

## ORDINANCE NO. 621

**AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, CONCERNING TEMPORARY USES AND MOBILE VENDING; ADOPTING FINDINGS; AMENDING CHAPTER 21.06 AND CHAPTER 21.32 WMC; MAKING FINDINGS OF FACT AND THE FOLLOWING AMENDMENTS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION BY TITLE ONLY.**

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**WHEREAS**, pursuant to the requirements of the Washington State Growth Management Act, the City of Woodinville is required to develop and adopt development regulations implementing its Comprehensive Plan; and

**WHEREAS**, RCW 36.70A.130(4) requires that the City of Woodinville, a "fully planning" city within King County shall update its Comprehensive Plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

**WHEREAS**, the Woodinville City Council has determined that certain amendments are necessary to keep the Zoning Code updated and to accommodate the needs of its citizens; and

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

**WHEREAS**, the proposed ordinance was considered by the Woodinville Planning Commission after review at study sessions on May 20, 2015, July 1, 2015, and October 7, 2015, and public hearings on January 20, 2016 and March 2, 2016 and recommendation was forward to the City Council for review and consideration; and

**WHEREAS**, the Woodinville City Council has considered recommendations of the Planning Commission, staff, and public input after a public hearing held on July 5, 2016; and after such consideration has found that these amendments meet the required criteria in Ordinance No. 172 and WMC 21.46.030; and

**WHEREAS**, adoption of this ordinance will promote the public health, safety, and general welfare in the City of Woodinville;

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

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

1. The City Council first initiated an amendment to review mobile vending requirements to the annual docket in 2015. The amendment updates the permit requirements and exemptions, clarifies duration and frequency, and adds regulations covering mobile vendors within the city limits.
2. 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.
3. The City SEPA Official reviewed the amendments for environmental impacts under SEPA (RCW 43.21C), and issued a Determination of Nonsignificance (File No. SEP15015) on December 21, 2015. The appeal period ended without any comments or appeals received.

4. 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 December 8, 2015. No comments were received from any state agency regarding the amendments that are the subject of this ordinance.
5. The Planning Commission held study sessions on at study sessions on May 20, 2015, July 1, 2015, and October 7, 2015, and public hearings on January 20, 2016 and March 2, 2016. Public hearing notices were issued in the Woodinville Weekly and posted in city posting locations.
6. The Planning Commission received written comments and public testimony; deliberated and produced a public record and recommendations on the amendments that are subject of this ordinance during the February 17, 2016 Planning Commission meeting.
7. The City Council considered the Planning Commission's public record and recommendations concerning the amendments that are subject of this ordinance at a public hearing on July 5, 2016.
8. The City Council held first reading of Ordinance No. 621 on July 5, 2016.
9. The Zoning 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. Amendment of Chapter 21.32 WMC.** Chapter 21.32 of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

**21.32.100 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 21.32.110, 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; or
- (2) Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of ~~the original land use permit~~ approval; or
- (3) Temporary structures subject to WMC 21.32.140 through WMC 21.32.185; or
- (4) Businesses operating as mobile vendors.

**21.32.110 Temporary use permits – Exemptions to permit requirement.**

- (1) The following uses shall be exempt from ~~requirements for a temporary use permit~~ the provisions of this chapter when located in the CBD, GB, NB, TB, O<sub>2</sub> or I zones when the use does not exceed a total of 14 days each calendar year:
  - (a) ~~Amusement rides, carnivals, or circuses;~~ Activities subject to a special event permit pursuant to Chapter 8.12 WMC;
  - (b) ~~Community festivals;~~ (be) Temporary sales conducted by businesses on private property, such as holiday sales, grand opening sales, or anniversary sales; and
  - (c) ~~Fireworks stands, subject to the provisions of Chapter 8.03 WMC.~~
- (2) Any use not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.
- (3) ~~Any community event held in a public park and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit.~~
- (4) ~~Any use of City-owned property authorized by a valid, written agreement executed by the City shall be exempt from the requirements for a temporary use permit.~~

**21.32.120 Temporary use permits – Duration and frequency.**

~~Unless specified elsewhere in this chapter, t~~Temporary use permits shall be limited in duration and frequency as follows, unless specified otherwise in WMC 21.32.140 through WMC 21.32.185:

- (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.

**21.32.130 Temporary use permits – ~~Parking~~General requirements.**

- (1) ~~Parking and access for proposed temporary uses shall be approved~~ 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.

**21.32.140 Temporary use permits – ~~Mobile vendors. use permits~~ Traffic control.**

~~The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the Public Works Director.~~

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 to stay on the premises for a maximum of seven consecutive days, provided at least one day separates each consecutive stay;
- (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.

**Section 3. Amendment to Chapter 21.06, Technical Terms and Land Use Definitions.**

is hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

**WMC 21.06.391 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.**

**Section 4. Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance

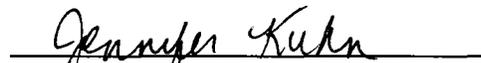
**Section 5. Copy to Department of Commerce.** Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten days after adoption of this ordinance.

**Section 6. Effective Date.** This ordinance shall be effective five (5) days after publication of an approved summary consisting of the title to this ordinance.

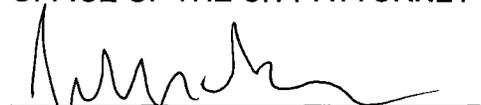
**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 19<sup>th</sup> DAY OF JULY, 2016.**

  
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: 7-19-2016  
PUBLISHED: 7-25-2016  
EFFECTIVE DATE: 8-01-2016  
ORDINANCE NO. 621



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

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

July 27, 2016

Jennifer Kuhn  
City Clerk  
City of Woodinville  
17301 - 133rd Avenue Northeast  
Woodinville, Washington 98072

Dear Ms. Kuhn:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

**City of Woodinville - Adopted Ordinance No. 621 concerning temporary uses and mobile vending; adopting findings; amending Chapter 21.06 and Chapter 21.32 WMC; making findings of fact and the following amendments; providing for severability; establishing and effective date and for summary publication by title only. These materials were received on July 27, 2016 and processed with the Material ID # 22662.**

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 September 17, 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](mailto:reviewteam@commerce.wa.gov), or call Dave Andersen (509) 434-4491.

Sincerely,

Review Team  
Growth Management Services