

## ORDINANCE NO 625

### AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING ORDINANCE 606 CORRECTING THE PERMIT PROCESS AND MAP FOR THE PLANNED ACTION FOR THE CENTRAL BUSINESS DISTRICT PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT.

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**WHEREAS**, after extensive public participation and coordination with all affected parties, the City, as lead SEPA agency, issued the Woodinville Comprehensive Plan and Municipal Code Update Final Environmental Impact Statement ("FEIS") dated June 1, 2015, which identifies the impacts and mitigation measures associated with planned development in the Planned Action Area as identified in the Comprehensive Plan; the FEIS includes by incorporation the Woodinville Comprehensive Plan and Municipal Code Update Draft Environmental Impact Statement issued on November 17, 2014 (collectively referred to herein as the "Planned Action EIS"); and

**WHEREAS**, the City adopted Ordinance 606 to designate a planned action under SEPA for the Central Business District ("Planned Action"); and

**WHEREAS**, adopting a Planned Action for the Central Business District with appropriate standards and procedures will help achieve efficient permit processing and promote environmental quality protection; and

**WHEREAS**, corrections and clarifications are needed to ensure the proper zone boundaries were included in the Planned Action Area, and that the references to the permit process continue to promote efficiency and proper notice; and

**WHEREAS**, the City Council finds that adopting this Ordinance is in the public interest and will advance the public health, safety, and welfare;

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

**Section I.** Amendment to Section III, subsection G of Ordinance 606 hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

**G. Planned Action Project Permit Process.** Applications submitted for qualification as a Planned Action Project shall be reviewed pursuant to the following process:

- (1) Development applications shall meet all applicable requirements of the Woodinville Municipal Code and this Ordinance in place at the time of the Planned Action Project application. Planned Action Projects shall not vest to regulations required to protect public health and safety.
- (2) Applications for Planned Action Projects shall:
  - (a) be made on forms provided by the City;
  - (b) include the Subarea SEPA checklist included in Exhibit B of this Ordinance; and
  - (c) meet all applicable requirements of the Woodinville Municipal Code and this Ordinance.

- (3) The City's SEPA Responsible Official shall determine whether the application is complete and shall review the application to determine if it is consistent with and meets all of the criteria for qualification as a Planned Action Project as set forth in this Ordinance.
- (4) (a) If the City's SEPA Responsible Official determines that a proposed project qualifies as a Planned Action Project, he/she shall issue a "Determination of Consistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21C.440.
- (b) Upon issuance of the Determination of Consistency, the review of the underlying project permit(s) shall proceed in accordance with the applicable permit review procedures specified in Title 21 WMC, except that no SEPA threshold determination, EIS, or additional SEPA review shall be required.
- (c) The Determination of Consistency shall remain valid and in effect as long as the underlying project application approval is also in effect.
- (d) Public notice and review for qualified Planned Action Projects shall be tied to the underlying project permit(s). If notice is otherwise required for the underlying permit(s), the notice shall state that the project qualifies as a Planned Action Project in addition to other items required to be noticed by City ordinances. If notice is not otherwise required for the underlying project permit(s), no special notice is required by this Ordinance the City will issue a notice that the project qualifies as a Planned Action Project by the following means: Posting at designated posting locations. The Director in consideration of the scope and public interest in the project, may optionally require other methods of public notice set forth in Chapter 17.11 of this code or its successor.
- (5) (a) If the City's SEPA Responsible Official determines that a proposed project does not qualify as a Planned Action Project, he/she shall issue a "Determination of Inconsistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to Chapter 1, Laws of 2012 (Engrossed Substitute Senate Bill (ESSB) 6406).
- (b) The Determination of Inconsistency shall describe the elements of the Planned Action Project application that result in failure to qualify as a Planned Action Project.
- (c) Upon issuance of the Determination of Inconsistency, the City's SEPA Responsible Official shall prescribe a SEPA review procedure for the non-qualifying project that is consistent with the City's SEPA regulations and the requirements of state law.
- (d) A project that fails to qualify as a Planned Action Project may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to meet the non-qualifying project's SEPA requirements. The City's SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.
- (6) To provide additional certainty about applicable requirements, the City or applicant may request consideration and execution of a development agreement for a Planned Action Project, consistent with RCW 36.70B.170 et seq. and WMC Chapter 21.37, Development Agreement Procedure and Criteria.
- (7) A Determination of Consistency or Inconsistency is a Type II land use decision and is a Type I land use decision and may be appealed pursuant to the procedures established in Title 17

WMC. An appeal of a Determination of Consistency shall be consolidated with any pre-decision or appeal hearing on the underlying project application.

**Section II.** Amend Ordinance 606, Exhibit A, as shown in Exhibit A of this Ordinance to apply the correct zone boundary for the CBD district.

**Section III. Conflict.** In the event of a conflict between this Ordinance or any ordinance or regulation of the City, the provisions of this Ordinance shall control.

**Section IV. Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be 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 V. 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 VI. Effective Date and Summary Publication.** This ordinance shall become effective five days after passage and publication. 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 1<sup>st</sup> DAY OF MARCH, 2016.**

  
Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:

  
Jennifer L. Kuhn, CMC  
City Clerk

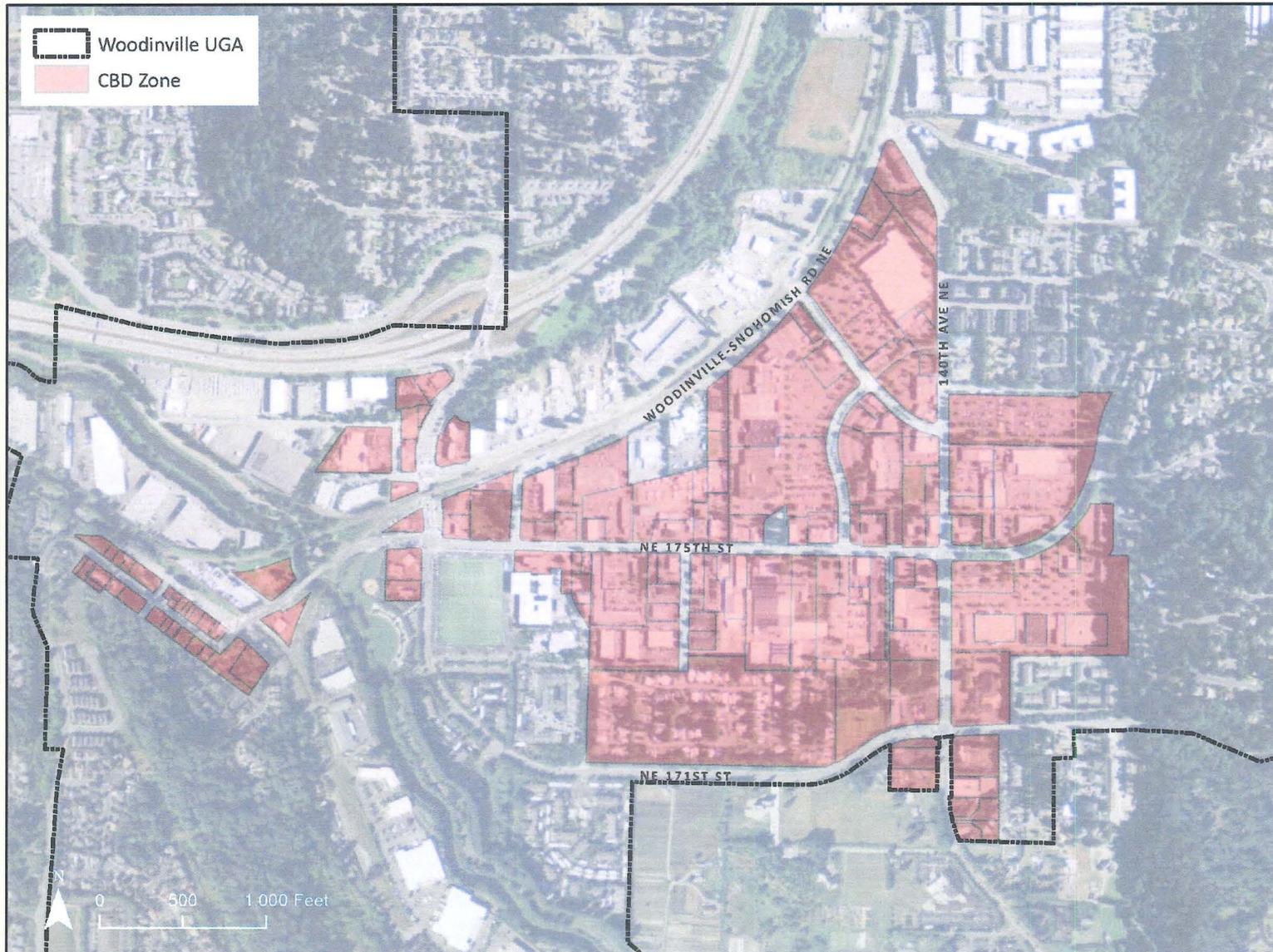
APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

  
P. Stephen Steven DiJulio  
Interim City Attorney

PASSED BY THE CITY COUNCIL: 3-1-2016  
PUBLISHED: 3-7-2016  
EFFECTIVE DATE: 3-14-2016  
ORDINANCE NO. 625

EXHIBIT A WOODINVILLE CENTRAL BUSINESS DISTRICT PLANNED ACTION AREA

WOODINVILLE CENTRAL BUSINESS DISTRICT



Date: January, 2016  
Source: City of Woodinville, King County Assessor, BERK



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)

March 3, 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. 625 an ordinance amending Ordinance No. 606 correcting the permit process and map for the planned action for the central business district pursuant to the State Environmental Policy Act. These materials were received on March 03, 2016 and processed with the Material ID # 22143.**

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 April 30, 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