limitations as referenced in WMC 21.35.090. Fuel price signs shall be part of or attached to a permanent monument sign and shall not exceed 20 square feet per street frontage. The price display may be electronic as long as it meets the requirements for changing message signs in WMC 21.35.100, does not create a traffic safety issue by glare or by including blinking or flashing lights.
(2) On-premises direction signs shall not be included in the sign area or number limitation of WMC 21.350.080 through 21.35.120, provided they shall not exceed six square feet in surface area and are limited to one for each entrance or exit to surface parking areas, parking structures, drive- through lanes, or as determined by the Development Services Director for safe circulation.
(3) Sign Illumination and Glare.
    (a) Internally illuminated signs shall be designed to emphasize the lighting of the sign text, message and/or symbols, while minimizing the lighting of the background of the sign face. The colors of the sign. Letters and background shall remain fixed.
    (b) In those cases where indirectly illuminated signs are permitted. The light source shall be no farther away from the sign than the height of the sign.
    (c) Indirectly illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way.
    (d) Electrical requirements for signs shall be governed by Chapter 19.28 RCW and Chapter 296-46B WAC.
    (e) Signs should not exhibit undue brightness. “Undue brightness” means illumination in excess of that which is necessary to make the sign reasonably visible to the average person on the abutting street, as determined by the Development Services Director.
(4) One off-premises freestanding sign for each business is permitted on private property as regulated in this section and WMC 21.35.090. To qualify for an off-premises freestanding sign, two or more businesses must be advertised; and the businesses advertised must have no street frontage.
(5) If more than one freestanding sign is permitted on a site, these signs must be spaced a minimum of 140 feet apart.
(6) (6) All signs, except for signs or displays of limited duration as permitted under WMC 21.35.130, must be constructed of durable, maintainable materials, and must be properly maintained. Signs that are made of materials that deteriorate quickly or that feature impermanent construction are not permitted. For example, plywood or plastic sheets without a sign face overlay or without a frame to protect exposed edges are not permitted.

(7) Recommended materials include:
  (a) Sign frames constructed of wood, anodized metal or concrete are encouraged.
  (b) Sign faces constructed of anodized metal, wood or bronze are encouraged. Plastic is discouraged except for backlit lettering.
  (c) Sign mountings constructed of wood, stone, concrete, masonry or structural metal are encouraged.
(8) Recommended background colors are found in WMC 21.11.210.
(9) Required frame colors are found in WMC 21.11.210.
(10) Reader boards are permitted. If the reader board features dark letters on a light or white back- ground, the sign will not be considered as featuring "recommended colors" and the smaller sign area allowance for freestanding signs will apply.
(11) Street addresses must be prominently displayed either on the building or on the sign.
(12) All signs shall meet the sight distance requirements of WMC 21.22.190.
(13) Allowances for Larger Signs. The following allowances for freestanding and building signs may be permitted, subject to the below requirements and the approval of the Development Services Director.

Type of Sign	Maximum Allowance	Requirement
Building	Sign Face: 12% of facade area	1. Must use recommended background colors and materials and required frame colors. 2. Must have no backlighting of the sign, except logos and
Freestanding	Sign Face: Smaller of 1% of gross floor area tenant/building space or 1 sq. ft. per 4 feet of street frontage, maximum 100 sq. ft. Height: 15 feet	1. Must use recommended background colors and materials and required frame colors. 2. Must have no backlighting of the sign, except logos and lettering. 3. A minimum of two of the following elements must be provided: a. Recommended materials are used. b. The sign is designed to reflect architectural features of the building or site. c. Minimum 2 sq. ft. of landscaping per 1 sq. ft. of sign face is provided and includes strong vertical elements, such as tall shrubs and/or trees. d. A fountain or other similar water feature that is incorporated into the design of the sign and landscaping.

(14) Any sign that projects over pedestrian walkways or sidewalks shall maintain a minimum clearance of eight feet above finished grade and shall not project more than six feet from the supporting building unless a greater projection is approved by the Development Services Director through the Design Guidelines and Standards review process.
(15) Each tenant may also display a single shingle sign that has a face perpendicular to the building provided the sign is no larger than three square feet, is no less than eight feet above the ground, and does not extend more than three feet from the building or beyond an existing architectural canopy. (

21.35.070 Community bulletin board signs.

Community bulletin board signs shall be limited as follows:
(1) In the R zones, community bulletin board signs may not exceed 32 square feet and are only permitted at public schools, police stations, fire stations or other public facilities;
(2) In the P/I, O, TB and NB zones, community bulletin board signs may not exceed 40 square feet;
(3) In the I zone, community bulletin board signs may not exceed 60 square feet; and
(4) In the CBD and GB zone, community bulletin board signs may not exceed 100 square feet.

21.35.080 Sign types permitted by zone.

Signs are permitted in the zones indicated according to the following chart. The Development Services Director shall determine which sign type category applies to a proposed sign.

ZONE/AREA	Freestanding	Building	Window
CBD,GB, NB, TB, O	P	P	P
R Zones	P	P	P
P/I, P	P	P	P
I	P	P	P

21.35.090 Bulk standard by zone.

Criteria	R1 – 8	R9+	CBD, GB, NB, TB, O	I	P/I, P
Building Signs					
Number of signs	1	1	1 per tenant per facade, maximum 2 per tenant, plus 1 per building	1 per tenant per facade, maximum 2 per tenant, plus 1 per building	1
Maximum height	No portion of the sign may protrude above the highest point of the roof, or break the plane of the roof.	No portion of the sign may protrude above the highest point of the roof, or break the plane of the roof.	No portion of the sign may protrude above the highest point of the roof, or break the plane of the roof.	No portion of the sign may protrude above the highest point of the roof, or break the plane of the roof.	No portion of the sign may protrude above the highest point of the roof, or break the plane of the roof.
Maximum size per face	8% of building facade area, maximum 10 square feet	8% of building facade area, maximum 20 square feet	8% of building facade area	8% of building facade area	8% of building facade area
Colors	Required to use City background colors	Required to use City background colors			Required to use City background colors
Illumination	No illumination permitted	No illumination permitted	Permitted	Permitted	Permitted
Materials	Plastic not permitted	Plastic not permitted	Sign face encouraged to be constructed of anodized or treated metal, wood, masonry, tile or neon. Plastic is discouraged	Sign face encouraged to be constructed of anodized or treated metal, wood, masonry, tile or neon. Plastic is discouraged	Sign face encouraged to be constructed of anodized or treated metal, wood, masonry, tile or neon. Plastic is discouraged
Mounting	Maximum protrusion from facade is 1 foot	Maximum protrusion from facade is 1 foot	Maximum protrusion from facade is 1 foot	Maximum protrusion from facade is 1 foot	Maximum protrusion from facade is 1 foot
Sign frames	Frame must be concealed or integrated with the building using similar materials and colors	Frame must be concealed or integrated with the building using similar materials and colors	Frame must be concealed or integrated with the building using similar materials and colors	Frame must be concealed or integrated with the building using similar materials and colors	Frame must be concealed or integrated with the building using similar materials and colors
Freestanding Signs					

Criteria	R1 – 8	R9+	CBD, GB, NB, TB, O	I	P/I, P
Number of signs	1 per entrance	1 per entrance	1 per street frontage, plus 1 for each 250 feet street frontage	1 per street frontage, plus 1 for each 250 feet street frontage	1 per entrance
Maximum height	6 feet	6 feet	10 feet	10 feet	6 feet
Maximum size per face	20 square feet	20 square feet	Smaller of 1% of gross floor area tenant/building space or 1 sq. ft. per 4 lineal feet of street frontage, minimum 25 sq. ft., maximum 75 sq. ft.	Smaller of 1% of gross floor area tenant/building space or 1 sq. ft. per 4 lineal feet of street frontage, minimum 25 sq. ft., maximum 75 sq. ft.	20 square feet
Maximum number of faces	2	2	2	2	2
Colors	Required to use City background colors	Required to use City background colors			Required to use City background colors
Landscaping	1 sq. ft. per 1 sq. ft. of sign face area. Landscaping must include trees, shrubs, and/or floral displays	1 sq. ft. per 1 sq. ft. of sign face area. Landscaping must include trees, shrubs, and/or floral displays	1 sq. ft. per 1 sq. ft. of sign face area. Landscaping must include trees, shrubs, and/or floral displays	1 sq. ft. per 1 sq. ft. of sign face area. Landscaping must include trees, shrubs, and/or floral displays	1 sq. ft. per 1 sq. ft. of sign face area. Landscaping must include trees, shrubs, and/or floral displays
Illumination	Not permitted	Not permitted	Permitted	Permitted	Not permitted
Sign frame and mounting	Base must be solid, and use City materials and frame colors	Base must be solid, and use City materials and frame colors	Base must be solid, or use double post; and use City frame colors	Base must be solid, or use double post; and use City frame colors	Base must be solid, and use City materials and frame colors
Setbacks	5 feet	5 feet	5 feet	5 feet	5 feet
Lettering/logo size	Minimum lettering height 6 inches	Minimum lettering height 6 inches	Minimum lettering height 6 inches	Minimum lettering height 6 inches	Minimum lettering height 6 inches

21.35.100 Changing general message electronic reader boards.

(1) Changing general message electronic reader boards are permitted in the Public/Institutional zone, except for those Public/Institutional zones that abut the Central Business District zone. Where they are permitted, a single changing general message electronic reader board may be substituted for one of the permitted signs, not to exceed 32 square feet provided it meets the requirements of the type of sign installed. The following additional requirements apply to changing general message electronic reader board signs in these zones:
   (a) The electronic message may not change more frequently than every four seconds;
   (b) The sign may only display messages for school or community events or activities; and
   (c) The sign's lights are limited to a single color and must be a warm-toned off-white or similar color as approved by the Development Services Director.

(2) Changing message center signs for date, time and temperature only, which can be incorporated into a building or freestanding sign, shall not exceed the size or height permitted for a building or freestanding sign, and shall be permitted only in the CBD, GB, O, I, and P/I zones, except in the Tourist District.

21.35.110 Window signs.

Window signs are allowed without a permit. The maximum allowable sign area is 20 percent of the window area.

21.35.120 Master signage plan.

(1) A master signage plan shall be prepared for all new commercial, office or industrial projects or any multitenant buildings or group of buildings having four or more tenant or occupant spaces on a lot or combination of lots subject to a common development permit or plan. Existing developments desiring to achieve conformance with this code shall be permitted to apply for a master sign plan retroactively. A "common development permit or plan" means any grading, building, sign or other permit issued by the city which is for the complex, building(s) as a whole or four or more tenants. A fee will be charged based on processing costs as provided for by the city's most current fee resolution.

(2) Application of the master signage plan shall be concurrent with the project application to construct the associated development. Master signage plans approved under this section shall be evaluated based upon the following criteria:

(a) Placement. All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures and sign orientation relative to viewing distances and viewing angles.

(b) Size. In a master signage plan, signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume and speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style, and sign proportions and dimensions. The Planning Commission may approve height and area deviations that achieve these purposes.

(c) Number of Signs. The master signage plan shall not exceed the total number of building or freestanding signs permitted in WMC 21.35.080 and 21.35.090, except as noted herein. Each additional monument sign must be separated by at least 140 feet from all other monument signs on the property. The size requirements in WMC 21.35.090, or as approved through this section, may not be exceeded. Additional monument signs may be approved upon meeting any of the following criteria:

(i) There must be at least two separate street frontages;

(ii) There must be at least three separate access points with a minimum distance of 300 feet from all other access points on that property; or

(iii) The applicant must demonstrate that vehicular traffic movement visibility is not impaired, and location is such that the business, property or complex access could not be identified without the additional signage.

(d) Materials. Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style, or the use of a consistent lettering style or copy.

(e) Illumination. Proposed illumination shall be such that any and all project light is either shielded away from adjacent land uses or otherwise situated so as to minimize any adverse impacts upon adjacent properties. Refer to WMC 21.35.060(3).

(f) Design. All tenant building signs on the building are required to be similar in location, configuration, materials and construction; must be architecturally integrated into the building; and employ a coordinated color scheme. Recommended background colors and required frame colors must be used.

(3) Applications for a master signage plan shall include, but are not limited to, the following information:

(a) The applicant's name and address; (b) A legal description of the property; (c) Existing zoning of the property;

(b) A site plan depicting the proposed plan of development;

(c) Standards for size, qualities, materials, and illumination; and

(d) A narrative description of the common theme for signage within the development, how it relates to architectural and/or landscaping elements of the development, and how the master signage plan relates to each of the six criteria set forth in subsection (2) of this section.

(4) In conducting its review of the master signage plan, the reviewing body shall seek architectural compatibility between the subject building(s) and proposed future signage on the basis of location, dimensions, area, illumination and possible limitation on materials and colors. The reviewing body may approve and/or impose

additional limitations on signage as deemed necessary as part of a specific review of the proposed signage plan.

(5) Master signage plans which do not deviate from the requirements of this chapter and do not include legally nonconforming signs shall be reviewed (approved, approved with conditions, or denied) by the Development Services Director or his/her designee. Master signage plans which seek deviations from the requirements of this chapter shall be reviewed for approval by the Planning Commission at a public hearing. Any sign permitted under a master signage plan shall be considered a legally approved sign.

(6) All such signage plans should not propose to exceed the overall allowed square footage of signage for a given lot(s) but may include, for example, an increase in the amount of wall signage with a decrease in the amount of freestanding signs.

(7) After approval of a master signage plan, no sign shall be erected except in conformance with the approved plan, and such plan may be enforced in the same way as any provision of this chapter. The approved master signage plan may be amended by filing a new application that conforms with the requirements of the ordinance then in effect. New applications will be reviewed under the same permit process as the original application.

(8) Appeals of the reviewing body shall be made in accordance with the procedures contained in Chapters 21.80 through 21.86 WMC.

21.35.130 Signs or displays of limited duration.

Unless otherwise regulated by this chapter, temporary signs regulated under this chapter not removed by the applicable post-event deadline will be subject to removal by the City of Woodinville and any and all costs associated with such removal may be assessed against the person(s) responsible for having the temporary signs put on display, the owner of the temporary sign and/or the sponsor(s) of the event or sale for which the temporary signs were put on display. The following temporary signs or displays are allowed, and except as required by the International Building Code, or as otherwise required in this chapter, do not require building permits. The signs allowed in this section are in addition to any other signs allowed in this chapter. Each type of sign or display of limited duration is allowed on a premises, subject to the regulation listed for the type of sign.

(1) Special Event Signs.
   (a) One special event sign per premises is allowed by permit, to announce grand openings or other special events or promotions, for not more than 30 days for any one event. Property owners may apply for one annual permit for all special event signs within a 12-month period, or permits may be granted for each special event. Special event signs are allowed on or inside a building, on or adjacent to the premises; none are to be allowed on public right-of-way, or on trees or utility poles.
   (b) Temporary signs or banners for organized mall-wide promotions may be allowed by permit for up to five days, with up to two permits per mall per year.
   (c) Seasonal lights and decorations of a non-carnival nature for the current season or holiday are allowed without a permit.
   (d) No sign shall exceed 32 square feet in surface area and may be no taller than the building eave or cornice if on a building, and not taller than 10 feet if freestanding.

(2) Construction Signs.
   (a) Construction signs that identify architects, engineers, planners, contractors or other individuals or firms involved with the construction or funding of a project and signs announcing the character of the project or the purpose for which the project is intended may be displayed.
   (b) One non-illuminated, double-faced sign is permitted for each public street upon which the project fronts.
   (c) No sign shall exceed 32 square feet in surface area and may be no taller than 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property.
   (d) Construction signs must be removed by the date of issuance of the first occupancy permit for the premises or one year after placement of the signs, whichever occurs first. If the signs are not removed within this time period, they may be removed by the City at the expense of the owner of the property and/or the person(s) responsible for having the signs put on display.

(3) Political Signs.
   (a) On-premises political signs, posters or bills located at the headquarters of a political party, candidate or public service office, or a public issue decided by ballot are permitted. All on-premises political signs, posters or bills shall comply with the dimensional and locational requirements of the zoning district in which they are located, or of the applicable sign type.

(b) Off-premises political signs that do not exceed four square feet in area (i.e., four feet by one foot, two feet by two feet, etc.) may be displayed in the public right-of-way as allowed in subsection (3)(e) of this section. Off-premises political signs that do not exceed 32 square feet in area and six feet in height may be displayed on private property. Freestanding political signs with a height greater than four feet and signs made of wood or metal which are attached to buildings must submit a sign application for safety and structural review.

(c) Dividing a sign into several smaller pieces as a means to circumvent the political sign dimensional requirements of subsections (3)(a) and (b) of this section is not permitted.

(d) Political signs, posters or bills may be displayed from the closing date for filing for an election until seven days after the general election. It shall be the responsibility of the candidate to have his/her campaign/political signs removed within this time period or the City may remove such signs at the candidate's expense.

(e) No person, firm or corporation shall post, paint, nail, fasten or affix a political sign, poster, bill, or other advertising device of any kind on any streetlight, crosswalk, curb, curbstone, lamppost, street sign, utility pole, hydrant, tree, shrub, or public building or structure. Political signs are permissible on parking strips, the periphery of the public right-of-way and other portions of the right-of-way not used for vehicular or pedestrian travel preceding a primary or general election. Political signs must be installed in such a manner as not to constitute a traffic hazard or impair or impede pedestrian thoroughfares. No political sign placed within the public right-of-way shall be installed within the median of the roadway, or create a safety hazard for pedestrians or motorists as determined by the Police Administrator Chief or Public Works Director.

(f) Permits for political signs, posters or bills are not required unless the height of the free- standing sign is greater than four feet or the sign is made of wood or metal and is attached to a building.

(g) Political signs shall include only a message for a political party, candidate for public service office or a public issue decided by ballot. Political signs shall not include any message pertaining to a business, product or service.

(4) Real Estate Signs. All temporary real estate signs can be single or double-faced signs:

(a) Single-Family Residential for Sale or Rent. Signs advertising an individual residential unit for sale or rent shall be limited to one sign per street frontage on-site. The sign may not exceed eight square feet in area, and shall not exceed six feet in height. The sign shall be removed within 30 days after closing of the sale, lease or rental of the property.

(b) Commercial or Industrial for Sale or Rent. On-site commercial or industrial property for sale or rent signs shall be limited to one sign per street frontage on-site, and shall not exceed 32 square feet in area. The sign shall not exceed 12 feet in height. The sign shall be removed within 30 days after closing of the sale, lease or rental of the property. A building permit is required and shall be issued for a one-year period. The permit is renewable for one-year increments up to a maximum of three years.

(c) Multifamily or Neighborhood Residential for Sale or Rent. On-site residential neighborhood or multifamily complex for sale or rent sign shall be limited to one sign per development. The sign shall not exceed 32 square feet in area, and shall not exceed 12 feet in height. A building permit is required and shall be issued for a one-year period. The permit is renewable annually for up to a maximum of three years.

(d) Other real estate signs are permitted pursuant to subsection (7) of this section.

(5) Community Event Signs.

(a) Community event signs shall be limited to announcing or promoting a nonprofit sponsored community fair, festival or a special event.

(b) Community event signs may be displayed no more than 30 days before the event.

(c) Community event signs shall be removed by the event sponsor within 72 hours following the end of the community fair, festival or a special event.

(d) On-premises and off-premises signs for recurring community events may be allowed annually by permit.

(6) Street Banners Announcing Community Fairs, Festivals, and Special Events.

(a) Street banners shall be limited to announcing or promoting a nonprofit sponsored community fair, festival, or a special event, and are allowed by permit.

(b) Street banners shall be permitted only within the Central Business District and Tourist Business zone at approved locations.

(c) Street banners may be displayed for no more than 30 days and shall be removed within five days following the end of the community fair, festival, or a special event. It shall be the responsibility of the

event sponsor to remove the street banner or the City will remove such banner and retain the application deposit.

(d) The event sponsor shall provide a certificate of insurance evidencing commercial general liability insurance as described in the street banner application form provided.

(e) The event sponsor shall submit site placement and street banner mounting plans and specifications with the application.

(f) The minimum street clearance of the banner is 18 feet above the street.

(7) Portable Signs in Residential Zones. Portable signs that display information regarding directions to real estate, garage sale, or other events are permitted in all residential zones subject to the following requirements. Portable signs in the Tourist District Overlay shall also be subject to WMC 21.26.010 and Chapter 8.12 WMC for special event requirements.

(a) Permit Not Required. A permit is not required for portable signs.

(b) Number of Signs Permitted. Up to six portable signs per destination may be permitted.

(c) Location. Portable signs may be located on property owned or controlled by the sign owner or in the public right-of-way, subject to the following requirements:

(i) Portable signs may not be located in a street, on a sidewalk, or where they would obstruct vehicular, bicycle or pedestrian traffic.

(ii) Portable signs may not be placed on public property other than public rights-of-way.

(iii) Portable signs may only be placed in residential zones.

(iv) Portable signs shall not block the sight distance triangle pursuant to WMC 21.22.190.

(v) Portable signs placed in public rights-of-way shall:

(A) Not create a traffic safety or maintenance problem; the City may remove and dispose of any signs that do create a safety or maintenance problem.

(B) Be freestanding.

(C) Not be attached to any structure or vegetation.

(D) Not be attached to utility poles, traffic signs, or street signs.

(d) Size. All portable signs are limited to a maximum six square feet of sign area. Signs may have no more than two sign faces. Two-sided signs may each display up to six square feet on each face.

(e) Height. All portable signs are limited to a maximum height of three feet.

(f) Duration of Display. Portable signs may be displayed only during the hours of the event plus an additional half an hour before and after the event to place and remove the signs. It is the responsibility of the sign owner to remove the sign outside the hours of the event. The City may remove any portable sign that is displayed outside the hours of the event.

(g) Limitations.

(i) Portable signs shall be non-illuminated.

(ii) Portable signs in residential zones are intended only to provide directions to events within residential zones.

(iii) No landscaping may be damaged or modified to accommodate portable signs. The City may require replacement of any damaged landscaping.

(h) Appearance and Maintenance. Signs shall be constructed of durable materials by a person skilled in the art of graphic design and shall be well maintained.

(i) Failure to Comply with Requirements of This Chapter. Portable signs that do not comply with the provisions of this section may be confiscated by the City. Signs that are confiscated are subject to immediate disposal. Sign owners that do not comply with the requirements of this chapter may be subject to the code enforcement procedures pursuant to Chapter 1.06 WMC.

(8) Portable Signs in the Central Business District, Neighborhood Business, Tourist Business, General Business or Office Zones. Portable signs in the Central Business District, Neighborhood Business, Tourist Business, General Business or Office zones are permitted subject to the following requirements. Portable signs in the Tourist District Overlay shall also be subject to WMC 21.26.010 and Chapter 8.12 WMC for special event requirements.

(a) Permit Required. Portable signs shall be subject to an annually renewable permit.

(b) Number of Signs Permitted. One portable sign per premises is permitted.

(c) Location. Portable signs may be placed in the zone in which the business is located, in conformance with the following requirements:

(i) Signs may be placed within public right-of-way, but not within a street or on a sidewalk.
(ii) Signs shall be located either on-premises or adjacent to the property line for that property where the business is located.
(iii) Signs placed within public right-of-way shall not block pedestrian, bicycle or vehicle traffic.
(iv) Signs may not be placed on public property other than public rights-of-way.
(v) Signs shall not block the sight distance triangle pursuant to WMC 21.22.190.

(d) Size. All portable signs are limited to a maximum six square feet of sign area. Signs may have no more than two sign faces. Two-sided signs may each display up to six square feet on each face.

(e) Height. All portable signs are limited to a maximum height of three feet.

(f) Duration of Display. Portable signs may be displayed only during the hours of operation of the establishment. It is the responsibility of the sign owner to remove the sign when the establishment is not open to the public. The City may remove any portable sign that is displayed outside the operation hours of the establishment.

(g) Limitations.
(i) Portable signs shall be non-illuminated.
(ii) No landscaping may be damaged or modified to accommodate portable signs. The City may require replacement of any damaged landscaping.

(h) Appearance and Maintenance. Signs shall be constructed of durable materials by a person skilled in the art of graphic design and shall be well maintained.

(i) Failure to Comply with Requirements of This Chapter. Portable signs that do not comply with the provisions of this section may be confiscated by the City. Signs that are confiscated are subject to immediate disposal. Sign owners that do not comply with the requirements of this chapter may be subject to the code enforcement procedures pursuant to Chapter 1.06 WMC and may result in revocation of the sign permit.

(j) An administrative variance, decided by the Director, shall be available for those properties that can meet the following requirements:
(i) The variance criteria in WMC 21.80.050 shall be used to determine if the variance is warranted.
(ii) If the applicant can demonstrate that the variance criteria have been met, the following regulations may be modified by the Director: number, location, and/or height of signs.
(iii) This administrative variance shall be considered a Type I permit, and shall be exempt from the project permit procedures in Chapters 21.80 through 21.86 WMC.

(9) Portable Signs in Industrial Zones. Portable signs in Industrial zones that display information regarding commercial businesses or services are permitted in Industrial zones subject to the following requirements. Portable signs in the Tourist District Overlay shall also be subject to WMC 21.26.010 and Chapter 8.12 WMC for special event requirements.

(a) Permit Required. Portable signs shall be subject to an annually renewable permit.

(b) Number of Signs Permitted. Two signs per premises are permitted.

(c) Location. Portable signs may be placed in the Industrial zones in conformance with the following requirements:
(i) Portable signs may be placed within public right-of-way, but not within a street or on a sidewalk.
(ii) Portable signs placed within public right-of-way shall not block pedestrian, bicycle or vehicle traffic.
(iii) Portable signs may not be placed on public property other than public rights-of-way.
(iv) Portable signs shall not block the sight distance triangle pursuant to WMC 21.22.190.

(d) Size. All portable signs are limited to a maximum six square feet of sign area. Signs may have no more than two sign faces. Two-sided signs may each display up to six square feet on each face.

(e) Height. All portable signs are limited to a maximum height of three feet.

(f) Duration of Display. Portable signs may be displayed only during the hours of operation of the establishment. It is the responsibility of the sign owner to remove the sign when the establishment is not open to the public. The City may remove any portable sign that is displayed outside the operation hours of the establishment.

(g) Limitations.
(i) Portable signs shall be non-illuminated.

(ii) No landscaping may be damaged or modified to accommodate portable signs. The City may require replacement of any damaged landscaping.

(h) Appearance and Maintenance. Signs shall be constructed of durable materials by a person skilled in the art of graphic design and shall be well maintained.

(i) Failure to comply with requirements of this chapter. Portable signs that do not comply with the provisions of this section may be confiscated by the City. Signs that are confiscated are subject to immediate disposal. Sign owners that do not comply with the requirements of this chapter may be subject to the code enforcement procedures pursuant to Chapter 1.06 WMC and may result in revocation of the sign permit.

21.35.140 Nonconforming signs.

(1) Signs in existence at the effective date of the ordinance codified in this chapter that do not comply with the standards of this chapter shall be deemed legally nonconforming and may continue to exist.

(2) (2) Legal nonconforming signs may be removed for cleaning and routine maintenance, i.e., changing of lighting and wiring. Legal non- conforming signs may continue to exist, except as noted in subsections (3) through (8) of this section. Changes to a legal nonconforming sign shall not make the sign more nonconforming.

(3) Any legal nonconforming sign (except a billboard) that undergoes a name change (single-tenant only) or a change to the structure of the sign shall be brought into conformance immediately.

(4) Any legal nonconforming sign that is damaged in excess of 50 percent of the original value of the sign shall be brought into conformance immediately, or removed within 90 days.

(5) Any legal nonconforming sign that is relocated or replaced shall be brought into conformance immediately, or removed within 90 days.

(6) If a business ceases to operate, all existing nonconforming signs associated with the business shall be removed by the property owner within 90 days. If the business had signage on a mall sign or building or related structure, the surface or facade or structure at the previous location of the nonconforming sign(s) shall be repaired at the time of non-conforming sign removal.

(7) A nonconforming sign, when being an accessory to a business operation which changes its use or location, shall no longer be considered a legal sign and shall be removed within 90 days.

(8) Billboards.

(a) New billboards are not permitted.

(b) Existing billboards are subject to the following:

(i) Except as provided in subsections (8)(b)(ii) and (iii) of this section, billboards shall not be altered with regard to size, shape, orientation, height, advertising method or function such as three-dimensional, moving or lighted display, or location. Such alteration shall result in an illegal nonconforming status, and the billboard shall be removed within 90 days of the alteration.

(ii) Removal of a billboard shall require the issuance of a demolition permit. The demolition shall be completed within 90 days of permit issuance.

(iii) Ordinary and necessary repairs that do not change the size, shape, orientation, height, advertising method or function such as three-dimensional, moving or lighted display, or location of billboards shall not require a permit. Billboard copy replacement may occur at any time and does not require issuance of a permit.

(iv) Any billboard that is damaged in excess of 50 percent of the original value of the sign shall be removed within 90 days.

(v) Any billboard that is relocated or replaced shall be removed within 90 days.

Chapter 21.36
TEMPORARY USES

Sections:

21.36.010 Temporary use permits – Uses requiring permits.
21.36.020 Temporary use permits – Exemptions to permit requirement.
21.36.030 Temporary use permits – Duration and frequency.
21.36.040 Temporary use permits – Parking.
21.36.050 Temporary use permits – Traffic control.
21.36.060 Temporary education or public facilities.
21.36.070 Temporary construction buildings.
21.36.080 Temporary construction residence.
21.36.090 Temporary mobile home for medical hardship.
21.36.100 Temporary real estate offices.
21.36.110 Temporary personal wireless service facilities.

21.36.010 Temporary use permits – Uses requiring permits.

Temporary uses are those uses that are of a limited duration and/or frequency or comprise multiple related events over a specified period. Except as provided by WMC 21.36.020, a temporary use permit shall be required for the following activities:

(1) Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency;
(2) Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of the original permit approval;
(3) Temporary structures subject to WMC 21.36.050 through WMC 21.36.110; or
(4) Businesses operating as mobile vendors.

21.36.020 Temporary use permits – Exemptions to permit requirement.

(1) The following uses shall be exempt from the provisions of this chapter when located in the CBD, GB, NB, TB, O, or I zones when the use does not exceed a total of 14 days each calendar year:
    (a) Activities subject to a special event permit pursuant to Chapter 8.12 WMC; and
    (b) Temporary sales conducted by businesses on private property, such as holiday sales, grand opening sales, or anniversary sales;
(2) Any use not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.

21.36.030 Temporary use permits – Duration and frequency.

Temporary use permits shall be limited in duration and frequency as follows, unless specified otherwise in WMC 21.36.050 through WMC 21.36.110:

(1) The temporary use permit shall be effective for no more than 180 days from the date of the first event or occurrence;
(2) The temporary use shall not exceed a total of 60 days and applies only to the days that the event actually takes place;
(3) The temporary use permit shall specify a date upon which the use shall be terminated and removed;
(4) A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; and
(5) A temporary use permit may be granted for multiple temporary uses on a property once per calendar year.

21.36.040 Temporary use permits – General requirements.

(1) Parking and access for proposed temporary uses shall be determined by the Development Services Director.
(2) The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the Public Works Director.

21.36.050 Temporary use permits – Mobile vendors

Mobile vendors shall include those businesses or persons who engage in selling goods, services, or food from a temporary structure, vehicle, or other conveyance. Mobile vendors may be permitted on private property, provided all of the following requirements are met:

(1) Mobile vendors may operate in one location for a maximum of 12 hours per any 24-hour period;
(2) The temporary structure, vehicle, or other conveyance shall be allowed on the premises for no longer than seven consecutive days;
(3) All facilities associated with the mobile vendor shall be located outside of emergency or fire access lanes and public right-of-way as to not obstruct access or sight distance of a sidewalk, street, or other public place;
(4) No sound generating devices, such as radios or speaker systems, producing sound distinguishable from 50 feet away may be used;
(5) Authorization is granted from the property owner on the location and hours of operation;
(6) Vendors shall be responsible for collecting trash within 50 feet of the vending area at the close of each business day and disposing of trash off-site or in an approved receptacle;
(7) Mobile vendors shall provide documentation of the following:
    (a) City of Woodinville business license;
    (b) Current vehicle registration, if applicable;
    (c) Current King County Public Health mobile food service permit, if applicable; and
    (d) Site plan identifying temporary structures, vehicles, queueing areas, tables, tents, waste receptacles, and other pertinent information, as determined by the City.
(8) A copy of the temporary use permit shall be kept on the temporary structure, vehicle, or other conveyance available for public inspection.

21.36.060 Temporary education or public facilities.

Temporary education or public structures may be permitted; provided, that such structures are:

(1) Allowed only during periods of permit review by the appropriate permitting agency and active construction or remodeling;
(2) Do not exceed the capacity or square footage of the structure to be constructed or remodeled; and
(3) Removed within 30 days of project completion or cessation of work.

21.36.070 Temporary construction buildings.

Temporary structures for storage of tools and equipment or for supervisory offices may be permitted for construction projects; provided, that such structures are:

(1) Allowed only during periods of active construction; and
(2) Removed within 30 days of project completion or cessation of work.

21.36.080 Temporary construction residence.

(1) A mobile home may be permitted on a lot as a temporary dwelling for the property owner; provided, a building permit for a permanent dwelling on the site has been obtained.
(2) The temporary mobile home permit shall be effective for a period of 12 months. The permit may be extended for one additional period of 12 months if the permanent dwelling is constructed with a finished exterior by the end of the initial approval period.
(3) The mobile home shall be removed within 90 days of:
    (a) The expiration of the temporary mobile home permit; or
    (b) The issuance of a certificate of occupancy for the permanent residence, whichever occurs first.

21.36.090 Temporary mobile home for medical hardship.

(1) A mobile home may be permitted as a temporary dwelling on the same lot as a permanent dwelling, provided:
    (a) The applicant demonstrates the temporary dwelling is necessary to provide daily care to an individual certified by a physician as needing such care;
    (b) The primary provider of daily care shall reside on-site; and
    (c) The mobile home together with the permanent residence shall meet the setback, height, building footprint, and lot coverage provisions of the applicable zone.

(2) Temporary mobile home permits for medical hardships shall be effective for 12 months. Extensions of the temporary mobile home permit may be approved in 12-month increments subject to demonstration of continuing medical hardship.
(3) The mobile home shall be removed within 90 days of:
  (a) The expiration of the temporary mobile home permit; or
  (b) The cessation of provision of daily care.

21.36.100 Temporary real estate offices.

One temporary real estate office may be located on any new residential development; provided, that activities are limited to the initial sale or rental of property or units within the development. The office use shall be discontinued within one year of recording of a subdivision or short subdivision, or issuance of a final certificate of occupancy in the case of an apartment development.

21.36.110 Temporary personal wireless service facilities.

(1) The placement and use of temporary personal wireless service facilities shall conform to required setbacks, shall be maintained in a good and safe condition, and shall comply with all applicable Federal, State and local rules and regulations.
(2) A temporary personal wireless service facility may be used to evaluate the technical feasibility of a particular site for no more than three days. Provided, with the Development Services Director's approval, an extension may be granted to a maximum of 15 days.
(3) Unless otherwise approved by the Development Services Director, temporary personal wireless service facilities may be used to provide emergency personal wireless services during natural disasters and other emergencies for no more than 30 days.

Chapter 21.37
WIRELESS SERVICE FACILITIES

Sections:

21.37.010 Purpose.
21.37.020 Applicability.
21.37.030 Permit required.
21.37.040 Exceptions.
21.37.050 General provisions.
21.37.060 Permitted locations.
21.37.070 Visibility and performance standards.
21.37.080 Requirements for modifications.
21.37.090 Supplemental provisions – Conditional uses.
21.37.100 Criteria for new monopole or stealth supported facilities.
21.37.110 Maintenance of facilities.
21.37.120 Co-location – Covenant of good faith.
21.37.130 Testing of facilities required – Radiofrequency (RF) emissions.
21.37.140 Testing of facilities required – Noise emissions.
21.37.150 Security fencing.
21.37.160 Abandonment of facilities.
21.37.170 Signs.
21.37.180 Lighting standards

21.37.010 Purpose.

The purposes of this chapter are as follows:

(1) Establish development regulations consistent with Woodinville's Comprehensive Plan;
(2) Protect property values and promote tourism through protection of scenic vistas of mountains, tree-covered hillsides, the valley floor, and tourist-related zones and areas;
(3) Maintain the Northwest woodland character of Woodinville and maintain the quality of life associated with the aesthetic character of Woodinville's surroundings;
(4) Provide adequate sites for locating wireless service facilities;
(5) Provide facilities and infrastructure to provide wireless communications service to City residents or others when in Woodinville;
(6) Encourage optimal co-location and sharing of new and existing facilities;
(7) Encourage use of most appropriate technology and prompt removal of outdated or abandoned wireless service facilities;
(8) Encourage the location of wireless service facilities upon alternative support structures;
(9) Require that the design of wireless service facilities incorporate camouflage, disguise, screening and concealment technology so that such facilities blend into their surroundings;
(10) Facilitate the use of public property and structures for wireless service facilities to reduce the impact of such facilities upon residential and other property; and
(11) Provide a level, nondiscriminatory competitive environment and thereby encouraging increased competition among providers of functionally equivalent wireless services.
(12)

21.37.020 Applicability.

Except as otherwise provided herein, the placement of any wireless service facility at any location within Woodinville is subject to the provisions of this chapter. The standards and process requirements of this chapter supersede all other review process, setback, height or landscaping requirements of this title. Except as provided herein, all wireless service facilities shall comply with the provisions of this chapter.

21.37.030 Permit required.

(1) New Facilities. A wireless service facility (WSF) permit or conditional use permit (CUP) shall be required prior to the site preparation, construction, or installation of any new wireless service facility other than a temporary wireless service facility as defined in Chapter 21.11 WMC. The review process for wireless service facility permits shall be as specified in WMC 21.37.060.

(2) Modifications to Existing Facilities. Modifications to existing facilities that involve addition, removal, and/or replacement of transmission equipment that do not substantially change the physical dimensions of an existing wireless service facility shall be subject to the requirements in WMC 21.37.080 and required to apply for and obtain all applicable building, site development, and right-of-way permits provided for in this code prior to making the modification(s). A WSF or CUP will not be required for these types of modifications. Modifications that do substantially change the existing facility shall be subject to this chapter and follow the requirements for new facilities.

(a) For the purpose of this chapter, "substantial change" means the following:

(i) Any mounting of the proposed antenna on the tower that would increase the height of the tower by more than 10 percent over the height of the tower at the time the existing facilities proposed to be modified were initially permitted, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection if necessary to avoid interference with existing antennas; or

(ii) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed four) or more than one new equipment shelter; or

(iii) The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than the width of the existing appurtenances and/or antennas, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(iv) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

(b) To the maximum extent feasible, additional equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, stealthing, mounting configuration, or architectural treatment. To determine feasibility, the applicant shall submit an engineer's report regarding the proposed modification and the feasibility of maintaining the appearance; the Director shall determine whether it is feasible to maintain the appearance.

(3) No wireless service facility permit shall be issued unless the applicant demonstrates compliance with the terms, conditions and performance standards set forth in this chapter. Any such permit denominated as a conditional use shall also meet the criteria for said use permits set forth in Chapter 21.80 WMC.

21.37.040 Exceptions.

The design, siting (location or landscaping) and dimension requirements and/or standards of this section may have modifications by the Development Services Director when, in his or her judgment, design, siting and dimension requirements are proven to produce negative unintended results and/or accomplish the same results with alternatives. Such exceptions must be reviewed and approved by a standards review panel comprised of the Directors of the Development Services, Public Works, and Parks and Recreation Departments

21.37.050 General provisions.

(1) Lattice and guyed wire towers shall not be permitted in any zoning district.

(2) Commercial advertising including billboards and business identification signs may not be used as alternative antenna support structures.

(3) Construction and/or installation of towers is prohibited within the Tourist District Overlay.

21.37.060 Permitted locations.

Wireless service facilities shall be permitted as follows, with the type of permit indicated:

Type of Facility	R1-8	R9+	CBD, GB, NB, TB, O	I	P/I, P
Street Pole Mounted	Permitted with WSF	Permitted with WSF	Permitted with WSF, except not permitted in CBD	Permitted with WSF	Permitted with WSF

Type of Facility	R1-8	R9+	CBD, GB, NB, TB, O	I	P/I, P
Electric Transmission Towers	Permitted with WSF	Permitted with WSF	Permitted with WSF, except not permitted in CBD	Permitted with WSF	Permitted with WSF
Utility Poles Outside Public Rights-of-Way	Permitted with CUP	Permitted with CUP	Permitted with WSF, except not permitted in CBD	Permitted with WSF	Permitted with CUP
Water Tank Mounted	Permitted with WSF	Permitted with WSF	Permitted with WSF	Permitted with WSF	Permitted with WSF
Playfield, Ballfield and Stadium Light Mounted Facilities	Permitted with CUP	Permitted with CUP	Permitted with WSF	Permitted with WSF	Permitted with WSF
Building Attached	Permitted with WSF, only for nonresidential uses	Permitted with WSF, only for nonresidential uses	Permitted with WSF. In NB zone, restricted to buildings two stories and higher	Permitted with WSF	Permitted with WSF, except not permitted in P zone
Monopoles	Permitted with CUP	Permitted with CUP	Permitted with CUP	Permitted with CUP	Permitted with CUP
Co-Locations	Permitted with WSF	Permitted with WSF	Permitted with WSF	Permitted with WSF	Permitted with WSF
Stealth Support Structure	Permitted with WSF	Permitted with WSF	Permitted with WSF	Permitted with WSF	Permitted with WSF
Other Types Not Listed			Permitted with CUP	Permitted with CUP	

21.37.070 Visibility and performance standards.

All wireless service facilities locating within Woodinville shall comply with the following standards:

(1) Standards for all types of facilities:

General	1. All portions of the facility shall be the minimum size necessary to support operation of the facility, as certified by the provider's licensed engineer. Where multiple facilities are proposed to be located in close proximity, they may be required to be consolidated in one equipment housing structure. 2. Owners and operators shall provide information regarding the opportunity for the co-location of facilities. Provision for future co-location may be required if technically feasible and where opportunities for smaller facilities with less impacts are limited due to topography, lack of existing above ground structures or other circumstances. To determine feasibility, the applicant shall submit an engineer's report regarding the feasibility of co-location; the Director shall determine whether it is feasible to provide for future co-location.
Antennas	1. In general, an antenna array shall either be flush mounted within 12 inches of the support structure, or within 12 inches of the face of the building it is attached to; or be contained in a canister that is a continuation of the support structure and is centered on top of the support structure; or be placed pursuant to the City's adopted design standards in Chapter 21.40 WMC. 2. All antennas or arrays shall be a color and material that matches the support structure. 3. For building attached facilities, roof-mounted installation is permitted, when the City's adopted design standards in Chapter 21.40 WMC have been met. The antennas, mounting brackets and any concealment structures shall be exempt from the height limit of the underlying zone to the extent that the total height of such facilities does not increase the overall building height by 18 feet, or 50 percent of the original building height, whichever is less.

Equipment Enclosures	1. All equipment necessary for the operation of the facility shall be concealed, either within an existing building, within an architecturally compatible addition to an existing building, or within a new building which is architecturally compatible with other buildings on the site and adjoining properties; or shall be located underground. Except that equipment enclosures may be located above ground, and landscaped and screened pursuant to this chapter, if the Development Services Director finds that the requirements of WMC 21.37.040 have been met. Underground shelters shall not be allowed where such shelters would interfere with existing uses of public land, including, but not limited to, public rights-of-way. Equipment enclosures less than or equal to five cubic feet, with no single dimension over three feet, and with the approval of the Public Works Director, may be mounted directly on a street pole. 2. Equipment enclosures are permitted upon abutting private property and may, with approval from the Public Works Director, be located within public rights-of-way. 3. The size of equipment enclosures shall be minimized to the greatest extent possible.
Appearance	The following standards may be applied, as required by the Development Services Director, to ensure the facility minimizes its visual impact: 1. Requiring specific materials, surfaces or finishes that achieve a facility that is compatible with the existing neighborhood, that blends with the surrounding setting, and/or is screened from surrounding uses and properties. 2. Requiring specific design and configurations to minimize visual intrusion of the facility on surrounding uses and properties. Such techniques include, for example: requiring transmission and power cables and other conduit to be contained within any support structure, located underground, or otherwise screened; requiring the lateral projection of antenna arrays to be minimized to the greatest extent technically feasible; and requiring antenna arrays to be integrated into the design of any structure to which they are attached. To determine feasibility, the applicant shall submit an engineer's report regarding the feasibility of the lateral projection of antenna arrays; the Director shall determine whether the proposed projection is the least that is technically feasible. 3. For facilities on private property, requiring screening through the use of mature trees that are a minimum of 20 feet tall and planted to screen at least 80 percent of the area around the facility. 4. Prefabricated concrete and metal structures for equipment enclosures shall not be permitted unless treated with a facade giving the appearance of masonry or wood siding and approved by the Development Services Director. 5. For stealth supported structures, the structure shall be designed to resemble an object that would be commonly found in the area, including, but not limited to, a flagpole, a clock or bell tower, a tree that is a native conifer species, or a silo. Antennas, to the maximum extent feasible, shall be concealed by the stealth support structure, or shall not be easily recognized. To determine feasibility, the applicant shall submit an engineer's report regarding the feasibility of concealing the antennas; the Director shall determine whether the proposed concealment is the maximum extent feasible.
Screening and Noise	Noise reduction measures shall comply with Chapter 8.08 WMC, Noise Regulation, or the standards set forth with the Federal Interagency Committee on Urban Noise, whichever demonstrates the least amount of noise impact for the nearest residential dwelling(s) at any time of day or night, as measured from the closest point from the exterior of the dwelling to the wireless facility. Such requirements shall be exempt during testing of alternative power sources (i.e., power generators or similar emergency power sources).
Landscaping	Facilities shall be surrounded with a 10-foot width of Type I landscaping, as defined in WMC 21.43.040, or requirements within the Tourist Overlay District, whichever is more stringent. All existing and required landscaping shall be maintained for the life of the facility, pursuant to WMC 21.43.220.
Setbacks	Facilities shall comply with the setback requirements set forth in Chapter 21.22 WMC, and meet or exceed the standards set forth in Chapter 8.08 WMC or the Federal Interagency Committee on Urban Noise, whichever demonstrates the least amount of noise impact for the nearest residential dwelling(s), as measured from the closest point from the exterior of the dwelling to the facility. Subject to approval by the Development Services Director, the setback may be reduced if the applicant uses noise abatement techniques, such as decorative noise walls, to achieve equivalent or greater reduction of visual and noise impacts from the facility. For co-locations, new equipment associated with the facility shall be placed no closer to existing residential uses than any existing equipment enclosure on the subject property.

(2) Standards for specific types of facilities:

Street Pole Mounted	1. Only one facility shall be permitted on any street pole. 2. Facilities located within public rights-of-way shall be located a minimum of 500 feet apart; the Development Services Director and Public Works Director may approve a shorter distance, subject to the applicant submitting engineering analysis and equipment specifications that demonstrate the reduced distance is necessary to provide adequate coverage and/or capacity. 3. Where a utility located upon the support structure (such as a street or utility pole) requires vertical separation between its facilities and the antenna(s), the structure/pole and antenna may be raised by a mount to accommodate the minimum separation requirement, not to exceed 30 feet. Any additions shall be constructed of similar materials, and shall have surface treatments which match the color and texture of the original facility.
Electric Transmission Towers or Utility Poles Outside Public Rights-of-Way	Where a utility located upon the support structure (such as a street or utility pole) requires vertical separation between its facilities and the antenna(s), the structure/pole and antenna may be raised by a mount to accommodate the minimum separation requirement, not to exceed 30 feet. Any additions shall be constructed of similar materials, and shall have surface treatments which match the color and texture of the original facility.
Playfield, Ballfield and Stadium Light Mounted Facilities	Only one facility shall be permitted on any pole.
Building Attached	The equipment for roof-mounted antennas within the NB zone shall be located within the same building on which the antennas are located.
Monopoles	The height of the facility shall be no greater than 120 feet.
Co-Locations	1. Co-locations are permitted on existing monopoles and on existing stealth support structure facilities. 2. The height of the existing facility may be increased by the minimum separation necessary between the facilities, not to exceed 20 feet. 3. Existing monopoles and antenna support structures may be replaced to accommodate co-location. Monopoles and stealth support structures shall, to the maximum extent feasible, be located within 20 feet of the existing structure, and maintain the design of the original structure. To determine feasibility, the applicant shall submit an engineer's report regarding the feasibility of a proposed location; the Director shall determine whether the proposed location is feasible.
Stealth Support Structure	The height of the facility shall be no greater than 120 feet.

21.37.080 Requirements for modifications.

All modifications to wireless service facilities that do not substantially change the existing facility shall comply with the following standards:

(1) No modification shall violate the noise provisions in Chapter 8.08 WMC, or the standards set forth with the Federal Interagency Committee on Urban Noise. A noise study shall be submitted with any modification to antennas or equipment.

(2) No modification shall violate setback or other bulk requirements in Chapter 21.22 WMC.

(3) To the maximum extent feasible, modifications that change the appearance of the facility may be required to upgrade the facility in one or more of the following ways, where the improvements are needed to maintain compatibility with the existing neighborhood. To determine feasibility, the applicant shall submit a report acceptable to the Directors of Public Works and Development Services regarding the proposed modification and the feasibility of the upgrade; the Director shall determine whether it is feasible to maintain the appearance:

(a) Using specific finishes or paint on the tower/support structure and antennas;

(b) Adding mature trees that are a minimum of 20 feet tall, or paying into the tree fund as permitted in Chapter 21.50 WMC for an equivalent-sized tree;
(c) Adding Type I landscaping screening to the facility; and/or
(d) Adding architectural fencing or screening.

21.37.090 Supplemental provisions – Conditional uses.

(1) In addition to the criteria for approval of conditional uses set forth in Chapter 21.80 WMC, the following criteria shall apply to all wireless service facility permits denominated as conditional uses:
   (a) The applicant has demonstrated that visual, noise, and other impacts associated with the proposed facility have been minimized to the maximum extent possible using existing concealment technology, site design, noise abatement techniques, concealment, disguise, camouflage, and/or the use of architecturally compatible improvements to existing structures where permitted, and/ or underground placement of ancillary equipment. In evaluating the site design, consideration shall be given to whether the facility will blend into the surrounding topography, tree coverage, foliage, and other natural features and whether locating the facility in alternative locations upon the subject property, or reasonably available properties, would better conceal the facility through use of existing natural and built features;
   (b) The applicant has demonstrated that the design of the proposed facility complies with the purpose and intent of this chapter, including, but not limited to, the visibility and performance standards set forth in WMC 21.37.070 which most closely match the proposed facility;
   (c) Whether alternative locations, including other co-locations and alternative support structures, are available for the proposed facility; and
   (d) Whether the proposed facility is in compliance with all applicable Federal, State, and local statutes, regulations, ordinances, and policies.
(2) In evaluating any proposed wireless service facility denominated as a conditional use, the Development Services Director may, at the expense of the applicant, retain an outside consultant to review the technical, design and other materials submitted by the applicant in conjunction with the proposal.

21.37.100 Criteria for new monopole or stealth supported facilities.

Any wireless service provider which proposes to construct a new monopole or stealth supported facility shall provide, as part of its permit application, written findings from a qualified engineer which demonstrate that:
(1) Either there are no other facilities reasonably available for co-location; or
(2) Any existing facilities reasonably available are not technologically suitable for use by the applicant; and
(3) The proposed monopole has been designed in a manner that will allow for the co-location of at least one additional antenna array on the structure.

21.37.110 Maintenance of facilities.

The owner and/or operator of all wireless service facilities shall maintain their facilities in a good and safe condition and in a manner which complies with all applicable Federal, State, and local requirements.

21.37.120 Co-location – Covenant of good faith.

All antenna support structures permitted pursuant to the terms of this chapter or otherwise located within Woodinville shall be made available for use by the owner or initial user thereof, together with
as many other wireless service providers as can be technically co-located thereon. However, nothing in this chapter shall prevent the owner of an antenna support structure from charging a reasonable fee for the co-location of additional facilities upon said structure which does not exceed the fair market value for the space occupied by said co-located facilities.

21.37.130 Testing of facilities required – Radio-frequency (RF) emissions.

(1) All wireless service facilities shall comply with applicable Federal Communications Commission (FCC) regulations regarding radio-frequency emissions. All tests shall be performed by or under the supervision of a professional engineer competent to perform such testing and interpret the data gathered.
(2) Reports or similar support documents shall be submitted for all facilities confirming compliance with all applicable FCC regulations. Compliance reports shall be required when requested by the Development Services Director.

(3) If at any time radio-frequency emission tests show that a facility exceeds any of the standards established by the FCC, the owner or operator thereof shall immediately discontinue use of the facility and notify the Development Services Director. Use of such facilities may not resume until the owner or operator demonstrates that corrections have been completed which reduce the radio-frequency emissions to levels permitted by the FCC.

21.37.140 Testing of facilities required – Noise emissions.

(1) The owner or operator of a wireless service facility shall conduct tests necessary to demonstrate compliance with all applicable local regulations regarding the noise emissions of the facility when notified in writing by the Development Services Director that a noise complaint has been received regarding the facility. All such tests shall be performed by or under the supervision of a licensed environmental noise consultant competent to perform such tests and interpret the data gathered.

(2) When such a report is required, a report, certified by a licensed environmental noise consultant, setting forth the observed noise levels at the property line of the property upon which the facility is located shall be submitted. The report shall account for background noise and other noise sources and demonstrate the noise levels emitted by the facility, including any air conditioning or ventilation equipment contained therein. Such report shall address standards set forth within noise reduction measures within Chapter 8.08 WMC, Noise Regulation, or the standards set forth with the Federal Interagency Committee on Urban Noise, whichever demonstrates the least amount of noise impact for the nearest residential dwelling(s), at any time of day or night, as measured from the closest point from the exterior of the dwelling to the wireless facility.

(3) The Development Services Director may retain a technical expert in environmental noise measurement to verify the noise measurements and certification. The cost of such a technical expert shall be borne by the owner or operator of the facility, if said facility fails to comply with applicable State or local noise standards.

(4) This section shall not apply during the testing of alternative power sources (i.e., power generators). (

21.37.150 Security fencing.

All wireless service facilities shall be protected from unauthorized entry. The perimeter of all wireless service facilities which include an antenna support structure shall be secured with security fencing which does not exceed six feet in height. Wireless service facilities that do not include an antenna support structure shall be protected from unauthorized entry through appropriate means approved by the Development Services Director or his or her designee on a case-by-case basis consistent with the purpose of protecting the public health, safety, and welfare.

21.37.160 Abandonment of facilities.

Any antenna support structure that has had no antennas mounted upon it for a period of six months, or if the antennas mounted thereon are not operated for a period of six months, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment and enclosure within 90 days after receipt of a notice from the Development Services Director to do so. The Development Services Director may extend this time period to a maximum of six additional months. The owner or operator of all wireless service facilities shall, when requested by the Development Services Director, submit a written report, signed under penalty of perjury, which demonstrates whether or not there has been a cessation in use of the facility for a period of six months during the prior year. If a facility and associated equipment are not removed within 90 days after receipt of a notice from the Development Services Director requiring said removal, the Development Services Director may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which such wireless service facility is situated in an amount equal to the cost of removal. In the event that more than one wireless service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this section.

21.37.170 Signs.

Except as approved by the Development Services Director as part of a plan to conceal, disguise, or camouflage a wireless service facility, no signs, symbols, flags, banners, or similar devices shall be placed on, attached to, painted, or inscribed upon any antenna support structure or alternative antenna support structure. Notwithstanding the foregoing, an applicant and/or land owner may place not more than four signs measuring 12 by 18 inches upon or near a wireless service facility which: (1) state that trespassers will be prosecuted; (2) list the names and telephone numbers of persons to be contacted in the event of an emergency; (3) identify the applicant and/or land

owner or person responsible for operating the wireless facility; and/or (4) contain information necessary and convenient for the person operating the wireless service facility to identify the wireless service facility. Nothing in this section shall be construed to prohibit the placement of safety or warning signs upon any portion of the wireless service facility which are required by law or which are designed to apprise emergency response personnel and the employees and agents of wireless service providers of particular hazards associated with equipment located upon the wireless service facility.

21.37.180 Lighting standards.

Except as specifically required by Federal Aviation Administration (FAA) or FCC regulations, antenna support structures shall not be illuminated. However, equipment enclosures may be illuminated for security reasons when compatible with the surrounding neighborhood.

Article 4 – Project Design
Chapter 21.40
COMMERCIAL DESIGN STANDARDS

Sections:

21.40.010 Purpose.
21.40.020 Administrative procedures.
21.40.030 Applicability.
21.40.040 Interpretation.
21.40.050 Design review procedures.
21.40.060 Review by the Planning Commission Design Review Committee.
21.40.070 Appeals.
21.40.080 Amendment of approved design.
21.40.090 Expiration.
21.40.100 Criteria for approval.
21.40.110 Site planning – Relationship to street front.
21.40.120 Site planning – Interior yard compatibility.
21.40.130 Site planning – Multiple building/large lot developments and large format retail stores.
21.40.140 Mechanical equipment and service areas.
21.40.150 Design standards for outdoor sales lots.
21.40.160 Design standards for gasoline service stations.
21.40.170 Biofiltration swales.
21.40.180 Street corners.
21.40.190 Site lighting.
21.40.200 Site landscaping.
21.40.210 General pedestrian access requirements.
21.40.220 Pathways through parking lots.
21.40.230 Sidewalks – Size and materials.
21.40.240 Pedestrian amenities.
21.40.250 Internal pedestrian paths and circulation.
21.40.260 Pedestrian activity and plazas.
21.40.270 Residential open space.
21.40.280 Vehicular access and circulation.
21.40.290 Parking reductions.
21.40.300 Vehicle entrances.
21.40.310 Building design – Character.
21.40.320 Human scale.
21.40.330 Architectural scale.
21.40.340 Building corners.
21.40.350 Building details.
21.40.360 Materials.
21.40.370 Blank walls.
21.40.380 Definitions.
21.40.390 Northwest woodland character design standards illustrative guide.

21.40.010 Purpose.

(1) The overall purpose of these commercial design standards is to help implement the City's Comprehensive Plan vision:

In the year 2015, Woodinville is a safe, friendly, family-oriented community that supports a successful balance of neighborhood s, 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.

(2) More specifically, the purposes of these commercial design standards are to guide development in a manner that is not only functional, but also aesthetically pleasing, promotes social and economic vitality, and

fosters an enhanced sense of safety, comfort, interest and identification between people and their environment. Additionally, the purpose of these commercial design standards is to encourage development that meets the goals and policies of the City of Woodinville Comprehensive Plan for community design. These goals are:

(a) Goal CD-1: To promote an image of a visually cohesive community to residents and visitors.
(b) Goal CD-2: To maintain the Northwest woodland character and heritage of Woodinville.
(c) Goal CD-3: To promote quality design that preserves and enhances the character of Woodinville.
(d) Goal CD-4: To create pedestrian-friendly environments in Woodinville.
(e) Goal CD-5: To encourage the arts as a vital contributor to community design.

21.40.020 Administrative procedures.

(1) The Director will report design review activity regularly to the Planning Commission, who will serve as the monitor for these commercial design standards. The City is committed to incorporating design review procedures that:
   (a) Apply to all commercially designated property within the City;
   (b) Allow for flexibility to accommodate creative design that meets the intent of adopted standards;
   (c) Do not prolong approval processes; and
   (d) Encourage design review that parallels development design for economy of design resources.
(2) Applicants will have opportunity to informally discuss and formally review proposed designs throughout the design process, including pre-application, project permit review, and final construction design review.
(3) Where the Director is provided with administrative flexibility under this code he/she shall develop a written record of consultation (with other department heads, design review committee or with the City's contract design professional) by project.

21.40.030 Applicability.

(1) All new construction within the CBD, O, TB, GB and NB zones shall be subject to all chapters of the design standards. The Downtown and Little Bear Creek Corridor study area has some additional specific design standards that are incorporated into the commercial design standards.
(2) Figure 1 identifies the Downtown and Little Bear Creek Corridor (DTLBCC) study area. Additionally, this area is divided into design districts with special use provisions and guidelines to create the following characteristics in each district:
   (a) Civic/Gateway Design District: Public and high visibility (e.g., hotel) uses. Emphasis on attractive streets, landscaping and pedestrian connections. Development standards/guidelines emphasize design character as seen from streets and pedestrian connections.
   (b) Pedestrian Core Design District: Highly integrated mix of smaller, pedestrian-oriented commercial services (specialty shops, restaurants, personal services, community-oriented retail, etc.) and residential. Residential dwelling units are required subject to applicable development conditions under WMC 21.21.030. Offices above the ground floor are encouraged. The goal is to develop at least 1,000 dwelling units in this area to support retail and provide activity. Development standards/guidelines emphasize pedestrian-oriented streets, efficient but nonintrusive auto access, plazas, small open spaces and amenities, and human scale, high quality architecture. Also important is to provide enough development capacity to ensure feasible high quality development, while modulating building bulk to retain sunlight and views.
   (c) East Frame Design District: Mix of uses including accommodation of larger format retail centers. Development standards/guidelines emphasize integrated site development with good interior pedestrian circulation, ample, "garden like" landscaping, compatibility with adjacent uses (minimization of service area impacts), and an attractive eastern entry into the downtown.
   (d) Little Bear Creek Design District: General commercial and office uses. Up to five stories allowed if development includes structured parking and "greensward" corridors on the side yard that provide pedestrian connections to the Creek and water quality treatment. The emphasis is on enhancing the environment and providing access to Little Bear Creek.
   (e) Transition Area Design District: Mix of uses including accommodation of medium format retail centers. Development standards/guidelines emphasize many of the same characteristics of the East Frame, but focus on transitioning to the residential areas to the east.

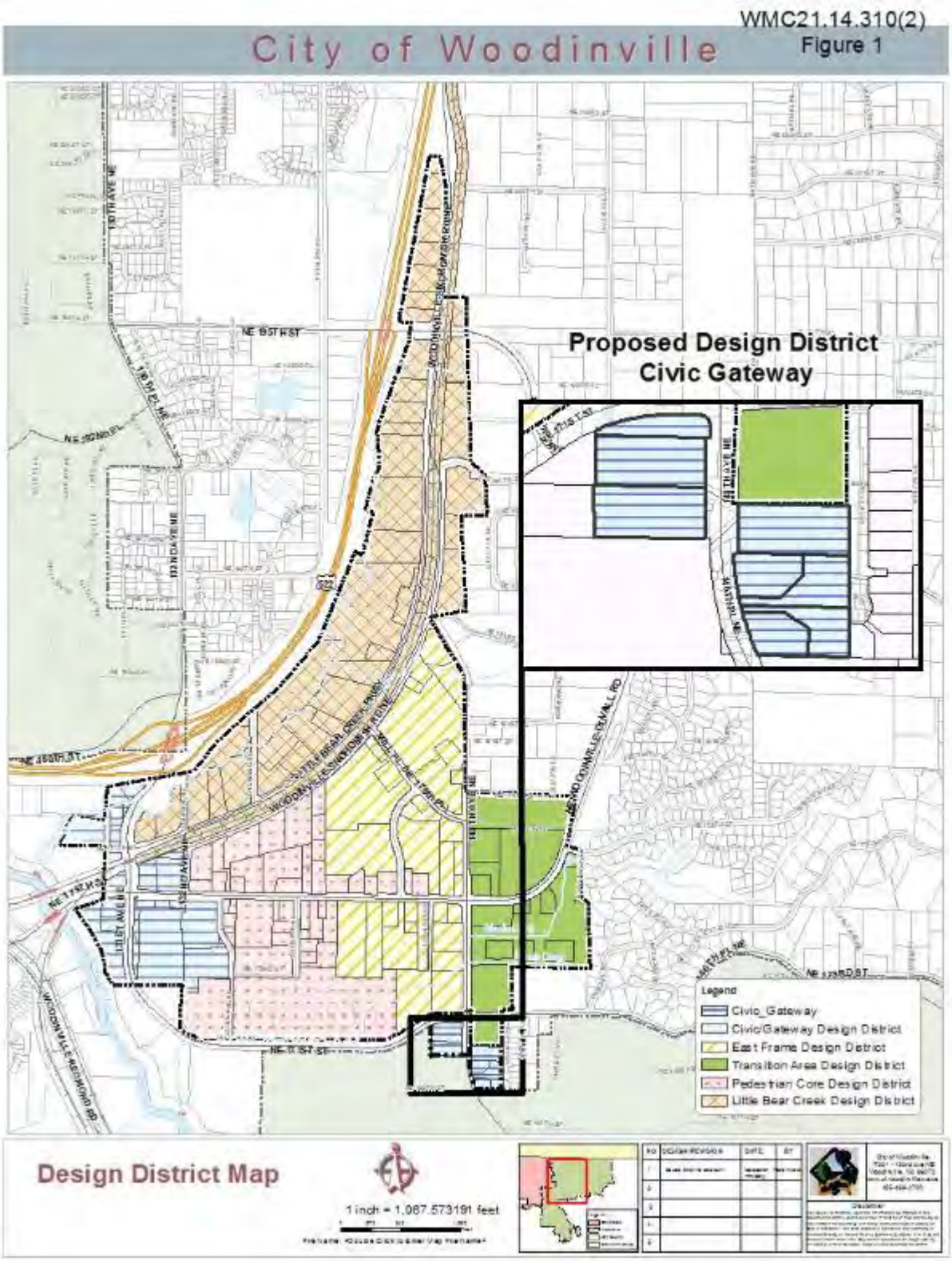


Figure 1. Downtown and Little Bear Creek Corridor Design Districts

(3) Alteration of any structure on commercially designated property within the City that affects the exterior appearance of a building shall be subject to design review under the design standards. While Woodinville would benefit greatly if all the design standards were met when existing properties are altered, such a strict application of the design standards might disadvantage property owners or discourage them from improving their buildings. The City has established two thresholds to gauge the extent of remodeling and set requirements based on what is practical and reasonable for that level of improvement.
   (a) If 50 percent or more of a building or structure subject to design review is altered within a period of three years, the structure shall be subject to the applicable requirements that do not involve repositioning the building or reconfiguring site development as determined by the Director.
   (b) If less than 50 percent of a building or structure subject to design review is altered within a period of three years, the requirement is only that the proposed improvements meet the standards and/or guidelines and do not lead to further non-conformance with the standards and guidelines. For example, if a property owner decides to replace a building facade's siding, then the siding shall meet the applicable exterior building material and color standards and/or guidelines, but elements such as building modulation would not be required.
(4) The design standards checklist will be used for addressing design issues in all review processes.

21.40.040 Interpretation.

(1) Where there is a conflict between these design standards and other City plans, policies, and regulations, the most specific standard, guideline, or regulation shall apply, as determined by the Director. For example, this title provides for a minimum street setback of 10 feet in commercial districts, whereas the design standards allow buildings to be placed on the front property line as long as they meet certain design requirements. While the design standards herein are less restrictive in this case, they are more specific in that they allow for zero setbacks if certain conditions are met. (Therefore, the Director will determine that they apply.)
(2) Each section of the design standards contains a list of "intent" statements followed by "design principles" and subsequent implementing measures. Specifically:
   (a) Intent statements are overarching objectives. For example, the intent statement for the "building corners" section is to "create visual interest and increased activity at street corners." Project applicants must be able to demonstrate how their project meets the intent, to the Director's satisfaction.
   (b) Design principle statements describe broad actions that are necessary to achieve the intent.
   (c) A collection of standards implements the design principles. Specifically:
      (i) Standards that use words such as "shall," "must," "is/are required," or "is/are prohibited" signify required actions.
      (ii) Some standards take a "tool box" approach, in that a development may be required to include at least two design elements from a large list of options.
      (iii) Standards using words such as "should" or "is/are recommended" signify recommended actions that are meant to be applied with some flexibility. Development projects must comply with such measures unless the development proposal meets the intent in some other manner, as determined by the Director.
   (d) Furthermore, the document contains some specific standards that are easily quantifiable, while others provide a level of discretion in how they are complied with. In the latter case, the applicant must demonstrate to the Director, in writing, how the project meets the intent of the standard.
(3) Words within the standards and guidelines that are italicized in the ordinance codified in this chapter are defined in WMC 21.40.380.

21.40.050 Design review procedures.

(1) When an applicant submits a development application that triggers design review, design review shall be reviewed as part of the applicable permit application or process. When an applicant proposes a stand-alone design that does not require any other development application, the applicant shall comply with the Type I review process and submittal requirements in Chapters 21.80 through 21.86 WMC. Within 21 calendar days, the Director shall review such stand-alone applications and either approve, approve with conditions or modifications, deny the application, or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process.

(2) No project approval shall be granted, no building permit issued and no construction shall begin until the Director has completed design review and determined that the application is consistent with the criteria in this section, has issued a design decision or notice of decision, and all appeal periods have expired.
(3) A design review application shall be submitted with application for the project permit, pursuant to Chapters 21.80 through 21.86 WMC. The Director may require other information to be submitted that is determined to be appropriate and necessary for a proper review of the requested action.
(4) With submittal of the building permit, the Director shall determine that the final design is consistent with the issued design decision.

21.40.060 Review by the Planning Commission Design Review Committee.

(1) The Planning Commission Design Review Committee shall review, and make a recommendation to the Director on, all proposed development activity that requires review under the State Environmental Policy Act (SEPA) or requires a project approval pursuant to WMC 21.80.030.
(2) The review and recommendation of the Design Review Committee shall be based on whether the proposal is consistent with the design standards in this chapter.

21.40.070 Appeals.

(1) Appeals of design review decisions for stand-alone design review applications shall comply with the procedural requirements of Chapters 21.80 through 21.86 WMC. All other design review decisions shall be made part of the overall permit application or process, and appeals shall also follow the appeals process for the overall permit application or process.

21.40.080 Amendment of approved design.

(1) Major change(s) to plans approved by the Director may only be amended by the same procedures provided herein for original design approval. Design review for amendments shall be limited to the proposed change, except the proposed amendment shall be considered in context with approved design review. A major change is a change that affects a design standard reviewed in the original approval(s).

21.40.090 Expiration.

(1) Design approval shall expire within two years of the date of approval, except as provided for phased site plan approvals below. A single two-year extension may be granted for good cause as determined by the Director.
(2) The Director may grant design approval for large projects planned to be developed in phases over a period of years exceeding the normal time limits of subsection (1) of this section. Such approval shall include time limits for particular phases of the development as agreed upon by the applicant and the Director. If the time limits of a phase cannot be met, a single two-year extension may be granted for good cause by the Director.

21.40.100 Criteria for approval.

As part of the design decision or notice of decision, the Director shall make a decision whether or not the proposed design is consistent with the design standards found in this chapter. As part of the decision, the Director shall consider the applicant's submitted material, the review and recommendation by the Planning Commission Design Review Committee, and/or the results of any consultation with other department heads or the City's contract design professional.

21.40.110 Site planning – Relationship to street front.

(1) Intent. People experience the City from streets. Streets are some of the vital spaces that bind the community together and allow for various modes of movement within the City. The intent for street fronts is:
   (a) To create an active, safe pedestrian environment;
   (b) To enhance commercial areas and to establish visual identity for each area;
   (c) To reflect a small village tradition in structures;
   (d) To unify streetscapes;
   (e) To improve circulation, including options for pedestrians, bicycles and vehicles;
   (f) To enhance the visual character of streets within commercial areas;
   (g) To encourage garden-type landscaping elements as a unifying feature; and
   (h) To enhance the visibility of commercial uses from the street.

Figure 2. An example of development that meets frontage requirements for pedestrian-oriented streets.

(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 21.40.380, 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 21.40.010.

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
- 133rd Avenue NE
- 138th Avenue NE
- 140th Avenue NE

Developments on pedestrian-oriented streets must adhere to the following standards, unless the Director determines that they prevent viable site development:

(a) Buildings shall orient to the street in one of the following ways:

(i) The building shall abut the sidewalk (including any setback required to achieve a wider sidewalk) and shall include a pedestrian-oriented facade; or

(ii) The building shall be set back from the sidewalk edge a minimum of five feet with either pedestrian-oriented space as described in WMC 21.40.260 or garden area landscaping as described in subsection (2)(c) of this section between the sidewalk edge and the building front.

(b) Pedestrian-oriented facades shall include:

(i) Transparent window areas or window displays along at least 75 percent of the ground- floor facade. The window area must cover the area between two feet and eight feet above the sidewalk or walkway surface; and

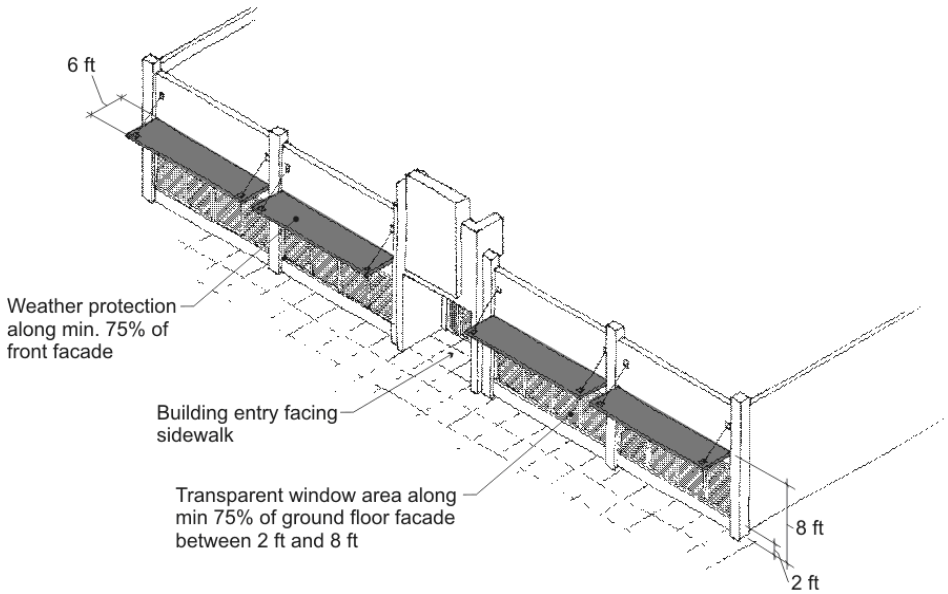


Figure 3. An example of a pedestrian-oriented facade.

(ii) Weather protection at least six feet wide along at least 75 percent of the building's front face. Wider weather protection features are encouraged to provide for outdoor seating areas such as in Figure 4. The weather protection may be in the form of awnings, marquees, canopies, or building overhangs (see Figure 4). Gaps in the covering allow for visual variety in the facade through the use of architectural features and/or landscaping components.

Figure 4. Examples of weather protection features. Weather protection features that are eight feet or wider, shown at right, can protect outdoor seating areas.

(c) Garden Area Landscaping Standards. The garden landscaping shall incorporate landscaping that adds seasonal color and interest and does not act as a visual barrier. Such areas should incorporate a variety of plant types that feature a range of colors and textures that provide visual interest from the sidewalk. Grass is acceptable only if combined with other plantings that provide seasonal interest and meet the intent of this section. English ivy and other nonnative, invasive plants are prohibited in this space. Plant types should be appropriate to the Pacific Northwest climate. Native and drought tolerant plants are preferred. The garden area shall be designed and maintained to provide clear visibility between storefront windows and the street.

(d) The front facade of buildings separated from the sidewalk edge by at least five feet of pedestrian-oriented space or garden area landscaping shall adhere to the standards for pedestrian-oriented facades (according to subsection (2)(b) of this section) or adhere to the following standards:

(i) The building must include transparency along at least 50 percent of the ground-floor facade between four and eight feet above the side- walk. For buildings with ground-floor residential units, the Director may reduce the transparency requirement provided the design treatment meets the intent of the standards.

(ii) Weather protection at least six feet deep is required over the entry. Such elements can project into front setback areas.

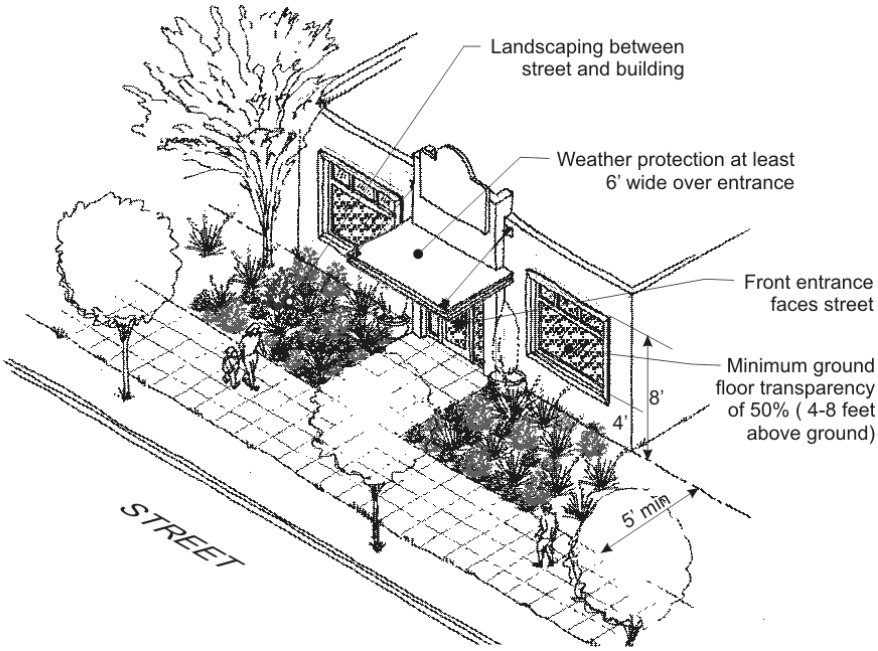


Figure 5. An example of incorporating a small garden area between the sidewalk and the building.

Figure 6. A variety of "garden" type landscaping configurations and designs that would be appropriate for areas between the sidewalk and a building on a pedestrian-oriented street.

(e) Building entries must have direct access to the public sidewalk. Such entries should face the street to the extent possible. Where entries are located on the side of the building, they must be visible from the street and connected by a pedestrian pathway. See Figures 3 and 4 for examples.

(f) Parking shall be located behind structures, away from pedestrian-oriented streets. On sites that front on two or more pedestrian-oriented streets and where the Director determines that there are no reasonable alternatives, parking and vehicle access areas may occupy no more than 50 percent or 65 feet of the street frontage, whichever is less. The Director will determine on which street frontage the parking may be allowed. Parking lots may not be located at a corner that faces on a pedestrian-oriented street.

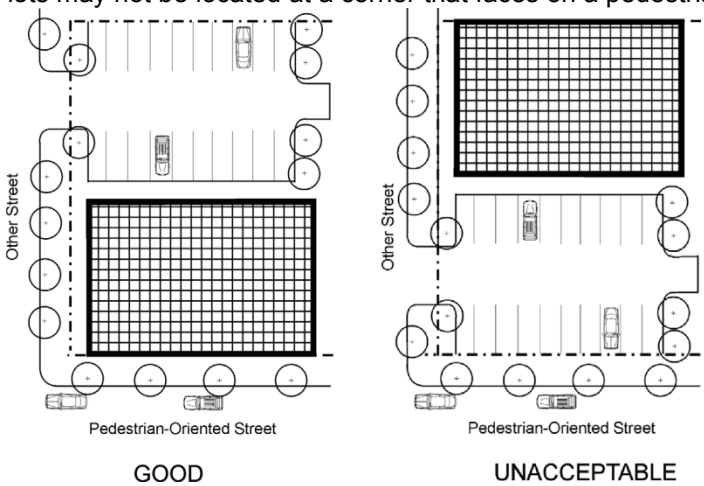


Figure 7. Parking location and configuration options.

(g) If allowed, parking lots adjacent to pedestrian-oriented streets shall be screened from the sidewalk by one of the following methods:

(i) Provide a five-foot-wide planting bed that incorporates a continuous three-foot-tall wall. The planting bed shall be in front (street side) of the wall and feature Type III landscaping. Alternative landscaping schemes will be considered by the Director provided they meet the intent of the guidelines. The wall shall be constructed of brick, stone, decorative concrete or concrete block, or other permanent material that provides visual interest and helps to define the street edge, as determined by the Director. See Figure 8 for an example.

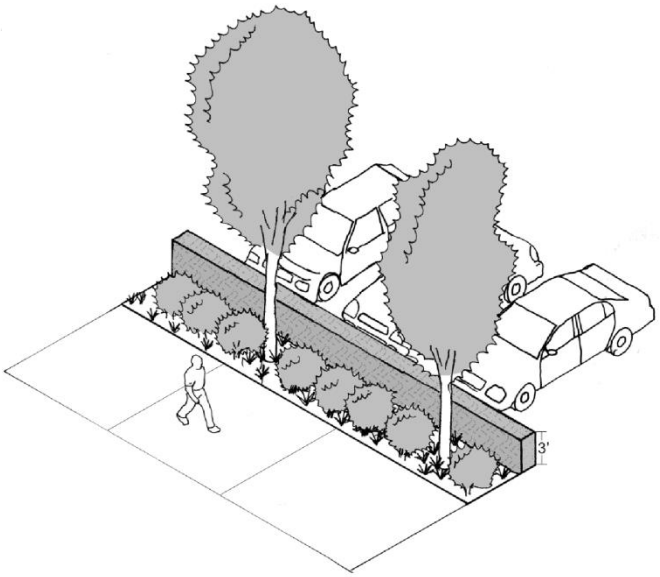


Figure 8. Parking lot planting buffer with low wall.

(ii) Provide an elevated planter that is a minimum of five feet wide and between two and three feet in height. Ledges that are approximately 12 inches in width are encouraged, as they can double as a seating area. The planter must be constructed of masonry, concrete or other permanent material that effectively contrasts with the color of the sidewalk and combines groundcover and annuals, perennials, ornamental grasses, low shrubs, and/or small trees that provide seasonal interest and winter greenery, as determined by the Director. See Figure 9 as an example.

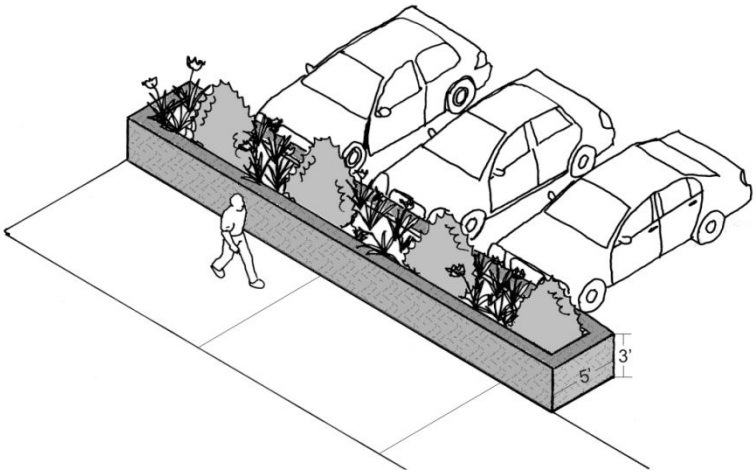


Figure 9. Elevated parking lot planting buffer.

Both options in subsections (2)(g)(i) and (ii) feature plantings to maintain eye level visibility between the street/sidewalk and parking area for safety. This means that shrubs and other low plantings should be maintained below three feet in height, while trees (once they achieve taller heights) should generally be trimmed up to the eight-foot level. See Figure 10. The planting beds in both options shall be irrigated unless the Director determines it is not necessary for the plant materials selected.

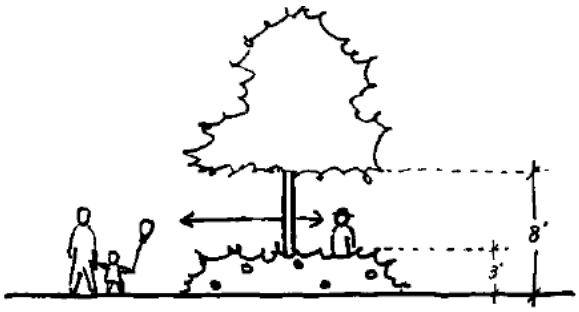


Figure 10. Parking lot planting buffers shall emphasize the 3:8 rule for visibility and safety.

(h) Parking structures located adjacent to pedestrian-oriented streets and other streets noted in subsection (4) of this section shall be designed with ground level commercial space fronting on the street consistent with standards herein. Such commercial space shall be at least 30 feet deep.
Vehicular entrances and other ground-floor openings of the parking garage are allowed only if the Director determines no other configuration is feasible. Openings and entries for structured parking shall not count as transparent window area for the purpose of determining transparency requirements set forth herein.

(i) If insufficient right-of-way exists to allow for 12 feet of public sidewalk, set the building back sufficiently to provide at least 12 feet of walking surface according to WMC 21.40.230 (2)(a), sidewalks – size and materials. (For Downtown and Little Bear Creek Corridor study area, see subsection (4) of this section for sidewalk dimensions and requirements.)

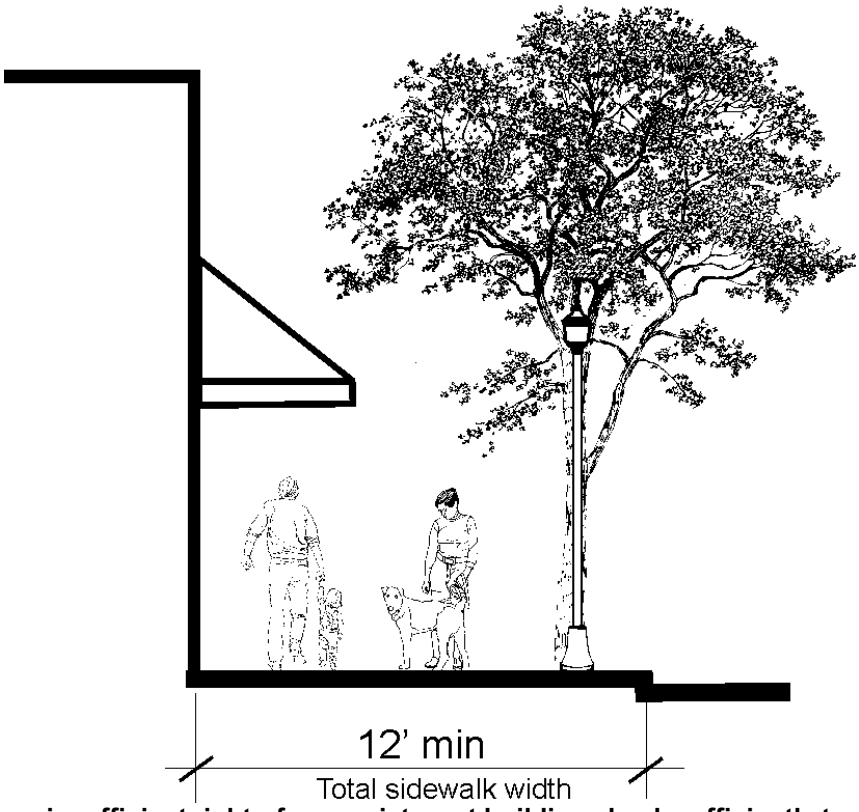


Figure 11. Where insufficient right-of-way exists, set buildings back sufficiently to meet minimum sidewalk width standards.

(j) No large item display areas are permitted (e.g., auto sales) in the front yard area. Sidewalks shall not be enclosed as building space for retailing. Small, temporary displays for items such as groceries, hardware,

nursery stock, books, etc., may be allowed provided the display does not unduly impede pedestrian sidewalk traffic. Large items, such as potting soil and compost bags, are not allowed.

(k) The Director may permit departures from the specific standards if he/she determines that public benefit can be achieved in terms of the intent described above. The applicant must demonstrate that there is a compelling reason to depart from specific standards and that the departure will result in increased pedestrian activity and visual interest along the street.

(3) Non-pedestrian-Oriented Street Design Principle. Relate development to street fronts for streets that are not designated as pedestrian-oriented streets. (These standards do not apply to streets in the Downtown and Little Bear Creek Corridor study area. See subsection (4) of this section for specific standards for streets in Downtown and Little Bear Creek Corridor.)

All development on streets not designated as pedestrian-oriented streets shall include site planning measures to create an attractive street edge, accommodate pedestrian access, and support the applicable design objectives stated in the Comprehensive Plan. Developments must adhere to the following standards unless the Director determines that they prevent viable site development.

(a) Developments must provide the following amenities near the sidewalk:

(i) Physically define the street edge with building(s), landscaping, or other features as approved by the Director;

(ii) Parking lots adjacent to sidewalks shall provide one of the options in subsection (2)(g) of this section or a 10-foot-wide landscape screening buffer consisting of Type III landscaping pursuant to WMC 21.43.040;

(iii) Provide sufficient room for a sidewalk at least eight feet wide if there is not space in the public right-of-way; and

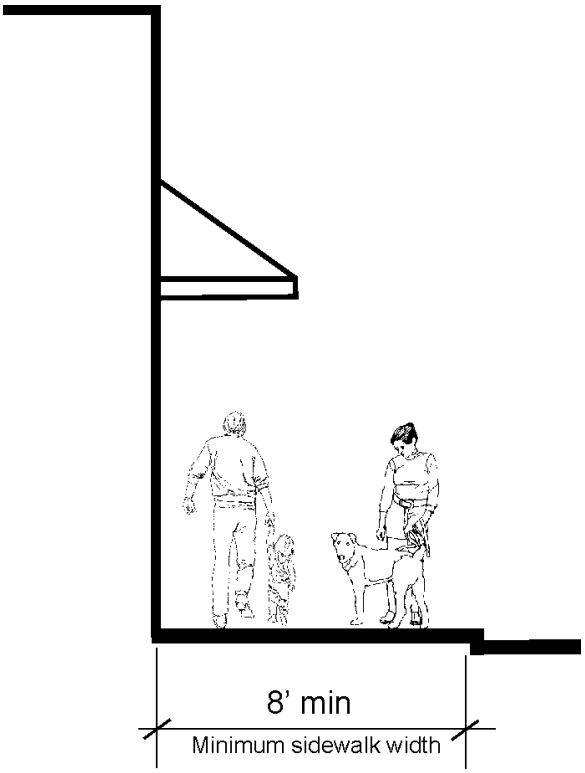


Figure 12. Provide sufficient room for a sidewalk at least eight feet wide on streets that are not designated as pedestrian-oriented streets.

(iv) Provide direct access to building fronts from the sidewalk. Preferably, these areas should be separate from the parking lot. If access traverses the parking lot, than it should be raised and/or specially marked.

(b) Buildings are encouraged to be located adjacent to the sidewalk. Such buildings must feature a pedestrian-oriented facade and weather protection at least four feet, six inches wide along at least 75 percent of the building's front face. The weather protection may be in the form of awnings, marquees, canopies, or building overhangs (see Figures 3 and 4).

(c) Developments should use the architectural elements of a building and landscaping to highlight and define the entrance, particularly where the entrance is set back off the street.

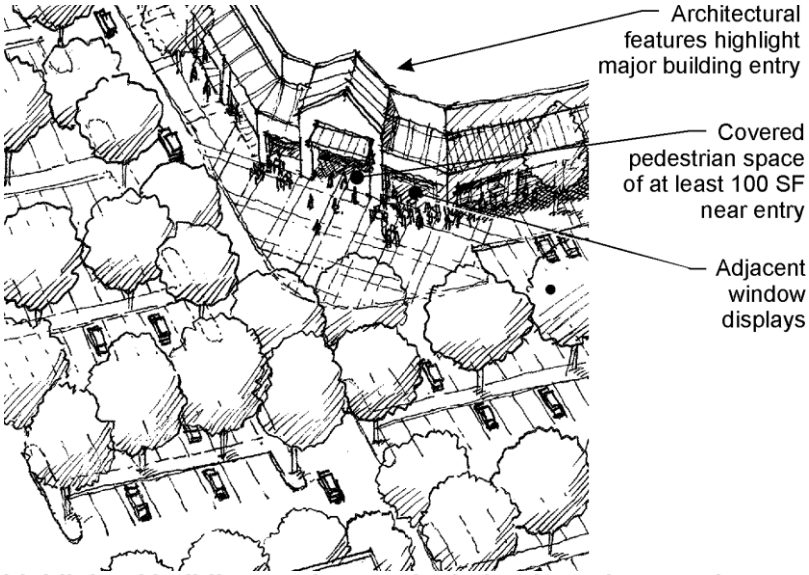


Figure 13. Provide highlighted building entries, particularly where the entry is not adjacent to a public street.

Figure 14. This building effectively uses architectural features, open space, and landscaping to highlight the entry.

(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[2]	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 landscaping.	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) the street, landscape screening shall be provided in accordance with subsection (4)(b) of this section.	Not allowed on ground floor facing street. Adhere to subsection (2)(h) 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 21.40.300.	Allowed with required landscape screening.1 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.1
NE 173rd Street	If the building abuts 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	Adhere to the vehicle access requirements in WMC 21.40.300.	Adhere to parking lot requirements in subsections (3)(a) and (4)(b) of this section, and all requirements for parking lots adjoining non-pedestrian oriented streets.	Allowed with landscape screening conforming to subsection (4)(c) of this section.

Street	Building Orientation[2]	Driveway Access	Adjoining Parking Lots	Adjoining Parking Garage
	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.			
133rd Ave NE	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.	Allowed, but Director may determine location and special conditions to ensure safety and streetscape quality; see WMC 21.40.300.	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.	Allowed with landscape screening conforming to subsection (4)(c) of this section.
NE 171st Street	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. 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.	Restricted. Not permitted unless the Director determines there are no feasible alternatives; see WMC 21.40.300.	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.	Allowed with landscape screening conforming to subsection (4)(c) of this section.
Little Bear Creek Parkway	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.	Joint driveways serving more than one property where possible. Adhere to WMC 21.40.300. No more than one entry and exit per 300 LF of street property are allowed.	Parking lots facing the street are allowed with landscape screening, as specified in subsection (4)(b)(iii) of this section.	Allowed with landscape screening conforming to subsection (4)(c) of this section.

Street	Building Orientation[2]	Driveway Access	Adjoining Parking Lots	Adjoining Parking Garage
	If the building is more than 20 feet from the sidewalk, Type II or III landscape screening shall be provided.			
Woodinville-Duvall 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. 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.	Joint driveways where possible to reduce accidents. Adhere to WMC 21.40.300.	Parking lots facing street allowed with landscape screening, as specified in subsection (4)(b)(iii) of this section.	Allowed with landscape screening, as specified in subsection (4)(c) of this section.
NE 178th Street	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 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. 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.[1] Adhere to WMC 21.40.300.	Parking lots facing street allowed with 10 feet of Type III landscape screening.[1]	Allowed with landscape screening conforming to subsection (4)(c) of this section.[1]
140th Ave 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 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. If the building is more than 20 feet from the sidewalk, Type II or III landscape screening shall be provided.	Driveways restricted where possible. Adhere to WMC 21.40.300.	Parking lots proposed to be located next to (abutting) a street allowed only if no other configuration is possible. If allowed, parking is limited to 50% of street frontage and 10 feet of Type III landscape screening is required.	Allowed with landscape screening per subsection (4)(c) of this section only if no other configuration is possible.
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. If the building is within 20 feet of the sidewalk, pedestrian-oriented space or garden area landscaping shall be provided in accordance with subsection	Joint driveways where possible to reduce accidents; see WMC 21.40.300.	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.

Street	Building Orientation[2]	Driveway Access	Adjoining Parking Lots	Adjoining Parking Garage
	(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.			

(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 21.43.040. 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 21.43.040;
- (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)

Street	No. of Lanes	Sidewalk Width	Bike Lane	On-Street Parking	Median
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/ Garden Way NE	3 lanes 72' ROW	6' sidewalk and 10' planting area	Yes	Yes	Yes, where feasible
NE 173rd Street	2 lanes	16' (minimum) for sidewalk and planting area	No	Yes	No
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' 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 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.

21.40.120 Site planning – Interior yard compatibility.

(1) Intent. To provide functional and visual compatibility between adjacent properties.

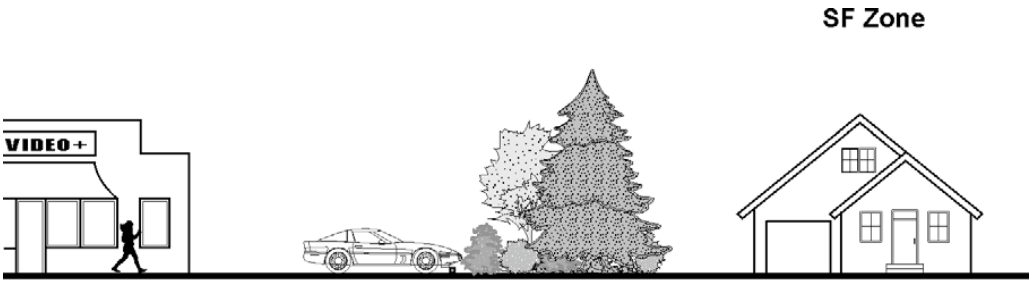


Figure 15. Provide landscape screening along property lines adjacent to incompatible uses.

(2) Design Principle. Minimize visibility and impacts of service areas. Specifically:
- (a) Landscape screening, buffers, or other forms of screening must be provided along property lines adjacent to "incompatible uses." Incompatible uses include outdoor storage areas adjacent to any other use, service areas adjacent to any other use, and commercial development adjacent to a residentially zoned or developed property.
  - (i) Provide a landscaped buffer along interior lot lines per the requirements of WMC 21.43.060.
  - (ii) New development shall provide enclosures for recyclable and garbage collection points per WMC 21.30.020 and 21.40.140.
  - (iii) Where outdoor storage is greater in size than 120 square feet and abuts another commercial area or industrial use, 10-foot width of Type II landscaping shall be provided.
  - (iv) Integrate outdoor storage areas and loading facilities into the site design to minimize their size, reduce visual impact, and, where appropriate, allow for pedestrian and vehicular movement between sites.
- (b) Modifications may be allowed by the Director where site or development conditions are present that reduce or eliminate the need for landscaped screening. Examples include scenarios where a zero lot line fire wall is present next door or where changes in topography between the residentially zoned or developed property and adjacent property are significant and thus warrant no screening or reduced screening. The Director may waive screening requirements if shared parking advantage and/or other landscaping is approved.

(3) Design Principle. Provide side and rear design options that enhance the area's pedestrian environment and the setting for development. Specifically, project applicants shall incorporate one or more of the following design options into the site:
- (a) Provide a zero lot line fire wall for commercial or mixed use developments where allowed by the applicable zoning district. This configuration provides for the maximum use of property. Project applicants are encouraged to consider the design implications to the adjacent property.
- (b) Provide a shared internal drive or public street/alley along the property line. This configuration may be required by the City for large sites (two-plus acres) where there is a strong need for internal connectivity. Depending on the status of the adjacent property, this may be a partial roadway along the property line or a complete roadway entirely within the subject property. This determination will be made by the Director. Where the roadway is constructed entirely within the subject property, at least a five-foot-wide area of Type I, II or III landscaping shall be provided between the road and the property line.
- (c) Provide a trail or other internal pathway along the property line. Trails that span the property line require written approval from the adjacent property owner. Other trails require at least a five-foot-wide area of Type III landscaping between the trail and the property line.
- (d) Retain existing native or desirable mature vegetation along the side or back property line.
- (e) Provide a six-foot-tall wood or masonry fence and/or at least a five-foot-wide area of Type I or II landscaping along the side and/or rear property line(s). These options may be used only where options in subsections (3)(a), (b), (c), or (d) of this section are not viable, as determined by the Director based on the applicable uses and views between properties.
- (f) Other treatments that meet the intent of the standards as approved by the Director. Factors that must be considered in determining the appropriate treatment include lot sizes and established neighborhood patterns, applicable uses, connectivity, environmental conditions, and desired level of privacy.

(g) A rain garden or other low-impact development measure may be incorporated as part of the treatments above.

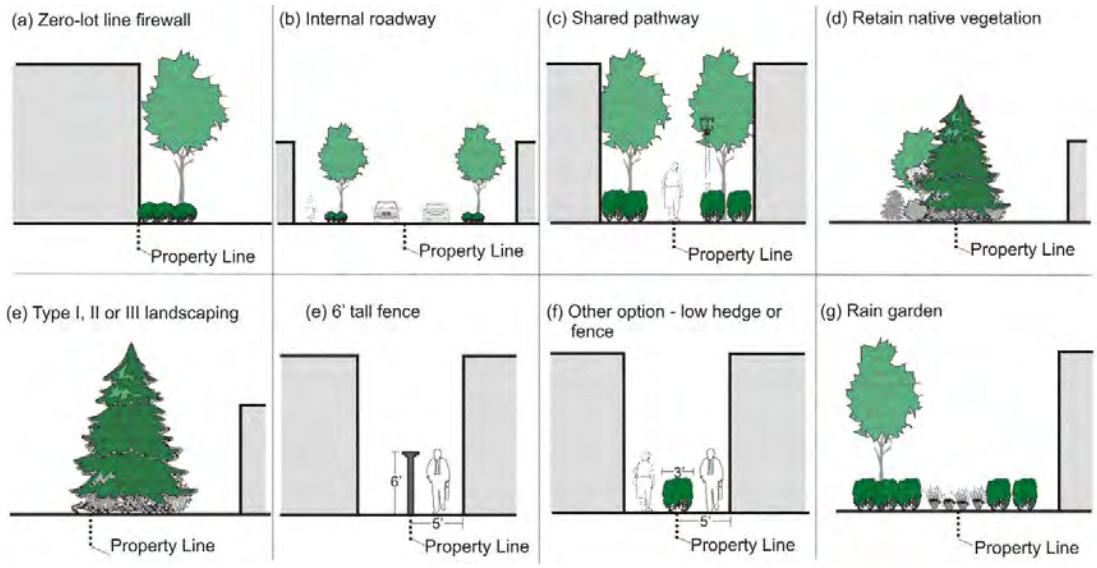


Figure 16. Side and rear yard design treatments.

(4) Design Principle. Enhance solar access and privacy for residential uses alongside and rear yards. Specifically:

(a) Buildings or portions thereof containing dwelling units whose solar access is only from the applicable side of the building (facing towards the side property line) shall be set back from the applicable side or rear property lines at least 15 feet; see Figure 17.

(b) Transparent windows shall occupy no more than 10 percent of any facade within 15 feet of the side or rear property line facing an adjacent property where either property's residential privacy may be compromised. The Director may waive this requirement where he or she finds that it achieves no practical increase in privacy.

(c) Balconies shall be set back at least 10 feet from side or rear yard property lines separating adjacent residential or mixed use properties. Balconies or rooftop decks within 15 horizontal feet of a side property line must utilize opaque guard rails to minimize impacts to privacy on adjacent properties.

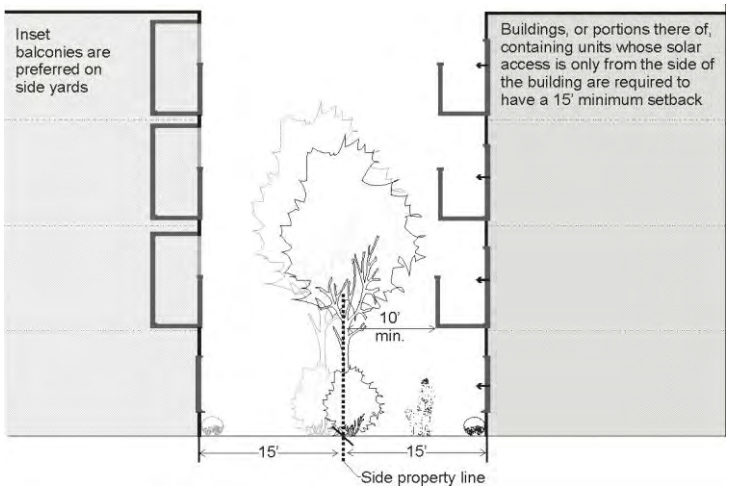


Figure 17. Solar access and privacy standards for multifamily residential buildings along side/rear yards.

Figure 18. Internal walkway example between different multifamily developments.

21.40.130 Site planning – Multiple building/large lot developments and large format retail stores.

(1) Intent. To encourage project designers to coordinate design standard requirements into an innovative organizational scheme, such as a "village green," "small town grid," "pedestrian square," "perimeter walk," etc., that integrates the new development into the existing/proposed structure and creates a pedestrian-oriented focus.

In addition to other requirements, the intent of multiple building/large lot development standards is:

(a) To reduce negative impacts to adjacent properties;
(b) To take advantage of special opportunities to create a composition of buildings and landscape features;
(c) To enhance pedestrian and vehicular circulation;
(d) To encourage transit use;
(e) To provide usable open space;
(f) To create focal points for pedestrian activity for developments; and
(g) To enhance the visual character of the community.

(2) Multi-Building/Large Lot Development Design Principle. Take advantage of special opportunities to mitigate impacts of multiple building and large developments (sites over two acres) through implementing measures such as the following:

(a) The site planning for all developments must demonstrate a unifying, organized design that:

(i) Incorporates open space and landscaping as a unifying element (see WMC 21.40.260, Pedestrian activity and plazas, and Chapter 21.43 WMC);
(ii) Where possible, incorporates screening, environmental mitigation, utilities, and drain- age as positive elements (example: create a "natural" open space or wet pond as a site feature to accommodate surface water runoff); and
(iii) Provides pedestrian paths or walkways connecting all businesses and the entries of multiple buildings as required by WMC 21.44.100.

(b) Provide pedestrian paths from/to all transit stops through commercial areas to residential areas within 1,200 feet of the site.
(c) Enhance transit stops by providing rider convenience and amenities such as weather protected seating, newspaper dispensers, postal boxes, automated teller machines (ATM), and small vendor spaces (i.e., cleaners, florist, etc., pursuant to Chapter 21.21 WMC, Permitted Uses).
(d) Integrate pedestrian accommodations for transit stops into the development of public and private streets, in addition to WMC 21.44.090.
(e) Integrate on-site pedestrian circulation with adjoining right-of-way activity and development.

(f) Provide on-site pedestrian-oriented space at the following ratio: one percent of applicable lot area plus one percent of nonresidential floor area.

Figure 19. Illustrating how much pedestrian-oriented space would be required for a typical grocery store served by surface parking.

(3) Large Format Retail Store Design Principle. In the design of the building and site layout, mitigate the impacts of large format retail stores containing over 60,000 gross square feet through the application of the following measures:

(a) Provide centralized and visible pedestrian-oriented space at a ratio of one percent of applicable lot area plus one percent of nonresidential floor area, said space to include accessible covered seating (under canopy, awning, pergola, sheltering roof, or other similar architectural feature), landscaping and a water feature or public art;

(b) Provide roofline treatments to break down the size of the buildings;

(c) Provide 15-foot-wide Type III landscape buffer between sidewalk and non-pedestrian-oriented facade. The Director may approve a reduction in the width of the landscape buffer to not less than five feet upon demonstration that the intent of this section and the design principle of this subsection (3) have been fulfilled within the parcel;

(d) Provide 15-foot-wide Type III landscape buffer between sidewalk and on-site parking. The Director may approve a reduction in the width of the landscape buffer to not less than five feet upon demonstration that the intent of this section and the design principle of this subsection (3) have been fulfilled within the parcel;

(e) Provide on-site pathway along building facade at least 12 feet in width and include street trees;

(f) Minimize access points from public street onto site;

(g) Screen service areas with landscaping and solid wall or fence;

(h) Provide parallel parking along major access roads located on site;

(i) Provide an enhanced building entry;

(j) Provide landscaped, raised pedestrian pathways; pedestrian-scaled lighting and sheltering roofs through parking areas as required in WMC 21.44.100, Pedestrian circulation and access (see Figure 41, Parking lot pathway configuration, also Figures 118 and 119 in WMC 21.40.390, Northwest woodland character design standards illustrative guide);

(k) Include uses that will expand the range of activities in downtown. Such uses might include a cultural or performing arts facility, public assembly area, and similar uses that will encourage pedestrian activity and/or support for other business or community activities;

(l) Other significant features that exceed the development standards and regulations.

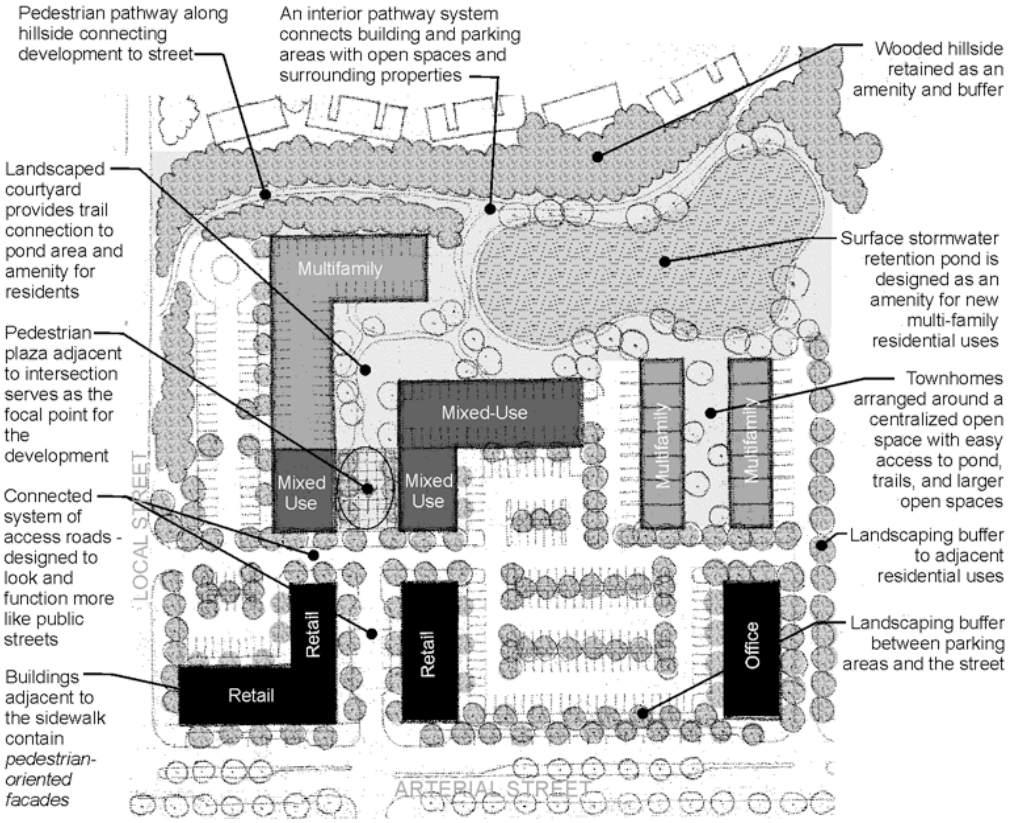


Figure 20. An example of a multiple building/large lot development that incorporates the implementation measures in this section.

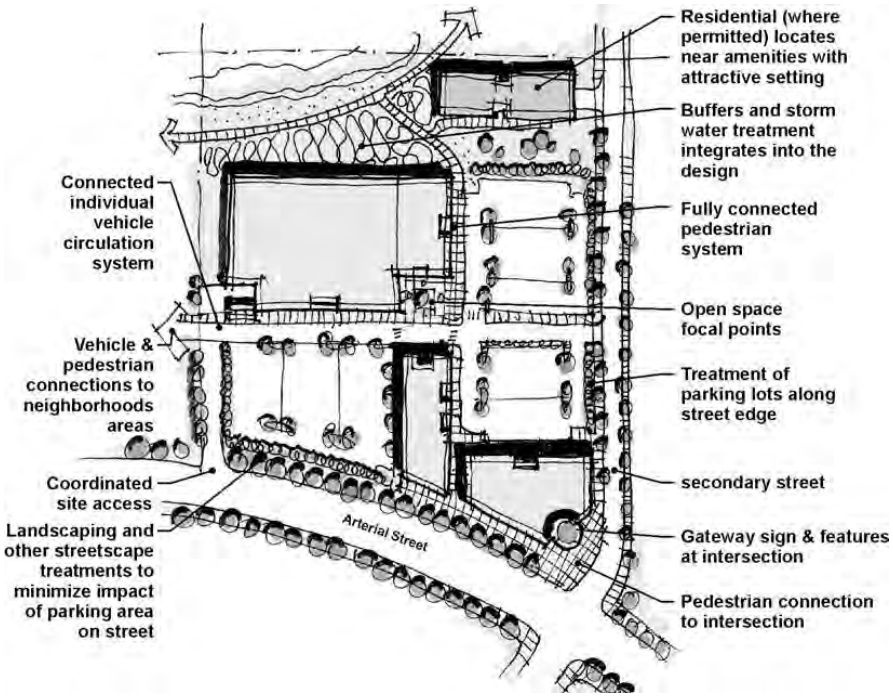


Figure 21. Another large site development example incorporating many of the implementation measures in this section.

21.40.140 Mechanical equipment and service areas.

(1) Intent.
   (a) To minimize adverse visual, olfactory, or auditory impacts of mechanical equipment and service areas at ground and roof levels; and
   (b) To encourage more thoughtful siting of trash containers and service areas.

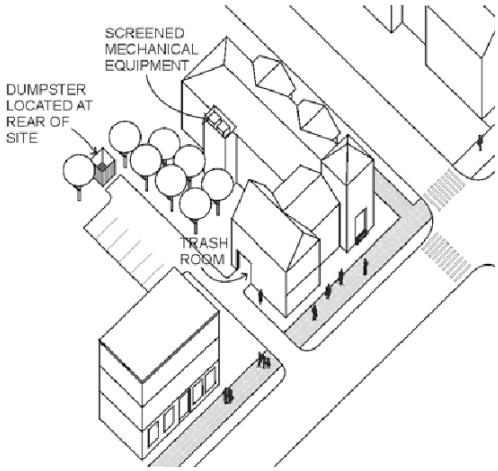


Figure 22. Locate service elements to reduce impacts on the pedestrian environment.

(2) Design Principle. Reduce impacts of refuse containers and storage areas. Implementation measures:
   (a) Service areas (loading docks, trash dumpsters, compactors, mechanical equipment, and storage yards) shall be located to avoid negative visual, auditory (noise), olfactory, or physical impacts on the street environment and adjacent residentially zoned or developed properties.

(b) Refuse containers are not to be visible from the sidewalk and adjacent properties. Acceptable materials include brick, concrete block, stone, or wood. Cyclone fencing is prohibited. The sides and rear of the enclosure shall be screened as described in WMC 21.30.020(4).
(c) Buildings in the Downtown and Little Bear Creek Corridor study area with 30 or more dwelling units or nonresidential buildings with a gross building floor area over 30,000 square feet shall have an interior service and trash room sufficient to house refuse containers for building uses.

Figure 23. Acceptable service enclosure example.

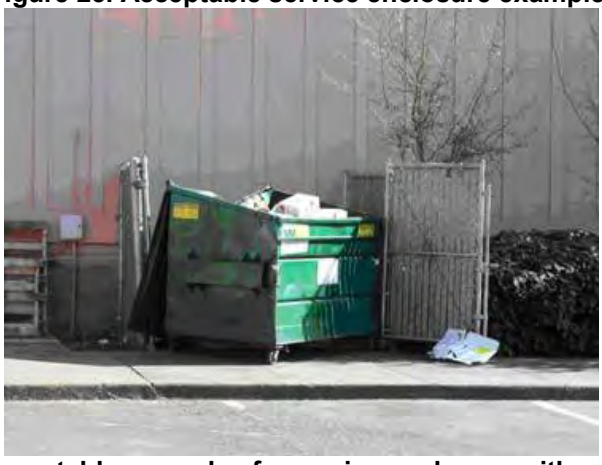


Figure 24. Unacceptable example of a service enclosure with cyclone fencing.

(d) Screened trash containers shall be a minimum of 44 feet from the wall of any structure where there is access to the structure for the public.
(e) Mechanical equipment should be located and screened at ground level and attached to structures to reduce visual impacts from streets and adjoining properties.
(f) Service areas should be located and screened to reduce adverse sensory impacts.
(g) Roof-mounted mechanical equipment should be located and screened so the equipment is not visible within 150 feet of the structure when viewed from the ground level of adjacent properties. Match the color of roof-mounted equipment with the exposed color of the roof to minimize visual impacts when equipment is visible from higher elevations nearby.
(h) Utility Meters, Electrical Conduit, and Other Service Utility Apparatus. These elements shall be located and/or designed to minimize their visibility to the public. Project designers are strongly encouraged to coordinate with applicable service providers early in the design process to determine the best approach in meeting these standards. If such elements are mounted in a location visible from the street, pedestrian pathway, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.

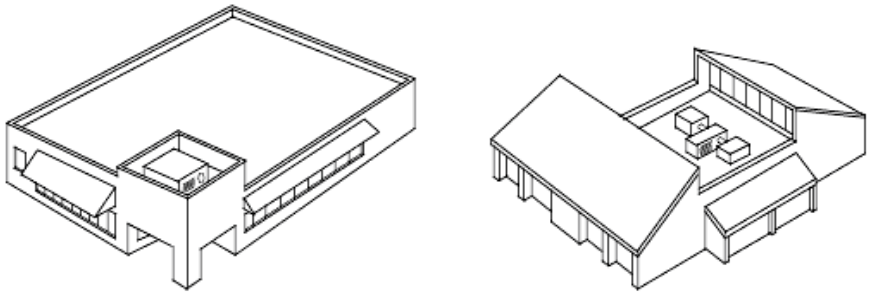


Figure 25. Examples of how to screen roof-mounted mechanical equipment.

Figure 26. Good and bad utility meter configurations. The examples on the left are consolidated and somewhat screened by landscaping elements, whereas the right examples are exposed and degrade the character of these townhomes.

21.40.150 Design standards for outdoor sales lots.

The intent of the standards for outdoor sales lot is to reduce the visual impact of outdoor storage of vehicles or other outdoor sales items; and to encourage the use of landscaping and other site features to improve the site aesthetics. The following standards shall be met for outdoor sales lots where specifically required in Chapter 21.21 WMC:

(1) Buildings should be located abutting the street, in accordance with WMC 21.40.110. The outdoor sales area is encouraged to be to the rear of the main building.

(2) Outdoor sales lots adjacent to streets shall be screened from any street and/or sidewalk by one of the following methods:

(a) Provide a five-foot-wide planting bed that incorporates a continuous three-foot-tall wall. The wall shall be constructed of brick, stone, decorative concrete or concrete block, or other permanent material that provides visual interest and helps to define the street edge, as determined by the Director. The landscaping shall provide a continuous row of shrubs, trees spaced 25 feet on center, and groundcover that provides continuous coverage within five years.

(b) Provide an elevated planter that is a minimum of five feet wide and between two and three feet in height. The ledges shall be a minimum of six inches in depth. The planter must be constructed of masonry, concrete or other permanent material that effectively contrasts with the color of the sidewalk and combines groundcover and annuals, perennials, ornamental grasses, low shrubs, and/or small trees that provide seasonal interest and winter greenery, as determined by the Director.

(c) Provide a 15-foot-wide area of Type II landscaping in accordance with Chapter 21.43 WMC.

For all of the options above, eye level visibility between the street/sidewalk and parking area shall be maintained for safety. This means that shrubs and other low plantings should be maintained below three feet in height, while trees (once they achieve taller heights) should generally be trimmed up to the eight-foot level.

See Figure 10. The planting beds in both options shall be irrigated unless the Director determines it is not necessary for the plant materials selected.

(3) Outdoor sales lots directly abutting a critical area or critical area buffer shall provide a minimum 10-foot-wide area of Type I landscaping outside the buffer.

(4) Lighting for outdoor sales lots shall include fixtures that are non-glare and mounted no more than 25 feet above the ground, with lower fixtures preferable so as to maintain a human scale. Requests for higher lighting fixtures may be considered with the approval of the Director. All fixtures shall be fitted with a full cut-off shield.

(5) Access from streets to outdoor sales lots may be restricted to no more than one entrance lane and one exit lane per 300 linear feet of property as measured horizontally along the street face.

(6) Pedestrian access through outdoor sales lots is required. For this access, provide landscaped, raised pedestrian pathways, pedestrian-scaled lighting and sheltering roofs through sales lot areas. A minimum of one pathway shall be provided. Additional pathways may be required, pursuant to WMC 21.44.100. Pathways shall be designed in accordance with WMC 21.44.100.

(7) Landscaping for sales lots shall meet the requirements for parking lot landscaping in WMC 21.43.070. A minimum of 15 percent of the site, excluding any area within critical areas or buffers, must be landscaped. The minimum requirements in WMC 21.43.110 shall be met for landscaping areas.

21.40.160 Design standards for gasoline service stations.

The intent of the standards for gasoline service stations is to protect and enhance the character and quality of commercial districts and adjacent neighborhoods where these stations are allowed; provide for safe pedestrian access; create high quality gasoline service stations in architecture and site design; and maintain and strengthen a recognizable identity and character unique to Woodinville. The following standards shall be met for gasoline service stations where specifically required in Chapter 21.21 WMC:

(1) Building design shall meet the design standards requirements of this chapter, and the following standards:
   (a) All portions of a building should express consistent architectural detail and character. All site walls, screen walls and pump island canopies and other outdoor covered areas should be architecturally integrated with the building by using similar material, color and detailing.
   (b) Buildings should be located abutting the street, in accordance with WMC 21.40.110. The pump islands are encouraged to be to the rear or the side of the main building. Where the pump islands are located abutting the street, a vertical trellis or screen of not less than 30 inches, with climbing vines or other approved screening materials, shall be provided.
   (c) Noise-generating areas, including auto service bays, car wash openings, vacuum stations, loading areas, garbage storage and stacking lanes, shall be located so they are faced away from sensitive uses such as residential uses, and educational services as defined in Chapter 21.21 WMC.
   (d) (d) Potential noise impacts shall be buffered with solid attenuations with one of the following: structures, landscaped berms or attenuation fencing (minimum six feet in height) complemented with landscaping.
   (e) Enclose all utility equipment within buildings or screen them from streets and private properties. These include utility boxes, garbage and recycling container storage, loading docks and ramps, and air conditioner compressors.

(2) Pedestrian access to the site shall be provided, at a minimum width of five feet and using an alternative paving treatment than is used for the remainder of the site.

(3) The canopy shall meet the following standards:
   (a) The canopy should be integrated with the building. Multiple canopies or canopies that express differing architectural masses are encouraged.
   (b) The materials of the canopy shall meet the requirements of WMC 21.40.360, and are encouraged to use heavy timber framing.
   (c) Lighted bands or tubes or applied bands of corporate color are prohibited.

(4) The pump islands, including fuel dispensers, refuse containers, payment points, safety bollards, and other appurtenances, shall meet the following standards:
   (a) The design of pump islands shall be architecturally integrated with other structures on site using similar colors, materials and architectural detailing.
   (b) The use of translucent materials and internally lighted cabinets is prohibited as finishes or as applied treatments at the pump island or on the canopy.
   (c) Either a pump island curb or bollard is required for the protections of dispensing units.

(5) Where a car wash is proposed, the following standards shall be met:

(a) Glass windows shall be provided for the portions of the car wash that face public areas.

(6) The landscaping for gas stations shall meet the following standards:
   (a) In-ground landscaping should comprise the majority of the landscaping requirement. Raised planters are acceptable when designed to accentuate the architecture and/or create pedestrian seating areas.
   (b) Street Frontage Landscaping. Provide a 10-foot width of Type III landscaping, pursuant to Chapter 21.43 WMC.
   (c) Perimeter Landscaping. Provide a 10-foot width of Type III landscaping, except for gas stations that abut residential uses, provide a 20-foot width of Type I landscaping, pursuant to Chapter WMC.
   (d) Interior Landscaping. A minimum of 15 percent of the site, excluding any area within critical areas or buffers, must be landscaped. The minimum requirements in WMC 21.43.110 shall be met for landscaping areas.
   (e) Proper maintenance and timely replacement of plant material is expected and required by WMC 21.43.220.

(7) The lighting for gas stations shall meet the following standards:
   (a) The site lighting requirements of WMC 21.30.010shall be met.
   (b) All fixtures shall be fitted with a full cutoff shield and aimed downward.
   (c) All luminaires should be recessed or shielded so the light source is not directly visible from the property line.

21.40.170 Biofiltration swales.

(1) Intent. To integrate grass swales, if used, into site design while maintaining biofiltration efficiency.

(2) Design Principle. When used, integrate bio-filtration swales and ponds into the overall site design. Methods of filtration are listed below in order of preference:
   (a) Locate biofiltration swales, ponds, or other approved biofiltration systems as part of a landscape screen. Trees may be planted near the grass swale as long as they do not substantially shade the grass within the swale. The swale or pond should be designed so it does not impede pedestrian circulation or shared parking between two or more properties;
   (b) Where topography is favorable, locate the biofiltration swale, wet pond, or other approved biofiltration system within the paved parking or service area. The swale or pond should be landscaped as part of the required internal parking lot landscaping and oriented so it does not impede pedestrian circulation;
   (c) Locate the swale along the front edge of the property. Incorporate landscaping and screening to visually enhance the swale without reducing maintainability and sun exposure; or
   (d) The incorporation of screening elements and/or landscaping into biofiltration swale designs is encouraged if the biofiltration swale is located and/or designed as a positive landscaping feature with approved design and plant materials. Where appropriate, shade tolerant plants should be used. It may be counted as part of the required site landscaping.

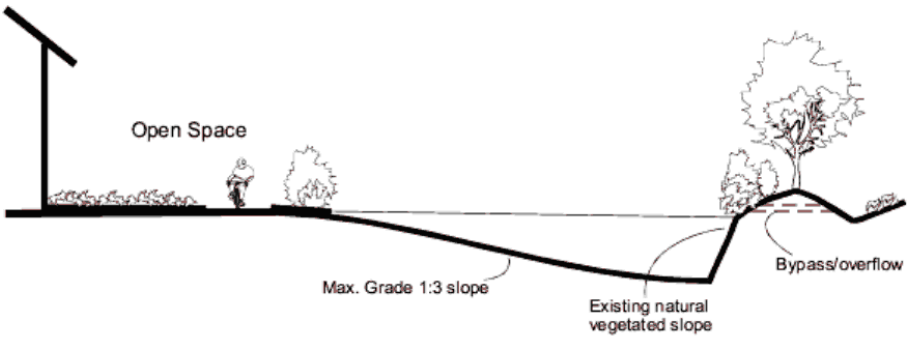


Figure 27. Biofiltration swale designed as an amenity.

21.40.180 Street corners.

(1) Intent.
   (a) To create and preserve visual images for identification and spatial reference at street corners; and
   (b) To enhance the pedestrian environment at street corners.

(2) Design Principle. Enhance the visual quality of corners at the intersections of public streets. Implementing measures:

(a) All development proposals for street corner sites must include at least one of the design treatments described below (in order of preference):

(i) Locate a building towards the street corner (within 15 feet of corner property line);

(ii) Provide pedestrian-oriented space at the corner leading directly to a building entry or entries;

Figure 28. This example includes both a building located towards the street corner and a small pedestrian-oriented space.

Figure 29. Street corner building example.

If subsections (2)(a)(i) and (ii) of this section are not feasible per the Director, consider the following options:

(iii) Install substantial landscaping (at least 30 feet by 30 feet or 900 square feet of ground surface area with trees, shrubs, and/or ground cover). The space may include a special architectural element, such as a trellis, to add identity or demarcation of the area. Such an architectural element may have a sign incorporated into it (as long as such sign does not identify an individual business or businesses);

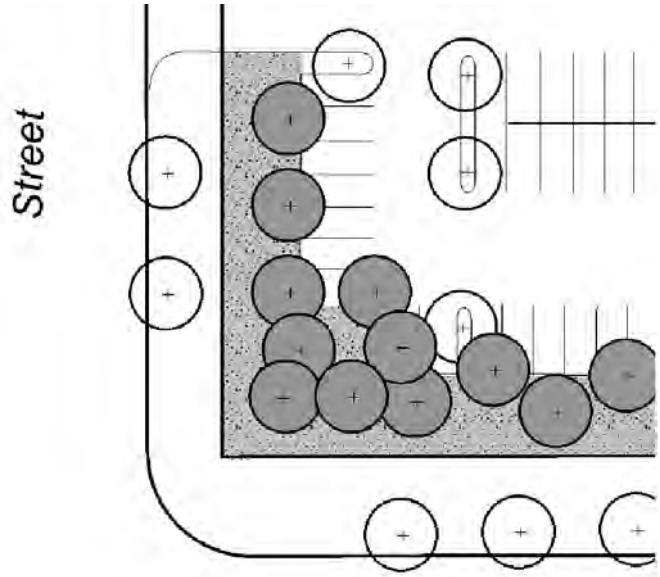


Figure 30. Substantial landscaping (at least 30 feet by 30 feet or 900 square feet adjacent to the street corner).

(iv) Install a decorative screen wall (at least two and one-half feet high), a trellis, or other continuous architectural element, with a length of at least 20 feet along the front property line. Height and location of elements are not to create a visibility or security problem; or

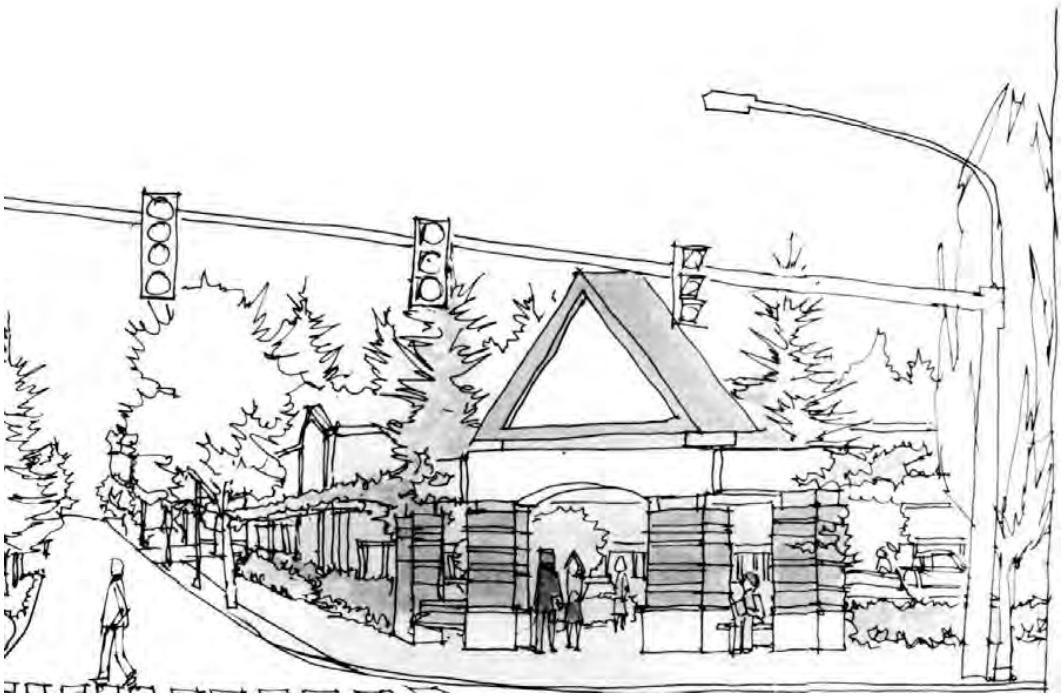


Figure 31. Decorative architectural element adjacent to the street corner.

Figure 32. This street corner successfully combines landscaping with architectural elements. Signage demarcates the area, not an individual store.

(v) Other element or method would be considered for approval if the proposed element or method conforms with the intent of this section as determined by the Director.

(b) Parking lots may not be located adjacent to street corners where one or both streets are designated pedestrian-oriented streets. The Director may make exceptions where lots are surrounded by three or more pedestrian-oriented streets or where other more desirable development configurations are possible without strict enforcement of this standard.

(3) Key Corners in Downtown and Little Bear Creek Study Area. The following additional standards are required for key corners:

(a) Buildings abutting the intersection of NE 175th Street and 135th Avenue NE, NE 173rd Street and 135th Avenue NE, NE 175th Street and 140th Avenue NE or NE 175th Street and 138th Avenue NE (Garden Way) shall incorporate all of the following design elements:

(i) Locate a building towards the street corner (within 15 feet of corner property line);

(ii) Provide an entry at the corner;
(iii) Provide a notch or a cut-out to the building corner. The notch or cut-out must be large enough to create additional sidewalk/pedestrian area adjacent to the corner equaling no less than 75 square feet; and
(iv) Provide a key architectural feature at the corner pursuant to WMC 21.40.340.

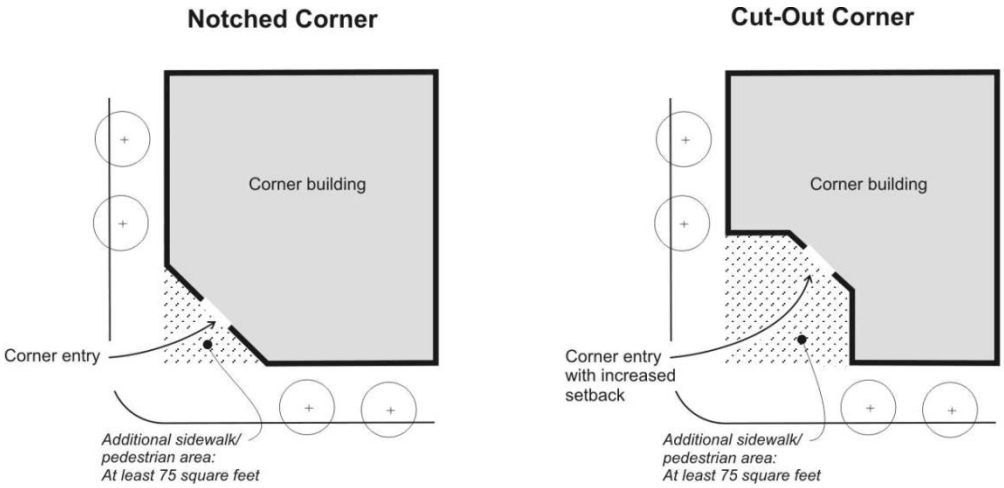


Figure 33. Examples of notched and cut-out building corners.

21.40.190 Site lighting.

(1) Intent.
(a) To encourage the use of lighting as an integral design component to enhance buildings, landscaping, or other site features;
(b) To encourage night sky visibility and to reduce the general illumination of the sky in Woodinville;
(c) To reduce horizontal light glare and vertical light trespass from a development onto adjacent parcels and natural features;
(d) To encourage the judicious use of lighting in conjunction with other security methods to increase site safety; and
(e) To discourage the use of lighting for advertising purposes.

(2) Design Principle. Provide adequate lighting levels in all areas used by pedestrians or automobiles, including building entries, walkways, parking areas, circulation areas, and other open space areas.
New developments shall provide site lighting that meets the following design criteria through implementing measures such as:
(a) All public areas shall be lighted with average minimum and maximum levels as follows:
(i) Minimum (for low or non-pedestrian and vehicular traffic areas) of one-half foot candles;
(ii) Moderate (for moderate or high volume pedestrian areas) of one to two foot candles; and
(iii) Maximum (for high volume pedestrian areas and building entries) of four foot candles.
(b) Lighting shall be provided at consistent levels, with gradual transitions between maximum and minimum levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.
(c) Parking lot lighting fixtures shall be non-glare and mounted no more than 25 feet above the ground, with lower fixtures preferable so as to maintain a human scale. Requests for higher lighting fixtures may be considered with the approval of the Director. All fixtures over 15 feet in height shall be fitted with a full cut-off shield.

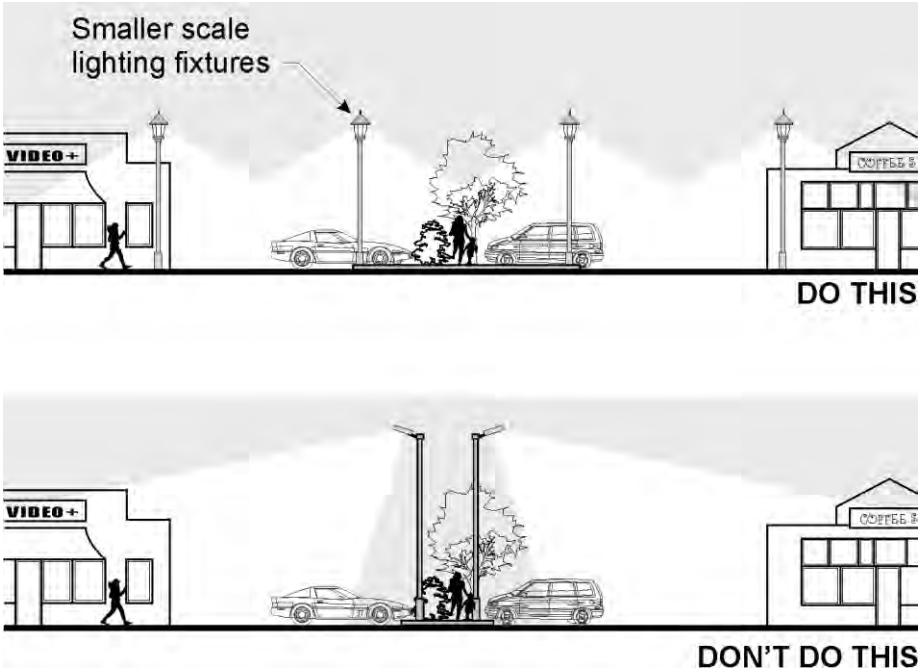


Figure 34. Acceptable and unacceptable parking lot lighting.

(d) Pedestrian-scaled lighting (light fixtures no taller than 15 feet) is encouraged in areas of pedestrian activity. Lighting shall enable pedestrians to identify a face 45 feet away in order to promote safety.

(e) Lighting should not be permitted to trespass onto adjacent private parcels nor shall light source (luminaire) be visible at the property line. All building lights shall be directed onto the building itself and/or the ground immediately adjacent to it. The light emissions should not be visible above the roofline of the building. Light fixtures other than traditional cobra heads are encouraged.

21.40.200 Site landscaping.

(1) Intent.

(a) To encourage the abundant use of gardens and other landscaping in site and development design to improve site aesthetics, enhance the pedestrian experience, and increase the uniqueness of Woodinville.

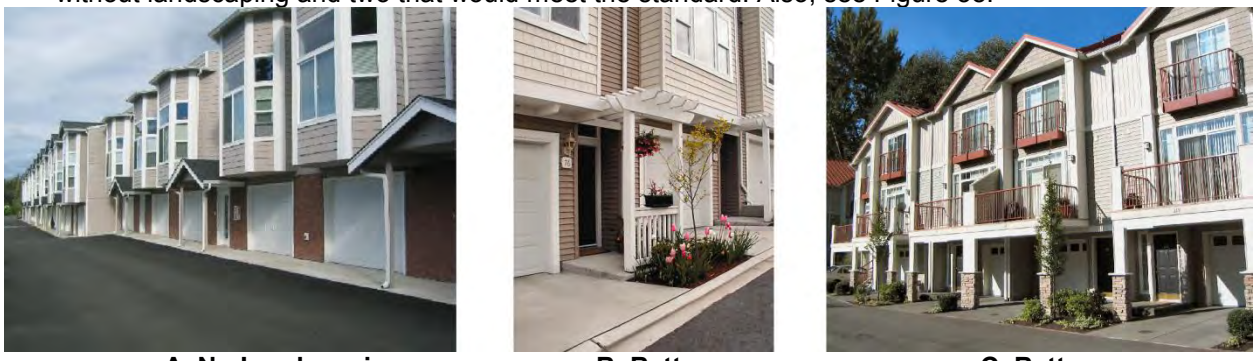
(2) Design Principle. All developments shall comply with the provisions of Chapter 21.43 WMC, Development Standards – Landscaping, and demonstrate in their development plans how they meet the intent.

Figure 35. Molbak's landscaping elements are a major character defining element of Woodinville's downtown.

Figure 36. Much of the charm of Willows Lodge is from the colorful and diverse landscape.

Other implementing measures:

(a) Townhomes and all other multifamily dwelling units with private exterior ground-floor entries must provide at least 20 square feet of landscaping adjacent to the entry. This is particularly important for units where the primary entrance is next to private garages off of an interior access road. Such landscaping areas soften the appearance of the building and highlight individual entries. Figure 37 illustrates one example without landscaping and two that would meet the standard. Also, see Figure 38.



A. No Landscaping **B. Better** **C. Better**

Figure 37. Image "A" is an example where there is no landscaping near the entry. Images "B" and "C" are more desirable examples with individual planting strips that soften the buildings, highlight the individual entries, and help to de-emphasize the garages.

Figure 38. Another good example. These units face the street and contain their required landscaping in the front yard. Garages are off an alley, where in this case landscaping would not be required.

21.40.210 General pedestrian access requirements.

(1) Intent.
  (a) In keeping with the City's commitment to pedestrians, priority treatment is given to pedestrian accommodations in the design of transportation modes for on-site developments using City street standards;
  (b) To improve the pedestrian environment by making it easier, safer, and more comfortable to walk between businesses, on street sidewalks, to transit stops, and through parking lots;
  (c) Pedestrian facilities such as sidewalks, crosswalks, and bus shelters should connect all modes of transportation; and
  (d) To provide convenient pedestrian circulation connecting all on-site activities to adjacent pedestrian routes and streets.

(2) Design Principle. Provide safe, convenient pedestrian circulation for all users. Specifically:
  (a) Provide pedestrian access onto the site from the main street off of which the use is located. Where a use fronts two streets, access shall be provided from the road closest to the main entrance, but preferably from both streets.

Figure 39. Provide pedestrian access to the site from the street.

(b) Provide pedestrian access in accordance with WMC 21.44.100, Pedestrian circulation and access, unless otherwise directed by these design standards.
(c) Access shall conform with Federal, State and local codes for the Americans with Disabilities Act.
(d) Provide safe, convenient, on-site pedestrian circulation.
  (i) Provide paved pedestrian path(s) from the street sidewalk to the main entry of all buildings.
  (ii) Buildings with entries not facing the street shall have a clear and obvious pedestrian access way from the street sidewalk to the entry.
(e) Developments should adapt building access to site conditions for level, convenient, clearly identified pedestrian entry.

21.40.220 Pathways through parking lots.

(1) Intent.
  (a) To provide safe and convenient pedestrian paths from the street sidewalk through parking lots to building entries in order to encourage pleasant walking experiences between businesses; and
  (b) To provide an inviting, pleasant pedestrian circulation system that integrates with parking and serves as access to nearby businesses.
(2) Design Principle. Provide pathways through parking lots. Specifically:
  (a) Developments must provide specially marked or paved walkways through parking lots in accordance with WMC 21.44.100. Generally, walkways should be provided every four rows and a maximum distance of 150 feet shall be maintained between paths. Where possible, align the pathways to connect with major building entries or other destinations.
  (b) Integrate on-site walkways with required parking lot landscaping.

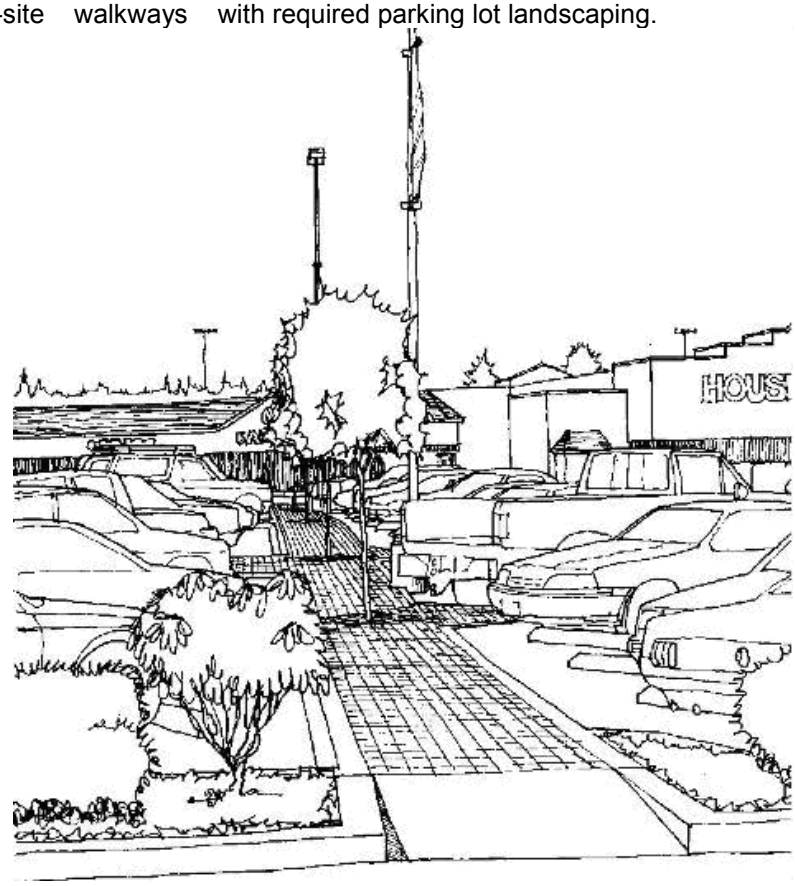


Figure 40. Parking lot pathway examples.

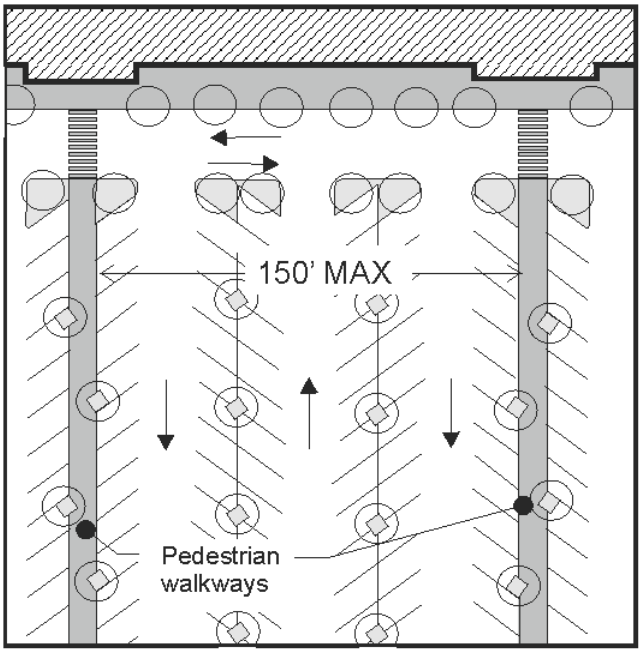


Figure 41. Parking lot pathway configuration.

21.40.230 Sidewalks – Size and materials.

(1) Intent.
  (a) To provide safe, convenient and pleasant pedestrian sidewalks for circulation along all streets; and
  (b) To improve the character and identity of commercial areas consistent with the City's Comprehensive Plan vision.

(2) Design Principle. Utilize appropriate side-walk widths, materials, designs, and construction standards to enhance pedestrian access and complement city life. Specifically:
  (a) Required minimum sidewalk widths along both sides of streets:
    (i) Twelve feet along pedestrian-oriented streets; and

(ii) Eight feet along streets not designated as a pedestrian-oriented street.

(iii) For streets in the Downtown and Little Bear Creek Corridor study area, see Table 2 in WMC 21.40.110(4)(d) for sidewalk dimensions.

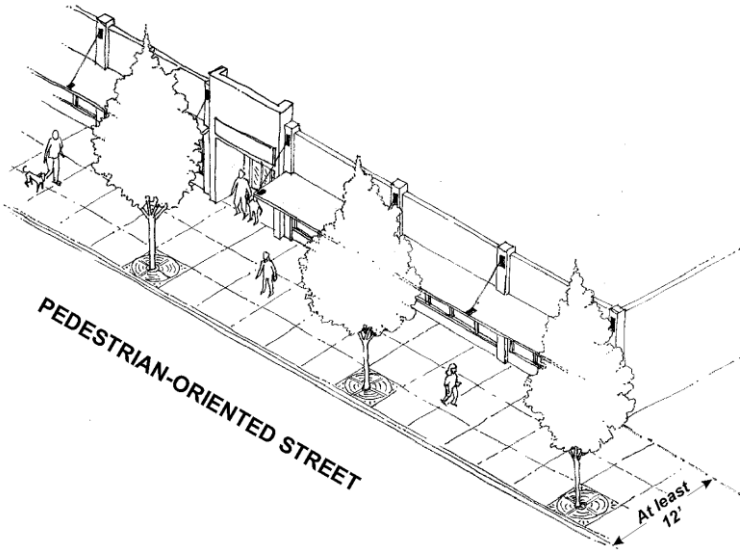


Figure 42. Sidewalk width on both sides of pedestrian-oriented streets.

(b) Sidewalks must be constructed per Woodinville Public Infrastructure Standards and Specifications unless otherwise directed by these design standards.

Figure 43. An example sidewalk for a pedestrian-oriented street. Note the street trees and pedestrian-style lighting.

(c) The sidewalk materials, colors, and textures shall be determined by the Director, based on the following:
  (i) Adopted street improvement plans, where applicable;
  (ii) Goals and policies of the Comprehensive Plan and adopted subarea plans, where applicable; and
  (iii) Sidewalk improvements on the subject property or adjacent sites, when desirable.

Figure 44. This decorative sidewalk pavement adds visual interest and character to the street. Where distinctive sidewalk patterns have been established, new development may be required to extend the pattern onto the project site.

(d) The Director may require street trees to be placed within grates near the curb edge similar to the images in Figures 42 through 44.

(e) If the City has a programmed street improvement for the public right-of-way in front of a building to be constructed, the required 12-foot minimum width shall be measured from the proposed back of the curb location and may include public right-of-way and private property. Upper building stories may extend to the front property lines as long as they do not restrict pedestrian traffic. All new fences, screen walls, and other obstructions to pedestrian traffic shall also be set back 12 feet from the back of the curb if located on a pedestrian-oriented street.

Figure 45. Planting strips are desirable along streets where there is no on-street parking.

21.40.240 Pedestrian amenities.

(1) Intent.

(a) To provide pedestrian spaces that include accommodations for seasonal climate conditions for a variety of activities;
(b) To provide amenities along sidewalks and pathways that enrich the pedestrian environment; and
(c) To encourage walking, both as a recreational activity and as a means of transportation.

(2) Design Principle. Provide pedestrian weather protection in public spaces such as transit stops, building entries, along display windows, and over outdoor dining areas. Specifically:
(a) Weather protection at least six feet deep is required over all primary building, individual business, and individual residence entries. This may include a recessed entry, canopy, porch, marquee, or building overhang.
(b) All buildings located along pedestrian-oriented streets must comply with the standards and guidelines related to weather protection in WMC 21.40.110(2)(b).
(c) Canopies, awnings, or other similar weather protection features shall not be higher than 15 feet above the ground elevation at the highest point or lower than eight feet at the lowest point. The street-side edge of the canopy or awning shall be at least eight feet above the walking surface.

Figure 46. Provide weather protection over building entries.

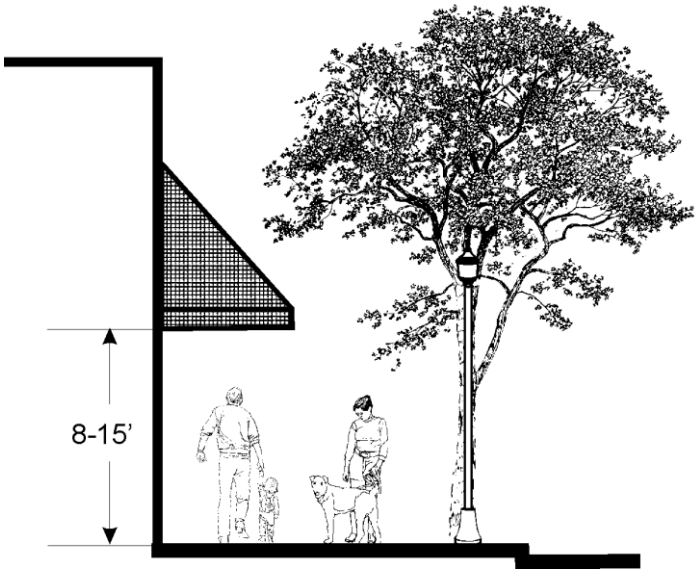


Figure 47. Height standards for weather protection features.

(d) The color, material, and configuration of the pedestrian coverings shall be as approved by the Director. Coverings with visible corrugated metal or corrugated fiberglass are not permitted unless approved by the Director. Fabric and rigid metal awnings are acceptable if they meet the applicable standards. All lettering, color and graphics on pedestrian coverings must conform to the City's sign code; see Chapter 21.35 WMC, Development Standards – Signs.

(e) Multi-tenant retail buildings are encouraged to use a variety of weather protection features to emphasize individual storefronts and reduce the architectural scale of the building. Figure 48 provides an unacceptable and a better example.

Figure 48. The continuous canopy on top is monotonous and de-emphasizes individual storefronts. The bottom example provides a variety of weather protection features and represents a more desirable example.

(f) Pedestrian amenities must be included along all pedestrian-oriented streets. Specifically, one or more of the desired amenities listed below must be included for each 100 lineal feet of street frontage. For multi-story buildings, two different types of amenity features are required for each 100 lineal feet of street frontage. The type, location, and design of chosen amenities must contribute to a well-balanced mix of features on the street, as determined by the Director. Desired amenities include (see Figure 49 for examples):

(i) Pedestrian-scaled lighting (placed between 12 and 14 feet above the ground);

(ii) Pedestrian furniture, such as seating space, approved trash receptacles, consolidated newspaper racks, bicycle racks, and drinking fountains. Seating areas and trash receptacles are particularly important where there is expected to be a concentration of pedestrian activity (such as near major building entrances and transit stops) and may be required by the Director;

(iii) Planting beds, hanging flower baskets, and/or large semi-permanent potted plants;

(iv) Decorative pavement patterns and tree grates;

(v) Informational kiosks;

(vi) Transit shelters;

(vii) Decorative clocks;

(viii) Artwork; and

(ix) Other amenities that meet the intent.

Features above that are publicly funded, already required by code, and/or obstruct pedestrian movement will not qualify as an amenity to meet this standard.

Figure 49. Examples of desired pedestrian amenities.

(g) Secondary Public Access. Whereas these design standards require businesses on a pedestrian-oriented street within the CBD to front on streets rather than parking lots, a large number of customers use the "secondary" entry off of the parking lot. Such businesses that have secondary public access shall comply with the following measures to enhance secondary public access (applies only to entries used by the public):

(i) Weather protection at least three feet deep is required over each secondary entry.

(ii) A sign may be applied to the awning; provided, that the sign complies with Chapter 21.35 WMC; awning signs on the building are similar in mounting, location, configuration, materials, and construction; and the sign area does not exceed four and one-half square feet as measured under WMC 21.35.050.

(iii) Two or more of the following design elements must be incorporated within or adjacent to the secondary entry:

(A) A transparent window or door to allow visibility into the business;

(B) A landscaping bed, planter box, or trellis incorporating landscaping adjacent to the entry;

(C) Decorative architectural treatments that add visual interest to the entry;

(D) Outdoor dining area or pedestrian-oriented space;

(E) Decorative lighting;

(F) Other design elements that meet the intent per the Director; or

(G) Plant containers (planters) that allow for a minimum four-foot passage on walks serving the public access. Planters shall be maintained with viable plant materials or removed.

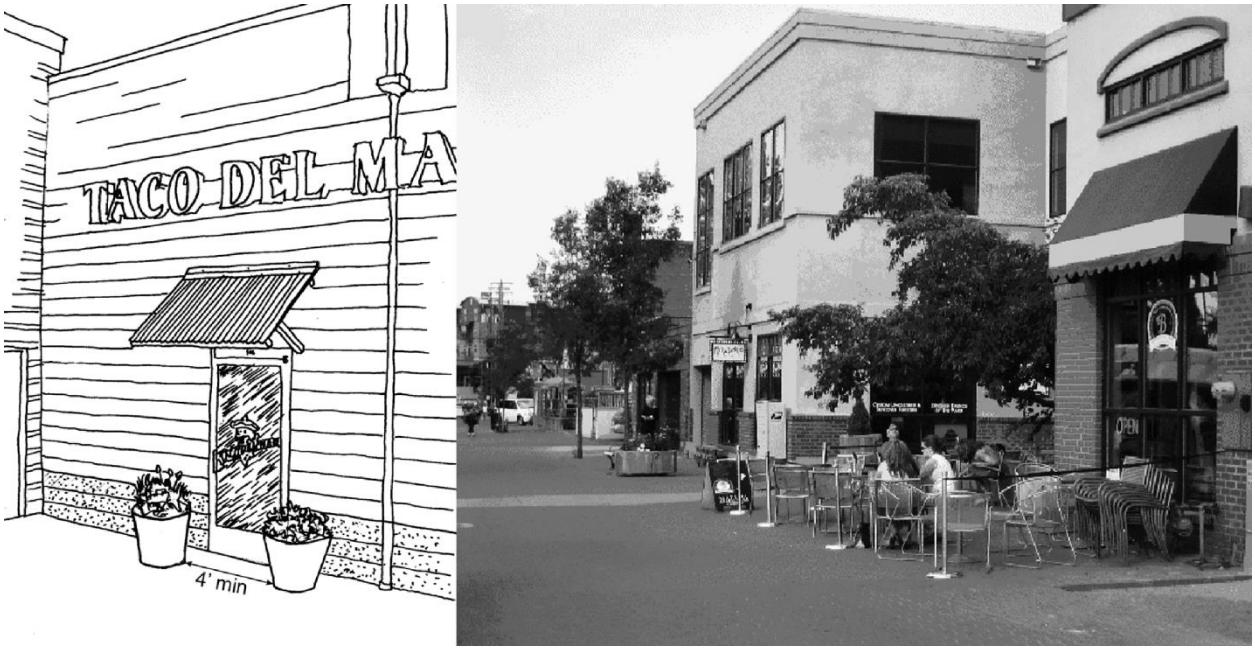


Figure 50. Examples of secondary public access. Note the planters, window sign, and awning.

21.40.250 Internal pedestrian paths and circulation.

(1) Intent.
- (a) To provide safe and direct pedestrian access in commercial areas to accommodate pedestrian movement patterns, to minimize conflicts between pedestrians and vehicular traffic, and to provide pedestrian connections to neighborhoods;
- (b) To provide safe routes for the pedestrian and disabled person across parking, to entries, and between buildings;
- (c) To accommodate noncompetitive/non-commuter bicycle riders who use bicycles on short trips for exercise and convenience;
- (d) To provide attractive internal pedestrian routes that promote walking and enhance the character of the area;
- (e) To provide a network of pedestrian pathways that can be expanded over time; and
- (f) To encourage pedestrian amenities along pathways, such as artwork, landscaping elements, and architectural details.

(2) Design Principle. Provide safe and direct access in commercial areas for all users. Specifically:
- (a) Provide pedestrian circulation routes in accordance with WMC 21.44.100 from building entries of businesses to:
  - (i) Services within the same development;
  - (ii) Building entries of nearby residential complexes; and
  - (iii) Sidewalks along abutting roadways.

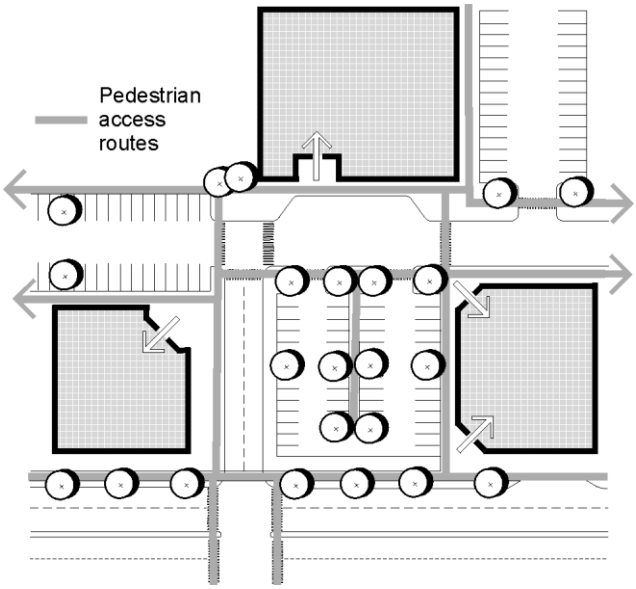


Figure 51. This development provides clear pedestrian connections from the street, between buildings, through parking lots, and to adjacent uses.

Figure 52. An example of an attractive pedestrian connection through a large development.

(b) Where possible, provide steps and ramps across retaining walls and slopes in accordance with WMC 21.44.100.

(c) Fences shall provide for pedestrian access by gates to shopping and other common activities, especially to transit.

(d) When abutting vacant sites or properties with the potential for redevelopment, new developments shall provide for the opportunity for future pedestrian connections per the Director through the use of pathway stub-outs, building configuration, and/or parking lot layout. New development and redevelopment projects shall provide pedestrian connections per the Director to pathway stub-outs on abutting parcels.

(e) Adjacent landscaping shall not block visibility to and from a path, especially where it approaches a roadway or driveway according to WMC 21.22.190.

(f) Pedestrian walks shall be separated from structures at least three feet for landscaping except where the adjacent building features a pedestrian-oriented facade. The Director will consider other treatments to provide attractive pathways. Examples include sculptural, mosaic, basrelief artwork, or other decorative treatments that meet the intent (Figure 54 provides one example).

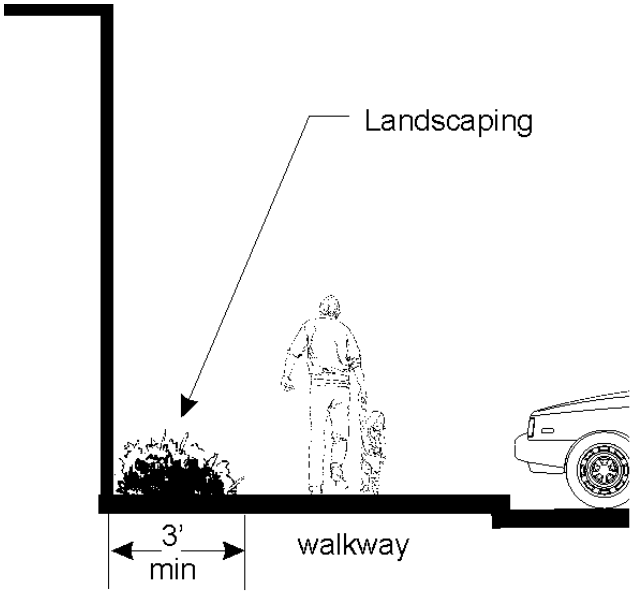


Figure 53. Provide landscaping between walkways and structures.

Figure 54. Wall treatment to provide interest along a walkway.

(3) Design Principle. Provide wide pathways adjacent to the facades of retail and mixed use buildings where they are not adjacent to the street. Specifically:

(a) Pathways along the facade of mixed use and retail buildings 100 feet or more in length (measured along the facade) that are not located adjacent to a street must be at least 12 feet wide with an eight-foot minimum unobstructed width and include the following:

(i) Street trees, as approved by the Director, should be placed at an average of 30 feet on center and placed in grates. Breaks in the tree coverage will be allowed near major building entries to enhance visibility. However, no less than one tree per 60 lineal feet of building facade must be provided;

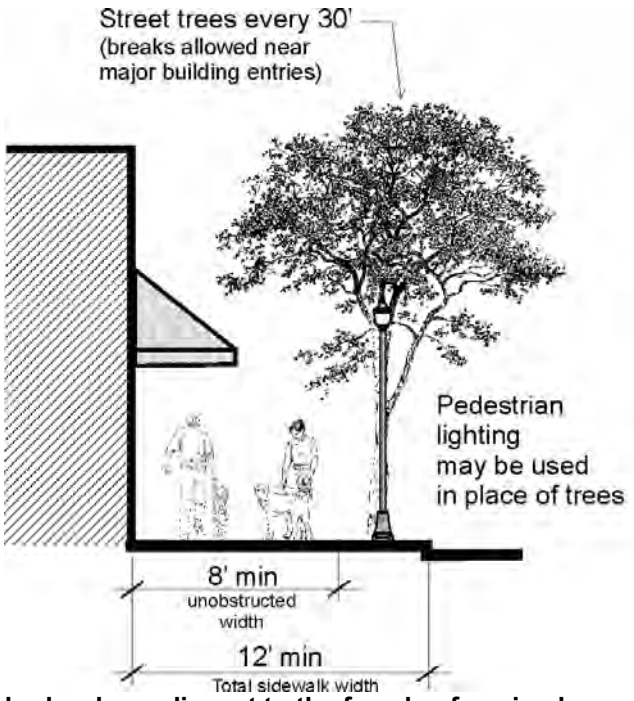


Figure 55. Pathway standards when adjacent to the facade of a mixed use or retail building 100 feet or more in length.

(ii) Planting strips may be used between any vehicle access or parking area and the path- way; provided, that the required trees are included and the pathway is at least eight feet in width and the combined pathway and planting strip are at least 15 feet in width; and

(iii) Pedestrian-scaled lighting may be used as a substitute to the required street trees subject to Director approval, provided they are used at the same intervals.

Figure 56. This off-street multi-tenant retail building incorporates wide walkways with street trees and pedestrian lighting. As a result, it looks more like a traditional city sidewalk rather than a utilitarian strip mall walkway.

(b) For all other interior pathways, the applicant must demonstrate to the Director's satisfaction that the proposed walkway is of sufficient width to accommodate the anticipated number of users. For example, a 10- to 12-foot pathway can accommodate groups of persons walking four abreast, or two couples passing one another. An eight-foot pathway will accommodate three persons walking abreast, while a five-foot pathway will allow two individuals to pass comfortably.

21.40.260 Pedestrian activity and plazas.

(1) Intent.
- (a) To provide a variety of pedestrian areas to accommodate shoppers on designated pedestrian-oriented streets; and
- (b) To provide safe, attractive, and usable open spaces that promote pedestrian activity.

(2) Design Principle. Provide pedestrian-oriented open space at key locations.
- (a) A "pedestrian-oriented space" is an area that promotes pedestrian activity, subject to the following:
  - (i) A pedestrian-oriented space must have
    - (A) Visual and pedestrian access (including handicapped access) into the site from a street, private access road, or non-vehicular courtyard;
    - (B) Paved walking surfaces of either concrete or approved unit paving;
    - (C) On-site or building-mounted lighting (fixtures no taller than 15 feet) providing at least four foot candles (average) on the ground;
    - (D) A location in areas with significant pedestrian traffic to provide interest and security, such as adjacent to a building entry;
    - (E) Landscaping components that add visual interest and do not act as a visual barrier. This could include planting beds, potted plants, or both; and
    - (F) At least two feet of seating area (a bench or ledge at least 16 inches deep and appropriate seating height) or one individual seat per 60 square feet of plaza area or open space;
  - (ii) A pedestrian-oriented space is encouraged to have:
    - (A) Pedestrian amenities, such as a water feature, site furniture, artwork, drinking fountains, kiosks, etc.;
    - (B) Adjacent buildings with transparent windows and doors covering 75 percent of the facade between two feet and eight feet above the ground level;
    - (C) Consideration of the sun angle at noon and the wind pattern in the design of the space; and
    - (D) Transitional zones along building edges to allow for outdoor seating areas and a planted buffer.
  - (iii) A pedestrian-oriented space must not have:
    - (A) Asphalt or gravel pavement;
    - (B) Adjacent non-buffered parking lots or service areas;
    - (C) Adjacent chain-link fences;
    - (D) Adjacent "blank walls" without "blank wall treatment"; and
    - (E) Outdoor storage or retail sale that do not contribute to the pedestrian-oriented environment.

(3) Implementing Actions.
- (a) Minimum required pathway areas do not qualify as pedestrian-oriented space. However, if pathway and sidewalk widths are widened beyond the required width and the applicable area meets the definition of pedestrian-oriented space, then that area shall qualify as pedestrian-oriented space.
- (b) See WMC 21.40.110(2)(b) for frontage treatment options along pedestrian-oriented streets.
- (c) See WMC 21.40.130 for pedestrian-oriented space requirements for multiple building and large lot developments.

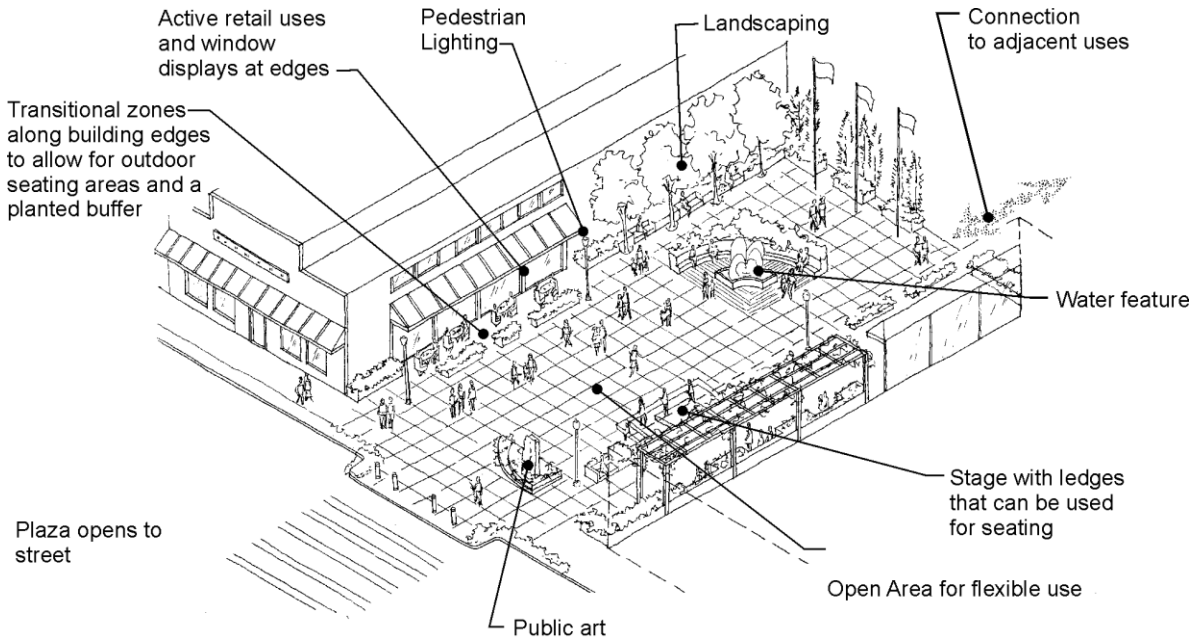


Figure 57. Example of a large pedestrian-oriented space.

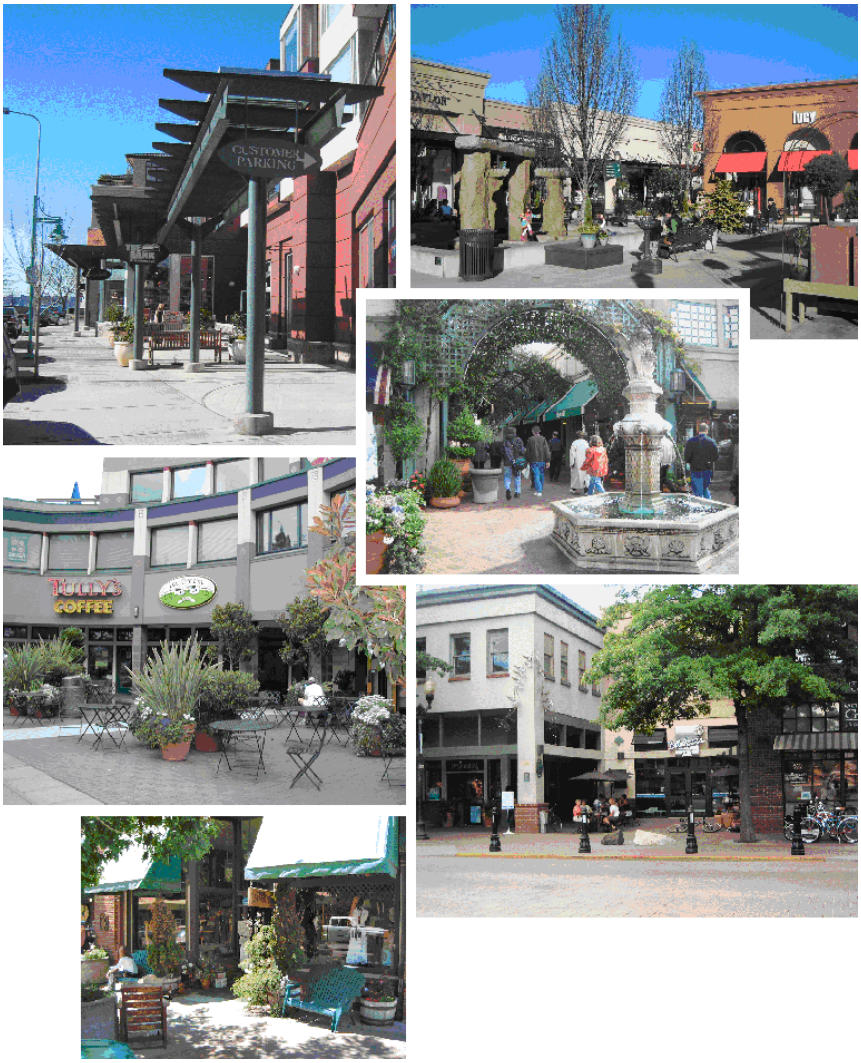


Figure 58. A variety of successful large and small pedestrian-oriented spaces.

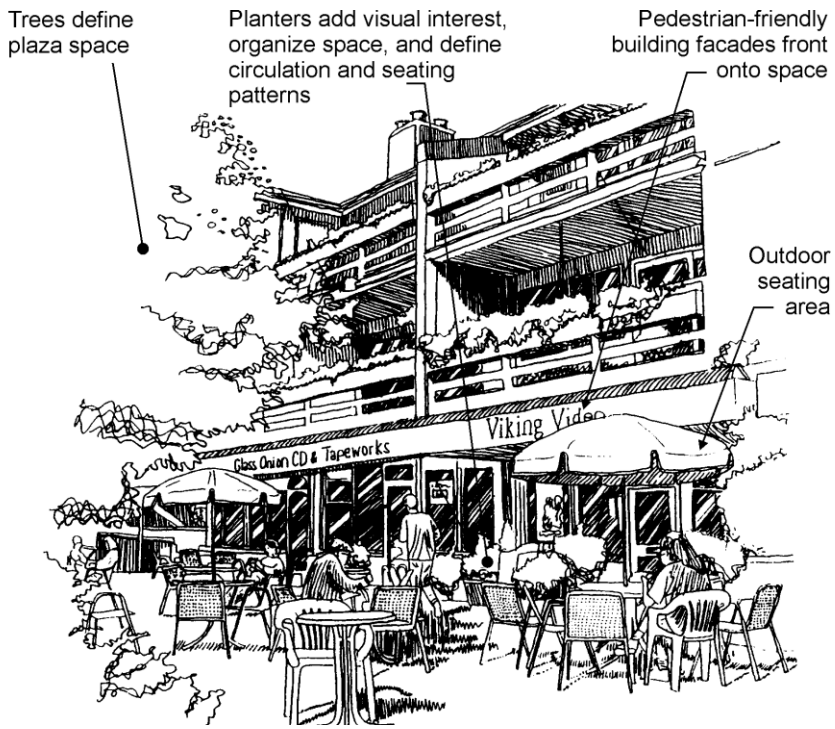


Figure 59. Example of a small pedestrian-oriented space.

21.40.270 Residential open space.

(1) Intent.
  (a) To create usable space that is suitable for leisure or recreational activities for residents; and
  (b) To create open space that contributes to the residential setting.

(2) Design Principle. Provide usable and attractive open space for multifamily residential uses. Specifically:
  (a) Provide open space. Where there is a conflict with other design standards herein, the Director shall determine which standards apply.
  (b) Common open space may be used for all of the required open space. This includes landscaped courtyards or decks, gardens with pathways, children's play areas, or other multipurpose green spaces. Special requirements and recommendations for common spaces include the following:
    (i) Minimum required setback areas will not count towards the open space requirement;
    (ii) Space should be large enough to provide functional leisure or recreational activity per the Director. For example, long narrow spaces (less than 20 feet wide) rarely, if ever, can function as usable common space;
    (iii) Consider space as a focal point of development;
    (iv) Space must contribute to the residential setting of the development;
    (v) Space (particularly children's play areas) must be visible from dwelling units and positioned near pedestrian activity;
    (vi) Residential units adjacent to the open space should have individual entrances to the space. Preferably, these units include a small area of semi-private open space enclosed by low level landscaping or hedges (no taller than 42 inches);
    (vii) Space should feature paths, seating, lighting, and other pedestrian amenities to make the area more functional and enjoyable;
    (viii) For large developments, provide for a range of activities that accommodate a range of age groups;
    (ix) Space should be oriented to receive sunlight, facing east, west or (preferably) south, when possible; and

(x) Separate common space from ground-floor windows, streets, service areas, and parking lots with landscaping and/or low level fencing. However, care should be used to maintain visibility from dwelling units towards open space for safety.

Figure 60. Good examples of common open space, including street level courtyards (top pictures), a children's play area (lower left), and a pedestrian corridor (lower right)

(c) Individual balconies may be used to meet up to 50 percent of the required open space. To qualify as open space, balconies must be at least 35 square feet with no dimension less than four feet to provide a space usable for human activity.

(d) Rooftop decks may count for up to 50 percent of the required open space, but are generally discouraged as a significant source of open space for a development, and may be used only if the following conditions are met.

(i) Space must be accessible (ADA) to all dwelling units.

(ii) Space must provide amenities such as seating areas, landscaping, and/or other features that encourage use as determined by the Director.

(iii) Space must feature hard surfacing appropriate to encourage resident use.

(iv) Space must incorporate features that provide for the safety of residents, such as enclosures and appropriate lighting levels.

(e) Indoor recreational areas may count for up to 50 percent of the required open space only in mixed use buildings where other forms of open space are less feasible or desirable per the Director's approval. The following conditions must be met:

(i) Indoor spaces must be located in visible areas, such as near an entrance lobby and near high traffic corridors.

(ii) Space must be designed to provide visibility from interior pedestrian corridors and to the outside. Windows should generally occupy at least one-half of the perimeter of the space to make the space inviting and encourage use.

(iii) Space must be designed specifically to serve interior recreational functions and not merely be leftover un-rentable space used to meet the open space requirement. Such space must include amenities and design elements that will encourage use by residents as determined by the Director.

21.40.280 Vehicular access and circulation.

(1) Intent.
- (a) To provide vehicular access routes through large lots by connecting public and/or private roadways as directed by the City to complete the downtown street grid;
- (b) To create a safe, convenient network for vehicle circulation and parking;
- (c) To mitigate traffic impacts and to conform to the City's objectives for better traffic circulation;
- (d) To enhance the visual character of interior access roads; and
- (e) To minimize conflicts with pedestrian circulation and activity.

(2) Design Principles.
- (a) Development projects on properties which front on two streets are to conform with applicable City street specifications and standards for access.
- (b) Interior vehicular connections between streets may be required as indicated by the applicable City street plans/specifications and standards. Specifically:
  - (i) Where abutting developed land provides road stub-outs, easements, or other methods to provide the opportunity for future road connections, the interior network of the new development should be designed to utilize these connections.
  - (ii) Developments should provide a safe and convenient network of vehicular circulation that connects to the surrounding road/access network and provides the opportunity for future connections to adjacent parcels, where applicable.

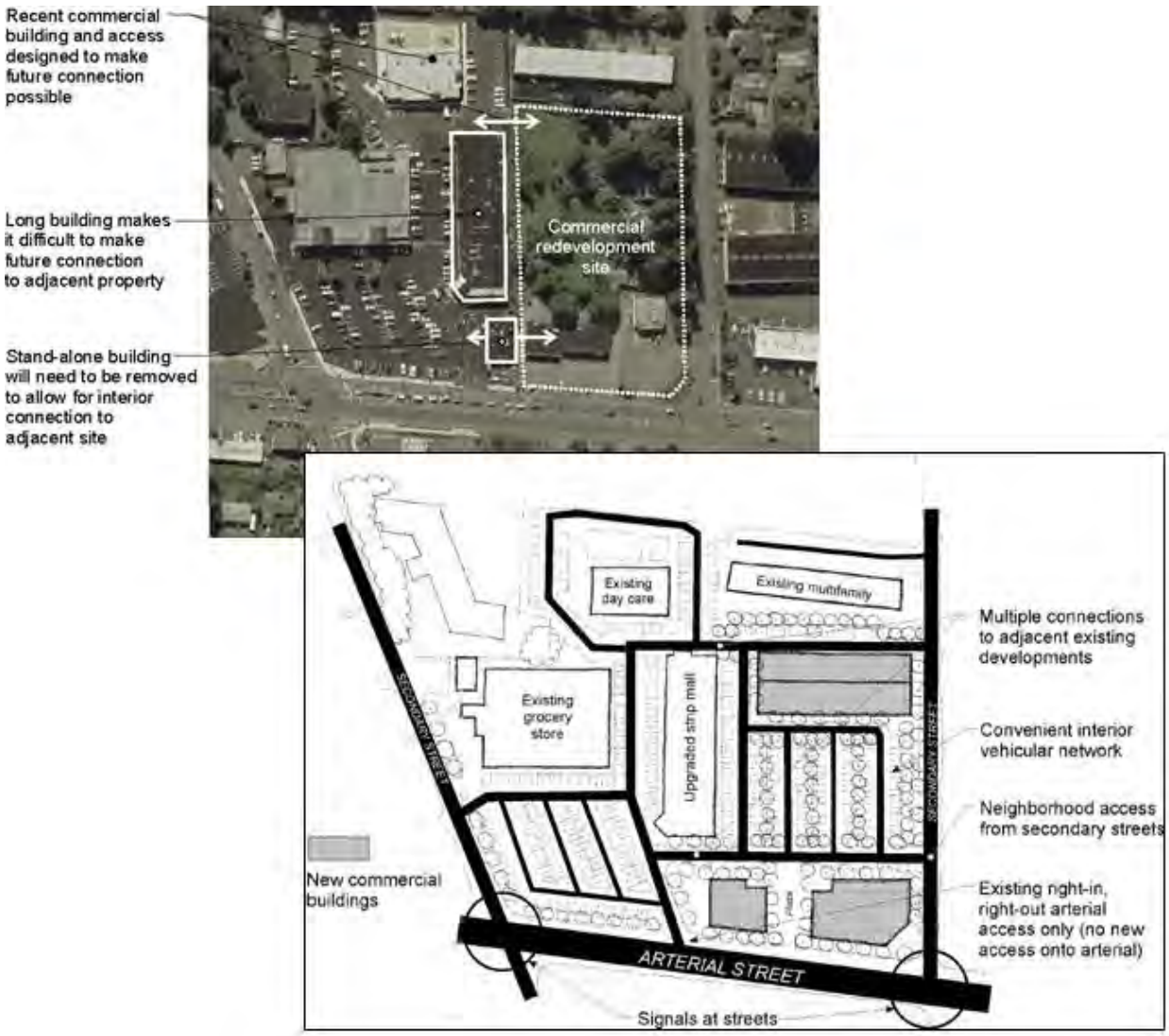


Figure 61. Vehicular circulation case study. The aerial photo to the left shows existing conditions around the development site. The site plan below shows how the site can be successfully configured to provide good vehicular access between the sites.

(c) Internal access roads should be designed to look and function more like streets, utilizing street trees and sidewalks (see WMC 21.40.230). Only parallel parking fronting directly on the access road is permitted. Exception: Alternate internal access road design in the Downtown and Little Bear Creek Corridor study area may be acceptable, subject to Director approval, such as woonerfs and other configurations that provide for attractive and safe pedestrian access as well as vehicle circulation.

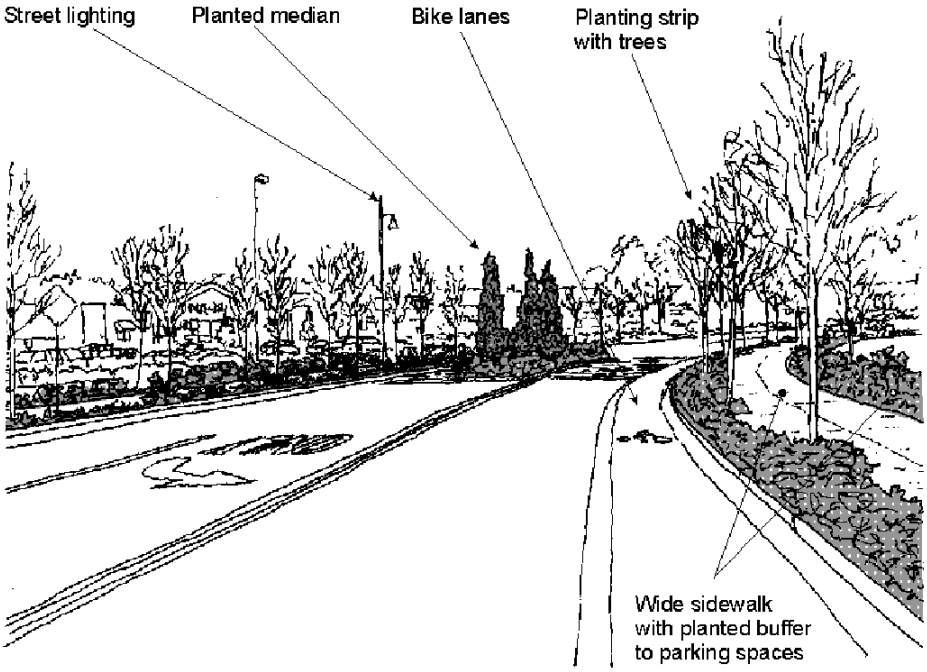


Figure 62. The roadway through Woodinville Town Center is a good example of an interior access road designed to look and function more like a street.

Figure 63. Redmond Town Center's internal roadways are a good model. Note the on-street parking, crosswalks, wide sidewalks, street trees, signage, and pedestrian lighting.

21.40.290 Parking reductions.

(1) Intent.
  (a) To reduce impervious surfaces and replace those surfaces with landscaping and pedestrian amenities;
  (b) To allow more efficient land utilization;

(c) To reduce adverse impacts of parking;
(d) To encourage shared driveway access to parking areas and parking between adjacent properties; and
(e) To encourage shared parking facilities between adjacent compatible land uses.

(2) Design Principle. Minimize parking areas through joint use and management.

(a) Pursuant to WMC 21.44.040, Shared and mixed use parking requirements, the City shall require the minimum overall parking ratio for development. Parking in excess of the minimum stipulated may be allowed if, through a quantified parking demand analysis prepared by a traffic engineer with requisite qualifications as determined by the Director, it can be demonstrated that the uses on parcels with shared parking require more parking than would be consistent with the requirements of WMC 21.44.030. Applicable design standards, guidelines, and considerations:

(i) A parking space reduction of 10 percent of the required parking is encouraged, pro- vided there is a coordinated design and shared access to consolidated parking areas linked by pedestrian walkways;

(ii) Multiple parcels may be treated as a single development site for parking purposes if owners of all parcels affected sign an agreement for shared parking (this may provide advantages in the design review process);

(iii) In accordance with WMC 21.44.040, reduced parking is encouraged by the use of shared parking between/among primarily nighttime uses, such as theaters, bowling alleys, and restaurants, and primarily daytime uses, such as banks, offices, and retail stores;

(iv) Off-site parking may be considered to meet parking requirements, provided the parking is located within 500 feet of the associated uses and a pedestrian walkway is provided between parking and uses;

(v) Parking ratios may be reduced if the property/business owner has a commuter trip reduction program incorporating transit and carpools approved by the Director;

(vi) Reduced parking ratios will be considered if development is within walking distance of residential development or transit;

(vii) Reduced parking will be considered if the applicant can demonstrate how additional development could occur on the site if parking reductions or joint-use parking can be achieved pursuant to WMC 21.44.040; and

(viii) Maximum parking shall be five parking spaces per 1,000 square feet as computed in WMC 21.44.030 for all uses except restaurants. For restaurants, maximum shall be that prescribed in the table of minimum parking spaces required in Chapter 21.44 WMC.

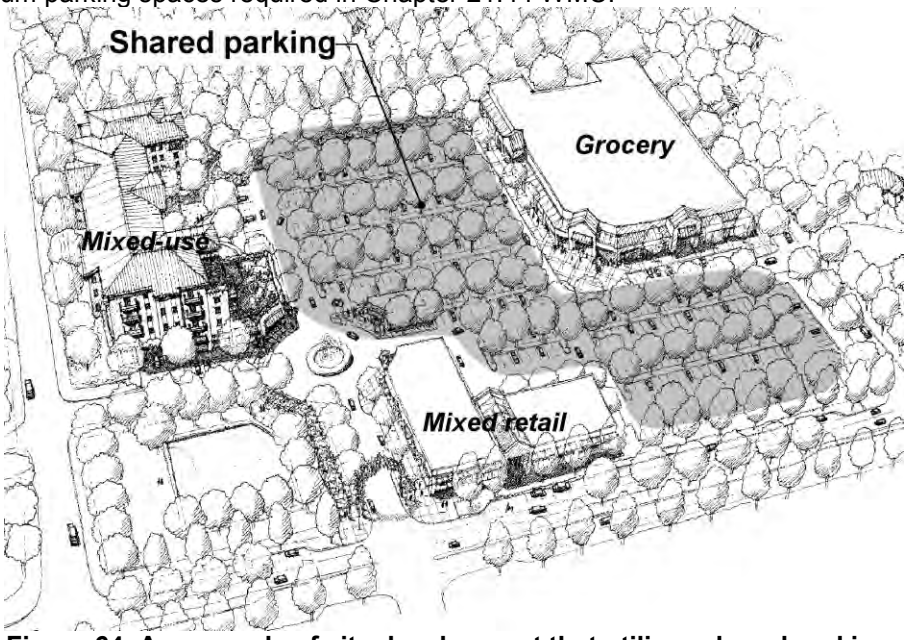


Figure 64. An example of site development that utilizes shared parking.

(3) Design Principle. Encourage underground parking.
   (a) The Director may allow greater development intensity (floor area) if structured parking is provided. As a general criterion, one extra square foot of usable building floor area might be allowed for every square foot of structured parking. The Director will consider relaxing other standards herein provided the project meets the intent of the design standards.
   Structured parking would not count as part of the floor area ratio (FAR) calculation.

21.40.300 Vehicle entrances.

(1) Intent.
   (a) To provide safe, convenient access to commercial sites without diminishing quality pedestrian walking or visual experiences; and
   (b) To enhance the safety and function of public streets.
(2) Design Principle. Minimize driveway impacts across pedestrian walks. Implementing measures are listed below. For properties within the Downtown and Little Bear Creek Corridor study area, also see Table 1 within WMC 21.40.110(4) for driveway standards specific to each street.
   (a) Parking lot entrances, driveways, and other vehicle access routes onto private property from a street may be restricted to no more than one entrance lane and one exit lane per 300 linear feet of property as measured horizontally along the street face.
   (b) Properties with less than 300 linear feet of street frontage shall make a genuine effort to negotiate shared access with adjoining property owners. One entry and one exit lane for vehicle access will be allowed after there is demonstrable evidence, acceptable to the Director, that shared access is not feasible.
   (c) Vehicular access to corner lots shall be located on the lowest classified roadway and as close as practical to the property line most distant from the intersection.
   Exception: Corner lots not on a pedestrian- oriented street may have one entrance per street provided the owner provides evidence acceptable to the Director that they are unable to arrange joint access with an abutting property.
   (d) Parking garage entries should not dominate the streetscape. They should be designed and sited to complement, not subordinate, the pedestrian entry. This applies to both public garages and any individual private garages, whether they front on a street or private interior access road. For example, townhouse developments are encouraged to employ tandem garages in conjunction with other architectural and landscaping features to deemphasize the garage on building facades. Alleys used primarily for vehicular access, where the primary pedestrian entry is off of another street, interior access road, or pathway, are exempt from this standard.

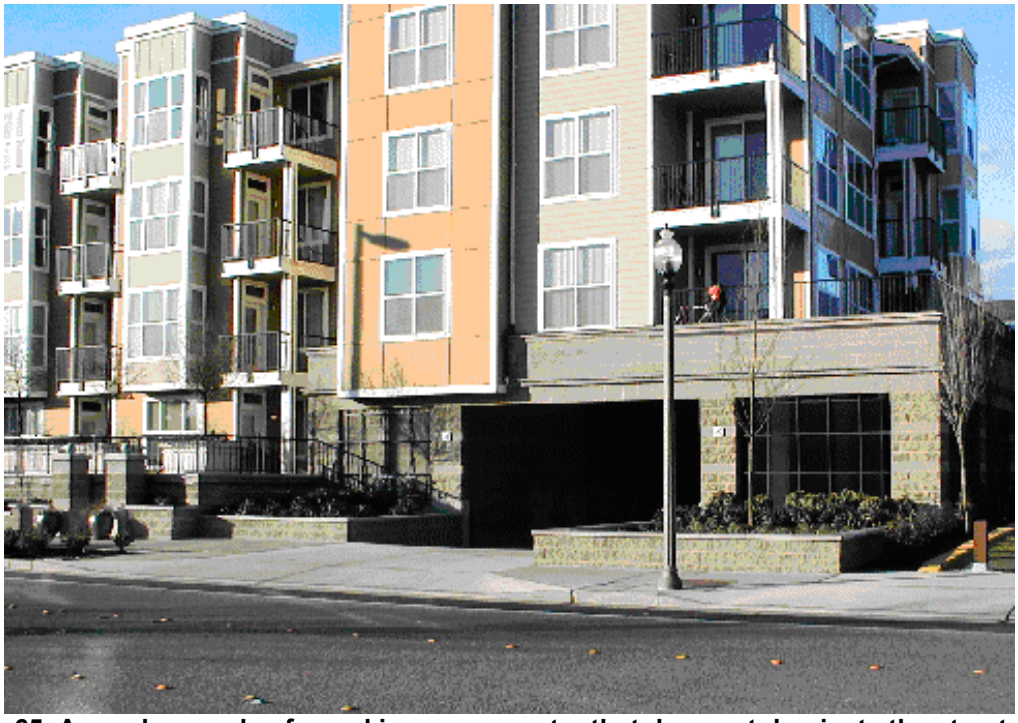


Figure 65. A good example of a parking garage entry that does not dominate the streetscape.

Figure 66. The garages of these townhouse units are de-emphasized through the use of overhanging balconies, landscaping, building materials and color. The tandem parking configuration of the garages also limits their visibility.

21.40.310 Building design – Character.

(1) Intent.

(a) To encourage building design that reflects the Northwest woodland character;
(b) To encourage building design that has visual character and creates comfortable human environments;
(c) To incorporate design treatments that reduce the scale of large buildings; and
(d) To encourage building design that is authentic and responsive to site conditions.

(2) Design Principle. Northwest woodland character refers to structures designed in the context of the Northwest's natural setting, which includes climate, topography, ecosystems, and evolved social organization.
(a) The general form of structures is to be simple, three-dimensional forms. Specifically, structures shall have building forms that express wood framing, have traditional Northwest woodland exterior finishes, and may use exposed, heavy wood timber structural members.

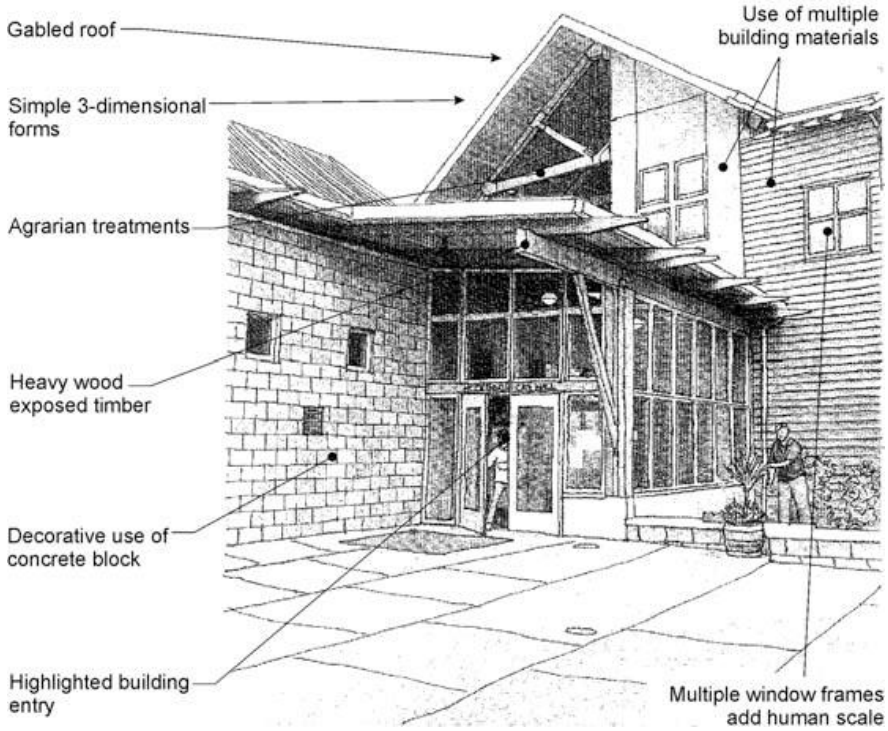


Figure 67. Woodinville City Hall is an example of traditional Northwest woodland character.

(b) Structures with multiple component forms are to be integrated for visual unity.
(c) Those components that support and/or stabilize structures should be visually exposed when compatible with design.

Figure 68. The simple three-dimensional forms, exposed timber elements, and proportional arrangement of windows and doors make this building a good example of Northwest woodland character.

(3) Design Principle. Exterior finishes are to be compatible with Northwest woodland character. Specifically:
- (a) Material finishes shall reflect the early 1900s domestic agrarian vernacular of materials. All siding materials should be complemented with wood elements.
- (b) Multi-story buildings in the Downtown and Little Bear Creek Corridor study area may incorporate high quality materials besides those reflecting 19th century agrarian architecture, including: brick and other architecturally treated masonry, extensive use of glazing, and high quality panel systems.
- (c) Exterior finish colors should be neutral shades of natural colors found in Northwest woodlands or colors typical of historic agrarian structures of the Northwest, and may include limited use of compatible accent colors.
- (d) The arrangement, proportion, and design of windows and doors (fenestration) shall conform with the following implementing measures:
  - (i) The height-to-width ratio of opening and group openings are to be proportionately scaled to the wall;
  - (ii) Door and window details and trim that are suitably scaled to the wall; and
  - (iii) Developments are encouraged to reduce large expanses of glass used in windows and doors to smaller component windows reminiscent of early 1900s domestic agrarian structures when adjacent to sidewalks or other pedestrian accommodations.

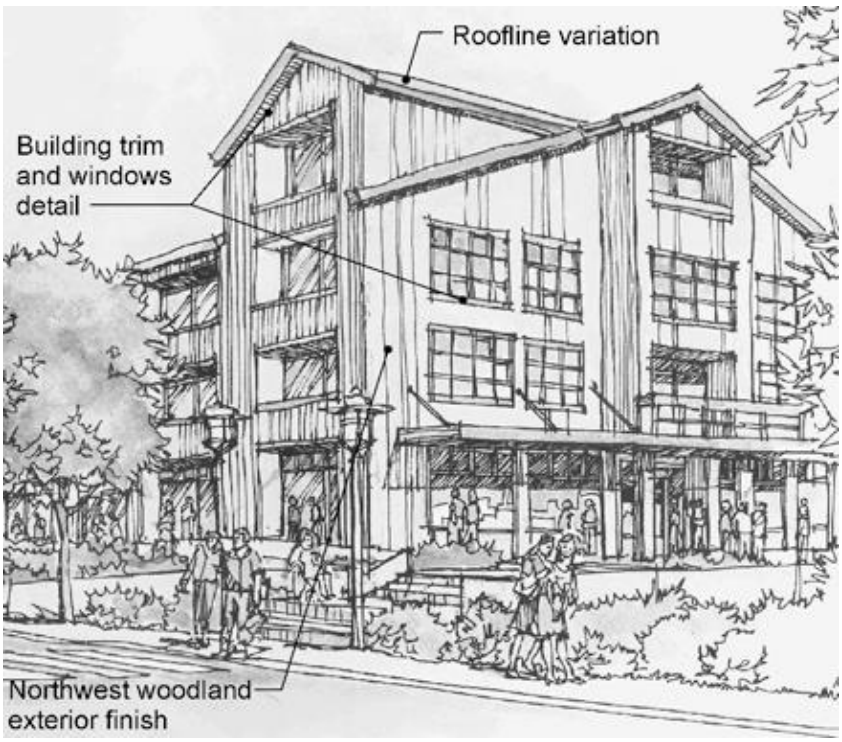


Figure 69. The arrangement, proportion, and design of windows and doors are suitable to the walls on this building.

(4) Design Principle. Franchise and corporate architecture shall not be allowed in the Downtown and Little Bear Creek Corridor study area. The use of stock building plans, typical corporate and/or franchise designs, "regional prototype alternatives," or other designs which are easily identified with a particular chain or corporation are not allowed, except for signs allowed pursuant to Chapter 21.35 WMC. Besides diluting the City's identity with corporate (and therefore generic)

21.40.320 Human scale.

(1) Intent.
  (a) To encourage the use of building components that relate to the size of the human body; and
  (b) To add visual interest to buildings.

(2) Design Principle. Incorporate human scale building elements into new developments. Specifically:
  (a) Buildings must employ elements or techniques described in subsection (2)(b) of this section to achieve "human scale." Specifically: identities, these buildings are undesirable, because they are not adaptable to other uses when the corporation franchises leave.

Figure 70. Generic franchise and corporate architecture is not allowed in the Downtown and Little Bear Creek Corridor study area.

  (i) Buildings less than 14 feet in height and less than 10,000 square feet of gross floor area must incorporate at least three human scale measures;

(ii) Buildings between 14 feet and 35 feet in height or buildings less than 14 feet in height but with more than 10,000 square feet in gross floor area must incorporate at least four human scale measures;

(iii) Buildings 35 feet or taller must incorporate at least five human scale measures; or (iv) For large buildings with more than 40,000 square feet of gross floor area, the Director may require additional human scale measures to meet the intent of this section.

(b) Human Scale Measures.

(i) Balconies or decks in upper stories, at least one balcony or deck per upper floor on the facades facing streets, provided they are integrated into the architecture of the building. (Balconies that are merely tacked onto the outer wall of the buildings or “cave balconies” that do not project from the outer wall of the building are not “integrated” into the architecture.) Balconies are encouraged to be at least six feet deep and six feet wide;

(ii) Bay windows or other window treatments that extend out from the building face;

(iii) At least 150 square feet of pedestrian-oriented space for each 100 lineal feet of building facade;

(iv) First-floor individual windows, generally less than 32 square feet per pane and separated from the windows by at least a six-inch molding;

(v) Gable or hipped roof; provided, that the hipped or gable roof covers at least one-half of the building’s footprint and has a slope greater than or equal to three feet vertical in 12 feet horizontal. Use gabled forms at corners, entries, wall modulation points, etc., to adapt large structures to the character described in WMC 21.40.310;

(vi) A porch or covered entry;

(vii) Spatially defining building elements, such as a trellis, overhang, canopy, or other element, that defines space that can be occupied by people;

(viii) Upper story setbacks, provided one or more of the upper stories are set back from the face of the building at least six feet;

(ix) Composing smaller building elements near the entry of pedestrian-oriented street fronts of large buildings (see Figure 74);

(x) Landscaping components that meet the intent of the guidelines; and/or

(xi) The Director may consider other methods to provide human-scale elements not specifically listed here. The proposed methods must satisfy the intent of the design standards.

Figure 71. An example of balconies that have been integrated into the architecture of the building.

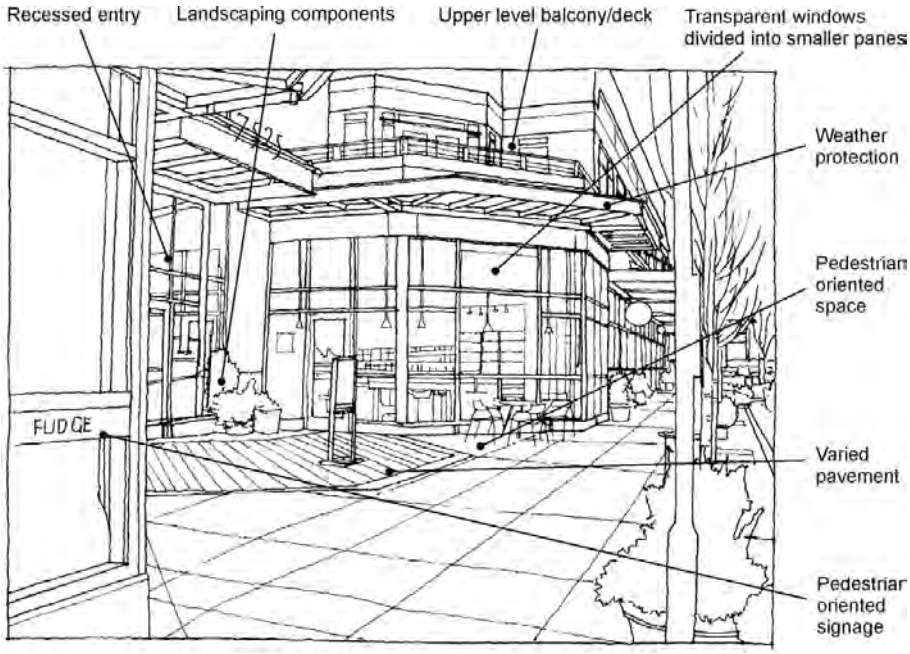
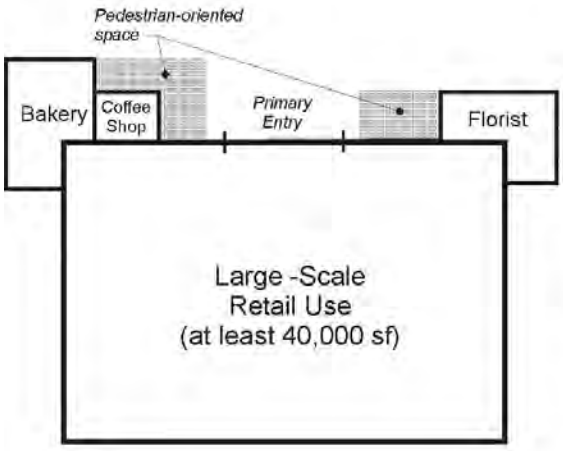
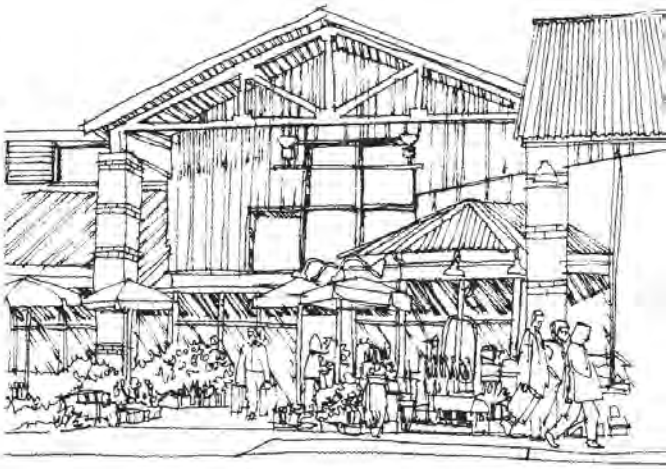


Figure 72. Illustrating a variety of human scale components on a building.

Figure 73. This building uses upper level balconies, an upper story setback, and gabled roof forms to meet human scale guidelines.

Figure 74. This mixed use building incorporates decks, upper level setbacks, trellises, and gabled roof forms to meet human scale guidelines.





Figures 75. Examples of composing smaller building elements near the entry of large buildings.

21.40.330 Architectural scale.

(1) Intent.
  (a) To encourage architectural scale of development that is compatible with nearby commercial areas that have the character of agrarian structures; and
  (b) To add visual interest to buildings.
(2) Design Principle. Reduce scale of large buildings.
  (a) All new buildings over three stories, or over 2,500 square feet in gross building footprint, shall provide at least three modulations and/or articulation features as described below along any facade that is visible from a street or pedestrian route, and have entries at intervals of no more than 50 feet:
    (i) Horizontal Building Modulation. The depth of the modulation should be at least two feet when tied to a change in the roofline and at least six feet in other situations. Balconies may be used to qualify for this option, provided they have a floor area of at least 40 square feet, are integrated with the architecture of the building, and project at least two feet from the building facade and are tied to a change in the roofline.

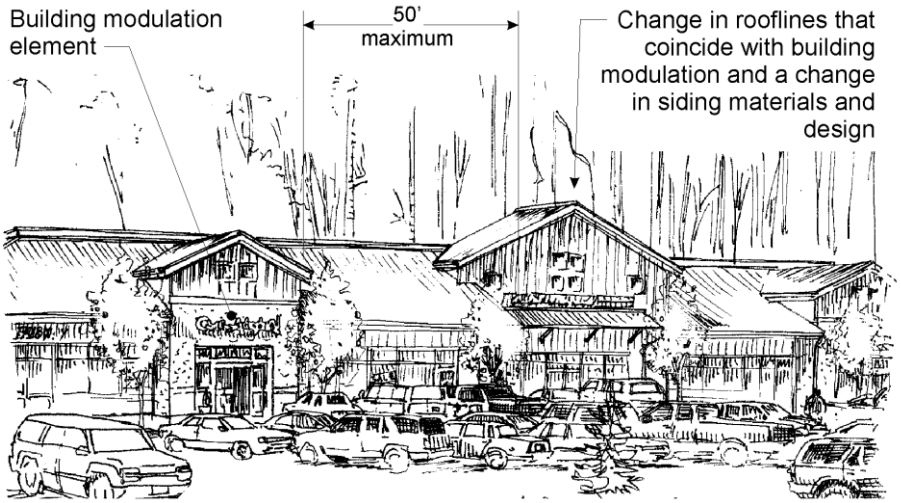


Figure 76. Building modulation example.

(ii) Modulated Roof Line. Buildings may qualify for this option by modulating the roof line of all facades visible from a street, park, or pedestrian pathway per the following standards:
  (A) For flat roofs or facades with a horizontal wave, fascia, or parapet, change the roofline so that no un-modulated segment of roof exceeds 50 feet. Minimum vertical dimension of roof line modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall);
  (B) For gable, hipped, or shed roofs, a slope of at least three feet vertical to 12 feet horizontal; or
  (C) Other roof forms such as arched, vaulted, dormer, or saw-toothed may satisfy this design standard if the individual segments of the roof with no change in slope or discontinuity are less than 50 feet in width (measured horizontally).

(iii) Repeating distinctive window patterns at intervals less than the articulation interval.

(iv) Providing a porch, patio, deck, or covered entry for each articulation interval.

(v) Changing the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.

(vi) Changing materials with a change in building plane.

(vii) Providing lighting fixtures, trellises, trees, or other landscape feature within each interval.

(viii) For mixed use buildings with pedestrian-oriented facades, the following may also be used at articulation features:
  (A) Use of separate weather protection features that reinforce the pattern of small storefront spaces.
  (B) Use of vertical piers. Such piers must project at least two inches from the facade and extend from the ground floor to the cornice or roofline.

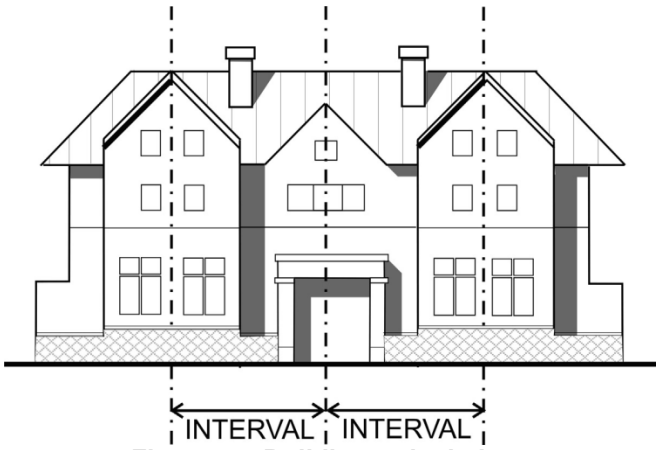


Figure 77. Building articulation.

(ix) Other design treatments that satisfy the intent of the design standards as determined by the Director. Note that the Director may increase or decrease the 50-foot interval for modulation and articulation to better match surrounding structures or to implement an adopted subarea plan, where applicable.

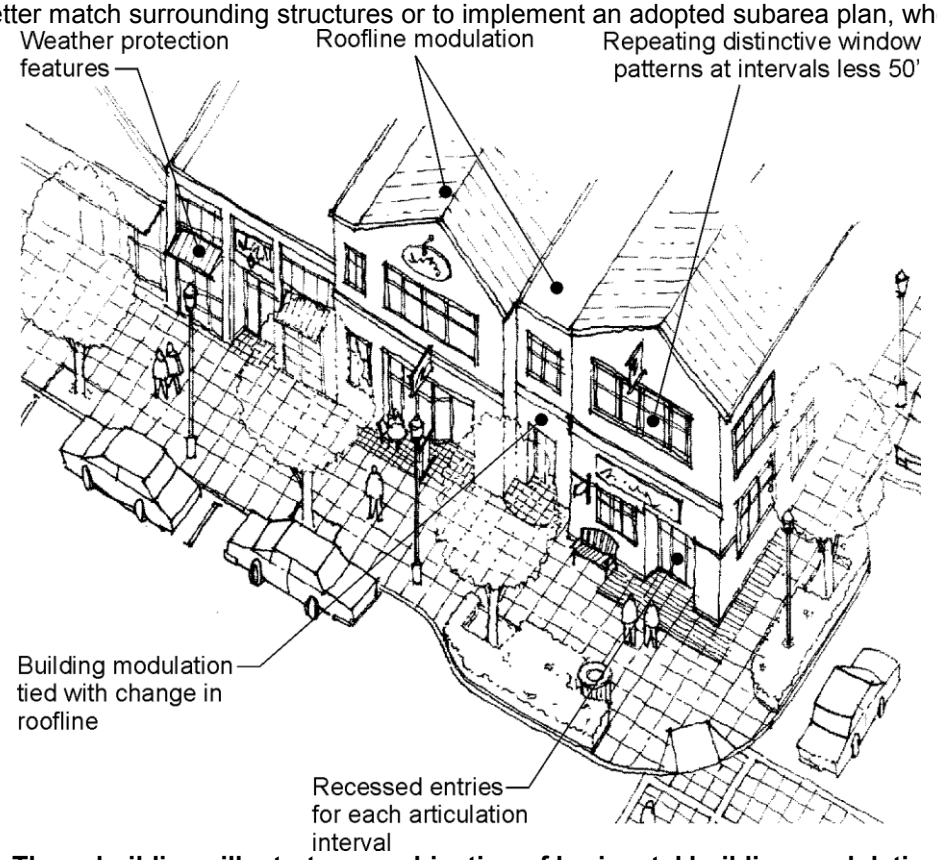
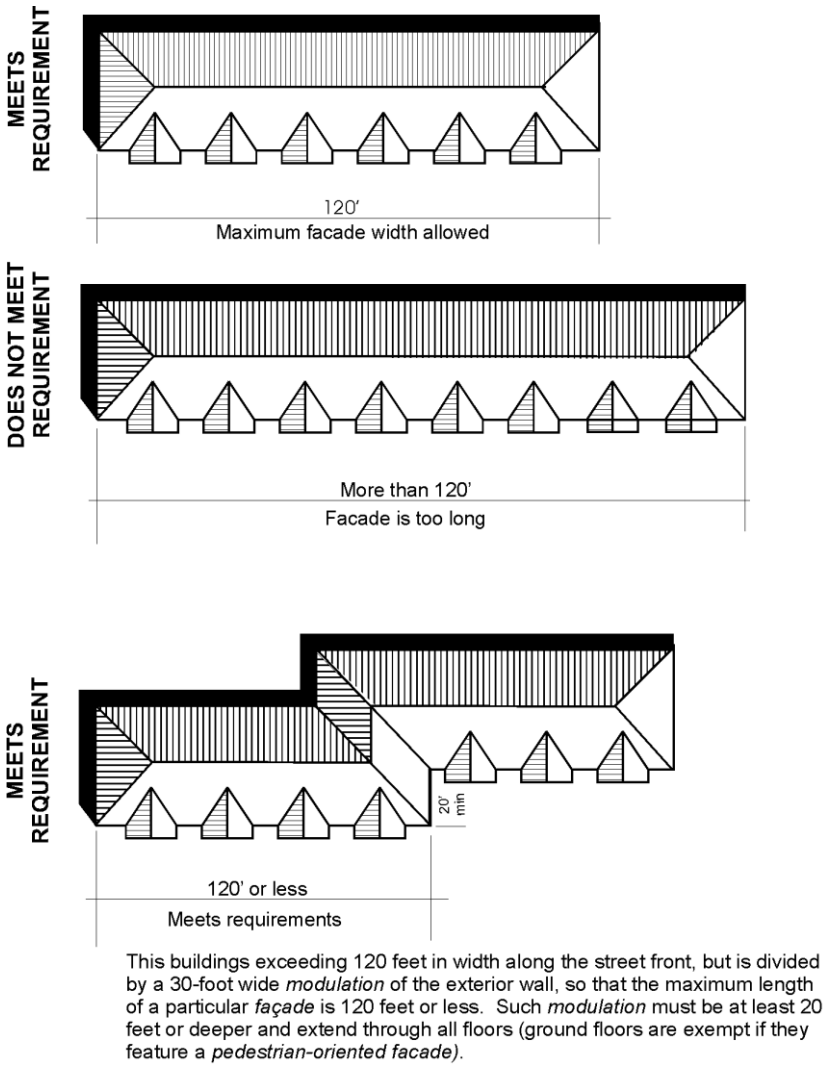


Figure 78. These buildings illustrate a combination of horizontal building modulation, roofline modulation, and building articulation to reduce the architectural scale and provide visual interest.

Figure 79. This Kirkland development uses a variety of roof forms and heights, different weather protection features, changing building materials and colors, and a modest amount of horizontal building modulation to reduce the overall architectural scale into smaller "storefront" components.

(b) The maximum facade width (the facade includes the apparent width of the structure facing the street and includes required modulation) of multi-story buildings visible from a street, public open space, or pedestrian-oriented space is 120 feet. Buildings exceeding 120 feet in width along the street front shall be divided by a 30-foot-wide modulation of the exterior wall, so that the maximum length of a particular facade is 120 feet. Such modulation must be at least 20 feet or deeper and extend through all floors (the first floor will be exempted if it includes a pedestrian-oriented facade). Decks and roof overhangs may encroach up to three feet (per side) into the modulation. The Director will consider other design methods that are effective at reducing the perceived width of the building.



This buildings exceeding 120 feet in width along the street front, but is divided by a 30-foot wide *modulation* of the exterior wall, so that the maximum length of a particular *façade* is 120 feet or less. Such *modulation* must be at least 20 feet or deeper and extend through all floors (ground floors are exempt if they feature a *pedestrian-oriented facade)*.

Figure 80. Illustrating maximum facade widths.

(c) Building Height Incentive Potential. Buildings exceeding the allowed base height, pursuant to WMC 21.22.040, with an additional floor (maximum of four, with a height not to exceed 51 feet) can be obtained through the provision of City-approved public open space and at least two of the following:

(i) Exceptional design (see WMC 21.40.380) in architectural features of structures and/or site layout;

(ii) Leadership in Energy and Environmental Design (LEED) Certification for all structures pursuant to the U.S. Building Council rating system;

(iii) Structured parking for all required parking; or

(iv) Private open space.

21.40.340 Building corners.

(1) Intent. To create visual interest and increased activity at public street corners.

(2) Design Principle. Architecturally accentuate building corners at street intersections.

(a) All new buildings located within 15 feet of a property line, at the intersection of streets, public or private, are required to employ two or more of the following design elements or treatments to the building corner facing the intersection:

(i) Provide at least 100 square feet of pedestrian-oriented space between the street corner and the building(s). To qualify for this option, the building(s) must have direct access to the space;

(ii) Provide a corner entrance to courtyard, building lobby, atrium, or pedestrian pathway;

(iii) Include a corner architectural element such as:
  (A) Bay window or turret;
  (B) Roof deck or balconies on upper stories;
  (C) Building core setback “notch” or curved facade surfaces; or
  (D) Sculpture or artwork, either basrelief, figurative, or distinctive use of materials.

Figure 81. The second-story component, change in building materials, horizontal modulation, and unique roof form make an architectural statement on this street corner.

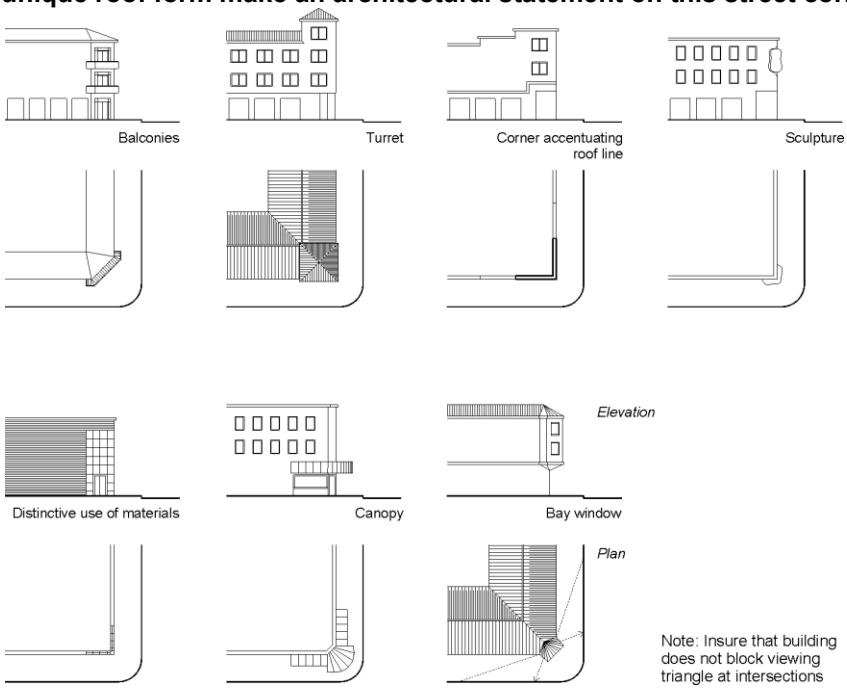


Figure 82. Corner building treatments.

(iv) Special treatment of the pedestrian weather protection canopy at the corner of the building; And/or

(v) Other similar treatment or element approved by the Director.

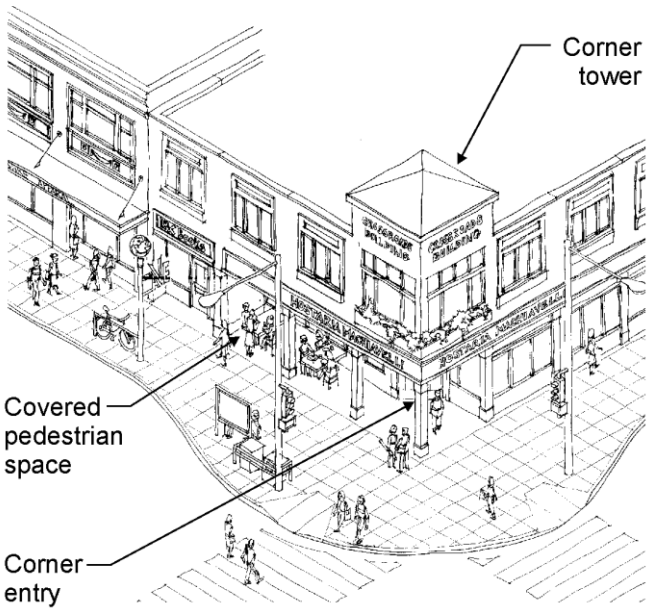


Figure 83. Corner building example.

Figure 84. To emphasize its street corner location, this building uses a cropped corner, change in building materials, decorative facade elements, and a modulated roofline.

21.40.350 Building details.

(1) Intent.
- (a) To ensure that buildings have design integrity at all observable distances;
- (b) To enhance the character and identity of Woodinville's commercial areas;
- (c) To enhance the pedestrian environment; and
- (d) To encourage creativity in the design of storefronts.

(2) Design Principle. Enhance buildings with appropriate design details.

When buildings are seen from a distance, the most noticeable qualities are the overall form and color. A three-story commercial building that is 100 feet wide and 35 feet tall must be observed at least 200 feet away in order for the building to fit within a person's cone of vision so its overall shape can be perceived. At that distance, windows, doors, and other major features are clearly visible. However, within 60 to 80 feet from the

building (approximately the distance across a typical downtown street), a person notices not so much the building's overall form as its individual elements. Closer, the most important aspects of a building are its design details, texture of materials, quality of its finishes, and small, decorative elements. In a pedestrian-oriented business area, it is essential that buildings and their contents be attractive up close. Therefore, these design standards include implementing measures which require all buildings to incorporate design details and small scale elements into their facades.

(a) All new buildings and individual storefronts shall include on the facades that face a street, park, or pedestrian route at least four of the following design features:

(i) Decorative rooflines, such as an ornamental molding, entablature, frieze, or other roof- line device visible from the ground level. If the roofline decoration is in the form of a linear molding or board, then the molding or board must be at least eight inches wide;

(ii) Decorative treatment of windows and doors, such as decorative molding/framing details around all ground-floor windows and doors, decorative glazing, or door designs;

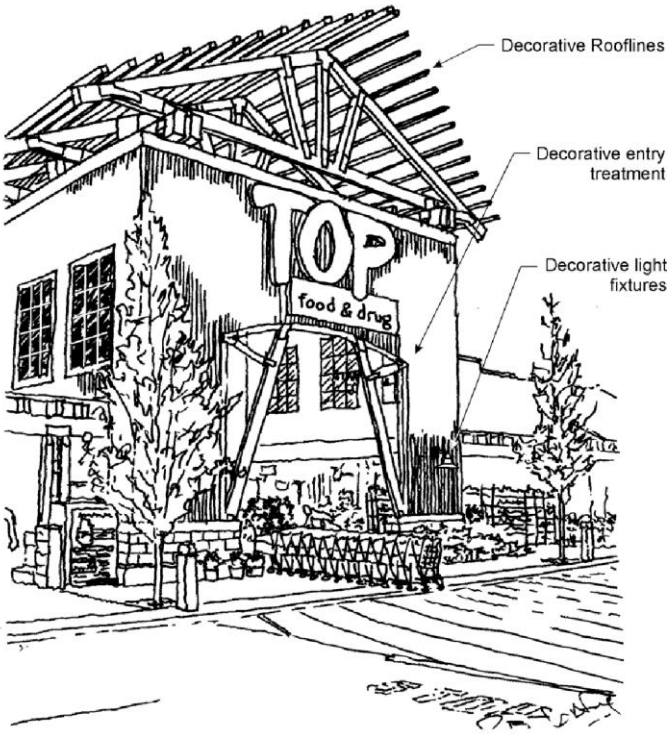


Figure 85. A variety of details add visual interest to this building.

(iii) Decorative light fixtures with a diffuse visible light source, such as a globe or "acorn" that is nonglaring or a decorative shade or mounting;

(iv) Decorative building materials, including one of the following:

(A) Decorative masonry, shingle, brick or stone;

(B) Individualized patterns or continuous wood details, such as fancy butt shingles (a shingle with the butt end machined in some pattern, typically to form geometric designs), decorative moldings, brackets, wave trim or lattice work, ceramic tile, stone, glass block, carrera glass, or similar materials; or

(C) Other materials with decorative or textural qualities as approved by the Director.
The applicant must submit architectural drawings and material samples for approval;

(v) A planting strip at least 16 inches wide between an adjacent pathway and the building facade;

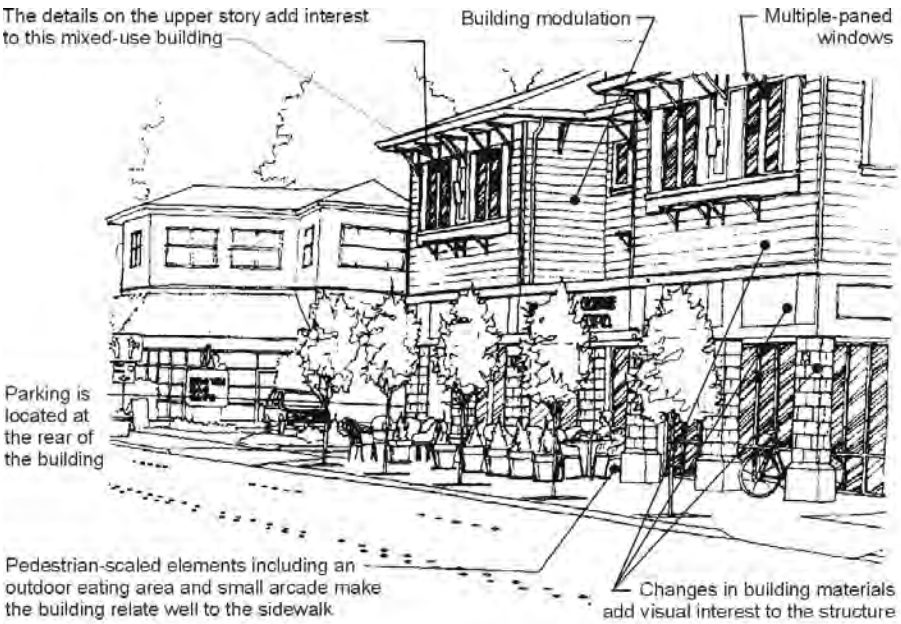


Figure 86. The use of different building materials, window treatments, and roofline brackets adds to the visual interest of this building.

(vi) Decorative railings, grill work, or landscape guards;

(vii) Landscaped trellises;

(viii) Decorative paving or artwork, which may be freestanding or attached to the building, and may be in the form of mosaic mural, bas-relief sculpture, light sculpture, water sculpture, fountain, freestanding sculpture, art in pavement, or other similar artwork. Painted murals or graphics on signs or awnings do not qualify. All artwork used to satisfy this condition is subject to approval by the Director; or

(ix) Other similar features or treatment that satisfies the intent of the design standards as approved by the Director.

Figure 87. The building provides a number of details that enhance the pedestrian environment, including decorative lighting, planter boxes, decorative awnings, historical plaques, and decorative facade elements.

(b) All new buildings must note the year of construction of a building by the installation of a plaque attached to the building. Stone or masonry set integrally with other masonry on the front building elevation facing the principal street may be used in lieu of a plaque. The year of construction is to be noted by numbers not less than six inches high. Other information associated with the building that may have historic interest in the future may be included in addition to the year of construction. (c) Building facades, when located adjacent to a pedestrian pathway, must contain the following elements:

(i) A pedestrian-oriented facade; and

(ii) Weather protection at least six feet wide along at least 75 percent of the building's front face (facades containing a public building entrance). The weather protection may be in the form of awnings, marquees, canopies, or building overhangs.

Exceptions will be considered by the Director that meet the intent of the standards. For example, the Director may allow reduced weather protection elements on north-facing facades to allow more daylight into buildings. Reduced window transparency may be allowed in exchange for other desirable pedestrian amenities or building elements (see Figure 88).

Also see WMC 21.40.250 (2)(f), internal pedestrian paths and circulation, for related standards and illustrations.

Figure 88. While the treatment of this facade would not meet the definition of a "pedestrian-oriented facade," the wall's combination of design details successfully adds visual interest to the space. Weather protection features would not be required in this case since this is not the building's primary facade (containing public building entry).

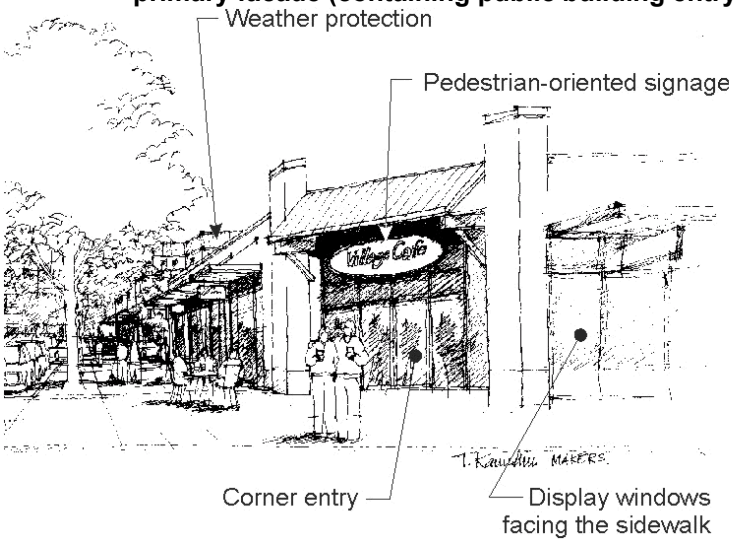


Figure 89. An example of a pedestrian-oriented facade.

21.40.360 Materials.

(1) Intent. To encourage the use of a variety of high-quality compatible materials that will upgrade the visual image of commercial areas of Woodinville.

(2) Design Principles.

(a) (a) Property owners are encouraged to retain existing vernacular facades that reflect the heritage of the City. Facades of vintage buildings may be adapted to contemporary use with the compatible materials, provided they meet the design standards herein.

(b) Buildings shall employ materials that reflect the City's Northwest woodland character, such as:

(i) Wood (as used in agrarian structures);

(ii) Masonry;

(iii) Stone;

(iv) Shake roofs; or

(v) Other materials subject to approval by the Director.

Use of metal screening, plastic, plywood, sheet wood products, or fiberglass to cover over existing facades is discouraged. Wood should not be used to cover existing brick or cast stone masonry.

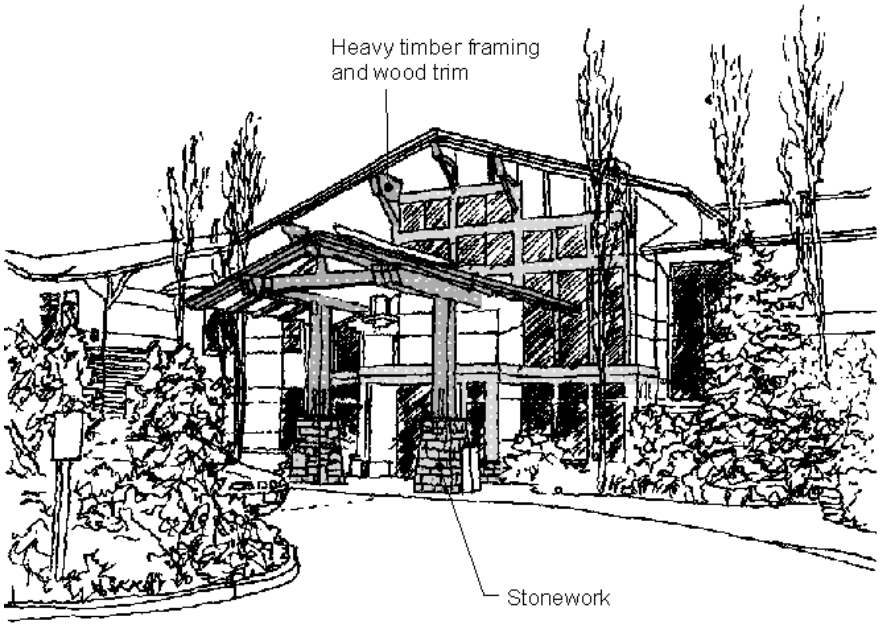


Figure 90. Use compatible building materials that reflect the City's Northwest woodland character.

(3) Materials requiring special detailing when visible from a street, pedestrian pathway, or park:

(a) Concrete Block Walls. Concrete block construction must be architecturally treated in one or more of the following ways:

(i) Use of textured blocks with surfaces such as split face or grooved;

(i) Use of other masonry types, such as brick, glass block, or tile in conjunction with concrete blocks; and/or

(ii) Use of decorative coursing to break up blank wall areas.

Use matching colored mortar where color is an element of architectural treatment for any of the options above.

(b) Requirements for Exterior Insulation and Finish System (EIFS) and Similar Troweled Finishes.

(i) EIFS should be trimmed in wood or masonry and should be sheltered from extreme weather by roof overhangs or other methods;

(ii) EIFS may only be used in conjunction with other approved building materials. Generally, the use of EIFS for more than 50 percent of the building facade is discouraged; and

(iii) EIFS is prohibited within two vertical feet of the sidewalk or ground level.

Figure 91. This storefront effectively combines EIFS and concrete block with wood trim and metal detailing.

Figure 92. City Hall is a good example, combining EIFS, decorative concrete block, wood siding and trim work, glass, and metal roofing.

(c) Prohibited Materials.

(i) Mirrored glass;

(ii) Corrugated fiberglass;

(iii) Chain-link fencing (except for temporary purposes such as a construction site);
(iv) Crushed colored rock or tumbled glass;
(v) Metal siding.

21.40.370 Blank walls.

(1) Intent.
(a) To reduce the visual impact of large, undifferentiated walls;
(b) To reduce the apparent size of large walls through the use of various architectural and landscaping treatments;
(c) To enhance the character and identity of Woodinville's commercial areas; and
(d) To ensure that all visible sides of buildings provide visual interest.

(2) Design Principle. All blank walls within 50 feet of the street, pedestrian pathway, park, or adjacent lot, and visible from that street, pedestrian pathway, park, or adjacent lot, shall be treated in one or more of the following measures:
(a) Install a vertical trellis in front of the wall with climbing vines or plant materials. For large blank wall areas, the trellis must be used in conjunction with other treatments described below;
(b) Provide a landscaped planting bed at least eight feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall. Plant materials that will obscure or screen at least 50 percent of the wall's surface within four years are to be planted in the planting bed;
(c) Provide artwork (mosaic, mural, sculpture, relief, etc.) over at least 50 percent of the blank wall surface; and/or
(d) Other method as approved by the Director. For example, landscaping or other treatments may not be necessary on a wall that employs high quality building materials (such as brick) and provides desirable visual interest. See Figure 95 for an example.

Treatment of blank walls must be proportional to the wall.

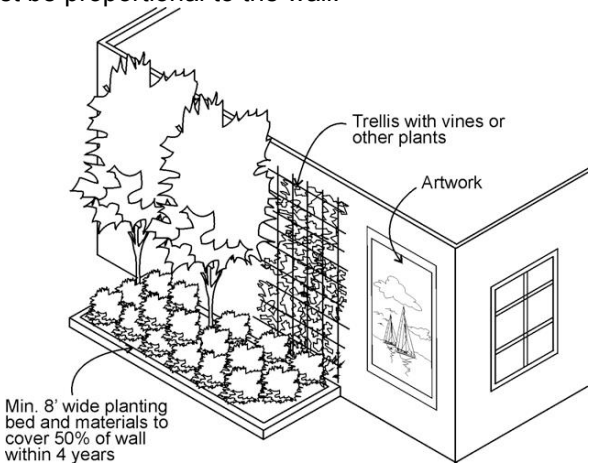


Figure 93. Blank wall treatments.

Figure 94. Terraced planting beds effectively screen a large blank wall.

Figure 95. Special blank wall treatments may not be needed on the side of a building where high quality brickwork is used.

21.40.380 Definitions.*

"Access street" means a private street that is independent of parking lot circulation and connects public rights-of-way or provides primary access to and within a site.

"Agrarian structures" means buildings or other structures created to satisfy a well-stated function, usually associated with land-oriented activities, such as farming. The structures exhibit simple geometric forms, and were created with available materials and without frills.

Examples of agrarian structures include primitive barns, early sawmill structures and historic wood covered bridges.

"Art, artwork" means a device, element, or feature whose primary purpose is to express, enhance, or illustrate an aesthetic quality, feeling, physical entity, idea, local condition, historical or mythical happening, or cultural or social value. Examples of artwork include sculpture, bass-relief sculpture, mural, or unique specially crafted lighting, furniture, pavement, landscaping, or architectural treatment that is intended primarily, but not necessarily exclusively, for aesthetic purposes. Signs, upon approval by the Director, may be considered artwork provided they exhibit an exceptionally high level of craftsmanship, special material, or construction, and include decorative devices

or design elements that are not necessary to convey information about the business or product. Signs that are primarily names or logos are not considered art.

“Balcony” means an outdoor space built as an above-ground platform projecting from the wall of a building and enclosed by a parapet or railing.

“Bas-relief” means a sculptural carving, embossing, or casting that projects very little from the background.

“Bay window” means a window that protrudes from the main exterior wall. Typically, the bay contains a surface which lies parallel to the exterior wall, and two surfaces which extend perpendicularly or diagonally out from the exterior wall. To qualify as a bay, the bay must contain a window pane which extends at least 60 percent of the length and 35 percent of the height of the surface of the bay which lies parallel to the exterior wall. There need not be windows in the surfaces which extend out from the exterior wall.

Blank Walls. Walls subject to “blank wall” requirements meet the following criteria:

(1) Any wall or portion of a wall that has a surface area of 400 square feet of vertical surface without a window, door, or building modulation or other architectural feature.

(2) Any ground level wall surface or section of a wall over four feet in height at ground level that is longer than 15 feet as measured horizontally without having a transparent window or door lying wholly or in part within that 15-foot section.

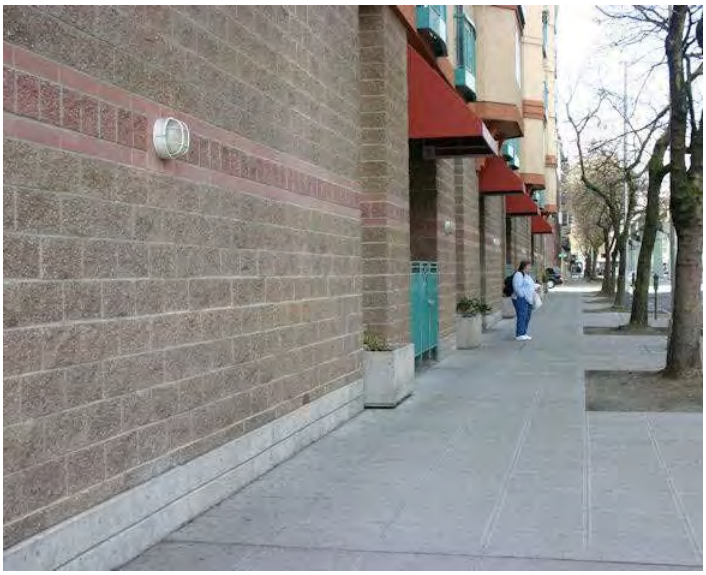


Figure 96. Unacceptable blank wall.

“Courtyard” means a landscaped space enclosed on at least three sides by a single structure.

“Curb cut” means a depression in the curb for the purpose of accommodating a driveway that provides vehicular access between private property and the street.

“Deck” means a roofless outdoor space built as an above-ground platform projecting from the wall of a building and connected to the ground by structural supports.

“Director” means the Director of Development Services or the City Manager in the case of his or her absence.

“Exceptional design,” as used in the code, refers to architectural features of a structure and/or site layout that meet all of the following criteria as determined by the Director. These exceptional design criteria are further illustrated through photos and drawing within this chapter.

(1) Extensive pedestrian network connected to the City’s Non-Motorized Transportation Plan and Transportation Master Plan with lighting, landscaping, and amenities that provides clear pedestrian connections from the street, between buildings, through parking lots and to adjacent sites. See Figure 51 and Figure 52 for circulation examples and WMC 21.40.250.

(2) Creative and effective vehicular circulation system that minimizes the frequency of conflicts between pedestrians, bicycles and automobiles.

(3) A unique multi-use central open space with special amenities and activities, accessible, open and available to the general public.

(4) Increased use of structured parking.

(5) Enhanced off-street pedestrian/bike routes that connect to the existing/planned trail system.

(6) Special accommodation of transit services.
(7) Extensive environmental restoration and/or tree retention.
(8) Environmental certification (LEED) of all structures pursuant to U.S. Building Council rating system.
(9) Include uses that will expand the range of activities in downtown. Such uses might include a cultural or performing arts facility, public assembly areas, and similar uses that will encourage pedestrian activity and/or support for other business or community activities, consistent with WMC 21.40.260, Pedestrian activity and plazas.
(10) Pedestrian-oriented space at a rate of two percent of the project site plus two percent of the building footprint.
(11) When new development fronts on a pedestrian street as defined in WMC 21.40.110(2) and on a corner as defined in WMC 21.40.180, require pedestrian open space and the building's primary entrance at the street corner.
(12) Surface and structured parking along street frontages shall be located so that it is not visible from the street except for driveway access where these are necessary consistent with WMC 21.40.300(2)(d).
(13) Use of gabled roof, sloped or green roofs as described in WMC 21.40.320.

"Facade" means any portion of an exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation.

Franchise and Corporate Architecture. "Franchise architecture" is a building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature. Some typical issues and negative impacts often associated with national chain or commercial franchise designs include:
(1) Large logos and/or colors used over large expanses of a building;
(2) Branded buildings are difficult to reuse if vacated by the primary business, promoting vacancies and blight; and
(3) Buildings lack architectural elements and design consistent with the local community's architectural composition, character, vernacular, and historic context.

"Front yard" means the area between the street and the nearest building facade.

Frontage. As used in the code, "frontage" refers to the length of a property line along a street.

Landscaping. An area is considered to be landscaped if it is:
(1) Planted with vegetation in the form of hardy trees, shrubs, or grass or evergreen ground cover maintained in good condition;
(2) Occupied by sculptures, fountains or pools, benches, or other outdoor furnishings;
(3) Occupied by such recreational facilities as playground equipment, swimming pools, game courts, etc.; or
(4) See also the definition for landscaping provided in WMC 21.11.140.

"Large lot development" means a proposed or existing development of two acres or more.

"Major exterior remodel" means a proposed improvement to any existing building structure or property that changes the exterior appearance of the property and meets either of the criteria below:
(1) Estimated value of construction exceeds 50 percent of the value of the existing built facilities as determined by the City's building valuation procedure; or
(2) Construction includes an addition to extension of an existing building.

"Minor exterior remodel" means any improvement that changes the visual appearance or exterior configuration of a building structure or property, and which has a value less than 50 percent of the existing built facilities as determined by the City's building valuation procedure. Painting and restorative maintenance are not considered minor remodels.

Modulation. In the design standards, "modulation" is a stepping back or projecting forward of portions of a building face within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure's continuous exterior walls.

"Northwest woodland character" means the character of early development of the Northwest that balanced the use of local materials (such as timber, high quality aggregates, and/or recycled or manufactured materials made to resemble natural materials) to construct buildings with the natural environment, including native trees and other vegetation. Examples and illustrations of buildings and developments having Northwest woodland character are included in WMC 21.40.390.

"Pedestrian-oriented building facades" means ground-floor facades which employ at least one of the following characteristics:
(1) Transparent window areas or window displays along at least 75 percent of the ground-floor facade. The window area must cover the area between two feet and eight feet above the sidewalk or walkway surface; or

(2) A combination of sculptural, mosaic, or bas-relief artwork, and transparent window areas or window displays (as described above) over at least 75 percent of the ground-floor facade.

"Pedestrian-oriented space" means an area between a building and a street, access road, or along a pedestrian path which promotes visual and pedestrian access onto the site and which provides pedestrian-oriented amenities and landscaping to enhance the public's use of the space for passive activities such as resting, reading, picnicking, etc. To qualify as a pedestrian-oriented space, an area must have:

(1) Visual and pedestrian access (including handicapped access) into the site from a street, private access road, or non-vehicular courtyard;
(2) Paved walking surfaces of either concrete or approved unit paving;
(3) On-site or building-mounted lighting (fixtures no taller than 15 feet) providing at least four foot candles (average) on the ground;
(4) A location in areas with significant pedestrian traffic to provide interest and security, such as adjacent to a building entry;
(5) Landscaping components that add visual interest and do not act as a visual barrier. This could include planting beds, potted plants, or both; and
(6) At least two feet of seating area (a bench or ledge at least 16 inches deep and appropriate seating height) or one individual seat per 60 square feet of plaza area or open space.

A pedestrian-oriented space shall have:

(1) Pedestrian amenities, including two or more elements such as a water feature, site furniture, art- work, drinking fountains, kiosks, clock tower, etc.;
(2) Adjacent buildings with transparent windows and doors covering 75 percent of the facade between two feet and eight feet above the ground level;
(3) Consideration of the sun angle at noon and the wind pattern in the design of the space; and
(4) Transitional zones along building edges to allow for outdoor seating areas and a planted buffer.

A pedestrian-oriented space shall not have:

(1) Asphalt or gravel pavement;
(2) Adjacent non-buffered parking lots or service areas;
(3) Adjacent chain-link fences;
(4) Adjacent blank walls without blank wall treatment; and
(5) Outdoor storage or retail sales that do not contribute to the pedestrian-oriented environment.

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

(1) 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 21.26.010.
(3) An undefined north/south corridor connecting NE 171st Street and Woodinville-Snohomish Road in the vicinity of 135th Avenue NE.

"Pedestrian-oriented use (or business)" means a commercial enterprise whose customers commonly arrive by foot; or whose signage, advertising, window display, and entryways are oriented toward pedestrian traffic. Pedestrian-oriented businesses may include restaurants, retail shops, personal service businesses, travel services, banks (except drive-through windows), and similar establishments.

"Rain garden" means a planted depression that allows rainwater runoff from impervious urban areas like roofs, driveways, walkways, and compacted lawn areas the opportunity to be absorbed.

"Scale, architectural" means the perceived relative height and bulk of a building relative to that of neighboring buildings. A building's apparent height and bulk may be reduced by modulating facades.

"Scale, human" means the perceived size of a building relative to a human being. A building is considered to have "good" human scale if there is an expression of human activity or use that indicates the building's size. For example, traditionally sized doors, windows, and balconies are elements that respond to the size of the human body, so these elements in a building indicate a building's overall size.

Streetscape. The "streetscape" is the visual character of a street as determined by various elements such as structures, greenery, open space, views, etc.

"TRC (Technical Review Committee)" means an administrative review panel composed of department heads or designated representatives that conduct development review for the City.

"Vernacular facade" means a unique expression of a building facade that is representative of a popular architectural expression that evolved in a specific geographic area or place during a particular period of time.

21.40.390 Northwest woodland character design standards illustrative guide.

A. Amenities – Examples of Northwest Woodland Character.

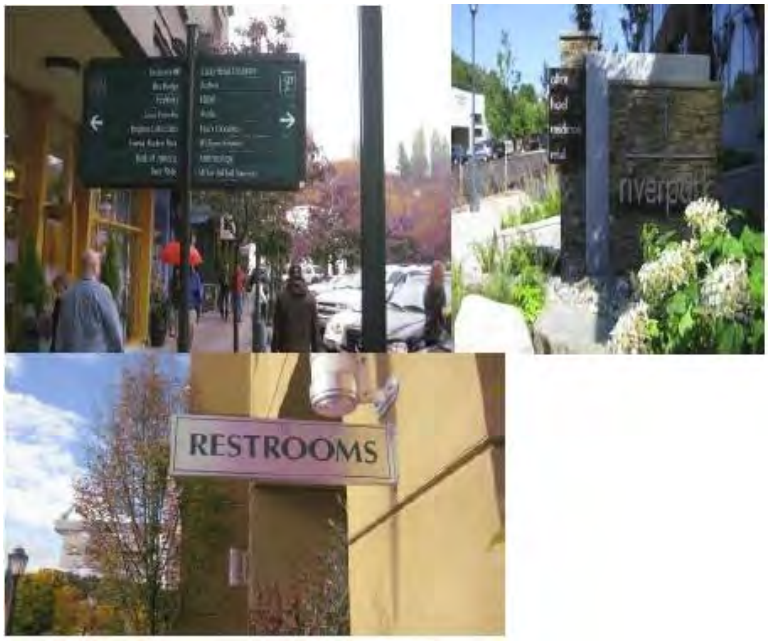


Figure 97. Way finding signage.

Figure 98. Bike rack.

Figure 99. Unique street furniture with pavement color details – Building lighting on side of building.

Figure 100. Bench with tree fence as well as waste receptacle.

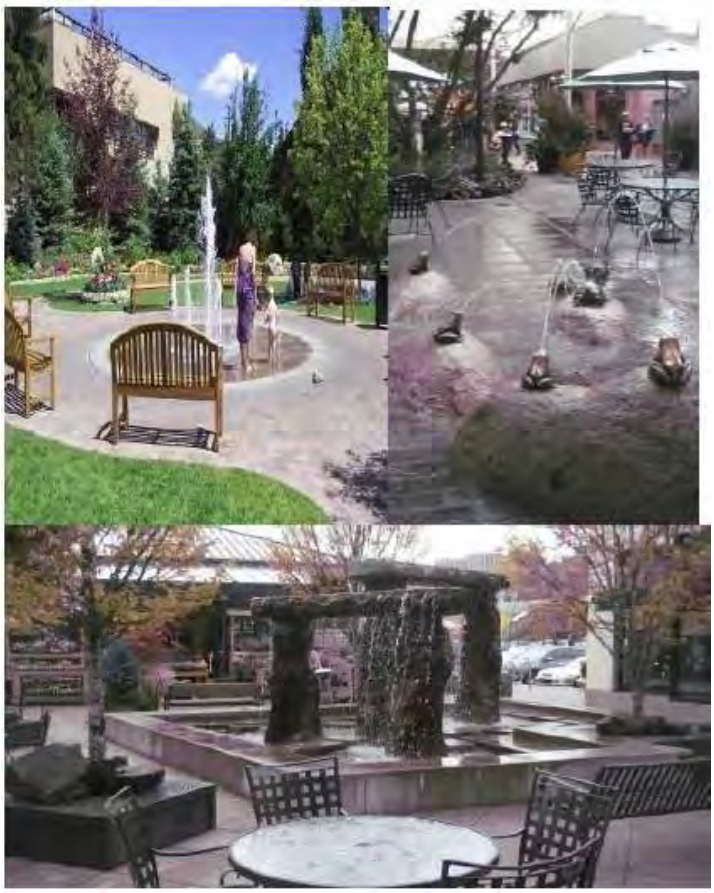


Figure 101. Fountains.

Figure 102. Drinking fountain.

Figure 103. Pedestrian scale lighting and rain protection (example of intermittent sheltering roof).

Figure 104. Public art – Accessible.

B. Colors – Examples of Northwest Woodland Character.

Figure 105. Colors – Use of color in quality aggregates.

Figure 106. Use of color.

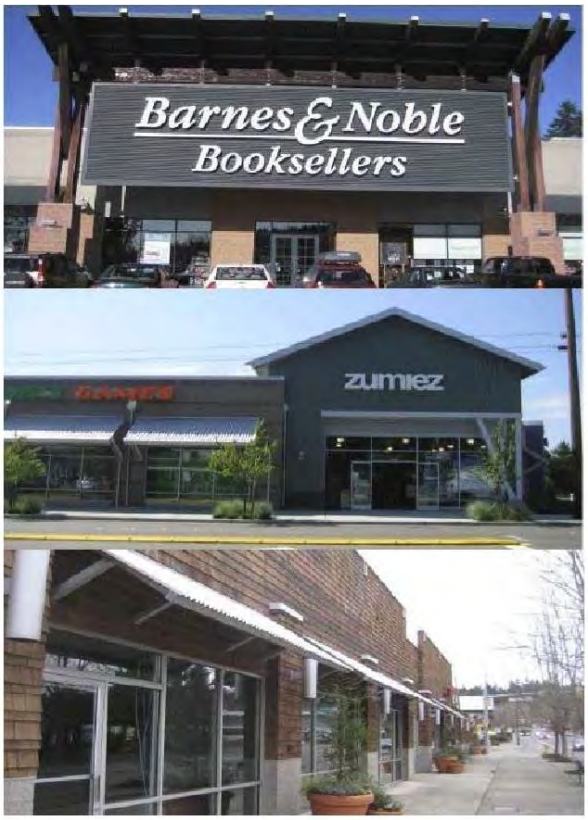


Figure 107. Examples of use of color.

C. Landscaping - Examples of Northwest Woodland Character.

Figure 108. Landscaping using a variety of plantings.

Figure 109. Landscaping elements.

D. Materials - Samples of Northwest Woodland Character.

Figure 110. The elements incorporated into the eaves or protected entrance of the building.

Figure 111. Wood materials incorporated into large format store.

Figure 112. Wood and metal incorporated in a building.

Figure 113. Metal materials incorporated into a building.

Figure 114. Brick and metal panels combination.

E. Form of the Building – Examples of Northwest Woodland Character.

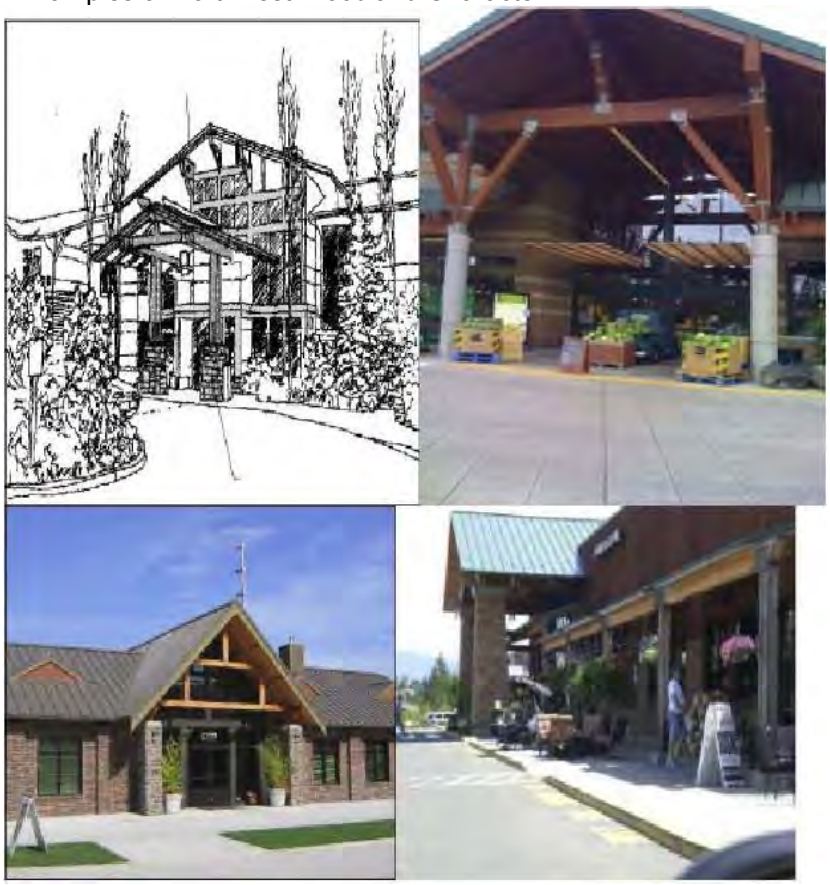


Figure 115. Wood accents at main entrances.

F. Additional Building Forms - Larger Buildings.

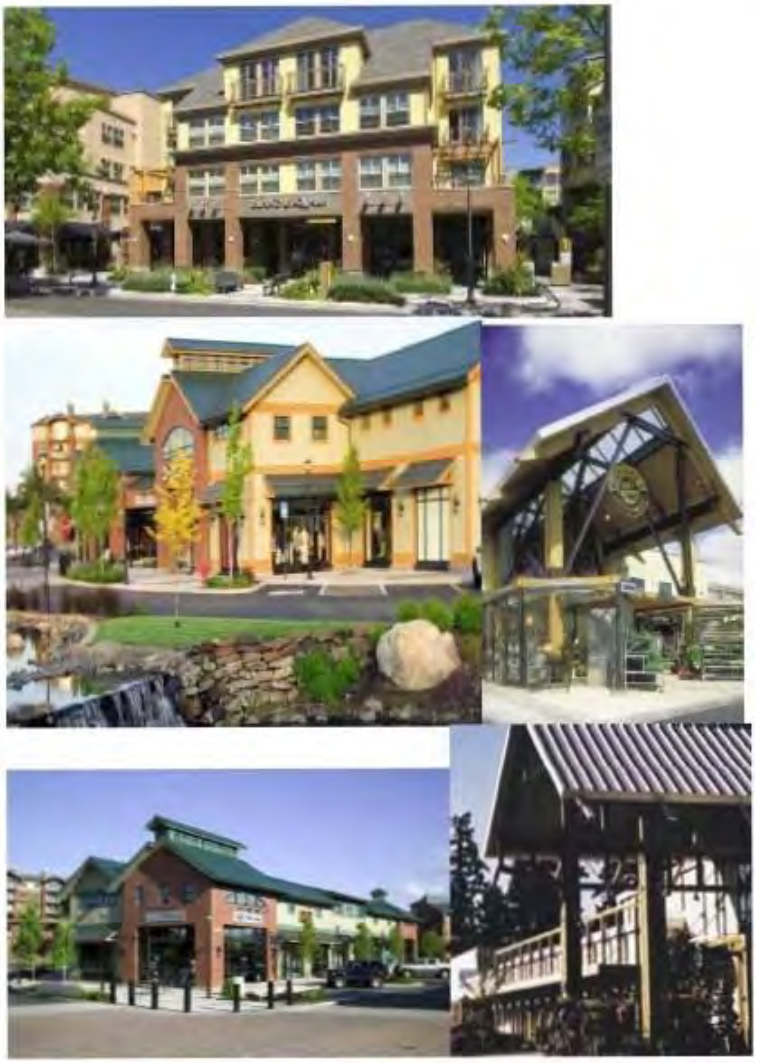


Figure 116. (unknown caption)

Figure 117. Agrarian building shapes.

Figures 118 and 119. Examples of wide awnings that evoke Northwest woodland character.

Figure 120. Example of awnings with sufficient width for seating and walking.

Figure 121. Example of adequately sized awning that helps activate the street.

Figure 122. Site planning – Relationship to street front – Example of an active street with defined pedestrian areas (walking and seating).

Figure 123. Examples of mature trees and landscaping in planters that provide good separation between pedestrians and moving traffic.

Figure 124. Examples demonstrating a mix of native and ornamental plants, small groves of trees, and the use of stone for sitting.

Figure 125. This decorative sidewalk pavement adds visual interest and character to the street. Where distinctive sidewalk patterns have been established, new development may be required to extend the pattern onto the project site.

Figure 126. Example of street design that emphasizes the pedestrian.

Figure 127. Planting strips are desirable along streets where there is no on-street parking.

Figure 128. The continuous canopy on top is monotonous and de-emphasizes individual storefronts. The bottom example provides a variety of weather protection features and represents a more desirable example.

Figure 129: Examples of desired pedestrian amenities.

Figure 130. Examples of pedestrian weather protection.

Figure 131. Examples of pedestrian shelters.

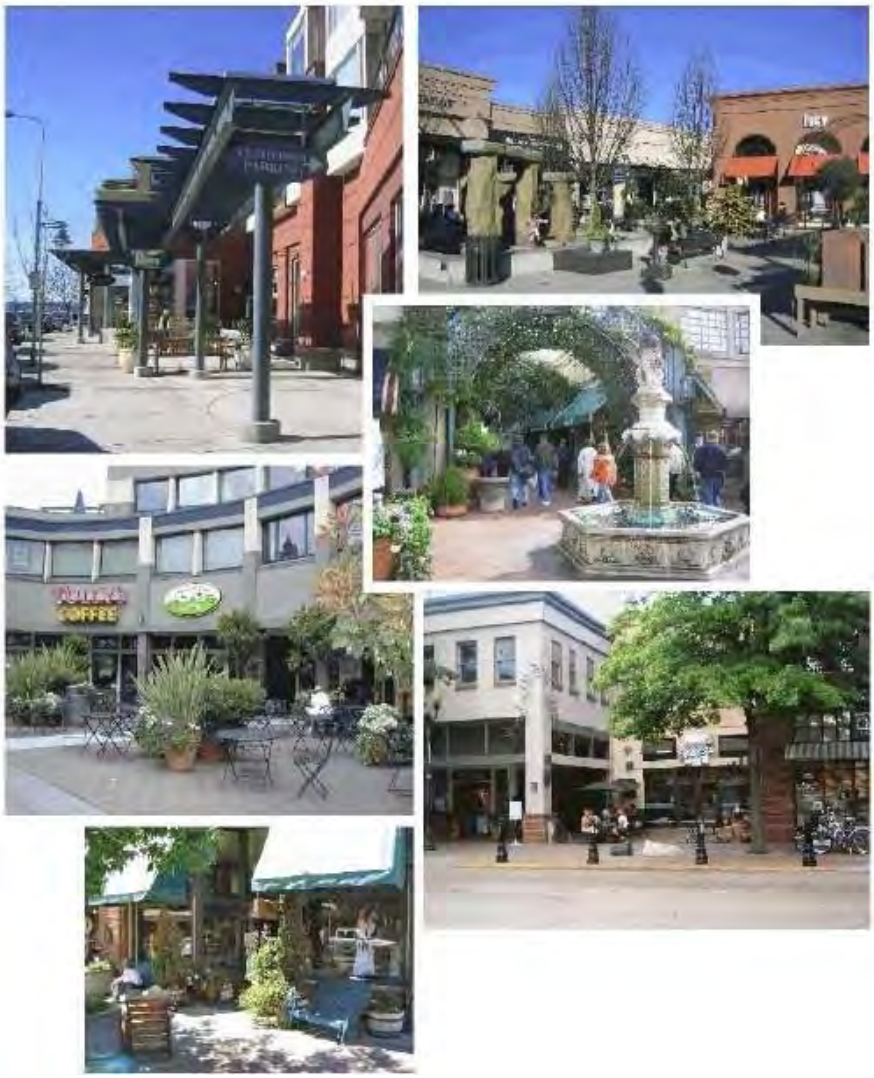


Figure 132. A variety of successful large and small pedestrian-oriented spaces.

Figure 133. Good example of Northwest image including the retention of native evergreen trees.

Figure 134. Example of Northwest woodland architecture and Northwest woodland landscaping using native trees, plants and large native stone.

Figure 135. An example of a building that uses a variety of materials to evoke the Northwest woodland character.

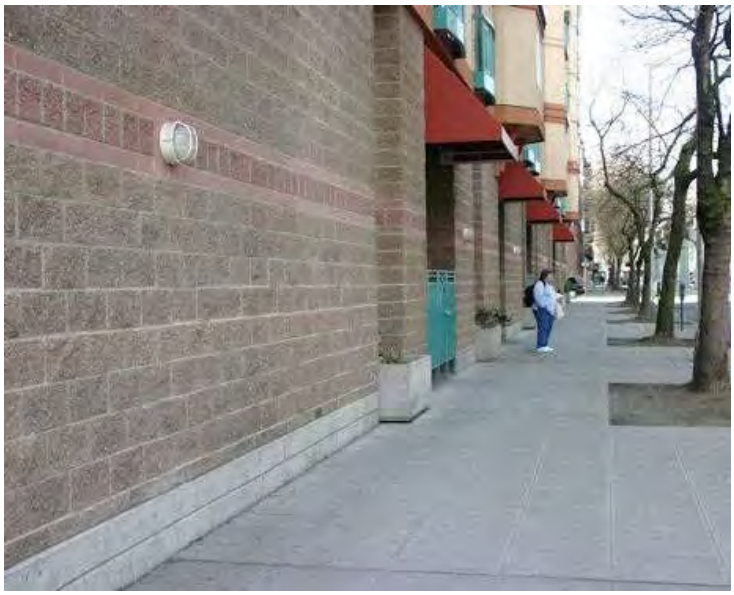


Figure 136. Unacceptable blank wall.

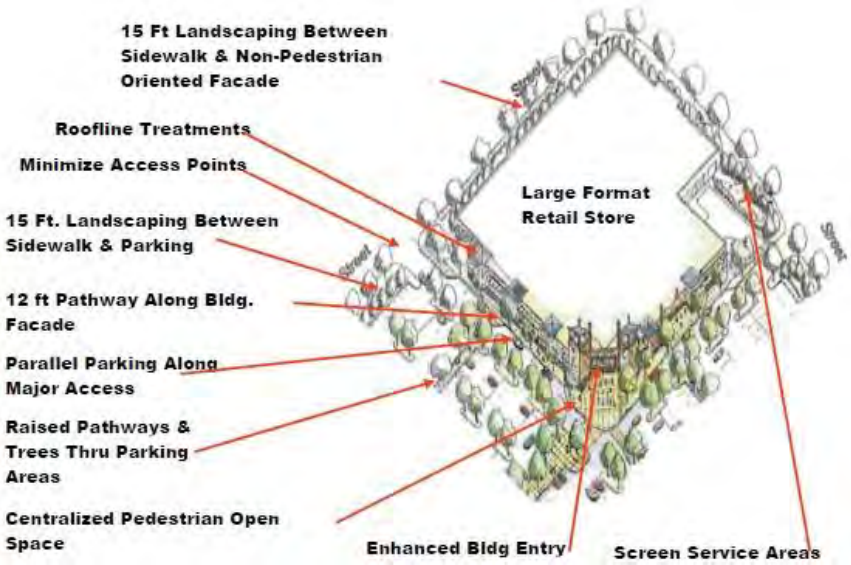


Figure 137. Large format retail store design standards.

Chapter 21.41
INDUSTRIAL DESIGN GUIDELINES
Sections:

21.41.010 Adopted.

21.41.010 Adopted.

Attachment A of Ordinance 278, Industrial Design Guidelines, is hereby adopted by this reference as if set forth in full.

Chapter 21.42
RESIDENTIAL DESIGN STANDARDS

Sections:

21.42.010 Purpose.
21.42.020 General layout standards.
21.42.030 Lot segregations – Zero lot line development.
21.42.040 Lot segregations – Clustered development.
21.42.050 Townhome development.
21.42.060 Attached dwellings and group residence – Applicability.
21.42.070 Attached dwellings and group residence – Design standards.
21.42.080 Attached dwellings and group residences – Vehicular access and parking location.
21.42.090 Attached dwellings and group residence – Building facade modulation.
21.42.100 Attached dwellings and group residence – Roofline variation
21.42.110 Easements – Regional utility corridors.
21.42.120 Mobile home parks – Standards for existing parks.
21.42.130 Mobile home parks – Standards for new parks.
21.42.140 Mobile home parks – Alternative design standards.

21.42.010 Purpose.

The purpose of this article is to improve the quality of urban development by providing building and site design standards that:
(1) Reduce the visual impact of large residential buildings from adjacent streets and properties;
(2) Enhance the aesthetic character of large residential buildings;
(3) Contain sufficient flexibility of standards to encourage creative and innovative site and building design; and
(4) Meet the on-site recreation needs of project residents.

21.42.020 General layout standards.

For residential developments in the R zones:
(1) The maximum length of blocks shall be 1,320 feet.
(2) Except for corner lots, lots for single detached dwellings shall not have street frontage along two sides unless one of said streets is a neighborhood collector street or an arterial street.
(3) The layout of residential developments should not result in new residences facing arterial streets whenever practical. The Development Services Director may require that roads internal to a new subdivision or short plat be designed to provide access to homes in lieu of those homes gaining access onto an arterial street.

21.42.030 Lot segregations – Zero lot line development.

In any R zone, interior setbacks may be modified during subdivision or short subdivision review as follows:
(1) If a building is proposed to be located within a normally required interior setback:
  (a) An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;
  (b) The easement area shall be free of structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
  (c) Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and
  (d) The final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.
(2) In the R zones, setbacks on existing individual lots may be modified; provided, that the standards set forth in subsection (1)(a) of this section are met.

21.42.040 Lot segregations – Clustered development.

(1) When residential lot clustering is proposed, the following provisions shall be met: Any open space resulting from lot clustering shall not be altered or disturbed except as specified on recorded documents creating the open space. Such open spaces may be retained under ownership by the subdivider, conveyed to residents of the development, or conveyed to a third party;
(2) Lots abutting an agriculturally zoned area shall be clustered so as to provide a minimum 100-foot buffer from the agriculturally zoned property.

21.42.050 Townhome development.

In the R-4 through R-8 zones, a building that contains a grouping of attached townhome units shall not exceed a 120-foot maximum length without a separation of at least 20 feet from other groupings or rows of townhomes.

21.42.060 Attached dwellings and group residence – Applicability.

The standards of WMC 21.42.070 to 21.42.100 shall apply to all new apartment developments exceeding four dwelling units, new townhome development and new group residences (community residential facilities) with more than four units. Expansions of existing development that involve four or more dwelling units shall be subject to compliance with WMC 21.42.080 to 21.42.100.

21.42.070 Attached dwellings and group residence – Design standards.

(1) Attachment A of Ordinance 302, Multi-family Design Guidelines, is hereby adopted by this reference as if set forth in full.
(2) New townhome, apartments, and group residences of more than four dwelling units shall be subject to the City's adopted design standards for multifamily developments.

21.42.080 Attached dwellings and group residences – Vehicular access and parking location.

(1) On sites abutting an alley constructed to a width of at least 20 feet, apartment and townhome development and all group residences except community residential facilities shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the Development Services Director due to physical site limitations.
(2) When alley access is provided, no additional driveway access from the public street shall be allowed except as necessary to access parking under the structure.
(3) When common parking facilities for attached dwellings and group residences exceed 30 spaces, no more than 50 percent of the required parking shall be permitted between the street property line and any building, except when authorized by the Development Services Director due to physical site limitations.

21.42.090 Attached dwellings and group residence – Building facade modulation.

Apartment and townhome developments and all group residences shall provide building facade modulation on facades exceeding 60 feet in length. The following standards shall apply:
(1) The maximum wall length without modulation shall be 30 feet;
(2) The minimum modulation depth shall be three feet; and
(3) The minimum modulation width shall be eight feet.

21.42.100 Attached dwellings and group residence – Roofline variation.

Apartments and townhome developments and all group residences shall provide roofline variation on rooflines exceeding 60 feet according to the following standards:
(1) The maximum roof length without variation shall be 30 feet;
(2) The minimum horizontal or vertical offset shall be three feet;
(3) The minimum variation length shall be eight feet; and
(4) Roofline variation shall be achieved using one or more of the following methods:
  (a) Vertical off-set in ridge line;
  (b) Horizontal off-set in ridge line;
  (c) Variations of roof pitch;
  (d) Gables;
  (e) False facades; or

(f) Any other technique approved by the Development Services Director that achieves the intent of this section.

21.42.110 Easements – Regional utility corridors.

(1) In subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.
(2) In other types of land development permits, easements shall be used to delineate such corridors.

21.42.120 Mobile home parks – Standards for existing parks.

(1) Mobile home parks established prior to the effective date of this code shall continue to be governed by all standards relating to density, setbacks, landscaping and off-street parking in effect at the time they were approved.
(2) Placement of new accessory structures and replacement mobile homes, either standard or nonstandard, in these mobile home parks shall be governed by the dimensional standards in effect when the parks were approved, unless two or more replacement mobile homes are proposed to be installed adjacent to each other under the flexible setback option set forth in WMC 21.14.170. Where internal setbacks are not specified, the average of the prevailing setbacks on the pads to either side of the proposed new or replacement structure shall apply.
(3) No spaces or pads in an existing mobile home park shall be used to accommodate recreational vehicles (RVs), except when the spaces or pads were specifically for RVs at the time the park was established.
(4) An existing mobile home park may be enlarged; provided the proposed enlargement meets the standards set forth in WMC 21.42.130 and21.42.140.
(5) Both insignia and noninsignia mobile homes may be installed in established parks; provided, that all mobile homes supported by piers shall be fully skirted, and that nonstandard mobile homes shall meet the minimum livability and safety requirements set forth in the Uniform Building Code.

21.42.130 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 density in a mobile home park shall be the base density of the zone in which the park is located;
(3) Both insignia and noninsignia mobile homes may be installed in mobile home parks; provided, that noninsignia mobile homes shall meet the minimum livability and safety requirements set forth in the Uniform Building Code;
(4) A mobile home park shall be exempt from the building coverage and impervious surface limits set forth in Chapter 21.22 WMC;
(5) At least one of the off-street parking spaces required for each mobile home shall be located on or adjacent to each mobile home pad;
(6) Internal roads and sidewalks shall provide access to each mobile home space and shall be constructed in accordance with the adopted City of Woodinville street standards for residential minor access streets;
(7) There shall be a minimum of 10 feet of separation maintained between all mobile homes on the site, unless the flexible setback option set forth in WMC 21.42.140 is used. Accessory structures shall be located no closer than:
    (a) Ten feet to mobile homes on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum setback shall be five feet;
    (b) Five feet to accessory structures of mobile homes on adjacent spaces; and
    (c) Five feet to the mobile home or other accessory structures on the same space, except a carport or garage may be attached to the mobile home, and the separation may be waived when such structures are constructed of noncombustible materials;
(8) All mobile homes and RVs supported by piers shall be fully skirted; and
(9) A mobile home park may include a storage area for RVs owned by residents of the park; provided the storage area contains no utility hook-ups and no RV within the storage area shall be used as living quarters.

21.42.140 Mobile home parks – Alternative design standards.

As an alternative to the building separation and internal street standards of WMC 21.42.130:

(1) Building separation requirements or setbacks between mobile homes and accessory structures on adjacent spaces may be modified, provided:
   (a) The common walls meet the fire protection standards set forth in Chapter 15.09 WMC, International Codes, and the standards set forth in Chapter 15.15 WMC, Fire Code, for duplexes, multifamily and condominium developments, as applicable; and
   (b) Rental agreement clauses, bylaws or other legal mechanisms stipulate maintenance responsibilities for structures, fences and yards;
(2) Private streets may be used with a minimum driving surface of 22 feet in width, provided:
   (a) The streets comply in all other respects with the City of Woodinville adopted street standards;
   (b) All required parking is located off-street and as specified in WMC 21.14.160(5); and
   (c) Such streets shall not:
      (i) Directly connect two or more points of vehicular access to the park; or
      (ii) Serve over 100 dwelling units within the park.

Chapter 21.43
LANDSCAPING

Sections:

21.43.010 Purpose.
21.43.020 Application.
21.43.030 Land use grouping.
21.43.040 Landscaping – General requirements.
21.43.050 Landscaping – Street frontages and interior lot lines.
21.43.060 Landscaping – Types and description.
21.43.070 Landscaping – Surface parking areas.
21.43.080 Landscaping – Alternative options.
21.43.090 Landscaping – Adjacent to public trails, utilities and other publicly used lands.
21.43.100 Landscaping – Adjacent to freeway rights-of-way.
21.43.110 Landscaping – Irrigation.
21.43.120 Landscaping – Installation.
21.43.130 Maintenance.
21.43.140 Bonds – Security.
21.43.150 Penalties.

21.43.010 Purpose.

The purpose of this chapter is to preserve the aesthetic character of communities; to improve the aesthetic quality of the built environment; to promote retention and protection of existing vegetation; to reduce the impacts of development on drainage systems and natural habitats; and to increase privacy for Residential zones by:

(1) Providing visual relief from large expanses of parking areas and reduction of perceived building scale;
(2) Providing physical separation between residential and nonresidential areas;
(3) Providing visual screens and barriers as a transition between differing land uses;
(4) Retaining existing vegetation and significant trees by incorporating them into the site design when possible; and
(5) Providing increased areas of permeable surfaces to allow for:
  (a) Infiltration of surface water into ground water resources;
  (b) Reduction in the quantity of storm water discharge; and
  (c) Improvement in the quality of storm water discharge.

21.43.020 Application.

Except for communication facilities regulated pursuant to Chapter 21.37 WMC, all new development listed in WMC 21.43.030 shall be subject to the landscaping provisions of this chapter; provided, that specific landscaping provisions for uses established through a conditional use permit or a special use permit shall be determined during the applicable review process. For the purposes of this chapter, a new development involves a new occupancy or tenant improvement that exceeds 25 percent of the assessed value of the structure before the improvement or before any damage occurred, if the structure has been damaged and is being repaired.

21.43.030 Land use grouping.

In order to facilitate the application of this chapter, the land uses of Chapter 21.21 WMC have been grouped in the following manner:

(1) Residential development shall refer to those uses listed in WMC 21.21.030, except those uses listed under accessory uses, provided:
  (a) Attached/group residences shall refer to:
    (i) Townhomes;
    (ii) Apartments;
    (iii) Senior citizen assisted;
    (iv) Temporary lodging;
    (v) Group residences (community residential facilities); and
    (vi) Mobile home parks.
  (b) Single detached development shall refer to residential subdivisions.

(2) Commercial development shall refer to those uses in:
  (a) WMC 21.21.040, as park/recreation and amusement/entertainment uses;
  (b) WMC 21.21.050, except health and educational services;
  (c) WMC 21.21.070, as general business services, professional offices, and commercial accessory uses; and
  (d) WMC 21.21.080.
(3) Industrial development shall refer to those listed in:
  (a) WMC 21.21.050, except health and education services;
  (a) WMC 21.21.070, except general business services, professional offices, and commercial accessory uses;
  (b) WMC 21.21.090; and
  (c) WMC 21.21.100, as mineral extraction and processing.
(4) Institutional development shall refer to those uses listed in:
  (a) WMC 21.21.040, as cultural uses, except arboretums;
  (b) WMC 21.21.50, as health services, and education services except specialized instruction schools permitted as an accessory use;
  (c) WMC 21.21.060; and
  (d) WMC 21.21.110.
(5) Utility development shall refer to those listed in WMC 21.21.070 as sub-regional utilities.
(6) Uses contained in Chapter 21.21 WMC that are not listed in subsections (1) through (5) of this section shall not be subject to landscaping except as specified in any applicable review of a conditional use or special use permit.

21.43.040 Landscaping – General requirements.

Landscape designs shall conform to the following provisions:
(1) New landscaping materials shall include species native to the coastal region of the Pacific Northwest or non-invasive naturalized species that have adapted to the climatic conditions of the coastal region of the Pacific Northwest in the following amounts:
  (a) Seventy-five percent of groundcover and shrubs; and
  (b) Fifty percent of trees;
(2) At least 60 percent of new landscaping materials shall consist of drought-tolerant species, except where site conditions within the required landscape areas assure adequate moisture for growth;
(3) Existing vegetation may be used to augment new plantings to meet the standards of this chapter;
(4) Broadleaf trees shall have a caliper of at least 1.75 inches at the time of planting. The caliper may be averaged, but no individual tree shall have a caliper of less than 1.5 inches;
(5) Evergreen trees shall be at least six feet in height measured from treetop to the ground at the time of planting;
(6) When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows;
(7) Shrubs shall be:
  (a) Number two size, and minimum 18 inches in height, at time of planting in Type II, III and IV landscaping;
  (b) At least 24 inches in height at the time of planting for Type I landscaping; and
  (c) Maintained at a height not exceeding four feet when located in Type III or IV landscaping;
(8) Groundcovers shall be planted and spaced to result in total coverage of the required landscape area within three years as follows:
  (a) Four-inch pots at 18 inches on center; or
  (b) One gallon or greater sized containers at 24 inches on center;
(9) Turf may be used as groundcover in landscape areas; provided, that the turf area:
  (a) Constitutes no more than 30 percent of Type I and II landscape areas; and
  (b) Is at least five feet wide at the smallest dimension;
(10) Grass and groundcover areas shall contain at least two inches of composted organic material at finish grade;
(11) All fences shall be placed on the inward side of any required perimeter landscaping;
(12) Berms shall not exceed a slope of three horizontal feet to one vertical foot for lawns and shall not exceed a slope of two horizontal feet to one vertical foot for other plant materials;

(13) Existing soils shall be augmented with a two-inch layer of fully composted organic material rototilled a minimum of six inches deep;
(14) Landscape areas shall be covered with at least two inches of mulch to minimize evaporation. Mulch shall consist of materials such as yard waste, sawdust and/or manure that is fully composted;
(15) Drought-tolerant and nondrought-tolerant species shall be distributed and irrigated in a manner that uses water efficiently;
(16) Required street landscaping may be placed within City of Woodinville street rights-of-way subject to the City's street design standards with the permission of the Public Works Director, provided adequate space is maintained along the street line on-site to replace the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way;
(17) Species and plantings shall be consistent with the Tree Board approved required tree species list and required plant species list; and
(18) A qualified tree professional, as defined in WMC 21.11.190, shall be on-site during any site work affecting preserved trees.

21.43.050 Landscaping – Street frontages and interior lot lines.

(1) Perimeter landscaping along street frontages shall be provided as follows:
(a) A 10-foot width of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields.
(b) A 10-foot width of Type II landscaping shall be provided for an industrial development, except a 25-foot width of Type II landscaping shall be provided for development on I-zoned property abutting SR 202 or Woodinville-Snohomish Highway.
(c) A 10-foot width of Type II landscaping shall be provided for an above ground sub-regional utility development located outside a public right-of-way.
(d) A 10-foot width of Type III landscaping shall be provided for a commercial or attached/ group residence development, except the 10-foot width of Type III landscaping may not be required pursuant to the City of Woodinville Design Guidelines and Standards.
(e) For single detached subdivisions:
(i)Trees shall be planted at the rate of one tree for every:
(A) Fifty feet of frontage along a neighborhood collector street; and
(B) Forty feet of frontage along an arterial street.
(ii) The trees shall be:
(A) Located within the street right-of-way if permitted by the custodial State or local agency; (ii) No more than 20 feet from the street right-of-way line when located within a lot;
(B) Maintained by the adjacent land-owner unless part of a City maintenance program; and
(C) A species approved by the City Tree Official in accordance with the Tree Board approved required tree species list.
(D) The trees may be spaced at irregular intervals in order to accommodate sight distance requirements for driveways and intersections.
(f) For developments in the Tourist District Overlay, see WMC 21.26.010.
(g) Street trees shall be required in all development fronting a public street. Street tree species shall be approved by the City Tree Official in accordance with the Tree Board approved required tree species list or by the City's adopted street tree plan if applicable.
(2) Perimeter landscaping along interior lot lines shall be provided as follows:
(a) Type I landscaping shall be included in a commercial, office, or industrial development as follows:
(i) A 20-foot width abutting residentially developed property or undeveloped residentially zoned property;
(ii) A 10-foot width abutting property developed public recreational; or
(iii) A 10-foot width abutting property designated as permanent open space.
(b) A 20-foot width of Type II landscaping shall be included in an attached/group residence development along any portions of the development adjacent to a single-family detached residential development. Along portions of the development adjacent to another attached/group residence development or any nonresidential use the requirement shall be a 10-foot width of Type II landscaping.
(c) A 10-foot width of Type II landscaping shall be included in an industrial development along any portion adjacent to a commercial or institutional development.

(d) A 10-foot width of Type II landscaping shall be included in an institutional use, excluding playgrounds and playfields, or an above ground sub-regional utility development, excluding distribution or transmission corridors, when located outside a public right-of-way. If the institutional use abuts a residentially zoned or developed property, a 20-foot width of Type II landscaping is required along lines abutting the property. If the institutional use abuts an agriculturally zoned parcel, a 50-foot width of Type II landscaping is required along property lines abutting the parcel.
(e) For developments in the Tourist District Overlay, see WMC 21.26.010.
(f) For commercial and industrial developments, storm water retention facilities may be located in interior lot line landscaping areas; provided, that landscaping requirements are still met and the location is approved by the Development Services Director.

21.43.060 Landscaping – Types and description.

The four types of landscaping are described and applied as follows:
(1) Type I Landscaping.
(a) Type I landscaping is a "full screen" that functions as a visual barrier. This landscaping is typically found adjacent to freeways and between residential and nonresidential areas;
(b) Type I landscaping shall consist of:
(i) A mix of primarily evergreen trees and shrubs placed to form a continuous screen;
(ii) At least 70 percent evergreen trees;
(iii) Evergreen trees spaced no more than 15 feet on center;
(iv) Broadleaf trees spaced no more than 20 feet on center;
(v) Evergreen shrubs spaced no more than four feet apart; and
(vi) Groundcover pursuant to WMC 21.43.110;
(2) Type II Landscaping.
(a) Type II landscaping is a "filtered screen" that functions as a visual separator. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the street;
(b) Type II landscaping shall consist of:
(i) A mix of evergreen and broadleaf trees and shrubs spaced to create a filtered screen;
(ii) At least 50 percent broadleaf trees and at least 30 percent evergreen trees;
(iii) Evergreen trees spaced no more than 15 feet on center;
(iv) Broadleaf trees spaced no more than 20 feet on center;
(v) Shrubs spaced no more than five feet apart; and
(vi) Groundcover pursuant to WMC 21.43.110;
(3) Type III Landscaping.
(a) Type III landscaping is a "see-through buffer" that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontage or between apartment developments;
(b) Type III landscaping shall consist of:
(i) A mix of evergreen and/or broadleaf trees spaced to create a continuous canopy;
(ii) At least 70 percent broadleaf trees;
(iii) Trees spaced no more than 25 feet on center;
(iv) Shrubs, that do not exceed a height of four feet, spaced no more than four feet apart; and
(v) Groundcover pursuant to WMC 21.43.110;
(4) Type IV Landscaping.
(a) Type IV landscaping is "parking area landscaping" that provides shade and visual relief while maintaining clear sight lines within parking areas;
(b) Type IV landscaping shall consist of:
(i) Canopy-type broadleaf or evergreen trees, evergreen shrubs and groundcovers planted in islands or strips;
(ii) Shrubs that do not exceed a height of four feet;
(iii) Plantings contained in planting islands or strips having an area of at least 75 square feet and with a narrow dimension of no less than four feet;
(iv) Groundcover pursuant to WMC 21.43.110; and
(v) At least 90 percent of the trees shall be broadleaf.

21.43.070 Landscaping – Surface parking areas.

Type IV landscaping shall be provided within surface parking areas with 10 or more parking stalls as follows:

(1) Residential developments with common parking areas shall provide planting areas at the rate of 20 square feet per parking stall;
(2) Commercial, industrial, or institutional developments shall provide landscaping at a rate of:
  (a) Twenty square feet per parking stall when 10 to 30 parking stalls are provided; and
  (b) Twenty-five square feet per parking stall when 31 or more parking stalls are provided;
(3) Trees shall be provided and distributed throughout the parking area at a rate of:
  (a) One tree for every five parking stalls for a commercial or industrial development; and
  (b) One tree for every 10 parking stalls for residential or institutional development;
(4) The maximum distance between any parking stall and required parking area landscaping shall be no more than 65 feet; and
(5) Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang;
(6) For developments in the Tourist District Overlay, see WMC 21.26.010.

21.43.080 Landscaping – Alternative options.

The following alternative landscape options may be allowed only if they accomplish equal or better levels of screening and are subject to Development Services Director approval:

(1) When the total area for required landscaping and that within the dripline of retained trees exceeds 15 percent of the area of the site, the landscaping requirement may be reduced so that the total required landscape and tree retention area will not exceed the 15 percent of site area;
(2) The width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:
  (a) Berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; and
  (b) The landscape materials are incorporated elsewhere on-site;
(3) The width of the perimeter landscaping may be reduced up to 10 percent when a development retains an additional 10 percent of significant trees or 10 significant trees per acre on-site (above the requirements of WMC 21.50.070), whichever is greater;
(4) The landscaping requirement may be modified when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities would render application of this chapter ineffective or result in scenic view obstruction;
(5) Street perimeter landscaping may be waived provided a site plan is approved that provides a significant amount of street trees and other pedestrian-related amenities;
(6) When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site; and
(7) The width of the perimeter landscaping may be averaged, provided the minimum width is not less than five feet.

21.43.090 Landscaping adjacent to public trails, utilities, and other publicly used lands.

(1) All developments adjacent to publicly used trails and other public lands shall provide landscaping adjacent to and along the building facade that faces the trail or land at the rate of at least one tree per 50 feet of facade. Exceptions may be made for those developments meeting Section IV.F of the City's Design Guidelines and Standards.
(2) All development shall provide, at a minimum depending upon the intensity of use to be screened, Type III landscape screening from public areas, etc., to reduce off-site visual impacts. The applicant shall propose the type of landscaping to be provided for approval by the City Tree Official.
(3) Utility purveyors within the City of Woodinville are required to maintain and plant landscaping within their right-of-way as follows:
  (a) Limited disturbance of vegetation to that necessary for safety and maintenance of transmission lines;
  (b) Prune trees to direct growth away from utility lines using accepted pruning practices identified in the public tree care standards manual;
  (c) Phase replacement of vegetation located improperly in the right-of-way;
  (d) Prune trees in an aesthetic manner according to the professional arboricultural specifications and standards;

(e) Select tree species recommended by the City's Tree Board or as approved by the City Tree Official that are compatible with utility lines;
(f) Provide the City with a copy of the utility's policies and guidelines regarding tree pruning; and
(g) Present the City with a tree-pruning plan at least one week prior to tree-pruning activities.

21.43.100 Landscaping – Adjacent to freeway rights-of-way.

(1) All residential developments shall provide a minimum of 20 feet of Type I landscaping adjacent to freeway rights-of-way.
(2) All other developments shall provide a minimum of 25 feet of Type III landscaping adjacent to freeway rights-of-way.
(3) All developments adjacent to SR 522 may reduce the required buffer distance to a point that is within zero feet of the right-of-way in compliance with the terms of this subsection. In exchange for this flexibility, an agreement between the City and property owner is required in which the property owner agrees to construct and maintain at the property owner's expense a landscape buffer in the State of Washington Department of Transportation (DOT) right-of-way. The agreement shall be at the City's discretion and would include provisions allowing the City to conduct the landscape maintenance, in which case a fee for these maintenance services will be agreed upon between the property owner and the City prior to acceptance of the agreement by the City Council. The provisions of the agreement shall be designated as covenants running with the land of the property owner binding the successors and assigns of the property owner, including mortgagees and beneficiaries of a deed of trust.
(4) An agreement will be required by DOT to allow the installation and maintenance of the landscaping in the DOT right-of-way. Typically, this agreement would be between DOT and the City.

21.43.110 Landscaping – Irrigation.

(1) Except for areas of undisturbed existing vegetation or low areas with existing high soil moisture conditions, landscape areas shall have temporary irrigation systems. Such systems shall be removed after 24 months or two growing seasons, whichever occurs first; provided, that the plantings are established;
(2) Areas of undisturbed existing vegetation or areas where existing site conditions assure adequate soil moisture for growth within the required landscape area shall have temporary irrigation systems only as required to sustain new plantings and shall be determined on a case-by-case basis by the Development Services Director; and
(3) Areas of undisturbed existing vegetation, low areas with existing high soil moisture conditions, or landscape areas consisting of drought-tolerant vegetation shall not have permanent irrigation systems. Permanent irrigation systems may be permitted within all other required landscape areas; provided such systems shall be designed by a licensed landscape architect or certified irrigation designer and with:
    (a) Moisture or precipitation sensors;
    (b) Automatic timers set for operation during periods of minimum evaporation and that assure adequate moisture levels;
    (c) Head-to-head spacing, if sprinkler heads are proposed;
    (d) Pressure regulating devices;
    (e) Backflow prevention devices; and
    (f) Separate irrigation zones for:
        (i) Turf and planting beds; and
        (ii) Other non-drought-tolerant species.

21.43.120 Landscaping – Installation.

(1) Landscaping shall be installed prior to issuance of a certificate of occupancy for the project or project phase.
(2) The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season, subject to submittal of a performance bond or appropriate security as approved by the Development Services Director.

21.43.130 Maintenance.

(1) All landscaping and trees shall be maintained for the life of the project.

(2) All landscape materials and trees shall be pruned as necessary to maintain a healthy growing condition or to prevent primary limb failure.
(3) With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat, other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season.
(4) Landscape areas shall be kept free of trash.
(5) Proper tree and plant protection shall be considered as a part of the overall landscaping maintenance methods used.
(6) Maintenance of all landscaping installed as part of a development project within the right-of- way shall be the responsibility of the abutting property owner for the life of the project unless alternative conditions are approved by the City.

21.43.140 Bonds – Security.

Performance bonds or other appropriate security (including letters of credit and set-aside letters) shall be required for a period of three years after the planting or transplanting of vegetation to insure proper installation, establishment and maintenance.

21.43.150 Penalties.

In accordance with enforcement regulations of Chapter 1.06 WMC, any person violating these regulations shall be subject to civil penalty procedures and fines. Each tree removed or damaged shall be considered a separate violation.

Chapter 21.44
PARKING AND CIRCULATION

Sections:

21.44.010 Purpose.
21.44.020 Applicability.
21.44.030 Minimum off-street parking requirements by use.
21.44.040 Off-street parking plan design standards.
21.44.050 Reductions to parking requirements.
21.44.060 Bicycle parking requirements
21.44.070 Loading space requirements.
21.44.080 Stacking spaces for drive-through facilities.
21.44.090 Transit and carpool/vanpool provisions.
21.44.100 Pedestrian circulation and access.
21.44.110 Electric vehicle (EV) charging stations.
21.44.120 Off-street parking construction standards.

21.44.010 Purpose.

(1) The purpose of this chapter is to provide adequate off-street parking increase traffic safety, maintain smooth traffic flow, demand for parking by encouraging alternative means of transportation including public transit, /vanpool and bicycles, and increase pedestrian mobility in urban areas. These standards are also designed to achieve safe and efficient vehicular and non-motorized circulation and reduce visual impact of parking lots.

21.44.020 Applicability.

(1) General. All new construction, expansion of an existing use, or a change of use shall be subject to the provisions of this chapter.
   (a) An expansion to an existing use shall include adding or increasing the footprint (size) or internal floor area, floors and/or mezzanines to an existing building. In the case where an expansion is proposed, the provisions of this chapter only apply to the expansion area.
   (b) In a case where a change of use is proposed, the provisions of this chapter only apply if the proposed use has a higher parking requirement than the previous permitted use.
(2) Unspecified Parking Standards. If a parking requirement for a land use is not specified, the Development Services Director shall establish the minimum requirement based on a study of the nearest comparable parking demand. In the study, the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, unless an equally qualified individual is authorized by the Development Services Director.
(3) Shell Building Permits. When the City receives a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitation of the shell permit. In industrial developments, a minimum of 20 percent of gross floor area shall be assumed as office when calculating parking requirements. When the range of possible uses result in different parking requirements, the Development Services Director will establish the amount of parking based on a likely range of uses.

21.44.030 Minimum off-street parking requirements by use.

(1) Minimum Required. Off-street parking areas shall contain the minimum the number of parking stalls as stipulated in Table 21.44.030.
(2) Calculation. Off-street parking ratios shall be based on the usable or net square footage of floor area exclusive of non-occupiable areas. Non-occupiable areas include, but are not limited to, building maintenance areas, storage areas, closets, stairs, elevators, hallways, or restrooms. If the formula for determining the number of off-street parking stalls results in a fraction, the number of off-street parking stalls shall be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down.
(3) Maximum Distance. Where the off-street parking areas do not abut the buildings they serve, the maximum distance as measured from the nearest building entrance shall be as follows:

(a) For all commercial, industrial and public uses, at least a portion of parking areas shall be located within 500 feet.
(b) For all single detached dwellings, the parking stalls shall be located on the same lot they are required to serve.
(c) For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve.
(d) For all nonresidential uses permitted in residential zones, the parking stalls shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve.

Table 21.44.030 – Minimum Parking Requirements

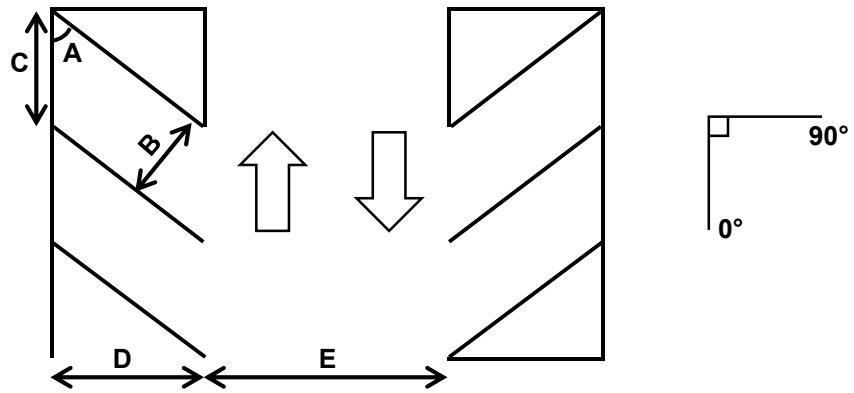
Land Use		Minimum Parking Stalls Required
21.21.030 Residential Uses		
Single-family detached		2 stalls per dwelling
Multi-family (apartment, townhouse)		1 stall per unit, plus 1 stall per 4 units for guest parking
Accessory dwelling unit		1 additional stall
21.21.040 Recreational / Cultural Land Uses		
Sports club		1 stall per 300 square feet
Places of Public Assembly (including, but not limited to churches, temples and synagogues)		1 stall per 5 fixed seats, or 1 stall per 50 square feet of gross floor area used for assembly without fixed seats
21.21.050 General Services Land Uses		
All general and personal service uses		1 stall per 300 square feet
Exceptions:	Funeral home/crematory	1 stall per 50 square feet of chapel area
	Daycare I	2 stalls per facility
	Daycare II	2 stalls per facility, plus 1 stall for each 20 children
	Hotel, motel, and bed and breakfast	1.1 stalls per room
	Automotive repair or service	1 stall per 500 square feet of indoor repair areas
	Medical / veterinary clinics	1 stall per 300 square feet of office, labs and examination rooms
	Nursing, personal care facility and community residential facility (CRF)	1 stall per 4 beds
	Hospital	1 stall per bed
	Elementary and middle/junior high schools	1 stall per classroom, plus 1 stall per 50 students
	High schools	Per parking study
	Vocational schools	1 stall per classroom, plus 1 stall per 5 students
	Specialized instruction schools	1 stall per classroom, plus 1 stall per 2 students
21.21.060 Institutional Land Uses		
All institutional uses:		1 stall per 300 square feet
Exceptions:	Public agency or utility yard	1 stall per 300 square feet of offices, plus 1 stall per 1,000 square feet of indoor storage or repair areas

	Public agency archives	1 stall per 1,000 square feet of storage area, plus 1 stall per 50 square feet of waiting/reviewing areas
	Courts	3 stalls per courtroom, plus 1 stall per 50 square feet of fixed seat or assembly areas
	Police facility	Per parking study
	Fire facility	Per parking study
21.08.070 Business Services Land Uses		
All business services uses:		1 stall per 300 square feet
Exceptions:	Construction and trade	1 stall per 300 feet of office, plus 1 stall per 3,000 square feet of storage area
	Warehousing and storage	1 stall per 1,000 square feet
	Self-service storage	1 per 3,500 square feet of storage area
	Heavy equipment repair	1 stall per 1,000 square feet of indoor repair areas
21.08.080 Retail / Wholesale Land Uses		
All retail trade uses or wholesale trade mixed retail:		1 stall per 300 square feet
All wholesale trade uses:		1 stall per 1,000 square feet
Exceptions:	Gasoline service stations without grocery	3 stalls per facility, plus 1 per service bay
	Gasoline service stations with grocery, no service bays	1 stall per facility, plus 1 stall per 300 square feet of store
	Bulk retail (including furniture and home furnishings)	1 stall per 500 square feet
	Restaurants	1 stall per 75 square feet in dining and lounge area
	Tasting rooms	1 stall per 75 square feet in tasting area*
21.08.090 Manufacturing Land Uses		
All manufacturing use		1 stall per 1,000 square feet
Exceptions:	Winery/brewery/distillery	1 stall per 1,000 square feet of manufacturing, plus 1 stall per 75 square feet of tasting area and retail*
21.08.100 Resource Land Uses		
Resource uses		Per parking study
21.08.110 Regional Land Uses		
Regional Uses		Per parking study

21.44.040 Off-street parking plan design standards.

(1) Parking Stall Dimensions. The minimum parking stall and aisle dimensions are identified below for surface parking lots and for structured parking lots. For parking angles other than those shown on the chart, the minimum parking stall and aisle dimensions shall be determined by the Development Services Director. Figure 21.44.040(1) identifies the different dimensions in the tables. No compact stalls are permitted.

Figure 21.44.040(1) Parking Stall and Aisle Dimensions



(a) Surface Parking Lots. When parking stalls are located in a surface parking lot, the following parking stall and aisle dimensions in Table 21.44.040(1)(a) shall apply.

Table 21.44.040(1)(a) Dimensional Requirements for Surface Parking Lots

A	B	C	D	E	
Parking Angle	Stall Width	Curb Length	Stall Depth	Aisle Width	
0°	9 feet	22.5 feet	22.5 feet	12 feet	20 feet
45°	9 feet	12.5 feet	19 feet	12 feet	20 feet
60°	9 feet	11 feet	20.5 feet	18 feet	20 feet
90°	9 feet	9 feet	18 feet	24 feet	24 feet

(b) Structured Parking. When parking stalls and aisles are located entirely within structured parking, the following parking stall and aisle dimensions in Table 21.44.040(1)(b) shall apply. Structural columns may encroach up to six inches in a parking stall, provided that placement does not interfere with door swing or maneuverability in and out of the stall.

Table 21.44.040 (1)(b) Dimensional Requirements for Structured Parking

A	B	C	D	E	
Parking Angle	Stall Width	Curb Length	Stall Depth	Aisle Width	
0°	8.5 feet	22.5 feet	22.5 feet	12 feet	20 feet
45°	8.5 feet	12 feet	19 feet	12 feet	20 feet
60°	8.5 feet	10 feet	20 feet	18 feet	20 feet
90°	8.5 feet	8.5 feet	18 feet	24 feet	24 feet

(2) Landscaping. Landscaping shall be provided for parking facilities pursuant to Chapter 21.43 WMC.
(3) Clearance Area. Any parking stalls abutting a landscaped area shall provide an additional 12 inches above the minimum stall width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking stall by a parking stall division stripe.
(4) Parking Lot Lighting. Adequate lighting shall be provided for safety of traffic and pedestrian circulation on the site, pursuant to WMC 21.42.190. Lighting shall be designed to minimize direct illumination of abutting

properties and adjacent streets. The Development Services Director shall have the authority to waive the requirement to provide lighting.

(5) Residential Parking. Tandem or end-to-end parking is allowed in residential developments. Driveways crossing required setback areas may be used for parking when serving single detached dwellings but shall not be considered for purposes of calculating required parking. Apartment/townhome developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

(6) No dead-end alley may provide access to more than eight required off-street parking stalls.

(7) Off-street parking and access shall be designed using standards set forth in Washington State regulations for barrier free facilities.

21.44.050 Reductions to parking requirements.

(1) Parking in Mixed-use and Multiple-tenant Projects. In commercial and/or industrial mixed-use and multiple-tenant projects which contain at least three land uses per Table 21.44.030 and contain a minimum of 30,000 square feet of gross floor area, the required minimum parking may be determined using the following formula:
   (a) Primary use, i.e., that with the largest proportion of total floor area within the development, at 100 percent of the minimum vehicle parking required for that use;
   (b) Secondary use, i.e., that with the second largest proportion of total floor area within the development, at 85 percent of the minimum vehicle parking required for that use;
   (c) Tertiary use, i.e., that with the third largest proportion of total floor areas within the development, at 75 percent of the minimum vehicle parking required for that use;
   (d) All other uses at 65 percent of the minimum vehicle parking required for that use.
   (e) The following uses in mixed-use or multi-tenant projects shall not qualify for a reduction and shall be calculated at 100 percent of the minimum vehicle parking required:
      (i) Restaurants;
      (ii) Tasting rooms; and
      (iii) Residential uses.

(2) Shared Parking Facilities. The amount of off-street parking may be reduced by an amount determined by the Development Services Director when shared parking facilities for two or more uses are proposed, provided:
   (a) The total parking area exceeds 5,000 square feet;
   (b) The parking areas are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use involved is more than 800 feet from the furthest shared facility;
   (c) The amount of the reduction shall not exceed 10 percent for each use, unless:
      (i) The normal hours of operation for each use are separated by at least one hour; or
      (ii) A parking demand study is prepared by a professional traffic engineer documenting that the hours of actual parking demand for the proposed uses will not conflict and that uses will be served by adequate parking if shared parking reductions are authorized;
      (iii) The Development Services Director will determine the amount of reduction provided that the total number of parking stalls in the common parking facility is not less than the minimum required stalls for any single use.
   (d) A covenant, written contract, or agreement for shared parking between the cooperating property owners is approved by the Development Services Director. The agreement shall include a site plan showing the stalls that are part of this agreement. This covenant or contract must be recorded with the County as a deed restriction on the title to all applicable properties and cannot be modified or revoked without the authorization of the Development Services Director; and
   (e) If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the Development Services Director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter.

(3) Parking Study. An applicant may request up to a 50 percent reduction of the minimum number of required parking stalls through a parking demand study. The study shall be prepared by a professional traffic engineer approved by the Development Services Director. At minimum, the study shall contain the following information:

(a) Parking utilization data collected from the site or similar sites that show the parking counts during peak days and times;
(b) Hours of operation and number of employees or customers;
(c) Parking generation rates as determined by the Institute of Traffic Engineers (ITE) or other professional parking manual;
(d) Details of any on-site parking management programs or transit incentives;
(e) (Access to transit, bike routes, or other methods of transportation and utilization rates of these alternatives; and
(f) A calculation of parking generation for all uses for average and peak hours based on data from subsections (a) through (e).

(4) Frequent Transit Service Parking Reduction. The Development Services Director may reduce the number of required off-street parking stalls when one or more scheduled transit routes provide service within 660 feet of the site. Developments using this parking reduction shall provide transit shelters if transit routes adjoin the site. The amount of reduction shall be based on the number of scheduled transit trips between 7:00 – 9:00 a.m. and 4:00 – 6:00 p.m. each business day up to a maximum reduction as follows:
(a) Four percent for each trip serving institutional, business services, and manufacturing land uses up to a maximum of 30 percent; and
(b) Two percent for each run serving recreational/cultural, general services and retail/wholesale land uses, up to a maximum of 20 percent.

21.44.060 Bicycle parking requirements.

(1) Minimum Stalls Required. In any development required to provide six or more vehicle parking stalls, bicycle parking shall be provided as follows:

Table 21.44.045(1) – Minimum Bicycle Parking and Storage Requirements

Use	Parking	Lockers/Enclosed Storage
21.08.030 Residential Uses		
Multi-family (apartment, townhouse)	1 stall per 20 units	1 stall per 2 units, unless garages are provided for each unit.
21.08.060. Business Service Land Uses		
All business service uses	1 per 5,000 square feet	1 per 10,000 square feet
21.08.070 Retail / Wholesale Land Uses		
All retail trade	1 stall per 2,000 square feet	1 stall per 4,000 square feet
Restaurants and tasting rooms	1 stall per 2,000 square feet	1 stall per 4,000 square feet
All other uses	1 stall per 20,000 square feet	1 stall per 40,000 square feet

(a) Design. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.
(b) Location. Bicycle parking facilities shall be located within 100 feet of the building entrance and located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.
(c) Bicycle Parking Reductions. The Development Services Director may reduce bike rack parking facilities when it is demonstrated that bicycle activity will not occur at that location. For multifamily developments, a reduction may be granted if shared indoor storage facilities are available to all residents.
(d) Additional Bicycle Parking Required. The Development Services Director may require additional stalls when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:
(i) Park/playfield;
(ii) Library/museum/arboretum;
(iii) Elementary/secondary school;
(iv) Sports clubs; or

(v) Retail business (especially when located along a developed or projected bicycle trail or designated bicycle route).

21.44.070 Loading space requirements.

(1) Every nonresidential building excluding self-service storage facilities, shall provide loading spaces in accordance with the table below:

Table 21.44.070(1) – Loading Space Requirements

Gross Floor Area	Required Number of Loading Spaces
10,000 – 40,000 square feet	1
40,001 – 70,000 square feet	2
70,001 – 100,000 square feet	3
100,001 – 140,000 square feet	4
140,001 – 200,000 square feet	5
200,001 – 260,000 square feet	6
For each additional 140,000 square feet	1 additional

(2) Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from required parking areas and shall be designated as truck loading spaces.

(3) Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.

(4) Multistory self-service storage facilities shall provide two loading spaces, and single story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this chapter.

21.44.080 Stacking spaces for drive-through facilities.

(1) Stacking Space. Stacking spaces with direct access to a service window shall be provided for drive-through facilities. A stacking space shall be a minimum of eight feet by 20 feet and located to prevent any vehicles from extending onto the right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.

(2) Minimum Required. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

(a) For each drive-up window of a bank/financial institution, business service, espresso stand, or other drive-through use not listed, a minimum of four stacking spaces shall be provided; and

(b) For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.

21.44.090 Transit and carpool/vanpool provisions.

(1) All institutional, business services, and manufacturing land uses shall be required to reserve one parking stall of every 20 required stalls for carpool/vanpool parking as follows:

(a) The parking stalls shall be located closer to the primary employee entrance than any other employee parking except handicapped;

(b) Reserved areas shall have markings and signs indicating that the stall is reserved; and

(c) Parking in reserved areas shall be limited to vanpools and carpools established through ride share programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer.

(2) Dimensional Standards. All stalls shall have a minimum vertical clearance of seven feet three inches to accommodate van vehicles if designated vanpool/carpool parking stall are located in a parking structure.

(3) All uses which are located on an existing transit route and are required under the computation for required off-street parking stalls in WMC 21.44.030 to provide more than 200 parking stalls may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval.

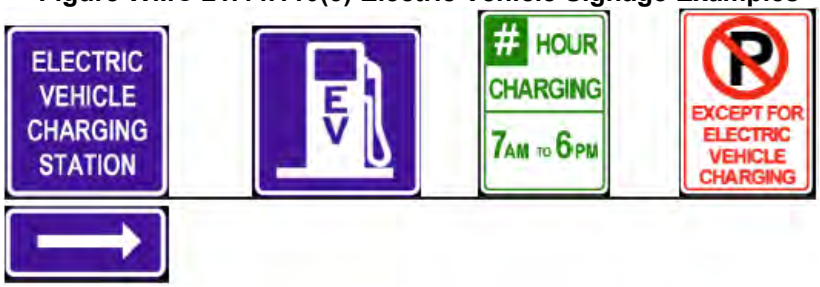
21.44.100 Pedestrian circulation and access.

(1) All uses, except single-family detached homes, shall provide pedestrian access onto the site. Pedestrian access points shall be provided at all pedestrian arrival points to the development including the property edges, adjacent lots, abutting street intersections, crosswalks, and at transit stops. Pedestrian access shall be located as follows:
   (a) Access points at property edges and to adjacent lots shall be coordinated with existing development to provide circulation patterns between developments; and
   (b) Residential developments shall provide links between cul-de-sacs or groups of buildings to allow pedestrian access from within the development and from adjacent developments to activity centers, parks, common tracts, open spaces, schools or other public facilities, transit stops and public streets;
(2) Pedestrian walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. Pedestrian walkways shall be provided when the pedestrian access point or any parking stall is more than 75 feet from the building entrance or principal on-site destination and as follows:
   (a) All developments which contain more than one building shall provide walkways between the principal entrances of the buildings;
   (b) All nonresidential buildings set back more than 100 feet from the public right-of-way shall provide for direct pedestrian access from the building to buildings on adjacent lots; and
   (c) Pedestrian walkways across parking areas shall be located as follows:
      (i) Walkways running parallel to the parking rows shall be provided for every four rows. Rows without walkways shall be landscaped or contain barriers or other means to encourage pedestrians to use the walkways; and
      (ii) Walkways running perpendicular to the parking rows shall be no further than 20 parking stalls. Landscaping, barriers or other means shall be provided between the parking rows to encourage pedestrians to use the walkways;
(3) Pedestrian access and walkways shall meet the following minimum design standards:
   (a) Access and walkways shall be well lit and physically separated from driveways and parking stalls by landscaping, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic;
   (b) Access and walkways shall be a minimum of 60 inches of unobstructed width and meet the surfacing standards in the most current Transportation Infrastructure Standards and Specifications (TISS);
   (c) Access shall be usable by mobility impaired persons and shall be designed and constructed to be easily located by the sight impaired pedestrian by either grade change, texture or other equivalent means;
   (d) A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles;
   (e) Wherever walkways are provided, raised crosswalks or speed bumps shall be located at all points where a walkway crosses the lane of vehicle travel; and
(4) Blocks in excess of 900 feet shall be provided with a crosswalk at the approximate mid-point of the block.

21.44.110 Electric vehicle (EV) charging stations.

(1) Electric Vehicle Charging Station Stalls. Where provided, electric vehicle charging stations shall be subject to the following provisions.
(2) Minimum Parking Requirements. An electric vehicle charging station stall may be included in the calculation for minimum required parking stalls that are required pursuant to other provisions of code.
(3) Location and Design Criteria. The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. Where provided, parking for electric vehicle charging purposes is required to include the following:
   (a) Signage. Each charging station stall shall be posted with signage indicating the stall is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced. Examples of signage include:

Figure WMC 21.44.110(3) Electric Vehicle Signage Examples



(b) Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

(c) Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.

(d) Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime use only.

(e) Notification. Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.

(f) Accessible Electric Vehicle Charging Stations. Where electric vehicle charging stations are provided in parking lots or parking garages, accessible electric vehicle charging stations shall be provided at same rate required by Washington State regulations for barrier free facilities.

(g) Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations:

Figure 21.44.110(4) 1 – Off-Street Accessible Electric Vehicle Charging Station – Option 1.

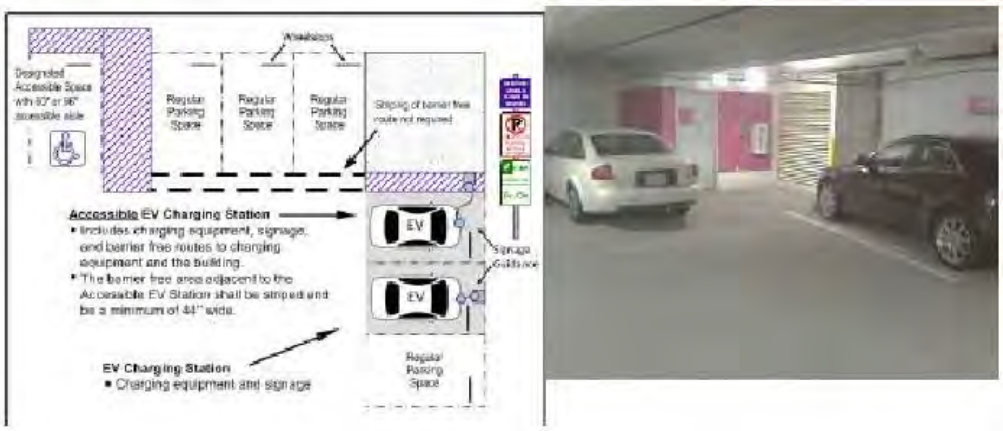


Figure 21.44.110 (4) 2 – Off-Street Accessible Electric Vehicle Charging Station – Option 2.

(4) On-Street Electric Vehicle Charging Stations. On-street electric vehicle charging stations may be allowed as part of a development, subject to the City's Infrastructure Standards as adopted in WMC 12.09.010, and as approved by the Public Works Director.

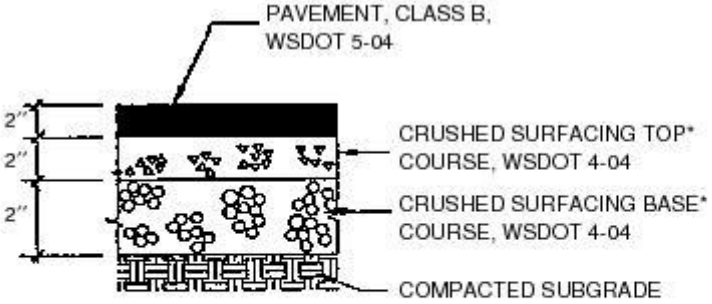
21.44.120 Off-street parking construction standards.

(1) Internal access roads to off-street parking areas shall conform to the surfacing and design requirements for private commercial roads set forth in the City of Woodinville street standards.

(2) Off-street parking areas shall have dust-free, all-weather surfacing. Typical approved sections are illustrated below.

(a) Frequently used (at least five days a week) off-street parking areas shall conform to the standards shown in Figure 21.44.120(2)(a) below or an approved equivalent.

21.44.120(2)(a) – Frequently Used (Light Asphalt Section)

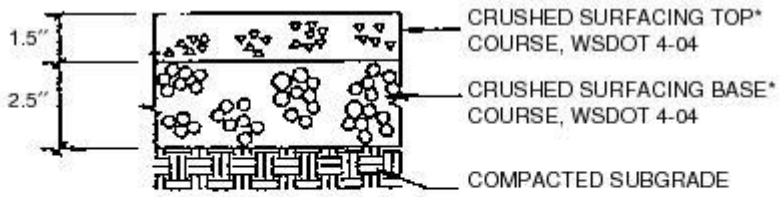


NOTE: DEPTHS ARE COMPACTED THICKNESS

*ATB MAY BE USED IN LIEU OF CRUSHED SURFACING WITH PRIOR ENGINEER APPROVAL. CRUSHED REPLACEMENT DEPTH WITH ATB SHALL BE 1:1. ATB SHALL BE PER WSDOT 4-06.

(b) Infrequently used (less than 6 months a year) off-street parking areas shall conform to the standards shown in Figure 21.44.120(2)(b) below or an approved equivalent.

21.44.120(2)(b) – Infrequently Used



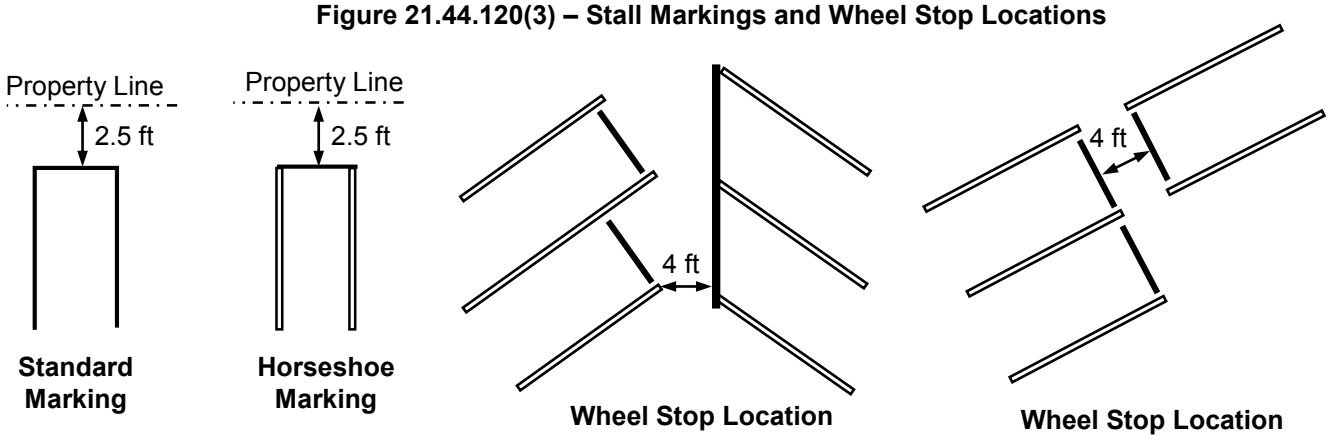
NOTE: DEPTHS ARE COMPACTED THICKNESS

*ATB MAY BE USED IN LIEU OF CRUSHED SURFACING WITH PRIOR ENGINEER APPROVAL. CRUSHED REPLACEMENT DEPTH WITH ATB SHALL BE 1:1. ATB SHALL BE PER WSDOT 4-06.

(c) An exception to these surfacing requirements may be made for certain uses that require intermittent use of their parking facilities less than 30 days per year. Pervious surfacing material shall be considered an all-weather surface when approved by the Public Works Director. Any surface treatment other than those illustrated below must be approved by the Development Services Director.

(3) Asphalt or concrete surfaced parking areas shall have permanent markings by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typically approved markings and wheel stop locations are illustrated below.

Figure 21.44.120(3) – Stall Markings and Wheel Stop Locations



Chapter 21.45
RECREATION AND TRAIL CORRIDORS

Sections:

21.45.010 On-site recreation – Maintenance of recreation space or dedication.
21.45.020 On-site recreation – Fee in lieu of recreation space.
21.45.030 On-site recreation – On-site recreation – Acceptance criteria for fee in lieu of recreation space.
21.45.040 On-site recreation – Determination of fee in lieu of space
21.45.050 On-site recreation – Collection and expenditure of fee in lieu of space.
21.45.060 Trail corridors – Applicability.
21.45.070 Trail corridors – Design standards.
21.45.080 Trail corridors – Maintenance of trail corridors/improvements.

21.45.010 On-site recreation – Maintenance of recreation space or dedication.

(1) Unless the recreation space is dedicated to City of Woodinville pursuant to subsection (2) of this section, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner(s) or other separate entity (homeowner's association) capable of long-term maintenance and operation in a manner acceptable to the Parks and Recreation Director, provided:

(e) A provision for the maintenance of the recreation space must be provided in the covenants of the development, or in some other binding document; and

(f) Any recreation space not maintained to the City's standards shall be maintained by the City at the homeowners' expense.

(2) Recreation space may be dedicated as a public park when the following criteria are met:

(a) The dedicated land provides one or more of the following:

(i) Shoreline access,

(ii) Regional trail linkages,

(iii) Habitat linkages,

(iv) Recreation facilities, or

(v) Heritage sites.

(b) The entire dedicated area is located less than one mile from the project site.

21.45.020 On-site recreation – Fee in lieu of recreation space.

If on-site recreation space is not provided, the applicant shall pay a fee in lieu of actual recreation space.

21.45.030 On-site recreation – On-site recreation – Acceptance criteria for fee in lieu of recreation space.

City of Woodinville acceptance of this payment is discretionary, and may be permitted if:

(1) The proposed on-site recreation space does not meet the criteria of WMC 21.14.180(2); or

(2) The recreation space provided within a public park in the vicinity will be of greater benefit to the prospective residents of the development.

In the case of either subsection (1) or (2) of this section, the fee must approved by the Development Services Director.

21.45.040 On-site recreation – Determination of fee in lieu of space.

(1) Fees provided in lieu of on-site recreation space shall be determined annually by the Parks and Recreation Director on the basis of the typical market value of the recreation space prior to development.

(2) Any recreational space provided by the applicant shall be credited towards the required fees.

21.45.050 On-site recreation – Collection and expenditure of fee in lieu of space.

The fee in lieu of recreation space shall be:

(1) Paid to the City of Woodinville prior to issuance of building permits for all residential or mixed use development;

(2) Used by the City for the acquisition and improvement of City parks or public recreational facilities to serve the development; and

(3) Expended through the City Council's capital budget and program appropriations.

21.45.060 Trail corridors – Applicability.

Trail easements shall be provided by any development, except for single detached residential permits, when such developments are located within any community or regional trail corridor identified by the Comprehensive Plan as a part of a local and/ or regional trail systems. The residents or tenants of the development shall be provided access to the trail easement. The area of the trail easement is included in density and floor area calculations.

21.45.070 Trail corridors – Design standards.

Trail design shall be reviewed by the Development Services Director for consistency with adopted standards for:

(1) Width of the trail corridor;
(2) Location of the trail corridor on the site;
(3) Surfacing improvements; and
(4) Use(s) permitted within the corridor.

21.45.080 Trail corridors – Maintenance of trail corridors/improvements.

Maintenance of any trail corridor or improvements, retained in private ownership, shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the Parks and Recreation Director, provided:

(1) A provision for the maintenance of the recreation space must be provided in the covenants of the development, or in some other binding document; and
(2) Any recreation space not maintained to the City's standards shall be maintained by the City at the homeowners' expense.

Article 5 – Environment
Chapter 21.50
TREE PROTECTION

Sections:

21.50.010 Purpose and intent.
21.50.020 Applicability.
21.50.030 Exemptions.
21.50.040 Alternative compliance.
21.50.050 City tree fund.
21.50.060 Tree plans, review procedures, and tree typing.
21.50.070 Tree density.
21.50.080 Tree protection during construction.
21.50.090 Installation standards for required tree plantings.
21.50.100 Tree maintenance requirements.
21.50.110 Prohibited vegetation.
21.50.120 Enforcement and penalties.

21.50.010 Purpose and intent.

(1) Trees are important elements of the physical environment. They are integral to Woodinville's community character and protect public health, safety, and general welfare. Protecting, enhancing, and maintaining healthy trees, groves of trees and vegetation are key community values. The City's goal is to achieve an overall tree canopy coverage of 40 percent for the community. The many benefits of healthy trees and vegetation contribute to Woodinville's quality of life by:
   (a) Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for storm water control/treatment and utility maintenance;
   (b) Improving the air quality by absorbing air pollutants, assimilating carbon dioxide and generating oxygen;
   (c) Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
   (d) Providing visual relief and screening buffers;
   (e) Providing recreational benefits;
   (f) Providing habitat, cover, food supply, and corridors for a diversity of fish and wildlife; and
   (g) Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.

(2) Tree removal in urban areas has resulted in the loss to the public of these benefits. The purpose of this chapter is to establish processes and standards to provide for the retention, protection, preservation, replacement, proper maintenance, and use of significant trees and woodlands located in the City of Woodinville. The intent of this chapter is to:
   (a) Maintain and enhance canopy coverage provided by native trees for their benefits;
   (b) Preserve and enhance the City of Woodinville's environmental, economic, and community character with mature landscapes;
   (c) Promote site planning, building, and development practices that work to avoid removal or destruction of native trees, groves of trees, and the understory of trees and that avoid unnecessary disturbance to the City's natural vegetation;
   (d) Mitigate the consequences of required tree removal in land development through on-and off-site native tree replacement with the goals of halting loss and enhancing Woodinville's tree canopy to achieve an overall healthy tree canopy cover of 40 percent Citywide over time;
   (e) Encourage tree retention efforts by allowing flexibility with respect to certain other development requirements;
   (f) Implement the goals and objectives of the City's Comprehensive Plan;
   (g) Implement the goals and objectives of the State Environmental Policy Act (SEPA).

21.50.020 Applicability.

(1) Permit Required. No person shall directly or indirectly conduct any of the activities listed below before first obtaining a tree removal permit as provided in this chapter unless the activity is exempted in WMC 21.50.030. Permits shall be processed as described in WMC 21.50.060(5).
   (a) Removal of any significant tree as defined in Chapter 21.11 WMC on any property.
   (b) (b) Removal of non-significant trees, between two inches and six inches that have a combined diameter-at-breast-height of 40 inches or the equivalent of 10 tree credits, within a 12-month period.
(2) Tree Density Compliance. Any new development or redevelopment that results in an addition, alteration or repair that adds square footage equal to or greater than 25 percent of the existing square footage, or has construction costs of an amount equal to or greater than 25 percent of the assessed value, of the structures on-site, shall fully comply with the tree density requirements in WMC 21.50.070. For tree removals requiring Tree Plan IV and Tree Plan I-Minor, the applicant/property owner shall be required to provide 50 percent greater tree credits than currently exist, or the minimum tree density requirement, whichever is less, as described in WMC 21.50.060(3)(a)(iii).

21.50.030 Exemptions.

The following activities are exempt from the provisions of this chapter:

(1) Emergency Tree Removal. Any tree on private, developed property that poses an imminent threat to life or property, due to a storm event such as a wind storm or ice storm, may be removed without first obtaining a permit. The party removing the tree will contact the City within seven days of removal to provide documentation of threat for approval of exemption. If the City Tree Official determines that the emergency tree removal was not warranted, he or she may require that the party obtain a permit and/or require that replacement trees and vegetation be replanted as mitigation, in accordance with WMC 21.50.120(8)(b).
(2) Utility Management. Trees may be removed by the City or utility provider in situations involving immediate danger to life or property, or interruption of services provided by a utility.
(3) Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.
(4) Removal of non-significant trees with a diameter-at-breast-height of less than two inches.
(5) Trees within the public right-of-way, and trees removed as part of a City construction project, shall be subject to the requirements of Chapter 2.24 WMC.

21.50.040 Alternative compliance.

All activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be superior to the provisions of this chapter in accomplishing the purpose and intent of this chapter as described in WMC 21.50.010. Requests to use alternative measures and procedures shall be reviewed by the City Tree Official, who may approve, approve with conditions, or deny the request. Examples include but are not limited to: (1) retention of specimen or heritage trees and groves of trees, (2) use of low impact development techniques, and/or (3) Green Building Design or Leadership in Energy and Environmental Design. The City Tree Official is authorized to establish administrative criteria for alternative compliance. Alternative compliance is intended mainly for those development applications requiring a Tree Plan II, pursuant to WMC 21.50.060(3).

21.50.050 City tree fund.

(1) (1) Funding Sources. All civil penalties received under this chapter and all money received pursuant to WMC 21.50.070 and 21.50.120 shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:
   (a) (a) Agreed upon restoration payments imposed under WMC 21.50.120 or settlements in lieu of penalties;
   (b) Sale of trees or wood from City property where the proceeds from such sale have not been dedicated to another purpose;
   (c) Donations and grants for tree purposes; (d) Sale of seedlings by the City; and
   (d) Other monies allocated by the City Council.
(2) Funding Purposes. The City shall use money received pursuant to this section for the following purposes. The Tree Board shall recommend with each budget to the City Council for approval how the fund will be allocated. Prioritization shall be based on the Urban Forestry Plan.

(a) Acquiring, maintaining, and preserving wooded areas within the City;
(b) Planting and maintaining trees within the City;
(c) Identification and maintenance of heritage trees;
(d) Establishment of a holding public tree nursery;
(e) Urban forestry education; or
(f) Other purposes relating to trees as determined by the City Council.

21.50.060 Tree plans, review procedures, and tree typing.

(1) Introduction. The City requires a tree permit in conjunction with all development permits resulting in site disturbance and with any proposed tree removal on developed sites not exempted by WMC 21.50.030.

In order to make better decisions about tree retention, particularly during all stages of development, tree removal permits will require specific information about the existing trees before removal is allowed. Different levels of detail correspond to the scale of the project or activity. Specific tree plan review standards are provided in this section with the intent of facilitating the preservation of healthy, significant trees.

The City's objective is to retain as many viable trees, groves of trees and the understory as possible on a developing site while still allowing the development proposal to move forward in a timely manner. This objective is intended to retain existing groves of trees in order to meet the City-wide goal of 40 percent tree canopy coverage.

(2) Tree Plan Required.

(a) Requirement Established. An applicant for a tree removal permit must submit a tree plan that complies with this section. A qualified tree professional may be required, as determined by the type of tree plan described in subsection (3) of this section, to prepare certain components of a tree plan at the applicant's expense. If proposed development activities call for more than one tree plan level, the tree plan level with the more stringent requirements shall apply; provided, that the City Tree Official may require a combination of tree plan components based on the nature of the proposed development activities. If proposed activity is not clearly identified in this chapter, the City Tree Official shall determine the appropriate tree plan.

(b) (b) Previously Approved Development. Any subdivision or short subdivision that is subject to an approved tree plan that had approval prior to the effective date of the ordinance codified in this chapter shall not be subject to the tree retention and plan requirements in this section, except that any requested changes to the previously approved tree plan that results in removal of additional existing trees shall trigger the requirements under this chapter. The unchanged tree plan approval shall apply to any building or site development permits that are applied for in conformance with the approval of that subdivision or short subdivision.

(3) Tree Plan and Retention Requirements. The following table sets forth the different tree plans required for development activities or removal requests requiring a tree removal permit. Applicants for development subject to Tree Plan II or III are required to attend a Technical Review Committee meeting prior to submittal, and are strongly encouraged to do so prior to any site design work, so that the applicable tree retention and replacement concepts can be incorporated into the design of the subject property. Each tree plan sets forth the required components and retention standards. The City Tree Official may waive a component for a tree plan if he or she determines that the information is not necessary due to conditions of the property. For a Tree Plan IV, where a fee is required, the fee shall be paid at permit issuance.

(a) Table 21.50.060-1 – Tree Plan Requirements. (i) Type of Plan Required.

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
Type of project	Required for any permits* for one or two dwelling units on individual lot. For individual lots of a subdivision or short subdivision with an approved Tree Plan III, the Tree Plan III requirements shall be applied to the individual lots and no new Tree Plan I will be required.	Required for any permits* for three or more detached dwelling units; or any use other than residential. For permits* to existing buildings where the cost of construction exceeds the applicability requirements of WMC 21.50.020(2), the requirements of Tree Plan I – Minor shall apply.	Required for new residential subdivisions or short subdivisions and related site development permit applications.	Required for tree removal on a property on which no development activity is proposed or in progress. Activity requiring a Tree Plan IV includes but is not limited to: requests to remove healthy tree; requests to remove hazard or nuisance tree removal not exempt under WMC 21.50.030; and tree removal in areas dedicated to ensure protection of vegetation, critical areas and their buffers, including NGPEs. The plan can be developed by the applicant but may require assistance of a qualified tree professional.
Major and minor	Tree Plan I – Major shall be required for new development, redevelopment, or development in which the total square footage of the proposed improvements is more than 25 percent of the total square footage or assessed value of the existing improvements on the subject property. Tree Plan I – Minor shall be required for all proposed development activities and site disturbance for which Tree Plan I – Major does not apply.	N/A	N/A	N/A

(ii) Plan Requirements.

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
(1) Tree Location		(Must be surveyed)	(Must be surveyed)	(If more than two trees cut)
(2) Tree Inventory	• Size in DBH • Species • General health			• Size in DBH • Species
(3) Site Plan				(If more than two trees cut)
(4) Planting Plan				
(5) Tree Protection Measures				
(6) Tree Density Calculations				
(7) Preservation and Maintenance Agreement				
(8) Other Requirements	(1) For Tree Plan I – Major, assessment by a qualified tree professional shall be required if any significant trees are in required yards, within 10 feet of any side property line on the subject property, or within 10 feet of the building footprint. (2) For Tree Plan I – Minor, the above tree information shall be required only for trees potentially impacted by proposed development activity, and surveyed tree locations shall not be required. (3) For lots from a sub-division or short subdivision, with an approved Tree Plan III, the tree information shall be transferred over and the applicant must comply with the applicable Tree Plan III requirements.			(1) A property owner may remove up to two healthy significant trees from their property within a 12-month period under a Tree Plan IV. Sites with existing development larger than two acres may remove up to two healthy trees per acre within a 12-month period. There is no limit on the number of hazard trees that may be removed; however, additional nonhazard trees may not be cut within the 12-month period if two or more hazard trees are removed. (2) An arborist report will be required, explaining how the tree(s) fit the criteria in this section, if removal is based on nuisance or hazard and the nuisance or hazard condition is not obvious. A qualified tree professional that provides the arborist report for hazard or nuisance trees shall be certified in tree risk assessment. (3) For nuisance or hazard trees in critical areas or their buffers, the

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
				planting plan must propose action to mitigate the hazard or nuisance in accordance to standards set forth in this section.
				(4) Tree removal on undeveloped property shall be approved only for hazard or nuisance trees pursuant to the criteria in this section. The tree removal exemptions in WMC 21.50.030 are not applicable to undeveloped property. (5) If the removal request will result in a tree density below the required tree density in this section, tree replacement is required as set forth in this section. (6) For removal of hazard or nuisance trees, the tree inventory information required to be submitted shall be completed within two weeks of permit issuance. Any required replanting shall occur within 12 months of permit issuance.

(iii) Tree Density Requirements.

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV

Tree Density Requirements	The minimum tree density shall apply to the site to Tree Plan I – Major. Tree Plan I – Minor shall provide either the lesser of the minimum tree density, or 50 percent greater tree credit than currently exists if the site is nonconforming. If the site currently has zero credits, a total of 10 credits or 10 credits per acre will be required.*	The minimum tree density shall apply to all Tree Plan II. Tree Plan II for tenant improvements to existing buildings where the applicability requirements of WMC 21.50.020(2) are exceeded shall provide either the lesser of the minimum tree density or 50 percent greater tree credit than currently exists if the site is nonconforming. If the size currently has zero credits, a total of 10 credits or 10 credits per acre will be required.*	The minimum tree density shall apply to all Tree Plan III.	Tree Plan IV shall provide either the lesser of the minimum tree density or 50 percent greater tree credit than currently exists if the site is nonconforming. If the site currently has zero credits, a total of 10 credits or 10 credits per acre will be required.*

(4) Qualified Tree Professional Reports. Reports prepared by a qualified tree professional shall contain the following information, unless waived by the City Tree Official. In cases where the City Tree Official does not agree with the qualified tree professional's determination, the City Tree Official may seek a third party review, to be reimbursed by the applicant according to the City's current fee schedule. For all permits and approvals requiring a report prepared by a qualified tree professional, the costs of the services of the professional shall be paid by the applicant.

(a) A complete description of each tree's health and viability. If a tree is not viable for retention, the reason(s) must be soundly based on health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or suitability of species and for which no reasonable alternative action is possible (pruning, cabling, etc.). The impact of necessary tree removal to remaining trees, including those in a grove or on adjacent properties, must also be discussed.

(b) The location of limits of disturbance around all trees potentially impacted by site disturbances and any special instructions for work within that protection area (hand-digging, tunneling, root pruning, maximum grade change, etc.).

(c) For development applications, a discussion of timing and installation of tree protection measures that must include fencing and be in accordance with the tree protection standards as outlined in this section.

(d) The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications pursuant to WMC 21.50.090 and 21.50.100.

(5) Tree Plan Review Procedure and Appeals.

(a) When an applicant proposes a development activity or project that requires a Level I, II or III Tree Plan, the tree plan shall be reviewed as part of the applicable permit application or process.

(b) Applicants for a Level IV Tree Plan must submit a completed permit application on a form provided by the City. Within 21 calendar days, the City Tree Official shall review the application and either approve, approve with conditions or modifications, deny the application, or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process. For Level IV Tree Plans for removal of hazard or nuisance trees, the City Tree Official shall review the application and either approve, approve with conditions or modifications, deny the application, or request additional information, within five days of submittal. Any additional information needed for tree inventory information not available at permit submittal or for replanting requirements, the City Tree Official may add these items as conditions of approval; the additional information, inventory and a replanting

plan shall be submitted within two weeks of permit issuance, with all replanting occurring within 12 months of permit issuance.

(c) With respect to Level IV Tree Plans, an applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the Development Services Department within 14 calendar days following the postmark date of distribution of a City Tree Official's decision. The City shall give notice of the hearing pursuant to Chapter 21.84 WMC. The applicant shall have the burden of proving that the City Tree Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse or modify the decision being appealed. The decision of the Hearing Examiner may be reviewed in County Superior Court using the standards set forth in RCW 36.70C.130. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the Hearing Examiner.

(6) Tree Plan Review Standards.

(a) Site Design for Development. Tree retention shall be pursuant to this chapter; provided, that such tree retention may use the priority trees listed below and may apply for alternative compliance under WMC 21.50.040. Tree plans shall comply with all other tree retention requirements in the Woodinville Municipal Code, including but not limited to those in Chapter 21.51 WMC, Development Standards – Critical Areas.

(i) Tree Retention Standards.

A. Based on the tree plan information submitted by the applicant, the applicant's qualified tree professional, and the City Tree Official's evaluation of the trees and proposed development on subject property, the City Tree Official will designate each tree as a Type 1, 2 or 3 tree according to the criteria below. The priority shall be that Type 1 trees are preserved as far as is practicable.

B. (B) Table 21.50.060-2 – Tree Types.

Type 1 Tree	Type 2 Tree	Type 3 Tree
A viable tree that is determined to be healthy and windfirm by a qualified tree professional, and provided the trees can be safely retained when pursuing alternatives to development standards, and meets at least one of these criteria: (a) Heritage trees; (b) Specimen trees; (c) Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to WMC 21.50.100; (d) Wildlife habitat regulated under WMC 21.51.410 through 21.51.440; (e) Trees in geologically hazardous areas as regulated under WMC 21.51.250 through 21.51.290; (f) Trees that are more than 75 years old or have a diameter-at-breast-height of at least 20 inches; or (g) Trees that are a part of a grove that extends into abutting property, such as in a public park, open space, sensitive area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize the remaining trees.	A viable tree that is to be retained if feasible.	A tree that is either (a) not viable, or (b) is in an area where removal is unavoidable due to the anticipated development activity.

C. At the discretion of the City Tree Official, damaged or diseased or standing dead trees may be preserved and credited toward the tree preservation requirement if demonstrated that such trees will provide important wildlife habitat and are not classified as a hazard or nuisance tree. Hazard or nuisance trees may be felled to prevent hazardous conditions.

(ii) Incentives and Variations to Development Standards. In order to retain trees, the applicant should pursue provisions in Woodinville's codes that allow development standards to be modified. The City

Tree Official, Public Works Director, Parks and Recreation Director and Fire Marshal may review and recommend to the City Council what development standards may be modified to retain existing trees.

(iii) Additional Variations. In addition to the variations described above, the City Tree Official is authorized to require site plan alterations to retain Type 1 trees. Such alterations include minor adjustments to the location of building footprints, parking, driveways and access ways, and/or walk- ways, easements or utilities.

(b) Nuisance Tree Criteria. A qualified tree professional with tree risk assessment certification shall provide documentation that a nuisance tree meets the following criteria. The City Tree Official may waive the requirement for such documentation when he/she determines that the criteria have clearly been met.

(i) Tree is causing obvious, physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation or roof;

(ii) Tree has been damaged by past maintenance practices that cannot be corrected with proper arboricultural practices;

(iii) Tree is predisposed to fungus diseases, or chronic diseased tree, that would require annual spraying;

(iv) There is overcrowding or overplanting; or

(v) The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice, including but not limited to the following:

(A) Pruning of the crown or roots of the tree.

(B) Small modifications to the site including but not limited to moving a driveway, parking lot, patio or sidewalk to alleviate the problem.

(C) Pruning, bracing, or cabling to reconstruct a healthy crown.

(c) Hazard Tree Criteria. A qualified tree professional with tree risk assessment certification shall provide documentation that a hazard tree meets the following criteria. The City Tree Official may waive the requirement for such documentation when he/she determines that the criteria have clearly been met.

(i) The tree must have a combination of structural defects and/or disease which makes it subject to a high probability of failure and is in proximity to moderate-high frequency of persons or property; and

(ii) The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the persons or property be removed.

(d) Trees in Critical Areas or Critical Area Buffers. The intent of preserving vegetation in and near streams and wetlands and in geologically hazardous areas is to support the functions of healthy critical areas and their buffers and/or avoid disturbance of geologically hazardous areas (see Chapter 21.51 WMC). The property owner must submit a Level IV Tree Plan to City Development Services Department to trim or fell any tree from a critical area or critical area buffer. If a tree is considered a nuisance or hazard in a critical area or its buffer, the priority action is to create a “snag” or wildlife tree with the subject tree. If creation of a snag is not feasible, then the felled tree shall be left in place unless the City Tree Official permits its removal in writing. The felling of any tree will require the replanting of an equivalent amount of tree credits in conformance with the tree planting requirements of WMC 21.50.070(2), which may be modified by the City Tree Official based on the recommendation of a qualified tree professional, if: (i) the lesser number of tree credits will provide equal or better functionality in the critical area; (ii) there is a minimum replanting of 50 percent of the required tree credits; (iii) a coverage analysis is submitted stating that the replanted trees will have equal or better coverage than the trees removed within five years; (iv) understory plantings are also installed; (v) a replanting site plan is submitted, reviewed and approved. Replanted trees shall be planted in proximity to where the felled tree was located. Selection of native species is required, replanting the same species as the removed trees is preferred, and timing of installation shall be approved by the City Tree Official. If more than two trees are removed, the City Tree Official may require an approval pursuant to Chapter 21.51 WMC regarding alteration of critical areas.

(e) Trees Located in Residential Subdivisions Under Common Ownership, Excluding Critical Areas or Critical Area Buffers. The property owner must submit a Level IV Tree Plan to the City to fell any tree owned in common. The felling of any tree located in areas owned commonly shall have the option of either: (i) replanting an equal number of tree credits in conformance with the tree planting requirements of WMC 21.50.070(2); or (ii) providing a tree inventory documenting that the tree credit density has been met.

21.50.070 Tree density.

(1) Introduction. The requirement to meet minimum tree density applies to new developments and major redevelopments, and new subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting shall be required. A tree density for existing trees to be retained is calculated to determine if new trees are required in order to meet the minimum density for the site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the density.

(2) Tree Density Requirement.

(a) Minimum Tree Density Requirement Established. Undeveloped sites and developed sites subject to the tree density requirements pursuant to WMC 21.50.020 shall meet the required minimum tree density as follows:

(i) Sixty tree credits per acre, except as required under subsection (2)(a)(ii) of this section;

(ii) Single-family residential lots less than 7,200 square feet and lots in the Central Business District shall meet the required minimum tree density of 30 tree credits per acre.

(b) For existing residential subdivisions with Native Growth Protection Easements (NGPEs), the tree credits within the NGPE may be counted where the homeowner's association or owner of the NGPE has determined the number of tree credits that exist within the NGPE; the remaining tree credits required for the entire subdivision to meet the minimum tree density will be equally divided among the total number of lots. Where the tree credits in the NGPE have not been determined, the minimum tree density shall apply to each lot within the subdivision.

(c) The tree density consists of existing trees pursuant to the priority established in this section, supplemental trees or a combination of existing and supplemental trees pursuant to this section. Existing trees transplanted to an area on the same site shall not count toward the required density unless approved by the City Tree Official based on transplant specifications provided by a qualified tree professional that will ensure a good probability for survival.

(d) Tree Density Calculation. For the purpose of calculating required minimum tree density, City right-of-way, and areas to be dedicated as City right-of-way, shall be excluded from the lot area used for calculation of tree density. Tree density calculation for existing individual trees is calculated by multiplying the tree credits based on the diameter-at-breast-height multiplied by the species multiplier:

(i) Diameter-at-breast-height of the tree shall be measured in inches. The measured diameter-at-breast-height shall be its size at the time of measurement, except as provided in subsection (2)(f) of this section.

(ii) The tree credit value that corresponds with diameter-at-breast-height shall be found in Table 21.15.070. The species multiplier is based on the size of canopy for a mature tree of that species, as listed in the Woodinville Plant Species List. The multipliers shall be as follows:

(A) Tree species that have a canopy of 34 feet or less in diameter at maturity (small trees), the multiplier shall be 0.75;

(B) Tree species that have a canopy of 35 feet to 44 feet in diameter at maturity (medium trees), the multiplier shall be 1.0; and

(C) Tree species that have a canopy of 45 feet or greater in diameter at maturity (large trees), the multiplier shall be 1.2.

(iii) Table 21.50.070 – Tree Density Calculation (Diameter-at-Breast-Height).

Table 21.50.070 – Tree Density Calculation (Diameter-at-Breast-Height)

Diameter-at-Breast-Height (inches)		Total Credit
From:	To:	
1.0	2.0	0.25
2.1	3.7	0.50
3.8	6.6	0.75
6.7	10.1	1.25
10.2	15.2	1.75
15.3	19.2	2.50

19.3	23.1	3.25
23.2	26.0	4
26.1	29.0	5
29.1	32.0	6
32.1	34.0	7
34.1	36.0	8
36.1	39.0	9
39.1	42.0	10
42.1	46.0	12
46.1	50.0	14
50.1	54.0	16
54.1	58.0	18
58.1	62.0	20
62.1	66.0	22
≥ 66.1		24

(e) Supplemental Trees Planted to Meet Minimum Density Requirement. For sites and activities requiring a minimum tree density and where the existing trees to be retained do not meet the minimum tree density requirement, supplemental trees shall be planted to achieve the required minimum tree density.

(i) Tree Location. In designing a development and in meeting the required minimum tree density, the trees shall be planted in the following order of priority:

(A) On-Site. The preferred locations for new trees are:

1. In preserved groves, critical areas or their buffers.
2. Adjacent to storm water facilities as approved by the Public Works Director under Chapter 14.09 WMC.
3. 3. Entrance landscaping, traffic islands and other common areas in residential subdivisions that have enough area to support a mature tree of that species, as listed in the City of Woodinville Plant Species List.
4. Site perimeter.
5. On individual residential building lots.

B. Off-Site. When room is unavailable for planting the required trees on-site, or planting on-site would create nuisance or hazard trees, then they may be planted at another City Tree Official approved location in the City. The site chosen shall be in the same neighborhood, as designated in the Comprehensive Plan, as the subject site whenever possible.

C. City Tree Fund. When the City Tree Official determines on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the supplemental trees plus an additional 50 percent for maintenance, into the City tree fund.

D. Alternative Compliance. If alternative compliance is proposed, the requirements of WMC 21.50.040 shall apply. The remaining tree credits required shall follow the steps outlined above in subsections (2)(e)(i)(A), (B), and (C) of this section.

(ii) Minimum Size and Tree Density Value for Supplemental Trees. The tree density shall be based on Table 21.50.070 with the multipliers described. The required minimum size of the supplemental tree shall be two-inch diameter-at- breast-height trees for deciduous and evergreen trees. The installation and maintenance shall be pursuant to WMC 21.50.090 and 21.50.100 respectively.

(iii) Tree Species for Supplemental Trees. The tree species chosen for supplemental trees shall either be trees of the same mix of species as the canopy that has been removed, or native species as listed in the Woodinville Plant Species List. Replacement trees shall be a mix of species.

(f) Incentive for Planting a Mix of Native Species. The applicant has the option of choosing to plant a mix of native species and planting selected species to avoid overplanting. For those species identified in the Woodinville Plant Species List with five-year growth rates, and where a two- inch diameter-at-breast-

height tree is planted, those trees shall be allowed to count the credit of the tree after the fifth year of growth. This means that if the tree is two inches at the time of planting, but will be eight inches after a five-year period, that tree will be eligible for the eight-inch diameter-at-breast-height tree credit at the time of planting. The five-year growth rates may also be identified by a qualified tree professional, subject to review and approval by the City Tree Official.

(i) For those applications that utilize this incentive, and are subject to a Level II or III Tree Plan, the required five-year maintenance period shall also include annual monitoring to be completed by the arborist who completed the initial report. Monitoring shall consist of a site visit with the City Tree Official, determination of corrective actions or additional plantings necessary to meet the tree credits, and a report on the findings for that year. The annual monitoring requirements shall be completed within 30 days of the anniversary of the date of issuance of the certificate of occupancy, final inspection or final approval of a subdivision or short subdivision.

(ii) For those applications that utilize this incentive, and are subject to a Level I or IV Tree Plan, the required five-year maintenance period shall also include annual monitoring to be completed by the applicant. Monitoring shall consist of a site visit with the City Tree Official, and determination of corrective actions or additional plantings necessary to meet the tree credits. The annual monitoring requirements shall be completed within 30 days of the anniversary of the date of issuance of the certificate of occupancy, final inspection or final approval.

(g) Incentive for Preserving Existing Trees. Where a qualified tree professional has determined that an existing tree will be capable of long-term survival, the City Tree Official may authorize credit against the permit fee, if the tree is retained and survives the five-year maintenance period.

21.50.080 Tree protection during construction.

(1) Introduction. The importance of effective protection of retained trees and the understory of trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.

(2) Tree Protection during Development Activity. Prior to development activity or initiating tree removal on the site, vegetated areas, groves and individual trees to be preserved shall be protected from potentially damaging activities pursuant to the following standards. A meeting on-site between the City Tree Official or designee and the contractor shall be held to determine that these standards have been met, prior to site disturbance.

(a) Protected Area. A protected area shall be established that shall be measured to include the area five feet beyond the dripline of all retained trees.

(b) Placing Materials Near Trees. No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or soil deposits, or dumping concrete washout or other chemicals. During construction, no person shall attach any object to any tree designated for protection.

(c) Protective Barrier. Prior to any development, land clearing, filling or any land alteration, the applicant shall:

(i) Erect and maintain readily visible temporary protective fencing along the limits of disturbance which completely surrounds the protected area of all retained trees or groups of trees and their understory. Fences shall be constructed of chain link and be at least four feet high, unless other type of fencing is authorized by the City Tree Official.

(ii) Install highly visible signs spaced no further than 15 feet along the entirety of the protective tree fence. Said sign must be approved by the City Tree Official and shall state at a minimum “Tree Protection Area, Entrance Prohibited” and provide the City phone number for code enforcement to report violations.

(iii) Prohibit excavation or compaction of earth or other potentially damaging activities within the barriers; provided, that the City Tree Official may allow such activities approved by and under the supervision of a qualified tree professional retained and paid for by the applicant.

(iv) Maintain the protective barriers in place until the City Tree Official authorizes their removal, which shall not be prior to completion of major site development.

(v) Ensure that any approved landscaping done in the protected area subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

(vi) In addition to the above, the City Tree Official may require the following as site conditions require:
(A) If equipment is authorized to operate within the critical root zone, the areas adjoining the critical root zone of a tree shall be covered with mulch to a depth of at least six inches, or with plywood, metal or similar material in order to protect roots from damage caused by heavy equipment.
(B) Minimize root damage by excavating a two-foot-deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.
(C) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
(D) Maintenance of trees throughout construction period by watering.

(d) Grade.
(i) The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the City Tree Official's authorization based on recommendations from a qualified tree professional. The City Tree Official may allow coverage of up to one-half of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.
(ii) If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to prevent suffocation of the roots.
(iii) The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the City Tree Official. Alternatives to installing impervious surface within the critical root zone, such as a meandered sidewalk or shifting improvements, shall be considered prior to approval of installation of impervious surface within the critical root zone. The City Tree Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.
(iv) Utility trenches should be located outside of the critical root zone of Type 1 trees. If utilities must be placed within the critical root zone, the applicant's qualified tree professional shall establish to the satisfaction of the City Tree Official that the design will adequately support the long-term viability of the trees.
(v) Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.

(e) Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention. Any trees designated for preservation, per the approved tree plan, that are significantly damaged or destroyed during felling of trees approved for removal shall be replaced per WMC 21.50.070(2).

(f) Additional Requirements. The City Tree Official may require additional tree protection measures that are consistent with accepted urban forestry industry practices.

21.50.090 Installation standards for required tree plantings.

(1) All required trees shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All required trees shall be installed in the ground and not in above-ground containers. When an applicant proposes to locate a subterranean structure under required trees that appears to be at grade, the applicant will: (a) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the long-term viability of the required trees; and (b) enter into an agreement with the City, in a form acceptable to the City Attorney, indemnifying the City from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the County Recorder's Office.

(2) Compliance. It is the applicant's responsibility to show that the proposed tree plan complies with the regulations of this chapter.

(3) Timing. All trees shall be installed prior to the issuance of a certificate of occupancy or plat recording, except that the installation of any required tree may be deferred during the summer months to the next planting

season, but never for more than six months. Deferred installation shall be secured with a performance security pursuant to Chapter 15.42 or 21.60 WMC prior to the issuance of a certificate of occupancy or plat recording.

(4) Grading. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).

(5) Soil Specifications. Soils in planting areas shall have adequate porosity to allow root growth. Soils which have been compacted to a density greater than one and three-tenths grams per cubic centimeters shall be loosened to increase aeration to a minimum depth of 24 inches or to the depth of the largest plant root ball, whichever is greater. Imported topsoils shall be tilled into existing soils to prevent a distinct soil interface from forming. After soil preparation is completed, motorized vehicles shall be kept off to prevent excessive compaction and underground pipe damage. The organic content of soils in any planting area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.

(6) Tree Selection.

(a) Tree selection shall be consistent with the City of Woodinville Plant Species List or the Critical Area Plant List if within a critical area or buffer, which is produced by the City's Development Services Department and available at City Hall.

(a) Trees shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.

(b) Prohibited Materials. Plants listed as prohibited in the Woodinville Plant Species List are prohibited for required tree plantings. Additionally, there are other plants that may not be used if identified in the Woodinville Plant Species List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.

(c) All trees shall conform to American Association of Nurserymen (AAN) grades and standards as published in the American Standard for Nursery Stock Manual.

(d) Trees shall meet the minimum size standards established in other sections of the WMC.

(e) Multiple-stemmed trees may be permitted as an option to single-stemmed trees; provided, that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the City Tree Official prior to installation.

(7) Fertilization. Fertilization of trees planted shall be by special approval of the City Tree Official only.

(8) Irrigation. Irrigation shall be required for any tree planting completed pursuant to this section. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination of those options. For each option irrigation shall be designed to conserve water by using the best management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to ensure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the trees. Exceptions, as approved by the City Tree Official, to the irrigation requirement may be approved xeriscape (i.e., low water usage plantings), plantings approved for low impact development techniques, established indigenous plant material, or where natural appearance is acceptable or desirable to the City. However, those exceptions will require temporary irrigation (Option 2 and/or 3) until established.

(a) Option 1. A permanent built-in irrigation system with an automatic controller designed and certified by a licensed landscape architect as part of the tree plan.

(b) Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the tree plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own, once established.

(c) Option 3. Irrigation by hand. If the applicant chooses this option, an inspection will be completed by City staff one year after plat recording or certificate of occupancy to ensure that the trees have become established. Corrective actions pursuant to WMC 21.50.100 may be required at the time of the one-year inspection.

(9) Drainage. All planted areas shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one-half inch of water per hour is acceptable.

(10) Mulch.

(a) Required plantings shall be covered with two inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted.
(b) All mulches used in planter beds shall be kept at least six inches away from the trunks of shrubs and trees.

(11) Protection. All required trees must be protected from potential damage by adjacent uses and development, including parking and storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., shall be required as needed to protect required trees.

21.50.100 Tree maintenance requirements.

(1) The following maintenance requirements apply to all trees the City requires to be planted or preserved for projects subject to Tree Plan III and Tree Plan II:
(a) Responsibility for Regular Maintenance. Required trees shall be considered as elements of the project in the same manner as parking, building materials, landscaping, fences, walls, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required trees. Trees that die and are removed shall be replaced in kind by the property owner. The timing of the replacement planting shall be determined by the City Tree Official and a qualified tree professional.
(b) Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (1)(c) and (d) of this section:
(i) All required trees shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy or plat recording, the proponent shall provide a final as- built tree plan and an agreement to maintain and replace all trees that are required by the City.
(ii) Any existing tree, tree designated for preservation, or planted tree shall be maintained for a period of five years following issuance of the certificate of occupancy or plat recording for the individual lot or development. A maintenance guarantee pursuant to Chapter 15.42 or 20.06 WMC shall be secured to ensure the maintenance.
(c) Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved tree plan pursuant to WMC 21.50.060 shall provide prior to occupancy or plat recording the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the City Tree Official determines that preservation is no longer appropriate.
(d) Non-native Invasive and Noxious Plants. It is the responsibility of the property owner to remove non-native invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or retained. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.
(e) Pesticides, Herbicides, and Fertilizer. The use of pesticides, herbicides or fertilizer shall be by special approval of the City Tree Official only.

(2) Tree Plans and Utility Plans. Tree plans and utility plans shall be coordinated. In general, the placement of trees should adjust to the location of required utility routes both above and below ground. Location of trees shall be based on the plant's mature size both above and below ground. See the Woodinville Plant Species List for additional standards.

(3) Tree Pruning. Topping or pruning to the extent that would constitute tree removal as defined in Chapter 21.11 WMC is not allowed. If a required tree smaller than six inches in diameter-at- breast-height is topped, it must be replaced pursuant to the standards in WMC 21.50.120. If a tree six inches or larger in diameter-at-breast-height is topped, the property owner may be subject to enforcement actions pursuant to WMC 21.50.120. Trees may be windowed or limbed up using best management practices. This method of tree pruning shall maintain the health of the tree.

(4) Table 21.50.100 – Pruning Techniques. The following techniques for healthy pruning shall be used. No permit is required for pruning; however, all pruning should be done under the direction of a qualified tree professional.

Table 21.50.100 – Pruning Techniques

Healthy Pruning Techniques	Improper Pruning Techniques
Crown Cleaning – removing dead, dying, diseased, crowded, weakly attached, or low- vigor branches, in a manner that should not reduce the canopy.	Topping – the cutting of a trunk or main branch to the point where there is no branch large enough and vigorous enough to become the new leader.
Crown Thinning – selective removal of branches throughout the crown of the tree to improve interior light and air. Remaining branches should be well- distributed and balanced.	Stripping – removing the branches from the inner section of the trunk or branch. Can cause structural imbalances and potential failure.
Crown Raising – removal of the lower branches of the tree to provide height clearance, typically 8 feet for pedestrians and 16 feet for vehicles.	Imbalance – removing portions of the tree and creating an imbalance in the structure of the tree. Can cause cracking damage from the wind through twisting; or weak new growth.
Windowing – removing several branches symmetrically within an area of the tree's crown to enhance views.	Excessive Pruning – removing portions of the tree to a point where it can kill the tree. Can invite decay and disease.

21.50.110 Prohibited vegetation.

(1) Plants listed as prohibited in the Woodinville Plant Species List shall not be planted in the City.
(2) The adopted King County Noxious Weed List, as amended, is hereby adopted by reference. Plants on this list shall not be planted in the City.

21.50.120 Enforcement and penalties.

(1) Intent. These enforcement and penalty provisions have several purposes. First, they are intended to discourage damage or removal of significant trees above and beyond what is permitted under this chapter. Second, these enforcement and penalty provisions are intended to provide complete and effective restoration of areas in which violations of this chapter occur. Finally, these regulations are intended to provide a clear and efficient process for addressing violations of this chapter.
The City may utilize one or more of several remedies when responding to violations of this chapter. In almost all cases where a violation has occurred, the City will issue a civil citation. If the acts that constitute a violation appear to be ongoing, the City may also issue a notice of cease and desist. Failure to adhere to a notice to cease and desist will result in imposition of additional civil penalties. If there is a pending development or building permit, the City may also issue a stop work order or withhold issuance of permit approval or a certificate of occupancy. Finally, additional fines may be imposed if a violator does not follow through in a timely manner with restoration work or other compliance issues.
(2) General Requirements.
   (a) Enforcement shall be conducted in accordance with the administrative code enforcement procedures and special enforcement provisions related to tree conservation set forth below. To the extent there is a conflict between the provisions of this section and Chapter 1.06 WMC, this section shall control.
   (b) Voluntary compliance is the preferred method of enforcement. The following remedies should only be pursued when a violator is not voluntarily complying with the restoration requirements, when other requirements are stipulated by the Code Enforcement Officer or City Tree Official, or when the violator did knowingly act in a manner contrary to the requirements of this code.
(3) Authority. It shall be the duty of the City Tree Official, or designee, to administer the provisions of this chapter. The City Tree Official shall have authority to enforce and carry out the provisions of this chapter.
(4) Cease and Desist. The City Tree Official, or designee, may issue a notice to cease and desist using the procedure set forth in WMC if the City Tree Official finds that a violation of this code has occurred. Continued

illegal tree activity following issuance of a cease and desist from the City for the tree activity shall result in fines of $1,000 per day of continued activity.

(5) Stop Work Order. If a violation of this chapter or an approved tree plan occurs on property on which work is taking place pursuant to a City of Woodinville development or building permit, the City Tree Official, or designee, may suspend some or all of the work as appropriate through issuance of a stop work order. The City Tree Official, or designee, shall remove the stop work order when the City Tree Official determines that the violation has been corrected or when the City Tree Official has reached an agreement with the violator regarding rectification of the violation. Any stop work order issued under this section may be appealed using the procedures set forth in Chapter 2.30 WMC.

(6) Notification of Violation. The City's Code Enforcement Officer shall notify a person who violates this chapter; such notification shall also include a statement of the restoration action required to be taken to correct the violation as determined by the City Tree Official.

(7) Civil Penalty.

(a) A person who fails to comply with the requirements of this chapter or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to comply with a cease and desist or stop work order issued under this chapter shall also be subject to a civil penalty as set forth in Table 21.50.120. Each unlawfully removed or damaged tree shall constitute a separate violation.

(b) Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.

(c) The amount of the penalty shall be assessed in accordance with Table 21.50.120. The City Tree Official may elect not to seek penalties if he or she determines that the circumstances do not warrant imposition of civil penalties in addition to restoration.

(d) Table 21.50.120 – Penalties.

Table 21.50.120 – Penalties

Types of Violations	Allowable Fines per Violation
1. Removal of tree(s) approved to be removed, but prior to final tree plan approval or issuance of a City tree removal permit	$1,000 per tree
2. Removal or damage of tree(s) that are or would be shown to be retained on an approved tree plan or any other violation of approved tree protection plan	$1,000 per tree
3. Removal of tree(s) without applying for or obtaining a required City permit	$1,000 per tree

(8) Tree Restoration.

(a) Violators of this chapter or of a permit issued there under shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the City Tree Official, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s). In cases where the violator intentionally or knowingly violated this chapter or has committed previous violations of this chapter, restoration costs, at the discretion of the City Tree Official, may be based on the City-appraised tree value of the subject trees in which the violation occurred, utilizing the industry standard trunk formula method in the current edition of "Guide for Plant Appraisal." If diameter of removed tree is unknown, determination of the diameter size shall be made by the City Tree Official by comparing size of stump and species to similar trees in similar growing conditions. The amount of costs above the approved restoration plan will be paid into the City tree fund.

(b) Restoration Plan Standards. The restoration plan shall be in accordance to the following standards:

(i) The number of trees required to be planted is equal to the number of tree credits of illegally removed trees according to Table 21.50.070.

(ii) The minimum size for a tree planted for restoration shall be as required under WMC 21.50.070(2).

(iii) In the event the violators cannot restore the unlawfully removed or damaged tree due to current or future development activity or other site conditions as determined by the City Tree Official, the

violators shall make payment to the City tree fund. Unless otherwise determined to base the restoration costs on appraised value, the amount paid will be the City's unit cost for a restoration tree multiplied by the number of outstanding tree credits plus 50 percent for maintenance. The City's unit cost is based on the current market cost of purchase, installation and five-year maintenance for a minimum-sized tree for restoration.

(iv) The restoration plan shall include a maintenance plan and an agreement or security to ensure survival and maintenance of restoration trees for a three-year period unless the violation was on a site with an approved tree plan, in which case the maintenance period is five years.

(9) Failure to Restore or Pay Fines.

(a) Prohibition of Further Approvals. The City shall not approve any application for a subdivision, short subdivision, or any other development permit or approval or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration or other means accepted by the City Tree Official and by payment of any penalty imposed for the violation.

Chapter 21.51 (15.21 & 21.24)
CRITICAL AREAS
Sections:

21.51.010 Purpose.
21.51.020 Applicability.
21.51.030 Critical area maps and inventories.
21.51.040 Complete exemptions.
21.51.050 Nonconforming development.
21.51.060 Public agency and utility critical areas exceptions.
21.51.070 Reasonable use permits.
21.51.080 Subdivisions and density calculations within critical areas.
21.51.090 Disclosure and notice on title.
21.51.100 Critical area determination.
21.51.110 Critical areas report requirement.
21.51.120 Mitigation requirements.
21.51.130 Maintenance, monitoring, and contingency.
21.51.140 Critical area markers and signs.
21.51.150 Native growth protection areas and designations on site plans.
21.51.200 Critical aquifer recharge areas – Designation.
21.51.210 Critical aquifer recharge areas – Development standards.
21.51.220 Critical aquifer recharge areas – Permitted activities.
21.51.230 Critical aquifer recharge areas – Critical areas report additional requirements.
21.51.250 Geologically sensitive areas – Designation.
21.51.260 Geologically sensitive areas – Erosion and landslide hazards.
21.51.270 Geologically sensitive areas – Seismic hazard areas and other hazard areas.
21.51.300 Wetlands – Designation and rating.
21.51.310 Wetlands – Development standards.
21.51.320 Wetlands – Permitted activities.
21.51.330 Wetlands – Critical areas report additional requirements.
21.51.340 Wetlands – Mitigation.
21.51.350 Frequently flooded areas - Designation.
21.51.360 Frequently flooded areas – Development standards.
21.51.370 Frequently flooded areas – Permitted activities.
21.51.380 Frequently flooded areas – Critical areas report additional requirements.
21.51.400 Fish and wildlife habitat conservation areas – Designation.
21.51.410 Fish and wildlife habitat conservation areas – Development standards.
21.51.420 Fish and wildlife habitat conservation areas – Permitted activities.
21.51.430 Fish and wildlife habitat conservation area – Critical areas report additional requirements.
21.51.440 Fish and wildlife habitat conservation areas – Mitigation.
21.51.450 City Development Services Director to administer.
21.51.460 Development permit required.
21.51.470 Duties of the City Development Services Director.
21.51.480 Flood variance procedure.
21.51.490 Conditions for flood variances.

21.51.010 Purpose.

(1) Introduction. The purpose of this chapter is to designate and classify ecologically critical areas, to protect these areas and their functions and values, and to supplement the development regulations contained within the Woodinville Municipal Code through best available science and additional controls as required by the Growth Management Act. Additionally, this chapter is intended to encourage development that meets the goals and policies of the City of Woodinville Comprehensive Plan. These goals include:
   (a) Goal E-1: To preserve and enhance aquatic and wildlife habitat.
   (b) Goal E-2: To protect the public from natural hazards resulting from disturbance of the environment.
   (c) Goal E-3: To protect and improve water quality and management of water quantity.

(d) Goal E-4: To promote the preservation of Woodinville's Northwest woodland character.
(e) Goal E-5: To protect air quality, and proactively address climate change adaptation and mitigation.
(f) Goal E-6: To promote environmental sustainability and conservation in Woodinville and the Puget Sound Region.

(2) Scope. Critical areas include critical aquifer recharge areas, geologically sensitive areas, wetlands, frequently flooded areas, and fish and wildlife habitat conservation areas. The City of Woodinville recognizes that critical areas provide a variety of valuable and beneficial biological and environmental functions that benefit the City and its residents, but that some critical areas may pose a threat to public safety and property. The standards established in this chapter are intended to protect critical areas while providing property owners with reasonable use of their property. This chapter seeks to:
(a) Protect members of the public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, seismic events, soil subsidence or steep slope failures;
(b) Maintain and protect healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, and conservation of the biodiversity of plant and animal species;
(c) Direct activities not dependent on critical areas resources to less ecologically sensitive areas and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas;
(d) Prevent cumulative adverse environmental impact to water quality and availability, net loss of wetlands, streams, lakes, frequently flooded areas, and fish and wildlife habitat conservation areas;
(e) Meet the requirements of the National Flood Insurance Program and maintain the City of Woodinville as an eligible community for federal flood insurance benefits;
(f) Alert members of the public including, but not limited to, appraisers, owners, potential buyers, or lessees, to the development limitations of critical areas;
(g) Provide for public enjoyment of critical areas by encouraging, when feasible and sensible, multiple use of critical area buffers; and
(h) Serve as a basis for exercise of the City's substantive authority under the State Environmental Policy Act (SEPA) and the City's SEPA rules.

21.51.020 Applicability.

(1) Compliance with This Chapter. The provisions of this chapter shall apply to all land uses and activities in the city limits, and all persons within the city limits shall comply with the requirements of this chapter. No permit or authorization shall be approved or issued to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement without first assuring compliance with the requirements of this chapter.
(2) Alterations. Any human activity that results or is likely to result in an impact upon the existing condition of a critical area or its buffer is an alteration that is subject to specific limitations as specified by this chapter. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area. Alterations do not include walking, fishing, any other passive recreation, or other similar activities.
(3) Conflict of Provisions. When another provision of the Woodinville Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision which provides greater environmental protection to critical areas shall apply, unless specifically provided otherwise in this chapter or such provision conflicts with federal or state laws or regulations.
(4) Forest Practices. The provisions of this chapter shall apply to all forest practices over which the City has jurisdiction pursuant to Chapter 76.09 RCW and Title 222 WAC.

21.51.030 Critical area maps and inventories.

(1) Critical Areas Maps. The approximate location and extent of critical areas are shown on the City's adopted critical areas maps. The latest critical areas maps are available from the Development Services Department. The maps do not provide a final critical area determination. Adopted critical areas maps shall include, but are not limited to, the current adopted version the following:
(a) Federal Emergency Management Administration flood insurance rate maps;
(b) US Geological Survey landslide hazard, seismic hazard, and volcano hazard maps;
(c) Washington Department of Natural Resources seismic hazard maps for Western Washington;

(d) Washington Department of Natural Resources slope stability map;
(e) National Wetlands Inventory;
(f) Washington Department of Fish and Wildlife Priority Habitat and Species maps;
(g) Other critical area maps adopted by the City of Woodinville, including the Critical Aquifers Recharge Areas map and Geologically Sensitive Areas map.

(2) Reference Only. Maps showing critical areas are to be used for guidance purposes only and may be continuously updated as new critical areas are identified. If there is a conflict among the maps, inventory and site-specific features, the actual presence or absence of the features defined as critical areas in this chapter shall govern.

21.51.040 Complete exemptions.

(1) The following activities are exempt from the provisions of this chapter, provided they are otherwise consistent with other local, state, and federal law requirements:
(a) Emergency actions necessary to prevent an immediate threat to public health, safety and welfare or that pose an imminent risk of damage to public or private property. Alterations undertaken pursuant to this subsection shall be reported to the City immediately. The impacted critical areas and their buffers shall be fully restored in accordance with a critical areas report and mitigation plan;
(b) Agricultural activities in existence before March 31, 1993, as follows:
(i) Mowing of hay, grass, or grain crops;
(ii) Tilling, dicing, planting, seeding, harvesting and related activities for pasture, food crops, grass seed, or sod if such activities do not take place on steep slopes;
(iii) Normal and routine maintenance of existing irrigation and drainage ditches not used by fish species and not draining directly into salmon-bearing waterbodies; and
(iv) Normal and routine maintenance of farm ponds, fish ponds, manure lagoons and livestock watering ponds;
(c) Modifications to local collection and distribution utility lines, mains, equipment, appurtenances, including electric facilities with an associated voltage of 55,000 volts or less, not including substations; public sewer local collection; public water local distribution; natural gas; cable communications; or telephone facilities. Modifications to local collection and distribution utilities may be allowed in critical areas or their buffers, as follows:
(i) Normal and routine maintenance or repair of existing utility structures; and
(ii) Replacement, operation, repair, modification, installation, relocation, or construction when such facilities are located within an improved public road right-of-way or City-authorized private roadway.
(d) Maintenance, operation, repair or replacement of publicly improved roadways or recreation areas, provided any such alteration does not involve the expansion of structures or related improvements into previously unimproved areas;
(e) Removal of non-native invasive species, limited to hand removal of non-native invasive species, unless permits from affected regulatory agencies have been obtained for approved biological or chemical treatments.
(f) Passive recreation, educational and scientific research that does not degrade critical areas or buffers, such as fishing, hiking and bird watching, not including trail building or clearing.

21.51.050 Nonconforming development.

(1) Nonconforming Developments. Alterations to legally established developments not conforming to critical areas, buffers, or setbacks pursuant to this chapter, including those approved under a reasonable use exception or variance may be permitted provided that the provisions of this chapter are met. Alterations shall include expansion, repair, modification, or replacement, but shall not include work where the alteration constitutes a substantial improvement under WMC 21.11.210.
(a) Single-family detached residences may be altered provided all of the following are met:
(i) Expansion within a critical area buffer or building setback is limited to 1,000 square feet beyond the existing footprint;
(ii) No portion of the modification, addition, or replacement is located closer to or extends farther into the critical area or its buffer;

(iii) The proposal includes on-site mitigation to offset any impacts to critical areas consistent with the provisions of this chapter;
(iv) The proposal preserves the functions and values of wetlands, fish and wildlife habitat conservation areas, and their buffers; and
(v) The proposal will not significantly affect any landslide hazards on neighboring properties, stream bank stability, drainage capabilities, or flood potential.

(b) All other structures, except single-family detached residences, may be altered provided all of the following are met:
(i) Expansion does not increase the existing footprint of the structure lying within a critical area buffer or building setback area;
(ii) No portion of the modification, addition, or replacement is located closer to or extends farther into the critical area or its buffer;
(iii) The proposal includes on-site mitigation to offset any impacts to critical areas consistent with the provisions of this chapter; and
(iv) The proposal will not significantly affect any landslide hazards on neighboring properties, fish and wildlife habitat, stream bank stability, drainage capabilities, and flood potential.

(c) Structures located within geologically sensitive areas that do not meet the development or design standards in WMC 21.51.260(1), WMC 21.51.260(3), and WMC 21.51.270(1) may be maintained or repaired, provided all of the following are met:
(i) The maintenance or repair does not increase to the footprint of the structure; and
(ii) The proposal does not increase risk to life or property as a result of the proposed maintenance or repair.

21.51.060 Public agency and utility critical areas exceptions.

(1) General. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for a critical area exception pursuant to this section.

(a) The critical area exception shall be reviewed as a Type III project permit, pursuant to Chapters 21.80 through 21.86 WMC. The Hearing Examiner shall make a decision based on the following criteria:
(i) There is no other practical alternative to the proposed development with less impact on the critical area;
(ii) The application of this chapter would unreasonably restrict the agency's or utility's ability to provide services to the public;
(iii) Any impacts permitted to the critical area are mitigated in accordance with WMC 21.51.120 to the greatest extent possible;
(iv) The proposed development protects and/or enhances critical areas and buffer functions and values consistent with best available science; and
(v) The proposed development is consistent with other applicable regulations and requirements.

(b) This exception shall not allow the use of the following critical areas for regional retention/detention facilities except where the applicant clearly demonstrates that the facility will protect public health and safety or repair damaged natural resources:
(i) Type S stream and its buffers;
(ii) Category I or II wetland and its buffers with plant associations of infrequent occurrence; or
(iii) Category I or II wetland and its buffers, which provide critical or outstanding habitat for herons, raptors, or state or federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.

21.51.070 Reasonable use permits.

(1) General. If the application of this chapter would deny all reasonable use of the property, the applicant may apply for a reasonable use permit pursuant to this section:

(a) The reasonable use permit shall be reviewed as a Type III project permit, pursuant to Chapters 21.80 through 21.86 WMC. The Hearing Examiner shall make a decision based on the following criteria:
(i) The application of this chapter would deny all reasonable use of the property;

(ii) The proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
(iii) Any alterations to the critical area shall be the minimum necessary to allow for reasonable use of the property;
(iv) Any impacts permitted to the critical area are mitigated in accordance with WMC 21.51.120 to the greatest extent possible;
(v) The proposed development protects critical areas and/or buffer functions and values consistent with best available science; and
(vi) The proposed development is consistent with other applicable regulations and requirements.

(b) Any authorized alteration of a critical area under this subsection shall be subject to conditions established by the Hearing Examiner to safeguard public health, safety, or welfare.

21.51.080 Subdivisions and density calculations within critical areas.

(1) Intent. The intent of this section is to provide for the preservation of critical areas and their buffers, flexibility in design, and consistent treatment of different types of development proposals.

(2) Subdivisions in Critical Areas. The subdivision and short subdivision of land including landslide and erosion hazard areas, frequently flooded areas, wetlands, streams, and fish or wildlife habitat conservation areas shall be subject to the following:
(a) Land that is located wholly within a critical area or its buffer may not be divided.
(b) Land that is located partially within a critical area or its buffer may be divided; provided, that the developable portion of each new lot and its access is located outside of the critical area or its buffer. Each resulting lot shall meet the minimum lot size, and have sufficient buildable area outside of, and will not affect the critical area or its buffer; and
(c) Access roads and utilities serving the proposed subdivision or short subdivision may only be permitted within the critical area and its buffers if the City determines that no other feasible alternative exists and when consistent with this chapter.

(3) On-Site Density Credits. For single-family residential subdivisions and short subdivisions on sites with critical areas or buffers, on-site density credits may be transferred from the critical area to a developable site area. 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.
(a) For sites where up to 50 percent of the site is constrained by critical areas, up to 100 percent of the density that could be achieved on the constrained area portion of the site can be transferred to the developable portion of the property.
(b) For sites that are over 50 percent constrained by critical areas, up to 50 percent of the density that could be achieved on the constrained area portion of the site can be transferred to the developable portion of the property;

(4) Density Transfer. On-site density transfer is subject to the following:
(a) The density credit can only be transferred within the development proposal site. 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, boundary line adjustment, or other means of land assemblage or arrangement for development.
(b) No additional density is allowed over the base density of the underlying zone.
(c) 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:

Table 21.51.080(4)(c) – Reduced Dimensional Standards

Zone	Minimum Lot Size	Maximum Building Coverage	Maximum Impervious Surface	Lot Width at Street
R-1	31,000 sf	15%	20%	100 ft/ 75 ft on cul-de-sac
R-4	7,200 sf	35%	45%	60 ft

R-6	5,000 sf	50%	70%	50 ft
R-8	4,600 sf	55%	75%	30 ft

(d) All other applicable dimensional requirements pursuant to WMC 21.22.030 shall be met.
(e) The area to which the density is transferred shall not be constrained by another critical area regulation.
(f) No portion of the critical area shall be included as part of the minimum lot size.
(g) The lot sizes shall not be averaged pursuant to WMC 21.22.170.
(h) No panhandle lots are permitted.

(5) Except as allowed by WMC 21.34.100, in no event shall a lot be less in size than specified by subsection (4) of this section.

21.51.090 Disclosure and notice on title.

(1) Disclosure. The applicant shall disclose to the City the presence of critical areas on the project area and any mapped or identifiable critical areas within 200 feet of the subject property.
(2) Notice. The owner of any property containing critical areas or buffers on which a development proposal is submitted, except a public right-of-way or the site of a permanent public facility, shall file for record with the King County Auditor a notice approved in form by the City. The notice shall state the presence of critical areas or buffers on the property, of the application of this chapter to the property, and that limitations on actions in or affecting such critical areas or buffers may exist. The notice shall run with the land and failure to provide such notice to any purchaser prior to transferring interest in the property shall be a violation of this chapter.
(3) Submittal of Proof. The applicant shall submit proof to the City that the notice has been filed prior to approval of a development proposal for the property or, in the case of subdivisions, short subdivisions, and binding site plans, at or before recording.
(4) Indemnity and Hold Harmless for Work in Landslide and Erosion Hazard Areas. Where development is proposed within landslide and erosion hazard areas, the applicant shall provide assurance, which at the City's discretion, shall include one or more of the following:
(a) Liability insurance, including coverage for earth movement for the proposed development, naming the City as an additional insured under that liability insurance with respect to liability arising out of applicant's activities; or
(b) An agreement indemnifying and holding harmless the City, which shall be recorded as covenant and noted on the face of the deed or plat. The agreement shall provide for liability insurance through a contractual liability endorsement to the applicant's policy, to the extent reasonably available on the commercial market.

21.51.100 Critical area determination.

(1) Determination. The City shall perform a critical area determination for any development permit application or other request for permission to proceed with an alteration on a site that includes a critical area or is within an identified critical area buffer. As part of the critical area determination, the City shall:
(a) Determine whether any critical area exists on the property and confirm its nature and type;
(b) Determine whether a critical areas report is required;
(c) Evaluate the critical areas report;
(d) Determine whether the development proposal is consistent with this chapter;
(e) Determine whether any proposed alteration to the critical area is necessary; and
(f) Determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety, and welfare, consistent with the goals, purposes, objectives, and requirements of this chapter.
(2) Appeals. The critical areas determination may be appealed pursuant to Chapter 21.86 WMC.

21.51.110 Critical areas report requirement.

(1) General. An application for a development proposal that includes a critical area or its buffer shall include a critical areas report that uses the best available science to evaluate the proposal and all probable impacts.
(2) Waiver. The Director may waive the requirement for a report or specific contents of the report if the applicant demonstrates that:
(a) There will be no alteration of the critical area or its buffer;

(b) The development proposal will not have an impact on the critical area or its buffer in a manner contrary to the goals, purposes, objectives and requirements of this chapter; and
(c) The minimum standards required by this chapter are met.

(3) Report Format. The critical areas report shall be in the form of a written document. A critical areas report may be combined with any studies required by other laws and regulations. If necessary to ensure compliance with this chapter, additional information from the applicant may be required, separate from the critical areas report.

(4) Area Limits. If the development proposal will affect only a part of the development proposal site, the Director may limit the scope of the required special report to include only that part of the site that may be affected by the development.

(5) Report Contents. A critical areas report shall evaluate the proposed project area and critical areas within 200 feet of the project area or have the potential to be affected by this proposal. A critical areas report shall include the following information:
(a) Existing conditions of the critical area, including an assessment of habitat and ecological functions and values;
(b) Assessment of the impacts of any alteration proposed for a critical area or buffer,
(c) A scale map of the project area. If only a portion of the development site has been mapped, the unmapped portion shall be clearly identified and labeled on the site plans. The site plans shall be attached to the notice on title required by WMC 21.51.090;
(d) Project narrative describing the proposal; anticipated temporary and permanent impacts to critical areas or their buffers; construction activities and sequencing; restoration, enhancement, or mitigation measures; and other relevant information; and
(e) Additional report requirements for each type of critical area or its buffer affected by the development proposal pursuant to WMC 21.51.230, WMC 21.51.260, WMC 21.51.270, WMC 21.51.330, WMC 21.51.380, and WMC 21.51.430.

(6) Site and construction plans showing the following:
(a) Site diagrams, cross-sectional drawings;
(b) Slope gradients, and existing and final grade elevations at two-foot intervals;
(c) Type and extent of all critical areas, and buffers on, adjacent to, or within 200 feet of, or that are likely to impact the proposal;
(d) Location of springs, steeps, surface water runoff features, or other surface expressions of groundwater on or within 200 feet of the project area;
(e) Proposed development, including the location of existing and proposed structures, fill, storage of materials, drainage facilities, and clearing limits with dimensions indicating distances to the critical area, if available; and
(f) Other drawings to demonstrate construction techniques and anticipated final outcomes.

(7) Mitigation. A description of proposed mitigation actions and mitigation site selection criteria. Mitigation shall be designed to achieve no net loss of ecological function consistent with WMC 21.51.120 and mitigation requirements for each type of affected critical area;

(8) Multiple Critical Areas Affected. Critical areas reports for two or more types of critical areas must meet the report requirements for each type of affected critical area.

(9) Previously Adopted Reports. A permit or approval sought as part of a development proposal for which multiple permits are required may adopt a previously approved critical areas report if:
(a) There is no material change in the development proposal since the prior review;
(b) There is no new information available that would change the evaluation of the critical area review of the site or particular critical area;
(c) The permit or approval under which the prior review was conducted has not expired, or if no expiration date exists, no more than five years have lapsed since the issuance of that permit or approval; and
(d) The prior permit or approval, including any conditions, has been met.

21.51.120 Mitigation requirements.

(1) General. Mitigation, maintenance, and monitoring measures shall be in place to protect critical areas and buffers from alterations resulting from proposed development.

(2) Mitigation Measures. Mitigation shall be in-kind and on-site where feasible, and shall be designed to maintain and enhance ecological functions and values, and to prevent risk from hazards posed by the critical area.

Mitigation measures shall evaluate goals and objectives of proposed mitigation relating to impact to functions and values. Review of best available science supporting the proposed mitigation is required.

(3) Mitigation Sequencing. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for, as outlined by WAC 197-11-768, in the following order of preference:
   (a) Avoiding the impact altogether by not taking a certain action or parts of actions;
   (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
   (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
   (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
   (e) Compensating for the impact by replacing or providing substitute resources or environments; and/or
   (f) Monitoring the impacts and taking appropriate corrective measures.

21.51.130 Maintenance, monitoring, and contingency.

(1) Maintenance and Monitoring. A maintenance and monitoring program shall be included as part of a mitigation plan. The program shall include the following, unless an alternative program is recommended under the guidance of a biologist and is approved by the City:
   (a) Performance standards for mitigation or restoration sites, including:
      (i) 100 percent survival of installed vegetation and less than 10 percent of the mitigation area covered in invasive species within the first two years of planting;
      (ii) At least 50 percent vegetation coverage for installed vegetation after three years or more;
      (iii) Less than 20 percent of the mitigation area covered in reed canarygrass, Himalayan blackberry, or other invasive species after three years or more.
      (iv) No infestation of knotweed at any time during the duration of the program period.
   (b) Contingency plan identifying a course of action and corrective measures to be taken if monitoring or evaluation indicates that the performance measures have not been met;
   (c) A schedule for site monitoring, which includes at minimum one monitoring or inspection every 12 months;
   (d) Monitoring period necessary to ensure that the performance standards have been met, not to be less than ten years for forested or shrub wetland mitigation and no less than five years for all other mitigation projects; and
   (e) Information on maintenance bonds or financial guarantees to ensure that the mitigation plan is implemented.

(2) Performance Guarantee. A performance bond or other security equal to or greater than 150 percent of the actual cost of mitigation shall be posted in a form acceptable to the City prior to issuance of construction permits. Actual costs shall include all labor and materials associated with the mitigation activity. The security shall be sufficient to guarantee that all required mitigation measures will be completed in a timely manner in accordance with this chapter.

(3) Maintenance Guarantee. A maintenance/monitoring bond or other security equal to or greater than 20 percent of the cost of mitigation shall be posted in a form acceptable to the City prior to final inspection, occupancy, or release of the performance bond, whichever comes first. The security shall be sufficient to guarantee satisfactory workmanship on, materials in and performance of or related to structures and improvements allowed or required by this chapter for a period of up to five years. The duration of maintenance/monitoring obligations shall be established by the Director, based upon the nature of the proposed mitigation, maintenance or monitoring, and the likelihood and expense of correcting mitigation or maintenance failures.

(4) Corrective Measures. Where monitoring reveals a significant deviation from predicted impacts or a failure of mitigation or maintenance measures, the applicant shall be responsible for appropriate corrective action which, when approved, shall be subject to further monitoring.

(5) Restoration. Performance and maintenance/monitoring bonds or other security shall also be required for restoration of a critical area or buffer not performed as part of a mitigation or maintenance plan, except that no security shall be required for minor stream restoration carried out pursuant to this chapter. The bond or other security shall be in a form and amount deemed acceptable by the Director.

(6) Time Limit. Performance and maintenance/monitoring bonds or other security authorized by this section shall remain in effect until the City determines, in writing, that the standards bonded for have been met.

(7) Obligation. Depletion, failure, or collection of security funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

21.51.140 Critical area markers and signs.

(1) Survey Stakes. Permanent survey stakes delineating the boundary between the adjoining property and native growth protection area (NGPA) shall be set, using iron or concrete markers as established by current survey standards.
(2) When Required. Signage and fencing shall be required for all wetlands and fish and wildlife habitat conservation areas, unless otherwise specified in this chapter. The City shall determine if fencing and permanent signage is necessary to protect other types of critical areas. Signage and fencing shall be located along the outer boundary of a critical area buffer in order to protect the critical area.
(3) Permanent Signs. Signs shall be made of an enamel-coated metal face and attached to a metal post or other material of equal durability. Signs must be posted at an interval of 50 feet and must be maintained by the property owner in perpetuity. The sign shall follow the City's adopted signage standard, be worded as follows or with alternative language as approved by the City:
(4) Fencing. Required fencing shall be constructed of permanent and durable materials. Fencing shall be designed so as to not interfere with species migration and shall be constructed in a manner that minimizes impacts to the critical areas and associated habitat.

21.51.150 Native growth protection areas and designations on site plans.

(1) Tracts. A native growth protection area (NGPA) in the form of a tract shall be used to delineate and protect those critical areas and buffers listed below for development proposals including new construction, subdivisions, short subdivisions, and binding site plans. NGPA tracts shall be depicted or designated on all title documents and recorded for all affected lots.
    (a) All geologically sensitive areas and buffers which are one acre or greater in size;
    (b) All fish and wildlife conservation areas;
    (c) All wetlands and buffers.
(2) Tract Interest. Any required NGPA tract shall be held in an undivided interest by each owner of a building lot within the development. This ownership interest shall pass with the ownership of the lot or shall be held by an incorporated homeowner's association or other legal entity, which assures the ownership, maintenance, and protection of the tract.
(3) Site Plans. Site plans submitted as part of development proposals for construction permits shall include and delineate all critical areas, buffers, building setbacks, and native growth protection areas. If only a part of the development site has been mapped pursuant to WMC 21.51.030, the part of the site that has not been mapped shall be clearly identified and labeled on the site plans. The site plans shall be attached to the notice on title required by WMC 21.51.090.
(4) Easements. If a NGPA tract is not required in accordance with WMC 21.51.150(1), a NGPA in the form of an easement may be required over delineated critical areas to protect them in perpetuity.
(5) Recording. NGPAs shall be depicted or designated on the face of the plat or recorded drawing and on all title documents. of record and shall be designated on the face of the plat or recorded drawing.
(6) Markers and Signage. Native growth protection areas shall be marked with critical area signage and/or fencing to protect wildlife corridors and to discourage human intrusion into the critical area pursuant to WMC 21.51.140.
(7) Mitigation and Restoration. Native growth protection areas may be enhanced as part of a mitigation or restoration project. The NGPA shall be designated as protected habitat for fish and wildlife and shall be left in its natural state (with the exception of mitigation to enhance habitat). Any downed trees shall remain in the NGPA to provide habitat for wildlife.

21.51.200 Critical aquifer recharge areas – Designation.

(1) Definition. Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water as described in WAC 365-190-100. Due to soil infiltration conditions of these CARAs, they contribute significantly to the replenishment of groundwater, and often have a high potential for contamination of groundwater resources.

(2) Designation. Identification of CARAs shall be based on the City's adopted Critical Aquifer Recharge Areas map pursuant to WMC 21.51.030. The critical aquifer recharge areas within the city limits have a medium to high susceptibility to groundwater contamination and are not located in a sole source aquifer or wellhead protection area.

(3) Declassification. An applicant can request that the City declassify a specific area included in the map adopted under WMC 21.51.030 of this chapter. The request must be supported by a critical areas report that includes a hydrogeologic assessment. The request to declassify an area shall be reviewed by the Director following the procedure in WMC 21.51.100.

21.51.210 Critical aquifer recharge areas – Development standards.

(1) Prohibited Activities. The following new uses and activities are not allowed in a critical aquifer recharge area:
- (a) Mining of any type below the water table;
- (b) Processing, storage, and disposal of radioactive substances;
- (c) Hydrocarbon extraction;
- (d) Commercial wood treatment facilities on permeable surfaces;
- (e) Wrecking yards;
- (f) Landfills for hazardous waste, municipal solid waste, or special waste; and
- (g) On-site septic systems on lots smaller than one acre without a treatment system that results in effluent nitrate-nitrogen concentrations below 10 milligrams per liter.

21.51.220 Critical aquifer recharge areas – Permitted activities.

(1) Regulated Activities. The following standards apply to any development proposal in a critical aquifer recharge area:
- (a) All storage tanks proposed to be located in a critical aquifer recharge area must comply with the International Building Code and the International Fire Code requirements for secondary containment.
- (b) Commercial vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.
- (c) No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility development must be abandoned using techniques approved by the Washington Department of Ecology prior to commencement of the proposed activity.
- (d) The activities listed below shall be conditioned in accordance with the applicable state and federal regulations as necessary to protect critical aquifer recharge areas:

Table 21.51.220(1)(d) – Regulated Activities

Activity	Applicable State and Federal Regulations
Above-ground storage tanks	WAC 173-303-640
Animal feedlots	Chapter 173-216 WAC, Chapter 173-220 WAC
Automobile washers	Chapter 173-216 WAC, Vehicle and Equipment Washwater Discharges/Best Management Practices Manual (DOE 95-056)
Chemical treatment storage and disposal facilities	WAC 173-303-282
Hazardous waste generator (boat repair shops, biological research facility, dry cleaners, furniture stripping, motor vehicle service garages, photographic processing, printing and publishing shops, etc.)	Chapter 173-303 WAC
Injection wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk yards and salvage yards	Chapter 173-304 WAC, Vehicle Recyclers: A Guide for Implementing the Industrial Stormwater General

Activity	Applicable State and Federal Regulations
	National Pollutant Discharge Elimination System (NPDES) Permit Requirements (DOE 94-146)
Oil and gas drilling	WAC 332-12-450, Chapter 173-218 WAC
On-site sewage systems (large scale)	Chapter 173-240 WAC
On-site sewage systems (< 14,500 gallons/day)	Chapter 246-272 WAC, Local Health Ordinances
Pesticide storage and use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapter 173-303 WAC, Chapter 173-304 WAC, Industrial Stormwater General Permit Implementation Manual for Log Yards (DOE 04-10-031)
Solid waste handling and recycling facilities	Chapter 173-304 WAC
Surface mining	WAC 332-18-015
Underground storage tanks	Chapter 173-360 WAC
Wastewater application to land surface	Chapter 173-216 WAC, Chapter 173-200 WAC

21.51.230 Critical aquifer recharge areas – Critical areas report additional requirements.

(1) In addition to the general critical areas report requirements in WMC 21.51.110, critical areas reports for CARAs shall include the following:

(a) Prepared by a Qualified Professional. A critical areas report for CARAs shall be prepared by a qualified professional who is a hydrogeologist, geologist, or engineer licensed in the State of Washington. The qualified professional shall have a minimum of five years of experience in the field and with experience in preparing hydrogeologic assessments.

(b) Hydrogeologic Assessment. For all proposed activities to be located in a critical aquifer recharge area, a critical areas report shall contain a Level I hydrogeological assessment. A Level 2 hydrogeologic assessment shall be required for any of the following proposed activities:

(i) Activities that result in five percent or more impervious site area;

(ii) Activities that divert, alter, or reduce the flow of surface or groundwater, or reduce the recharging of the aquifer;

(iii) The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;

(iv) The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per one acre; or

(v) Any other activity determined by the City that is likely to have an adverse impact on ground water quality or quantity, or on the recharge of the aquifer.

(c) Level 1 Hydrogeologic Assessment. A Level 1 hydrogeologic assessment shall include the following information on the site and development proposal:

(i) Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone;

(ii) Groundwater depth, flow direction, and gradient based on available information;

(iii) Currently available data on wells and springs within 1,300 feet of the project area;

(iv) Location of other critical areas, including surface waters, within 1,300 feet of the project area;

(v) Available historic water quality data for the area to be affected by the proposed activity; and

(vi) Best management practices proposed to be utilized.

(d) Level 2 Hydrogeologic Assessment. A Level 2 hydrogeologic assessment shall include the information required for a Level 1 hydrogeologic assessment and the following information:

(i) Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five-year period;
(ii) Groundwater monitoring plan provisions;
(iii) Discussion of the effects of the proposed project on the ground water quality and quantity, including:
(A) Predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features; and
(B) Predictive evaluation of contaminant transport based on potential releases to ground water; and
(iv) A spill plan that identifies equipment and/or structures that could fail, resulting in an impact to the CARA. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.

21.51.250 Geologically sensitive areas – Designation.

(1) Definition. Geologically sensitive areas are those areas susceptible to erosion, sliding, earthquake, or other geological events. Geologically sensitive areas pose a risk to health and safety of citizens when incompatible development is located in areas of significant hazard.
(2) Designation. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically sensitive area and subject to the provisions of this chapter.
(a) Erosion Hazard. Those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service or identified by a critical areas report as having a severe to very severe erosion potential.
(b) Landslide Hazard. Those areas susceptible to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to the following:
(i) Areas of historic failures, such as areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey, Washington Department of Natural Resources, and/or other research meeting the best available science criteria in WAC 365-195-915;
(ii) Areas with all three of the following characteristics:
(A) Slopes steeper than 15 percent;
(B) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
(C) Springs or ground water seepage;
(iii) Areas that have shown movement during the Holocene epoch (from 11,700 years ago to the present) or that are underlain or covered by mass wastage debris of that epoch;
(iv) Areas potentially unstable due to rapid stream incision, stream bank erosion, or undercutting by wave action;
(v) Areas located in a ravine, canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
(vi) Any area with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.
(c) Seismic Hazard. Those areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, surface rupture, or soil liquefaction.
(i) Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by the magnitude of an earthquake; the distance from the source of an earthquake; the type and thickness of geologic materials at the surface; and the subsurface geologic structure;
(ii) Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table; and
(iii) Surface ruptures due to faults.
(d) Other Geologic Hazard. Other geological events including mass wasting debris flows, rock falls, and differential settlement.

21.51.260 Geologically sensitive areas – Erosion and landslide hazards.

(1) General Development Standards. Alterations of erosion and landslide hazard areas and their buffers may only occur for activities that:
   (a) Will not increase the threat of the geological hazard, soil movement, or slope instability to adjacent properties beyond predevelopment conditions;
   (b) Will not adversely impact other critical areas or their buffers;
   (c) Are designed so that the hazard and risk of damage to the project is eliminated or mitigated to a level where there is no increased adverse impact relative to natural conditions prior to development, its associated land use, or adjacent properties; and
   (d) Are designed and constructed in conformance with the recommendations of the critical areas report.

(2) Buffer and Setback Required. Based upon review of and City concurrence with a critical areas report prepared by a qualified professional, a buffer shall be established from all edges of erosion or landslide hazard areas. The size of the buffer eliminates or minimizes the risk of property damage, death, or injury resulting from erosion and landslides caused in whole or part by the development.
   (a) Standard Buffer. The standard buffer shall be 50 feet.
   (b) Buffer Reduction. The buffer may be reduced to a minimum of 15 feet when a qualified professional demonstrates that the reduction will provide adequate protection to the proposed development, adjacent developments and uses, and the subject critical area.
   (c) Increased Buffer. The buffer may be increased when a qualified professional determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.
   (d) Building Setback. A minimum 10-foot building setback shall be required from the edge of the buffer for any building or structure to ensure adequate distance for maintenance and repair without encroaching into the buffers. Trails, sidewalks, or stormwater facilities may be located in the building setback as long as access for maintenance will not result in adverse impacts to the buffer.

(3) Design Standards. Development within an erosion or landslide hazard area and its buffer shall be designed to meet the following requirements, unless it can be demonstrated that an alternative design provides greater long-term slope stability while meeting all other provisions of this title:
   (a) The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions;
   (b) Structures and improvements shall be clustered to avoid geologically sensitive areas and other critical areas to the greatest extent possible;
   (c) Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;
   (d) Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
   (e) The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
   (f) The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and
   (g) Development shall be designed to minimize impervious lot coverage.

(4) Alteration Criteria. Alterations shall be subject to the following requirements:
   (a) Alterations of an erosion or landslide hazard area and its buffer may only occur for activities for which a geotechnical analysis demonstrates that:
      (i) The development will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;
      (ii) The development will not decrease slope stability on the subject property and adjacent properties;
      (iii) Such alterations will not adversely impact other critical areas; and
      (iv) Steep slopes that are determined to be artificially created or man-made slopes through past grading or development activities may be modified under the recommendation of an approved geotechnical report that demonstrates that alteration will stabilize the slope and minimize erosion and landslide risk beyond predevelopment conditions.
   (b) Vegetation Preservation. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

(c) Seasonal Restriction. Clearing shall be allowed only from May 1st to October 1st of each year; provided, that the City may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions. Timber harvest, not including brush clearing or stump removal, may be allowed outside of seasonal restrictions pursuant to an approved forest practice permit issued by the Washington Department of Natural Resources.

(d) Utility Lines and Pipes. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and properly anchored, and designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product approved by the City that is technically equal or superior.

(e) Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:

(i) Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge;

(ii) Discharged at flow durations matching pre-developed conditions, with adequate energy dissipation, into existing channels that previously conveyed storm water runoff in the pre-developed state; or

(iii) Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and storm water runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

(f) Subdivisions. The division of land in erosion and landslide hazard areas and associated buffers shall be subject to WMC 21.51.080.

(g) Septic Systems. On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and their buffers.

(5) Additional Report Requirements. In addition to the general critical areas report requirements of WMC 21.51.110, critical areas reports for erosion and landslide hazard areas shall include the following information:

(a) Prepared by a Qualified Professional. The critical areas report shall be prepared by a qualified professional who is a civil engineer, engineering geologist, and/or geologist licensed in the State of Washington. The qualified professional shall have a minimum of five years of experience in the field and experience in preparing reports for geologic, hydrologic, and groundwater flow systems.

(b) Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

(c) Hazards Analysis. The hazards analysis shall include the following information on the site and development proposal:

(i) A description of the extent and type of vegetative cover;

(ii) A description of subsurface conditions based on data from site-specific explorations;

(iii) Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;

(iv) An analysis or estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;

(v) Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;

(vi) A study of slope stability including an analysis of proposed cuts, fills, and other site grading;

(vii) Recommendations for building siting limitations;

(viii) An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion;

(ix) A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically sensitive areas;

(x) A review of the site history regarding landslides, erosion, and prior grading. A description of the vulnerability of the site to seismic and other geologic events; and

(xi) Documentation of data resulting from tests or analysis.

(d) Geotechnical Engineering Report. The technical information for a project within a landslide hazard area shall include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:
  (i) Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;
  (ii) Recommendations for drainage and sub drainage improvements;
  (iii) Earthwork recommendations including clearing and site preparation standards, fill placement and compaction standards, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and
  (iv) Mitigation of adverse site conditions including slope stabilization measures and seismically unstable soils, if necessary.

(e) Erosion and Sediment Control Plan. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required. The erosion and sediment control plan shall be prepared in compliance with requirements set forth in the adopted King County Stormwater Design Manual.

(f) Drainage Plan. The technical information shall include a drainage plan for the collection, transport, treatment, discharge, and/or recycle of water prepared in accordance with the adopted King County Stormwater Design Manual. The drainage plan should consider on-site septic system disposal volumes where the additional volume will affect the erosion or landslide hazard area.

(g) Monitoring Surface Waters. If the City determines based on the recommendation of a qualified professional that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the technical information shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the City.

(h) Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologically sensitive area based upon the geotechnical analysis.

(i) Mitigation Assessment. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the predevelopment level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Mitigation may be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

21.51.270 Geologically sensitive areas – Seismic hazard areas and other hazard areas.

(1) Development Standards. Alterations of seismic hazard areas or other hazard areas and their buffers may only occur for activities that:
  (a) Will not increase the threat of the geological hazard, soil movement, or slope instability to adjacent properties beyond predevelopment conditions;
  (b) Will not adversely impact other critical areas or their buffers;
  (c) Are designed so that the hazard and risk of damage to the project is eliminated or mitigated to a level where there is no increased adverse impact relative to natural conditions prior to development, its associated land use, or adjacent properties; and
  (d) Are designed and constructed in conformance with the recommendations of the critical areas report.

(2) Additional Report Requirements. In addition to the general critical areas report requirements of WMC 21.51.110, critical areas reports for seismic and other hazard areas shall include the following information:
  (a) Prepared by a Qualified Professional. The critical areas report shall be prepared by a qualified professional who is a civil engineer, engineering geologist, and/or geologist licensed in the State of Washington. The qualified professional shall have a minimum of five years of experience in the field and experience in preparing reports for geologic, hydrologic, and groundwater flow systems.
  (b) Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

(c) Hazards Analysis. The hazards analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).

(d) Geological Assessment. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include:

(i) A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;

(ii) A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically sensitive areas; and

(iii) A review of the site history regarding landslides, erosion, and prior grading, including a description of the vulnerability of the site to seismic and other geologic events.

(e) Geotechnical Engineering Report. A geotechnical engineering report shall evaluate the physical properties of the subsurface soils, particularly the thickness of unconsolidated deposits and their liquefaction potential. If it is determined that the site is subject to liquefaction, mitigation measures shall be recommended and implemented.

(f) Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologically sensitive area based upon the geotechnical analysis.

(g) Mitigation Assessment. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the predevelopment level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Mitigation may be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

21.51.300 Wetlands – Designation and rating.

(1) Definition. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

(2) Designation. Identification of wetlands and delineation of their boundaries shall be in accordance with the current approved federal wetland delineation manual and applicable regional supplements as set forth in WAC 173-22-035. Areas meeting the wetland designation criteria are critical areas and subject to the provisions of this chapter.

(3) Wetland Rating and Categories. Wetlands shall be rated according to the current approved version of the Department of Ecology Washington State Wetland Rating System for Western Washington. Definitions and the methodology for determining criteria as provided in this document are hereby adopted by reference.

(a) Categories. Wetlands shall be designated based on the table below. Special characteristic wetlands shall be designated through the current Ecology wetland rating system. If the wetland qualifies under more than one category, the greater wetland rating shall apply.

Table 21.51.300(3)(a) – Wetland Categories

Category	Designation Descriptions
Category I	Wetlands that meet one of the following criteria: High level of functions (score of 23 or more); Represent a unique or rare high-functioning wetland types; More sensitive to disturbance than most wetlands; or Relatively undisturbed and contain ecological attributes that are impossible to replace in a human lifetime.
Category II	High level of some functions (score of 20-22).

	Difficult, though not impossible, to replace.
Category III	Moderate level of functions (score of 16-19). Can often be adequately replaced with a well-planned mitigation project. Experienced some disturbance. Often less diverse and more isolated from other natural resources than Category II wetlands.
Category IV	Lowest level of functions (score of 15 or less). Can often be adequately replaced with a well-planned mitigation project. Often characterized by a high level of disturbance.

(b) Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modification.

(c) Delineation. The wetland's boundaries shall be delineated through a survey and field investigation by a qualified professional applying the most current federal wetland delineation manual and applicable regional supplement. Wetland delineations are valid for five years; after such date, the City shall determine whether a revision or additional assessment is necessary.

21.51.310 Wetlands – Development standards.

(1) Standard Wetland Buffers. Activities and uses shall be prohibited within wetlands and their buffers except as provided for in this chapter. For activities and uses meeting the minimum impact standards in subsection (2), the width of the wetland buffers shall be determined according to the wetland category and habitat point scoring shown in Table 21.51.310(1). The outer edge of the wetland buffer shall be delineated through a survey and field investigation by a qualified professional.

Table 21.51.310(1) – Wetland Buffer Widths

Wetland Category	Buffer width based on habitat points			
	3-4 habitat points	5 habitat points	6-7 habitat points	8-9 habitat points
Category I	75 feet	105 feet	165 feet	225 feet
Category II	75 feet	105 feet	165 feet	225 feet
Category III	60 feet	105 feet	165 feet	225 feet
Category IV	40 feet			

(2) Minimized Impact Standards. The following minimized impact standards must be adhered to in the table below. If an applicant chooses not to apply mitigation standards, the wetland buffer widths in Table 21.51.310(1) shall be increased by 33 percent.

Table 21.51.310(2) – Minimized Impact Standards

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland
Noise	Locate activity that generates noise away from wetland If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered Limit use of pesticides within 150 feet of wetland meeting surface water discharge requirements of Chapter 13.04 WMC. Apply integrated pest management
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development Prevent channelized flow from lawns that directly enters the buffer Use Low Intensity Development techniques (per PSAT publication on LID techniques) Design the on-site stormwater system to comply with the current approved version of the King County Surface Water Design Manual
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	Use best management practices to control dust
Disruption of corridors or connections	Maintain connections to offsite areas that are undisturbed Restore corridors

(3) Increased Buffers. An increased buffer width shall be required in accordance with the recommendations of a qualified professional and best available science when a larger buffer is necessary to protect wetland functions and values. This determination shall be based on one or more of the following critical areas:

(a) Geologically Sensitive Areas. If the buffer or abutting uplands include a geologically sensitive area, the buffer width shall be the greater of either the required wetland buffer or 25 feet beyond the top of the geologically sensitive area.

(b) Other Critical Areas. If the wetland and its buffer are located adjacent to other critical areas, a larger buffer may be required to protect other critical areas in accordance to the recommendations of a qualified professional and best available science.

(c) Species Habitat. The wetland contains documented habitat for endangered, threatened, priority species or species of local importance. The buffer shall be established based on a habitat assessment pursuant to WMC 21.51.400 through WMC 21.51.440.

(4) Existing Roads or Structures in Buffers. Where a legally established roadway transects a wetland buffer, a modification to the minimum required buffer width may be granted to the edge of the roadway or structure, provided that the proposed development does not increase the degree of nonconformity.

(5) Buffer Averaging. The minimum buffer width may be averaged in accordance with an approved critical areas report using the best available science. Averaging of buffer widths may only be allowed if all of the following criteria are met:
   (a) It will provide additional protection to wetlands and result in a net improvement of wetland habitat, functions, and values;
   (b) The buffer width is not reduced by more than 25 percent of the standard width in any one location;
   (c) The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
   (d) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
   (e) When wetland standard buffers are reduced, wetland areas shall not to be filled to create wetland buffers.
(6) Building Setback. A minimum 10-foot building setback shall be required from the edge of the buffer for any building or structure to ensure adequate distance for maintenance and repair without encroaching into the buffers. Trails, sidewalks, or stormwater facilities may be located in the building setback as long as access for maintenance will not result in adverse impacts to the buffer.
(7) Temporary and permanent signs and fencing shall be installed along the outer boundary of the wetland buffer in accordance with WMC 21.513.140.
(8) Livestock. Property owners shall implement a farm management plan or standards to protect and enhance wetland water quality pursuant to Chapter 21.31 WMC.

21.51.320 Wetlands – Permitted activities.

(1) Alterations. Alterations to wetlands and their buffers may be allowed in addition to those established in WMC 21.51.040 and WMC 21.51.050, if the City determines that there is no practical alternative location with less adverse impacts on the wetland or its buffer, subject to mitigation requirements set forth in this chapter, as follows:
   (a) Conservation and Restoration Activities. Conservation and restoration activities include activities that are aimed at protecting soil, water, vegetation, or wildlife.
   (b) Public and Private Utilities. Utilities may be allowed in wetland buffers if all of the following criteria are met:
      (i) Placement of the utilities may be located in the outer 25 percent of the buffer area;
      (ii) The utility corridor and construction area are the minimum size necessary;
      (iii) The utility is not located in a wetland or buffer designated as a fish and wildlife habitat conservation area pursuant to WMC 21.51.400;
      (iv) Mitigation is required that minimizes the impact of the proposal on the wetland buffer;
      (v) The utility corridor meets the provisions of Policies U-1.5 and U-1.8 of the Comprehensive Plan;
      (vi) Construction and maintenance protects the wetland and buffer and is aligned to avoid cutting trees greater than 12 inches in diameter at breast height; and
      (vii) For public sewer and water distribution only, if the corridor cannot be located in the outer 25 percent of the buffer area due to gravity flow, it may be located in another part of the buffer with the least adverse impact to the wetland.
   (c) Drilling for Utilities or Utility Corridors under a Wetland. Entrance/exit portals shall be located completely outside of the wetland buffer, provided that drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.
   (d) Utility Joint Use. Joint use of an approved utility corridor by other utilities may be allowed.
   (e) Stormwater Facilities. The following stormwater facilities are permitted only within the outer 25 percent of the buffer of a Category III or IV wetland:
      (i) Surface water discharge of treated stormwater to a wetland from a detention facility, pre-settlement pond, or other surface water management activity or facility may be allowed only if the discharge does not increase the rate of flow, change the native plant composition in a wetland, or decrease the water quality of the wetland; and

(ii) Stormwater management facilities, limited to stormwater dispersion, outfalls, and bioswales, may be allowed only if no other location is feasible and the location will not degrade functions and values of the wetland.

(f) Dispersal Trenches. Grass-lined swales, dispersal trenches, and energy dissipaters may be located in the outer 25 percent of the buffer area of a Category III or Category IV wetland only. Other surface water management facilities are not allowed within the buffer area.

(g) Trails. Public and private trails, or visual access areas, may be located in the outer 25 percent of wetland buffers provided:

(i) The trail surface shall not be made of impervious materials, except that public multipurpose trails may be made of impervious materials if they meet all other requirements, including water quality and quantity; and

(ii) Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas.

(h) Existing Roads. Widening of existing roads may be allowed on the outer 25 percent of the buffer area if:

(i) There is no practical alternative access with less environmental adverse impact;

(ii) The proposal minimizes impact to the wetland and provides mitigation for unavoidable impacts through restoration, enhancement, or replacement of disturbed areas;

(iii) The proposal does not change the overall wetland hydrology;

(iv) The proposal does not diminish the flood storage capacity of the wetland;

(v) The proposal is constructed during summer low water periods; and

(vi) Crossings are the minimum size or length necessary to provide access.

(2) There shall be no introduction of any plant or wildlife that is not indigenous to the Puget Sound region into any wetland or buffer unless authorized by a state or federal permit or approval.

(3) The use of hazardous substances, pesticides, and fertilizers in the wetland and its buffer is prohibited.

21.51.330 Wetlands – Critical areas report additional requirements.

(1) Additional Report Requirements. In addition to the general critical areas report requirements of WMC 21.51.110, critical areas reports for wetlands shall include the following information:

(a) Prepared by a Qualified Professional. The critical areas report shall be prepared by a qualified professional who is a professional wetland scientist. The qualified professional shall have a minimum of five years of experience in the field of wetland science and experience in preparing wetland reports.

(b) Wetland Assessment. The wetland assessment shall include the following information on the site:

(i) Wetland delineation, rating, category, and required buffers;

(ii) Existing wetland acreage, which may be approximated if the wetland extends onto adjacent properties;

(iii) Vegetative, faunal, and hydrologic characteristics;

(iv) Soil and substrate conditions;

(v) A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year – drift lines, algal layers, moss lines, and sediment deposits); and

(vi) Clearing limits.

(c) Habitat and Vegetation Conservation. A habitat and native vegetation conservation strategy that addresses methods to protect and enhance on-site habitat and wetland functions.

(d) Proposed Mitigation. If required, a mitigation plan consistent with WMC 21.51.120 and WMC 21.51.340. The mitigation plan shall include a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:

(i) Proposed wetland acreage;

(ii) Proposed vegetative, faunal, and hydrologic characteristics;

(iii) Surface and subsurface hydrologic conditions including an analysis of existing and future hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;

(iv) Proposed soil and substrate conditions;

(v) Proposed adjacent site conditions;

(vi) Required wetland buffers (including any buffer reduction and mitigation proposed to increase the plant densities, remove weedy vegetation, and replant the buffers);

(vii) Information demonstrating how enhancement will increase functions of degraded wetlands and how the increase will mitigate for loss of wetland areas and functions at the impact site.

(e) Maintenance and Monitoring. A written plan outlining proposed maintenance, monitoring, and management practices that will provide long-term protection of the wetland consistent with WMC 21.51.130.

(f) Data sheets. Copies of all wetland determination data sheets and supporting figures.

21.51.340 Wetlands – Mitigation.

(1) General. Mitigation shall be consistent with the requirements in WMC 21.51.120. An evaluation of mitigation sequencing, including avoidance, minimization, and compensation, shall be provided pursuant to WMC 21.51.120. Selection of mitigation sites should be guided by watershed plans for basins and sub-basins where those plans are available.

(2) Mitigation for Lost Functions and Values. Mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement, and shall provide similar wetland functions as those lost, except when:

(a) The lost wetland provides minimal functions as determined by a site-specific function assessment and the proposed mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal watershed assessment plan or protocol; or

(b) Off-site replacement will best meet formally identified regional goals, such as replacement of historically diminished wetland types.

(3) Preference of Mitigation Actions. Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:

(a) Restoring wetland acreage and functions to an area where those functions formerly occurred.

(b) Creating new wetland areas and functions in an area where they did not previously occur.

(c) Enhancing an existing wetland.

(d) Preserving existing high-quality wetlands from future loss or degradation.

(4) Type and Location of Mitigation. Mitigation actions shall be in-kind and located on the same site as the alteration, except when:

(a) There is no opportunity for on-site mitigation or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, wildlife impacts, or on-site buffers or connectivity are inadequate;

(b) Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland;

(c) Off-site locations shall be in Water Resource Inventory Area (WRIA) 8 and in the same sub-basin as the impacted wetland; and

(d) The off-site location wetland mitigation will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

(5) Mitigation Ratios.

(a) Acreage Replacement Ratios. The following ratios shall apply to creation or restoration that is in-kind, on-site, the same category, timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases. These ratios do not apply to the use of credits from a state-certified wetland mitigation bank or approved in-lieu fee program. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

Table 21.51.340(5)(a) – Acreage Replacement Ratios

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Natural Heritage site	Not considered possible	Case by case	Case by case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

(b) Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance "Wetland Mitigation in Washington State Parts I and II" (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006), the City may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report," (Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised).

(c) Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

(6) Mitigation Timing. Where feasible, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.

(7) Monitoring and Maintenance. Mitigation projects shall be monitored and maintained consistent with WMC 21.51.130.

(8) Buffers for Mitigation Sites. Mitigation sites shall have buffers consistent with the requirements of this chapter. The buffer for a wetland that is created, restored, or enhanced as compensation for approved wetland alterations shall be subject to the buffer of the highest wetland category involved.

(9) Wetland Mitigation Banks. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands.

(a) The following criteria shall be met in order to apply credits from a wetland mitigation bank when:

(i) The bank is certified under Chapter 173-700 WAC;

(ii) The City determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

(iii) The proposed use of credits is consistent with the terms and conditions of the bank's certification.

(b) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

(c) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

(10) In-Lieu Fee. To aid in the implementation of off-site mitigation, the City may develop an in-lieu fee program. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved in-lieu-fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor, a governmental or non-profit natural resource management entity. Credits from an approved in-lieu-fee program may be used if all of the following apply:

(a) The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.

(b) The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu-fee program instrument.

(c) The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.

(d) Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale.

(e) Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu-fee program.

(f) Credits from an approved in-lieu-fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu-fee instrument.

(11) Alternative Mitigation Plans. The City may approve alternative critical areas mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the Shoreline Master Program (SMP). Alternative mitigation proposals must provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter. The following criteria shall be met for approval of an alternative mitigation proposal:
   (a) The proposal uses a watershed approach consistent with Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Ecology Publication #09-06-32, Olympia, WA, December 2009).
   (b) Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.
   (c) Mitigation according to WMC 21.51.340(4) is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards.
   (d) There is clear potential for success of the proposed mitigation at the proposed mitigation site.
   (e) The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan.
   (f) The plan shall be reviewed and approved as part of overall approval of the proposed use.

21.51.350 Frequently flooded areas - Designation.

(1) Definition. Frequently flooded areas are those areas meeting one or more of the following components. These areas shall be designated as frequently flooded areas and shall be subject to the provisions of this chapter:
   (a) Floodplain;
   (b) Flood fringe;
   (c) Zero-rise floodway; and
   (d) FEMA floodway.
(2) Designation. Frequently flooded areas shall include the following areas:
   (a) Areas Identified on Flood Insurance Map(s). Those areas of special flood hazard identified by the Federal Insurance and Mitigation Administration (FIMA) in the current county-adopted version of the Flood Insurance Study for King County with accompanying flood insurance rate maps (FIRM). The Flood Insurance Study and accompanying maps are hereby adopted by reference
   (b) Areas Identified By the City. Those areas of special flood hazard identified by the City based on a review of base flood elevation and floodway data available from federal, state, county or other agency sources when base flood elevation data has not been provided from FIMA, identified as A and V zones of the flood insurance maps.
(3) New Structures. For all new structures or substantial improvements in a frequently flooded area, the applicant shall provide certification by a professional civil engineer or land surveyor licensed by the State of Washington for the following:
   (a) The actual as-built elevation of the lowest floor, including basement; and
   (b) The actual as-built elevation to which the structure is flood-proofed, if applicable.
(4) Supplemental Information. The City may use additional flood information that is more restrictive or detailed than that provided in the Flood Insurance Study to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.
(5) Flood Elevation Data. When base flood elevation data is not available (A and V zones), the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this Chapter.
(6) Designation Made by City. The flood insurance maps are to be used as a guide for the City, project applicants, and the public and should be considered a minimum designation of frequently flooded areas. Flood insurance maps are subject to continuous updates as areas are reexamined or new areas are identified. Newer and more restrictive information for frequently flooded area identification shall be the basis for regulation.
(7) The Building Official shall maintain the certifications required by this section for public inspection.

21.51.360 Frequently flooded areas – Development standards.

(1) Base Flood Storage Volume. Development shall not reduce the effective base flood storage volume of the floodplain. Grading or other activity that would reduce the effective storage volume shall be mitigated by

creating compensatory storage on the site or off the site. Legal arrangements shall be made to assure that the effective compensatory storage volume will be preserved in perpetuity.

(2) Notification. In addition to requiring the applicant to meet the requirements of WMC 21.51.350 through 21.51.380 and other applicable local, state, and federal requirements, the City shall:
   (a) Notify adjacent communities and the Washington Department of Ecology prior to any alteration or relocation of a watercourse designated in a zone beginning with A on a FIRM map, and submit evidence of such notification to the Federal Insurance and Mitigation Administration.
   (b) Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(3) Low Impact Development. Stormwater and drainage features shall incorporate low impact development techniques, if technically feasible, that mimic pre-development and hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected impervious areas, permeable pavement, and vegetative roof systems.

21.51.370 Frequently flooded areas – Permitted activities.

(1) Alterations. Alterations to frequently flooded areas may be allowed in addition to those activities and uses established in WMC 21.51.040 and WMC 21.51.050.

(2) Flood Fringe. The following shall apply to development located within the flood fringe:
   (a) No structure shall be allowed which would be at risk due to stream bank destabilization including, but not limited to, that associated with channel relocation or meandering.
   (b) Subdivisions, short subdivisions and binding site plans shall meet the following requirements:
      (i) New building lots shall contain 5,000 square feet or more of buildable land outside the zero-rise floodway, and building setback areas shall be shown on the face of the plat to restrict permanent structures to this buildable area;
      (ii) All utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage consistent with subsections (c), (d) and (e) of this section;
      (iii) Base flood data and flood hazard notes shall be shown on the face of the recorded subdivision, short subdivision or binding site plan including, but not limited to, the base flood elevation, required flood protection elevations and the boundaries of the floodplain and the zero-rise floodway, if determined; and
      (iv) The following notice shall also be shown on the face of the recorded subdivision, short subdivision, or binding site plan for all affected lots:
      (v) All such proposals are consistent with the need to minimize flood damage within the flood-prone area; and
      (vi) Adequate drainage is provided to reduce exposure to flood hazards.
   (c) New structures and substantial improvements of existing structures as defined in WMC 21.11.210 shall meet the following requirements:
      (i) The lowest floor, including basement, shall be elevated one foot above the base flood elevation.
      (ii) Portions of a structure which are below the lowest floor that are subject to flooding shall be used only for parking, storage, or building access and shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for satisfying this requirement shall meet or exceed the following requirements:
         (A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
         (B) The bottom of all openings shall be no higher than one foot above grade; and
         (C) Openings may be equipped with screens, louvers, or other coverings or devices provided they permit the unrestricted entry and exit of floodwaters;
      (iii) Materials shall be resistant to flood damage and firmly anchored to prevent flotation. Materials harmful to aquatic wildlife are prohibited below the flood protection elevation;
      (iv) All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be elevated above the flood protection elevation. All utility lines below the flood protection elevation shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;

(v) The structures shall be certified by a professional civil or structural engineer licensed by the State of Washington that the flood-proofing methods are adequate to withstand the anticipated flood depths, pressures, velocities, impacts, uplift forces and other factors associated with the base flood. After construction, the engineer shall verify that the permitted work conforms with the approved plans and specifications; and

(vi) Approved building permits for flood-proofed nonresidential structures shall contain a statement notifying applicants that flood insurance premiums shall be based upon rates for structures that are one foot below the flood-proofed level.

(vii) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(d) Mobile and manufactured homes shall meet the following requirements:

(i) New mobile and manufactured homes or substantial improvements of existing mobile and manufactured homes shall be elevated on a permanent foundation in accordance with WMC 21.51.370(2)(c).

(ii) All new or substantially improved manufactured and mobile homes shall be securely anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors consistent with FEMA's "Manufactured Homes Installation in Flood Hazard Areas" guidebook.

(iii) Compliance with this chapter shall be required for new construction or expansion of a mobile home park, reconstruction of streets or utilities, or substantial improvements to pads in an existing mobile home park.

(e) Recreational vehicles shall meet one of the following requirements:

(i) Be on the site for fewer than 180 consecutive days;

(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect-type utilities and security devices, and have no permanently attached additions; or

(iii) Meet the requirements of subsection (d) of this section and the elevations and anchoring requirements of manufactured and mobile homes.

(f) Utilities shall meet the following requirements:

(i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

(iii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

(iv) Sewage and agricultural waste storage facilities shall be flood-proofed to the flood protection elevation;

(v) Above-ground utility transmission lines, other than electric transmission lines, shall only be allowed for the transport of nonhazardous substances; and

(vi) Buried utility transmission lines transporting hazardous substances shall be buried at a minimum depth of four feet below the maximum depth of scour for the base flood, as predicted by a professional civil engineer licensed by the State of Washington, and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.

(g) Critical public facilities may be allowed within the flood fringe only when no feasible alternative site is available.

(i) Critical public facilities constructed within the flood fringe shall have the lowest floor elevated to three or more feet above the base flood elevation. Flood-proofing and sealing measures shall be taken to ensure that hazardous substances will not be displaced by or released into floodwaters.

(ii) Access routes to and from the critical facility shall be protected to the elevation of the 500-year flood.

(h) Prior to approving any permit for alterations in the flood fringe, the City shall determine that all permits required by state or federal regulations have been obtained.

(3) Zero-rise Floodway and FEMA Floodway. The requirements that apply to the flood fringe in Subsection (2) shall apply to the zero-rise floodway and FEMA floodway in addition to the requirements below. The more restrictive requirements shall apply where there is a conflict.
  (a) New residential or nonresidential structures are prohibited within the FEMA floodway.
  (b) A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation unless the following requirements are met:
    (i) Amendments to the Flood Insurance Rate Map are adopted by FEMA, in accordance with 44 CFR Part 70, to incorporate the increase in the base flood elevation; and
    (ii) Appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.
  (c) The following are presumed to produce no increase in base flood elevation and shall not require a critical areas report to establish this fact:
    (i) New residential structures outside the FEMA floodway on lots in existence before March 31, 1993, which contain less than 5,000 square feet of buildable land outside the zero-rise floodway and which have a total building footprint of all proposed structures on the lot of less than 2,000 square feet;
    (ii) Substantial improvements of existing residential structures in the zero-rise floodway, but outside the FEMA floodway, where the footprint is not increased;
    (iii) Substantial improvements of existing residential structures meeting the requirements for new residential structures in WMC 21.51.370(2)(c); or
    (iv) Substantial improvements of existing residential structures in the FEMA floodway, meeting the requirements of WAC 173-158-070, as amended.
  (d) Post or piling construction techniques which permit water flow beneath a structure shall be used.
  (e) All temporary structures or substances hazardous to public health, safety, and welfare, except for hazardous household substances or consumer products containing hazardous substances, shall be removed from the zero-rise floodway during the flood season from September 30th to May 1st.
  (f) Utilities may be allowed if the City determines that no feasible alternative site is available, subject to the following requirements:
    (i) Installation of new on-site sewage disposal systems shall be prohibited unless a waiver is granted by the King County Department of Public Health; and
    (ii) Construction of sewage treatment facilities shall be prohibited.
  (g) Structures and installations that are dependent upon the floodway may be located in the floodway if the development proposal is approved by all agencies with jurisdiction. Such structures include, but are not limited to:
    (i) Dams or diversions for water supply, flood control, hydroelectric production, irrigation, or fisheries enhancement;
    (ii) Flood damage reduction facilities, such as levees and pumping stations;
    (iii) Stream bank stabilization structures where no feasible alternative exists for protecting public or private property;
    (iv) Stormwater conveyance facilities subject to the development standards for streams and wetlands and the City's adopted surface water design manual;
    (v) Boat launches and related recreation structures;
    (vi) Bridge piers and abutments; and
    (vii) Other fisheries enhancement or stream restoration projects.

21.51.380 Frequently flooded areas – Critical areas report additional requirements.

(1) In addition to the general critical areas report requirements of WMC 21.51.110, critical areas reports for frequently flooded areas shall include a flood hazard assessment and the following information:
  (a) Prepared by a Qualified Professional. The critical areas report for shall be prepared by a qualified professional who is a hydrologist or engineer licensed in the State of Washington. The qualified professional shall have a minimum of five years of experience in the field and experience in preparing flood hazard assessments.
  (b) Site Areas. The following areas shall be addressed:

(i) The site area of the proposed activity;
(ii) All areas of a special flood hazard, or other flood area as indicated in the flood insurance maps within 200 feet of the project area; and
(iii) All other flood areas indicated on the flood insurance maps within 200 feet of the project area.

(c) Watercourse Alteration. Alteration of natural watercourses shall be avoided, if feasible. If unavoidable, a critical areas report shall include:
(i) A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of the proposal;
(ii) A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished; and
(iii) Information describing and documenting how the proposed watercourse alteration complies with the requirements of WMC 21.51.400 through 21.51.440, the adopted Shoreline Master Program, and other applicable state or federal permit requirements.

(d) Habitat Impact Assessment. A permit application to develop in a frequently flooded area shall include an assessment of the impact of the project on federal, state, or locally protected species and habitat, water quality, and aquatic and riparian habitat. A habitat assessment shall be one of the following:
(i) A Biological Evaluation or Biological Assessment developed in accordance with 50 C.F.R. § 402.12;
(ii) Documentation that the activity fits within Section 4(d) of the Endangered Species Act;
(iii) Documentation that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act, where such assessment has been prepared and made available; or
(iv) A habitat impact assessment prepared in accordance with the current adopted FEMA Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X. The assessment shall determine if the project would adversely affect:
(A) Species that are federal, state, or locally listed as threatened or endangered;
(B) The primary constituent elements for critical habitat, when designated, including but not limited to water quality, water quantity, flood volumes, flood velocities, spawning substrate, and/or floodplain refuge for listed salmonids;
(C) Essential fish habitat designated by the National Marine Fisheries Service;
(D) Fish and wildlife habitat conservation areas; and
(E) Other protected areas and elements necessary for species conservation.

21.51.400 Fish and wildlife habitat conservation areas – Designation.

(1) Definition. Fish and wildlife habitat conservation areas are those habitat areas that meet any of the criteria listed below. Fish and wildlife habitat conservation areas do not include irrigation ditches, canals, stormwater run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

(a) Areas with Which State or Federally Designated Endangered, Threatened, and Sensitive Species Have a Primary Association.
(i) Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listing status.
(ii) State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington Department of Fish and Wildlife (WDFW), that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. The Washington Department of Fish and Wildlife should be consulted for current listing status.

(b) State Priority Habitat and Species. Habitats associated with state priority species or designated as state priority habitats are considered priorities for conservation and management. Priority species require protective habitat measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may

consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the Washington Department of Fish and Wildlife.

(c) Habitat and Species of Local Importance. Habitats and species of local importance are those identified by the City of Woodinville that due to their population status, or sensitivity to habitat manipulation, warrant protection.

(i) The following species are designated as species of local importance:

Table 21.51.400(c)(i) – Species of Local Importance

Common Name	Scientific Name
Bald eagle	Haliaeetus leucocephalus
Peregrine falcon	Falco peregrines
Common loon	Gavia immer
Pileated woodpecker	Dryocopus pileatus
Vaux's swift	Chaetura vauxi
Purple martin	Progne subis
Western grebe	Aechmophorus occidentalis
Great blue heron	Ardea herodias
Green heron	Butorides virescens
Osprey	Pandion haliaetus
Western big-eared bat	Plecotus townsendii
Keen's myotis	Myotis keenii
Long-eared myotis	Myotis evotis
Oregon spotted frog	Rana pretiosa
Western pond turtle	Clemmys marmorata
Bull trout	Salvelinus confluentus
Chinook salmon	Oncorhynchus tshawyscha
Coho salmon	Oncorhynchus kisutch
Sockeye/kokanee salmon	Oncorhynchus nerka
River lamprey	Lampetra ayresi

(ii) Nominations for habitats or species of local importance shall be processed as a Type V permit pursuant to Chapter 21.83 WMC. Nominations for habitats or species of local importance shall demonstrate the following:

(A) Habitat or species rarity or vulnerability to rarity, as evidenced by restricted, small, or declining species population and habitats or community loss or degradation;

(B) The need for protection, maintenance, and/or restoration of the nominated habitat to ensure the long-term survival of a species;

(C) If applicable, the ability of the site to maintain connectivity between habitat areas or to contribute significantly to regional biodiversity as evidenced by species use, richness, abundance, and/or rarity;

(D) Why special protection is needed and how existing county, state and federal programs and regulations do not provide adequate protection; and

(E) Any proposed management strategies for the affected species or habitat supported by best available science.

(d) Streams and Watercourses. Streams shall be classified using the current approved version of the State Water Typing System pursuant to WAC 222-16-030 and WAC 222-16-031. Streams meeting the designation criteria below and all associated riparian habitat areas, identified as stream buffers in this chapter, are subject to the provisions of this chapter.

Table 21.51.400(1)(d) – Stream Classifications

Classification	Brief Description	Full Description
Type S	Shoreline of the State	All waters, within their bank-full width, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW including periodically inundated areas of their associated wetlands.

Classification	Brief Description	Full Description
		Within the City of Woodinville, the Sammamish River and Little Bear Creek are designated as Type S streams.
Type F	Fish bearing stream (perennial or seasonal)	Segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories: (a) Waters, which are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less; (b) Waters, which are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type F Water designation provided the department determines after a landowner-requested on-site assessment by the Washington Department of Fish and Wildlife, Washington Department of Ecology, the affected tribes and interested parties that: (i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and (ii) Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery. (c) Waters, which are within a federal, state, local, or private campground having more than 10 camping units: provided, that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement; (d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria: (i) The site must be connected to a fish habitat stream and accessible during some period of the year; and (ii) The off-channel water must be accessible to fish.
Type Np	Non-fish bearing perennial stream	All segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.
Type Ns	Non-fish bearing seasonal stream	All segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any

Classification	Brief Description	Full Description
		stream reach that is a Type Np Water. Ns Waters must be physically connected by an aboveground channel system to Type S, F, or Np Waters.

(e) Naturally Occurring Ponds Under 20 Acres. Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

(f) Waters of the State. Waters of the state include lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington, as classified in WAC 222-16-031.

(g) Areas of Rare Plant Species and High Quality Ecosystems. Areas of rare plant species and high quality ecosystems are identified by the Washington State Department of Natural Resources through the Natural Heritage Program.

(h) Native growth protection areas (NGPA) and other areas designated by the City.

(2) Fish and wildlife habitat conservation areas are usually found in conjunction with another critical area listed in this chapter. The critical areas report shall address all criteria for each critical area specifically.

21.51.410 Fish and wildlife habitat conservation areas – Development standards.

(1) Standard Buffers. Activities and uses shall be prohibited within fish and wildlife habitat conservation areas and their buffers, except as provided for in this chapter.

(a) Habitat Conservation Area Buffers. The City shall require the establishment of buffer areas for activities adjacent to habitat conservation areas, when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby, and shall be consistent with the management recommendations issued by the Washington Department of Fish and Wildlife.

(b) Stream Buffers. Stream buffers shall be established for habitats that include aquatic and terrestrial ecosystems that mutually benefit each other and that are buffers located adjacent to rivers, perennial or intermittent streams, seeps, and springs.

(i) Stream Buffer Widths. The stream buffers shall be determined according to the stream type shown in Table 21.51.410(1)(b)(i). Widths shall be measured outward in each direction on the horizontal plane from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified.

Table 21.51.410(1)(b)(i) – Stream Buffer Widths

Stream Type	Standard Area Width
S	Buffers established per Woodinville Shoreline Master Program (SMP)
F	140 feet
Np	70 feet
Ns	50 feet

(ii) Measurement. The outer edge of the stream buffer shall be delineated through a survey and field investigation by a qualified professional.

(iii) Increased Widths. An increased buffer shall be required in accordance with the recommendations of a qualified professional and the best available science in the following circumstances:

(A) Where the standard width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area;

(B) Where the frequently flooded area exceeds the standard stream buffer, the width shall extend to the outer edge of the frequently flooded area;
(C) Where the channel migration zone exceeds the standard stream buffer, the width shall extend to the outer edge of the channel migration zone; or
(D) The habitat area is in an area of high blowdown potential, the stream buffer shall be expanded an additional 50 feet on the windward side.

(iv) Urban Stream Designation. The City may approve further decreases to buffer widths on streams designated as “urban” in accordance with the recommendations of a qualified professional biologist and the best available science on a case-by-case basis. No buffer shall be reduced on a stream designated as “urban” to less than 50 feet wide unless the stream is not used by fish whereas the minimum buffer will be 35 feet. Stream enhancement measures shall be required to improve overall stream function. The City may designate a stream as “urban” if all of the following criteria are met:
(A) The stream is not a Type S stream;
(B) The stream has degraded channel conditions (e.g., presence of piping, sedimentation, channelization, etc.);
(C) The stream has buffers that are currently degraded or developed;
(D) The portion of the buffer affecting the subject property or development is located within the CBD, GB, or I zones;
(E) Stream enhancement shall be sufficient to protect stream buffer functions and values based on site-specific characteristics and must include enhancement measures implemented to provide a net improvement in overall stream and buffer function and value.

(2) Buffer Averaging. The minimum buffer width may be averaged in accordance with an approved critical areas report using the best available science and any management recommendations issued by the Washington Department of Fish and Wildlife. Averaging of buffer widths may only be allowed if all of the following criteria are met:
(a) It will provide additional protection to the fish and wildlife habitat conservation area and result in a net improvement of the habitat functions and values;
(b) It will not adversely affect salmonid habitat;
(c) The buffer width is not reduced by more than 25 percent of the standard width in any one location;
(d) It will provide additional natural resource protection, such as buffer enhancement;
(e) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;
(f) The proposal includes re-vegetation and restoration of the averaged buffer using native plants; and
(g) Buffer averaging is not used in conjunction with a stream buffer reduction or urban stream designation.

(3) Building Setback. A minimum 10-foot building setback shall be required from the edge of the buffer for any building or structure to ensure adequate distance for maintenance and repair without encroaching into the buffers. Trails, sidewalks, or stormwater facilities may be located in the building setback as long as access for maintenance will not result in adverse impacts to the buffer.

(4) Protection. Whenever activities are proposed in or adjacent to a habitat conservation area with which state or federally endangered or threatened species have a primary association, such area shall be protected through the application of measures in accordance with a critical areas report and approved by the city and guidance provided by the appropriate state and federal agencies.

(5) Special Conditions. Buffers shall also be subject to modifications under the following site conditions:
(a) Geologically Sensitive Areas. The buffer or abutting uplands include a geologically sensitive area. The buffer width shall be the greater of either the required buffer or twenty-five feet beyond the top of the hazard area;
(b) Wetlands. Any fish and wildlife habitat conservation area adjoined by a riparian wetland shall have the buffer required for the habitat conservation area involved or the buffer which applies to the wetland, whichever is greater; or
(c) Other Critical Areas. If the habitat conservation area buffer is located adjacent to other critical areas, a larger buffer shall be required to protect other critical areas in accordance to the recommendations of a qualified professional and best available science.

(6) Signage and Fencing. Temporary and permanent signs and fencing shall be installed along the outer boundary of the fish and wildlife habitat conservation area buffer in accordance with WMC 21.24.140.

(7) Livestock. Property owners shall implement a farm management plan or standards to protect and enhance water quality pursuant to Chapter 21.31 WMC.
(8) Seasonal Restrictions. When a species is more susceptible to adverse impacts during specific periods of the year, as determined by the Washington State Department of Fish and Wildlife, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.

21.51.420 Fish and wildlife habitat conservation areas – Permitted activities.

(1) Approval of Activities. The City shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the best available science and may include, but are not limited to, the following:
  (a) Establishment of buffer zones;
  (b) Preservation of critically important vegetation and/or habitat features such as snags and downed wood;
  (c) Limitation of access to the habitat area, including fencing to deter unauthorized access;
  (d) Seasonal restriction of construction activities;
  (e) Establishment of a duration and timetable for periodic review of mitigation activities; and
  (f) Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
(2) Hazardous Substances. The use of hazardous substances, pesticides, and fertilizers in the stream and its buffer is prohibited.
(3) Non-native Species. The introduction of any plant, wildlife, or fish species not indigenous to the region shall be prohibited from fish and wildlife habitat conservation areas unless authorized by a state or federal permit or approval.
(4) Alterations. Alterations to fish and wildlife habitat conservation areas and their buffers, except for in-stream environments, may be allowed in addition to those established in WMC 21.51.040 and WMC 21.51.050. Where applicable, activities and uses shall also be subject to the Woodinville Shoreline Master Program (SMP).
  (a) Utilities. Utilities may be allowed within fish and wildlife habitat conservation areas if:
    (i) No practical alternative location is available;
    (ii) The requirements for sewer utility corridors in WMC 21.51.320 are met;
    (iii) Joint use of an approved utility corridor by more than one utility may be allowed; and
    (iv) The utility corridor meets the provisions of Policies U-1.5 and U-1.8 of the City of Woodinville Comprehensive Plan.
  (b) Surface Water Management Activities and Facilities. The following may be allowed within fish and wildlife habitat conservation areas as follows:
    (i) Surface water discharge to a stream from a detention facility, pre-settlement pond or other surface water management activity or facility may be allowed if the discharge is in compliance with the City's adopted surface water design manual;
    (ii) Storm Water Management Facilities. Grass-lined swales and dispersal trenches may be located in the outer 25 percent of the buffer area. All other surface water management facilities are not allowed within the buffer area.
  (c) Trails. Public and private trails, and/or visual access to the habitat conservation area may be allowed if
    (i) Trail surface shall not be made of impervious materials, except that public multi-purpose trails may be made of impervious materials if they meet all other requirements including water quality and quantity; and
    (ii) Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas.
(5) The following shall apply for areas with endangered or threatened species:
  (a) No development shall be allowed within a habitat conservation area or its buffer with which state or federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a management plan established by the Washington Department of Fish and Wildlife or applicable state or federal agency.
    (i) Areas shall be protected through the application of protection measures in accordance with a critical areas report prepared by a qualified professional and approved by the City.

(ii) Approval for alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Washington State Department of Fish and Wildlife for animal species and the Washington Department of Natural Resources for plant species and other appropriate federal or state agency.

(b) Bald Eagle Habitat.

(i) Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292) and the Federal Bald Eagle Protection Act.

(ii) Whenever activities are proposed within 800 feet of a verified nest territory or communal roost or within a quarter-mile of a shoreline foraging area, a critical areas report shall be developed by a qualified professional.

(iii) The applicant shall consult with US Fish and Wildlife Service to determine if a permit is required.

(iv) The City shall verify the location of eagle management areas for each proposed activity.

(c) Great Blue Heron Rookeries.

(i) A buffer equal to the distance of 820 feet radius measured from the outermost nest tree in the rookery will be established around an active rookery. This area will be maintained in native vegetation.

(ii) Between January 1st and July 31st, no clearing, grading or land disturbing activity shall be allowed within 900 feet of the rookery, unless approved by the City and Washington Department of Fish and Wildlife.

(iii) Approval of all activities requiring permits shall not occur within 900 feet of a heron rookery prior to the approval of a critical areas report by the City and Washington Department of Fish and Wildlife.

(d) Anadromous Fish.

(i) All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to the following standards:

(A) Activities shall be timed to occur only during the allowable work window as designated by the Washington State Department of Fish and Wildlife for the applicable species;

(B) An alternative alignment or location for the activity is not feasible;

(C) The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;

(D) Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical areas report; and

(E) Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical areas report.

(ii) Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.

(iii) Fills, when authorized pursuant to the City of Woodinville's Shoreline Management Master Program, shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts, and shall only be allowed for a water-dependent use.

(6) Alterations to streams and their buffers may be allowed in addition to those established in WMC 21.51.040 and the Woodinville Shoreline Master Program for Type S streams, as follows:

(a) Existing Roads. Widening of existing roads may be allowed on the outer 25 percent of the buffer area if:

(i) There is no practical alternative access with less adverse environmental impact;

(ii) The proposal minimizes impact to the stream and provides mitigation for unavoidable impacts through restoration, enhancement, or replacement of disturbed areas;

(iii) The proposal does not change the overall stream hydrology;

(iv) The proposal does not diminish the flood storage capacity of the stream;

(v) The proposal is constructed during summer low water periods; and

(vi) The proposal is the minimum size or length necessary to provide access.

(b) Stream Crossings. The use of existing crossings, including but not limited to utility corridors, road and railroad rights-of-way across streams or buffers for public or private trails is preferred to new crossings. Stream crossings may be allowed if:

(i) All crossings use bridges or other construction techniques in accordance with best management practices, which do not disturb the stream bed or bank, except that bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used for Type F or Np streams if the applicant demonstrates that such methods and their implementation will pose no harm to the stream or inhibit migration of fish;
(ii) All crossings are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to resident or anadromous fish including salmonids;
(iii) Crossings do not occur over resident or anadromous fish spawning areas unless the City determines that no other possible crossing site exists;
(iv) Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water mark;
(v) Crossings do not diminish the flood-carrying capacity of the stream;
(vi) Underground utility crossings are laterally drilled and located at a depth of four feet below the maximum depth of scour for the base flood predicted by a civil engineer licensed by the State of Washington; and
(vii) The number of crossings is minimized and consolidated to serve multiple purposes and properties whenever possible.

(c) Stream Relocations. Relocations may be allowed subject to the following limitations:
(i) Type F, Np, and Ns streams as part of a public road project for which a public agency and utility exception is granted pursuant to WMC 21.51.060;
(ii) Type F, Np, and Ns streams for the purpose of enhancing or restoring resources in the stream if:
(A) Appropriate floodplain protection measures are used;
(B) The relocation occurs on the site, except that relocation off the site may be allowed if the applicant demonstrates that any on-site relocation is impracticable, the applicant provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage sub-basin as the original stream; and
(C) A critical areas report shows that the relocation is beneficial to fish and wildlife habitat.
(iii) Relocations are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to resident or anadromous fish including salmonids;
(iv) Streams shall not be relocated solely for development purposes; and
(v) The applicant shall demonstrate, based on information provided by a civil engineer and a qualified biologist, that:
(A) Equivalent base flood storage volume and function will be maintained;
(B) No adverse impact to local groundwater will occur;
(C) No increase in velocity will occur upstream or downstream;
(D) No increase in the sediment load will occur upstream or downstream;
(E) Requirements set out in the mitigation plan are met;
(F) Relocation conforms to other applicable laws; and
(G) All work will be carried out under the direct supervision of a qualified biologist.
(vi) The applicant shall obtain all required state and federal permits and authorization prior to conducting site work.

(d) Stream Channel Stabilization. A stream channel may be stabilized if:
(i) Movement of the stream channel threatens existing residential or commercial structures, public facilities or improvements, unique natural resources or the only existing access to property;
(ii) Stabilization is done in compliance with the requirements of WMC 21.51.350 through 21.51.380; and
(iii) Soft-bank stabilization techniques are utilized unless the applicant demonstrates that soft-bank techniques are not a reasonable alternative due to site-specific soil, geologic and/or hydrologic conditions.

(e) Enhancements. Stream enhancement not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance, and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direct supervision of a qualified biologist pursuant to provisions of this chapter.

(f) Stream Restoration. A minor stream restoration project for fish habitat enhancement may be allowed if the restoration is:

(i) Sponsored or approved by a public agency with a mandate to do such work;
(ii) Not associated with mitigation of a specific development proposal;
(iii) Limited to placement of rock weirs, log controls, spawning gravel, culvert replacement and other specific habitat improvements for resident and anadromous fish including salmonid;
(iv) Involves the use of hand labor and light equipment; and or the use of helicopters and cranes that deliver supplies to the project site; provided, that they have no contact with critical areas or their buffers; and
(v) Performed under the direct supervision of a qualified biologist.

21.51.430 Fish and wildlife habitat conservation area – Critical areas report additional requirements.

(1) In addition to the general critical areas report requirements of WMC 21.51.110, critical areas reports for fish and wildlife habitat conservation areas shall include the following information:
(a) Prepared by a Qualified Professional. The critical areas report shall be prepared by a wildlife, stream or wetland biologist or scientist. The qualified professional shall have a minimum of five years of experience in the field and experience in preparing reports for fish and wildlife habitat conservation areas.
(b) Areas Addressed in Critical Areas Report. The following areas shall be addressed in a critical areas report for habitat conservation areas:
(i) The project area of the proposed activity;
(ii) All habitat conservation areas and recommended buffers within 200 feet of the project area; and
(iii) All shoreline areas, floodplains, other critical areas, and related buffers within 200 feet of the project area.
(c) Habitat Assessment. The report shall include an assessment of the presence or absence of potential critical fish or wildlife habitat. A habitat assessment shall include the following information:
(i) Extent of fish and wildlife habitat areas and required buffers;
(ii) Existing habitat area acreage;
(iii) Vegetative, faunal, and hydrologic characteristics;
(iv) Identification of species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area;
(v) Assessment of potential project impacts to the use of the site by the species;
(vi) A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area; and
(vii) A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality.
(d) Proposed Mitigation. If required, a mitigation plan consistent with WMC 21.51.120 and WMC 21.51.440. The mitigation plan shall include a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:
(i) Prohibition or limitation of development activities within the fish and wildlife habitat conservation area;
(ii) Establishment of a buffer around the fish and wildlife habitat conservation area;
(iii) Retention of certain vegetation or areas of vegetation critically important to the listed species;
(iv) Limitation of access to the fish and wildlife habitat conservation area and buffer;
(v) Seasonal restrictions on construction activities on the subject property;
(vi) Clustering of development on the subject property is appropriate; and
(vii) Preservation or creation of a habitat area for the listed species.
(e) Habitat Management. When appropriate due to the type of habitat or species present or the project area conditions, the City may also require a habitat management plan to include:
(i) A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs;
(ii) An evaluation by the Washington State Department of Fish and Wildlife, affected tribes, or other qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and

(iii) A request for consultation with the Washington Department of Fish and Wildlife, affected tribes or other appropriate agency; and
(iv) Detailed surface and subsurface hydrologic features both on and adjacent to the site.

21.51.440 Fish and wildlife habitat conservation areas – Mitigation.

(1) General. Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site as appropriate. Mitigation shall be supported by best available science and address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis. Mitigation should occur in the same sub-drainage basin as the habitat.
(2) Sites. Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan and habitat management plan to minimize the isolating effects of development on habitat areas. Mitigation of aquatic habitat shall be located within the same aquatic ecosystem as the area disturbed.
(3) Restoration. Restoration or mitigation shall be required as part of a development proposal whereby impacts, either direct or indirect, to the habitat conservation area occur. Restoration shall also be required when a habitat conservation area or its buffer is altered in violation of law or without any specific permission or approval by the City. A mitigation plan for the restoration or mitigation, included as part of the critical areas report, shall demonstrate that:
   (a) Habitat conservation area has been degraded and will not be further degraded by the restoration or mitigation activity;
   (b) Restoration or mitigation will reliably and demonstrably improve the water quality and fish and wildlife habitat;
   (c) Restoration or mitigation will result in no net loss and no significant adverse impact will occur to habitat functions; and
   (d) On sites where nonnative vegetation was cleared, restoration shall include installation of native vegetation with a density equal to or greater than the predevelopment site conditions; and
   (e) Restoration or mitigation will assist in stabilizing the stream channel.
(4) Stream Restoration and Mitigation. All restoration and/or mitigation projects for streams shall meet the following:
   (a) All work shall be carried out under the direct supervision of a qualified biologist;
   (b) Basin analysis shall be performed to determine hydrologic conditions;
   (c) Natural channel dimensions shall be replicated including its depth, width, length, and gradient at the original location, and the original horizontal alignment (meander lengths) shall be replaced;
   (d) Identical or similar materials shall be used to restore the stream bottom;
   (e) Bank and buffer configuration shall be restored to its original condition;
   (f) Channel, bank and buffer areas shall be replanted with native vegetation which replicates the original vegetation in species, sizes and densities; and
   (g) Pre-existing biologic functions of the stream shall be recreated.
(5) Stream Replacement or Enhancement. Replacement or enhancement for approved stream or buffer alterations shall be accomplished in streams and on the site unless the applicant demonstrates that:
   (a) Enhancement or replacement on the site is not possible or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;
   (b) Off-site location is in the same drainage sub-basin as the original stream; and
   (c) Greater biologic and hydrologic functions will be achieved.
(6) Surface Water Management. Surface water management or flood control alterations shall not be considered enhancement unless other functions are simultaneously improved.
(7) Daylighting. Daylighting a stream is encouraged when redeveloping. The Director may modify the requirements pertaining to aquatic areas and their buffers, when locating or day lighting a stream.
(8) Monitoring and Maintenance. Mitigation sites shall be monitored and maintain consistent with WMC 21.51.130.

21.51.450 City Development Services Director to administer.

The City Development Services Director shall administer and implement the provisions of this chapter and shall have the authority to grant or deny flood improvement permits in accordance with its provisions.

21.51.460 Development permit required.

(1) Prohibition. No land within the areas of special flood hazard shall hereafter be subdivided, short platted, or have its lot lines adjusted; nor be improved, filled, graded or cleared; nor shall any structure, including a manufactured home, be constructed, reconstructed, substantially improved, relocated, erected, nor shall any other development, as defined above, be commenced upon such land, unless the person responsible therefore shall first obtain a development permit for such action, to be known as a flood improvement permit, treated as a Type I permit pursuant to Chapter 21.83 WMC.

(2) Permit Application. Application for a flood improvement permit (Type I permit pursuant to Chapter 21.83 WMC) shall be made on forms as prescribed by the City Development Services Director, and may include but not be limited to plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the area for which application is made, and existing or proposed structures, fill, storage of materials, drainage facilities, and their locations. The following information and documents shall be required:
   (a) The name and address of the applicant;
   (b) The name and address of the legal owner;
   (c) The legal description of the property;
   (d) The nature of the proposed action;
   (e) A statement as to the proposed use of any structure;
   (f) A statement as to whether the proposed action is temporary or permanent;
   (g) The elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
   (h) The elevation in relation to mean sea level to which any structure has been flood proofed;
   (i) The certification of a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria of the City;
   (j) A description of the extent to which a watercourse will be altered or relocated as a result of the proposed development; and
   (k) A topographic survey, prepared by a licensed surveyor or engineer, with sufficient scale and contour interval to adequately assess variation in the ground surface; provided, this requirement shall be waived if the proposed development does not include either excavation or fill, or if the development proposal is for an addition to, or elevation or remodel of, an existing residence containing not more than an additional 300 square feet.

(3) Permits May Be Conditioned or Denied. All proposals shall be reviewed for, and may be denied or conditioned upon their effect upon, their compliance with these requirements, including but not limited to their effect upon storage and conveyance of flood waters.

(4) Permit Fees. The fees for processing flood improvement permit applications shall be as established by resolution of Council.

21.51.470 Duties of the City Development Services Director.

Duties of the City Development Services Director shall include but not be limited to the following:

(1) Permit Review. The City Development Services Director shall review all applications for flood improvement permits for compliance with these requirements, determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required, determine if the proposed action will occur in the floodway, and if so, determine that all special provisions relating to actions in the floodway have been met; provided, it shall be the responsibility of the applicant to identify all Federal, State, or local agencies whose prior approval is required, and all risk of loss or damage for the failure to do so shall be borne solely by the applicant.

(2) Use of Other Base Flood Data. When base flood elevation data has not been provided, the City Development Services Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer the provisions of WMC 21.51.210, 21.51.240, and 21.51.250 (development standards and permitted alterations).

(3) Maintenance of Information. The City Development Services Director shall obtain, record, and maintain for public inspection the following information:

(a) The actual (as-built) elevation in relation to sea level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; and
(b) For all new or substantially improved flood proofed structures, verify and record the actual elevation in relation to mean sea level, and maintain the flood proofing certifications required by this chapter.
(c) Interpretation of FIRM Boundaries. The City Development Services Director shall make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazard; for example, where there appears to be a conflict between a mapped area and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted when consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 576) as the same now exists or may hereafter be amended.

(4) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the City Development Services Director or the designee has reasonable cause to believe that there exists in any building or upon any lands a condition of violation of these regulations, the City Development Services Director or the designee may enter such building or lands at all reasonable times to inspect the same or to perform any duty imposed on the City Development Services Director by this section; provided, that if such building or lands be occupied, the official shall first provide identification and request entry; and if such building or lands be unoccupied, the official shall first make a reasonable effort to locate the owner or person having control of the building or lands and request entry. If such entry is refused or if the City is unable to locate the owner or occupant, the City Development Services Director (or designee) shall have recourse to every remedy provided by law to secure entry.

21.51.480 Flood variance procedure.

(1) The flood variance procedure shall be a Type III permit, as shown in Chapter 21.83 WMC.
(2) In passing upon such applications the Hearing Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the following:
(a) The danger that materials may be swept onto other lands to the injury of others;
(b) The danger to life and property due to flooding or erosion damage;
(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
(d) The importance of the services provided by the proposed facility to the community;
(e) The necessity to the facility of a waterfront location, if applicable;
(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion;
(g) The compatibility of the proposed use with existing and anticipated development;
(h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(j) The expected heights, velocities, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
(k) The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(3) Upon consideration of the factors specified in subsection (2) of this section and the purposes of this chapter, the Hearing Examiner may approve, approve with conditions such as deemed necessary, or deny the request.
(4) The Permit Center shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

21.51.490 Conditions for flood variances.

(1) Variances from the elevation standard may be issued for new construction and substantial improvements only when WMC15.21.130(2)(a) through (k) have been fully considered.
(2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this section.
(3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
(5) Variances shall only be issued upon clear and convincing evidence that:
  (a) A showing of good and efficient cause has been made;
  (b) Failure to grant the variance would result in exceptional hardship to the applicant; and
  (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
(6) Variances as interpreted in the National Flood Insurance Program are based upon the zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances.
(7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, and otherwise complies with WMC 21.51.230(6), (7) and (10).
(8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting therefrom. All risk of damage or loss not covered by flood insurance occurring as a result of such variance permitting a reduction in the required elevation for the lowest floor shall be borne solely by the applicant and recorded on the property title. (Ord. 379 § 18, 2004)

Chapter 21.52
ENVIRONMENTAL PROTECTION

Sections:

21.52.010 Authority.
21.52.020 General requirements – Adoption by reference.
21.52.030 Additional definitions.
21.52.040 Designation of responsible official.
21.52.050 Lead agency determination and responsibilities.
21.52.060 Transfer of lead agency status to a State agency.
21.52.070 Integration with permit and land use decisions.
21.52.080 Additional timing considerations.
21.52.090 Categorical exemptions and threshold determinations – Adoption by reference.
21.52.100 Thresholds for categorical exemptions.
21.52.110 Use of exemptions.
21.52.120 Environmental checklist.
21.52.130 Mitigated DNS (MDNS).
21.52.140 Optional DNS and MDNS process.
21.52.150 Environmental impact statement (EIS) – Adoption by reference.
21.52.160 Preparation of EIS – Additional considerations.
21.52.170 EIS – Commenting – Adoption by reference.
21.52.180 Reserved.
21.52.190 Public notice.
21.52.200 Designation of official to perform consulted agency responsibilities for the City.
21.52.210 Using existing environmental documents – Adoption by reference.
21.52.220 SEPA and agency decisions – Adoption by reference.
21.52.230 Substantive authority.
21.52.240 Appeals.
21.52.250 Notice/statute of limitations.
21.52.260 Definitions – Adoption by reference.
21.52.270 Agency compliance – Adoption by reference.
21.52.280 Critical areas.
21.52.290 Fees.
21.52.300 Forms – Adoption by reference.
21.52.310 WACs on file.
21.52.320 Initial SEPA analysis.
21.52.330 Categorically exempt and planned actions.

21.52.010 Authority.

The City adopts the ordinance codified in this chapter under the State Environmental Policy Act (SEPA) (RCW 43.21C.120) and the SEPA rules (WAC 197-11-904). This chapter contains the City's SEPA procedures and policies. The SEPA rules contained in Chapter 197-11 WAC must be used in conjunction with this chapter.

21.52.020 General requirements – Adoption by reference.

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC
197-11-040 Definitions.
197-11-050 Lead agency.
197-11-055 Timing of the SEPA process.
197-11-060 Content of environmental review.
197-11-070 Limitations on actions during SEPA process.
197-11-080 Incomplete or unavailable information.
197-11-090 Supporting documents.
197-11-100 Information required of applicants.

197-11-158 GMA project review – Reliance on existing plans and relations.
197-11-164 Planned actions – Definition and criteria.
197-11-168 Ordinances or resolutions designating planned actions – Procedures for adoption.
197-11-172 Planned actions – Project review.
197-11-210 SEPA/GMA integration.
197-11-220 SEPA/GMA definitions.
197-11-228 Overall SEPA/GMA integration procedures.
197-11-230 Timing of an integrated GMA/SEPA process.
197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
197-11-235 Documents.
197-11-238 Monitoring.
197-11-250 SEPA/Model Toxics Control Act (MTCA) integration.
197-11-253 SEPA lead agency for MTCA actions.
197-11-256 Preliminary evaluation.
197-11-259 Determination of non-significance for MTCA remedial actions.
197-11-262 Determination of significance and environmental impact statement (EIS) for MTCA remedial actions.
197-11-265 Early scoping for MTCA remedial actions.
197-11-268 MTCA interim actions.

21.52.030 Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Department" means any division, subdivision, or organizational unit of the City established by ordinance, rule, or order.
(2) "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology.
(3) "Ordinance" means the ordinance, resolution, or other procedure used by the City to adopt regulatory requirements.
(4) "Early notice" means the City's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of non-significance [DNS] procedures).

21.52.040 Designation of responsible official.

(1) For those proposals for which the City is the lead agency, the responsible official shall be the Planning Director, or such other person as the City Manager may designate in writing.
(2) For all proposals for which the City is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that were adopted by reference in WMC 21.52.020.
(3) The City shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.56 RCW.

21.52.050 Lead agency determination and responsibilities.

(1) When the City receives an application for or initiating a proposal that involves a nonexempt action, the responsible official shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.
(2) When the City is not the lead agency for a proposal, all departments of the City shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No City department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless the City determines a supplemental environmental review is necessary under WAC 197-11-600.

(3) If the City or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 14 days of receipt of the determination, or the City must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 14-day time period. Any such petition on behalf of the City may be initiated by the responsible official.
(4) The responsible official is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.
(5) The responsible official, when making a lead agency determination for a private project, shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.

21.52.060 Transfer of lead agency status to a State agency.

For any proposal for a private project where the City would be the lead agency and for which one or more State agencies have jurisdiction, the City's responsible official may elect to transfer the lead agency duties to a State agency. The State agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the City shall be agency with jurisdiction. To transfer lead agency duties, the City's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate State agency with jurisdiction. The responsible official of the City shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

21.52.070 Integration with permit and land use decisions.

Under State law, the procedure for review of project permits shall be combined with the environmental review process, both procedural and substantive. The process under SEPA and this chapter shall integrate the following procedures, insofar as possible, with any applicable process for decision making on permit and land use applications:
(1) Staff review of the application under City codes and regulations and the environmental review and determination thereon;
(2) The staff report on the application and the report or documentation concerning environmental review;
(3) Hearings and other public process, including required public notices, required by City code or regulation, and hearings and other public processes, including public notices, required or conducted under SEPA. This section shall include all appeals, except as otherwise expressly provided by this code;
(4) Such other review processes as the Planning Director shall determine.

21.52.080 Additional timing considerations.

(1) For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the City's staff recommendation to any appropriate advisory body, such as the Planning Commission.
(2) If the City's only action on a proposal is a decision on a building permit or other permit that requires detailed project plans and specifications, the applicant may request in writing that the City conduct environmental review prior to submission of the detailed plans and specifications. In addition to the environmental documents, the applicant shall submit such additional information as required by the responsible official.

21.52.090 Categorical exemptions and threshold determinations – Adoption by reference.

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:
WAC
197-11-300 Purpose of this part.
197-11-305 Categorical exemptions.
197-11-310 Threshold determination required.
197-11-315 Environmental checklist.
197-11-330 Threshold determination process.
197-11-335 Additional information.
197-11-340 Determination of non-significance (DNS).
197-11-350 Mitigated DNS.

197-11-355 Optional DNS process.
197-11-360 Determination of significance (DS)/Initiation of scoping.
197-11-390 Effect of threshold determination.
197-11-800 Categorical exemptions.
197-11-880 Emergencies.
197-11-890 Petitioning DOE to change exemptions.

21.52.100 Thresholds for categorical exemptions.

The City hereby adopts the following thresholds for minor new construction under WAC 197-11-800(1)(b) and RCW 43.21C.410 based on local conditions:

(1) For residential dwelling units in WAC 197-11-800(1)(b)(i): up to four dwelling units;
(2) For agricultural structures in WAC 197-11-800(1)(b)(ii): up to 10,000 square feet;
(3) For office, school, commercial, recreational services, or storage building in WAC 197-11-800(1)(b)(iii): up to 4,000 square feet and 20 parking spaces;
(4) For parking lots in WAC 197-11-800(1)(b)(iv): up to 20 parking spaces;
(5) For landfills and excavations in WAC 197-11(1)(b)(v): up to 100 cubic yards; and
(6) The construction of an individual battery charging station or an individual battery exchange station, as defined in Chapter 21.11WMC.
(7) Whenever the City establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, under WAC 197-11-800(1)(c).

21.52.110 Use of exemptions.

(1) When the City receives an application for a license or, in the case of governmental proposals, a department initiates a proposal, the responsible official shall determine whether the license and/or the proposal is exempt. The responsible official's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The City shall not require completion of an environmental checklist for an exempt proposal.
(2) In determining whether or not a proposal is exempt, the responsible official shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency, even if the license application that triggers the responsible official's consideration is exempt.
(3) Planned Actions.
    (a) A planned action does not require a threshold determination or the preparation of an environmental impact statement under SEPA, but is subject to environmental review and mitigation under SEPA.
    (b) A "planned action" means one or more types of project action that:
        (i) Are designated planned actions by an ordinance or resolution adopted by the City;
        (ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with:
    (c) A comprehensive plan or subarea plan adopted under Chapter 36.70A RCW; or
    (d) A fully contained community, a master planned resort, a master planned development or a phased project;
        (i) Are subsequent or implementing projects for the proposals listed in subsection (3)(b)(ii) of this section;
        (ii) Are located within an urban growth area, as defined in RCW 36.70A.030;
        (iii) Are not essential public facilities, as defined in RCW 36.70A.200; and
        (iv) Are consistent with the City's Comprehensive Plan adopted under Chapter 36.70A RCW.
    (e) Limitations on Planned Actions. The City shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the City; and may limit a planned action to a time period identified in the environmental impact statement or the adoption of this code.
(4) If a proposal includes both exempt and nonexempt actions, the responsible official may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
    (a) The City shall not give authorization for:
        (i) Any nonexempt action,
        (ii) Any action that would have an adverse environmental impact, or

(iii) Any action that would limit the choice of alternatives;

(b) A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

(c) A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

21.52.120 Environmental checklist.

(1) A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the City and applicant agree that an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The City shall use the environmental checklist to determine the lead agency and, if the City is the lead agency, for making the threshold determination. The checklist shall be in the form of WAC 197-11-960 with the following addition(s): The signature line shall state:

(2) I certify (or declare) under penalty of perjury under the laws of the state of Washington that the above answers are true and complete to the best of my knowledge. I understand the lead agency is relying on them to make its decision.

(3) For private proposals, the City will require the applicant to complete the environmental checklist, providing assistance as necessary. For City proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

(4) The City may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

(a) The City has technical information on a question or questions that is unavailable to the private applicant; or

(b) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

21.52.130 Mitigated DNS (MDNS).

(1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official, or on changes to, or clarifications of, the proposal made by the applicant.

(2) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

(b) Precede the City's actual threshold determination for the proposal.

(3) The responsible official should respond to the request for early notice within 14 working days. The response shall:

(a) Be written;

(b) State whether the City currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City to consider a DS; and

(c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(4) As much as possible, the City should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the City shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 days of receiving the changed or clarified proposal.

(a) If the City indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the City shall issue and circulate a DNS if the City determines that no additional information or mitigation measures are required.

(b) If the City indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the City shall make the threshold determination, issuing a DNS or DS as appropriate.

(c) The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot storm water retention pond at Y location" are adequate.

(d) Mitigation measures that justify issuance of a mitigated DNS (MDNS) may be incorporated in the DNS by reference to agency staff reports, studies, or other documents.

(6) The City shall not act upon a proposal for which a mitigated DNS has been issued for 14 days after the date of issuance.

(7) A MDNS is issued under either WAC 197-11-340(2), requiring a 14-day comment period and public notice, or WAC 197-11-355(5), which may require no additional comment period beyond the comment period on the notice of application.

(8) Mitigation measures incorporated in the MDNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any terms or conditions of the permit, or enforced in any manner specifically prescribed by the City. Failure to comply with the designated mitigation measures shall be grounds for suspension and/or revocation of any permit issued.

(9) If the City's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the City should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

(10) The City's written response under subsection (3) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification or changes to a proposal, as opposed to a written request for early notice, shall not bind the City to consider the clarifications or changes in its threshold determination

21.52.140 Optional DNS and MDNS process.

(1) If the responsible official has a reasonable basis for determining that significant adverse environmental impacts are unlikely, the responsible official may elect to use the single integrated comment period set forth in this section. If this process is used, a second comment period is not required when the DNS is issued.

(2) If the optional process set forth in this section is used, the responsible official shall:

(a) State on the first page of the notice of application that it expects to issue a DNS (MDNS) for the proposal, and that:

(i) The optional DNS process is being used;

(ii) This may be the only opportunity to comment on the environmental impacts of the proposal;

(iii) The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and

(iv) A copy of the subsequent threshold determination for the specific proposal may be obtained upon request (in addition, the City may choose to maintain a general mailing list for threshold determination distribution);

(b) List in the notice of application the conditions being considered to mitigate environmental impacts, if a MDNS is expected;

(c) Comply with the requirements for a notice of application and public notice in RCW 36.70B.110; and

(d) Send the notice of application and environmental checklist to:

(i) Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and

(ii) Anyone requesting a copy of the environmental checklist for the specific proposal (in addition, the City may choose to maintain a general mailing list for checklist distribution).

(3) If the responsible official indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application in accordance with WMC 14.04.040 and WAC 197-11-948.

(4) The responsible official shall consider timely comments on the notice of application and either:

(a) Issue a DNS or MDNS with no comment period using the procedures in subsection (5) of this section;

(b) Issue a DNS or MDNS with a comment period using the procedures in subsection (5) of this section;

(c) Issue a DS; or

(d) Require additional information or studies prior to making a threshold determination.

(5) If a DNS or MDNS is issued under subsection (4)(a) or (4)(b) of this section, the responsible official shall send a copy of the DNS or MDNS to the Department of Ecology, agencies with jurisdiction, those commented, and anyone requesting a copy. A copy of the environmental checklist need not be circulated.

21.52.150 Environmental impact statement (EIS) – Adoption by reference.

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC

197-11-400 Purpose of EIS.
197-11-402 General requirements.
197-11-405 EIS types.
197-11-406 EIS timing.
197-11-408 Scoping.
197-11-410 Expanded scoping.
197-11-420 EIS preparation.
197-11-425 Style and size.
197-11-430 Format.
197-11-435 Cover letter or memo.
197-11-440 EIS contents.
197-11-442 Contents of EIS on non-project proposals.
197-11-443 EIS contents when prior non-project EIS.
197-11-444 Elements of the environment.
197-11-448 Relationship of EIS to other considerations.
197-11-450 Cost-benefit analysis.
197-11-455 Issuance of draft environmental impact statement (DEIS).
197-11-460 Issuance of final environmental impact statement (FEIS).

21.52.160 Preparation of EIS – Additional considerations.

(1) Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the Planning Department under the direction of the responsible official. Before the City issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

(2) The draft and final EIS or SEIS shall be prepared, at the City's option, by the City staff, the applicant, or a consultant approved by the City. If the responsible official requires an EIS for a proposal and determines that someone other than the City will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the City's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

(3) The City may require an applicant to provide information the City does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the City may request under another ordinance or statute.)

21.52.170 EIS – Commenting – Adoption by reference.

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC

197-11-500 Purpose of this part.
197-11-502 Inviting comment.
197-11-504 Availability and cost of environmental documents.
197-11-508 SEPA register.
197-11-535 Public hearings and meetings.
197-11-545 Effect of no comment.
197-11-550 Specificity of comments.
197-11-560 FEIS response to comments.
197-11-570 Consulted agency costs to assist lead agency.

21.52.180 Reserved.

21.52.190 Public notice.

(1) Whenever possible, the City shall integrate the public notice required under this section with existing notice procedures for the City's nonexempt permit(s) or approval(s) required for the proposal.

(2) Whenever the City issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the City shall give public notice as follows:

(a) If no public notice is otherwise required for the permit or approval, the City shall give notice of the DNS or DS by at least one of the following:

(i) Publishing notice in the City's official newspaper;

(ii) Mailing notice to property owners per WMC 21.84.040; or

(iii) Noticing as otherwise required or allowed by Chapter 21.84 WMC.

(b) Whenever the City issues a DS under WAC 197-11-360(3), the City shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

(c) If the DS is made concurrent with the notice of application, the DS and scoping notice shall be combined with the notice of application issued under RCW 36.70B.110. Nothing in this subsection prevents the DS/scoping notice from being issued before the notice of application. If sufficient information is not available to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process.

(d) If an open record pre-decision hearing is required, the threshold determination shall be issued at least 15 days before the open record pre-decision hearing.

(3) Whenever the City issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(a) Indicating the availability of the DEIS in any public notice required for a nonexempt permit; and

(b) One or more of the following:

(i) Posting the property for site-specific proposal;

(ii) Publishing notice in a newspaper of general circulation in the County, City, or general area where the proposal is located;

(iii) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

(iv) Notifying the news media;

(v) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or

(vi) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (general lists or specific lists for proposals or subject areas).

(4) The City may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

21.52.200 Designation of official to perform consulted agency responsibilities for the City.

(1) The responsible official shall be responsible for preparation of written comments for the City in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

(2) This responsible official shall be responsible for the City's compliance with WAC 197-11-550 whenever the City is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.

21.52.210 Using existing environmental documents – Adoption by reference.

The City adopts the following sections of Chapter 197-11 WAC as now existing or hereinafter amended, by reference:

WAC

197-11-600 When to use existing environmental documents.
197-11-610 Use of NEPA documents.
197-11-620 Supplemental environmental impact statement – Procedures.
197-11-625 Addenda – Procedures.

197-11-630 Adoption – Procedures.
197-11-635 Incorporation by reference – Procedures.
197-11-640 Combining documents.

21.52.220 SEPA and agency decisions – Adoption by reference.

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC

197-11-650 Purpose of this part.
197-11-655 Implementation.
197-11-660 Substantive authority and mitigation.
197-11-680 Appeals.
197-11-700 Definitions.

21.52.230 Substantive authority.

(1) The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the City of Woodinville.
(2) The City may attach conditions to a permit or approval for a proposal so long as:
  (a) Such conditions are necessary to mitigate specific probable adverse environmental impacts clearly identified in an environmental document prepared pursuant to this chapter;
  (b) Such conditions are in writing;
  (c) The mitigation measures included in such conditions are reasonable and capable of being accomplished;
  (d) The City has considered whether other local, State, or Federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
  (e) Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.
(3) The City may deny a permit or approval for a proposal on the basis of SEPA so long as:
  (a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in an FEIS or final SEIS prepared pursuant to this chapter;
  (b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
  (c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.
(4) The City designates and adopts by reference the following policies as the basis for the City's exercise of authority pursuant to this section:
  (a) The City shall use all practicable means, consistent with other essential considerations of State policy, to improve and coordinate plans, functions, programs, and resources to the end that the State and its citizens may:
    (i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
    (ii) Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;
    (iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
    (iv) Preserve important historic, cultural, and natural aspects of our national heritage;
    (v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
    (vi) Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
    (vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The City adopts by reference the policies in the following City codes, ordinances, resolutions, and plans as adopted by the City:
  (i) Chapter 43.21C RCW – State Environmental Policy Act;
  (ii) Woodinville Municipal Code;
  (iii) Woodinville Comprehensive Plan;
  (iv) Woodinville Transportation Plan;
  (v) Woodinville Storm Drainage Plan;
  (vi) Woodinville Shoreline Master Plan;
  (vii) Woodinville Emergency Management Plan;
  (viii) Woodinville Capital Improvement Plan;
  (ix) Woodinville Water District Water Plan;
  (x) Woodinville Water District Sewer Plan.

21.52.240 Appeals.

(1) Unless otherwise provided by this section:
  (a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations and shall be heard pursuant to Chapter 21.86 WMC, Closed Record Decisions and Appeals, and Chapter 2.30 WMC, Appeal Procedures.
  (b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to the environmental review.
(2) The City shall not allow more than one City appeal proceeding on a procedural determination (the adequacy of a determination of significance/non-significance or of a final EIS).
(3) The City shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing before the Hearing Examiner to consider the City's decision on a proposal and any environmental determinations made under this chapter.
(4) The City establishes the following administrative appeal procedures: Appeals to SEPA decisions are heard by the Hearing Examiner. For SEPA decision appeals made prior to project decision, only one open record public hearing before the Hearing Examiner will be held for both the SEPA appeal and the project permit. The Hearing Examiner shall be the responsible authority for both the SEPA appeal decision and the project permit decision. This includes project permits that would otherwise be heard by another decision maker, such as the Planning Director or City Council. Any agency or person may appeal the City's procedural compliance with Chapter 197-11 WAC for issuance of the following determinations:
  (a) A Final DNS or Mitigated DNS (MDNS) Made Prior to Project Permit Decision. An appeal of the DNS or MDNS made prior to the final permit decision must be made to the Hearing Examiner within 14 days of the date the DNS or MDNS becomes final. The appeal period shall be extended an additional seven days if State or local rules adopted pursuant to Chapter 43.21CRCW (SEPA) allow public comment on a DNS issued as part of the appealable decision.
  (b) A Final DNS or Mitigated DNS (MDNS) Made with Project Permit Decision. An appeal of the DNS or MDNS must be made to the Hearing Examiner within 14 days of the date the DNS or MDNS becomes final. The appeal period shall be extended an additional seven days if State or local rules adopted pursuant to Chapter 43.21C RCW (SEPA) allow public comment on a DNS issued as part of the appealable decision. The appeal is heard as an open record hearing by the Hearing Examiner, together with an appeal on the underlying governmental action; provided, that if an open record pre-decision hearing has already been held, the Hearing Examiner shall hear the appeal as a closed record appeal.
  (c) A Final Determination of Significance (DS). An appeal of the DS must be made to the Hearing Examiner within 14 days of the date the DS becomes final. The appeal is heard as an open record hearing by the Hearing Examiner. A subsequent open record hearing may be held on the underlying action and accompanying SEPA documents (including an EIS, if one is prepared), and SEPA substantive determinations.
(5) For any appeal under this section, the City shall provide for a record that shall consist of the following:
  (a) Finding and conclusions;
  (b) Testimony under oath; and

(c) A taped or written transcript.

(6) The City may require the applicant to provide an electronic transcript.

(7) The procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.

(8) No permit shall be issued which would allow construction, demolition, grading, or other direct modification of the physical environment until expiration of the period for filing a notice of appeal, and until any appeal shall have been finalized at the Hearing Examiner level.

(9) The City shall give official notice whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. The following permits or approvals require official notice: all actions of the City Council, a City official, the Hearing Examiner, or any board or commission for which no further administrative appeal is provided.

(10) Except for permits and variances issued pursuant to WMC 21.70.010, Shoreline Management, when any proposal or action not requiring a decision of the City's Hearing Examiner is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the City's Hearing Examiner. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within 14 days of the decision being appealed. Review by the Hearing Examiner shall be on a de novo basis.

21.52.250 Notice/statute of limitations.

(1) The City, applicant, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the City Clerk, applicant or proponent pursuant to RCW 43.21C.080

21.52.260 Definitions – Adoption by reference.

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC

197-11-700 Definitions.
197-11-702 Act.
197-11-704 Action.
197-11-706 Addendum.
197-11-708 Adoption.
197-11-710 Affected tribe.
197-11-712 Affecting.
197-11-714 Agency.
197-11-716 Applicant.
197-11-718 Built environment.
197-11-720 Categorical exemption.
197-11-721 Closed record appeal.
197-11-722 Consolidated appeal.
197-11-724 Consulted agency.
197-11-726 Cost-benefit analysis.
197-11-728 County/city.
197-11-730 Decision maker.
197-11-732 Department.
197-11-734 Determination of non-significance (DNS).
197-11-736 Determination of significance (DS).
197-11-738 EIS.
197-11-740 Environment.
197-11-742 Environmental checklist.
197-11-744 Environmental document.
197-11-746 Environmental review.
197-11-750 Expanded scoping.
197-11-752 Impacts.
197-11-754 Incorporation by reference.

197-11-756 Lands covered by water.
197-11-758 Lead agency.
197-11-760 License.
197-11-762 Local agency.
197-11-764 Major action.
197-11-766 Mitigated DNS.
197-11-768 Mitigation.
197-11-770 Natural environment.
197-11-772 NEPA.
197-11-774 Non-project.
197-11-775 Open record hearing.
197-11-776 Phased review.
197-11-778 Preparation.
197-11-780 Private project.
197-11-782 Probable.
197-11-784 Proposal.
197-11-786 Reasonable alternative.
197-11-788 Responsible official.
197-11-790 SEPA.
197-11-792 Scope.
197-11-793 Scoping.
197-11-794 Significant.
197-11-796 State agency.
197-11-797 Threshold determination.
197-11-799 Underlying governmental action.

21.52.270 Agency compliance – Adoption by reference.

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC

197-11-900 Purpose of this part.
197-11-902 Agency SEPA policies.
197-11-916 Application to ongoing actions.
197-11-920 Agencies with environmental expertise.
197-11-922 Lead agency rules.
197-11-924 Determining the lead agency.
197-11-926 Lead agency for governmental proposals.
197-11-928 Lead agency for public and private proposals.
197-11-930 Lead agency for private projects with one agency with jurisdiction.
197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
197-11-938 Lead agencies for specific proposals.
197-11-940 Transfer of lead agency status to a state agency.
197-11-942 Agreements on lead agency status.
197-11-944 Agreements on division of lead agency duties.
197-11-946 DOE resolution of lead agency disputes.
197-11-948 Assumption of lead agency status.

21.52.280 Critical areas.

(1) The City has selected certain categorical exemptions that will not apply in critical areas identified in the critical areas development regulations required under RCW 36.70A.060 (see Chapter 21.51 WMC for critical areas regulations). For any critical area, the exemptions within WAC 197-11-800 that are inapplicable for that area are WAC 197-11-800(1), (2)(a) through (h), (24)(c), (e), (g), (h) and (25).

(2) The scope of environmental review of actions with these areas shall be limited to:
   (a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and
   (b) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and with other applicable environmental review laws.

21.52.290 Fees.

The City shall require fees in such amounts as are established by the City Council pursuant to such periodic resolution as the Council, from time to time, updates and approves for its activities in accordance with the provisions of this chapter:

(1) Threshold Determination. For every environmental checklist the City will review when it is the lead agency, the City/County shall collect an established fee from the proponent of the proposal prior to undertaking a basic threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.
(2) Environmental Impact Statement.
   (a) When the City is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the City, the City may charge and collect a reasonable fee from any applicant to cover costs incurred by the City in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
   (b) The responsible official may determine that the City will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the City and may bill such costs and expenses directly to the applicant. Such consultant shall be selected by the City.
   (c) The applicant shall pay the projected amount to the City prior to commencing work. The City will refund the excess, if any, at the completion of the EIS. If the City's costs exceed the projected costs, the applicant shall immediately pay the excess. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection (2)(a) or (b) of this section which remain after incurred costs, including overhead, are paid.
   (d) For all proposals in which the City is the lead agency and the responsible official determines that an EIS is required, the applicant shall be charged $500.00 or a fee equal to five percent of the costs of the draft and final EISs, whichever is greater, to cover the City's administrative costs of supervision and preparation. For the purpose of this section, cost of an EIS shall include the cost of preparation and publication, including printing, collating, binding, and circulation of the draft and final EIS. Applicants may be required to post bond or otherwise insure payment of such costs. In the event the actual cost of the draft and final EIS exceeds the estimated cost of the EIS agreed upon by the City and the applicant, such excess shall be paid to the City by the applicant prior to final action by the City.
(3) The City may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.
(4) The City shall not collect a fee for performing its duties as a consulted agency.
(5) The City may charge any person for copies of any document prepared under this chapter and for mailing the document in a manner provided by Chapter 42.17 RCW.

21.52.300 Forms – Adoption by reference.

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC

197-11-960 Environmental checklist.
197-11-965 Adoption notice.
197-11-970 Determination of non-significance (DNS).
197-11-980 Determination of significance (DS) and scoping notice.
197-11-985 Notice of assumption of lead agency status.
197-11-990 Notice of action.

21.52.310 WACs on file.

The City Clerk shall maintain on file for public use and examination one copy of the WAC sections referred to in this chapter.

21.52.320 Initial SEPA analysis.

(1) The City shall also review the project permit application under the requirements of the State Environmental Policy Act ("SEPA"), Chapter 43.21C RCW, the SEPA Rules, Chapter 197-11 WAC, and the City Environmental Policy Ordinance, Chapter 14.04 of the Woodinville Municipal Code, and shall:
   (a) Determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts;
   (b) Determine if the applicable regulations require measures that adequately address such environmental impacts;
   (c) Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures;
   (d) Provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.
(2) In its review of a project permit application, the City may determine that the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, Comprehensive Plan and/or in other applicable local, State or Federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the application.
(3) If the City bases or conditions its approval of the project permit application on compliance with the requirements or mitigation measures described in subsection A of this section, the City shall not impose additional mitigation under SEPA during project review.
(4) A Comprehensive Plan, development regulation or other applicable local, State or Federal law provides adequate analysis of and mitigation for the specific adverse environmental impacts of an application when:
   (a) The impacts have been avoided or otherwise mitigated; or
   (b) The City has designated as acceptable certain levels of service, land use designations, development standards or other land use planning required or allowed by Chapter 36.70A RCW.
(5) In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the City shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the City shall base or condition its project approval on compliance with these other existing rules or laws.
(6) Nothing in this section limits the authority of the City in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 43.21C RCW.
(7) The City shall also review the application under Chapter 14.04 WMC, the City environmental policy ordinance.

21.52.330 Categorically exempt and planned actions.

(1) Categorically Exempt. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement. An action that is categorically exempt under the rules adopted by the Department of Ecology (Chapter 197-11 WAC) may not be conditioned or denied under SEPA.
(2) Planned Actions.
   (a) A planned action does not require a threshold determination or the preparation of an environmental impact statement under SEPA, but is subject to environmental review and mitigation under SEPA.
   (b) A "planned action" means one or more types of project action that:
      (i) Are designated planned actions by an ordinance or resolution adopted by the City;
      (ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with:
   (c) The Comprehensive Plan or subarea plan adopted under Chapter 36.70A RCW; or
   (d) A fully contained community, a master planned resort, a master planned development or a phased project;

(i) Are subsequent or implementing projects for the proposals listed in subsection (2)(b)(ii) of this section;
(ii) Are located within an urban growth area, as defined in RCW 36.70A.030;
(iii) Are not essential public facilities, as defined in RCW 36.70A.200;
(iv) Are consistent with the City's Comprehensive Plan adopted under Chapter 36.70A RCW.

(3) Limitations on Planned Actions. The City shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the City and may limit a planned action to a time period identified in the environmental impact statement or in the ordinance or resolution designating the planned action under RCW 36.70A.040.

Article 6 – Subdivisions
Chapter 21.60
SUBDIVISION DESIGN

Sections:

21.60.010 Title.
21.60.020 Authority.
21.60.030 Purpose.
21.60.040 Subdivision names.
21.60.050 Lot standards.
21.60.060 Exceptions to lot standards.
21.60.070 Easements.
21.60.080 Water supply.
21.60.090 Sewage disposal.
21.60.100 Storm drainage.
21.60.110 Watercourses.
21.60.120 Underground utilities.
21.60.130 Water and sewer standards.
21.60.140 Street standards.
21.60.150 Street right-of-way and pavement widths.
21.60.160 Street lights.
21.60.170 Monuments.
21.60.180 On-site recreation and trail corridors.
21.60.190 Tree preservation and protection.
21.60.200 Public access ways.
21.60.210 Clearing and grading.
21.60.220 Improvements – Completion or guarantee.
21.60.230 Improvements – Security for performance and warranty.
21.60.230 Improvements – Construction.
21.60.250 Survey required.
21.60.260 General provisions.
21.60.270 Subdivision vacation.
21.60.280 Subdivision alteration.
21.60.290 Final plat and short plat corrections and boundary line adjustments.
21.60.300 Divisions requiring binding site plans.

21.60.010 Title.

This title shall be known as the City of Woodinville subdivision code, hereafter referred to as “this title.”

21.60.020 Authority.

This title is adopted by City of Woodinville Ordinance No. 175, pursuant to Chapter 58.17 RCW.

21.60.030 Purpose.

(1) The purpose of this chapter is to identify processes to accomplish the orderly development of land within the City, and set forth the criteria, standards and requirements for the review and approval of subdivision and short subdivision which comply with this section, other City land use regulations and standards, and Chapter 58.17 RCW, Plats – Subdivisions – Dedications.
(2) The purpose of this chapter is to set forth the criteria, standards and requirements for the review and approval of subdivision and short subdivision.
(3) The intent of this section is to provide criteria, regulations and standards to govern the subdividing of land within the City and to:

(a) Promote the public health, safety and general welfare in accordance with standards established by the State and the City;

(b) Promote effective use of land by preventing the overcrowding or scattered development which would injure health, safety or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation or other public services, or excessive expenditure of public funds for such services;
(c) Avoid congestion and promote safe and convenient travel by the public on streets and highways through the coordination of streets within a subdivision with existing and planned streets;
(d) Provide for adequate light and air;
(e) Provide for water, sewage, drainage, parks, and recreational areas, sites for schools and school grounds, and other public requirements;
(f) Provide for proper ingress and egress;
(g) Provide for the housing and commercial needs of the community;
(h) Require uniform monumenting of land divisions and conveyance of accurate legal descriptions;
(i) Protect environmentally sensitive areas; and
(j) Protect and preserve the community urban forest for its aesthetic, environmental and health benefits.

21.60.040 Subdivision names.

No subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the county, except for the words “town,” “city,” “place,” “court,” “addition,” “acres,” “heights,” “villa,” or similar words, unless the land so divided is contiguous to the subdivision bearing the same name. All plats must continue the block numbers of the plat of the same name last filed.

21.60.050 Lot standards.

(1) Suitability for Intended Use. All lots shall be suitable for the general purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or such lot.
(2) Lots shall be created by following the procedures of Chapter 21.60 WMC, Subdivision and Short Subdivision Procedures, and Chapters 21.80 through 21.86 WMC.
(3) No lot shall be established which is in violation of the Woodinville Municipal Code.
(4) Lot Shapes. Lot shapes shall be designed to avoid awkward configuration or appendages.
(5) Width – Area – Frontage. Each lot shall have sufficient width, area and frontage to comply with the minimum site requirements as set forth in Chapter 21.22 WMC, Development Standards – Density and Dimensions.
(6) Depth. Each lot should have an average depth between the front and rear lot lines of not less than one-foot depth for each one foot of width.
(7) Front Lot Line. For corner lots, double frontage lots, and single frontage lots, the front lot line shall be the property line(s) separating the lot from a street or vehicle access corridor.
(8) Side Lot Lines. As much as possible, where topography and natural features permit, side lot lines should run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.
(9) Building Setback Lines. Where watercourses, topography, geology and soils, vegetation, utilities, lot configuration, or other unique circumstances dictate a different building envelope than that set by Chapter 21.22 WMC, Development Standards – Density and Dimensions, building setback lines may be required to be shown on the final plat or short subdivision map and observed in the development of the lot.
(10) Future Subdivision of Lots. Where the subdivision or short subdivision will result in a lot one-half acre or larger in size which is likely to be further divided in the future, it may be required that the location of lot lines and other details of layout be such that future division may readily be made without violating the requirements of this section and without interfering with orderly extension and connection of adjacent streets. It is intended that the lot lines and other details of future subdivision be advisory only, and shall not be final or binding on the applicant unless he makes further application; however, any restriction of buildings within future street locations may be imposed and may require such restrictions to be set forth on the final plat or short subdivision.

21.60.060 Exceptions to lot standards.

(1) Cluster – Zero Lot Line – Townhouse Development. The relaxation of building setbacks, lot size and lot frontage requirements as set forth in Chapter 21.12 WMC, Development Standards – Density and Dimensions, and WMC 20.06.040, Lot Standards, may be authorized for a subdivision developed in compliance with

Chapter 21.40 WMC, Development Standards – Design Requirements. Such authorization shall only occur where the applicant presents a plan whereby the entire subdivision will be designed and developed with provision for proper maintenance of recreation facilities and open space which will be commonly available for use of the residents of the subdivision and which will be of such benefit to said residents as is equal to that which would be derived from observance of the size and frontage requirements otherwise specified. The relation of said requirements shall not violate the purpose and criteria set forth in WMC 20.02.030, Purpose, and 20.06.020, Review and Approval Criteria, respectively.

(2) Temporary Parcel. Parcels smaller than permitted by the Woodinville Municipal Code may be temporarily created if they are subsequently merged in title with an adjacent parcel to create a lot that complies with the Woodinville Municipal Code.

(3) Eminent Domain. Parcels smaller than otherwise permitted by the Woodinville Municipal Code may be created through the action of governmental agencies including the City of Woodinville by such actions as eminent domain and the splitting of a parcel by dedicated right-of-way. Wherever possible, such parcels shall be merged in title with adjacent lots to create lots in compliance with the Woodinville Municipal Code.

(4) Substandard Lots. A lot of record created prior to the effective date of the Woodinville Municipal Code that does not meet the minimum area or dimensional requirements of the land use district in which located shall be considered a conforming lot of record if the following requirements are met: there must be no adjoining lots of record of continuous boundary in the same ownership to which the substandard lot can be merged in title or with which the lot lines can be adjusted to create lots of record which would comply with the Woodinville Municipal Code.

(5) Lots for Building Pads. In industrial, business and multiple residential zones, lots with boundaries coterminous or nearly so with building walls may be created. The standards that normally would apply to such lots shall apply instead to the project tract of which such lots are a part.

21.60.070 Easements.

(1) Public easements for the construction and maintenance of utilities and public facilities shall be granted to provide and maintain adequate utility service to each lot and adjacent lands. The widths of the public easements shall be the minimum necessary as determined by the utility, unless the Director determines a smaller or larger width is appropriate based on site conditions. Whenever possible, public easement shall be combined with driveways, pedestrian access ways and other utility easements.

(2) Private easements for the construction and maintenance of utilities within the subdivision or short subdivision shall be granted so that individual lots gain access to public facilities. The widths of the private easements shall be the minimum necessary as determined by the utility, unless the Director determines a larger width is appropriate based on the site conditions.

(3) When there is a need to use a stream for storm water control purposes, public improvement and maintenance easements at least 20 feet wide shall be provided for storm drainage. When possible, said easements shall be located along the centerlines of such facilities. Public improvement and maintenance easements for creeks and other watercourses shall be provided and shall extend 25 feet in each direction from the waterway centerline or 10 feet from the top of a recognizable bank, whichever is greater. Such easements shall be of a width sufficient to allow both initial improvements and future maintenance operations. Larger widths may be required where necessary.

(4) Native growth and protection easements (NGPE) shall be granted as deemed appropriate by the Director where the preservation of native vegetation benefits the public health, safety and welfare, including control of surface water and erosion, maintenance or slope stability, visual and aural buffering, and protection of plant and animal habitat. The NGPE shall impose upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public by the City of Woodinville, to leave undisturbed all trees and other vegetation within the easement, except that are required for future construction of multi-purpose trails and Director-approved utilities. The vegetation within the easement may not be cut, pruned, covered by fill, removed, damaged or enhanced without express written permission from the City of Woodinville.

(5) Easements for utility mains or lines shall be held to prohibit the placement of any building on or over the easement, but shall not preclude landscaping of an appropriate variety as determined by the City. The City encourages the use of an easement for more than one utility or vehicle and pedestrian access provided the Director finds the multi-use appropriate. Restoration shall be required of the site following any excavation or other disturbance permitted by the easement.

(6) Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final plat or short subdivision or by separate instrument.
(7) Areas used as regional utility corridors shall be contained in tracts separate from the lots, but sharing of tracts among utilities encouraged.

21.60.080 Water supply.

All lots shall be served by a water system approved by the City of Woodinville and the Woodinville Water District or local purveyor. Any common water system serving more than one lot shall be provided by the applicant and dedicated to the appropriate water purveyor. Water distribution systems shall be designed and constructed according to all applicable provisions of the Woodinville Municipal Code, the standards and specifications of the water purveyor and the applicable rules and regulations of the State.

21.60.090 Sewage disposal.

All lots shall be served by the sanitary sewer system, or on-site sewage disposal system, as required by WMC 21.81.030.

21.60.100 Storm drainage.

(1) All lots shall be provided with adequate storm drainage connected to the storm drainage system of the City or other system approved by the City.
(2) Where a public street is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system in the street.
(3) When appropriate, storm drainage facilities shall include suitable on-site detention and/or retention facilities.
(4) Storm drainage shall be provided in accordance with Chapter 14.09 WMC and standards and specifications approved by the City.
(5) Easements shall be dedicated as provided in WMC 21.06.060.

21.60.110 Watercourses.

When required by the City, the developer of a subdivision shall enhance any major or minor watercourse which traverses or abuts the subdivision in accordance with the specifications and standards approved by the City. Any required watercourse easements shall be dedicated as provided in WMC 21.06.060, Easements.

21.60.120 Underground utilities.

All new and existing permanent utility service to lots shall be provided from underground facilities as set forth in the Woodinville Municipal Code regulating underground wiring, pursuant to WMC 12.30.310 and 15.39.010. The applicant shall be responsible for complying with the requirements of this section, and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Washington.

21.60.130 Water and sewer standards.

(1) Design Standards. All City water and sewer facilities shall be designed in compliance with the “Design Requirements Water and Sewer System Extensions” document available from the Department of Planning and Community Development or appropriate water and sewer purveyor.
(2) Construction Standards. All City water and sewer facilities shall be constructed in compliance with the standards and specifications available from the Department of Planning and Community Development or appropriate water and sewer purveyor.

21.60.140 Street standards.

(1) All street improvements, grades and design shall comply with standard regulations and specifications as set forth in Chapter 12.09 WMC.
(2) When required by the City to mitigate anticipated impacts of a new subdivision or short plat, the developer shall incorporate features into the layout of the street circulation system to minimize cut-through traffic of the proposed development and/or surrounding neighborhoods.
(3) This section does not apply to trails or pedestrian walkways not located in the public right-of-way.

(4) Proposed single-access subdivision streets ending in cul-de-sacs, hammerheads or loop roads shall not exceed 990 lineal feet in length from the access point of the new subdivision and serve more than 75 proposed dwelling units unless a connection can be established to a second access right-of-way.

21.60.150 Street right-of-way and pavement widths.

(1) The street right-of-way in or along the boundary of a subdivision shall conform to the provisions set forth in Chapter 12.09 WMC.
(2) When subdivision or an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, greater widths than those provided in subsection (1) of this section, may be required.
(3) Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way widths or slope easements may be required.

21.60.160 Street lights.

All subdivisions shall include underground electric service, light standards, wiring and lamps for street lights according to City adopted standards for underground wiring and the specifications and standard set forth in Chapter 12.09 WMC. The sub-divider shall install such facilities and make the necessary arrangements with the serving electric utility.

21.60.170 Monuments.

(1) Permanent survey control monuments shall be provided for all final plats and short plats at:
    (a) All controlling corners on the boundaries of the subdivision or short subdivision;
    (b) The intersection of centerlines of roads within the subdivision or short subdivision; and
    (c) The beginning and ends of curves on centerlines or points of intersections on tangents.
        (i) Permanent survey control monuments shall be the standard concrete monuments as required by King County or City-approved equivalent. Permanent survey control monuments within a street shall be marked by a two-inch diameter by 24-inch-long galvanized iron pipe with a cap identifying the surveyor or survey company that placed the monument and shall be set after the street is paved. Every lot corner shall be marked by rebar at least one-half-inch diameter by 24 inches long with a cap identifying the surveyor or survey company that placed the monument. Said pipe or City-approved equivalent shall be driven into the ground. If any land in a subdivision or short subdivision is contiguous to a meandered body of water, the meander line shall be re-established and shown on the final plat or short plat.

21.60.180 On-site recreation and trail corridors.

All subdivisions shall provide on-site recreation and trail corridors in compliance with applicable provisions of Chapter 21.45 WMC, Development Standards – Design Requirements.

21.60.190 Tree preservation and protection.

All subdivisions and short subdivisions shall provide tree preservation and protection in accordance with Chapter 21.50 WMC. A tree plan shall be part of the preliminary plat or short plat submittal requirements and approved prior to preliminary or short plat approval.

21.60.200 Public accessways.

(1) When necessary for public convenience or safety, the developer shall improve and dedicate to the public accessways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, transit stops, trails, or other community services.
(2) The accessway shall be of such design, width and location as reasonably may be required to facilitate public use and shall comply with WMC 21.44.100 regulating walkways, sidewalks, and trails as well as any other specifications and standards of the City. Where possible, said dedications may also accommodate utility easements and facilities.

21.60.210 Clearing and grading.

All clearing and grading shall be conducted in compliance with the provisions set forth in the Woodinville Municipal Code applicable to clearing and grading. No clearing or grading shall occur prior to approval of tree preservation and protection measures.

21.60.220 Improvements – Completion or guarantee.

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 21.60.230, 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 21.80.080(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 year for subdivisions (long plats). For short subdivisions (short plats), all required improvements shall be constructed within three 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 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 months of the date of issuance of the building permit, whichever is earliest to occur.

21.60.230 Improvements – Security for performance and warranty.

(1) Prior to actual construction of required improvements, the sub-divider shall provide a guarantee in a form approved by the City Attorney and in an amount to be determined by the Planning Director (landscape, critical areas, etc.) and Public Works Director (on- and off-site improvements, drainage, lighting, etc.) sufficient to guarantee actual construction and installation of such improvements prior to final plat or short plat approval and issuance of a Certificate of Occupancy. The guarantee shall only be released to the applicant upon written approval by the Planning Director and Public Works Director. A schedule for the release of funds shall be approved by the City prior to authorization to proceed with construction. In such case where the applicant fails to complete the infrastructure work by the deadline provided herein, the City shall have the option of attaching the guarantee to ameliorate any outstanding environmental concerns at the project site and/or to complete the project. The amount of the guarantee for completion shall not be less than 150 percent of the estimate of the cost of such improvements, but the Director may set a higher percentage based upon the complexity of the project. In addition, before acceptance by the City of the improvements, the sub-divider shall complete the project closeout requirements and file a maintenance and defect guarantee in a form approved by the City Attorney and in an amount to be determined by the Planning Director (landscape, critical areas, etc.) and Public Works Director guaranteeing the repair or replacement of any improvement or any landscaping which proves defective or fails to survive within a minimum two-year time period after final acceptance of the improvements or landscaping by the City. The City shall withhold acceptance of the improvements until any required security for completion and the required guarantee for maintenance are filed.

(2) The City Development Services Director may enforce the assignment of funds or other security required by this section according to their terms, pursuant to any and all legal and equitable remedies. In addition, any assignment of funds or other security filed pursuant to this section shall be subject to enforcement in the following manner:

   (a) In the event the improvements are not completed as required, or warranty is not performed satisfactorily, the Development Services Director shall notify the property owner and the guarantor in writing which shall set forth the specific defects which must be remedied or repaired and shall state a specific time by which such shall be completed.

   (b) In the event repairs or warranty are not completed as specified in the notice referred to in subsection (2)(a) of this section by the specified time, the City Development Services Director may proceed to repair the defect or perform the warranty by either force account, using City forces, or by private contractor. Upon completion of the repairs or maintenance, the cost thereof, plus interest at 12 percent per annum, shall be due and owing to the City from the owner and guarantor as a joint and several obligation. In the

event the City is required to bring suit to enforce maintenance, the sub-divider and guarantor shall be responsible for any costs and attorneys' fees incurred by the City as a result of the action.

(c) In the event that the guarantee is in the form of an assignment of funds or cash deposit with the City, the City may deduct all costs set forth in this section from the assignment of funds or cash on deposit, and the sub-divider shall be required to replenish the same for the duration of the guaranty period.

21.60.240 Improvements – Construction.

Construction of subdivision improvements prior to final plat or short plat approval or subsequent to final plat approval is required subject to WMC 21.60.030 and shall proceed as follows:

(1) Complete construction drawings, specifications and related material shall be submitted to the City Development Services Director for approval prior to the commencement of construction. The submitted drawings and specifications shall be designed and certified by a registered civil engineer. Construction drawings shall be in conformance with the conditions, if any, of preliminary plat or short plat approval and applicable City standard.

(2) Construction of improvements shall not be initiated without authorization of the City Engineer. The City Engineer shall authorize the sub-divider to proceed with construction after approval of the construction drawings and specifications by the appropriate City department. The City Engineer may grant approval on condition additions or changes are made in the drawings or specifications, or on the inclusion or implementation of mitigating measures necessary to minimize the impacts of the construction on the environment. Conditions required to minimize environmental impacts shall conform with the requirements of the WMC regarding environmental impact procedures.

(3) Any changes to the construction drawings or specifications involving design of the improvements shall first be reviewed and approved by the City Engineer and the appropriate City department.

(4) City Tree Official-approved tree protection measures shall be installed and inspected prior to beginning any construction activities. Damage to any preserved tree shall result in replacement pursuant to WMC 21.50.070 of the damaged tree to equal the number of tree credits lost as a result of the damage. After construction activities are completed, the applicant shall provide an inspection report prepared by a certified arborist of the condition of the preserved trees.

(5) Construction of the improvements shall proceed as shown in the construction drawings and specifications. Construction inspection shall proceed under the supervision of a registered civil engineer. The City Engineer or his designee shall inspect construction progress on a regular basis to review compliance with construction plans and required standards.

(6) After the completion of construction in accordance with the approved plans and specifications, as-built drawings showing the improvements as constructed shall be certified as true and complete by a registered civil engineer. The certified as-built drawings on reproducible Mylar shall be submitted to the City Development Services Director. When a final plat is involved, the certified as-built drawings are required to be submitted prior to the acceptance of the subdivision improvements and approval of the plat or proper administrative authority for short plats by the City Council.

21.60.250 Survey required.

The survey of every proposed subdivision or short subdivision shall be made by or under the supervision of a registered land surveyor. All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the State of Washington and the submittal requirements checklist as developed by the Director. Subdivision control and staking traverses shall close within an error of one foot in 5,000 feet for residential and subdivision lots, and one foot in 10,000 feet for commercial and industrial development. Primary survey control points shall be referenced to section corners and monuments.

21.60.260 General provisions.

(1) Applicability. All divisions or re-divisions of land into lots, tracts, parcels, sites or division for the purpose of sale, lease or transfer of ownership shall comply with the provisions of State law and the Woodinville Municipal Code (WMC). All contiguous parcels of land, regardless of date of acquisition or location in different lots, tracts, parcels, tax lots or separate government lots, that are to be subdivided shall constitute a single subdivision or short subdivision action. Multiple applications or applications and/or exemptions shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this chapter.

(2) Exceptions. The provisions of this section shall not apply to:
   (a) Cemeteries and burial plats;
   (b) Divisions made by testamentary provisions, or the laws of descent;
   (c) Division for sale or lease of commercial or industrially zoned property; provided a binding site plan has been approved and recorded;
   (d) Divisions for purposes of lease when no residential structure other than mobile homes or travel trailers are permitted, provided a binding site plan has been approved and recorded;
   (e) A division made under the provisions of WMC 21.60.290 for the purposes of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and
   (f) A division made under the provisions of the Horizontal Properties Regimes Act (Chapter 64.32 RCW); provided a binding site plan has been approved.

(3) Subdivisions Processed Simultaneously. Unless the applicant requests otherwise, a subdivision or short subdivision application shall be processed simultaneously with application for variances, conditional uses, street vacations, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing, and subject to WMC 21.83.020.

(4) Deviation from Requirements. Subdivision and short subdivision development requirements may be modified by the director only upon a showing by the applicant that the criteria of WMC 21.80.050, Variance, can be complied with. Deviations shall not be allowed on the basis of economic hardship. A request by the applicant must be attached to the application and shall be processed in conjunction with the application. Action taken by an approval authority on the request shall be entered into the record.

21.60.270 Subdivision vacation.

Any person interested in the vacation of any subdivision, or part of a subdivision, or area dedicated for public use shall file an application for vacation with the Planning Department. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion to be vacated. If the subdivision is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation.

Subdivision vacation are subject to Type V requirements of WMC Title 17. The hearing body shall conduct a public hearing on the application for a vacation, and the City Council may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the approval authority adopts written findings that the public use would not be served in retaining title to those lands. Title to vacated property shall be governed by Chapter 58.17 RCW, Plats – Subdivision Dedications.

21.60.280 Subdivision alteration.

Any person interested in the alteration or modification of any subdivision, except as provided in WMC 20.08.080, Final plat and short plat corrections and boundary line adjustments, shall submit a Type III application for the alteration to the Planning Department, pursuant to WMC 17.07.030. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered and other application submittal materials as required. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration.

The hearing body shall conduct a public hearing on the application for alteration, subject to the provisions of Chapters 17.11 and 17.15 WMC, and may approve or deny the application for alteration of the subdivision after determining the public use and interest to be served. After approval of the alteration, the applicant shall submit to the City a revised drawing of the approved alteration of the subdivision, which after signature of the approving authority shall be filed with the County Auditor to become the lawful plat of the property. The revised drawing shall be surveyed and prepared by a Washington State licensed land surveyor.

21.60.290 Final plat and short plat corrections and boundary line adjustments.

(1) Public Dedication – Not Involved. Amendments, alterations, modifications and changes to recorded final plats or short plats and boundary lines between two adjoining parcels not involving a public dedication shall be accomplished only by one of the following methods:
   (a) File a new plat for the lots in question by following the full subdivision procedures of this title; or
   (b) File a short plat for lots in question by following the procedures of this title; provided, that short plats occurring in final subdivisions approved under the provisions of the WMC do not exceed the density allowed under the zoning existing at the time the plat was approved, or are not inconsistent with other provisions of the plats; or
   (c) File a minor modification or boundary line adjustment, pursuant to WMC 21.83.030. This method may be used to correct or adjust short plats, final plats or boundary lines between two adjoining parcels; provided the proposed changes are minor and do not create new lots. This method may be used to consolidate two or more existing lots. A final plat mylar shall be submitted to the Planning Director for approval along with the normal and required signature attachments and a cross-reference to the original final or short plat and fees only for technical review. Normal and required signatures shall mean only the signatures of owners of lots affected by a minor modification or boundary line adjustment.

(2) Public Dedication – Involved. Amendments, alterations, modifications and changes to recorded final plats and short plats or boundary between two adjoining parcels involving a public dedication shall be accomplished by following the procedures of WMC 21.60.270, Subdivision vacation, or 21.60.280, Subdivision alteration.

21.60.300 Divisions requiring binding site plans.

A subdivision of land which is exempt from the subdivision regulations, but requires that a binding site plan be approved, shall comply with the following requirements:

(1) Applications submitted shall comply with the requirements established by WMC 21.83.130.
(2) Notice of the filing of the binding site plan application shall be provided in compliance with Chapter 21.84 WMC.
(3) As a basis for approval, approval with conditions or disapproval of a binding site plan, the Planning Director shall determine if appropriate provisions have been made for but not limited to the purpose and criteria set forth in WMC 21.80.080, Subdivision and Short Subdivision Regulations.
(4) Each final decision of the Planning Director shall be in writing and shall include findings and conclusions based on the record to support the decision, in accordance with WMC 21.83.160. The decision made by the Planning Director may be appealed to the Hearing Examiner in compliance with Chapters 2.30 and 21.86 WMC.
(5) Binding site plans shall be drawn at a scale no smaller than one inch equals 100 feet and shall include the design of any lots or building envelopes and the areas designated for landscaping and vehicle use.
(6) All binding site plans shall be recorded in compliance with the following:
   (a) Recording Required. No binding site plan shall be filed unless approved by the Planning Director and Director of Public Works. A copy of an approved binding site plan shall be filed for record with the County Auditor and one reproducible copy shall be furnished to the Planning Director.
   (b) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original binding site plan mylar to the Planning Department for signatures together with the binding site plan approval fee.
(7) Approved binding site plans shall be binding and all provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan approval shall be considered a violation of this title, and shall be restrained by injunctive action and shall be illegal as provided in Chapter 58.17 RCW, Plats – Subdivisions – Dedications.
(8) All subsequent development shall be in conformity with the approved binding site plan. Each binding site plan document shall reference the requirement for compliance with the binding site plan approval.
(9) Amendments to or vacations of an approved binding site plan shall be made through the process of this section.
(10) Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the City.

Article 7 – Shoreline Master Program
Chapter 21.70
SHORELINE MANAGEMENT

Sections:

21.71.010 Adopted.

21.70.010 Adopted.

Chapter 21.70 WMC, Shoreline Management, is hereby amended to read as set forth in Attachment A which is attached to the ordinance codified in this section and incorporated herein by this reference as if set forth in full.

Article 8 – Project Permit and Legislative Procedures
Chapter 21.80
DECISION CRITERIA

Sections:

21.80.010 Purpose.
21.80.020 Determination of consistency.
21.80.030 Commercial, mixed-use, industrial, public and multifamily residential project approval permit.
21.80.040 Temporary use permit.
21.80.050 Variance.
21.80.060 Conditional use permit.
21.80.070 Special use permit.
21.80.080 Subdivision and Short Subdivision
21.80.090 Zone reclassification.
21.80.100 Home occupation permit.
21.80.110 Home industry permit.

21.80.010 Purpose.

The purposes of this chapter are to allow for consistent evaluation of land use applications and to protect nearby properties from the possible effects of such requests by:

(1) Providing clear criteria on which to base a decision;
(2) Recognizing the effects of unique circumstances upon the development potential of a property;
(3) Avoiding the granting of special privileges;
(4) Avoiding development which may be unnecessarily detrimental to neighboring properties;
(5) Requiring that the design, scope and intensity of development is in keeping with the physical aspects of a site and adopted land use policies for the area; and
(6) Providing criteria which emphasize protection of the general character of neighborhoods.

21.80.020 Determination of consistency.

(1) Purpose. When the City receives a project permit application, consistency between the proposed project and the applicable regulations and Comprehensive Plan should be determined through the process in this chapter and the City's adopted SEPA ordinance, Chapter 21.52 WMC.
(2) Consistency. During project permit application review, the City shall determine whether the proposed project is consistent with the applicable development regulations. In the absence of applicable development regulations, the City shall determine whether the City's adopted Comprehensive Plan contains policies which address the unregulated impacts. This determination of consistency shall include the following:
    (a) The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;
    (b) The level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density;
    (c) Availability and adequacy of infrastructure, public facilities and services identified in the Comprehensive Plan and needed to serve the development; and
    (d) Character of the development, such as development standards.

21.80.030 Commercial, mixed-use, industrial, public and multifamily residential project approval permit.

(1) A land use project approval permit shall be required for the following commercial, mixed-use, industrial, public and/or multifamily residential projects:
    (a) Establishing any new development on a vacant piece of property.
    (b) Expanding any development where review under the State Environmental Policy Act (SEPA) is required.
(2) A land use project approval permit shall be granted by the City if the applicant demonstrates that:
    (a) The development is consistent with all of the City's development regulations, as adopted in the Woodinville Municipal Code.

21.80.040 Temporary use permit.

A temporary use permit shall be granted by the City only if the applicant demonstrates that:

(1) The proposed temporary use will not be materially detrimental to the public welfare;
(2) The proposed temporary use is compatible with existing land use in the immediate vicinity in terms of noise and hours of operation;
(3) The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-street parking if necessary to protect against compacting soils;
(4) Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and
(5) The proposed temporary use is not otherwise permitted in the zone in which it is proposed.

21.80.050 Variance.

A variance shall be granted by the City, only if the applicant demonstrates all of the following:

(1) The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
(2) The variance is necessary because of the unique size, shape, topography, or location of the subject property;
(3) The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
(4) The need for the variance is not the result of deliberate actions of the applicant or property owner;
(5) The variance does not create health and safety hazards;
(6) The variance does not relieve an applicant from any of the procedural provisions of this title;
(7) The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;
(8) The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;
(9) The variance does not allow the creation of lots or densities that exceed the base residential density for the zone;
(10) The variance is the minimum necessary to grant relief to the applicant;
(11) The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and
(12) The variance does not relieve an applicant from any provisions of Chapter 21.51 WMC, Development Standards – Critical Areas.

21.80.060 Conditional use permit.

A conditional use permit shall be granted by the City only if the applicant demonstrates that:

(1) The conditional use is designed in a manner which is compatible with the character and appearance of the existing or proposed development in the vicinity of the subject property;
(2) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
(3) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
(4) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
(5) The conditional use is not in conflict with the health and safety of the community;
(6) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
(7) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

21.80.070 Special use permit.

(1) A special use permit shall be granted, or, if applicable, conditionally granted, by the City; provided, that:
    (a) The applicant can demonstrate that:

(i) The characteristics of the special use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;
(ii) The special use will not materially endanger the health, safety and welfare of the community;
(iii) The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
(iv) The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
(v) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;
(vi) The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title;
(vii) Where applicable, the special use meets the requirements of the Comprehensive Plan regarding the siting process for essential public facilities; and

(b) Subject to public notice requirements of WMC 21.84.040, the Hearing Examiner shall make a threshold determination on whether the proposal presents siting difficulties, and shall consider public comments in making that determination.

(2) With respect to essential public facilities, the provisions and decisional criteria of Chapter 21.32 WMC shall supersede the provisions of this section to the extent of any conflict or inconsistency.

21.80.080 Subdivision and Short Subdivision.

(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;
(c) The proposal conforms to the requirements of this section and those set forth in this chapter and WMC 21.83.120;
(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 City, 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 21.51 WMC, Development Standards – Critical Areas, and Chapter 21.81 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 and subject to written approval by both the Public Works Director and Planning Director. Their decision shall consider all relevant factors including the following criteria:

(i) Whether only minor items of the required improvements need to be completed such as the final lift of asphalt pavement and/or landscaping; or

(i) 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

(ii) Whether constructing the required improvements prior to plat approval will create an unnecessary and unusual hardship to the applicant that is not self-created; and

(iii) Whether the need for the surety bond, cash deposit, or assignment of funds is not the result of deliberate actions of the applicant; and

(iv) 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.

(j) 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 21.60.220.

(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 21.60, Subdivisions and Short Subdivision Procedures, and Chapters 21.83, 21.84, and 21.86 WMC.

21.80.090 Zone reclassification.

A zone reclassification shall be granted only if the applicant demonstrates that the proposal is consistent with the Comprehensive Plan and applicable functional plans at the time the application for such zone reclassification is submitted, and complies with the following criteria:

(1) There is a demonstrated need for additional zoning as the type proposed.

(2) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties.

(3) The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

21.80.100 Home occupation permit.

A home occupation permit shall be granted by the City only if the applicant demonstrates that the home occupation will be conducted in compliance with the provisions of WMC 21.31.080.

21.80.110 Home industry permit.

A home industry permit shall be granted by the City only if the applicant demonstrates that the home industry will be conducted in compliance with the provisions of WMC 21.31.090.

Chapter 21.81
ADEQUACY OF PUBLIC FACILITIES

Sections:

21.81.010 Purpose.
21.81.020 General requirements.
21.81.030 Adequate sewage disposal.
21.81.040 Adequate water supply.
21.81.050 Surface water management.
21.81.060 Adequate roads.
21.81.070 Adequate roads – Road capacity level of service (LOS) standard.
21.81.080 Adequate roads – Applicability of capacity standard.
21.81.090 Adequate roads – General conditions.
21.81.100 Exceptions.
21.81.110 Adequate vehicular access.
21.81.120 Adequate fire protection.
21.81.130 School concurrency – Applicability and relationship with fees.
21.81.140 Findings, recommendations, and decisions regarding school capacities.
21.81.150 School concurrency standard.
21.81.160 Credit for improvements.

21.81.010 Purpose.

The purpose of this chapter is to ensure that public facilities and services necessary to support development are adequate or will be provided in a timely manner consistent with the public facilities and services planning goal of the Washington State Growth Management Act of 1990 by:

(1) Specifying the on-site and off-site facilities and services that must be in place or otherwise assured of timely provision prior to development;
(2) Allocating the cost of those facilities and services fairly; and
(3) Providing a general framework for relating development standards and other requirements of this code to:
  (a) Adopted service level standards for public facilities and services;
  (b) Procedural requirements for phasing development projects to ensure that services are provided as development occurs; and
  (c) The review of development permit applications.

21.81.020 General requirements.

(4) All new development proposals including any use, activity, or structure allowed by Chapter 21.21 WMC that requires the City of Woodinville approval shall be adequately served by the following facilities and services prior to the time of occupancy, plat recording, or other land use approval, as further specified in this chapter:
  (a) Sewage disposal;
  (b) Water supply;
  (c) Surface water management;
  (d) Roads and access;
  (e) Fire protection service; and
  (f) Schools.
(5) Regardless of the number of sequential permits required, the provisions of this chapter shall be applied only once to any single development proposal. If changes and modifications result in impacts not considered when the proposal was first approved, the City shall consider the revised proposal as a new development proposal.
(6) Utilities are encouraged to co-locate distribution lines when completing upgrades or when utility relocations are considered as a part of major street improvements.
(7) Any building constructed for the purposes of a utility and requiring a building permit shall meet the landscaping requirements for utilities and sub-regional utilities in Chapter 21.43 WMC and, if applicable, the City's Design Guidelines and Standards.
(8) All utilities are subject to the critical areas regulations in Chapter 21.52 WMC.

21.81.030 Adequate sewage disposal.

All new development shall be served by an adequate public or private sewage disposal system, including both collection and treatment facilities as follows:

(1) New development is encouraged to hook up to the public sewage system; provided, that:
   (a) For the issuance of a building permit, preliminary plat approval or other land use approval the site of the proposed development is served by an existing disposal system consistent with the City-approved comprehensive sewer plan, and the disposal system has been approved by the City and the Woodinville Water District or local purveyor as being consistent with applicable State and local design and operating guidelines;
   (b) For the issuance of a certificate of occupancy for a building permit, the approved public sewage disposal system as set forth in subsection (1)(a) of this section is installed to serve each building or lot;
   (c) For recording a final plat, final short plat or binding site plan the approved public sewage disposal system set forth in subsection (1)(a) of this section shall be installed to serve each lot respectively; or a bond or similar security shall be deposited with the Public Works Director for the future installation of an adequate sewage disposal system. The bond may be assigned to a purveyor to assure the construction of such facilities within two years of recording; and
   (d) For a zone reclassification, the timing of installation of required sewerage improvements shall be contained in the approving ordinance.

(2) A private individual sewage system may be approved, if an on-site sewage disposal system for each individual building or lot is installed to meet the requirements and standards of the County Department of Public Health as to lot size, soils, and system design prior to issuance of a certificate of occupancy for a building permit or approval of a preliminary plat or short plat.

(3) Hook-up to the public sewage system may be required for expansion of existing developments within 330 feet of the sewage system if the existing development does not have or cannot establish an approved and functioning private septic system.

(4) New single-family residential subdivisions and short subdivisions, that have submitted a complete application on or after February 19, 2013, that create lots less than one acre per unit must hook up to the municipal sewer system if the system is within 330 feet of the proposed development.

21.81.040 Adequate water supply.

(1) All new development shall be served by an adequate public or private water supply system as follows: A public water system is adequate for a development proposal provided that:
   (a) For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant must demonstrate that the existing water supply system serving the site complies with the following:
      (i) Applicable planning, operating and design requirements of the State, the County, coordinated water system plans, and other applicable provisions of the rules and regulations of the City; and any limitation or condition imposed by the City-approved Comprehensive Plan of the water purveyor; and
      (ii) The proposed improvements to an existing water system have been reviewed by the Public Works Director and the local purveyor and determined to comply with the design standards and conditions specified in subsection (1)(a)(i) of this section; or
      (iii) A proposed new water supply system has been reviewed by the Public Works Director and the local purveyor and determined to comply with the design standards and conditions specified in subsection (1)(a)(i) of this section;
   (b) Prior to issuance of a certificate of occupancy for a building permit, the approved public water system and any system improvements set forth in subsection (1)(a) of this section shall be installed to serve each building or lot respectively;
   (c) For recording a final plat, final short plat or binding site plan, either the approved public water supply system or system improvements set forth in subsection (1)(a) of this section shall be installed to serve each lot or a bond or similar security shall be deposited with the Public Works Director and may be assigned to a purveyor to assure the construction of required water facilities in Group A systems as defined by Board of Health regulations, within two years of recording; and
   (d) For a zone reclassification, the timing of installation of required water system improvements shall be included in the approving ordinance.

(2) Existing developments seeking building permits for improvements or additions that are served by private water systems are encouraged to hook up to the municipal water system.

21.81.050 Surface water management.

All new development shall be served by an adequate surface water management system as follows:

(1) The proposed system is adequate if the development proposal site is served by a surface water management system approved by the Department as being consistent with the design, operating and procedural requirements of the King County Surface Water Design Manual and the City.
(2) For a subdivision or zone reclassification, the phased installation of required surface water management improvements shall be stated in the approving ordinance. Such phasing may require that a bond or similar security be deposited with the Public Works Director.
(3) A variance request from the requirements of the King County Surface Water Design Manual shall be reviewed by the City's Public Works Director and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 21.21 through 21.51 WMC.
(4) The City encourages low-cost, long-term maintenance methods be incorporated in the design of new or modified storm water facilities. The Public Works Director may further require enhancement of storm water facilities to include recreational facilities or other aesthetically pleasing amenities.
(5) In the event that a developer is required to build a storm water facility of regional and/or area wide significance, the Public Works Director may work with the developer to achieve a means of reimbursement to the developer for shared costs beyond that required to mitigate the development's impacts. This could be accomplished through a latecomer's agreement, impact fee program, or other method of collecting funds from other developers or the City or users benefiting from such a facility.
(6) The dedication of a surface water management system from private ownership to service and ownership by the City of Woodinville shall be reviewed by the Public Works Director. The Public Works Director may accept the dedication of land for a surface water management system when said dedication is required as a condition of development approval and/or permit approval on behalf of the City.

21.81.060 Adequate roads.

(1) All new development shall be served by adequate roads. Roads are adequate if the development's traffic impacts on surrounding public roads are acceptable under the level of service standards as stated in WMC 21.81.070 and the compliance procedures established in WMC 21.81.080 and 21.81.090.
(2) The renewal of permits or the issuance of a new permit for existing uses constitutes a new development proposal only if it will generate additional traffic above that currently generated by the use.
(3) A deviation request from the road cross-section or construction standards established by the WMC shall be reviewed as set forth in the City's adopted street and construction standards in WMC 12.09.010 and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 21.21 through 21.51 WMC.
(4) The establishment or acquisition of any new rights-of-way shall comply with the provisions of Chapter 21.51 WMC. The location of new or expanded rights-of-way shall consider the protection of natural systems and provide adequate buffering from surrounding land uses.
(5) The dedication of lands for street frontage improvements and establishment or acquisition of public rights-of-way shall be reviewed by the Public Works Director. The Public Works Director may accept the dedication of land for public rights-of-way or easements when said dedication is required as a condition of development approval and/or permit approval on behalf of the City.

21.81.070 Adequate roads – Road capacity level of service (LOS) standard.

(1) A calculated LOS D or better shall be considered desirable.
(2) A calculated LOS E shall be considered adequate.
(3) A calculated LOS F shall be considered inadequate.

21.81.080 Adequate roads – Applicability of capacity standard.

The road adequacy standards as stated in WMC 21.81.070 shall apply to all public City, County, or State roads, other than freeways; provided, that:

(1) No improvements to State roads shall be required unless the State requests such improvements and there is an agreement between the State, City and applicant;
(2) No improvements to County roads shall be required unless the County requests such improvements and an interlocal agreement is adopted by County and City ordinances. An application of different standards than set forth in WMC 21.81.070 may be allowed within the City limits or the City's planning area, outside the City, through an interlocal agreement if such standards are agreed upon through an interlocal agreement and have been adopted as an official control by City and County ordinance; and
(3) The standard established in WMC 21.81.070 shall be applied to a project unless a different standard as provided in subsection (2) of this section has been adopted prior to the project date, or, in the case of plats, it has been adopted prior to the preliminary plat approval date.

21.81.090 Adequate roads – General conditions.

(1) A development proposal which will have a direct traffic impact, as defined by WMC 21.11.060, on a roadway or intersection which results in a calculated LOS F shall not be approved unless:
   (a) The nonproject LOS is D or better and the applicant agrees to fund improvements needed to attain LOS D or better;
   (b) The nonproject LOS is E or F and the applicant agrees to fund improvements to LOS E or better;
   (c) The applicant achieves LOS E by phasing the project or using transportation demand management (TDM) techniques to reduce the number of peak hour trips generated by the project;
   (d) The Development Services Director has established a date for final approval of subdivisions to become effective corresponding with the anticipated date of award of a construction contract for City, County, or State improvements needed to provide LOS D or better, or when the calculated nonproject LOS is E or F, to provide LOS E or better; provided such effective approval date may be established only when the anticipated date of award of construction contract is within 12 months of final approval; or
   (e) The roadway or intersection has already been improved to its ultimate roadway section and the applicant agrees to use TDM incentives and/or phase the development proposal as determined by the Public Works Director.
   (f) The necessary financial commitments are in place to assure the completion of the needed improvements to meet the district's standard of service within six years of the time that the impacts of development are expected to occur. Necessary improvements are those facilities identified by the district in its capital facilities plan.
(2) Developments proposed which will have a direct impact, as defined by WMC 21.11.060, on City traffic facilities or designated areas pursuant to WMC 21.81.080 may attain the LOS specified in the adopted interlocal agreements rather than meeting WMC 21.81.070.
(3) The Public Works Director may identify by ordinance intersections exempt from the level of service standards where existing levels of service are F and the improvements to the intersection are not financially or environmentally feasible as determined by the Public Works Director. Other mitigation measures may be required as described in the policies under Comprehensive Plan goal T-7.
(4) The developer is required to conduct an evaluation of the impacts of the development via level of service standards. The evaluation shall be reviewed by the Public Works Director.

21.81.100 Exceptions.

(1) Exceptions from the standards of WMC 21.81.060 and 21.81.070 may be granted only when extraordinary circumstances make compliance with the standards infeasible or when a traffic impact or mitigation fee is proposed.
(2) For those developments proposed where the Hearing Examiner makes a recommendation to the City Council, the record must reflect the basis for the exception, and the approving ordinance must grant the exception in order for it to be effective. The ordinance approving the proposal shall be determinative and conclusive as to the proposal's compliance with this chapter.
(3) For developments proposed for which the Hearing Examiner decision is final, the decision of the Hearing Examiner shall be determinative and conclusive as to the proposal's compliance with this chapter.
(4) For permits which are administrative and ministerial for which no appeal is normally available, the issue of the application of the standards in this chapter to a development proposed may be appealed to the Hearing Examiner for a final decision. Such an appeal together with appeal arguments shall be filed with the Development Services Director within 10 days of decision.

21.81.110 Adequate vehicular access.

All new development shall be served by adequate vehicular access as follows:

(1) The property upon which the development proposed is to be located has direct access to:
   (a) A public or private street, other than a half-street, that meets City street standards or is formally declared acceptable by the Public Works Director; or
   (b) The property has access to such a street over a private driveway approved by the Public Works Director;

(2) The proposed circulation system of a proposed subdivision, short subdivision or binding site plan shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the Public Works Director; and

(3) Every lot upon which one or more buildings is proposed to be erected or traffic generating use is proposed to be established shall establish safe access as follows:
   (a) Safe passage from the street right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the design standards set forth in Chapter 21.44WMC;
   (b) Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services in accordance with adopted standards (e.g., fire protection, emergency medical service, mail delivery or trash collection); and
   (c) Direct access from the street right-of-way, driveway, alley or other means of ingress/egress approved by the Public Works Director to all required off-street parking spaces on the premises.

21.81.120 Adequate fire protection.

All new development shall be served by adequate fire protection as set forth below:

(1) The site of the development proposed is served by a water supply system that provides at least minimum fire flow and a road system or fire lane system that provides life safety/rescue access, and other fire protection requirements for buildings as required by the Uniform Fire Code and Uniform Building Code as adopted by the City;

(2) For a zone reclassification, the timing of installation of required fire protection improvements shall be stated in the approving ordinance, secured with a bond or similar security, and deposited with the Building Official; and

(3) A variance request from the requirements established by the Uniform Fire Code shall be reviewed and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 21.21 through 21.51 WMC.

21.81.130 School concurrency – Applicability and relationship with fees.

(1) The concurrency standard set out in WMC 21.81.160 shall apply to applications for preliminary plat which would result in the creation of new residential building lots or mobile home parks or the construction of new dwelling units, requests for multifamily zoning, and building permits for multifamily housing projects which have not been previously evaluated for compliance with the concurrency standard.

(2) The City's finding of concurrency shall be made at the time of preliminary plat approval, at the time that a request to actualize potential multifamily zoning is approved, or prior to building permit issuance for multifamily housing projects which have not been previously established for compliance with the concurrency standard. Once such a finding has been made, the development shall be considered as vested for purposes of the concurrency determination.

(3) Excluded from the application of the concurrency standard are building permits for individual single-family dwellings (except as required for school impact fees), any form of housing exclusively for the elderly, including nursing homes and retirement centers. Also excluded from the application of the concurrency standard are shelters for temporary placement, relocation facilities and transitional housing facilities. Replacement reconstruction or remodeling of existing dwelling units is not subject to the provisions of this chapter.

(4) Also excluded from the application of the concurrency standard set out in this chapter are short subdivisions.

(5) All of the development activities which are excluded from the application of the concurrency standard are subject to school impact fees, when established by the City.

21.81.140 Findings, recommendations, and decisions regarding school capacities.

(1) The Development Services Director and/or the Hearing Examiner, in the course of reviewing proposals for residential development including applications for plats or multifamily zoning, and multifamily building permits, shall consider the school district's capital facilities plan as adopted in the City's Comprehensive Plan.

(2) Documentation which the district is required to submit shall be incorporated into the record in every case without requiring the district to offer such plans and data into the record. The school district is also authorized to present testimony and documents demonstrating a lack of concurrence in the district and the inability of the district to accommodate the students to be generated by a specific development.

(3) Based upon a finding that the impacts generated by the plat or the multifamily development were generally not anticipated at the time of the last City Council review and approval of a school district capital plan and were not included in the district's long-range forecast, the Development Services Director may require or recommend phasing or provision of the needed facilities and/or sites as appropriate to address the deficiency or deny or condition approval, consistent with the provisions of this chapter, the State Subdivision Act, and the State Environmental Policy Act.

(4) Determinations of the Hearing Examiner or Development Services Director regarding concurrence can be appealed only pursuant to the provisions for appeal of the development permit process for which the determination has been made.

(5) Where the City Council has not adopted an impact fee ordinance for a particular school district, the language of this section shall not affect the authority or duties of the Hearing Examiner or the Development Services Director pursuant to the State Environmental Policy Act or the State Subdivision Act.

21.81.150 School concurrency standard.

(1) Schools shall be considered to have been provided concurrently with the development which will impact the schools if:
   (a) The permanent and interim school improvements necessary to serve the development are planned to be in place at the time the impacts of development are expected to occur; or
   (b) The necessary financial commitments are in place to assure the completion of the needed improvements to meet the district's standard of service within six years of the time that the impacts of development are expected to occur. Necessary improvements are those facilities identified by the district in its capital facilities plan, as adopted by the City's Comprehensive Plan.

(2) Any combination of the following shall constitute the "necessary financial commitments" for the purposes of subsection (1) of this section:
   (a) The district has received voter approval of and/or has bonding authority;
   (b) The district has received approval for Federal, State, or other funds;
   (c) The district has received a secured commitment from a developer that the developer will construct the needed permanent school facility, and the school district has found such facility to be acceptable and consistent with its capital facilities plan; and/or
   (d) The district has other assured funding, including but not limited to school impact fees which have been paid.

(3) Compliance with this concurrency requirement of this section shall be sufficient to satisfy the provisions of RCW 58.17.060 and 58.17.110.

21.81.160 Credit for improvements.

Whenever a development is granted approval subject to a condition that the development proponent actually provide a school facility acceptable to the district, the development proponent shall be entitled to a credit for the actual cost of providing the facility, against the fee that would have been charged. The cost of construction shall be estimated at the time of approval, but must be documented and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact or mitigation fee.

Chapter 21.82
DEVELOPMENT AGREEMENT PROCEDURE AND CRITERIA

Sections:

21.82.010 Scope.
21.82.020 Purpose.
21.82.030 Authority.
21.82.040 Public hearing and notice.
21.82.050 Real property covered.
21.82.060 Agreement contents.
21.82.070 Decision criteria.
21.82.080 Recording.

21.82.010 Scope.

This chapter establishes the procedure and criteria for development agreements between the City and a person who owns or controls real property, pursuant to RCW 36.70B.170 through 36.70B.210.

21.82.020 Purpose.

Certainty in the development review process can significantly encourage development or redevelopment of real property. This certainty is especially important for large-scale or multiphase developments that take years to complete and that require substantial financial commitments at an early stage. The City may, when appropriate, enhance certainty by entering into a development agreement with a project sponsor that addresses the “ground rules” for review of the development application and construction of the project. A development agreement provides the opportunity for the City and the developer to agree on the scope and timing of the project, applicable regulations and requirements, mitigation requirements and other matters relating to the development process. A development agreement promotes the general welfare by balancing the public and private interests, providing reasonable certainty for a development project, and addressing other matters, including reimbursement over time for the financing of public facilities. Development agreements may provide public benefits such as affordable housing, pedestrian-oriented communities, mixed use development and creation of public amenities such as parks and open spaces.

21.82.030 Authority.

Pursuant to RCW 36.70B.170 through 36.70B.210, and as a legislative action, the City Council may approve and enter into a development agreement with any person, partnership, corporation or other entity that controls real property.

21.82.040 Public hearing and notice.

(1) Pursuant to WMC 21.83.030, the Planning Commission shall hold a public hearing on a proposed development agreement prior to the City Council acting on the proposed agreement.
(2) A notice of the public hearing on a proposed development agreement shall be prepared and distributed pursuant to Chapter 21.84 WMC.

21.82.050 Real property covered.

A development agreement may apply to any real property within the City and to any real property within the City’s urban growth area.

21.82.060 Agreement contents.

A proposed development agreement shall, at a minimum, include provisions required by RCW 36.70B.170 through 36.70B.210, and shall set forth the development standards and other provisions that shall apply to and govern the use and development of the real property for the duration specified in the agreement, as the agreement may be amended from time to time, the total duration not to exceed 10 years. An agreement may also contain such other provisions as the City and the property owner or person controlling the property may mutually agree on, such as, but not limited to, the financing for or timing of mitigation and the vesting of development

rights. A development agreement shall be consistent with applicable development regulations. Each development agreement shall include findings of consistency for any modification to existing regulations and standards.

21.82.070 Decision criteria.

The City Council may approve by resolution and enter into a proposed development agreement if the Council finds, in its sole discretion, that a proposed agreement is consistent with the City's Comprehensive Plan, the development regulations and the purpose of this chapter and that entering into the agreement is in the City's best interest.

21.82.080 Recording.

The development agreement shall include a provision that requires the applicant to record the agreement with the county auditor of the county in which the subject property is located.

Chapter 21.83
REVIEW PROCEDURES

Sections:

21.83.010 Procedures for processing project permits.
21.83.020 Determination of proper procedure type.
21.83.030 Project permit application framework.
21.83.040 Final plat.
21.83.050 Joint public hearings.
21.83.060 Legislative decisions.
21.83.070 Legislative enactments not restricted.
21.83.080 Exemptions from project permit application processing.
21.83.090 Administrative interpretations.
21.83.100 Definitions.
21.83.110 Pre-application.
21.83.120 Project permit application.
21.83.130 Submission and acceptance of application.
21.83.140 Vesting.
21.83.150 Referral and review of project permit applications.
21.83.160 Notice of final decision.
21.83.170 Substantial revisions or modifications to proposal.
21.83.180 Preliminary plat review.
21.83.190 Short subdivision review.
21.83.200 Project permit application framework.
21.83.210 Decisions and appeals.
21.83.220 Records.

21.83.010 Procedures for processing project permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III or Type IV. Legislative decisions are Type V actions, and are addressed in WMC 21.83.060. Exclusions from the requirements of project permit application processing are contained in WMC 21.83.080.

21.83.020 Determination of proper procedure type.

(1) Determination by Director. The Development Services Director or his/her designee (hereinafter the “Director”) shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the Director shall resolve it in favor of the higher procedure type number.

(2) Optional Consolidated Permit Processing.

(a) An application that involves two or more project permits may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. If an applicant elects not to have the multi-permit application processed under the consolidated process, all permits shall be processed individually according to the process applicable to each permit.

(b) SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:

(i) Projects categorically exempt from SEPA;

(ii) Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.

(3) Decision maker(s). Applications processed in accordance with subsection (2) of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision maker(s). The City Council is the highest, followed by the Hearing Examiner or Planning Commission, as applicable, and then the Director. Joint public hearings with other agencies shall be processed according to WMC 21.83.050.

(4) Hearings. Project permits are allowed only one record hearing and one closed record appeal hearing.

21.83.030 Project permit application framework.

PROJECT PERMIT APPLICATIONS AUTHORITY AND PROCESS				
TYPE I	**TYPE II**	**TYPE III**	**TYPE IV**	**TYPE V**
•Boundary Line Adjustments •Commercial, Mixed-Use, Industrial, Multifamily Residential, Public Projects (tenant improvements, additions or alterations not requiring SEPA) •Critical Area Determination •Design Review •Flood Improvement Permit •Grading/Site Development Permits (SEPA not required) •Home Occupation Permits •Home Industry Permits •Master Signage Plan •Right-of-Way Permits (SEPA not required) •Shoreline Exemption •Sign Permits and Portable Sign Variance •Single-Family Residential Building Permits (SEPA not required) •Temporary Use Permits •Tree Removal Permits	•Administrative Approvals (including projects requiring SEPA review) •Administrative Interpretations •Binding Site Plans •Commercial, Mixed-Use, Industrial, Multifamily Residential, Public Projects (new or requiring SEPA) •Critical Area Alteration •Forest Practices Permit •Grading/Site Development Permits (SEPA required) •Personal Wireless Service Facility •Right-of-Way Permits (SEPA required) •Short Plats •Minor Modifications Subdivisions •Shoreline Substantial Development Permits •Single-Family Residential Building Permits (SEPA required)	•Conditional Use Permits •Critical Area Exception •Flood Variance •Forest Practices Request for Removal of Development Moratorium or Single-Family Dwelling Exception •Major Modifications Subdivisions •Reasonable Use Permit •Shoreline CUPs •Shoreline Variance •Site-Specific Zoning Map Amendments •Special Use Permits •Subdivisions – Preliminary •Variances	•Subdivisions – Final	•Annexations •Area-Wide Zoning Map Amendments •Comprehensive Plan Amendments •Development Agreements •Development Regulations Amendments •Subdivision Vacations •Zoning Code Amendments

PROJECT PERMIT AUTHORITY AND HEARING PROCESS (TYPE I – V)					
	TYPE I	**TYPE II**	**TYPE III**	**TYPE IV**	**TYPE V**
Final Decision Made By:	Director	Director	Hearing Examiner, except site-specific zoning map amendments are City Council	City Council	City Council
Recommendation Made By:	N/A	N/A	Only zoning map amendments, by Hearing Examiner	N/A	Planning Commission
Notice of Application:	No	Yes	Yes	No	No
Open Record Public Hearing:	No	No	Yes, before Hearing Examiner	No	Yes, before Planning Commission to make

PROJECT PERMIT AUTHORITY AND HEARING PROCESS (TYPE I – V)					
	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
					recommendation to Council, and Council can hold its own hearing in addition to Planning Commission
Closed Record Decision:	No	No	Site-specific zoning map amendments only, by City Council	City Council	No
Notice of Decision:	No	Yes	Yes	No	No
Administrative Appeal (14 days from date of final decision)	Hearing Examiner (open record), and for building permits only, City Council (closed record)	Hearing Examiner (open record), and for building permits only, City Council (closed record)	City Council (closed record)	No	No
Judicial Appeal:	Yes	Yes	Yes	Yes	Yes

21.83.040 Final plat.

(1) Application Submittal. The final plat application packet shall include the application, documents, certification, survey data, and demonstration that the required infrastructure has been constructed and/or any approved security for completion of required improvements at a later date. A complete application shall be submitted pursuant to WMC 21.83.030.

(2) Review – Time Limits. Final plat shall be approved, disapproved or returned to the applicant for modification or correction within 30 days from the date of filing unless the applicant consents to an extension of such time period.

(3) Review – Director of Public Works. The Director of Public Works or a licensed professional engineer acting on behalf of the City shall review the survey data, layout of lot lines, streets, alleys and other rights-of-way, design of bridges, and utility systems improvements including storm drainage, water and sanitary sewer. The Director of Public Works or other professional engineer acting on behalf of the City shall convey his findings to the City Council. Prior to approval, the engineer shall assure that:

(a) The proposed final plat meets all standards established by State law and this section relating to the final plat's drawings and subdivision improvements;

(b) The proposed final plat bears the certificates and statements of approval required by this section;

(c) Current title insurance report furnished by the sub-divider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final plat;

(d) The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat;

(e) The facilities and improvements required to be provided by the sub-divider have been completed or, alternatively, that the sub-divider has provided a security in an amount and with securities commensurate with the improvements such as landscaping or final lift or asphalt paving remaining to be completed, securing to the City the construction and installation of the improvements;

(f) The surveyor has certified that all survey monument lot corners are in place and visible.

(4) Review – City Council. The City Council shall review the final plat as follows:

(a) At a public meeting, the City Council shall determine whether the subdivision proposed for final subdivision approval conforms to all terms of preliminary approval, and whether the subdivision meets

the requirements of Chapter 21.60 WMC, applicable State laws and all other local ordinances adopted by the City which were in effect at the time of preliminary approval.

(b) If the conditions have been met, the City Council shall authorize the Mayor to inscribe and execute the written approval on the face of the plat map. If the City Council disapproves the plat, it will be returned to the applicant with reasons for denial and conditions for compliance.

(c) The City Council shall make written findings that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools, and school grounds.

(5) Recording. All final plats shall be recorded in compliance with the following:

(a) Recording Required. No final plat shall be recorded unless approved by the City Council. The original of an approved final plat shall be filed for record with the County Auditor.

(b) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original final plat drawings to the Planning Department together with the plat checking fees and performance bond(s). After the City has approved said drawings, the applicant shall submit the City-approved original final plat drawings to the County Auditor together with the recording fees.

21.83.050 Joint public hearings.

(1) Director's Decision to Hold Joint Hearing. The Director may combine any public hearing on a project permit application with any hearing that may be held by another local, State, regional, Federal, or other agency on the proposed action, as long as: (a) the hearing is held within the City limits; (b) the requirements of subsection (3) of this section are met; and (c) the City acts as the lead agency on the proposed application.

(2) Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a project permit be combined as long as the joint hearing can be held within the time periods set forth in this title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.

(3) Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, State, regional, Federal or other agency and the City, as long as:

(a) The other agency is not expressly prohibited by statute from doing so;

(b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;

(c) The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the City's hearing; and

(d) The hearing is held within the geographic boundary of the City.

21.83.060 Legislative decisions.

(1) Decisions. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:

(a) Zoning Code amendments;

(b) Adoption of development regulations and amendments;

(c) Area-wide Zoning Map amendments to implement new City policies;

(d) Adoption of the Comprehensive Plan and any plan amendments; and

(e) Annexations.

(2) Planning Commission. The Planning Commission shall hold a public hearing and make recommendations to the City Council on the decisions listed in (1) above. The public hearing shall be held in accordance with the requirements of Chapter 21.84 WMC.

(3) City Council. The City Council may consider the Planning Commission's recommendation in a public hearing held in accordance with the requirements of Chapter 21.84 WMC.

(4) Public Notice. Notice of the public hearing or public meeting shall be provided to the public as set forth in WMC 21.84.040.

(5) Implementation. The City Council's decision shall become effective five days after publication of a passed ordinance.

21.83.070 Legislative enactments not restricted.

Nothing in this chapter or the permit processing procedures shall limit the authority of the City Council to make changes to the City's Comprehensive Plan, as part of an annual revision process, or to make changes to the City's development regulations.

21.83.080 Exemptions from project permit application processing.

(1) Whenever a permit or approval in the Woodinville Municipal Code has been designated as a Type I, II, III or IV permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are, however, specifically excluded from the procedures set forth in this title:
   (a) Landmark designations;
   (b) Street vacation;
   (c) Street use permits.
(2) Pursuant to RCW 36.70B.140(2), Type I project permits, including boundary line adjustments; and building permits, other construction permits, or similar administrative approvals which are categorically exempt from environmental review under SEPA (Chapter 43.21C RCW) and Chapter 21.52 WMC (SEPA); or permits/approvals for which environmental review has been completed in connection with other project permits, are excluded from the following procedures:
   (a) Notice of application, WMC 21.83.140;
   (b) Except as provided in RCW 36.70B.140, optional consolidated project permit review processing, WMC 21.83.200(2);
   (c) Joint public hearings, WMC 21.83.050;
   (d) Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing, WMC 21.84.060(3);
   (e) Notice of decision, WMC 21.83.160;
   (f) Completion of project review within any applicable time periods (including the 120-day permit processing time), WMC 21.83.160(1).

21.83.090 Administrative interpretations.

Unless otherwise specified and except for other agencies with authority to implement specific provisions of this title, the Planning Director is delegated the authority to issue official interpretations of all development regulations.

21.83.100 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) Closed Record Appeal Hearing. An administrative appeal on the record following an open record hearing on a project permit application when the appeal is on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.
(2) Director. The Development Services Director or his/her designees unless another department or agency is in charge of the project permit in which case it refers to the chief administrative officer of that department or agency.
(3) Open Record Hearing. A hearing, conducted by a single hearing body or officer that creates the record through testimony and submission of evidence and information. An open record hearing may be held prior to a decision on a project permit to be known as an "open record pre-decision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record pre-decision hearing has been held on the project permit.
(4) Project Permit or Project Permit Application. Any land use or environmental permit or license required from the City for a project action, including but not limited to subdivisions, conditional uses, shoreline substantial development permits, permits or approvals required by critical area ordinances, site-specific rezones authorized by the Comprehensive Plan or a subarea plan, but excluding the adoption or amendment of the Comprehensive Plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.
(5) Public Meeting. An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to a decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on draft environmental impact statement. A public

meeting does not include an open record hearing. The proceedings at a public meeting shall be included in the City's project permit application file.

21.83.110 Pre-application.

(1) At the applicant's request, a pre-application conference shall be scheduled with representatives of the City's Technical Review Committee, including the Planning, Engineering, Building and Fire Departments. Representatives from other departments or agencies are encouraged to provide comments and/or attend the conference.
(2) The Director shall establish procedures, reasonable schedules, and staff participation for pre-application meetings.
(3) The discussions at the conference shall not bind or prohibit the City's future application or enforcement of all applicable law since it is impossible for a pre-application meeting to be an exhaustive review of all potential issues.
(4) The applicant should provide a draft site plan, grading plan, storm drainage plan, and building elevations. The number of copies required shall be set by the Director.
(5) If a fee is established by the City's most current fee resolution, the applicant shall pay the fee at the time the pre-application meeting is scheduled.

21.83.120 Project permit application.

(1) Review of project permit applications shall be carried out by the City Planning, Engineering, Building and Fire Departments for Type I, II, III, IV and V project permits.
(2) A project permit application is complete when it meets the submittal requirements specified in WMC 21.83.130.
(3) Review Process. The project permit application review shall follow the underlying permit review process as described in the City code. Depending on the application, project permit application review may be administrative or require a public hearing by a City designated official or board. In addition to the other requirements of this title, the project permit application shall only be approved after the project has met all environmental, zoning, engineering and building regulations and standards for the particular use.
(4) An approved project permit shall be issued by the City only after the proposal has met all the requirements of the Woodinville Municipal Code. Any project permit approved pursuant to this code shall be commenced, performed and completed in compliance with the provisions and conditions of the permits under which the project was approved.
(5) The project permit shall be valid as outlined below from the date that the permit is approved. The project is required to have construction permits issued, or have final approval for plats and short plats, prior to the end of the approval period.

Project Permit Approval Expiration

Permit Type	Approval Period	One Extension Allowed
All Land Use Approvals (not otherwise listed)	2 years	1 year
Conditional Use	5 years	1 year
Shoreline Permits	2 years	1 year
Short Plats	5 years	1 year
Subdivisions	5 years	1 year

Extensions to the approval expiration may be granted by the Director if:

(a) The construction permits can or will be issued within 30 days of the approval expiration; or
(b) 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

(c) Expiration of the approval will create an unnecessary and unusual hardship to the applicant that is not self-created; and
(d) The need for the extension is not the result of deliberate actions of the applicant; and
(e) The public health, safety, and welfare are not endangered by allowing the extension.

(2) Minor modifications to the approved project permit may be authorized by the Development Services Director and/or Public Works Director, or his/her designee. Major modifications shall be approved by following the original review and approval process. Major modifications shall be changes which add additional unmitigated impacts or changes which affect the findings, conclusions, or conditions of the original approval.

(3) All applications shall be submitted with the appropriate fees as established by City Council resolution. The fees are necessary to reimburse the City for costs associated with processing permits including, but not necessarily limited to, staff time, postage, legal notices, paper, duplicating costs, and mileage.

21.83.130 Submission and acceptance of application.

The procedures in this section apply to Type I, II, III, IV, and V project permits.

(1) Determination of Completeness. Within 28 days after receiving a project permit application, the City shall send by mail or personally provide a written determination to the applicant which states either: (a) that the application is complete, or (b) that the application is incomplete and what is necessary to make the application complete.

(2) Identification of Other Agencies with Jurisdiction. To the extent known by the City, other agencies with jurisdiction over the project permit application shall be identified in the City's determination required by subsection (1) of this section.

(3) "Complete" Application/Additional Information. A project permit application is complete for purposes of this section when it meets the submission requirements in the table in subsection (10) of this section. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The City's determination of completeness shall not preclude the City from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action.

(4) Incomplete Application Procedure.
(a) If the applicant receives a determination from the City that an application is not complete, the applicant shall have 90 days to submit the necessary information to the City. Within 14 days after an applicant has submitted the requested additional information, the City shall make the determination as described in subsection (1) of this section, and notify the applicant in the same manner.
(b) If the applicant either refuses in writing to submit additional information or does not submit the required information within the 90-day period, the application shall lapse.
(c) In those situations where the application has lapsed because the applicant has failed to submit the required information within the necessary time period, the applicant may request a refund of the unexpended application fee by the City's determination of completeness.

(5) City's Failure to Provide Determination of Completeness. A project permit application shall be deemed complete under this section if the City does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1) of this section.

(6) Date of Acceptance of Application. When the project permit application is complete, the Director shall accept it and note the date of acceptance.

(7) The applicant shall designate a single person or entity to receive determination and notices required by this chapter. The single person or entity shall also be the designee for any contact regarding permit activity.

(8) Insufficient Information. If, upon review of a complete application, the City finds that additional information is necessary, or corrections are required to be made to the plans to be consistent with City codes and regulations, the City shall write a letter to the applicant detailing the necessary corrections. The applicant shall have 90 calendar days to submit the necessary information to the City. If the applicant does not submit the required information within 90 calendar days, the Director shall make findings that the application has lapsed for failure to submit the necessary information in a timely manner and close the permit application file. The Director may allow for a time extension to submit the required information, not to exceed an additional 90 days. This section shall apply to permits applied for prior to the effective date of the ordinance codified in this section.

(9) The Director shall have the authority to prepare how-to guides, forms and other information to aid applicants in applying for various project permits, and to further clarify the required elements of a complete application.

(10) Permit Submittal Requirements Table.

Table 1a – Construction Permits

Submittal Requirements	Building Permit – New Building	Building Permit – Additions	Building Permit – Tenant Improvement, Alterations	Mechanical or Plumbing Permit	Demolition Permit	Required for a Complete Application?	Submitted?
General:							
Application Form	X	X	X	X	X	≤	≤
Owner Authorization Form	X	X	X			≤	≤
Project Narrative	X	X				≤	≤
Statement on Decision Criteria							
Submittal Fees	X	X					
Water Availability Certificate	X	X					
Sewer Availability Certificate/Septic Approval	X	X					
Building Plans:							
Building/Construction Plans (max. 22 x 34)	X	X	X	X	X		
Structural/Lateral Calculations	X	X					
Isometrics				X			
Asbestos Report					X		
Energy Calculations	X	X	X	X			
Manufacturer's Specifications				X			
Site/Civil Plans:1							
Site and Parking Plans (max. 22 x 34)	X	X	X		X		
Landscaping and Irrigation Plans	X	X					
Clearing and Grading Plans	X	X					
Road Plans	X	X					
Drainage Plans	X	X					
Erosion Control Plans	X	X			X		
Traffic Control Plans							
Topography (existing and proposed) (survey may be required)	X	X					
Water/Sewer/Utility Plans	X	X			X		

Table 1a – Construction Permits

Submittal Requirements	Building Permit – New Building	Building Permit – Additions	Building Permit – Tenant Improvement, Alterations	Mechanical or Plumbing Permit	Demolition Permit	Required for a Complete Application?	Submitted?
Environmental:							
Grading Calculations	X	X			X		
Drainage Study (TIR)/Calculations	X	X					
Geotechnical Report	X	X					
Critical Area Study (wetland and stream)	X	X					
Mitigation Plans	X	X					
Tree Plan	X	X					
Other:							
Electronic Set of All Plans and Reports	X	X	X	X	X		

Table 1b – Construction Permits

Submittal Requirements	Fire Permit	Right-of-Way Permit	Sign Permit – Building	Sign Permit – Freestanding	Site Development, Grading Permit	Tree Removal	Required for a Complete Application?	Submitted?
General:								
Application Form	X	X	X	X	X	X		
Owner Authorization Form			X	X	X			
Project Narrative								
Statement on Decision Criteria			X	X				
Submittal Fees					X			
Water Availability Certificate								
Sewer Availability Certificate/Septic Approval								
Building Plans:								
Building/Construction Plans (max. 22 x 34)	X		X	X	X			

Table 1b – Construction Permits

Submittal Requirements	Fire Permit	Right-of-Way Permit	Sign Permit – Building	Sign Permit – Freestanding	Site Development, Grading Permit	Tree Removal	Required for a Complete Application?	Submitted?
Structural/Lateral Calculations								
Isometrics								
Asbestos Report								
Energy Calculations								
Manufacturer's Specifications	X							
Site/Civil Plans:1								
Site and Parking Plans (max. 22 x 34)			X	X	X			
Landscaping and Irrigation Plans			X	X	X			
Clearing and Grading Plans					X			
Road Plans		X			X			
Drainage Plans					X			
Erosion Control Plans					X			
Traffic Control Plans		X			X			
Topography (existing and proposed) (survey may be required)					X			
Water/Sewer/Utility Plans					X			
Environmental:								
Grading Calculations		X	X	X	X			
Drainage Study (TIR)/Calculations					X			
Geotechnical Report					X			
Critical Area Study (wetland and stream)					X			
Mitigation Plans					X			
Tree Plan					X	X		
Other:								
Electronic Set of All Plans and Reports			X	X	X			

Table 2a – Land Use Permits

Submittal Requirements	Boundary Line Adjustment	Critical Area Determination	Critical Area Alteration/ Exception/ Reasonable Use	Home Industry/Home Occupation	Master Signage Plan	Required for a Complete Application?	Submitted?
General:							
Application Form	X	X	X	X	X		
Legal Description	X						
Owner Authorization Form	X	X	X		X		
Project Narrative		X	X		X		
Statement on Decision Criteria			X	X	X		
Submittal Fees	X	X	X	X	X		
Water Availability Certificate							
Sewer Availability Certificate/Septic Approval							
Building Plans:							
Building/Construction Plans (max. 22 x 34)							
Structural/Lateral Calculations							
Design Review Materials:							
Design Review Checklist							
Building Floor Plans							
Color Renderings/Color Elevations					X		
Reduced Elevations/Floor Plans					X		
Site/Civil Plans:1							
Site and Parking Plans (max. 22 x 34)	X	X	X		X		
Reduced Site and Parking Plans (max. 11 x 17)	X	X	X		X		
Survey	X	X	X				
Landscaping and Irrigation Plans			X		X		
Reduced Landscaping Plan (max. 11 x 17)			X		X		
Plat Map							
Clearing and Grading Plans			X				

Table 2a – Land Use Permits

Submittal Requirements	Boundary Line Adjustment	Critical Area Determination	Critical Area Alteration/ Exception/ Reasonable Use	Home Industry/Home Occupation	Master Signage Plan	Required for a Complete Application?	Submitted?
Road Plans			X				
Drainage Plans			X				
Erosion Control Plans			X				
Topography (existing and proposed) (survey may be required)			X				
Water/Sewer/Utility Plans			X				
Environmental:							
Grading Calculations			X				
Drainage Study (TIR)/Calculations			X				
Geotechnical Report		X	X				
SEPA Checklist		X	X				
Critical Area Study (wetland and stream)		X	X				
Mitigation Plans		X	X				
Wildlife Habitat Report		X	X				
Tree Plan			X				
Traffic Study			X				
Noise Study							
Other:							
CC&Rs							
Photo Simulation Diagram							
Title Report (less than 30 days old)	X						
School Safewalk Form							
Electronic Set of All Plans and Reports	X	X	X		X		

Table 2b – Land Use Permits

Submittal Requirements	Wireless Service Facility Permit	SEPA/Project Approval	Design Review	Shoreline Permits	Shoreline Exemption	Required for a Complete Application?	Submitted?
General:							
Application Form	X	X	X	X	X		
Legal Description							
Owner Authorization Form	X	X	X	X	X		
Project Narrative	X	X	X	X	X		
Statement on Decision Criteria	X			X	X		
Submittal Fees	X	X	X	X	X		
Water Availability Certificate		X		X			
Sewer Availability Certificate/Septic Approval		X		X			
Building Plans:							
Building/Construction Plans (max. 22 x 34)	X						
Structural/Lateral Calculations	X						
Design Review Materials:							
Design Review Checklist			X				
Building Floor Plans			X				
Color Renderings/Color Elevations			X				
Reduced Elevations/Floor Plans			X				
Site/Civil Plans:1							
Site and Parking Plans (max. 22 x 34)	X	X	X	X	X		
Reduced Site and Parking Plans (max. 11 x 17)	X	X	X	X			
Survey				X			
Landscaping and Irrigation Plans	X	X	X	X			
Reduced Landscaping Plan (max. 11 x 17)	X	X	X	X			
Plat Map							
Clearing and Grading Plans	X	X		X			
Road Plans	X	X		X			
Drainage Plans	X	X		X			

Table 2b – Land Use Permits

Submittal Requirements	Wireless Service Facility Permit	SEPA/Project Approval	Design Review	Shoreline Permits	Shoreline Exemption	Required for a Complete Application?	Submitted?
Erosion Control Plans	X	X		X			
Topography (existing and proposed) (survey may be required)	X	X		X			
Water/Sewer/Utility Plans		X		X			
Environmental:							
Grading Calculations	X	X	X	X	X		
Drainage Study (TIR)/Calculations	X	X		X			
Geotechnical Report	X	X		X			
SEPA Checklist	X	X		X			
Critical Area Study (wetland and stream)		X		X			
Mitigation Plans		X		X			
Wildlife Habitat Report		X		X			
Tree Plan		X		X			
Traffic Study		X		X			
Noise Study	X						
Other:							
CC&Rs		X					
Photo Simulation Diagram	X						
Title Report (less than 30 days old)		X		X			
School Safewalk Form		X					
Electronic Set of All Plans and Reports	X	X	X	X			

Table 2c – Land Use Permits

Submittal Requirements	Temporary Use Permit	Conditional Use Permit	Special Use Permit	Variance	Binding Site Plan	Required for a Complete Application?	Submitted?
General:							
Application Form	X	X	X	X	X		

Table 2c – Land Use Permits

Submittal Requirements	Temporary Use Permit	Conditional Use Permit	Special Use Permit	Variance	Binding Site Plan	Required for a Complete Application?	Submitted?
Legal Description					X		
Owner Authorization Form	X	X	X	X	X		
Project Narrative	X	X	X	X	X		
Statement on Decision Criteria	X	X	X	X			
Submittal Fees	X	X	X	X	X		
Water Availability Certificate		X	X		X		
Sewer Availability Certificate/Septic Approval		X	X		X		
Building Plans:							
Building/Construction Plans (max. 22 x 34)							
Structural/Lateral Calculations							
Design Review Materials:							
Design Review Checklist							
Building Floor Plans							
Color Renderings/Color Elevations							
Reduced Elevations/Floor Plans							
Site and Parking Plans (max. 22 x 34)	X	X	X	X	X		
Reduced Site and Parking Plans (max. 11 x 17)		X	X	X	X		
Survey					X		
Landscaping and Irrigation Plans		X	X	X			
Reduced Landscaping Plan (max. 11 x 17)		X	X	X			
Plat Map							
Clearing and Grading Plans		X	X	X			
Road Plans		X	X	X			
Drainage Plans		X	X	X			
Erosion Control Plans		X	X	X			
Topography (existing and proposed) (survey may be required)		X	X	X	X		

Table 2c – Land Use Permits

Submittal Requirements	Temporary Use Permit	Conditional Use Permit	Special Use Permit	Variance	Binding Site Plan	Required for a Complete Application?	Submitted?
Water/Sewer/Utility Plans		X	X	X			
Environmental:							
Grading Calculations	X	X	X	X	X		
Drainage Study (TIR)/Calculations		X	X	X			
Geotechnical Report		X	X				
SEPA Checklist		X	X		X		
Critical Area Study (wetland and stream)		X	X	X	X		
Mitigation Plans		X	X	X			
Wildlife Habitat Report		X	X	X			
Tree Plan		X	X	X			
Traffic Study		X	X	X			
Noise Study		X	X				
Other:							
CC&Rs					X		
Photo Simulation Diagram							
Title Report (less than 30 days old)					X		
School Safewalk Form							
Electronic Set of all Plans and Reports		X	X	X	X		

Table 2d – Land Use Permits

Submittal Requirements	Short Plat	Preliminary Plat	Final Plat/ Short Plat	Comprehensive Plan Amendment	Zoning Code Amendment	Zoning Map Amendment	Required for a Complete Application?	Submitted?
General:								
Application Form	X	X	X	X	X	X		
Legal Description	X	X				X		
Owner Authorization Form	X	X	X					

Table 2d – Land Use Permits

Submittal Requirements	Short Plat	Preliminary Plat	Final Plat/ Short Plat	Comprehensive Plan Amendment	Zoning Code Amendment	Zoning Map Amendment	Required for a Complete Application?	Submitted?
Project Narrative	X	X		X	X	X		
Statement on Decision Criteria			X	X	X	X		
Submittal Fees	X	X	X	X	X	X		
Water Availability Certificate	X	X	X					
Sewer Availability Certificate/Septic Approval	X	X	X					
Building Plans:								
Building/ Construction Plans (max. 22 x 34)								
Structural/Lateral Calculations								
Design Review Materials:								
Design Review Checklist								
Building Floor Plans								
Color Renderings/Color Elevations								
Reduced Elevations/Floor Plans								
Site/Civil Plans:1								
Site and Parking Plans (max. 22 x 34)	X	X						
Reduced Site and Parking Plans (max. 11 x 17)	X	X						
Survey								
Landscaping and Irrigation Plans		X						
Reduced Landscaping Plan (max. 11 x 17)		X						
Plat Map	X	X	X					
Clearing and Grading Plans	X	X						
Road Plans	X	X						
Drainage Plans	X	X						
Erosion Control Plans	X	X						
Topography (existing and proposed) (survey may be required)	X	X						
Water/Sewer/ Utility Plans	X	X						

Table 2d – Land Use Permits

Submittal Requirements	Short Plat	Preliminary Plat	Final Plat/ Short Plat	Comprehensive Plan Amendment	Zoning Code Amendment	Zoning Map Amendment	Required for a Complete Application?	Submitted?
Environmental:								
Grading Calculations	X	X						
Drainage Study (TIR)/Calculations	X	X						
Geotechnical Report	X	X						
SEPA Checklist	X	X		X	X	X		
Critical Area Study (wetland and stream)	X	X						
Mitigation Plans	X	X						
Wildlife Habitat Report	X	X						
Tree Plan	X	X						
Traffic Study		X						
Noise Study								
Other:								
CC&Rs	X	X	X					
Photo Simulation Diagram								
Title Report (less than 30 days old)	X	X	X					
School Safewalk Form	X	X						
Electronic Set of All Plans and Reports	X	X	X					

21.83.140 Vesting.

(1) A project permit shall vest upon submittal of a complete application for a project permit.
(2) Supplemental information required after acceptance and vesting of a complete application, pursuant to WMC 17.09.030, shall not affect the validity of the vesting for such application.
(3) Vesting of an application does not vest any subsequently required project permits, nor does it affect the requirements for vesting of subsequent project permits or approvals.
(4) A project does not vest upon submittal of a pre-application request.

21.83.150 Referral and review of project permit applications.

For all Type I, II, III, IV and V project permits, within 14 days of accepting a complete application, and as part of the notice of application, where applicable, the Director shall do the following:

(1) Transmit a copy of the application, or appropriate parts of the application, to each affected agency and City departments for review and comment, including those responsible for determining compliance with State and Federal requirements. The affected agencies and City departments shall have 15 days to comment. The referral agency or City department is presumed to have no comments if comments are not received within the specified time period. The Director shall grant an extension of time for comment only if the application involves unusual circumstances. The agency requesting the extension shall provide a timeframe for review, not to exceed an additional 15 days.

21.83.160 Notice of final decision.

Following the completion of any hearing, procedure, or administrative decision, the project permit application shall be approved, approved with conditions or denied, and a written notice of decision shall be issued within 10 working days.

(1) Time Limits.
  (a) The City shall issue a notice of final decision on Type II and III project permit applications within 120 days after the applicant is notified that the application is complete.
  (b) The City shall exclude the following period from the 120-day requirement:
    (i) Any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional required information;
    (ii) Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance;
    (iii) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, is allowed;
    (iv) Any extension of time mutually agreed upon by the applicant and the City.

(2) Final Notice Distribution. For Type II and III project permits, the City shall provide a notice of decision that also includes a statement of any SEPA threshold determination made and the procedures for filing an appeal. The notice shall be provided to the applicant and any person or agency who, prior to the rendering of the decision, requested notice of decision or submitted substantive comments on the application. Notice shall also be published and posted pursuant to WMC 17.11.040. The notice shall state that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. The notice shall be provided to the County Assessor's office of the county or counties in which the property is situated.

(3) The City shall provide a written notice to the applicant if the final decision is not issued within specified time limits. The written notice shall state the reasons why and the estimated date of decision.

(4) Exemptions. The following project permits are exempt from the time limits established in this section:
  (a) An amendment to the Comprehensive Plan or development regulation;
  (b) Approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or siting of an essential public facility as provided in RCW 36.70A.200;
  (c) Projects that have been substantially revised by the applicant pursuant to WMC 21.83.170;
  (d) Any extension of time mutually agreed upon in writing by the applicant and the City.

21.83.170 Substantial revisions or modifications to proposal.

(1) A revision or modification to the content of an application before or after issuance of the permit, either voluntarily or to conform with applicable standards and requirements, shall be deemed a new application for the purpose of vesting when the revision or modification would result in a substantial increase in a project's impacts as determined by the Director. In reaching a decision on whether a revision is substantial, the Director may consider the relative and absolute magnitude of the revision; the environmental sensitivity of the site; any changes in location of significant elements of the project and their relationships to public facilities, surrounding lands and land uses; and the review cycle of the proposal.

(2) Written notice of such determination of substantial revision or modification shall be provided to the applicant and all parties of record.

(3) A determination that any revision or modification is substantial shall conform to the time periods set forth in WMC 21.83.160(1). The review cycle for the revised project application shall begin with the date the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations, and standards in effect on the date of receipt of such complete substantial revision.

21.83.180 Preliminary plat review.

(1) Application Submittal. Whenever it is proposed to subdivide land into five or more lots, tracts, parcels, sites or divisions, the applicant shall file with the Planning Department a preliminary plat application packet in conformance with WMC 21.83.130.

(2) Public Notice. Notice of the public hearing shall be provided in compliance with Chapter 21.84 WMC.

(3) Public Hearing and Public Hearing Record. Upon completion of the public hearing notice period, the Hearing Examiner shall hold a public hearing to receive all relevant evidence to determine whether to approve, approve with conditions or deny the preliminary plat, in accordance with Chapter 21.84 WMC.
(4) Criteria. As a basis for approval, approval with conditions or disapproval of a preliminary plat, the Hearing Examiner shall determine if appropriate provisions have been made for, but not limited to, the purpose and criteria set forth in Chapter 21.60 WMC, Subdivision and Short Subdivision Regulations.
(5) Decisions by the Hearing Examiner. The final decision made by the Hearing Examiner shall be given the effect of an administrative decision and shall be provided in compliance with the provisions of WMC 21.83.160 and Chapter 21.84 WMC. The decision may be appealed to the City Council in compliance with Chapter 17.17 WMC. If the decision is appealed, the appeal shall stay the running of the 90-day time period defined in subsection (8) of this section, Time Limits.
(6) The Hearing Examiner shall make written findings that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools, and school grounds.
(7) Effect of Preliminary Plat Approval. Approval of the preliminary plat shall constitute authorization for the applicant to develop the subdivision facilities and improvements in strict accordance with the plans and specifications as approved by the City subject to any conditions imposed by the Hearing Examiner.
(8) Time Limits.
   (a) Approval within 90 Days. A preliminary plat shall be approved, approved with conditions, disapproved or returned to the applicant for modification or correction within 90 days from the date of filing of a complete application unless the applicant agrees to an extension of the time period in writing; provided, should an environmental impact statement (EIS) be required per RCW 43.21C.030, Guidelines for State Agencies, Local Governments, the 90-day period shall not include the time spent in preparing and circulating the EIS by the City. A preliminary plat application shall not be deemed “complete” until all of the preliminary plat application submittal requirements of the City’s checklist have been submitted, pursuant to WMC 21.83.130.
   (b) Limitation on Approval. Final plat approval must be acquired within five years of preliminary approval, after which time the preliminary subdivision approval is void. An extension may be granted by the Planning Director for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the City requesting the extension at least 30 days before expiration of the five-year period.

21.83.190 Short subdivision review.

(1) Application Submittal. Whenever it is proposed to subdivide land into four or fewer lots, tracts, parcels, sites or divisions, the applicant shall file with the Planning Department a short subdivision application packet in compliance with the requirements as set forth in WMC 21.83.130 and Chapter 21.60 WMC, Subdivision and Short Subdivision Regulations.
(2) Public Notice. Notice of the filing of the short subdivision application shall be provided in compliance with Chapter 21.84 WMC and RCW 58.17.155, Short Subdivision Adjacent to State Highway – Notice to Department of Transportation.
(3) Criteria. As a basis for approval, approval with conditions or disapproval of a short subdivision, the City shall determine if appropriate provisions have been made for but not limited to the purpose and criteria set forth in Chapter 21.60 WMC, Subdivision and Short Subdivision Regulations.
   (a) Approval. Within 30 days of the date of filing the application for a short subdivision, unless an extension is granted in writing by the applicant, the applicant shall be notified in writing of one of the following:
      (i) That the final approval has been granted;
      (ii) That tentative approval has been granted;
      (iii) That the application is returned due to certain omissions, problems, deficiencies, or noncompliance with short plat requirements; or
      (iv) That the application has been disapproved.
(4) Provided, that all time expended to complete required environmental review under the State Environmental Policy Act for those short subdivisions which are not categorically exempt, including, but not limited to, time expended by the responsible official in reviewing the proposal and issuing a threshold determination, time

spent in preparing and issuing a final environmental impact statement, and time spent processing appeals allowed under the city's SEPA regulations, shall be excluded from the 30-day time limitation provided by this section. "Tentative approval" under this section means the approval of a short subdivision application subject to the satisfactory completion of improvements, conditions, and/or requirements specified by the City.

(5) The City in rendering a decision regarding the short subdivision application shall consider comments from the City Engineer, the Woodinville Water District, if involved, citizen comments, comments from other departments and affected agencies or jurisdictions; compliance with the City's zoning code; compliance with the adopted comprehensive plan, park and recreation plan, transportation plan, and storm drainage plan; environmental documents and review; and the requirements and standards for short subdivision development. The City shall prepare a written report of the decision made with supporting facts and reasons. The City shall issue the decision pursuant to WMC 21.83.160.

(a) Tentative Approval. The tentative approval of a proposed short subdivision for which a complete application was filed on or after May 24, 2007, shall be effective for a period of five years from the date tentative approval was granted, unless extended by the Planning Director for a period of not more than one additional year, pursuant to WMC 21.83.120. Final short subdivision approval must be acquired within five years of tentative approval, or tentative approval shall expire and a new application in conformity with then-current regulations shall be required.

(6) Decision by the City. Each final decision of the City shall be made pursuant to WMC 21.83.160. The decision made by the City may be appealed to the Hearing Examiner in compliance with Chapters 2.30 and 21.86 WMC.

(7) The City shall make written findings that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds.

(8) Effect of Short Subdivision Approval. Approval of the short subdivision shall constitute authorization of the applicant to develop the short subdivision facilities and improvements in strict accordance with the plans and specifications as approved by the Director of Public Works subject to any conditions imposed by the City.

(9) Recording. All short subdivisions shall be filed in compliance with the following:

(a) Recording Required. No short subdivision shall be filed unless approved by the Planning Director and Director of Public Works. A copy of an approved short subdivision shall be filed for record with the County Auditor and one reproducible copy shall be furnished to the Planning Director.

(b) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original short subdivision drawings to the Planning Department for signatures together with the short subdivision application fee.

(c) All short plats shall be recorded within five years of tentative approval with a possible one-year extension, pursuant to WMC 21.83.120.

(10) Short Subdivisions – Restrictions. The area included in an approved and recorded short subdivision shall not be further divided within a period of five years from the date of final approval without meeting the requirements for a subdivision or re-subdivision; except, that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.

21.83.200 Project permit application framework.

(1) Permits subject to administrative review. The following actions shall be subject to administrative review for determining compliance with the provisions of this title and/or any applicable development conditions which may affect the proposal:

(a) Building permits;
(b) Grading permits;
(c) Site development permits;
(d) Tree removal permits;
(e) Right-of-way permits;
(f) Sign permits;
(g) Boundary line adjustments; and
(h) Any other permit not requiring a specific review process or public hearing.

(2) Permits subject to quasi-judicial review. The following actions shall be subject to quasi-judicial review for determining compliance with the provisions of this title and/or any applicable development conditions which may affect the proposal:
   (a) Commercial, industrial and multifamily residential project approval;
   (b) Preliminary and final plats and short plats, and binding site plans;
   (c) Conditional use permits;
   (d) Special use permits;
   (e) Shoreline substantial development permits, conditional use permits and variances;
   (f) Variances;
   (g) Zone reclassifications or site-specific zoning map amendments;
   (h) Appeals; and
   (i) Any other permit or approval requiring a specific review process and/or a public hearing.

21.83.210 Decisions and appeals.

(1) The City shall approve with conditions or deny permits based on compliance with this title and any other development conditions affecting the proposal. Decisions shall be rendered pursuant to WMC 21.83.160.
(2) Development Services Director decisions may be appealed to the Hearing Examiner pursuant to WMC 21.83.030 and in accordance with Chapter 21.86 WMC.
(3) The Department shall provide notice pursuant to Chapter 21.84 WMC for all applications subject to Development Services Director review.
(4) Written comments and materials regarding applications subject to Development Services Director review procedures shall be submitted within 15 days of the date of published notice or the posting date, whichever is later. A comment period or public hearing may be reopened for the purpose of obtaining additional information.
(5) The approval authority for each type of project permit shall be pursuant to Chapters 21.80 through 21.86 WMC.
(6) Decisions regarding the approval or denial of proposals subject to Development Services Director review pursuant to Chapters 21.80 through 21.86 WMC shall be based upon compliance with the required showings of Chapter 21.80 WMC~~.~~
(7) The written decision contained in the record shall be in accordance with WMC 21.84.120 and 21.83.160, and shall show:
   (a) Facts, findings and conclusions supporting the decision and demonstrating compliance with the applicable decision criteria; and
   (b) Any conditions and limitations imposed, if the request is granted.
(8) Upon denial by the City of a project permit, no new application for substantially the same proposal shall be accepted within one year from the date of denial.

21.83.220 Records.

The Department shall maintain public records for all permit approvals and denials containing the following information:
(1) Application documents;
(2) Tape recorded verbatim records of required public hearing;
(3) Written recommendations and decisions for proposed actions;
(4) Ordinances showing final City Council actions;
(5) Evidence of notice;
(6) Written comments received; and
(7) Material submitted as exhibits.

Chapter 21.84
APPLICATION AND NOTICE REQUIREMENTS

Sections:

21.84.010 Required public notice of application.
21.84.020 Optional public notice.
21.84.030 Notice of SEPA threshold determination.
21.84.040 Notice of public hearing.
21.84.050 Notice methods.
21.84.060 Responsibility of Director and/or his/her designees for hearing.
21.84.070 Conflict of interest, ethics, open public meetings, appearance of fairness.
21.84.080 Ex parte communications.
21.84.090 Disqualification.
21.84.100 Burden and nature of proof.
21.84.110 Order of proceedings.
21.84.120 Decision and notice of decision.
21.84.130 Issuance of notice of final decision.

21.84.010 Required public notice of application.

(1) Notice of Application Required for Type II and III Project Permits. Notice of application for Type II and III project permits is required in accordance with this chapter.

(a) Contents. The notice of application shall include:

(i) The file number(s);

(ii) The name of the applicant;

(iii) The date of application, the date of the notice of completion for the application and the date of the notice of application;

(iv) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;

(v) The identification of other permits not included in the application, to the extent known by the City;

(vi) A site plan, if applicable;

(vii) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;

(viii) A statement of the limits of the public comment period, which shall be not less than 15 days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;

(ix) The date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application;

(x) A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and consistency as provided in Chapter 21.52 WMC;

(xi) Any other information determined appropriate by the City, such as the City's threshold determination, if complete at the time of issuance of the notice of application;

(xii) Identification of the responsible City official;

(xiii) For shoreline permits, the following additional information shall be required:

(b) A statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application within a reasonable time after issuance of the decision, may submit the comments or requests for decisions to the City within 30 days of the last date the notice is to be published pursuant to this subsection. The City shall forward, in a timely manner following issuance of the decision, a copy of the decision to each person who submits a request for the decision.

(c) Notice of the hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.
(d) Timeframe for Issuance of Notice of Application. Within 14 days after the City has made a determination of completeness of a project permit application, the City shall issue a notice of application. If any open record pre-decision hearing is required for the requested project permit(s), the notice of application shall be provided at least 15 days prior to the open record hearing.
(e) Public Comment on the Notice of Application. The public comment period for a notice of application shall be 15 days after notice issuance, except that the public comment period for shoreline permits shall be 30 days after notice issuance. All public comments received on the notice of application must be received in the Development Services Department by 4:00 p.m. on the last day of the comment period. Comments may be mailed or personally delivered. Comments should be as specific as possible.
(f) SEPA Threshold Determination Issuance and Notice of Application.
  (i) Except for a determination of significance, the City may not issue its threshold determination or issue a decision or recommendation on a project permit until the expiration of the public comment period on the notice of application.
  (ii) If the City issues a determination of significance pursuant to Chapter 21.52 WMC concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. The determination of significance and scoping notice may be issued prior to the notice of application.

21.84.020 Optional public notice.

(1) As optional methods of providing public notice of any project permits, the City may:
(2) Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;
(3) Notifying the news media;
(4) Placing notices in appropriate regional or neighborhood newspapers or trade journals;
(5) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas.
(6) The City's failure to provide the optional notice as described in this section shall not be grounds for invalidation of any permit decision.

21.84.030 Notice of SEPA threshold determination.

(1) A period of public comment shall be provided after threshold determinations under WAC 197-11-070, 197-11-259, 197-11-340,197-11-355, 197-11-390 and 197-11-502.
(2) Public comment periods shall be as follows:
  (a) DNS or MDNS: A 14-day comment period shall be required;
  (b) Optional DNS: Combined with notice of application. See WMC 21.52.140 and WAC 197-11-355;
  (c) Scoping: 21 days; 14 days if combined with notice of application; longer if expanded scoping is used (see WAC 197-11-410).
(3) A SEPA threshold determination shall be issued a minimum of 15 days before any open record public hearing.

21.84.040 Notice of public hearing.

(1) Content of Notice of Public Hearing. The notice given of a public hearing required in this chapter shall contain:
  (a) The name and address of the applicant or the applicant's representative;
  (b) The date, time and place of the hearing;
  (c) A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to the use of a map or postal address and a subdivision lot and block designation;
  (d) A description of the proposed project action and a list of the project permits included in the application;
  (e) A statement that all interested persons may appear and provide testimony;
  (f) The sections of the code that are pertinent to the hearing procedure;
  (g) A statement of when information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted;
  (h) The name of a local government representative to contact and the telephone number where additional information may be obtained;

(i) That a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at the City's cost;
(j) That a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided at the City's cost.

(2) Type V Actions. For Type V legislative actions, the City shall publish notice pursuant to WMC 21.84.050.

(3) Time and Cost of Notice of Public Hearing.
(a) Notice shall be provided not less than 15 days prior to the hearing date. Any posted notice shall be removed by the applicant within 15 days following the public hearing.
(b) All costs associated with the public notice shall be borne by the applicant.

(4) Notice – Exception to Public Hearing Notice Requirements. If testimony cannot be completed prior to adjournment on the date set for a hearing, the presiding official shall:
(a) Announce prior to adjournment the time and place said hearing will be continued; or
(b) Provide mailed notice for a continued hearing to all parties of record, when a new time and place are determined.

21.84.050 Notice methods.

(1) Notice of application, SEPA determination, and notice of public hearing shall be noticed in accordance with the table below. Notice of decision shall be noticed in accordance with WMC 21.83.160(2).

PUBLIC NOTICING REQUIREMENTS					
				Property Owner Notification	
Type of Application	Post Site	Post at Designated Posting Locations	Advertise in Designated Newspaper	Within 500'	Abutting
Type II Projects	X	X	X	X	
Type III Projects	X	X	X	X	

(2) Posting. Posting of the property for site-specific proposals shall consist of one or more notice boards as follows:
(a) A notice board shall be placed, by the City, on each street frontage that abuts the development, where it is visible to vehicles and pedestrians.
(b) Additional notice boards may be required when:
(i) The site does not abut a public road;
(ii) A large site abuts more than one public road; or
(iii) The Director determines that additional notice boards are necessary to provide adequate public notice.
(c) Notice boards shall be:
(i) Maintained in good condition during the notice period;
(ii) In place at least 15 days prior to the date of hearing, or at least 15 days prior to the end of any required comment period;
(iii) Removed within 15 days after the end of the notice period for the notice of decision.
(d) Removal of the notice board prior to the end of the notice period may be cause for discontinuance of the Department review until the notice board is replaced and remains in place for the specified time period.
(e) An affidavit or declaration of posting shall be prepared prior to the hearing or final comment date. If the affidavits or declarations are not filed as required, any scheduled hearing or date by which the public may comment on the application will be postponed in order to allow compliance with this notice requirement. If the City posts the notice, then the City shall issue an affidavit or declaration of posting.
(f) Notice boards shall be constructed and installed in accordance with specifications promulgated by the Department.

(3) Published Notice. Published notice shall include at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed. Notice of a proposed action shall be published by the City at least 15 days prior to the public hearing or the end of any required comment period in the official City newspaper or another newspaper of general circulation in the affected area. The newspaper issuing the notice shall issue an affidavit or declaration of publication.

(4) Notice – Mailed Notice. Mailed notice for proposed action shall:
   (a) Be sent by the Department by first class mail to owners of property in an area within 500 feet of the site, and to the extent possible to tenants or residents living within 500 feet of the site; provided such area shall be expanded as necessary to send mailed notice to at least 20 different property owners, and tenants or residents.
   (b) All mailed notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.
   (c) Be deemed satisfactory despite the failure of one or more owners, tenants and residents to receive mailed notice.
   (d) The records of the King County or Snohomish County Assessor's office shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the applicable county's real property tax records. The City shall issue an affidavit or declaration of mailing. The Director may provide additional notice to persons other than those required to receive notice under the code.

21.84.060 Responsibility of Director and/or his/her designees for hearing.

Public hearings shall be conducted in accordance with this chapter. The Director shall:
(1) Schedule an application for review and public hearing.
(2) Give notice.
(3) Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record pre-decision hearing. The report shall state any mitigation required or proposed under the development regulations or the City's authority under SEPA. If the threshold determination other than a determination of significance has not been issued previously by the City, the report shall include or append this determination. In the case of a Type I or II project permit application, this report may be the permit.
(4) Prepare the notice of decision, if required by the hearing body, and/or mail a copy of the notice of decision to those required by this code to receive such decision.

21.84.070 Conflict of interest, ethics, open public meetings, appearance of fairness.

The hearing body shall be subject to the code of ethics (RCW 35A.42.020), prohibitions on conflict of interest (RCW 35A.42.020and Chapter 42.23 RCW), open public meetings (Chapter 42.30 RCW), and appearance of fairness (Chapter 42.36 RCW) as the same now exist or may hereafter be amended.

21.84.080 Ex parte communications.

(1) No member of the hearing body may communicate, directly or indirectly, regarding any issue in a proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:
   (a) The hearing body may receive advice from legal counsel;
   (b) The hearing body may communicate with staff members (except where the proceeding relates to a code enforcement investigation or prosecution);
   (c) If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in subsection (2) of this section.
(2) If the hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:
   (a) All written communications received;
   (b) All written responses to the communication;
   (c) State the substance of all oral communications received and all responses made;
   (d) The identity of each person from whom the examiner received any ex parte communications.
(3) The hearing body shall advise all parties that these matters have been placed on the record. Upon request made within 10 days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

21.84.090 Disqualification.

(1) A member of the hearing body who is disqualified shall not be counted for purposes of forming a quorum. Any member who is disqualified may do so only by making full disclosure to the audience, abstaining from voting on the proposal, vacating the seat on the hearing body and physically leaving the hearing.
(2) If all members of the hearing body are disqualified, all members present after stating their reasons for disqualification shall be re-qualified and shall proceed to resolve the issues.
(3) Except for Type V actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

21.84.100 Burden and nature of proof.

Except for Type V actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the City's development regulations and Comprehensive Plan and that any significant adverse environmental impacts have been adequately addressed.

21.84.110 Order of proceedings.

(1) The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.
    (a) Before receiving information on the issue, the following shall be determined:
        (i) Any objections on jurisdictional grounds shall be noted on the record and, if there is objection, the hearing body has the discretion to proceed or terminate.
        (ii) Any abstentions or disqualifications shall be determined.
    (b) The presiding officer may take official notice of known information related to the issue, such as:
        (i) A provision of any ordinance, resolution, rule, officially adopted development standard or State law;
        (ii) Other public records and facts judicially noticeable by law.
    (c) Matters officially noticed need not be established by evidence and be considered by the hearing body in its determination. Parties requesting notice shall do so on the record. However, the hearing body may take notice of matters listed in subsection (1)(b) of this section if stated for the record. Any matter given official notice may be rebutted.
    (d) The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view on the record.
    (e) Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.
    (f) When the presiding officer has closed the public hearing portion of the hearing, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

21.84.120 Decision and notice of decision.

(1) Following the hearing procedure described in WMC 21.83.170, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse or remand the decision that is on appeal.
(2) The hearing body's written decision shall be issued within 10 working days after the hearing on the project permit application. The notice of decision shall be issued within 120 days after the City notifies the applicant that the application is complete. The timeframes set forth in this section and WMC 21.84.130 shall apply to project permit applications filed on or after April 1, 1996.
(3) The City shall provide a notice of decision that also includes a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal, if any.

21.84.130 Issuance of notice of final decision.

Notice of decision shall be issued pursuant to WMC 21.83.160.

Chapter 21.85
AMENDMENTS

Sections:

21.85.010 Purpose.
21.85.020 Who may initiate.
21.85.030 Type of amendments.
21.85.040 Time to initiate.
21.85.050 Emergencies.
21.85.060 Submittal requirements.
21.85.070 Procedure.
21.85.080 Decision criteria.
21.85.090 Notice.
21.85.100 Fee.
21.85.110 Authority and application.
21.85.120 Required findings.
21.85.130 Burden of proof.

21.85.010 Purpose.

(1) The purpose of this chapter is to establish procedures for any proposed amendments to the City's GMA Comprehensive Plan. All amendments shall be subject to these procedures to ensure that the cumulative effects of amendments shall be considered.
(2) After reviewing the Planning Commission's recommendation concerning a proposed amendment, the City Council may amend, supplement, or change by ordinance any of the provisions herein.

21.85.020 Who may initiate.

Any Woodinville resident, property owner, City staff member, City Planning Commissioner, City Councilmember, or other person with an interest in the City's Comprehensive Plan may initiate an amendment to the City's Comprehensive Plan.

21.85.030 Type of amendments.

Four types of amendments may be initiated:
Type A. Amendment to the City's Future Land Use Map (Comprehensive Plan Figure 3-3);
Type B. Amendment to the Goals or Policies of any Element;
Type C. Amendment to any other text of any Element;
Type D. Addition or deletion of a new or old element or subarea plan.

21.85.040 Time to initiate.

An application to amend the City's Comprehensive Plan may be made to the City Development Services Department at any time. However, effective January 1, 2011, applications that are reviewed annually must be received by January 7th, or the next business day thereafter, of any year to be considered during that same year.
The various types of applications as defined by WMC 21.85.030 shall be subject to the following time considerations:

(1) Type A. Amendments shall be considered annually. In addition, the City shall undertake a comprehensive review of land use, densities, urban growth areas, and potential annexation areas at least every 10 years after the date of adoption (1996).
(2) Type B. Changes to the Comprehensive Plan's goals and policies may be considered annually after the date of adoption (1996).
(3) Type C. Changes to any other text of the Comprehensive Plan may be made annually as necessary to reflect changes to population growth, other State laws, errors, or refinement of community goals and needs.
(4) Type D. The addition or deletion of a new or old element or subarea plan shall be considered annually.

21.85.050 Emergencies.

In the event of an emergency as proclaimed by the Woodinville City Council, an amendment or revision to the City's Comprehensive Plan may be adopted at any time.

21.85.060 Submittal requirements.

Any complete application for an amendment to the Comprehensive Plan shall contain all the information as required in WMC 21.83.130.

21.85.070 Procedure.

Applications shall be subject to the procedures for Type V applications as defined by Chapter 21.83 WMC. Per this section, applications shall be reviewed by staff and presented to the Planning Commission for their recommendation to the City Council. Final decisions shall be made by the City Council.

All applications shall be reviewed under the appropriate criteria as contained in WMC 21.85.080 and under the State Environmental Policy Act (SEPA).

21.85.080 Decision criteria.

Applications for Comprehensive Plan amendments shall be subject to the following criteria.

(1) The proposed action shall be consistent with the Growth Management Act and other applicable State laws;
(2) The proposed action shall be consistent with the applicable Countywide planning policies;
(3) The proposed action shall be consistent with the goals and policies of the Comprehensive Plan (a change to a particular goal or policy not included);
(4) The proposed action shall be beneficial to the City as a whole, and to the health, safety, and welfare of its residents;
(5) The various types of applications shall be subject to the following decision criteria:
    (a) Type A. Amendments to the City's Future Land Use Map (Comprehensive Plan Figure 3-3) shall be subject to the criteria listed in Section 3.4.2 in the City's Comprehensive Plan.
    (b) Type B. Amendments to the City's goals and policies shall meet the criteria described in Section 3.7.2 of the City's Comprehensive Plan.
    (c) Type C. Other text amendments shall meet one of the following criteria:
        (i) The change is necessary because of changes to the State Office of Financial Management's population projection;
        (ii) The change is necessary because of changes to the counties' allocation of population to the City;
        (iii) There has been a change to the law;
        (iv) There is an error that requires correction;
        The text needs to be refined or to better reflect the goals and policies of the Comprehensive Plan, changes in or clarification of the plan's ability to provide services or accommodate the needs of the City's citizens, or changes in or clarification of conditions in the field.
    (d) Type D. The City has determined that it is necessary or desirable to add or delete an element or subarea plan of the Comprehensive Plan in order to better the ability of the plan to accommodate the needs of the existing or future City, or as required by State law.

21.85.090 Notice.

Noticing shall be subject to the Type V procedures defined in Chapter 21.84 WMC.

21.85.100 Fee.

The fee for application shall be as established by City Council Ordinance No. 52, or as hereafter amended.

21.85.110 Authority and application.

Amendments to the text of this title may be initiated by the City Council, the Planning Commission, City staff, or petition submitted by a citizen.

Following receipt by the City Council of the Planning Commission's report and/or recommendation regarding a proposed change to this title, the City Council may:

(1) Approve the proposal by adopting an appropriate resolution or ordinance; or

(2) Modify and approve the proposal by adopting an appropriate resolution or ordinance; or
(3) Disapprove the proposal; or
(4) Refer the proposal back to the Planning Commission for further proceedings. If this occurs, the City Council shall specify the time within which the Planning Commission shall report back to the City Council on the proposal.
(5) The public shall have the opportunity to comment on any proposed change to the regulatory provisions of this title at a public hearing held either before the Planning Commission or before the City Council prior to the City Council adopting an appropriate resolution of ordinance to effect the proposed change.

21.85.120 Required findings.

Amendments to the text of this title may be made if all the following findings are made:
(1) The amendment is consistent with the purposes of the Comprehensive Plan;
(2) The amendment is consistent with the purpose of this title;
(3) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

21.85.130 Burden of proof.

The applicant must demonstrate that the proposed amendment meets the conditions of the required findings above.

Chapter 21.86
APPEALS

Sections:

21.86.010 Appeals of decisions.
21.86.020 Consolidated appeals.
21.86.030 Standing to initiate appeal.
21.86.040 Appeals.
21.86.050 Procedure for closed record decision.
21.86.060 Judicial appeals.

21.86.010 Appeals of decisions.

Project permit applications shall be appealable as provided in the framework in WMC 21.83.030.

21.86.020 Consolidated appeals.

All appeals of project permit application decisions, other than an appeal of determination of significance (DS), shall be considered together in a consolidated appeal.

21.86.030 Standing to initiate appeal.

(1) Limited to Parties of Record. Only parties of record may initiate an administrative appeal of a Type II, III or IV decision on a project permit application.
(2) Definition. The term “parties of record,” for the purposes of this chapter, shall mean:
  (a) The applicant;
  (b) Any person who testified at the open record public hearing on the application; and/or
  (c) Any person who submitted written comments concerning the application at the open record public hearing excluding persons who have only signed petitions or mechanically produced form letters.

21.86.040 Appeals.

(1) Time to File. An administrative appeal must be filed within 14 calendar days following issuance of the hearing body’s written decision. Appeals and the appeal fee shall be delivered to the Planning Director by mail or personal delivery before 4:00 p.m. on the last business day of the appeal period. For the purposes of computing the time for filing an appeal, the day the hearing body’s decision is rendered shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the City’s ordinances as a legal holiday, then it also is excluded and the filing must be completed on the next business day.
(2) Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee as set by the City’s most current fee schedule, and contain the following information:
  (a) Appellant’s name, address and phone number;
  (b) Appellant’s statement describing his or her standing to appeal;
  (c) Identification of the application which is the subject of the appeal;
  (d) Appellant’s statement of grounds for appeal and the facts upon which the appeal is based;
  (e) The relief sought, including the specific nature and extent;
  (f) A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant’s signature.
(3) Effect. The timely filing of an appeal shall stay the effective date of the hearing body’s decision until such time as the appeal is adjudicated by the Council or withdrawn.
(4) Notice of Appeal. The Director shall provide public notice of the appeal as provided in Chapter 2.30 WMC.
(5) Administrative appeals of project permits, whether an open record appeal hearing or a closed record appeal, shall be considered and decided within the following time periods:
  (a) Ninety days for an open record appeal hearing; and
  (b) Sixty days for a closed record appeal.
(6) The parties may mutually agree to extend these time periods.
(7) The City shall issue a written decision of appeal within 10 calendar days of the appeal body’s final action to the parties of record disclosing whether the appeal is upheld or denied.

21.86.050 Procedure for closed record decision.

(1) The provisions of Chapter 21.84 WMC shall apply to a closed record decision hearing, except as noted below.
(2) The closed record decision shall be on the record before the hearing body, and no new evidence may be presented.

21.86.060 Judicial appeals.

The City's final decision on an application may be appealed by a party of record with standing to file a land use petition in County Superior Court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW.

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

September 26, 2016

David Kuhl, AICP
Development Services Director
City of Woodinville
17301 - 133rd Avenue Northeast
Woodinville, Washington 98072-8563

Dear Mr. Kuhl:

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. 611 concerning the zoning code; Adopting findings; Repealing Titles 17, 20, 21 And 24 WMC, Chapters 14.04 And 15.21 WMC; Adopting a new Title 21 WMC; Making findings of fact and the following amendments; providing for severability; Establishing an effective date and for summary publication by title only. These materials were received on September 23, 2016 and processed with the Material ID # 22873.

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 November 22, 2016. Please remember to submit the final adopted amendment to Commerce within ten (10) 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.

Sincerely,

Review Team
Growth Management Services