

Chapter 16

**CITY OF WOODINVILLE
PLANNING COMMISSION
Regular Meeting**

**Wednesday
May 5, 2004**

**7:00 p.m.
Council Chambers**

1. CALL TO ORDER

The meeting of the Woodinville Planning Commission was called to order at 7:00 p.m. by Chair DePolo.

2. ROLL CALL - FLAG SALUTE

PRESENT: Planning Commission Chair Terry DePolo, Vice Chair Cherry Jarvis and Planning Commissioners Philip Relnick, Mark Ramquist, Hank Stecker and Teen Representative Meredith Ryan.

ABSENT: Commissioner Rohn Amegatcher.

Vice Chair Jarvis moved to excuse Commissioner Amegatcher. Commissioner Ramquist seconded the motion.

Vote: All voted in favor of the motion, and the motion passed, 5-0.

Also present were Ray Sturtz, Community Development Director; Deborah Knight, Assistant to the City Manager; Carl Smith, City Planner; Joe Seet, City Engineer; Gil Cerise, Senior Planner; Deb Crawford, Planning Technician, and Charleine Sell, Senior Administrative Assistant. Other guests included Councilmember Gina Leonard.

Chair DePolo led the flag salute.

3. APPROVE AGENDA IN CONTENT AND ORDER (INTRODUCTIONS)

There were no changes requested in the content and order of the agenda.

4. PUBLIC COMMENTS

Meredith Ryan, 14821 NE 202nd Street, Woodinville, reported on the neighborhood meeting conducted by Phoenix Development. She pointed out that only property owners within 500 feet were notified of the meeting, about five homes; however, over 100 people attended the meeting. She reported many residents had concerns about the proposed development including traffic.

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Vice Chair Jarvis reported she would be absent from the June 2 meeting.

Commissioner Ramquist referred to the development east of Woodinville High School and inquired whether there was adequate space for a fire truck due to the traffic circles in the center, curb cuts do not match driveways and access to the daycare facility was adjacent to the houses. Mr. Sturtz offered to have staff research, commenting that the original developer was not developing the site that was why the curb cuts did not match driveways.

Commissioner Stecker inquired about the process before the Hearing Examiner if a rezone application from R1 to R4 were submitted for the Wood Trails development. Mr. Sturtz explained a change in the Comprehensive Plan designation was not required as the property was designated low density which includes R1 to R4. He explained both a rezone and a subdivision were quasi judicial processes before the Hearing Examiner that would include a public hearing. Staff has begun establishing a mailing list.

Commissioner Stecker inquired whether the area to the east of that parcel could be rezoned R4. Mr. Sturtz answered yes depending on the availability of sewers. Commissioner Stecker noted Phoenix Development was also looking at property on the northeast corner of Wellington and would bring sewers through Wellington to that parcel.

Mr. Sturtz reported the City had received a letter from Thousand Friends of Washington demanding the City change their R1 zoning to R4. The group's interest is implementation of GMA by increasing density within the Urban Growth Area (UGA) and preserving the area outside the UGA.

Commissioner Amegatcher moved to extend the meeting five minutes. Vice Chair Jarvis seconded the motion.

Vote: All voted in favor of the motion, and the motion passed, 6-0.

Mr. Sturtz advised staff was planning to present to the Council an estimate of areas where development was likely to occur. He recalled the City Council has been opposed to single family design guidelines in the past to permit flexibility; the Commission may want to reconsider that.

Commissioner Stecker reported the Tourism Task Force was informed that Olympic Nursery was making land available for a trail through the Olympic Farm property.

Commissioner Amegatcher moved to extend the meeting until 10:10 p.m. Commissioner Relnick seconded the motion.

Vote: All voted in favor of the motion, and the motion passed, 6-0.

Commissioner Amegatcher suggested the Planning Commission receive budget updates regarding the direction City management and staff were taking. As a result of comments made at

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In response to a question at the last Commission meeting, City Planner Carl Smith advised the Pennsylvania Woodworks site has been acquired by TRF who envision a restaurant in a new building at that location. He advised Pennsylvania Woodworks moved to a site in Grace.

9. PLANNING SCHEDULE

Mr. Smith advised Implementing Regulations (Downtown & Little Bear Creek Master Plan) was removed from the November 3 meeting agenda, awaiting direction from the Council. Deliberation on the MJR Development, Northshore School District and Draughn amendments was added to the October 20 agenda. The Commission requested a list of upcoming items be added to the bottom of the Planning Schedule.

Commissioners Rubstello and Corning and TeenRep Butler expressed interest in attending the Snohomish County Planning Commission Roundtable Workshop on November 9.

Chair DePolo advised he would be absent from the November 17 meeting.

10. PUBLIC COMMENTS - None

11. REPORTS FROM COMMISSIONERS AND ISSUES TO BE FORWARDED TO THE CITY COUNCIL

In response to an inquiry by Vice Chair Jarvis, Mr. Sturtz suggested scheduling an update on current projects on an upcoming agenda. He offered to provide a map identifying the location of each project.

In response to an inquiry by Commissioner Stecker, Mr. Sturtz advised a Determination of Significance was issued regarding the Wood Trails development which will require a scoping meeting to identify areas of concern to be addressed in the EIS. He described the potential for 150 units with all the proposed phases. He offered to provide Commissioners the scoping notice.

Commissioner Stecker inquired whether the City had the ability under state law to mandate connection if sewers were available whether or not there was septic failure. Mr. Sturtz offered to research the RCW, explaining the City's practice in the past has been to leave the decision regarding connection to sewer to the Health Department.

Mr. Sturtz advised the Costco SEPA has been appealed and the hearing in Snohomish County was extended until October 26.

Commissioner Rubstello reported on the tour of Woodinville he took with City Planner Carl Smith and the tour of the City's parks and the community center with Parks & Recreation Director Lane Youngblood.

12. ADJOURNMENT

Hearing no further comment, Chair DePolo adjourned the meeting at 9:20 p.m.

Chapter 19

**CITY OF WOODINVILLE
PLANNING COMMISSION
Regular Meeting**

Wednesday
November 3, 2004

7:00 p.m.
Council Chambers

1. CALL TO ORDER

The meeting of the Woodinville Planning Commission was called to order at 7:00 p.m. by Chair DePolo.

2. ROLL CALL - FLAG SALUTE

PRESENT: Planning Commission Chair Terry DePolo, Vice Chair Cherry Jarvis and Planning Commissioners Philip Relnick, Michael Corning, Shirley Martin, Hank Stecker, Les Rubstello, and Teen Representative Matthew Butler.

ABSENT: None.

Also present were Ray Sturtz, Community Development Director; Carl Smith, City Planner; Gil Cerise, Senior Planner; Steve Munson, Planner; and Charleine Sell, Senior Administrative Assistant. Other guests included Councilmember Gina Leonard.

Chair DePolo led the flag salute.

3. APPROVE AGENDA IN CONTENT AND ORDER (INTRODUCTIONS)

Commissioner Stecker suggested moving Item 7a to Item 7c and renumbering 7b and 7c.

4. PUBLIC COMMENTS

August Cifelli, 14818 NE 198th Street, Woodinville, Vice President, Concerned Neighbors of Wellington, introduced several members of their Board of Directors. He explained their organization formed due to concerns with density from proposed development, specifically Wood Trails. Mr. Sturtz clarified the site-specific rezone for Wood Trails was a quasi judicial issue, and the decision would be made by the Hearing Examiner, not the Planning Commission.

Otto Paris, 14906 NE 198th Street, Woodinville, inquired about the proposed changes with regard to clustering. Chair DePolo advised the Planning Commission already voted on that issue but staff could provide an overview.

Roger Mason, 15023 NE 198th Street, Woodinville, advised over the past 6-7 months, they were surprised how much involvement was required to learn how development was occurring "potentially rampant" in Wellington and the lack of ability for residents to be involved other than via the formal process. He reported there were many very concerned residents; over 130

residents attended the scoping meeting last week. He summarized the Wellington area had mobilized and was active.

Susan Boundy-Saunders, 17859 149th Avenue NE, Woodinville, representing the Woodinville Conservancy, recalled the Planning Commission had discussed reopening the issue of clustering. She expressed concern that as they understood the ordinance, it had a tremendous potential to change the identity and character of neighborhoods and have a huge impact on safety of neighborhoods. They opposed the ordinance as they understood it, and if the Planning Commission reopened the issue, she urged them to keep densities low.

5. APPROVAL OF MINUTES

(a) Meeting of October 20, 2004

Vice Chair Jarvis moved for approval of the regular meeting minutes of October 20, 2004 as presented. Commissioner Relnick seconded the motion.

Vote: All voted in favor of the motion, and the motion passed, 7-0.

6. NEW BUSINESS

(a) Economic Development Plan Scope and Schedule

City Planner Carl Smith explained a citywide Economic Development Plan had been a Council Goal for some time. Tonight's presentation would allow the Planning Commission to review and discuss the contents, public process and implementation strategy for an Economic Development Plan.

Mr. Smith referred to the Council goal described in the staff report and commented on efforts to assist economic development via involvement with the Tourism Task Force and Woodinville Chamber of Commerce as well as subarea planning such as the Downtown and Little Bear Creek Corridor Master Plan. He referred to the Economic Development element in the Comprehensive Plan that would provide a policy basis to guide economic development and the Comprehensive Plan implementation strategy.

Mr. Smith explained a citywide Economic Development Plan would require consultant assistance as City staff does not have the necessary expertise. The Community Development Department has requested \$50,000 for this study in the 2005 budget. A joint study session with the Council to discuss the Plan and provide input on the scope of services, desired outcomes and public process is scheduled for the December 6 Council meeting. Mr. Smith explained in addition to developing the Plan, another aspect will be the implementation strategy.

Chair DePolo recalled the Economic Development CAP discussed the type of economic development that was desirable in the City. Commission suggestions for the study included consideration of whether industrial land was zoned appropriately, analyzing commercial land inventory, reporting on regional trends and pros and cons, analyzing the type of businesses that would be compatible with the vision in the Comprehensive Plan, and considering demand for

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Councilmember Price recused himself and left Chambers.

Councilmember Huddleston recused himself from the vote on Item 7e, explaining in 1990-1991 when working for the Snohomish County Council and serving as a board member of the Puget Sound Air Quality Control, he helped draft the State legislation regarding Commute Trip Reduction. Now as an employee of King County, this contract would provide remuneration to King County for services in the amount of \$5,800. Although there was no relationship between his employment and that cost, in an abundance of caution, he recused himself from the vote on that one item.

Vote: Motion carried, with all Councilmembers voting in favor of Items 7a, b and c, Councilmember Leonard opposed to Items 7d and 7f and Councilmember Huddleston opposed to Item 7d and recusing himself from the vote on Item 7e. (Councilmember Price did not participate in the vote.) The Consent Calendar was approved as follows:

- a) Approval of Claims: \$612,776.95
- b) Approval of Payroll: 170,587.91
- c) Council Meeting Minutes: June 20, 2005
- * d) Contract Approval with Huckell/Weinman Associates, Inc. for Wood Trails Environmental Impact Statement
- e) Interlocal Agreement: Commute Trip Reduction
- f) Formal Approval of City Council's Findings, Conclusions and Decision Upon Morning Star Closed Record Appeal CUP #2004-090

Councilmember Price returned to the dais.

Deputy Mayor VonWald moved to extend the meeting until 10:30 p.m. Councilmember Hageman seconded the motion.

Vote: All voted in favor of the motion and the motion carried (7-0).

8. UNFINISHED BUSINESS – None

9. NEW BUSINESS – None

10. STUDY SESSION ITEM (con't)

b) Woodinville Village Development Agreement

City Attorney Zach Lell reiterated the development agreement was a work in progress and contained misnumbered headings, table of content inaccuracies and a few areas of the agreement that were holdovers from the earliest drafts of the document. He explained the main purpose of tonight's meeting was to vet the development agreement for the Council's review and incorporate their feedback.

STAFF REPORT

TO: CITY COUNCIL

THROUGH: PETE ROSE, CITY MANAGER

FROM: RAY STURTZ, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONTRACT APPROVAL WITH HUCKELL WEINMAN ASSOCIATES FOR THE WOOD TRAILS/MONTEVALLO DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS)

MEETING DATE: AUGUST 1, 2005

ISSUE:

Shall Council authorize the City Manager to execute a contract with Huckell/Weinman Associates, for an amount not to exceed \$40,000, to prepare the Wood Trails/Montevallo Draft EIS for the City of Woodinville?

STAFF RECOMMENDATION:

That Council authorizes the City Manager to execute a contract with Huckell/Weinman Associates, for an amount not to exceed \$40,000, to prepare the Wood Trails/Montevallo Draft EIS for the City of Woodinville.

POLICY DECISION:

Council approval is required for all contracts of \$20,000 or greater. This contract will provide consultant help to prepare the Wood Trails/Montevallo Draft EIS for the City. Huckell/Weinman Associates has the environmental expertise and long-term working relationship with the City needed to prepare an Environmental Impact Statement (EIS) pursuant to the State Environmental Policy Act (SEPA) and the City's Environmental Regulations. This is a "pass-through" budget item. The applicant is required to deposit funds with the City to pay for the cost of the consultant.

BACKGROUND:

A Draft EIS is intended to provide an objective, factual presentation of the proposal, reasonable alternatives, potential significant impacts and possible mitigation of those impacts. The Draft EIS is also expected to identify impacts that cannot be mitigated. Once the Draft EIS is published, the document is subject to a public comment period. All interested parties are invited to submit questions and comments. Following the close of the designated comment period, a Final EIS document is prepared that

addresses each of these questions and comments. The Draft EIS and the Final EIS constitute the Environmental Impact Statement (EIS) for the proposed land use action. The EIS, along with adopted goals, policies, regulations and standards are used by the decision makers to evaluate and either approve, approve with conditions or deny the proposal, in this case residential subdivisions.

The applicant, Phoenix Development, has proposed two 66 lot subdivisions called Wood Trails and Montevallo, both in the north central part of the City between the North Industrial Neighborhood area adjacent to 144th Avenue NE and 156th Avenue NE. The City determined the two developments would have a significant environmental impact on the surrounding residential neighborhood as well as on the hillside above the industrial area to the extent that a Determination of Significant (DS) was issued requiring the preparation of an Environmental Impact Statement (EIS).

The applicant initially proposed to use their consultants to write the EIS as they had at that point performed much of the site review and prepared the basic information necessary for an Environmental Checklist, done presumably in anticipation the City would make a SEPA Mitigated Determination of Significance (MDNS).

The use of their consultants was permitted but only on the basis that the City would hire its own consultants (at the applicant's expense) who would review and amend, as necessary, the documents prepared by the applicant's consultants. The City hired Huckell/Weinman Associates to review the land use section of the code and provide coordination between the City's consultants and the applicant's consultants.

The preliminary draft submitted to the City by the applicant's consultants did not meet the expected standards for an EIS. As a result, the City, with full agreement by the applicant, took over the redraft of some sections in addition to the on-going coordination of the consultants involved in the EIS. The added involvement by Huckell/Weinman Associates to perform the total rewrite of the Land Use chapter and significant editing of some other sections in addition to the coordination of consultants has increased their involvement in the project to the point where costs will exceed \$20,000, requiring Council approval.

This is a pass-through cost to the City. The applicant will be required to deposit the necessary funds with the City to be paid to the consultants as work is performed and approved.

The Huckell/Weinman Contract and Scope of Services are shown in Attachment A.

FACTS & FINDINGS

1. The City has issued a Determination of Significance (DS) for the Wood Trails and Montevallo proposed subdivisions.
2. The issuance of a DS requires that the applicant for the two proposals be required to fund the preparation of an Environmental Impact Statement.

3. The City contracted with Huckell/Weinman Associates to perform the review of the Land Use and Public Services chapters of the EIS and to provide the necessary coordination of the various consultants involved.
4. The initial draft, in part, did not meet the standards expected for the EIS resulting in the City taking over the preparation of the Draft EIS through its consultant, Huckell/Weinman Associates.
5. The applicant has agreed the City should complete the preparation of the Draft EIS document and to submit a deposit for same.
6. The completion of the Draft EIS document has increased the cost of the City's consultant services to the point where it is necessary have Council approval of the contract.

ANALYSIS

Normally, the City, through its consultant, would draft an EIS. In this case, because of the expenses and involvement of the applicants consultants in preparing the initial reports, it was determined that the applicants consultants could write the preliminary draft of the EIS. However, the quality of the information presented to the City did not meet the City's expectations. As a result, the applicant and the City have agreed that the City will take over the responsibility of preparing of the Draft EIS and the on-going coordination of the various consultants involved in the project.

With the added work to be performed by the City, the cost of consulting services has increased beyond \$20,000 and requires City Council approval of the contract. This is a pass through contract, where the applicant will provide the monies up front to pay for City directed consultants. A significant portion of the work has been completed. The Land Use and Public Services chapters are in need of a complete re-write and the Draft EIS document then needs to be prepared for publication.

At this time, there isn't City staff available to complete these tasks between now and the end of the year. Huckell/Weinman Associates has been providing on-going land use and environmental planning services effectively and efficiently to the City for a number of years. The company has staff available with the appropriate expertise and first-hand knowledge of the project to complete the Draft EIS in a timely manner. To hire a different consultant not already familiar with the project as well as City standards and procedures would cause unnecessary delay and require unavailable City staff time to bring them up to speed. Using Huckell/Weinman Associates to complete the Draft EIS under the direction of the Planning Director appears to be the most cost-effective and timely way of completing the Draft EIS for the Wood Trails and Montevallo Preliminary Plats.

ALTERNATIVES:

1. Authorize the City Manager to execute a contract with Huckell/Weinman Associates. This would allow for the preparation of the Draft EIS to proceed with minimal impact on staff resources.
2. Direct staff to seek out other consultants to assist with the preparation of the Draft EIS. This would require additional time as well as use of City staff and budget resources to recruit and familiarize a consultant with the project and City procedures.
3. Allow the applicant's consultant to submit the Draft EIS as currently drafted. This would require a significant amount of staff to re-write portions of the document in order to publish a document that meets SEPA and City standards.

RECOMMENDED MOTION:

I MOVE THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH HUCKELL/WEINMAN ASSOCIATES, FOR AN AMOUNT NOT TO EXCEED \$40,000, FOR ASSISTANCE IN PREPARING THE DRAFT EIS FOR WOOD TRAILS/MONTEVALLO.

ATTACHMENT (1):

- A. Huckell/Weinman Contract and Scope of Services

Prepared by:

Dick Fredlund, Planner

Date

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF WOODINVILLE AND
Huckell/Weinman Associates, Inc.**

THIS AGREEMENT, is made this 15th day of August, 2005, by and between the City of Woodinville (hereinafter referred to as "City"), a Washington Municipal Corporation, and Huckell/Weinman Associates, Inc. (hereinafter referred to as "Service Provider"), doing business at 270 – 3rd Avenue, Suite 200, Kirkland, WA 98033.

WHEREAS, Service Provider is in the business of providing certain professional services specified herein; and

WHEREAS, the City desires to contract with Service Provider for the provision of Wood Trails/Montevallo Preliminary Draft EIS Services, and Service Provider agrees to contract with the City for same;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

TERMS

1. **Description of Work.** Service Provider shall perform work as described in Attachment "A", Scope of Work, which is attached hereto and incorporated herein by this reference, according to the existing standard of care for such services. Service Provider shall not perform any additional services without the expressed permission of the City.
2. **Payment.**
 - A. The City shall pay Service Provider at the hourly rate set forth in Attachment "B", but not more than a total of Forty thousand dollars (\$40,000) for the services described in this Agreement. This is the maximum amount to be paid under this Agreement, and shall not be exceeded without prior written authorization from the City in the form of a negotiated and executed supplemental agreement.
 - B. Service Provider shall submit monthly payment invoices to the City after such services have been performed, and the City shall make payments within four (4) weeks after the submittal of each approved invoice. Such invoice shall detail the hours worked, a description of the tasks performed, and shall separate all charges for clerical work and reimbursable expenses.
 - C. If the City objects to all or any portion of any invoice, it shall so notify Service Provider of the same within five (5) days from the date of receipt and shall pay that portion of the invoice not in dispute. The parties shall immediately make every effort to settle the disputed portion.

3. **Relationship of Parties.** The parties intend that an independent contractor - client relationship will be created by this Agreement. As Service Provider is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or subcontractor of Service Provider shall be or shall be deemed to be the employee, agent, representative or subcontractor of the City. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance and unemployment insurance, are available from the City to the Service Provider or his employees, agents, representatives or subcontractors. Service Provider will be solely and entirely responsible for his acts and for the acts of Service Provider's agents, employees, representatives and subcontractors during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that Service Provider performs hereunder.
4. **Project Name.** Wood Trails/Montevallo Preliminary Draft EIS
5. **Duration of Work.** Service Provider shall complete the work described in Attachment "A" on or before July 30, 2006.
6. **Termination.**
 - A. Termination Upon the City's Option. The City shall have the option to terminate this Agreement at any time. Termination shall be effective upon ten (10) days written notice to the Service Provider.
 - B. Termination for Cause. If Service Provider refuses or fails to complete the tasks described in Attachment "A", or to complete such work in a manner satisfactory to the City, then the City may, by written notice to Service Provider, give notice of its intention to terminate this Agreement. After such notice, Service Provider shall have ten (10) days to cure, to the satisfaction of the City or its representative. If Service Provider fails to cure to the satisfaction of the City, the City shall send Service Provider a written termination letter which shall be effective upon deposit in the United States mail to Service Provider's address as stated below.
 - C. Rights upon Termination. In the event of termination, the City shall only be responsible to pay for all services satisfactorily performed by Service Provider to the effective date of termination, as described in the final invoice to the City. The City Manager shall make the final determination about what services have been satisfactorily performed.
7. **Nondiscrimination.** In the hiring of employees for the performance of work under this Agreement or any subcontract hereunder, Service Provider, its subcontractors or any person acting on behalf of Service Provider shall not, by reason of race, religion, color, sex, marital status, national origin or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

8. **Indemnification / Hold Harmless.** The Service Provider shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the act, errors or omissions of the Service Provider, or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Service Provider and the City, its officers, officials, employees, and volunteers, the Service Provider's liability hereunder shall be only to the extent of the Service Provider's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Service Provider's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

9. **Insurance.** The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees or subcontractors.

A. **Minimum Scope of Insurance.** Service Provider shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract. The City shall be named as an insured under the Service Provider's Commercial General Liability insurance policy with respect to the work performed for the City using ISO additional insured endorsement CG 20 10 10 01 and CG 20 37 10 01 or substitute endorsements providing equivalent coverage.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Service Provider's profession.
- B. Minimum Amounts of Insurance. Service Provider shall maintain the following insurance limits:
 1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
 2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence and \$2,000,000 general aggregate.
 3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.
- C. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:
 1. The Service Provider's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Service Provider's insurance and shall not contribute with it.
 2. The Service Provider's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
- D. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.
- E. Verification of Coverage. Service Provider shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Service Provider before commencement of the work.
10. **Entire Agreement.** The written provisions and terms of this Agreement, together with all documents attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement.
11. **City's Right of Supervision, Limitation of Work Performed by Service Provider.** Even though Service Provider works as an independent contractor in the performance of his duties under this Agreement, the work must meet the approval of the City and be

subject to the City's general right of inspection and supervision to secure the satisfactory completion thereof. In the performance of work under this Agreement, Service Provider shall comply with all federal, state and municipal laws, ordinances, rules and regulations that are applicable to Service Provider's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

12. **Work Performed at Service Provider's Risk.** Service Provider shall be responsible for the safety of its employees, agents and subcontractors in the performance of the work hereunder and shall take all protections reasonably necessary for that purpose. All work shall be done at Service Provider's own risk, and Service Provider shall be responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work.
13. **Ownership of Products and Premises Security**
 - A. All reports, plans, specifications, data maps, and documents produced by the Service Provider in the performance of services under this Agreement, whether in draft or final form and whether written, computerized, or in other form, shall be the property of the City.
 - B. While working on the City's premises, the Service Provider agrees to observe and support the City's rules and policies relating to maintaining physical security of the City's premises.
14. **Modification.** No waiver, alteration or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and Service Provider.
15. **Assignment.** Any assignment of this Agreement by Service Provider without the written consent of the City shall be void.
16. **Written Notice.** All communications regarding this Agreement shall be sent to the parties at the addresses listed below, unless notified to the contrary. Any written notice hereunder shall become effective as of the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.
17. **Non-Waiver of Breach.** The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements or options, and the same shall be and remain in full force and effect.
18. **Resolution of Disputes, Governing Law.** Should any dispute, misunderstanding or conflict arise as to the terms and conditions contained in this Agreement, the matter shall

be referred to the City Manager, whose decision shall be final. In the event of any litigation arising out of this Agreement, the prevailing party shall be reimbursed for its reasonable attorney fees from the other party. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year above written.

CITY OF WOODINVILLE

By: _____
City Manager

SERVICE PROVIDER

By: _____
Title: _____
Taxpayer ID #: _____

CITY CONTACT

City of Woodinville
17301 133rd Avenue NE
Woodinville, WA 98072
Phone: 425-489-2700
Fax: 425-489-2705

SERVICE PROVIDER CONTACT

Phone: _____
Fax: _____

ATTEST/AUTHENTICATED

By: _____
City Clerk

APPROVED AS TO FORM

By: _____
Office of the City Attorney

SCOPE OF SERVICES

Upon direction from Community Development Department, review development or private applications, plans, plats, and other relevant information for compliance with provisions of the latest City of Woodinville adopted codes, ordinances, standards, standard plans, and specifications for private and public construction referred to as "City Standards". When directed by staff, inspect private and public construction for compliance to approved plans, specifications, permits, SEPA conditions, and City Standards.

Work will include some or all of the following, as requested:

1. Work with and coordinate City staff review to solicit comments
2. Prepare letter to the applicant to request revisions
3. Attend a site visit and up to two meetings with review team and/or applicant
4. Prepare public notices (City staff to publish and mail as necessary)
5. Draft SEPA determination, including review with City staff and revise as needed
6. Negotiate SEPA conditions with applicant
7. Prepare draft staff report, review with City staff, and revise as needed
8. Prepare for presentation at hearing
9. Prepare draft EIS documents and manage consultant team to prepare same.

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Emma Dixon, 24219 107th Drive SE, Woodinville, asked the Council to evaluate facts regarding Brightwater again, questioning whether the agreement fully represented the interest of the citizens of this area. She described seismic issues on the Brightwater site associated with Lineament 4, trenched by King County and shown to have previous earthquake movement in past. She advised King County refused to trench any other faults, yet without that information they could not determine appropriate setback requirements.

X Phyllis Keller, 19005 152nd Avenue NE, Woodinville, submitted a letter signed by numerous residents in the neighborhood of 152nd Avenue NE, 148th Avenue NE, NE 190th Street, NE 191st Place and NE 192nd Street that described several traffic safety issues associated with Woodinville-Duvall Road and 152nd Avenue NE. She requested that Council immediately address their safety concerns, noting these issues could not be overlooked when considering additional residential development in their neighborhood.

X Steve Gottschalk, 14918 NE 198th Street, Woodinville, referred to the Sustainable Development Plan, explaining the most important action was to identify a GMA consultant to work with the City to formulate a plan, establish a budget, review RFQ's and establish priorities. Next, in reference to the implication that GMA was forcing the City to approve high density housing and rezoning requests, he cited a Washington State Supreme Court case, *Viking v. Holms*, that states cities have considerable latitude. He requested that Council reject the program in the staff report and formulate a new plan after a consultant was retained.

Dave Henry, 15019 NE 201st Street, asked the City Council to request the resignation of the Community Development Director asserting that the Director did not represent him and or the Woodinville community. He cited several procedural errors and questionable decisions.

X Roger Mason, 15023 NE 195th Street, encouraged staff to review the public comments regarding the DEIS. With regard to sustainable development, he encouraged the Council to move forward quickly, anticipating that effort would illustrate that the Leota/Wellington area was not a sustainable development area.

X Otto Paris, 14906 NE 198th, Woodinville, encouraged the Council and staff to review the public comments regarding Wood Trails and agreed there needed to be a champion at every level. He acknowledged the overall goal was to review local control; however, the primary objectives and goals were unclear. He agreed a GMA expert was the key to the process.

X Bill Trippetts, 195th Street, Woodinville, expressed concern with the evaluation of the Viking property case in the staff report, commenting the "bright line" test was off the table due to the Washington Supreme Court's conclusion that it was not up to the Shoreline Hearings Board to make a policy decision. That decision was at the discretion of City Councils. He requested the Council look closely at the impact of the Viking property case.

X Fred Green, 15218 NE 198th, Woodinville, Concerned Neighbors of Leota/Wellington, commented the Wood Trails/Montevallo project included 132 homes that would result in significant zoning changes to the Wellington area, increasing the zoning from R-1 to R-4,

* clustering and bringing sewers to the area. He expressed concern with the domino affect of zoning changes.

Mr. Lell explained when the Hearing Examiner considered the preliminary plat for approval, he/she had the authority to impose conditions necessary to mitigate the impacts of plats and protect public interest. Mr. Lell advised the EIS was an informational document that could be considered during the preliminary plat approval process; there was no requirement that the Hearing Examiner must impose a condition to mitigate all impacts identified in EIS. He advised during the public hearing before the Hearing Examiner, interested parties would have an opportunity to raise concerns which become part of the administrative record that formed the basis for the Hearing Examiner's final decision.

Discussion followed regarding staff recommendations to the Hearing Examiner regarding mitigations, opportunity for the public to provide written comment to staff and the Hearing Examiner, to testify and the process for selecting the Hearing Examiner.

6. SPECIAL PRESENTATIONS

a) Proclamation for "Absolutely Incredible Kid Day"

Mayor VonWald read a Proclamation proclaiming the City's support for March 16 as "Absolutely Incredible Kid Day." Dan Wilkerson, adult volunteer, accepting the proclamation on behalf of Camp Fire USA, encouraged adults to send letters of love and appreciation to youth in their lives on March 16. He cited the importance of adults spending time with children, explaining the Camp Fire's mission was "Training Tomorrow's Leaders Today".

7. CONSENT CALENDAR

Deputy Mayor Stecker moved to approve the Consent Calendar. Councilmember Hageman seconded the motion.

Vote: All voted in favor of the motion and the motion carried (7-0). The Consent Calendar was approved as follows:

- a) Second Reading & Adoption of Ordinance No. 414: Transfer Station Zoning Code Amendment

8. UNFINISHED BUSINESS – None

9. NEW BUSINESS

Chapter

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Vote: All voted in favor of the motion, with the exception of Councilmember Roskind and the motion carried (6-1).

Deputy Mayor Stecker moved to approve the agenda in content and order as amended. Councilmember Hageman seconded the motion.

Vote: All voted in favor of the motion, with the exception of Councilmember Roskind, and the motion carried (6-1).

5. PUBLIC COMMENTS

X Jeff Glickman, 19405 148th Avenue NE, Woodinville, referred to prejudicial and discriminatory administrative practices by the City of Woodinville and demanded their immediate cessation. He asserted that the City had improperly administered its environmental laws as well as failed to properly administer its Municipal Code as well as other State and federal laws. He urged the Council to pass the moratorium.

X Matt Jenson, 19122 148th Avenue NE, Woodinville, urged the Council to adopt the proposed moratorium.

X Nancy Montgomery, 15019 NE 201st, Woodinville, referred to the direction the Council gave to Chief Baxter to develop an emergency preparedness plan for Woodinville and encouraged the public to consider how they could help themselves during and after an emergency/disaster.

X Nadine Jones, 14903 NE 201st, Woodinville, thanked the Council for their unanimous support of the proposed moratorium on non-vested development activity in the R-1 zone. A former realtor, she appreciated good residential neighborhood planning. She commented on the natural beauty of the R-1 area where they lived and was distressed to think that would be changed.

X Merwin Cederblom, 19005 152nd Avenue NE, Woodinville, recalled the Council's comments last week regarding the need to protect the environment and the Council's vote to consider an R-1 moratorium at tonight's meeting. He observed the Council Chambers were filled tonight with citizens concerned about the environment and the impact that overbuilding could have on the area. He urged the Council to support the moratorium.

X Steve Maloney, 14824 NE 201st, Woodinville, commented that although he did not oppose development, a sense of planning had been lost in Woodinville. His observation was that all requests for rezone from R-1 to R-4 had been approved or appeared to be in the process of being approved.

X James Hartman, 14908 NE 201st, Woodinville, expressed support for a moratorium and preservation of the existing stable neighborhoods, citing the low police to population ratio. He pointed out the need to increase the City's police force before allowing expanded growth.

X Linda Petrin, 14919 NE 198th Street, Woodinville, expressed her and her husband's support for the proposed moratorium. She explained the moratorium would allow time to develop a new Master Land Use and Development Plan to provide guidance regarding the rate and density of development in the City including identifying impact/harm to the environment.

X Fred Green, 15218 NE 198th Street, Woodinville, speaking on behalf of the Concerned Neighbors of Wellington (CNW), extended their thanks to the Council for directing staff to prepare the moratorium. He pointed out the number of people at tonight's Council meeting illustrated the community's concern.

X Stephen Gottschalk, 14918 NE 198th Street, Woodinville, expressed his support for the moratorium to provide the city time to study ways to protect critical areas and endangered species. He agreed any delay in adopting a moratorium could irreversibly delay and/or alter the character and physical environment of these areas.

11. PUBLIC HEARING

a) Woodinville Village Development Agreement

Deputy Mayor Stecker moved that the City Council open the public hearing to consider proposed amendments to the Woodinville Village Development Agreement Amendments. Councilmember Hageman seconded the motion.

Vote: All voted in favor of the motion and the motion carried (7-0).

Planner Steve Munson explained this public hearing was to receive testimony on the proposed Woodinville Village Development Agreement Amendments to provide for the addition of the .85 acre Pisani property and the 4.09 acre Redwood Apartments site. He entered the following exhibits into the record.

- Exhibit 1: Staff Report
- Exhibit 2: Resolution No. 319
- Exhibit 3: Proposed Woodinville Village Development Agreement
- Exhibit 4: Revised Woodinville Village Conceptual Plan
- Exhibit 5: Letter dated March 5, 2006 inviting residents to the March 20, 2006 public hearing
- Exhibit 6: Notification from City staff dated March 17, 2006 regarding March 20, 2006 public hearing
- Exhibit 7: Email dated March 20, 2006 from Kelli Honan to City staff
- Exhibit 8: Email dated March 20, 2006 from Sigrid Nelson to City Council and Planning Commission
- Exhibit 9: Email dated March 14, 2006 from Rob Philbrick, Owner, Redwood Village Apartments, to City staff
- Exhibit 10: Email dated March 20, 2006 from Roger Fisher to City staff
- Exhibit 11: PowerPoint Presentation by City staff

5. PUBLIC COMMENTS (con't)

- ✓ Craig Delphey, 15011 NE 190th Street, Woodinville, urged the Council to support the moratorium to protect the numerous species of wildlife in their neighborhood.
- ✗ Peter Tountas, 12505 NE 164th Street, Woodinville, commented on the huge loss to the City from the resignation of City Planner Carl Smith. He expressed his regard and respect for Mr. Smith for his ability to listen and teach others without criticism or opinion.
- ✗ Dave Henry, 15019 NE 201st, Woodinville, encouraged the Council to adopt the moratorium and take action to retain the services of Carl Smith. He also encouraged the Council to increase law enforcement and provide more oversight to City planning.
- ✗ Emma Dixon, 24219 107th Drive SE, Woodinville, requested the Council reevaluate whether they had done everything to ensure Woodinville residents were protected from the Brightwater project. She pointed out the significant threat to the City and surrounding neighborhood by siting of Brightwater at the Route 9 site where there were active faults.
- ✗ Linda Gray, 22629 78th Avenue SE, Woodinville, disputed King County's claims to maintain odor at the fence line, remarking on odor from Stockpot Soups in downtown on Saturday that was not detectable at her home near the fence line for the Brightwater plant. She referred to King County's groundbreaking ceremony for the Brightwater plant on April 12, noting King County had yet to identify a seismic expert.
- ✗ Susan Boundy-Sanders, 17859 149th Avenue NE, Woodinville, referred to the street safety ordinance she presented to the Council last week that would prevent the use of a substandard road to access new development. She urged the Council to direct the City Attorney to review her proposed ordinance and then pass the ordinance.
- ✗ Otto Paris, 14906 NE 198th Street, Woodinville, conveyed his support for the moratorium ordinance and encouraged the Council to implement the ordinance as soon as possible to allow a comprehensive sustainable development study to be completed.
- ✗ Susan Huso, 24330 75th Avenue SE, Woodinville, encouraged the Council to adopt the moratorium on development in R-1 zoned areas to allow time to evaluate environmental, safety and traffic issues.
- ✗ William Barnes, 14816 NE 202nd Street, Woodinville, read a statement from Robert Harman, geologist and resident at 14949 NE 202nd Street, Woodinville, referring to the eight letters and three display boards he submitted previously in an attempt to encourage City planners to have King County's erosion hazard area evaluated before decisions were made prior to decisions regarding future development.
- ✗ Matt Schultz, 16206 NE 200th Court, Woodinville, expressed his support for the Council's enactment of a temporary moratorium on R-1 residential construction. He cited resources such

as salmon-bearing streams, wildlife, open space, wetlands, rain forests and surface and groundwater quality that were important to Woodinville quality of life.

X Paul Chrysler, 13930 NE Mill Place, Ste. 112, Woodinville, referred to a comment in the Concerned Neighbors of Woodinville's newsletter that grouped realtors with people who only cared about increasing density for their own enrichment. As a member of the State Board of Directors for Washington Realtors, he acknowledged growth of housing supply was important to realtors but not at the expense of quality of life for a community.

X Phyllis Keller, 19005 152nd Avenue NE, Woodinville, urged the Council to pass Ordinance No. 419.

✓ Sharon Peterson, 15206 NE 202nd Street, Woodinville, echoed Paul Chrysler's comments. She applauded the City's recognition of significant risks and threats to the community that demand immediate action. She recommended the Council adopt the moratorium tonight, noting failure to adopt the moratorium would contradict the Council's intent as stated in the moratorium document.

X Mark Rodriguez, Brickyard Properties, 16030 Juanita-Woodinville Way NE, Bothell, stated their opposition to the proposed development moratorium in the R-1 zone particularly R-1 zoned properties located immediately adjacent to R-6 zoned properties and within the City's Urban Growth Area. They opposed the moratorium because it did not take into account existing City planning tools including concurrency and sensitive area regulations in Woodinville's Municipal Code and did not recognize the SEPA process that can be used to require mitigation of environmental impacts.

X Laurie Thompson, 24025 75th Avenue SE, Woodinville, requested the City approve the zoning moratorium, noting a change in zoning from R-1 to R-4 would double the number of residents in Wellington, a density that was out of character for the neighborhood, incompatible with the infrastructure, would increase traffic on 156th, increase school enrollment.

X Helen Fry, 15317 NE 201st Street, Woodinville, commended the Council for their vision and wisdom in considering Ordinance No. 419 opposing a temporary moratorium on the receipt and processing of building permits and other land use development applications for the R-1 zoning district.

X Jonathan Yang, 15127 NE 198th Street, Woodinville, explained one of the reasons they chose to live in this area was the natural buffer provided by the steep slopes. He referred to the conversion of wetlands in China to rice fields and upon the government's realization that this caused more problems, the conversion of these areas back to wetlands.

X Rich Hill, 701 5th Avenue, Seattle, land use counsel for Phoenix Development, urged the Council to think carefully before adopting the moratorium ordinance, citing serious legal ramifications of adopting a moratorium ordinance. He explained before a moratorium could be adopted, the City Council must determine an emergency/imminent danger exists.

* Steven Yabroff, 19320 162nd Avenue, Woodinville, commented on the special and unique ambiance and flavor of Woodinville, due in large part to the distance between homes and the precious and fragile ecosystem. He encouraged the Council to adopt the proposed moratorium.

* Nancy Montgomery addressed her comment to the land use counsel for Phoenix Development, advising that the residents' fear of losing the reason they chose to live in Woodinville was the emergency.

* Jeff Glickman refuted Mr. Hill's comment regarding the perceived emergency, explaining the emergency was about a series of construction projects that would negatively impact federally threatened endangered species.

Deputy Mayor Stecker moved that the City Council revoke the December 2005 Memorandum of Agreement between the City of Woodinville and King County pertaining to the Brightwater project. Councilmember Roskind seconded the motion.

Mr. Lell advised the Council procedures state the Council will not vote on a legislative item not on the agenda as approved by the Council; however, the Council procedures do not define "legislative." Therefore, a vote was at the Council's discretion as the adopters of the Council procedures.

Discussion followed regarding whether this issue was administrative or legislative, King County's recourse via condemnation if the City did not grant the easement via the agreement, direction to King County to ensure seismic issues were addressed, and reasons for revoking the agreement.

Vote: Motion failed (2-4-1), Mayor VonWald and Councilmembers Brocha, Leonard and Hageman opposed and Councilmember Price abstained.

6. SPECIAL PRESENTATIONS – None

7. CONSENT CALENDAR

Deputy Mayor Stecker moved to approve the Consent Calendar. Councilmember Hageman seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0). The Consent Calendar was approved as follows:

- a) Approval of Claims: \$93,318.95
- b) Approval of Payroll: \$200,373.52
- c) Council Meeting Minutes: February 13, 2006

Vote: All voted in favor of the amendment and the motion carried (7-0).

Vote: All voted in favor of the motion as amended, and the motion carried (7-0).

Councilmember Hageman moved to establish an \$8,000 officer overtime fund to double the City's SRO participation at Woodinville High School. Councilmember Leonard seconded the motion.

Council requested a periodic report on the effectiveness of the increased SRO hours. Suggestions included inviting a representative from the Northshore School District to participate on the Puget Safety Committee and for the Public Safety Committee to coordinate a regional approach to SRO to include schools outside Woodinville that are attended by Woodinville youth. Sgt. Baxter advised he was meeting with the Police Chiefs from Bothell and Kenmore and the Northshore School District Superintendent to discuss SRO.

Vote: All voted in favor of the motion and the motion carried (7-0).

Deputy Mayor Stecker moved that the Council restructure the agenda to take Item 9b prior to 9a and to postpone Items 10a, b, and c to a future agenda. Councilmember Hageman seconded the motion.

Vote: All voted in favor of the motion and the motion carried (7-0).

Mayor VonWald declared a brief recess.

Executive Session

At 10:15 p.m., Mayor VonWald recessed the Council to a 20-minute Executive Session pursuant to RCW 42.30.110(1)(i) to discuss with legal counsel an identified legal risk of proposed action with final action to follow.

Councilmember Roskind declined to attend the Executive Session, finding it a violation of State law, and expressed concern with the Council discussing matters in private that should be discussed in public. Mayor VonWald responded that matters to be discussed Executive Session were not appropriate for discussion during the regular meeting.

The meeting was reconvened at 10:35 p.m.

9. NEW BUSINESS

- X**
- b) First and Second Reading and Adoption of Ordinance No. 419, an Emergency Ordinance Imposing a Temporary Moratorium upon the Receipt and Processing of a Building Permit and Other Land Use Development Application within the City's R-1 Zoning District**

Community Development Director Ray Sturtz advised that staff and the City Attorney, as requested by the City Council at the March 13 meeting, drafted Ordinance No. 419 which places a moratorium on the receipt and processing of building permits and land use applications in the R-1 zoning district based on unique environmental aspects and Comprehensive Plan issues in this area including the protection of endangered species. He explained the moratorium did not apply to permit applications for the remodeling, expansion, restoration or refurbishment of existing single family and multi-family residential structures or permit applications for existing structures, permit applications for publicly-owned facilities, or vested applications.

Mr. Sturtz advised a public hearing must be held within 60 days. The ordinance includes a declaration of an emergency which is required to allow first and second reading and adoption tonight. Passage of the ordinance will provide time to conduct the sustainable development studies outlined at last week's City Council meeting and address environmental and infrastructure issues identified in the staff report.

Deputy Mayor Stecker moved that the Council have First and Second reading and adoption of Ordinance No. 419, an ordinance of the City of Woodinville, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; imposing a temporary moratorium upon the receipt and processing of building permits and other land use development applications within the City's R-1 Zoning District; setting forth findings of fact in support of said moratorium; enumerating limited exceptions; scheduling a public hearing date of May 1, 2006; authorizing official interpretations by the City of Woodinville Planning Director; providing for severability; declaring an emergency; and establishing an immediate effective date, and direct staff to compile a comprehensive list of the studies that need to be completed and funding requirements. Councilmember Hageman seconded the motion.

It was suggested the R-4 and R-6 zones be added to the moratorium due to similar issues in those zoning districts. The Council discussed the special, emergency situation that existed in the R-1 zoning district, support for a City-wide study, concern with undermining the process by adding additional zones, concern with addressing the issues piecemeal, and traffic concurrency work that will address all intersections/facilities.

Mr. Rose advised if the Council adopted the moratorium, staff would return to the Council in April with proposals and estimated costs for studies of the R-1 zone and could provide estimates for the R-4 and R-6 zones as well. He noted the R-4 and R-6 zones could be studied regardless of whether they were included in the moratorium.

Councilmember Price moved to amend the motion to revise the first sentence of Section 1 on page 1 of Ordinance No. 419 to read as follows, "Findings. The Woodinville City Council hereby makes the following preliminary findings in support of the moratorium imposed by this ordinance." Councilmember Brocha seconded the motion.

Discussion continued regarding the findings stated in the ordinance in support of the moratorium.

Vote: All voted in favor of the amendment and the motion carried (7-0).

Vote: All voted in favor of the motion as amended, and the motion carried (7-0).

Councilmember Leonard moved that staff provide at the next Council meeting a prepared ordinance for the R-4 and R-6 to place those zones under a moratorium and staff begin building a record. Motion failed for lack of a second.

It was the consensus of the Council to direct staff to evaluate how the R-4 and R-6 zones could be included in the sustainable development study.

a) Approval Hiring Capital Projects Term-Limited Employees

This item was not addressed prior to adjournment.

10. STUDY SESSION ITEM

a) Budget & Staff Sustainability Goal Update

This item was postponed to a future agenda.

b) 2005 Comprehensive Plan Annual Docket: A-Boards

This item was postponed to a future agenda.

c) 2005 Comprehensive Plan Annual Docket: Billboards

This item was postponed to a future agenda.

12. REPORTS OF CITY MANAGER

13. PUBLIC COMMENTS

14. REPORTS OF COUNCILMEMBERS

15. EXECUTIVE SESSION

Chapter

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7. CONSENT CALENDAR

Councilmember Brocha moved to approve the Consent Calendar as amended. Councilmember Hageman seconded the motion.

Vote: All voted in favor of the motion and the motion carried (5-0). The Consent Calendar was approved as follows:

- a) Approval of Claims: \$849,025.62
- b) Approval of Payroll: \$159,416.14
- c) Reappoint Planning Commissioners Phil Relnick and Les Rubstello
- X d) Contract for: Huckell Weinman for General Planning Services
- X e) Contract for: Geotechnical Review with Nelson Geotechnical
- f) . Contract for: 2006 Waterfowl Interlocal Agreement
- h) Contract for: Security Services with Omega Options International
- i) Council Meeting Minutes: May 1, 2006
- j) Development Services Organizational Proposal

8. UNFINISHED BUSINESS

a) **First Reading of Ordinance No. 418: Establishing a Public Safety Commission**

Chief of Police Sgt. Kent Baxter recalled in January, Council directed staff to prepare an informational report to facilitate consideration of the establishment of a public safety advisory group to advise the Council on public safety-related issues. In March, the Council directed staff to prepare an enabling ordinance for a Public Safety Commission, similar in structure to the Planning Commission and Parks & Recreation Commission. The formation of a Public Safety Commission was also discussed at the Council retreat in April and several issues were identified.

Sgt. Baxter reviewed potential duties and responsibilities of the Public Safety Commission and Commission membership. He advised the work plan for the Commission was being developed by staff. He relayed staff's recommendation that Council have first reading of the ordinance.

Councilmember Price moved that the City Council have first reading of Ordinance No. 418, an ordinance of the City of Woodinville, Washington, establishing a Public Safety Commission; providing for selection and removal of Public Safety Commission members, and setting forth their duties and responsibilities; and establishing an effective date. Councilmember Hageman seconded the motion.

Councilmember Brocha moved to amend 2.25.040, Duties & Responsibilities, and remove Sections 2, 4, and 5 in their entirety. Councilmember Leonard seconded the motion.

Discussion followed regarding this being the only Public Safety Commission in the State; recent additions to the Woodinville Police Department including a power shift officer and funding for

STAFF REPORT

TO: CITY COUNCIL
THROUGH: PETE ROSE, CITY MANAGER 
FROM: RAY STURTZ, COMMUNITY DEVELOPMENT DIRECTOR 
SUBJECT: CONTRACT ADDENDUM APPROVAL WITH HUCKELL WEINMAN ASSOCIATES FOR THE WOOD TRAILS/MONTEVALLO FINAL ENVIRONMENTAL IMPACT STATEMENT (EIS)

MEETING DATE: JUNE 5, 2006

ISSUE:

Shall Council authorize the City Manager to execute a contract addendum with Huckell/Weinman Associates that would bring the total amount not to exceed for the existing contract to \$106,930, to prepare the Wood Trails/Montevallo Final Environmental Impact Statement for the City of Woodinville? The addendum adds \$66,930 for Final EIS work to the \$40,000 amount utilized to prepare the Draft EIS.

STAFF RECOMMENDATION:

That Council authorize the City Manager to execute a contract addendum with Huckell/Weinman Associates for an amount not to exceed \$106,930.

POLICY DECISION:

Council approval is required for all contracts of \$20,000 or greater. This contract addendum will provide consultant help to prepare the Wood Trails/Montevallo Final EIS for the City. Huckell/Weinman Associates has the environmental expertise and long-term working relationship with the City needed to prepare an (EIS) pursuant to the SEPA and the City's Environmental Regulations. They were also part of the team that prepared the Draft EIS. This is a "pass-through" budget item. The applicant has deposited funds with the City to pay for the cost of the consultant.

BACKGROUND:

A Draft EIS is intended to provide an objective, factual presentation of the proposal, reasonable alternatives, potential significant impacts and possible mitigation of those impacts. The Draft EIS is also expected to identify impacts that cannot be mitigated. Once the Draft EIS is published, the document is subject to a public comment period. All interested parties are invited to submit questions and comments. Following the close of the designated comment period, a Final EIS document is prepared that addresses each of these questions and comments. The Draft EIS and the Final EIS constitute the EIS for the proposed land use action. The EIS itself is not a decision document. It does not approve or deny a project; rather, it is a means by which factual information about the environment is collected. The EIS information, along with adopted goals, policies, regulations and standards are used by the decision makers to evaluate and either approve, approve with conditions or deny the proposal, in this case, residential subdivisions and zone change.

In January 2006, a Draft EIS was issued on the proposed projects. The Draft EIS was completed by a team of consultants led by Huckell/Weinman. The other team members hired by the City under separate contracts included Nelson Geotechnical Associates Inc., The Watershed Company, and Perteet Engineering. Over one hundred questions and comments were received on the Draft EIS. This is a relatively large number which takes a significant amount of time and effort in order to respond to each one in the Final EIS document.

This is a pass-through cost to the City. The applicant has deposited the necessary funds with the City to be paid to the consultants as work is performed and approved.

The Huckell/Weinman contract and Scope of Services are shown in Attachment A.

FACTS & FINDINGS:

1. The City has issued a Determination of Significance (DS) for the Wood Trails and Montevillo proposed subdivisions.
2. The issuance of a DS requires that the applicant for the two proposals be required to fund the preparation of an EIS.
3. The City contracted with Huckell/Weinman Associates to perform the review of the Land Use and Public Services chapters of the EIS and to provide the necessary coordination of the various consultants involved.
4. In January 2006, a Draft EIS for the Wood Trails/Montevillo Preliminary Plat and rezone was issued.
5. The applicant has submitted a deposit to pay for the completion of the preparation of the Final EIS document.

6. The completion of the Draft EIS document and the complexity of the Final EIS document have increased the cost of the City's consultant services to the point where it is necessary to have Council approval of the contract addendum.

ANALYSIS:

At this time, there aren't enough City staff resources available to complete the Final EIS between now and the end of the year. Huckell/Weinman Associates has been providing on-going land use and environmental planning services effectively and efficiently to the City for a number of years. The company has staff available with the appropriate expertise and first-hand knowledge of the project to complete the Final EIS in a timely manner. To hire a different consultant not already familiar with the project as well as City standards and procedures would cause unnecessary delay and require unavailable City staff time to bring them up to speed. Using Huckell/Weinman Associates to prepare the Final EIS under the direction of the Planning Director appears to be the most cost effective and timely way of completing the Final EIS for the Wood Trails and Montevallo Preliminary Plats.

ALTERNATIVES:

1. Authorize the City Manager to execute the contract addendum with Huckell/Weinman Associates. This would allow for the preparation of the Final EIS to proceed with minimal impact on staff resources.
2. Direct staff to seek out other consultants to assist with the preparation of the Final EIS. This would require additional time as well as use of City staff and budget resources to recruit and familiarize a consultant with the project and City procedures.

RECOMMENDED MOTION:

I MOVE THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT ADDENDUM WITH HUCKELL/WEINMAN ASSOCIATES FOR AN AMOUNT NOT TO EXCEED \$106,930 FOR ASSISTANCE IN PREPARING THE FINAL EIS FOR WOOD TRAILS/MONTEVALLO PROJECTS.

ATTACHMENT (1)

- A. Huckell/Weinman Contract and Scope of Services

**FIRST ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF WOODINVILLE AND HUCKELL/WEINMAN ASSOCIATES, INC.**

THIS FIRST ADDENDUM is made and entered into this _____, day of May, 2006 by and between the City of Woodinville ("the City"), a Washington municipal corporation, and Huckell/Weinman Associates, Inc. ("Service Provider"), doing business at 270 3rd Avenue, Suite 200, Kirkland WA 98033.

WHEREAS, the City and Service Provider (collectively, "the Parties") executed a professional services agreement dated August 15, 2005 ("the Agreement") for services regarding the Wood Trails/Montevallo Draft EIS; and

WHEREAS, the Parties desire to extend the term, expand the scope of work, and increase the total payment amount under the Agreement in order to accommodate additional, related services; and

WHEREAS, Service Provider's familiarity with the underlying project will enable Service Provider to perform such additional, related services with maximum cost efficiency;

NOW, THEREFORE, the Parties hereby agree and covenant as follows:

Section 1. Amendment of Scope of Work Under the Agreement. The original Scope of Work attached to the Agreement as Attachment A is hereby amended by the addition of Attachment A-1 hereto, which is incorporated into the Agreement by this reference as if set forth in full.

Section 2. Amendment of Section 2(A) of the Agreement. Section 2(A) of the Agreement is hereby amended to provide in its entirety as follows:

2. Payment

- A. The City shall pay Service Provider at the hourly rate set forth in Attachment B for the services specified in Attachment A, and at the hourly rate set forth in Attachment B-1 for the services specified in Attachment A-1, but not more than a total of One Hundred Six Thousand Nine Hundred Thirty Dollars (\$106,930.00). This is the maximum amount to be paid under this Agreement, and shall not be exceeded without prior written authorization from the City in the form of a negotiated and executed supplemental agreement.

Section 3. Amendment of Fee Schedule Under the Agreement. The original Fee Schedule attached to the Agreement as Attachment B is hereby amended by the addition of Attachment B-1 hereto, which is incorporated into the Agreement by this reference as if set forth in full.

Section 4. Amendment of Section 5 of the Agreement. Section 5 of the Agreement is hereby amended to provide in its entirety as follows:

- 5. Duration of Work.** Service Provider shall complete the work described in Attachment A and Attachment A-1 on or before December 31, 2006.

Section 5 . Effect of Addendum. This First Addendum is intended to supplement, rather than supersede, the Agreement. Except as specifically provided by this First Addendum, each and every provision of the Agreement shall remain in full force and effect as provided therein.

IN WITNESS WHEREOF, the Parties have executed this First Addendum on the day and year above written.

CITY OF WOODINVILLE

SERVICE PROVIDER

By: _____
City Manager
Taxpayer ID #: _____

By: _____
Title: _____

CITY CONTACT

SERVICE PROVIDER CONTACT

City of Woodinville
17301 133rd Avenue NE
Woodinville, WA 98072
Phone: 425-489-2700
Fax: 425-489-2705

Phone: _____
Fax: _____

ATTEST/AUTHENTICATED

By: _____
City Clerk

APPROVED AS TO FORM

By: _____
Office of the City Attorney

Attachment A-1
Wood Trails and Montevallo Subdivisions EIS
Final EIS Scope of Work
Huckell/Weinman Associates, Inc.
April 2006

Publication of the Draft EIS for the proposed Wood Trails and Montevallo Subdivisions for public review on January 17, 2006 represented completion of the first phase of work on the EIS. The supplemental scope of work contained in this Attachment A-1 addresses Phase 2 of the EIS process, which will culminate in publication of the Final EIS. HWA will continue to serve as the lead consultant for the City in developing the Final EIS, which will include processing the review comments on the Draft EIS and preparing a preliminary Final EIS and the published Final EIS. The specific tasks needed to prepare a Final EIS and the scope of work for these tasks is summarized below, as may be further specifically directed by the City.

Task 2.1, Draft EIS Public Meeting

The scope for this task involves two HWA staff attending the February 16, 2006 public meeting to accept verbal public comment on the Draft EIS. HWA will take detailed notes on the comments offered at the meeting, for subsequent use in formulating the Final EIS, and will coordinate with other City consultants regarding the meeting. HWA will also engage a court reporter to record a formal record of the meeting, and coordinate with the reporter regarding delivery of a transcript of the proceeding.

Task 2.2, Process Draft EIS Comments and Assign Responses

Following the close of the Draft EIS public comment period on March 3, City staff forwarded all written and verbal comments on the Draft EIS to HWA for processing. Written comments submitted to the City comprise approximately 100 separate comment records with substantive comments, and the February 16 public meeting transcript includes testimony from 22 speakers. HWA will record all of the comment sources, perform an initial review of the comments, identify individual comments contained within the respective written submittals and statements, and prepare a preliminary list of specific issues represented by the comments. From HWA's initial review, there are approximately 1,200 individual comments that must be processed and addressed in the FEIS response to comments.

To complete this task, HWA will identify and code all individual comments contained within the written comments and public meeting testimony. HWA will prepare a detailed inventory of the comments and issues from all sources, and assign those issues to HWA staff, City staff or other City consultants for preparation of responses to be included in the Final EIS.

As a part of this task, HWA will also evaluate the substantive comments concerning the technical content of the Draft EIS and determine whether any additional technical work is needed to satisfactorily address the issues in the Final EIS. HWA will perform any such Final EIS technical work related to the land use, plans and policies and public services sections of the Draft EIS, while the City or other City consultants will perform any work related to the earth, water, plants and animals or transportation sections of the document. Based on comments concerning water quantity and quality, it may also be necessary for the City to separately engage an additional consultant to address those issues.

Task 2.3, Prepare Preliminary Final EIS

Based on the substantial number of comments on the Draft EIS, there will likely be sufficient editorial and technical revisions to the Draft EIS content that the Final EIS will also include a complete update of Chapter 3 from the Draft EIS (i.e., the abbreviated Final EIS format will not be used), in addition to responses to comments on the Draft EIS. For this task, HWA will prepare draft responses to comments assigned to HWA; incorporate draft responses prepared by City staff or other consultants; prepare revisions to Draft EIS Sections 3.4 and 3.6 (the sections for which HWA has lead technical responsibility); incorporate revisions to other sections prepared by other City consultants; edit Chapters 1 and 2 of the Draft EIS as necessary in response to comments or changes in the project description; and assemble a complete Preliminary Final EIS for internal review. Direct expenses for this task will include printing 10 copies of the Preliminary Final EIS for distribution to reviewers.

Task 2.4, Revise Preliminary Final EIS/Prepare Final EIS

For this task, HWA will develop the Final EIS for publication, and will coordinate with City staff as appropriate to resolve any comments and questions. HWA will revise the document as necessary to address the review comments. After HWA has processed those changes to the document, HWA will compile a master Final EIS copy that will be provided to a single reviewer from the City for a final concurrence review of the changes to the Preliminary Final EIS text. HWA will then assemble the final camera-ready master of the Final EIS, transmit it to a printer for reproduction, and coordinate delivery of the Final EIS copies to the City for distribution. HWA will be responsible for printing 75 copies of the Final EIS for distribution and providing the city with a compact disc (CD) of the FEIS.

Task 2.5, Project Management/Coordination

For this task, HWA will perform ongoing project management functions and coordination with City staff, technical consultants under separate contracts with the City, the applicant and consultants to the applicant. This task will likely involve approximately 4 hours per month (over 4 months) for project management activities and a total of 24 hours for coordination with other parties. There may be a need for one or two meetings with the City, the applicant and/or consultants to resolve technical direction for the Preliminary Final EIS, but it is assumed that there will not be a need for extensive coordination to complete the Final EIS.

**ATTACHMENT B-1
HUCKELL/WEINMAN ASSOCIATES, INC.
2006 SCHEDULE OF CHARGES**

Hourly Rates

Senior Principal.....	\$180
Principal.....	120 to 150
Senior Planner/Economist.....	110 to 125
Associate Planner/Economist.....	85 to 105
Project Planner/Economist.....	75 to 95
Staff Planner/Economist.....	60 to 85
Support Services.....	55 to 75

Preparation for and attendance at contested
hearings – Professional staff.....\$225

Other Rates

Auto mileage, per mile.....	\$0.445
GIS computer, per hour.....	\$25.00
In-house photo copies, per page.....	0.15
Any additional expenses shall be billed at cost with no additional mark-up by HWA	

11/1/2006

STAFF REPORT

TO: CITY COUNCIL

THROUGH: PETE ROSE, CITY MANAGER 

FROM: RAY STURTZ, COMMUNITY DEVELOPMENT DIRECTOR 

SUBJECT: CONTRACT APPROVAL WITH NELSON GEOTECHNICAL, INC.
FOR THE WOOD TRAILS/MONTEVALLO FINAL
ENVIRONMENTAL IMPACT STATEMENT (EIS)

MEETING DATE: JUNE 5, 2006

ISSUE:

Shall Council authorize the City Manager to execute a contract with Nelson Geotechnical, Inc. for an amount not to exceed \$30,000, to prepare the geotechnical elements of the Wood Trails/Montevallo Final EIS for the City of Woodinville?

STAFF RECOMMENDATION:

That Council authorize the City Manager to execute a contract with Nelson Geotechnical, Inc. for an amount not to exceed \$30,000.

POLICY DECISION:

Council approval is required for all contracts of \$20,000 or greater. This contract will provide consultant help to prepare the Wood Trails/Montevallo Final EIS for the City. Nelson Geotechnical, Inc. was part of the team that prepared the Draft EIS. This is a "pass-through" budget item. The applicant has deposited funds with the City to pay for the cost of the consultant.

BACKGROUND:

A Draft EIS is intended to provide an objective, factual presentation of the proposal, reasonable alternatives, potential significant impacts and possible mitigation of those impacts. The Draft EIS is also expected to identify impacts that cannot be mitigated. Once the Draft EIS is published, the document is subject to a public comment period. All interested parties are invited to submit questions and comments.

Following the close of the designated comment period, a Final EIS document is prepared that addresses each of these questions and comments. The Draft EIS and the Final EIS constitute the EIS for the proposed land use action. The EIS itself is not a

decision document. It does not approve or deny a project; rather, it is the means by which factual information about the environment is collected. The EIS information, along with adopted goals, policies, regulations and standards are used by the decision makers to evaluate and either approve, approve with conditions or deny the proposal; in this case, residential subdivisions and zone changes.

In January 2006, a Draft EIS was issued on the proposed projects. Nelson Geotechnical was part of a team that completed the Draft EIS. The other team members hired by the City under separate contracts included Huckell Weinman Associates Inc., The Watershed Company, and Perteet Engineering. Over one hundred questions and comments were received on the Draft EIS, a relatively large number, which takes a significant amount of time and effort in order to respond to each one in the Final EIS document.

This is a pass-through cost to the City. The applicant has deposited the necessary funds with the City to be paid to the consultants as work is performed and approved.

The Nelson Geotechnical contract and Scope of Services are shown in Attachment A.

FACTS & FINDINGS

1. The City has issued a Determination of Significance (DS) for the Wood Trails and Montevallo proposed subdivisions.
2. The issuance of a DS requires that the applicant for the two proposals be required to fund the preparation of an Environmental Impact Statement.
3. The City contracted with Nelson Geotechnical, Inc. to perform the review of the geotechnical elements of the Draft EIS.
4. In January 2006, a Draft EIS for the Wood Trails/Montevallo Preliminary Plats and rezone was issued.
5. The applicant has submitted a deposit to pay for the completion of the preparation of the Final EIS document.
6. The Nelson Geotechnical, Inc. contract with the City expired in December 2005.
7. The City does not have the geotechnical expertise on staff to complete the work necessary for the Final EIS document.

ANALYSIS

At this time, there aren't City staff resources available to complete the Final EIS between now and the end of the year. Nelson Geotechnical has staff available with the appropriate expertise and first-hand knowledge of the project to complete the Final EIS in a timely manner. To hire a different consultant not already familiar with the project as

well as City standards and procedures would cause unnecessary delay and require unavailable City staff time to bring them up to speed. Using Nelson Geotechnical Associates, Inc. to assist in preparation of the Final EIS appears to be the most cost effective and timely way of completing the Final EIS for the Wood Trails and Montevallo Preliminary Plats and zone change.

ALTERNATIVES:

1. Authorize the City Manager to execute the contract with Nelson Geotechnical, Inc. This would allow for the preparation of the Final EIS to move forward with minimal impact on staff resources.
2. Direct staff to seek out other consultants to assist with the preparation of the Final EIS. This would require additional time as well as use of City staff and budget resources to recruit and familiarize a consultant with the project and City procedures.

RECOMMENDED MOTION:

I MOVE THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH NELSON GEOTECHNICAL, INC., FOR AN AMOUNT NOT TO EXCEED \$30,000, FOR ASSISTANCE IN PREPARING THE FINAL EIS FOR WOOD TRAILS/MONTEVALLO PROJECTS.

ATTACHMENT (1)

- A. Nelson Geotechnical, Inc. Contract and Scope of Services

**AGREEMENT FOR SERVICES
BETWEEN THE CITY OF WOODINVILLE
AND
Nelson Geotechnical, Inc.**

THIS AGREEMENT, is made this 22nd day of May, 2006, by and between the City of Woodinville (hereinafter referred to as "City"), a Washington Municipal Corporation, and Nelson Geotechnical, Inc. (hereinafter referred to as "Service Provider"), doing business at 17311 – 135th Avenue NE, A-500, Woodinville, WA 98072

WHEREAS, Service Provider is in the business of providing certain services specified herein; and

WHEREAS, the City desires to contract with Service Provider for the provision of such services for Wood Trails & Montevallo Plats FEIS Geotechnical Services, and Service Provider agrees to contract with the City for same;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

TERMS

1. **Description of Work.** Service Provider shall perform work as described in Attachment A, Scope of Work, which is attached hereto and incorporated herein by this reference, according to the existing standard of care for such services. Service Provider shall not perform any additional services without the expressed permission of the City.
2. **Payment.**
 - A. The City shall pay Service Provider at the hourly rate set forth in Attachment B, but not more than a total of Thirty Thousand Dollars (\$30,000) for the services described in this Agreement. This is the maximum amount to be paid under this Agreement, and shall not be exceeded without prior written authorization from the City in the form of a negotiated and executed supplemental agreement.
 - B. Service Provider shall submit monthly payment invoices to the City after such services have been performed, and the City shall make payment within four (4) weeks after the submittal of each approved invoice. Such invoice shall detail the hours worked, a description of the tasks performed, and shall separate all charges for clerical work and reimbursable expenses.
 - C. If the City objects to all or any portion of any invoice, it shall so notify Service Provider of the same within five (5) days from the date of receipt and shall pay that portion of the invoice not in dispute. The parties shall immediately make every effort to settle the disputed portion.

3. **Relationship of Parties.** The parties intend that an independent contractor - client relationship will be created by this Agreement. As Service Provider is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or subcontractor of Service Provider shall be or shall be deemed to be the employee, agent, representative or subcontractor of the City. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance and unemployment insurance, are available from the City to the Service Provider or his employees, agents, representatives or subcontractors. Service Provider will be solely and entirely responsible for his acts and for the acts of Service Provider's agents, employees, representatives and subcontractors during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that Service Provider performs hereunder.
4. **Project Name.** Wood Trails & Montevallo Plats FEIS Environmental Services.
5. **Duration of Work.** Service Provider shall complete the work described in Attachment A on or before March 31, 2007.
6. **Termination.**
 - A. Termination Upon the City's Option. The City shall have the option to terminate this Agreement at any time. Termination shall be effective upon ten (10) days written notice to the Service Provider.
 - B. Termination for Cause. If Service Provider refuses or fails to complete the tasks described in Attachment A, or to complete such work in a manner unsatisfactory to the City, then the City may, by written notice to Service Provider, give notice of its intention to terminate this Agreement. After such notice, Service Provider shall have ten (10) days to cure, to the satisfaction of the City or its representative. If Service Provider fails to cure to the satisfaction of the City, the City shall send Service Provider a written termination letter which shall be effective upon deposit in the United States mail to Service Provider's address as stated below.
 - C. Rights upon Termination. In the event of termination, the City shall only be responsible to pay for all services satisfactorily performed by Service Provider to the effective date of termination, as described in the final invoice to the City. The City Manager shall make the final determination about what services have been satisfactorily performed.
7. **Nondiscrimination.** In the hiring of employees for the performance of work under this Agreement or any subcontract hereunder, Service Provider, its subcontractors or any person acting on behalf of Service Provider shall not, by reason of race, religion, color, sex, marital status, national origin or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

8. **Indemnification / Hold Harmless.** The Service Provider shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Service Provider and the City, its officers, officials, employees, and volunteers, the Service Provider's liability hereunder shall be only to the extent of the Service Provider's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Service Provider's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

9. **Insurance.** The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees or subcontractors.

- A. **Minimum Scope of Insurance.** Service Provider shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract. The City shall be named as an insured under the Service Provider's Commercial General Liability insurance policy with respect to the work performed for the City using ISO additional insured endorsement GC 20 10 10 01 and GC 20 37 10 01 or substitute endorsements providing equivalent coverage.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

- B. **Minimum Amounts of Insurance.** Service Provider shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and \$2,000,000 products-completed operations aggregate limit.

C. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:

1. The Service Provider's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Service Provider's insurance and shall not contribute with it.

2. The Service Provider's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

D. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

E. Verification of Coverage. Service Provider shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Service Provider before commencement of the work.

F. Subcontractors. Service Provider shall include each subcontractor as insured under its policies or shall furnish separate certifications and endorsements for each subcontractor. All coverage shall be subject to all of the same insurance requirements as stated herein for the Service Provider.

10. **Entire Agreement.** The written provisions and terms of this Agreement, together with all documents attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement.

11. **City's Right of Supervision, Limitation of Work Performed by Service Provider.** Even though Service Provider works as an independent contractor in the performance of his duties under this Agreement, the work must meet the approval of the City and be subject to the City's general right of inspection and supervision to secure the satisfactory completion thereof. In the performance of work under this Agreement, Service Provider shall comply with all federal, state and municipal laws, ordinances, rules and regulations that are applicable to Service Provider's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

12. **Work Performed at Service Provider's Risk.** Service Provider shall be responsible for the safety of its employees, agents and subcontractors in the performance of the work hereunder and shall take all protections reasonably necessary for that purpose. All work shall be done at Service Provider's own risk, and Service Provider shall be responsible for

any loss of or damage to materials, tools, or other articles used or held for use in connection with the work.

13. Ownership of Products and Premises Security.

- A. All reports, plans, specifications, data maps, and documents produced by the Service Provider in the performance of services under this Agreement, whether in draft or final form and whether written, computerized, or in other form, shall be the property of the City.
- B. While working on the City's premises, the Service Provider agrees to observe and support the City's rules and policies relating to maintaining physical security of the City's premises.

- 14. Modification.** No waiver, alteration or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and Service Provider.
- 15. Assignment.** Any assignment of this Agreement by Service Provider without the written consent of the City shall be void.
- 16. Written Notice.** All communications regarding this Agreement shall be sent to the parties at the addresses listed below, unless notified to the contrary. Any written notice hereunder shall become effective as of the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.
- 17. Non-Waiver of Breach.** The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements or options, and the same shall be and remain in full force and effect.
- 18. Resolution of Disputes, Governing Law.** Should any dispute, misunderstanding or conflict arise as to the terms and conditions contained in this Agreement, the matter shall be referred to the City Manager, whose decision shall be final. In the event of any litigation arising out of this Agreement, the prevailing party shall be reimbursed for its reasonable attorney fees from the other party. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

SCOPE OF SERVICES
Wood Trails and Montevallo Subdivisions Final EIS
Nelson Geotechnical, Inc.
April 26, 2006

OBJECTIVE: The City of Woodinville is preparing a Final Environmental Impact Statement (EIS) for the Wood Trails and Montevallo residential subdivisions proposed by Phoenix Development. Triad Associates led a team of consultants to Phoenix in the preparation of technical reports submitted as part of the preliminary plat applications for the subdivisions. These technical reports provided the basis for the content of a Draft EIS on the proposal, developed by a team of consultants under contract to the City. The firm of Earth Solutions Northwest (ESNW) prepared the soils and geology reports that supported the Earth Resources element (Section 3.1) of the Draft EIS. Nelson Geotechnical, Inc. (Nelson) reviewed these reports and the Earth Resources element of a preliminary Draft EIS on behalf of the City. The City received extensive substantive review comments on the Draft EIS, published in January 2006. The City is requesting Nelson to conduct independent work in response to comments relating to the Earth Resources element of the Draft EIS. That work will include additional background investigation, development of supplementary content for inclusion in the Final EIS and preparation of written responses addressing the comments on the Draft EIS. This work will be done in cooperation with and in a format developed by Huckell/Weinman Associates, Inc., (HWA) lead EIS consultant to the City.

ASSUMPTIONS: With the cooperation of ESNW, Nelson will use their data and background information on soils, geology and groundwater conditions to respond to relevant comments. Additional field data will be obtained under Nelson's direction for any further logic hazard analysis necessary to respond to the comments.

PROJECT MANAGEMENT: Nelson will provide continuous project management administration as desired and specified by the City (monthly billing invoices) and QA/QC review throughout the process of contributing to the Final EIS.

WORK PLAN: Nelson shall provide the following services in order to provide the necessary Earth resources input to the Final EIS, based on the objective and assumptions described above:

Task 1, Project Management and Coordination

- Attend an initial coordination meeting with the City, the applicant and its consultants, and the City's EIS consultants to plan the approach for the Final EIS and response to the comments.
- Attend one coordination meeting with the City, the applicant and its consultants and the City's EIS consultants. This meeting may, in the City's discretion, occur at the completion of compiling the responses to the comments or after the initial draft of the Final EIS has been prepared and distributed for review.
- Perform routine, ongoing project management functions.

Task 2, Supplemental Technical Investigation

- Conduct additional field reconnaissance of the project site, in conjunction with staff from HWA and ESNW, to review evidence of geologic hazards as referenced in the Draft EIS and review comments.
- Field verify groundwater seepage areas delineated by ESNW.
- Review water well data obtained or developed by ESNW, and/or review well logs for additional wells in the area, to assist in developing a better understanding of groundwater conditions.
- Coordinate with ESNW to obtain data and graphics that may have been developed by ESNW, but were not included in the technical reports or the Draft EIS.
- Review boring and test pit logs and conduct any additional test pits felt necessary to highlight/extract additional data for presentation in site characterization.
- Review and expand on slope stability analysis for Wood Trails site prepared by ESNW from existing data.

Task 3, FEIS Earth Resources Section

- Prepare a general map or model of groundwater flow conditions in the vicinity of the project sites.
- Prepare refined geologic map and gross-sectional graphics, based on existing and new data, for use as replacement graphics in Section 3.1 of the Final EIS.
- Prepare a revised and updated draft of DEIS Section 3.1 in track-changes format, based on results of Tasks 1 and 2, for inclusion in the Final EIS.
- Provide one round of changes in Section 3.1 in response to internal review comments on draft submittal.

Task 4, FEIS Response to Comments

- Coordinate with HWA on format and content, and prepare draft responses to earth resource issues raised in the review comments on the Draft EIS.
- Provide one round of revised responses to the earth resource issues.



**NELSON GEOTECHNICAL
ASSOCIATES, INC.
GEOTECHNICAL ENGINEERS & GEOLOGISTS**

17311 – 135th Avenue NE, A-500
Woodinville, WA 98072
(425) 486-1669 • (425) Fax 481-2510

Snohomish County (425) 337-1669

Wenatchee/Chelan (509) 784-2756

**STANDARD FEE SCHEDULE
(Effective May 2006)**

FEE SCHEDULE

Staff Support.....	\$48.00/hr
Drafting.....	\$55.00/hr
Field Engineer/Geologist.....	\$60.00/hr
Staff Engineer/Geologist.....	\$65.00/hr
Senior Staff Engineer/Geologist.....	\$75.00/hr
Project Engineer/Geologist.....	\$85.00/hr
Project Manager.....	\$95.00/hr
Senior Engineer or Geologist.....	\$110.00/hr
Associate.....	\$115.00/hr
Principal.....	\$135.00/hr
 Vehicle Mileage Reimbursement.....	 \$0.50/mile

FIELD AND LABORATORY TESTING:

Moisture-Density Relationship Curves:			
1 - 2 Point.....	\$125.00/ea	3 - 4 Point.....	\$168.00/ea
Sieve Analyses (Gradations)			
Dry Sieve.....	\$75.00/ea	Wet Sieve.....	\$95.00/ea
Hydrometer Analysis.....			\$150.00/ea
Falling Head Permeability.....			\$225.00/ea
Sand Equivalent.....			\$85.00/ea
Atterberg Limits.....			\$135.00/ea
Moisture Content.....			\$25.00/ea
Turbidity Meter Rental (Day of Use).....			\$50.00/day
Inclinometer and Data Logger (Day of Use).....			\$495.00/day
Direct Shear Test.....			\$275.00/ea
Consolidation Test.....			\$500.00/ea

Notes:

1. Above fees include nuclear densometer use for construction monitoring.
2. Portal-to-portal travel time is charged at the above hourly rates.
3. Hourly rates for legal testimony and preparation (four hours minimum) will be supplied upon request on a cost per-case basis.
4. Subcontractor services and expenses will be billed plus 15% handling charge.

Items Considered by Department

Council	\$200,000	Brightwater studies	001.005.511.60.41.00
Executive			
	\$5,000	Cable casting costs	001.015.557.20.41.00
	\$500	Supplies/small tools	001.015.515.10.31.31
	\$32,000	Developmental Services implementation	001.015.513.10.41.00
	\$79,617	Cablecasting Equipment	001.015.594.57.64.00
Administrative Services	\$1,500	Fixed Asset Study	001.020.514.30.41.00
	\$16,000	Salary/benefits	001.020.514.30.11.00
Community Development	\$5,000	Tourist District Master Plan update	001.030.558.60.41.16
	\$50,000	Strategic Vision Plan	001.030.558.60.41.16
	\$6,200	DTMP Studies	001.030.558.60.41.18
	\$150,000	Sustainable Development	001.030.558.60.41.19
	\$13,000	Land use support	001.030.558.60.41.02
Police	\$242,000	Additional police services	001.050.521.10.41.00
Public Works	\$70,000	Modeling/Concurrency	101.000.542.30.41.00
	\$15,000	Groundwater ILA	101.000.542.30.41.00
Parks and Recreation	\$7,200	Supplies	001.080.574.20.35.00
	\$8,800	Professional services	001.080.574.20.41.00
Permit Center	\$157,000	Structural engineering review/building inspection services	001.070.559.20.41.00
Streets	\$16,830	Dump truck chassis	101.000.594.42.64.00
	\$35,000	Pavement Study	101.000.542.30.41.00
Surface Water	\$16,830	Dump truck chassis	410.000.594.31.64.00
	\$40,000	Comprehensive Plan	410.000.531.10.41.00

Chapter

24

spending on more important issues, 3) inappropriate for Councilmembers to expose their vote on State initiatives and referendums and 4) inappropriate matter for Council consideration.

Albert Dykes, Woodinville property owner, submitted an article from *The American Spectator*, regarding effective planning that was done by residents. He spoke in favor of downtown zoning that regulated facades, streetscape, etc. and allowed the market to determine appropriate uses.

Dee Sagrelius, Woodinville, Vice President of the Woodinville Little League Softball, read a letter from Brett Bader, President, Woodinville Little League, expressing support for the Woodinville Sports Fields project.

Patricia Gustafson, Woodinville Senior Center, spoke in support of the proposed Carol Edward Center improvements and the Carol Edward loop.

* Jeff Glickman, Woodinville, referred to the November 6, 2006 staff report regarding Hearing Examiner services to be considered under Agenda Item 8b, advising the staff report did not contain adequate Findings of Fact regarding the qualifications of the Hearing Examiner to meet the minimum legal standards. He urged the Council not to approve the Interlocal Cooperation Agreement between the City of Woodinville and the City of Spokane for Hearing Examiner services due to potential legal challenges in the future.

* Nancy Montgomery, Woodinville, read a letter from Steve Gottschalk, Woodinville, regarding the selection of a Hearing Examiner. He objected to the lack of a formal Request for Proposals, no statement of qualifications, no list of candidates, no open public selection process and no Council oversight or input. He also questioned the assertion in the staff report that only one qualified individual in the State was available. He urged the Council to remove this item from the Consent Calendar and have an open, public selection process with formal Requests for Proposals from a list of candidates.

Phyllis Keller, Woodinville, spoke as a resident in support of the Woodinville Sports Fields and the Carol Edwards Center. She cited the health benefits of artificial turf due to the absence of fertilizers and the need for potable water at the Center, suitable restrooms and meetings rooms residents could be proud of. On behalf of the Woodinville Heritage Society, she expressed their support for the renovation of the Old Woodinville School and the Carol Edwards Center project. She pointed out the Old Woodinville School was the only designated historical landmark owned by the City but it was rapidly deteriorating. She thanked the Council for approving the RFQ and the Memorandum of Agreement between the Heritage Society and the City for storage.

* Roger Mason, Woodinville, read portions of a letter regarding the selection of the Hearing Examiner. He referred to a March 2005 meeting with City management staff to discuss issues including the Hearing Examiner selection process and staff's indication that an RFP/RFQ process was unnecessary. He objected to staff's recommendation of a sole source selection of an individual located in Spokane and the City's rushed and reactive selection process. He urged the Council to pull this item from the Consent Calendar to require a formal RFP for the selection of a Hearing Examiner.

Suzi Freeman, Woodinville, a member of the Old Woodinville Schoolhouse Taskforce, expressed support for restoring the Old Woodinville School, citing the importance of the building's history to the community, the landmark status of the School, and its status as a gateway to the City and Carol Edward Center. She also expressed support for the Carol Edwards Center project.

Otto Paris, Woodinville, referenced the letter he sent to the Council about the Interlocal Cooperation Agreement Hearing Examiner services. He thanked the Council for removing this item from the Consent Calendar. He questioned the process used to identify and select qualified candidates, the qualifications of the Spokane Hearing Examiner, how his qualifications compared with other individuals, the current Hearing Examiner's conflict, and why a conflict was not identified sooner to allow a formal and open selection process. He recommended the City conduct a formal, open RFP/RFQ process for the purpose of selecting several qualified individuals that the City could employ as needs arise.

Linda Petrin, Woodinville, urged the Council to utilize a RFP/RFQ process for selecting a Hearing Examiner.

Dave Henry, Concerned Neighbors of Wellington, referred to Resolution 93 adopted in 1995 to protect a 90-acre greenbelt that was now the focus of development. City Attorney Zach Lell cautioned members of the public to speak in general terms about prior legislation but reference to a specific project was inappropriate. Mr. Henry questioned the Council's adoption of this resolution if it was to be disregarded later. He cited his discovery of numerous planning procedural errors over the last two years and questioned why citizens had to provide oversight. He urged the Council to get more citizens involved and to utilize the talent of the citizens. Mayor VonWald requested he provide any information regarding procedural errors in writing to the City Manager. The Council requested a copy of Resolution 93.

Councilmember Roskind read an email from Al Taylor, Woodinville, expressing his dismay with improving the Sports Fields and the Carol Edwards Center before adequately planning and constructing its core infrastructure. He recommended reducing the scale of the project to ensure adequate funding was available for police and public safety infrastructure.

7. CONSENT CALENDAR

Deputy Mayor Stecker moved for approval of the Consent Calendar as amended. Councilmember Roskind seconded the motion.

VOTE: All voted in favor of the motion and the motion carried (7-0). The Consent Calendar was approved as follows:

- a) Approval of Claims: \$611,516.53
- b) Approval of Payroll: \$157,850.51
- d) Second Reading and Adoption of Ordinance No. 428: Non-Residential Uses in Residential Zones
- f) Approval of Contract: Van De Vanter Group for Design Review Services

- h) Approve Resolution 323: Repealing Resolutions No. 297 and No. 307 which Adopted Conceptual Layouts for Garden Way and NE 173rd Street Grid Roads
- i) Approval of September 11, 2006 City Council Minutes
- j) Approval of September 18, 2006 City Council Minutes

8. UNFINISHED BUSINESS

- a) **Approval for the Commissioning: "Story of Sammamish River" Sculpture (formerly Consent Calendar Item 7c)**

As the graphic of the sculpture was missing from the staff report, Parks & Recreation Director Lane Youngblood circulated a drawing and a 3-D model of the sculpture. She described the background of this artwork, submitted via a RFP for the Sammamish Bridge project. Although not selected for that location, the Public Art Advisory Committee and Parks & Recreation Commission recommended its purchase using the remaining 2006 funds and a portion of the 2007 public art funds. She described the annual allocation of funds to the public art fund and past artwork purchases.

It was agreed staff would return with this item to the Council with further information regarding the Public Art Advisory Committee budget, the process for selecting and purchasing artwork, a site map for the proposed location of the "Story of Sammamish River" sculpture, and public comments received during the selection of the artwork for the Sammamish Bridge.



- b) **Approval of Interlocal Agreement with the City of Spokane for Hearing Examiner Services (formerly Consent Calendar Item 7e)**

Interim Planning & Development Services Director Cindy Baker explained the City's appointed Hearing Examiner, Driscoll & Hunter, had a conflict of interest and notified the City in October 2006 that they would be unable to assist with this hearing. She described the process for identifying candidates and for selecting the City of Spokane Hearing Examiner. She advised an RFP process was not required.

Interim City Manager Connie Fessler pointed out the Hearing Examiner appointment was made by the City Manager; Council approval was only required due to the Interlocal Agreement. She suggested this appointment was appropriately removed from the political process.

With regard to Mr. Glickman's comments, City Attorney Zach Lell advised the Council was not required to adopt specific findings for the approval of an Interlocal Agreement. He acknowledged specific findings that identified the basis for the decision were required by State law for a Hearing Examiner or Council when issuing a decision on a specific quasi judicial matter.

Discussion followed regarding the findings contained in the staff report, the current Hearing Examiner's conflict of interest, the City of Spokane Hearing Examiner's background and experience, clarification that the matter before the Council was authorizing the City Manager to

sign the Interlocal Agreement not the selection of a particular individual as Hearing Examiner, other potential Hearing Examiners contacted, and the timing of an RFP process.

Councilmember Price moved that the City Council authorize the City Manager to execute the Interlocal Cooperation Agreement between the City of Woodinville and the City of Spokane for Hearing Examiner Services. Councilmember Leonard seconded the motion.

VOTE: All voted in favor of the motion, with the exception of Deputy Mayor Stecker and Councilmember Roskind, and the motion carried (5-2).

c) Approval of Amending the Eligibility to Serve on the Teen Civic Participation Program (formerly Consent Calendar Item 7g)

Ms. Youngblood described the current requirement to serve as a Council Teen Representative was residency in the 98072 zip code or a student at Woodinville High School. The proposal was to expand the eligibility to include 98077 zip code. She advised the Parks & Recreation Commission has broadened their eligibility requirements to include the Recreation Service Area which includes zip codes 98072 and 98077. Discussion followed regarding expanding the residency requirement.

Councilmember Leonard moved that the City Council expand residency criteria for the TeenRep program to encompass the Recreation Service Area, while retaining preference for City of Woodinville residents and Woodinville High School students, to have the same residency criteria for all TeenRep positions. Councilmember Brocha seconded the motion.

Councilmember Price moved to amend the motion to strike, "preference for City of Woodinville residents and Woodinville High School students, to have the same residency criteria for all TeenRep positions" and inserting "priority to City of Woodinville residents and if no applications by residents, then consider other Woodinville and Inglesmoor High School students. Councilmember Hageman seconded the motion.

VOTE: All voted in favor of the motion, with the exception of Mayor VonWald, and the motion carried (6-1).

Councilmember Brocha moved to amend the motion to add at the end of the sentence "to include the 98072 and 98077 zip codes." Councilmember Price seconded the motion.

VOTE: All voted in favor of the motion and the motion carried (7-0).

VOTE: All voted in favor of the main motion as amended, and the motion carried (7-0).

9. NEW BUSINESS

a) First Reading of Ordinance No. 423: 2007 – 2012 Capital Improvement Plan

Deputy Mayor Stecker moved that the Council approve the request for qualifications and distribute it to seek proposals from private developers for adaptive reuse of the Old Woodinville School. Councilmember Hageman seconded the motion.

Councilmember Brocha moved to table this discussion until staff provided further information. Councilmember Leonard seconded the motion.

VOTE: Motion failed to table the discussion, (3-2-2), Mayor VonWald and Councilmembers Brocha and Leonard in favor, Deputy Mayor Stecker and Councilmember Roskind opposed, and Councilmembers Hageman and Price abstained.

Discussion followed regarding a preference to review the information that was to be provided in Executive Session.

VOTE: All voted in favor of the main motion, with the exception of Councilmember Leonard, and the motion carried (6-1).

Councilmember Brocha moved to adjourn the meeting. Motion died for lack of a second.

10. STUDY SESSION ITEM – None

12. REPORTS OF CITY MANAGER

Ms. Fessler had no report.

13. PUBLIC COMMENTS

X Dave Henry, Concern Neighbors of Wellington, questioned the delay in hiring a Pro Tem Hearing Examiner and expressed concern if Ray Sturtz was involved in the selection process. He again referenced Resolution 93 that expressed the Council's intent to set aside property within the City limits. He expressed concern with Ms. Fessler's attitude about presenting issues and summarized issues were not being resolved.

X Otto Paris, Woodinville, referred to the discussion on the Hearing Examiner, emphasizing the importance of identifying a well qualified individual. He expressed concern that citizens were spending a great deal of time reviewing issues. He questioned the basis for Driscoll & Hunter's conflict of interest. He preferred the action to approve the Interlocal Agreement between the City and Spokane for Hearing Examiner services had been delayed to gather further information. In response to his inquiry, Mayor VonWald advised according to Roberts Rules of Order, following approval of a motion to adjourn, the meeting was adjourned and subsequent items were not considered.

X Roger Mason, Woodinville, clarified the selection of the Hearing Examiner. This is the selection of a judge and jury for the most significant land use decision ever made by the City and

X the Council must ensure a diligent and orderly recruitment is conducted. He referred to staff's description of the recruitment process, asserting the process was not diligent or orderly.

14. REPORTS OF COUNCILMEMBERS

X Councilmember Price advised he voted in favor of the Interlocal Agreement between the City of Woodinville and the City of Spokane for Hearing Examiner services due to his concern with timing.

Councilmember Hageman commended staff on their presentation at the budget retreat. He reported on the Hollywood Hill candidate forum. He also reported on the Leota meeting where traffic calming solutions for Woodinville-Duvall Road were discussed.

Deputy Mayor Stecker reported Mayor VonWald and he met with the King County Executive's staff today. At his request a memorandum from Mayor VonWald and he prepared by staff and distributed to the Council was collected to allow them an opportunity to review the memo before it was distributed.

Councilmember Roskind reported on a meeting with the Woodinville Fire & Life Safety Commission that included discussion regarding joint training facilities and funding issues.

Councilmember Leonard reported Wednesday, November 1 was Cherry Jarvis last Planning Commission meeting. She suggested the Council recognize Ms. Jarvis' contribution to the City over the last 13 years. The Commission also completed their revisions of the Essential Public Facilities ordinance and forwarded it to the Council. Mr. Lell advised the revised ordinance would be presented to the Council at an upcoming public hearing.

15. EXECUTIVE SESSION

The Executive Session was cancelled under Agenda Item 4.

16. ADJOURNMENT

Deputy Mayor Stecker moved to adjourn the meeting. Councilmember Roskind seconded the motion.

VOTE: All voted in favor of the motion, and the motion carried (7-0). The meeting was adjourned at 10:51 p.m.

Jennifer Kuhn
City Clerk

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VOTE: All voted in favor of the motion and the motion carried (7-0).

5. PUBLIC COMMENTS

John Erdman, Executive Director, Woodinville Chamber of Commerce, thanked the Council for their foresight, continuing to plan via the CIP not only for the infrastructure but also the community's lifestyle which assisted in attracting businesses and employees. He also expressed the Chamber's support for bringing the Dinner Train to Woodinville.

Nancy Montgomery, Woodinville, asked for clarification about the hierarchy of the City. Mayor VonWald explained the City Manager was the City Council's only employee; the City Manager was responsible for the City staff. Ms. Montgomery asked for clarification of when approval was required by Council or the City Manager. Mayor VonWald offered to contact her after the meeting.

Steven Pyeatt, Woodinville, Sammamish Valley Transportation Association, requested the Council's support for the trolley and the Spirit of Washington Dinner Train. He recommended the City communicate with the Puget Sound Regional Council prior to their December 1 BNSF subcommittee meeting regarding the spur from Woodinville to Redmond and retaining the Wilburton Tunnel in Bellevue to maintain flexible use of the line. Following a brief discussion, staff was asked to report to the Council on the City's representation on the PSRC Board.

Gareth Grube, Woodinville, presented a handout on the CIP 2007-2012. He expressed his support for the ranking and prioritization of the projects, finding the plan offered a citizen-centric balance of the most important projects. He pointed out 73% of the CIP funds were devoted to transportation projects, expressing support for improvements to the community center instead of citizens continuing to fund improvements for the benefit of pass-through traffic. He urged the Council to pass the CIP as presented.

Emma Dixon, Woodinville, SKEA, expressed concern with the Council approving the legal service contract renewal with Ogden Murphy Wallace. She stated her concerns with Brightwater issues with regard to the City filing an appeal against the development agreement rather than the binding site plan for Brightwater and failing to appeal the grading permit. She described the monthly capacity charge new residences would pay King County's plans to require septic customers to convert and additional charges to existing sewer customers.

David Henry, Woodinville, distributed copies of Resolution 93 as well as a transcript of the 1995 meeting when the resolution was adopted, asserting that the resolution was site specific. He advised GMA had agreed to keep a file on this issue. Next, Mr. Henry advised he had specifics regarding the procedural errors made by the Planning Department and had enough information to file a formal complaint with GMA regarding the errors.

Discussion followed regarding lack of community support for artificial turf; other necessary improvements; concerns with parking, funding and operational and maintenance costs; interest in regional funding; referendum versus an advisory ballot; future opportunities for the Council to have input on the project; additional field time provided via artificial turf and lighting; cost of the sports fields parking and improvements to CEC; and field downtime due to phased construction.

Amendment #2

Councilmember Roskind moved to amend the amendment to replace “referendum” with “advisory vote.” Councilmember Price seconded the motion.

VOTE: Amendment #2 carried (5-2), Councilmembers Leonard and Hageman opposed.

Discussion continued regarding field downtime, grant funding and public outreach and input.

VOTE: Amendment #1 failed (3-4), Deputy Mayor Stecker and Councilmembers Price and Roskind in favor.

VOTE: Main motion carried (4-3), Deputy Mayor Stecker and Councilmembers Roskind and Price opposed.

b) Approval of Contract: Ogden Murphy Wallace for Legal Services (formerly Consent Calendar Item 7b)

X A concern was voiced that the City Attorney had not raised the issue with regard to Resolution No. 93 and a preference for staff to provide options to renewing Ogden Murphy Wallace’s contract.

City Attorney Zach Lell advised it was not appropriate for him to discuss the substance of the renewal of the Ogden Murphy Wallace contract due to the firm’s financial interest in the contract. His concern with Mr. Henry’s referencing Resolution No. 93 was to ensure his comments were general in nature and did not refer to a specific parcel which could be considered ex parte communication.

Councilmember Brocha moved that the Council authorize the Interim City Manager to renew the Professional Services Agreement with Ogden Murphy Wallace for legal services. Councilmember Leonard seconded the motion.

Discussion continued regarding the ambiguity of Resolution 93, staff’s responsibility with regard to Resolution 93, adopted Comprehensive Plan and zoning that supersede resolutions, Ogden Murphy Wallace’s institutional knowledge of the City’s code, support for renewing the contract, concern with Ogden Murphy Wallace’s conflict of interest with regard to Brightwater, and interest in reviewing options to renewing the contract.

VOTE: Motion carried (4-3), Deputy Mayor Stecker and Councilmembers Price and Roskind opposed.

11. PUBLIC HEARING – None

12. REPORTS OF CITY MANAGER

Ms. Fessler asked whether the Council wished to cancel the December 18 Council meeting.

Deputy Mayor Stecker moved to cancel the meeting of December 18. Councilmember Brocha seconded the motion.

VOTE: All voted in favor of the motion, with the exception of Councilmember Roskind, and the motion carried (6-1).

Ms. Fessler inquired about Councilmembers' availability for City Manager interviews on December 15 and 16. A brief discussion followed regarding a date for the public to meet the candidates.

Ms. Fessler distributed a report by ECI on King County's report on the chemical building seismic trenching that was released in late October. She requested the Council review the report for further discussion at next week's Council meeting.

13. PUBLIC COMMENTS

* David Henry, Woodinville, read from Resolution No. 93 and referred to the transcript of the Council discussion regarding the Resolution that addressed steep slope from the north industrial area into the residential areas, the steep slopes that provided a natural barrier and the 15% grade. He summarized this was an important issue that would not go away – residents wanted this retained as a buffer. Councilmember Brocha advised the low density residential designation in the Comprehensive Plan corresponded to 1-4 dwelling unit per acre. He provided background regarding Resolution No. 93, recalling it was the result of a request from a residential property owner to change their designation to industrial and the residents' request that it remain residential.

Nancy Montgomery, Woodinville, expressed her understanding that amendments to the Comprehensive Plan could supersede resolutions. She questioned whether there were other resolutions, when compared to the Comprehensive Plan, were no longer valid.

Emma Dixon, Woodinville, expressed concern with the lack of communication from the City regarding progress on issues surrounding Brightwater. As Snohomish County planned to wait three weeks to receive their consultant's report before making a decision regarding whether to proceed with building permits, she recommended the City review the report and submit comments to Snohomish County as soon as possible. She referred to the amount referenced by Financial Consultants Services Group that was applicable to Brightwater consultant costs and questioned how those funds were spent. She also requested an update on the meeting with King County Executive Sims.

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highlighted activation of the Emergency Operation Center, flash flood areas and road closures, staff briefing/assignments, declaration of emergency, dissemination of public information, opening the emergency shelter, volunteer assistance, power restoration efforts, Public Works and the Fire Department's removal of trees over the roadway on Woodinville-Duvall Road, road closures in King County, and communication efforts via the web, radio, flyers and TV.

She advised the next steps will include providing damage assessments to the State as well as public information regarding safety, damage reporting and debris removal. Discussion followed regarding Ms. Stake's efforts, a suggestion for a post-incident review, support for undergrounding lines, outreach regarding availability of the emergency shelter, and flash flooding under the trestle.

Councilmember Roskind moved to direct staff to draft a letter to the Governor requesting she lead an investigation into the cost and process for burying all lines for delivery of primary electric in Washington to avert further death and destruction and ensure a viable economy. Councilmember Price seconded the motion.

Mayor VonWald offered to propose at the Northend Mayor's meeting that all cities send a similar letter.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Councilmembers, Mayor VonWald and Ms. Fessler commended Ms. Stake for her efforts. Mayor VonWald recognized the City for their forethought in purchasing emergency supplies.

Ms. Fessler suggested cancelling the January 2 meeting with the first meeting of 2007 on January 8. Deputy Mayor Stecker advised he would be absent from the January 8 meeting.

Councilmember Leonard moved to cancel the January 2, 2007 meeting. Councilmember Brocha seconded the motion.

Vote: All voted in favor of the motion, with the exception of Deputy Mayor Stecker who abstained, and the motion carried (5-1-1).

Ms. Fessler reported one application had been received for the Planning Commission vacancy. It was the consensus of the Council to re-advertise the vacancy.

X Deputy Mayor Stecker referred to a letter from Development Services Director Cindy Baker regarding Wood Trails/Montevallo Final Environmental Impact Statement (FEIS) that states SEPA allows for environmental appeals at the local agency level and judicial appeals of a FEIS. The provision for an administrative appeal of an FEIS at the local level is not required. City Attorney Rubstello clarified the Council, as a legislative body could adopt a provision in the code allowing for an administrative appeal of an FEIS. There was currently not such a provision in the City's code. With regard to the seven day requirement, Mr. Rubstello clarified there was a provision in SEPA that prohibits a local legislative body from taking any action on the FEIS before seven days have elapsed.

City Manager's Report December 18, 2006

The recent storm events make this report rather short. I will elaborate at the Council meeting. The Council will be briefed at the meeting on the City's efforts during the storm event of the last several days, as well as what is expected in the days ahead.

January 2, 2007 Council Meeting: We have been able to clear items from this agenda so that the meeting may be cancelled. Several Council members will be absent. Council should cancel the meeting by motion. The January 8 meeting will primarily be devoted to Parks and Recreation issues and the Council will be joined by the Recreation and Parks Commission.

Cablecasting of Council Meetings: Over the past several weeks, much work has been done to reactivate the cablecasting and webcasting equipment. Things are working much better and meetings have continued to be taped with increasing success. We anticipate being in test mode throughout January in order to experience four successful meetings in both systems. We will re-launch the cablecasting and webcasting after the testing is complete. We will keep the Council informed.

X
Wood Trails-Montevallo FEIS: The FEIS was made available to the public on Wednesday, December 13, late in the afternoon. The public hearing, before the Hearings Examiner, on the preliminary plat and re-zone applications has been rescheduled to Wednesday February 28 and Thursday, March 1. A notice to that effect was sent out today to everyone on our contact list. A copy of that notice was distributed to Council this evening, as well as being available in the back of the Council Chambers. There has been some confusion among many people regarding a "7-day comment period" on the FEIS, causing much concern on the short timeline. There is no such comment period. The notice attempts to correct this mis-information.

Planning Commission Vacancy: Our recent recruitment for the vacancy on the Planning Commission resulted in one application. Would the Council like to extend the recruitment after the holidays to try to attract more applicants? Or would you like an interview scheduled with the one applicant?

Old Woodinville School: The Request for Proposals on the renovation of the Old Woodinville School will go out after the first of the year. We have proceeded ahead to address the title restrictions on the property. We determined, that as City Manager, I have the authority and the responsibility, to take such action and so we will not need to address the issue further with you. Council will be apprised of the outcome.

Spirit of Washington Dinner Train: At a recent meeting, Council directed me to undertake "an inclusive" process to develop a plan to relocate the dinner train's depot in Woodinville. You authorize resources to manage this project. I have prepared a Scope of Work for the project and sent it to the Chamber of Commerce. I have proposed that the City contract with the Chamber for the services of its Executive Director to be the Project Manager. My thinking is that Mr. Erdman knows the issues, has established relationships with the stakeholders, and is capable of managing the project. He would report to the City Manager and work through a task force, which would include members of the Tourism Task Force. The Chamber is reviewing the proposal and I will be discussing it with them in the next few days.

Emergency Management: I have had discussions with Chief Johnson of the WFLSD regarding taking over the responsibility of the Emergency Management Director under the City's plan. As Council is aware, Ray Sturtz is on leave and it's my assessment that long range planning requires a full time position. Therefore, I think moving the emergency management responsibility to the Fire District makes sense since they are performing the same duties for themselves, we share an EOC and coordinate closely with them. I have not reached any agreement with the Fire District yet, but would like to pursue this, at least on an interim basis.

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Dave Henry, Woodinville, cited the City's goal for the City and citizens to be in harmony. He commented the City was not acting in a proactive manner to protect the environment. He objected to the Development Services Director's attempts to bring high density into an environmentally fragile ecosystem and advised of his plans to circulate a petition requesting her removal.

Wendy Peterson, Woodinville, commented the decline in enrollment in Northshore School District was due to many families in the area whose children graduated from Northshore School District. She anticipated the City's demographics would change as residents downsized and younger families with children moved in.

Discussion continued regarding enforceability of covenants that limited density, impact on Woodinville traffic from development occurring in unincorporated King and Snohomish Counties, impact of pass-through traffic, assumption the R-1 area would be outside the Urban Growth Boundary if Woodinville had not incorporated, concern the gravity/lift station sewer map was not accurate, alternatives to septic systems such as biofiltered retention tanks to improve the water quality of Lake Leota, support for and opposition to shadow platting, support for developing additional regulatory tools, possibility there were other critical area and the synergies between them, inadequacy of current critical area protections, the City meeting its growth protections, and concerns with the different neighborhood character analyses.

Council suggestions included collecting/reviewing CC&Rs, conducting additional critical area study (planning level versus development level), working with the CAP on a scope of work with options and costs with regard to critical areas and the environment, clarifying neighborhood character boundaries. With regard to transportation, the Council suggested reviewing the Costco traffic analysis and considering traffic impacts from outside the City's boundaries. The Council also requested the public cease publicly berating staff and instead contact Councilmembers individually or the City Manager.

Ms. Baker suggested lifting the moratorium so that development at one dwelling unit per acre could continue; retain R-1 zoning with no ability to increase to R-4 zoning until additional information was provided. She pointed out the need to balance what information was essential at the detail level with the big picture information that would assist in making zoning decisions.

* Interim City Manager Connie Fessler advised as the result of a telephonic conference between the City Attorney, Hearing Examiner, the attorneys representing the applicant for Wood Trails and Montevallo and the attorney representing the Wellington Neighborhood, it was agreed to reschedule the hearings. The Hearing Examiner will open the February 28 hearing and immediately continue it to March 14 and open the hearing on March 1 and continue it to March 15.

Mayor VonWald thanked Ms. Fessler for her months of service and wished her well in the future.

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6. PUBLIC COMMENTS

Randy Bannecker, Seattle, speaking on behalf of the Spirit of Washington Dinner Train, urged the Council to support the resolution on tonight's agenda.

Stuart Clarke, Kirkland, spoke in support of the Northshore pool and encouraged the Council to work with surrounding cities and PRSA to save the pool.

Paul Cowles, Woodinville, expressed concern with the interviews of Planning Commission candidates at the last Council meeting. He was also concerned with the financing for the Carol Edwards Center and parking and preferred it be financed via a bond measure.

Susan Huso, Woodinville, provided the Council a complaint filed by the Kitsap Citizens for Rural Preservation that included complaints against Cindy Baker, the City's Interim Development Services Director and, who was Kitsap County's Director of Community Development at that time. She requested Ms. Baker's immediate termination.

Christy Diemond, Woodinville, read a letter from Richard Block raising issue with the credentials cited by Interim Development Service Director Cindy Baker.

Jeff Glickman, Woodinville, Woodinville Foundation, read a letter e-mailed to the Council on April 2 regarding Interim Development Services Director Cindy Baker's misrepresentation of her credentials. He cited WMC codes that would be applicable to misrepresentation of credentials and advised of his knowledge of a code of ethic violations and requested an ethics hearing. He urged the Council not to extend Ms. Baker's contract.

Dave Henry, Woodinville, Quality Control, Inc., expressed concern with the credibility and qualifications of Interim Development Services Director Cindy Baker. He was also concerned with zoning issues facing the City. He urged the City to promote emergency preparedness.

Peter Tountas, Woodinville, was concerned with Ms. Baker's cited credentials, her role as the Interim Development Services Director and her negative influence on the City. He expressed concern with the potential domino effect of R-4 zoning of the Montevallo and Wood Trails development.

John Sambrook, Woodinville, was concerned with the fractured nature of the Council, suggesting the conflicts were not due to the individuals on the Council but a system that did not provide for acceptable compromise.

7. CONSENT CALENDAR

- a. Approval of Claims for April 2, 2007: \$ 264,199.48
- b. Approval of Payroll for April 2, 2007: \$ 166,666.18
- c. Approve: Winchester Park Small Neighborhood Action Plan (SNAP)

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widening 177th Place if King County acquires the railroad right-of-way.

Barbara Nelson, Woodinville, reading a letter on behalf of Dennis Johnson describing the history of the Hilltop project and expressing concern he had been denied the ability to review the property appraisal. Mr. Leahy offered to contact Mr. Johnson tomorrow.

Emma Dixon, Woodinville, commented on Mr. Weaver and Mr. Sherrod's knowledge of seismic activity, noting last year they found evidence of possible faulting on the Brightwater site. She felt the Council abdicated their duty by not submitting an appeal on the Brightwater operations building and urged the Council to take appropriate action in the future.

* Susan Huso, Woodinville, presented a photograph of a gate with a Keep Out sign at the end of 204th Street in the Wellington neighborhood, questioning the ability to gate a public street. Staff was asked to research the situation.

Linda Gray, Woodinville, thanked Mr. Weaver and Mr. Sherrod for their presentation. She recommended the City appeal future building permits based on the information provided by Mr. Yeats as well as the information presented tonight by Mr. Weaver and Mr. Sherrod.

7. CONSENT CALENDAR

- a. Approve Contract: with Burlington Northern Sante Fe for SR202/127th Traffic Signal
- b. Approve Contract: with Abeyta & Associates for Traffic Roundabout Improvement Project (TRIP) Property Acquisition Contract
- c. Approval of Hotel/Motel Budget
- d. Approval of April 2, 9, 16, and 20, 2007 City Council Minutes

Councilmember Brocha moved to approve the Consent Calendar. Councilmember Leonard seconded the motion.

VOTE: All voted in favor of the motion and the motion carried (7-0)

8. UNFINISHED BUSINESS

9. NEW BUSINESS

10. STUDY SESSION ITEM

- a. Status of the Downtown/Little Bear Creek Corridor Master Plan and Economic Development Plan

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5. SPECIAL PRESENTATIONS

a. Service Recognition for Planning Commissioner Victor Orris

Mayor VonWald presented a Certificate of Appreciation to retiring Planning Commissioner Victor Orris in recognition of his service on the Planning Commission and the Economic Development CAP.

b. Certificate of Recognition to Rob Auster for "Woodinville Logo" Stain Glass Donation

Mayor VonWald presented a Certificate of Appreciation to Rob Auster for the donation of the stained glass Woodinville logo.

6. PUBLIC COMMENTS

* Mayor VonWald explained that due to the Council's role in quasi-judicial land use matters, Council was unable to accept public comment regarding the Wood Trails and Montevallo projects.

John Erdman, Woodinville, reminded of the Wine Highway event this weekend. With regard to the Downtown Little Bear Creek Corridor Master Plan, he advised the Chamber and business owners were drafting a plan that addressed environmental issues in the Little Bear Creek area, as well as, the economic sustainability of businesses in that area. He expected to submit the plan to the Planning Commission within 30 days.

John Cogan, Redmond, expressed concern with the required buffer width along Little Bear Creek and the trail within the buffer proposed in the DLBCC Master Plan. He recommended the following: 1) no park or trail on the east side of LBC, 2) a 50-foot buffer, and 3) a park and trail on the west side of LBC. Council requested the references he cited to the Park & Recreation Commission minutes.

Norm Maddex, Woodinville, reported members of the Lake Leota Community Club met with City staff regarding the Hilltop development and determined the plans submitted by the developer appear to adequately address the runoff, seemed to meet traffic safety standards for ingress/egress to Woodinville-Duval Road, and the developer has shown willingness to work with City by incorporating items staff has requested. On behalf of the Lake Leota Community Club, he urged the Council to work with the developer to identify an equitable settlement to the 25-foot strip so that he could develop the property as planned.

Nathan Rich, Woodinville, read an excerpt from a letter written by his father, Bradley Rich, Woodinville, regarding the error that occurred as a result of the original vacation associated with the Hilltop development. He urged the City to rectify the property line and use Tract A as a stormwater pond as presented to the public.

12. REPORTS OF CITY MANAGER

Mr. Leahy reported on an offer by Harold Kusulos to sell his property to the City. He inquired about the Council interest in authorizing him to negotiate a purchase and sale agreement for the 6.95 acres.

Councilmember Roskind moved to authorize the City Manager to enter into negotiations with Harold Kusulos for the purchase of 6.95 acres. Councilmember Hageman seconded the motion.

VOTE: All voted in favor of the motion and the motion carried (6-0)

 Mr. Lell explained under the City's procedural rules, a closed record proceeding must be processed by the Council and a final decision issued within 60 days. The Code allows the proceeding to be extended with the agreement of the applicant. He inquired whether the Council was interested in his discussing an extension with the applicant's counsel. He advised at this time no appeal of the Hearing Examiner's decision on the preliminary plat had been filed; the deadline for filing an appeal was June 1. If no appeal is filed, the Council will address the Hearing Examiner's recommendation on the site specific rezone in a closed record proceeding. Discussion followed regarding the timeline. It was agreed to delay any inquiry regarding an extension until it was known whether an appeal had been filed.

13. PUBLIC COMMENTS

Peter Tountas, Woodinville, commented on the CIP and budget overruns and urged the Council to request staff investigate the effect budget overruns have on other CIP projects. Next, he honored Communications Coordinator Marie Stake for her efforts to keep the community informed.

Dave Henry, Woodinville, Quality Control, Inc., echoed Mr. Tountas' comment about Ms. Stake. He expressed concern with the impact of errors made by former Planning Department employees and suggested incoming Planning Director Hal Hart take time to review current and future projects for errors. He urged the Council not to make major decisions in Executive Session. Mayor VonWald clarified the Council did not vote in Executive Session.

14. REPORTS OF COUNCILMEMBERS

Councilmember Price requested the public comment timer be moved to the podium.

Councilmember Hageman expressed his appreciation for the meeting staff held in the Leota neighborhood last week to address environmental issues, best practices, sensitive areas, surface water, etc. He also reported his plans to attend the ARCH workshop this week. He wished Ms. Stake well, commenting she will be missed.

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12. REPORTS OF CITY MANAGER

* City Attorney Zach Lell advised the City received an appeal of the Wood Trails preliminary plat and the Montevallo preliminary plat on June 1. The filing of the appeals triggered a 60-day process during which the Council must hold a closed record appeal proceeding and make a determination whether to grant or deny the appeal and issue written Findings and Conclusions. Concurrent with the preliminary plat appeal, the Council must make a determination in closed record on the Hearing Examiner's rezone recommendation for both preliminary plats. He described procedures for the closed record proceeding.

He inquired regarding the Council's interest in extending the appeal deadlines, explaining the benefit of an extension would be to provide additional time to complete the process, as well as, accommodate vacation schedules of the appellant's attorney, applicant's attorney and the president of the appellant group. The applicant has tentatively agreed to a 30-day extension of the current July 31 deadline. Discussion followed regarding pros and cons of an extension.

Councilmember Roskind moved a 30-day extension. Councilmember Leonard seconded the motion.

VOTE: All voted in favor of the motion and the motion carried (7-0)

Mr. Lell advised he would confer with the applicant's attorney regarding the extension and develop proposed appeal guidelines for Council adoption. The hearing would be scheduled in August.

13. PUBLIC COMMENTS

Emma Dixon, Woodinville, referred to the discrepancies in the Council's previous discussion regarding possibly appealing the Brightwater building permit and the Council's apparent direction during Executive Session on April 9 to provide a letter to Snohomish County, a violation of the Open Public Meetings Act.

14. REPORTS OF COUNCILMEMBERS

Councilmember Hageman advised a report would be forthcoming as a result of the ARCH workshops. He reported on the Woodinville Wine Highway event and relayed favorable comments regarding the organization of the event and the opportunity to showcase Woodinville wines. He also reported on the Volunteer Appreciation event and expressed thanks to Volunteer Coordinator Patrick Tefft who organized the event. He advised of his plans to attend the June 6 Planning Commission meeting.

* Deputy Mayor Stecker referred to information Susan Huso presented regarding the possible blockage of a public right-of-way in the vicinity of NE 204th Street and staff's determination there was no public right-of-way in that area. He requested a formal legal opinion from the City Attorney regarding the issue.

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4. APPROVE AGENDA IN CONTENT AND ORDER

Councilmember Roskind moved the agenda in content and order, moving Consent Calendar Item 7a, Award of Bid: SR 202/127th Place Signal, to Item 9b. Councilmember Price seconded the motion.

VOTE: All voted in favor of the motion and the motion carried (6-0)

5. SPECIAL PRESENTATION

6. PUBLIC COMMENTS

Dave Henry, Woodinville, Quality Control, Inc., thanked Cindy Shelton for contacting him to discuss scheduling a generator safety presentation. He commented on City employees who have verbally assaulted private citizens. He recognized several citizens who have voiced their concerns to the Council and encouraged others to do so.

X Susan Huso, Woodinville, distributed a copy a portion of the Little Bear Creek Lineal Park Master Plan. She read from the plan a recommendation for a linear trail system the length of LBC from the Sammamish River to the City limits, and mapped wetlands that include land between NE 195th and NE 205th west of SR 522.

7. CONSENT CALENDAR

- b. Approve Contract for Pavement Management Professional Services
- c. Approve Authorization of Payment to Puget Sound Regional Council for the Eastside Rail Preservation Assessment Study
- d. Approval of May 21, 2007 City Council Minutes

Councilmember Leonard moved to approve the Consent Calendar as amended. Councilmember Brocha seconded the motion.

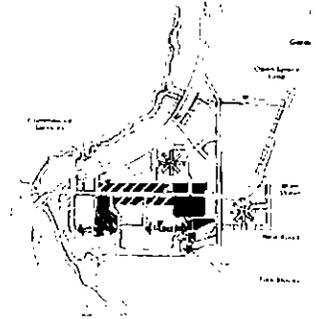
VOTE: All voted in favor of the motion and the motion carried (6-0)

8. UNFINISHED BUSINESS

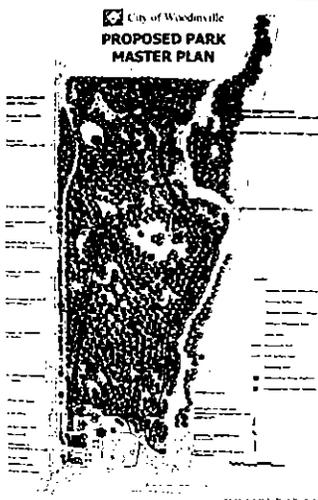
- a. Approval of Resolution 333: Contribution Supporting the Efforts on the Northshore Aquatic Facility

Susan Huss
Public Comments
6/11/2007

LITTLE BEAR CREEK LINEAR PARK MASTER PLAN



Woodville Downtown Master Plan
2004



CITY OF WOODINVILLE PARKS AND RECREATION
April 2004



INTRODUCTION

Shortly after it was incorporated in March, 1993, the City of Woodinville began to plan and develop park and recreation facilities to meet the goals of the Comprehensive Plan. In 1998, the City adopted a detailed inventory of existing facilities and a plan to meet future needs. This plan, the Parks, Recreation and Open Space Plan (PRO Plan) recommends a variety of open spaces, trails, and recreation areas, among them the development of a linear trail system along the length of Little Bear Creek from the Sammamish River to the City limits at NE 205th Street. The PRO Plan also recommends that land adjacent to the Creek be purchased for resource conservancy purposes and that certain features be enhanced and developed, including trail links, within the Creek corridor.

The Little Bear Creek Linear Park Master Plan seeks to bring into focus this linear park by delineating the trail system and proposing features within the park environs. In addition, it seeks to coordinate the park with adjacent land use and circulation within the Central Business District (C.B.D.) as they evolve in the development of the Downtown-Little Bear Creek Corridor Master Plan and other current planning efforts that seek to define and give character to the development of this young City.

While the Comprehensive Plan lays out the long-term direction and intent of the City, the Downtown-Little Bear Creek Corridor Master Plan addresses the core land use and objectives intended to bring about vibrant economic, social, and recreational objectives. The role of the Little Bear Creek Linear Park Master Plan is to provide a greater level of detail to the role of recreation within the area surrounding Little Bear Creek.

Interest in the Little Bear Creek Linear Park was heightened when the City purchased 17 acres of land at NE 195th Street and 7 acres of land at NE 134th Street for resource conservancy and resource activity use. These purchases triggered the need for greater understanding of the interplay between public and private development and the environmental and social networks that could potentially transform a narrow, constricted land mass between a major highway and a rail line into a vibrant and economically vital part of the City's core.

Along with the Sammamish River, Little Bear Creek is one of Woodinville's primary ecological resources. It has value to the citizens of Woodinville as fish and wildlife habitat, as a passive and active recreation amenity, as a surface water conduit for surrounding hillside and valley land use and as an ecological, visual and physical celebration of life. It also has the potential to provide a

VOTE: All voted in favor of the motion and the motion carried (6-0)

10. STUDY SESSION ITEM

11. PUBLIC HEARING

12. REPORTS OF CITY MANAGER

City Manager Rich Leahy reported the prehearing conference regarding the appeal of the interim low density regulations was scheduled this week before the Growth Management Hearings Board. Special Land Use Attorney Eglick will represent the City at the hearing; a report will be provided to the Council as soon as information is available.

13. PUBLIC COMMENTS

Dave Henry, Woodinville, Quality Control, Inc., suggested forming a CAP to assist in reviewing Council packets, expanding the public comment period every 90 days to allow citizens to provide 10-15 minute presentations, be mindful of any permitting that had the potential to negatively impact traffic on Woodinville-Duvall Road, and to again have a TeenRep on the Council. He pointed out approximately 50% of the city's employees did not live in the city.

* Sharon Peterson, Woodinville, inquired regarding the Council's plans to follow-up on the comments made by Emma Dixon last week with regard to the Council's action on the Brightwater appeal. She offered her support for Susan Huso's comments regarding the existence of 205th Street and urged the Council to take appropriate measures to enforce its existence.

14. REPORTS OF COUNCILMEMBERS

* Deputy Mayor Stecker asked the status of his request for a written legal opinion regarding the right-of-way in the vicinity of 204th Street. Mr. Leahy advised the City Attorney was investigating the matter.

Councilmember Roskind reported on NIMS training for Council and City staff in order for the City to be NIMS compliant.

Councilmember Leonard referred to an email from Al Taylor regarding her taking issue with the validity of Councilmember Roskind's statement at last week's Council meeting that he attempted to breakout parts of the CIP into component projects and subsequent slanderous comments about Councilmember Roskind. The email suggested a review of Item 8a of the November 13 Council minutes would support Councilmember Roskind's statement. Councilmember Leonard's response to Mr. Taylor referred to the minutes of November 20 and December 18, 2006 as the basis of her statement that Councilmembers Stecker, Price and Roskind voted to fund the Civic

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the Woodinville Historic Society.

Nathan Rich, Woodinville, requested the Council consider a ban in the City on fertilizers containing phosphorous and a complete ban on the use of fertilizers in critical area buffers. He provided several reasons for banning fertilizers with phosphorous.

Brad Rich, Woodinville, provided a CD with research regarding the unintended consequences of fertilizers. He displayed photographs of algae growth caused by phosphorous and identified other cities that have banned fertilizers with phosphorous. He recommended the City consider a ban on phosphorous. Mayor Stecker requested staff research actions taken by other cities in the State.

X Susan Huso, Woodinville, read from the Summer's addition plat regarding the dedication of all roadways for public use. She provided a map included with the plat that identified NE 204th Street and NE 205th Street. She questioned why the city allowed these streets to be blocked, an area she estimated was valued at \$650,000. She urged concerned citizens to contact the Council via email at Council@ci.woodinville.wa.us. Mr. Leahy anticipated an opinion regarding this issue would be available by the end of the week.

X Susan Boundy-Sanders, Woodinville, echoed Ms. Huso's concern with NE 204th & NE 205th Street. She distributed and reviewed stream buffers widths in Woodinville and in nearby cities as well as the the Department of Fish & Wildlife's recommended buffer widths. She concluded Woodinville's buffers were similar to other cities in the area.

Pati An, Woodinville, pointed out Councilmembers who made repetitive comments in opposition to the civic center and fields, an issue that had had adequate public input, were wasting public funds as their comments led to additional meetings and additional staff time.

Mike Raskin, Kirkland, representing MJR Development and Woodinville Village Associates, provided an update on Woodinville Village. He commented on course correction that had occurred throughout the process, referring to an amendment they have proposed to the Zoning Code.

Dave Henry, Woodinville, Quality Control Inc., planned to work with the high school on an incentive program for a Council Teen Representative. He suggested involving high school students in researching city issues. He described an accident he was involved in today on 195th, questioning the ingress/egress to the auto repair shop. He also questioned the ability to widen 156th as the office building had a zero setback. Mr. Leahy advised Public Works planned to install lane delineators between west and eastbound traffic on 195th.

7. CONSENT CALENDAR

- a. Expenditure Summary Report and Approval of Payment Vouchers for Claims and Payroll
- b. Approve Contract Addendums: with Pertect Engineering for Sustainable Development Study and EIS Services

10. STUDY SESSION ITEMS

a. 2007 Annual Docket

This item was postponed to a future meeting.

b. 2007 Planning Commission Work Plan

As discussion of the 2007 Annual Docket (postponed to a future meeting) had the potential to impact the 2007 Planning Commission Work Plan, this item was also postponed, to be scheduled on a future meeting agenda along with the 2007 Annual Docket Discussion.

11. PUBLIC HEARING

12. REPORTS OF CITY MANAGER

* City Attorney Zach Lell advised two appeals were filed regarding the Hearing Examiner's approval of the Wood Trails and Montevallo preliminary plats. The Council is required to consider the appeal in a closed records proceeding along with the site specific rezone recommendations made by the Hearing Examiner. He reviewed the rules of procedure, the schedule for submitting written and oral argument, procedure for Councilmembers to disclose written and oral communication they received, and the schedule for Council deliberation and voting. He responded to Council questions regarding the guidelines, deadlines, disclosures, deliberation and voting, limits on the length of opening briefs and oral argument, quorums, and the schedule.

Councilmember Roskind moved to adopt the proposed Rules of Procedure and Schedule for Wood Trails and Montevallo closed record proceedings as presented. Councilmember Price seconded the motion.

VOTE: All voted in favor of the motion and the motion carried (6-0)

Mr. Lell advised he would mail the procedures and schedule that the Council approved to the parties.

13. PUBLIC COMMENTS

* Nancy Montgomery, Woodinville, asked whether the Council's deliberation on the Wood Trails and Montevallo closed record proceeding would be during a public meeting. Deputy Mayor Stecker advised it would occur during public meetings. To accommodate additional audience members, audio and video would be available in the lobby and patio areas.

Dave Henry, Woodinville, referred to reserve funds in the budget for additional staff, voicing his opposition to expanding the number of staff. He recommended outsourcing, reducing workloads, and becoming more manageable and efficient.

* Brad Rich, Woodinville, thanked the Council and City staff for their response to issues he raised. He expressed concern that the procedure and schedule for the Wood Trails and Montevallo closed record proceeding were not included as an agenda item so that the public could provide input. With regard to banning fertilizer with phosphorous, he assured the City could take the lead on a ban. He thanked the Council for the time and effort they provided the City for a small salary.

* Steve Gottschalk, Woodinville, suggested in addition to mailing the procedures and schedule to the parties of the Wood Trails and Montevallo appeal, staff also telephone and/or email the parties. He commented it may be difficult for the participants to present their case in 20 minutes.

Emma Dixon, Woodinville, commented on the irony of the amount of time the Council spent discussing the IBC and the Council's unwillingness a few weeks ago to consider that the IBC was not being enforced for Brightwater. She expressed concern that the City's decision not to appeal left the decision in individuals' hands. She advised an appeal hearing was scheduled for Thursday, June 21.

14. REPORTS OF COUNCILMEMBERS

Councilmember Hageman commented on a recent Planning Commission meeting where transportation issues in the region were discussed. He expressed concern with the future of the Dinner Train, hoping it could be returned to this area when right-of-way issues with BNSF were resolved. He supported retaining the rail with the addition of a trail to retain the option for commuter rail in the future.

Deputy Mayor Stecker requested staff provide an update regarding the Dinner Train. Mr. Leahy advised it was his understanding the Dinner Train was pursuing a lease of the BNSF tracks through Woodinville to Snohomish and intended to restore service between Woodinville and Snohomish in 2008. The recent route change was necessary to ensure employment for their staff until the Woodinville/Snohomish route is operational. Deputy Mayor Stecker commented if the Dinner Train was successful in Tacoma, they may operate more than one route.

Councilmember Roskind referred to Councilmember Leonard's comments at the last meeting requesting an apology from Al Taylor and her misrepresentations regarding the park. Councilmember Roskind clarified he was 100% against the park without a community vote. He referred to several misrepresentations including that the funds could only be used for the park, that all the funds were available, and that he had voted in favor of the park via past actions. He expressed concern that Councilmembers Brocha, Leonard, VonWald and Hageman were in favor of proceeding with the project without a public vote. He commented on the cost of the park, concluding a huge amount of money was being spent on this project.

Councilmember Leonard reiterated the comments she made last week, that Councilmembers opposed to the fields approved it via their affirmative vote on the budget. She declined to address Councilmember Roskind's comments further. She announced last week the City

Rules of Procedure and Schedule
Wood Trails and Montevallo Single-Family Projects

June 18, 2007

Matters at Issue

1. Appeals filed by Concerned Neighbors of Wellington regarding Hearing Examiner's approval of these Preliminary Plats
2. Hearing Examiner's recommendation regarding the requested Rezones for these projects
3. Recommended Proceeding Dates:
 1. August 6, 2007
 2. August 13, 2007 (if necessary)
 3. August 14, 2007 (if necessary)
4. Closed Record Proceedings

Closed Record Proceedings

1. Governed by WMC 17.17, 2.30, and 17.07
2. Written and oral testimony shall be limited to legal argument and to the facts contained in the administrative record created before the Hearing Examiner
3. Supplemented by following guidelines

Supplemental Guidelines – Written Argument

Deadlines to submit written argument:

- Appellant's Brief (20 pages): No later than July 13, 2007, 1:00PM
- Applicant's Response (20 pages): No later than July 27, 2007, 1:00PM
- Appellant's Reply (5 pages): No later than Aug. 2, 2007, 1:00PM
- Distribute written ex parte communications: July 26, 2007

Supplemental Guidelines – Oral Argument

Open Closed Record Proceedings – Aug. 6, 2007 @ 6:00PM

- Open proceedings
- Provide argument instructions
- Address appearance of fairness disclosures/challenges
- Oral Argument regarding Wood Trails Project
 - Staff Presentation (20 minutes)
 - Appellant (20 minutes)
 - Applicant (20 minutes)
 - Appellant Rebuttal (5 minutes)
- Oral Argument regarding Montevallo Project
 - Follow the same process as Wood Trails
- Objections to new Evidence
 - Must be formally raised during closed record proceeding, or it is waived

Deliberation and Voting

Upon conclusion of oral argument, the Council will deliberate and vote on the matters in the following order:

- Wood Trails Rezone Recommendation
- Wood Trails Preliminary Plat Appeal

- Montevallo Rezone Recommendation
- Montevallo Preliminary Plat Appeal

Council may continue the closed record proceedings.

Final Decision: Adopt Written Findings & Conclusions on or before August 30, 2007.

Recommended Action

Approve the proposed Rules of Procedure and Schedule for the Wood Trails and Montevallo closed record proceedings.

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Chapter		DESCRIPTION
34		<p>July 9, 2007 (Minutes have not been approved as of 07/25/2007)</p> <p>1) Public Comments from Roger Mason, Otto Parris and Christy Diamond concerning materials and process of the closed record appeal. City Attorney Lell cautioned Council about hearing comments on a quasi judicial matter and the appearance of fairness doctrine.</p> <p>2) Deputy Mayor Stecker voiced concerned over the closed record hearing process.</p> <p>3) Reports of City Manager- a motion was adopted by Council to direct the City Manager to hire a Land Use Attorney who specializes in land use matters to evaluate the City's position with respect to an easement that was reportedly encroached upon.</p> <p>4) Public Comments from Dave Henry planning department decision and neighbor hood character.</p> <p>5) Emma Dixon for Susan Huso and Christy Diamond concerning land use area around 204th & 205th</p> <p>CC Meeting Webcasting available on website for July 9, 2007 http://woodinville.granicus.com/ViewPublisher.php?view_id=2</p>

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Chapter		DESCRIPTION
35		<p data-bbox="651 264 1390 323">July 16, 2007 (Minutes have not been approved as of 07/25/2007)</p> <ol data-bbox="699 331 1445 600" style="list-style-type: none"> <li data-bbox="699 331 1445 390">1) Council discussion on the Closed Record Hearing procedures and adoption of amending the procedures. <li data-bbox="699 394 1445 453">2) Public Comments from Christy Diemond concerning the process of the closed record appeal. <li data-bbox="699 457 1445 516">3) Susan Huso – Woodinville Developer and a right a way issue <li data-bbox="699 520 1445 600">4) Dave Henry – High density projects, public comment period for closed record appeal and Resolution 93. <p data-bbox="651 604 1390 663">CC Meeting Webcasting available on website for July 16, 2007</p> <p data-bbox="651 667 1445 699">http://woodinville.granicus.com/ViewPublisher.php?view_id=2</p>

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ORDINANCE NO. 419

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; IMPOSING A TEMPORARY MORATORIUM UPON THE RECEIPT AND PROCESSING OF BUILDING PERMIT AND OTHER LAND USE DEVELOPMENT APPLICATIONS WITHIN THE CITY'S R-1 ZONING DISTRICT; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SAID MORATORIUM; ENUMERATING LIMITED EXCEPTIONS; SCHEDULING A PUBLIC HEARING DATE; AUTHORIZING OFFICIAL INTERPRETATIONS BY THE CITY OF WOODINVILLE PLANNING DIRECTOR; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City of Woodinville is currently undertaking a comprehensive "Sustainable Development" program that will yield significant policy recommendations regarding the protection of critical areas while simultaneously accommodating appropriate future growth within the City's R-1 Zoning District; and

WHEREAS, the Woodinville City Council desires to preserve the current *status quo* by imposing a temporary moratorium upon the acceptance and processing of building and other land use permit applications until the Sustainable Development program has concluded and the resulting policy recommendations are implemented; NOW, THEREFORE,

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

Section 1. Findings. The Woodinville City Council hereby makes the following findings in support of the moratorium imposed by this ordinance:

- A. The City of Woodinville is primarily zoned for residential land use.

B. The City has recently received numerous permit applications for development activity within the City's residential neighborhoods. Continued development of the City's residentially zoned neighborhoods — particularly the R-1 (one residential dwelling unit per acre) Zoning District — at current rates will irreversibly alter the character and physical environment of these areas in a manner potentially inconsistent with various goals and policies adopted by the City and mandated by the GMA.

C. The R-1 Zoning District comprises approximately 1,291 acres, and is the largest single zone within the City of Woodinville's territorial jurisdiction.

D. The R-1 Zoning District contains coarse, permeable geologic materials that allow infiltration to mapped critical aquifer recharge areas (CARAs), many of which have been characterized as possessing a "high" or "medium" potential for ground water contamination.

E. The R-1 Zoning District contains Lake Leota, a natural water body with known water quality impacts. The shallow ground water surrounding Lake Leota is believed to be hydrologically connected to local CARAs.

F. Regions within the R-1 Zoning District hydrologically drain toward areas characterized by "high" or "medium" potential for ground water contamination. Said areas are known or suspected of being hydrologically connected to Bear Creek, a significant and biologically productive salmonid-bearing stream. Other areas within the R-1 zone drain variously toward Lake Leota, Little Bear Creek, and Woodin Creek, the latter two of which are known to contain salmonids.

G. The Bear Creek Basin drainage area encompasses a significant portion of the eastern Woodinville City limits within the R-1 Zoning District. The basin drains southeasterly into the Cold Creek Natural Area wetland system, a complex network of wetlands and groundwater springs feeding the headwaters of Cold Creek and an important cold water source for the Bear Creek system. The Bear/Cottage Lake/Cold Creek system is formally rated as a Tier I sub area under the draft WRIA 8 Chinook Salmon Conservation Plan, and the action start list for the North Lake Washington Chinook population is to identify and protect headwater areas, wetlands, groundwater sources, natural hydrologic processes and temperatures that support Chinook salmon within this area.

H. The R-1 Zoning District contains numerous steep slopes and areas characterized by high "geologic hazard" potential under the City's critical area mapping resources.

I. The eastern portion of the R-1 Zoning District contains the lowest existing development intensity, the highest total level of existing pervious surface area, and the most extensive tree canopy cover within the City — the removal or reduction of which would likely create adverse impacts to local hydrological cycles, increased sedimentation, and greater pollutant migration to local streams and wetlands. As such, the R-1 Zoning District contains

both the highest potential for environmental protection and enhancement, and the highest potential for environmental impact, loss or degradation of critical habitat for endangered species.

J. The R-1 Zoning District currently lacks the level of public infrastructure necessary to adequately support urban levels of service, including but not limited to sewer utility mains and transportation facilities. The City does not serve as the purveyor of sewer utility service within the R-1 Zoning District or elsewhere within the Woodinville community.

K. The City is required by the Growth Management Act (GMA) codified at Chapter 36.70A RCW to balance numerous competing policy interests with respect to local land use planning. Such policy interests include, *inter alia*, accommodation of appropriate urban growth, protection of critical areas, recognition of private property rights, retention of open space areas, conservation of fish and wildlife habitat, and ensuring the concurrent adequacy of public facilities and services necessary to support new development.

L. Protection of the local environment generally — and critical areas specifically — expressly underlies several goals, policies, programs and efforts adopted, funded and/or otherwise undertaken by the City. A partial, nonexclusive list of such goals, policies, programs and efforts is attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full.

M. The City has recently initiated a comprehensive “Sustainable Development” program in an attempt to ensure the compliance of future development within the City — specifically and particularly including the current R-1 Zoning District — with applicable GMA policies, goals and directives. The Sustainable Development program involves a thorough, detailed inventory of local environmental resources, projection of future development demand, and analysis of public infrastructure availability. The Sustainable Development program will ultimately yield recommendations for a multi-faceted regulatory approach to balance the competing policies of the GMA within the R-1 Zoning District — including but not limited to the protection of critical areas, the preservation and enhancement of anadromous fisheries, and the accommodation of appropriate residential growth.

N. The City is presently participating in a joint ground water study with King County and the City of Redmond. Results of the study are expected to provide more detailed information regarding local environmental resources, especially as they relate to local CARAs and hydrological connections to productive salmonid-bearing streams.

O. A significant probability exists that the City will amend several components of its Comprehensive Plan and development regulations upon completion of the Sustainable Development program — specifically and particularly including development regulations governing the current R-1 Zoning District.

P. The City Council desires to preserve the *status quo* within the R-1 Zoning District during the pendency of the City’s consideration, preparation and adoption of such amended development regulations.

Q. The acceptance and processing of building and other land use permit applications within the R-1 Zoning District prior to the City's implementation of such amendments would jeopardize the public interest by vesting development rights inconsistent with the City's amended regulations.

R. The City is authorized pursuant to RCW 35A.63.220 and RCW 36.70A.390 to adopt development moratoria for the purpose of preserving the *status quo* while new development standards are considered, prepared and enacted.

S. Imposing a temporary moratorium upon the receipt and processing of building and other land use permit applications specific to the R-1 Zoning District is consistent with the goals and policies enumerated in Exhibit A, and will serve the public interest.

T. The moratorium imposed herein is necessary for the protection of public health, property, safety and welfare. A public emergency exists requiring that the City's moratorium become effective immediately upon adoption.

U. The probable impact of the exceptions contained in Section 3 of this ordinance is *de minimus*, and will not materially detract from or otherwise subvert the purposes and desired effect of the moratorium imposed hereunder.

Section 2. Moratorium Imposed. The City hereby imposes a moratorium upon the receipt and processing of building permit applications, land use applications, and any other permit application for the development, rezoning or improvement of real property within the R-1 Zoning District as defined by Chapter 21.04 WMC and further delineated by the City's Official Zoning Map.

Section 3. Exceptions. The moratorium imposed under Section 2 of this ordinance shall not apply to (1) permit applications for the remodeling, expansion, restoration or refurbishment of existing single-family and multi-family residential structures, or (2) permit applications for publicly-owned structures and facilities.

Section 4. Effect upon Vested Rights. The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent the acceptance and processing of any permit application submitted after the effective date hereof.

Nothing in this ordinance shall be construed to extinguish, limit or otherwise infringe upon any permit applicant's vested development rights — as defined by state law and City of Woodinville regulations — with respect to any complete permit application submitted before the effective date hereof.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court, board or tribunal of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a public hearing on the moratorium imposed under Section 2 of this ordinance is hereby scheduled for May 1, 2006 at 7:30 p.m. in the City Council Chambers of Woodinville City Hall, 17301 133rd Avenue NE. The City Clerk is authorized and directed to provide public notice of said hearing in accordance with applicable City standards. The City Council may in its discretion adopt additional findings of fact at the conclusion of said hearing.

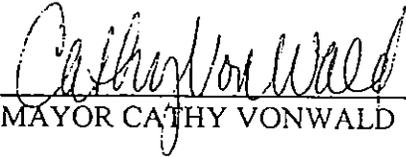
Section 7. Interpretative Authority. The City of Woodinville Planning Director is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 8. Declaration of Emergency; Effective Date; Duration. Based upon the findings enumerated in Section 1 of this ordinance, the City Council declares a public emergency necessitating an immediate effective date of the moratorium imposed hereunder. Said moratorium shall take effect immediately, and shall remain effective for six months unless terminated earlier by the City Council. PROVIDED, that the City Council may, in its sole discretion, renew said moratorium for one or more six month periods in accordance with

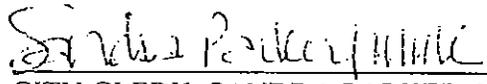
state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED by the City Council of the City of Woodinville this 20th day of March, 2006.

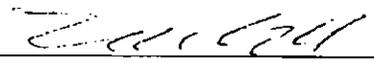
APPROVED:


MAYOR CATHY VONWALD

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA PARKER, MMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: 3-10-2006
PASSED BY THE CITY COUNCIL: 3-20-2006
PUBLISHED: 3-27-2006
EFFECTIVE DATE: 3-20-2006
ORDINANCE NO. 419

Exhibit A

A(1). The Woodinville City Council's adopted Environment Goal provides as follows:

Create a community that reduces the waste stream, promotes energy conservation, preserves and enhances aquatic and wildlife habitat, protects and improves water quality, and protects the public from natural hazards.

A. Remain an active partner in the WRIA Region 8 effort to develop, fund and implement early action strategies.

B. Work collaboratively through WRIA 8 with NMFS, State, tri-county and other public and private partners to develop a recovery plan for Puget Sound Chinook salmon.

A(2). The City has been actively involved in the WRIA recovery activities since the late 1990's.

A(3). In 1999, the Woodinville City Council approved Resolution No. 167, adopting key preliminary actions for the development of a species recovery plan in response to the listing of Puget Sound Chinook Salmon as threatened under the federal Endangered Species Act.

A(4). In 2001, the Woodinville City Council approved Resolution No. 194, adopting an "Early Action Program and Other On-going Investments for Species Protection" to establish the City's policy goals and strategies for conservation of salmonid stocks.

A(5). In 2002, the Woodinville City Council approved Resolution No. 222, adopting the "Regional Road Maintenance ESA Program Guidelines".

A(6). In 2002, the Woodinville City Council updated its Comprehensive Plan to expressly include an Environmental Element.

A(7). In 2004, the City updated its Critical Areas Ordinance to include "Best Available Science" in an effort to further protect critical areas during land use development.

A(8). In 2005, the Woodinville City Council approved Resolution No. 301, ratifying the Water Resource Inventory Area 8 Chinook Salmon Conservation Plan" dated February 25, 2005.

A(9). In 2006, the City initiated the update of its Shoreline Master Program pursuant to new guidelines promulgated by the Department of Ecology.

A(10). The City has acquired various parcels of real property in an effort to protect critical areas, and has expended significant resources to preserve, restore and enhance habitat located thereupon.

A(11). The City has commissioned habitat assessment studies of Little Bear and Woodin Creeks.

A(12). The City has initiated various fish habitat enhancement projects on Little Bear and Woodin Creeks.

A(13). The City currently sponsors or participates in numerous public programs that support environmental objectives, including but not limited to Salmon Watchers, Sammamish Re-Leaf, Arbor Day, chipping and recycling events, and sales of rain-barrels.

A(14). The City has initiated a storm water utility and implemented the Department of Ecology NPDES program to more effectively manage the impacts of storm water.

A(15). City staff routinely monitor environmental restoration projects in order to assure their success.

A(16). The City has implemented an Urban Forestry program to encourage retention and replacement of landscaping, especially trees.

A(17). The City's "Parks, Recreation and Open Space Plan" expressly identifies the need to protect open spaces and habitat pursuant to a comprehensive approach to natural resource management.

A(18). The Environmental Element of the City's Comprehensive Plan expressly includes the following policies:

GOAL ENV-3: To preserve and enhance aquatic and wildlife habitat.

Policies

- ENV-3.1 Encourage preservation of the urban forest.
- ENV-3.2 Identify and ensure the protection of sensitive habitat areas, including wetlands, streams and shorelines.
- ENV-3.3 Maintain a standard of no net loss in the functions and values of sensitive habitat features, including wetlands, streams, lakes and shoreline areas.
- ENV-3.4 Maintain connectivity between sensitive areas, including the Sammamish River and related streams, to provide safe travel routes for wildlife and fish and improve the biological integrity of sensitive habitat areas.
- ENV -3.5 Support watershed-based salmon recovery efforts and compliance with the requirements of the Endangered Species Act (ESA).

- ENV-3.6 Periodically review and update the Shoreline Master Program and sensitive areas regulations to ensure consistency with the policies of this Comprehensive Plan, the Shoreline Management Act and the Department of Ecology shoreline regulations.
- ENV-3.7 Encourage the use of native plants in residential and commercial landscapes.
- ENV-3.8 Consider and incorporate the best available science, consistent with the GMA and applicable rules, in developing regulations for fish and wildlife habitat areas, wetlands, and other critical areas.
- ENV-3.9 Employ adaptive management for natural habitat. Adaptive management allows the City to monitor and make adjustments to its regulations as appropriate in response to changing conditions or new information.
- ENV-3.10 Encourage acquisition of sites that protect habitat, stream corridors and provide aquatic habitat.
- ENV-3.11 Encourage the restoration of ecological functions and the natural environment in environmentally damaged areas.
- ENV-3.12 Participate in efforts to minimize drawdowns and warming of the Sammamish River.

GOAL ENV-4: To protect the public from floods, landslides, erosion and other natural hazards resulting from disturbance of the environment.

Policies

- ENV-4.1 Protect public safety in potential seismic, flood hazard and slide hazard areas.
- ENV-4.2 Minimize the adverse effects of development on topographic, geologic and hydrologic features, and native vegetation.
- ENV-4.3 Control the quantity and velocity of surface water runoff.

GOAL ENV-5: To protect and improve water quality.

Policies

- ENV-5.1 Preserve aquifer-recharge areas.
- ENV-5.2 Include enhancement of shorelines and waterways with adjacent development activities.
- ENV-5.3 Minimize impervious surfaces.
- ENV-5.4 *Minimize impacts of recreational uses on water quality.*
- ENV-5.5 Protect the quality and quantity of water in waterways, wetlands, floodplains and watersheds from degradation.

ORDINANCE NO. 424

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING ORDINANCE NO. 419; INCORPORATING SUPPLEMENTAL FINDINGS OF FACT IN SUPPORT OF THE CITY'S TEMPORARY LAND USE MORATORIUM WITHIN THE R-1 ZONING DISTRICT; REVISING AND CLARIFYING THE EXEMPTIONS FOR SPECIFIED PERMIT APPROVALS UNDER THE MORATORIUM; REQUIRING CITY COUNCIL NOTIFICATION PRIOR TO ISSUANCE OF FORMAL INTERPRETATIONS UNDER THE MORATORIUM; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Woodinville City Council adopted Ordinance No. 419 on March 20, 2006 for the purpose of imposing a temporary moratorium upon the receipt and processing of new building, land use and other development permits within the City's R-1 Zoning District; and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council conducted a public hearing on May 1, 2006, for the purpose of receiving and considering public testimony regarding Ordinance No. 419; and

WHEREAS, at the conclusion of the May 1, 2006, public hearing, the City Council formally adopted numerous supplemental findings in support of Ordinance No. 419; and

WHEREAS, based upon public comments received during the public hearing and subsequent Council deliberations, the City Council desires to amend Ordinance No. 419 for the purpose of formally incorporating the Council's supplemental findings, revising and clarifying the moratorium exemptions specified in the ordinance,

and requiring City Council notification before issuance of any official interpretations of the ordinance by the City's Planning Director;

NOW, THEREFORE,

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

Section 1. Amendment of Section 1 of Ordinance No. 419. Section 1 of Ordinance No. 419 is hereby amended by the addition of a new subsection 1(V) to provide in its entirety as follows:

Findings. The Woodinville City Council hereby makes the following findings in support of the moratorium imposed by this ordinance:

V. The City has formally considered the GMA planning goals enumerated at RCW 36.70A.020 as evidenced by, *inter alia*, the Supplemental Findings attached hereto as Exhibit B and incorporated herein by this reference as if set forth in full.

Section 2. Addition of Exhibit B to Ordinance No. 419. Ordinance No. 419 is hereby amended by the addition of Exhibit B hereto, which shall be attached to Ordinance No. 419 and incorporated therein as if set forth in full.

Section 3. Amendment of Section 3 of Ordinance No. 419. Section 3 of Ordinance No. 419 is hereby amended to provide in its entirety as follows:

Exceptions. The moratorium imposed under Section 2 of this ordinance shall not apply to the following:

A. Permit applications for the remodeling, repair, expansion, restoration, refurbishment, enhancement or replacement of an existing structure;

B. Permit applications for the construction of structures and facilities directly related to, located on the same building site as, and incidental to an existing structure;

C. Permit applications related to a publicly owned structure or facility;

D. Permit applications to construct an accessory living quarters;

E. Building and other permits necessary to complete the construction of vested development projects, complete applications for which were received by the City prior to the effective date of this ordinance; and

Section 4. Amendment of Section 7 of Ordinance No. 419. Section 7 of

Ordinance No. 419 is hereby amended to provide in its entirety as follows:

Interpretive Authority. The City of Woodinville Planning Director is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance. Prior to issuance of any such official interpretation, the Planning Director shall formally notify the City Council of both the interpretation and any relevant background information.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should 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 6. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication.

PASSED by the City Council of the City of Woodinville this tenth day of July 2006.

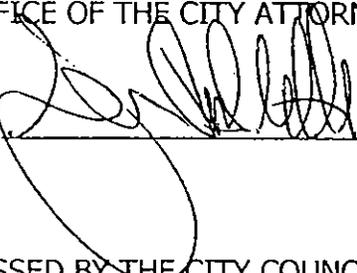
APPROVED:


MAYOR CATHY VON WALD

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA PARKER, MMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

PASSED BY THE CITY COUNCIL: 7-10-2006
PUBLISHED: 7-17-2006
EFFECTIVE DATE: 7-22-2006
ORDINANCE NO. 424

Exhibit B

SUPPLEMENTAL FINDINGS IN SUPPORT OF DEVELOPMENT MORATORIUM

The Woodinville City Council reaffirms the findings contained in Ordinance No. 419. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council additionally enters the supplemental findings below in support of the temporary development moratorium imposed under that ordinance. The City has duly considered the Growth Management Act (GMA) planning goals enumerated in RCW 36.70A.020. The moratorium imposed under Ordinance No. 419 will assist the City in reviewing and amending its Comprehensive Plan and development regulations in a manner that appropriately balances these policy interests for the Woodinville community and physical environment. Specifically, the City has considered the following GMA goals:

1. Urban Growth - *Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.* (RCW 36.70A.020(1)).

The City is committed to accommodating and encouraging appropriate levels of urban development in accordance with applicable GMA directives. The comprehensive Sustainable Development study that will be conducted during the moratorium period will help the City to identify which public facilities and services are needed in order to accommodate such future growth within the R-1 zoning district, an area that is — and historically has been — under-served with respect to utility service and other public facilities.

Moreover, the Sustainable Development study will help determine the appropriate phasing and installation timeframe regarding public facilities within the R-1 zone. This in turn will assist the City's capital planning and budgeting efforts. Other plans and studies, including but not limited to the Downtown/Little Bear Creek Corridor Master Plan (DT/LBC) and the Economic Development Study, are currently being reviewed by the City Council and will likewise assist the City in influencing the location and timing of urban development where adequate public facilities and services are provided.

2. Reduce Sprawl - *Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.* (RCW 36.70A.020(2)).

The Sustainable Development study conducted during the moratorium period will help determine the measures necessary to encourage the conversion of undeveloped land at appropriate levels of urban density. The study is intended in part to help the City balance the need to accommodate growth while simultaneously ensuring appropriate protection of the local environment and natural resources. Innovative land use management techniques aimed at reducing sprawl and protecting the environment will

be evaluated as part of this process. It is anticipated that the City's development regulations may be amended at the conclusion of the Sustainable Development study process to specifically encourage and provide incentives for the use of such innovative techniques.

3. Transportation – *Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.* (RCW 36.70A.020(3)).

During the Sustainable Development study period, the City will examine the City's transportation infrastructure needs and the opportunity to accommodate multi-modal forms of transportation within the R-1 zoning district. The City intends to review the findings and recommendations from this study in conjunction with the transportation concurrency program separately being considered by the City. This analysis is needed in order to determine how appropriate growth — particularly within the R-1 zoning district — may be accommodated concurrently with necessary transportation facilities and services consistent with local and regional transportation plans.

4. Housing - *Encourage the availability of affordable housing to all economic segments of the population of this State, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.* (RCW 36.70A.020(4)).

As the largest contiguous residential area in the City, the R-1 zone contains a substantial percentage of the City's existing housing stock. Although single family homes are predominant in the R-1 zone, the development pattern in this zoning district has traditionally provided for a variety in age, style and size of houses. The Sustainable Development study conducted during the moratorium will help to determine appropriate development techniques — potentially including, but not limited to, low impact development standards — to protect the environment and natural resources while simultaneously accommodating growth and preserving existing housing stock.

5. Economic Development - *Encourage economic development throughout the State that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and disadvantaged persons, promote the retention and expansion of existing business and recruitment of new business, experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.* (RCW 36.70A.020(5)).

A critical goal of the City's long-range planning efforts is to enhance the economic vitality of the Woodinville community. However, this policy must be carefully balanced and viewed holistically with the City's other planning goals to ensure an appropriate balance of economic development, housing, and environmental protection. The results and recommendations of the City's Sustainable Development study will be considered

together with the City's economic development efforts to foster a complementary and coherent pattern of housing and business growth.

Furthermore, the State's fisheries are recognized as a significant element of the Pacific Northwest economy. Different portions of the City's R-1 zone drain into the headwaters of Bear Creek, and towards Little Bear Creek and Woodin Creek, all known to contain salmonids — including Chinook salmon. The Sustainable Development study will likely recommend methods of protecting this valuable economic resource through the adoption and implementation of careful and well-balanced land use planning and zoning measures. The City's Economic Study also identifies the livability of the City's residential neighborhoods and the protection of the natural environment as keys to the local economy's vitality. The Sustainable Development and Concurrency studies will serve to identify the need for public facilities and services which support economic development.

6. Property Rights - *Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions. (RCW 36.70A.020(6)).*

The moratorium process is a legally-sanctioned development control mechanism, and the City has enacted its R-1 moratorium ordinance in conformance with applicable state law. By its terms, the moratorium is of a limited, temporary duration, and will not be construed to violate any previous permit applicant's vested development rights as defined by state and local regulations. Moreover, the limited exceptions contained in Section 3 of Ordinance No. 419 authorize modification, remodeling and expansion of existing structures notwithstanding the moratorium, ensuring that landowners may continue to alter their existing residences during the pendency of the City's Sustainable Development study.

7. Permits - *Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability. (RCW 36.70A.020(7)).*

The receipt and processing of new land use permits under the moratorium will be suspended only for the limited time necessary to conduct the Sustainable Development study. Upon the expiration of the moratorium, the City will process development applications involving the R-1 zoning district in a fair and timely manner consistent with applicable state and local regulations.

The separate Development Services study initiated earlier this year is intended to make the City's permit process more efficient. The recommendations resulting from this study are expected to be implemented over the next few months. The Sustainable Development study will address current uncertainties regarding the R-1 zone. Having these questions answered, particularly with regard to appropriate environmental protections, will enhance the certainty of the City's permit application and approval

process. Individual property owners will know in advance what mitigation, construction techniques, and infrastructure is required for the proposed development of their property. This in turn will provide for more timely permit processing and the need for fewer individual environmental studies by permit applicants. The Development Services study will thus serve as a valuable resource for both the City and development applicants, and will increase the predictability of the development process within the R-1 zone.

8. Natural Resources - *Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.* (RCW 36.70A.020(8)).

The Bear Creek Basin drainage area encompasses a significant portion of the eastern Woodinville City limits within the R-1 Zoning District. The basin drains southeasterly into the Cold Creek Natural Area wetland system, a complex network of wetlands and groundwater springs feeding the headwaters of Cold Creek and an important cold water source for the Bear Creek system. The Bear/Cottage Lake/Cold Creek system is formally rated as a Tier I subarea under the draft WRIA 8 Chinook Salmon Conservation Plan, and the action start list for the North Lake Washington Chinook population is to identify and protect headwater areas, wetlands, groundwater sources, natural hydrologic processes and temperatures that support Chinook salmon within this area. The Sustainable Development study conducted during the moratorium period will provide policy recommendations concerning the protection of these valuable resources.

9. Open Space and Recreation - *Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.* (RCW 36.70A.020(9)).

The Sustainable Development studies will assist in identifying potential park and recreation (i.e., trail) opportunities in concert with habitat conservation areas.

10. Environment - *Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.* (RCW 36.70A.020(10)).

A primary purpose of the Sustainable Development study is to address the protection of the environment, quality of life, air and water quality, and the availability of water resources. The City's R-1 zoning district contains coarse, permeable geologic materials that allow infiltration to mapped critical aquifer recharge areas (CARAs), many of which have been characterized as possessing a "high" or "medium" potential for ground water contamination. The R-1 Zoning District also contains Lake Leota, a natural water body, with known water quality impacts. The shallow ground water surrounding Lake Leota is believed to be hydrologically connected to local CARAs.

Regions within the R-1 Zoning District hydrologically drain toward areas characterized by "high" or "medium" potential for ground water contamination. Said areas are known or suspected of being hydrologically connected to Bear Creek, a significant and biologically productive salmonid-bearing stream. Other areas within the R-1 zone drain variously toward Lake Leota, Little Bear Creek, and Woodin Creek, the latter two of which are known to contain salmonids.

11. Citizen Participation and Coordination - *Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.* (RCW 36.70A.020(11)).

The City is committed to providing opportunities for citizen involvement in the public process. The City Council's adoption of Ordinance No. 419 occurred at a public meeting on March 20, 2006, and substantial public comment was received at that meeting. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council also held a public hearing on May 1, 2006 to receive and consider public testimony regarding the R-1 moratorium.

The City Council has also proposed the formation of a Citizen Advisory Panel to assist the Sustainable Development study consultants and the Planning Commission in reviewing information and the promulgation of land use management policies and tools to address environmental protection and development issues within the R-1 zone. Any amendments to the City's Comprehensive Plan and/or development regulations recommended by the Sustainable Development study will undergo significant public scrutiny and commentary before both the Planning Commission and the City Council. It is contemplated and encouraged that residents, property owners, businesses and all other interested parties will participate in this process. Because the R-1 zone area is adjacent to unincorporated areas of both King County and Snohomish County, these counties will also be asked to participate in the review of the studies and potential outcomes.

12. Public Facilities and Services - *Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.* (RCW 36.70A.020(12)).

As explained with respect to subsection 3 above, the Sustainable Development study will examine the City's transportation infrastructure needs and the opportunity to accommodate multi-modal forms of transportation within the R-1 zoning district. The City intends to review the findings and recommendations from this study in conjunction with the transportation concurrency program separately being considered by the City. This analysis is needed in order to determine how appropriate growth — particularly within the R-1 zoning district — may be accommodated concurrently with necessary

transportation facilities and services and consistent with local and regional transportation plans.

13. Historic Preservation - *Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.* (RCW 36.70A.020(13)).

At this time, there are no lands, sites, or structures within the R-1 zone area known to have historical or archaeological significance.

ORDINANCE NO. 427

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING ORDINANCE NO. 419; RENEWING FOR AN ADDITIONAL SIX MONTH PERIOD THE TEMPORARY R-1 ZONING DISTRICT LAND USE PERMITTING MORATORIUM CURRENTLY SCHEDULED TO EXPIRE ON SEPTEMBER 20, 2006; ADOPTING FINDINGS IN SUPPORT OF SAID RENEWAL; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, through the adoption of Ordinance No. 419 on March 20, 2006, the Woodinville City Council imposed a six-month moratorium upon the receipt and processing of new land use permit applications within the City's R-1 Zoning District; and

WHEREAS, Ordinance No. 419 was amended by Ordinance No. 424 on July 10, 2006, which adopted additional supportive findings and clarified the scope of specified exemptions to the moratorium; and

WHEREAS, the chief purpose of the moratorium is to preserve the *status quo* while the City's Sustainable Development study is completed and new development standards are considered and duly enacted; and

WHEREAS, the Sustainable Development study is proceeding steadily, but will not be fully completed prior to the September 20, 2006 expiration date of the moratorium; and

WHEREAS, it is necessary to renew the moratorium imposed under Ordinance No. 419 in order to prevent land use permit applicants from obtaining vested development rights inconsistent with the anticipated code amendments that will likely result from the Sustainable Development study;

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

Section 1. Findings. The recitals above are hereby adopted as findings in support of the moratorium renewal effected by this ordinance. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council further makes and enters the additional findings contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Renewal of Moratorium. The moratorium imposed under Ordinance No. 419, as amended by Ordinance No. 424, is hereby renewed for an

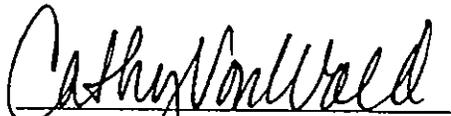
additional six month period commencing upon September 20, 2006. Section 8 of Ordinance No. 419 is accordingly amended to provide in its entirety as follows:

Based upon the findings enumerated in Section 1 of this ordinance and any subsequent enactment relevant hereto, the City Council declares a public emergency necessitating an immediate effective date of the moratorium imposed hereunder. Said moratorium shall take effect immediately, and shall remain effective for one year unless terminated earlier by the City Council. PROVIDED, that the City Council may, in its sole discretion, renew said moratorium for one or more six month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

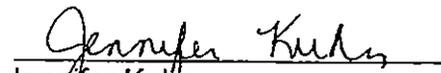
Section 3. Declaration of Emergency; Statement of Urgency; Effective Date. Based upon the findings set forth in Section 1 hereof and Exhibit A hereto, the City Council declares a public emergency necessitating an immediate effective date in order to protect public health, safety, property, peace, welfare and the local environment. This ordinance shall accordingly take effect immediately upon adoption.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should 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.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS
PASSAGE THIS 11TH DAY OF SEPTEMBER 2006.

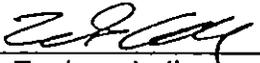

Cathy VonWald, Mayor

ATTEST/AUTHENTICATED:


Jennifer Kuhn
City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



J. Zachary Lell
City Attorney

PASSED BY THE CITY COUNCIL: 9-11-2006

PUBLISHED: 9-18-2006

EFFECTIVE DATE: 9-20-2006

ORDINANCE NO. 427

EXHIBIT A

FINDINGS IN SUPPORT OF MORATORIUM RENEWAL

The Woodinville City Council hereby reaffirms and incorporates by reference the findings contained in Ordinance Nos. 419 and 424. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council additionally enters the findings below in support of the moratorium renewal effected by this ordinance. Specifically, the City Council has considered the planning goals set forth at Chapter 36.70A RCW, and acknowledges the following circumstances concerning the Sustainable Development study currently underway to resolve outstanding planning and development issues within the R-1 Zoning District:

1. RCW 36.70A.390 and RCW 35A.63.220 expressly authorize renewal of moratoria for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

2. The current moratorium was imposed on March 20, 2006. The City subsequently approved a contract with Steward & Associates to perform a comprehensive Sustainable Development study during the moratorium period. The study's purpose is to assist the City in determining the appropriate levels of urban density and development within the City's R-1 Zoning District, protecting the local environment, and ensuring compliance with applicable GMA planning goals. It is anticipated that the City's Comprehensive Plan, Critical Areas Ordinance and development regulations may be amended at the conclusion of the Sustainable Development study process, which is currently expected to be completed in late September or early October, 2006.

3. In July 2006, the City approved a contract with EKW Law to provide legal counsel regarding issues associated with GMA compliance and other legal matters relevant to the Sustainable Development program.

4. On June 7, 2006 the City Planning Commission appointed an 11 member Citizen Advisory Panel (CAP) to provide public input to and oversee study activities associated with the Sustainable Development program and make appropriate recommendations to the Planning Commission and City Council. The CAP has had three meetings to date with the City consultants and staff involved in the Sustainable Development program.

5. Various factors, including but not limited to the unforeseen complexity of necessary environmental studies and delays in compiling relevant data, have postponed the originally anticipated completion date for the Sustainable Development study.

6. Additional time is necessary in order to complete the Sustainable Development study, appropriately process and respond to any recommendations arising out of the study, and enact necessary amendments to the City's Comprehensive Plan and development regulations.

7. The City Council received a status report from its Sustainable Development consultants at the August 7, 2006 Council meeting indicating that the study would not be completed until after the current expiration date of the moratorium.

8. The earliest available City Council meeting for which to publicly notice, schedule and conduct the public hearing necessary to renew the current moratorium is September 11, 2006.

9. Pursuant to RCW 35A.13.190, an ordinance generally does not take effect until five days after the date of its publication. The earliest available publication date following the September 11, 2006 City Council meeting is September 18, 2006.

10. Delaying the effective date of the moratorium renewal until five days after the anticipated September 18, 2006 publication date would allow the current moratorium to expire for a period of at least three days, which in turn could allow land use permit applicants to obtain vested development rights inconsistent with the Comprehensive Plan and development code amendments that will result from the Sustainable Development program.

11. Allowing land use development within the City's R-1 Zoning District inconsistent with the above-referenced amendments would jeopardize and pose an imminent threat to public health, peace, welfare, property and the local environment.

12. In order to prevent the accrual of vested development rights prior to the completion of the Sustainable Development study and adoption of appropriate Comprehensive Plan and development code amendments, it is necessary and urgent for the moratorium renewal enacted by this ordinance to take effect immediately upon the expiration of the current moratorium, and for this ordinance to take effect immediately upon adoption. The immediate necessity of this action prevents the City's compliance with otherwise-applicable adoption procedures and processes.

13. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council held a public hearing on September 11, 2006 regarding the moratorium renewal effected by this ordinance.

14. The City is working diligently and in good faith to complete the Sustainable Development study and will take appropriate action, pursuant to applicable procedures and standards, to expeditiously process the Comprehensive Plan and development regulation amendments recommended by the study.

ORDINANCE NO. 431

AN INTERIM ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON AMENDING CHAPTER 21.04 WMC; TEMPORARILY REMOVING A RESTRICTION ON DEVELOPMENT WITH DENSITIES LESS THAN FOUR DWELLING UNITS PER ACRE WITHIN THE CITY'S LOW DENSITY RESIDENTIAL ZONES; ADOPTING PRELIMINARY FINDINGS IN SUPPORT OF SAID AMENDMENT; SCHEDULING A PUBLIC HEARING DATE; PROVIDING FOR SEVERABILITY; DECLARING A PUBLIC EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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(1) 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 a certain amendment is necessary to keep the Zoning Code updated and to accommodate the needs of its citizens; and

WHEREAS, the Woodinville City Council has reviewed the amendment contained in this ordinance and finds that the amendment meet the required criteria in Ordinance No. 172 and WMC 21.46.030; and

WHEREAS, public hearings concerning the substance of this ordinance were held by the City of Woodinville Planning Commission on January 31, 2007 and February 14, 2007, and by the City of Woodinville City Council on March 5, 2007;

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

Section 1. Findings. The City Council hereby adopts the following preliminary findings in support of this interim ordinance, together with the recitals expressed herein.

1. Among the considerations which come to bear on sustainable development are the City's GMA duty to accommodate urban growth while protecting critical area "function and values", as well as considerations relating to such factors as protection of anadromous fisheries, adequate and diverse housing alternatives, availability of urban services and infrastructure, preservation of the character and vitality of existing neighborhoods, and considerations relating to jobs and economic development.
2. Environmental functions and values of critical areas have become more recognized in recent years largely as a result of local jurisdictions' work on their critical area regulations utilizing GMA-mandated "best available science".
3. The GMA itself is silent on what numeric value constitutes "urban density". However, over time, case decisions by Growth Hearings Boards established a minimum figure of four units per acre as meeting the threshold of urban density. This figure has been referred to as the "bright line" threshold.
4. Recently, some jurisdictions (for example, Bothell and Normandy Park) have faced and survived challenges from public policy advocacy or development groups which complained that their plans did not meet the four dwelling unit per acre urban density bright line threshold even though the plans over-all accommodated the jurisdictions' growth allocations. A Washington Supreme Court decision has also held that interpreting minimum density "bright lines" into the language of the GMA was beyond the authority of the Growth Management Hearings Boards and was inconsistent with the deference which local government's decisions must be accorded under the GMA. However, at least one Plan (Normandy Park's) has been appealed to the Washington Supreme Court and the extent of flexibility and deference to which jurisdictions are entitled under the GMA has yet to be finally determined.
5. Central Puget Sound Growth Management Hearings Board rulings generally uphold "lower" residential densities supported through studies applying the "Litowitz v. Federal Way" factors, named for a decision by the Board setting a standard for when lower densities would be acceptable as a means of maintaining the integrity of environmental resources. Even in such cases, however, the jurisdiction in question was still required to meet its growth allocations in some way, and the exemption on density for critical area protection did not reduce the jurisdiction's overall allocation numbers.
6. In a "Litowitz Test" study, lower development densities are justified if the area in question meets a three-part test. The critical area must be shown to: (1) be large in scope; (2) have complex structure and function, and (3) have high (environmental value) rank order.
7. Consultants for the City of Woodinville have performed "Litowitz" studies to evaluate the level of resource sensitivity and potential impact from development and to provide data useful in determining appropriate development density.
8. The GMA also recognizes other factors as relevant in planning. For example, Comprehensive Plan's housing element, among other things, ensures "the vitality and character of established residential neighborhoods". RCW 36.70A.070(2).

9. Staff has prepared a study of the existing neighborhoods in the R-1 area and therein found that several neighborhoods' housing stock, character, and vitality would best be preserved by lower density zoning.
10. The City contains a surplus supply of buildable lands to accommodate the 20-year housing and population projection required by the GMA.
11. The Planning Commission is responsible for review of issues and formulating recommendations concerning growth, land use, transportation, community infrastructure, preservation of environmental quality, preservation of neighborhood character and developing policy for those and other land use issues.
12. Any amendment to either the City's Comprehensive Plan or regulatory code requires approval of an ordinance by City Council.
13. The Planning Commission held a public hearing on January 31st and February 14th regarding the Sustainable Development Study and proposed amendments to Comprehensive Plan goals and policies as well as amendments to the Zoning Code. They deliberated at the close of the public hearing and the Planning Commission recommended the City Council retain the existing R-1 zoning and amend WMC 21.04.080(1)(a) to remove the restriction of development with densities less than four dwelling units per acre based on the following reasoning and findings:
 - a. The City contains excess capacity in its residentially zoned areas to accommodate the GMA housing allocation out to the year 2022, the current twenty year planning horizon.
 - b. Adding significantly to the City's housing capacity is the recently approved mixed-use and multi-family projects in the downtown area and in the Tourist District. Two projects alone account for over 700 new housing units. These and other projects in the planning stages are serving to implement the City's long standing goal to develop pedestrian-oriented development in and around the commercial areas of the City that accommodate over 3 dozen wineries. The City is at a delicate tipping point in its Downtown/Little Bear Creek Master Plan, Economic Development Plan, and Sustainable Development Plan, particularly with respect to carefully planned growth in higher residential areas that require mixed retail/residential developments to be successful. Sudden increase in development away from this targeted core area could effectively "cannibalize" some of this nascent residential growth where it is needed most.
 - c. Changing the R-1 area to R-4 is counter to the City's economic and residential growth plans to encourage housing in the downtown where people can live in proximity to work opportunities, shopping, mass transit and other services, which not only supports the local economy, but also reduces vehicle trips.

- d. An R-4 rezone of the subject area would likely have a negative effect on the City's resources in context of the capital improvement plans, particularly in regards to addressing traffic and acknowledging single-family development that does not provide sufficient tax revenue to support required municipal services.
 - e. An R-4 up-zone to a large area of the City could have a negative impact on the City's image and sense of unique identity, recognized since its incorporation as a Woodland Character community (Comprehensive Plan Goals LU-1, CD-2)
 - f. In the central portion of the R-1 area, identified in the Study (Attachment A), the Lake Leota Basin constitutes approximately 50% of the total R-1 area and feeds into Cold Creek and the Bear Creek Drainage Basin, the region's most significant salmon spawning habitat area. These two important natural resources are large in scope, complex in structure and function, and of high rank order and thus, the interconnecting system qualifies under the "Litowitz Test" for low-density (less than R-4) zoning.
 - g. The Sustainable Development Study and public hearing testimony indicate possible negative impacts to other elements of the natural environment if R-4 zoning were put into place. Greater development could affect geologic hazards, and an extensive Critical Aquifer Recharge Area and Lake Leota.
 - h. The City is doing an effective job of balancing the competing GMA goals related to accommodating growth and environmental protection by exceeding the GMA job allocation; providing a wide variety of housing, including a national award winning affordable housing project (Greenbrier); and protecting the environment through an updated critical areas regulations based on Best Available Science, as well as participation in and support of such programs as WRIA 8 Salmon Task Force, Sammamish ReLeaf, Salmon Watchers, Wetland Restoration Monitoring and Tree City USA (10 Year Award).
 - i. The City limits are co-terminus with the Seattle Metropolitan Urban Growth Area Boundary with no potential annexation areas left for the City to grow into after 2022. The R-1 area with proper development regulations, such as shadow platting can serve as a tool for future growth beyond 2022.
14. The City Council held a study session on February 26, 2007 to review and discuss the Sustainable Development Study and the Planning Commission recommendations.
15. The City Council held a public hearing on March 5, 2007 to receive and consider public testimony regarding proposed Zoning Code Amendment as contained in Ordinance No. 431, the Sustainable Development Study and the Planning Commission recommendation to retain the current R-1 zoning in the City.

16. The entire R-1 zoning district is currently subject to a comprehensive building and land use moratorium that was imposed in order to preserve the status quo during the pendency of the Sustainable Development Study. The moratorium was originally enacted on March 20, 2006, was renewed for an additional six month period commencing September 20, 2006, and is scheduled to expire on March 20, 2007.
17. Allowing the moratorium to expire before the City's new regulations take effect would pose a serious threat to the public health, safety, welfare and local environment by potentially enabling developers to obtain vested development rights inconsistent with the City's new regulations. The accrual of any such vested rights would irreparably frustrate the City's long-term planning efforts with respect to the Sustainable Development Study.
18. Additional time is necessary to thoroughly review the zoning code amendments recommended by the Planning Commission, and to conduct further analysis regarding appropriate permanent changes to the City's existing development regulations.
19. The Council is concerned about the legal and practical implications of renewing the current moratorium, and desires instead to adopt the Planning Commission's recommended zoning code amendments as interim regulations that will temporarily govern development within the R-1 zoning district until such time as permanent amendments are enacted.
20. The City Council fully expects and intends to adopt the permanent zoning amendments arising from the Sustainable Development Study within the six month effective period of this ordinance.
21. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City is authorized to adopt interim zoning regulations.
22. A public emergency exists requiring this ordinance to take effect immediately upon passage by the City Council.

Section 2. Interim amendment to Section 21.04.080, Residential zones, of the Woodinville Municipal Code is hereby amended to read as set forth below. Deleted text is shown by ~~strikethrough~~.

21.04.080 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, multi-family 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, multi-story 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.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council will conduct a public hearing for the purpose of receiving public testimony regarding this interim ordinance. The City Clerk is authorized and directed to schedule said public hearing for a City Council meeting held within the next 60 days. The City Clerk is hereby authorized and directed to provide public notice of said hearing in accordance with applicable City standards and procedures. The City Council may in its discretion adopt additional findings in support of this interim ordinance at the conclusion of the public hearing.

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. Provided, however, that if any section, sentence, clause, or phrase of this Ordinance, or any change in a land use designation is held to be

invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

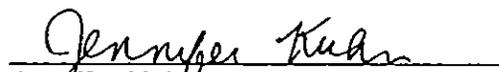
Section 5. Copy to CTED. The City Clerk is directed to send a copy of this ordinance to the State Department of Community, Trade, and Economic Development for its files within ten (10) days after adoption of this Ordinance.

Section 6. Effective Date; Sunset. Based upon the recitals and findings set forth above, the City Council hereby declares a public emergency requiring this ordinance to take effect immediately; PROVIDED, that the interim zoning code amendment imposed pursuant to Section 2 hereof shall take effect on March 21, 2007, immediately following the scheduled expiration of the land use and building moratorium originally adopted by Ordinance No. 419 and renewed by Ordinance No. 427. Subject to the foregoing, this ordinance shall be in full force and effect immediately upon adoption, and shall remain effective for a period of six months unless terminated earlier or subsequently extended by the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 12th DAY OF MARCH 2007.


Cathy VonWald, Mayor

ATTEST/AUTHENTICATED:


Jennifer Kuhn
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

J. Zachary Leil
City Attorney

PASSED BY THE CITY COUNCIL: 3-12-2007
PUBLISHED: 3-19-2007
EFFECTIVE DATE: 3-12-2007
ORDINANCE NO. 431

RESOLUTION NO. 338

A RESOLUTION OF THE WOODINVILLE CITY COUNCIL ADOPTING ADDITIONAL FINDINGS IN SUPPORT OF ORDINANCE 431; APPROVING THE WORK PLAN, SCHEDULE, AND BUDGET FOR SUPPLEMENTAL WORK ON THE R-1 SUSTAINABLE DEVELOPMENT STUDY; AND SUPPORTING CONTINUANCE OF THE INTERIM REGULATIONS FOR THE R-1 ZONE ESTABLISHED BY ORDINANCE 431.

WHEREAS, on March 12, 2007, after extensive research, analysis, public testimony, and discussion, the Woodinville City Council adopted Ordinance 431, an interim ordinance amending Chapter 21.04 of the Woodinville Municipal Code (WMC) temporarily removing a restriction on development with densities less than four dwelling units per acre within the City's Low Density Residential Zones; and

WHEREAS, in accordance with RCW 36.70A.390; RCW 35A.63.220; and Ordinance 431, Section 3; the City Council will conduct a public hearing within 60 days after adoption of the interim regulation for the purpose of receiving public testimony regarding interim Ordinance 431; and

WHEREAS, Ordinance 431 contained numerous findings in support of temporarily establishing interim regulations for the Low Density Residential Zones while supplemental information is compiled and analyzed so that a final informed decision regarding densities in the Low Density Residential Zone can be made; and

WHEREAS, Ordinance 431 establishes interim regulations that expire within six months after adoption unless extended by City Council action; and

WHEREAS, City staff will work with its consultants and Citizen Advisory Panel to prepare the necessary supplemental information to make a final informed decision regarding densities in the Low Density Residential Zone within the six-month duration of the interim regulation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Adoption of Findings. Ordinance 431, including its findings, is incorporated and made part of this Resolution as Exhibit A.

Additionally, the following findings are adopted and shall supplement the findings included in Ordinance 431:

1. On March 26, 2007 the Citizen Advisory Panel (CAP) met with city staff and consultants to discuss the information needed to supplement the February 20, 2007 Sustainable Development Study for the R-1 Zone.
2. On April 9, 2007, the City Council reviewed the preliminary work plan and schedule for the supplemental work and expressed concern about the shortness of schedule and financial impact of undertaking the preliminary work plan identified by the CAP. The City Council asked City staff and special counsel to work with the CAP to prioritize and refine the preliminary work plan.
3. On April 11, 2007, the CAP met with City staff, consultants, and special counsel, revised the scope and depth of the preliminary work plan, and prioritized tasks.
4. On May 7, 2007, the Woodinville City Council held a public hearing about Ordinance 431, within 60 days of its adoption.
5. On May 7, 2007, the revised work plan, schedule, and budget were presented to the Woodinville City Council during a public hearing regarding interim Ordinance 431.
6. The revised work plan includes two phases of work. Phase 2a includes work that will provide the data necessary to make a final decision on the appropriate densities in the Low Density Residential Zone and any code amendments that may be needed to replace Ordinance No. 431 (interim regulations) which expires on September 11, 2007. Phase 2b includes work which cannot be accomplished by September 11, 2007 or which is considered less essential to making a final decision on densities in the Low Density Residential Zone.
7. The proposed work plan for Phase 2a provides a schedule to accomplish the necessary work before the expiration of Ordinance 431.

Section 2. Approval of Work Plan, Budget, and Schedule. The proposed work plan and budget (see Exhibit B), and schedule (see Staff Report) for Phase 2a are approved. The City Manager is hereby authorized and directed to take actions necessary to implement the Council's direction regarding this matter, including but not limited to expending funds, retaining consultants or contractors, and executing agreements. The City Manager is also directed to return with the necessary actions to adjust the Adopted Budget to accommodate these actions.

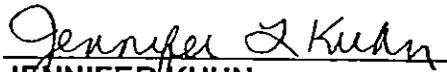
Section 3. Ordinance 431 to Remain in Effect. It is still necessary for Ordinance 431 to remain in effect to provide time to prepare the supplemental information to the February 20, 2007 Sustainable Development Study for R-1. Allowing Ordinance 431 to remain in effect provides additional time to study the supplemental information and provides adequate protection for the environment and affected properties.

RESOLVED this 7th day of May 2007.



CATHY VONWALD, MAYOR

ATTEST/AUTHENTICATED:



JENNIFER KUHN
CITY CLERK/CMC

ORDINANCE NO. 431

AN INTERIM ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON AMENDING CHAPTER 21.04 WMC; TEMPORARILY REMOVING A RESTRICTION ON DEVELOPMENT WITH DENSITIES LESS THAN FOUR DWELLING UNITS PER ACRE WITHIN THE CITY'S LOW DENSITY RESIDENTIAL ZONES; ADOPTING PRELIMINARY FINDINGS IN SUPPORT OF SAID AMENDMENT; SCHEDULING A PUBLIC HEARING DATE; PROVIDING FOR SEVERABILITY; DECLARING A PUBLIC EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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(1) 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 a certain amendment is necessary to keep the Zoning Code updated and to accommodate the needs of its citizens; and

WHEREAS, the Woodinville City Council has reviewed the amendment contained in this ordinance and finds that the amendment meet the required criteria in Ordinance No. 172 and WMC 21.46.030; and

WHEREAS, public hearings concerning the substance of this ordinance were held by the City of Woodinville Planning Commission on January 31, 2007 and February 14, 2007, and by the City of Woodinville City Council on March 5, 2007;

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

Section 1. Findings. The City Council hereby adopts the following preliminary findings in support of this interim ordinance, together with the recitals expressed herein.

1. Among the considerations which come to bear on sustainable development are the City's GMA duty to accommodate urban growth while protecting critical area "function and values", as well as considerations relating to such factors as protection of anadromous fisheries, adequate and diverse housing alternatives, availability of urban services and infrastructure, preservation of the character and vitality of existing neighborhoods, and considerations relating to jobs and economic development.

2. Environmental functions and values of critical areas have become more recognized in recent years largely as a result of local jurisdictions' work on their critical area regulations utilizing GMA-mandated "best available science".
3. The GMA itself is silent on what numeric value constitutes "urban density". However, over time, case decisions by Growth Hearings Boards established a minimum figure of four units per acre as meeting the threshold of urban density. This figure has been referred to as the "bright line" threshold.
4. Recently, some jurisdictions (for example, Bothell and Normandy Park) have faced and survived challenges from public policy advocacy or development groups which complained that their plans did not meet the four dwelling unit per acre urban density bright line threshold even though the plans over-all accommodated the jurisdictions' growth allocations. A Washington Supreme Court decision has also held that interpreting minimum density "bright lines" into the language of the GMA was beyond the authority of the Growth Management Hearings Boards and was inconsistent with the deference which local government's decisions must be accorded under the GMA. However, at least one Plan (Normandy Park's) has been appealed to the Washington Supreme Court and the extent of flexibility and deference to which jurisdictions are entitled under the GMA has yet to be finally determined.
5. Central Puget Sound Growth Management Hearings Board rulings generally uphold "lower" residential densities supported through studies applying the "Litowitz v. Federal Way" factors, named for a decision by the Board setting a standard for when lower densities would be acceptable as a means of maintaining the integrity of environmental resources. Even in such cases, however, the jurisdiction in question was still required to meet its growth allocations in some way, and the exemption on density for critical area protection did not reduce the jurisdiction's overall allocation numbers.
6. In a "Litowitz Test" study, lower development densities are justified if the area in question meets a three-part test. The critical area must be shown to: (1) be large in scope; (2) have complex structure and function, and (3) have high (environmental value) rank order.
7. Consultants for the City of Woodinville have performed "Litowitz" studies to evaluate the level of resource sensitivity and potential impact from development and to provide data useful in determining appropriate development density.
8. The GMA also recognizes other factors as relevant in planning. For example, Comprehensive Plan's housing element, among other things, ensures "the vitality and character of established residential neighborhoods". RCW 36.70A.070(2).
9. Staff has prepared a study of the existing neighborhoods in the R-1 area and therein found that several neighborhoods' housing stock, character, and vitality would best be preserved by lower density zoning.
10. The City contains a surplus supply of buildable lands to accommodate the 20-year housing and population projection required by the GMA.
11. The Planning Commission is responsible for review of issues and formulating recommendations concerning growth, land use, transportation, community infrastructure,

preservation of environmental quality, preservation of neighborhood character and developing policy for those and other land use issues.

12. Any amendment to either the City's Comprehensive Plan or regulatory code requires approval of an ordinance by City Council.
13. The Planning Commission held a public hearing on January 31st and February 14th regarding the Sustainable Development Study and proposed amendments to Comprehensive Plan goals and policies as well as amendments to the Zoning Code. They deliberated at the close of the public hearing and the Planning Commission recommended the City Council retain the existing R-1 zoning and amend WMC 21.04.080(1)(a) to remove the restriction of development with densities less than four dwelling units per acre based on the following reasoning and findings:
 - a. The City contains excess capacity in its residentially zoned areas to accommodate the GMA housing allocation out to the year 2022, the current twenty year planning horizon.
 - b. Adding significantly to the City's housing capacity is the recently approved mixed-use and multi-family projects in the downtown area and in the Tourist District. Two projects alone account for over 700 new housing units. These and other projects in the planning stages are serving to implement the City's long standing goal to develop pedestrian-oriented development in and around the commercial areas of the City that accommodate over 3 dozen wineries. The City is at a delicate tipping point in its Downtown/Little Bear Creek Master Plan, Economic Development Plan, and Sustainable Development Plan, particularly with respect to carefully planned growth in higher residential areas that require mixed retail/residential developments to be successful. Sudden increase in development away from this targeted core area could effectively "cannibalize" some of this nascent residential growth where it is needed most.
 - c. Changing the R-1 area to R-4 is counter to the City's economic and residential growth plans to encourage housing in the downtown where people can live in proximity to work opportunities, shopping, mass transit and other services, which not only supports the local economy, but also reduces vehicle trips.
 - d. An R-4 rezone of the subject area would likely have a negative effect on the City's resources in context of the capital improvement plans, particularly in regards to addressing traffic and acknowledging single-family development that does not provide sufficient tax revenue to support required municipal services.
 - e. An R-4 up-zone to a large area of the City could have a negative impact on the City's image and sense of unique identity, recognized since its incorporation as a Woodland Character community (Comprehensive Plan Goals LU-1, CD-2)
 - f. In the central portion of the R-1 area, identified in the Study (Attachment A), the Lake Leota Basin constitutes approximately 50% of the total R-1 area and feeds into Cold Creek and the Bear Creek Drainage Basin, the region's most significant salmon spawning habitat area. These two important natural resources are large in scope, complex in structure and function, and of high rank order and thus, the

interconnecting system qualifies under the "Litowitz Test" for low-density (less than R-4) zoning.

- g. The Sustainable Development Study and public hearing testimony indicate possible negative impacts to other elements of the natural environment if R-4 zoning were put into place. Greater development could affect geologic hazards, and an extensive Critical Aquifer Recharge Area and Lake Leota.
 - h. The City is doing an effective job of balancing the competing GMA goals related to accommodating growth and environmental protection by exceeding the GMA job allocation; providing a wide variety of housing, including a national award winning affordable housing project (Greenbrier); and protecting the environment through an updated critical areas regulations based on Best Available Science, as well as participation in and support of such programs as WRIA 8 Salmon Task Force, Sammamish ReLeaf, Salmon Watchers, Wetland Restoration Monitoring and Tree City USA (10 Year Award).
 - i. The City limits are co-terminus with the Seattle Metropolitan Urban Growth Area Boundary with no potential annexation areas left for the City to grow into after 2022. The R-1 area with proper development regulations, such as shadow platting can serve as a tool for future growth beyond 2022.
14. The City Council held a study session on February 26, 2007 to review and discuss the Sustainable Development Study and the Planning Commission recommendations.
 15. The City Council held a public hearing on March 5, 2007 to receive and consider public testimony regarding proposed Zoning Code Amendment as contained in Ordinance No. 431, the Sustainable Development Study and the Planning Commission recommendation to retain the current R-1 zoning in the City.
 16. The entire R-1 zoning district is currently subject to a comprehensive building and land use moratorium that was imposed in order to preserve the status quo during the pendency of the Sustainable Development Study. The moratorium was originally enacted on March 20, 2006, was renewed for an additional six month period commencing September 20, 2006, and is scheduled to expire on March 20, 2007.
 17. Allowing the moratorium to expire before the City's new regulations take effect would pose a serious threat to the public health, safety, welfare and local environment by potentially enabling developers to obtain vested development rights inconsistent with the City's new regulations. The accrual of any such vested rights would irreparably frustrate the City's long-term planning efforts with respect to the Sustainable Development Study.
 18. Additional time is necessary to thoroughly review the zoning code amendments recommended by the Planning Commission, and to conduct further analysis regarding appropriate permanent changes to the City's existing development regulations.
 19. The Council is concerned about the legal and practical implications of renewing the current moratorium, and desires instead to adopt the Planning Commission's recommended zoning code amendments as interim regulations that will temporarily govern development within the R-1 zoning district until such time as permanent amendments are enacted.

20. The City Council fully expects and intends to adopt the permanent zoning amendments arising from the Sustainable Development Study within the six month effective period of this ordinance.
21. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City is authorized to adopt interim zoning regulations.
22. A public emergency exists requiring this ordinance to take effect immediately upon passage by the City Council.

Section 2. Interim amendment to Section 21.04.080, Residential zones, of the Woodinville Municipal Code is hereby amended to read as set forth below.
Deleted text is shown by ~~strikethrough~~.

21.04.080 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, multi-family 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, multi-story 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.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council will conduct a public hearing for the purpose of receiving public testimony regarding this interim ordinance. The City Clerk is authorized and directed to schedule said public hearing for a City Council meeting held within the next 60 days. The City Clerk is hereby authorized and directed to provide public notice of said hearing in accordance with applicable City standards and procedures. The City Council may in its discretion adopt additional findings in support of this interim ordinance at the conclusion of the public hearing.

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. Provided, however, that if any section, sentence, clause, or phrase of this Ordinance, or any change in a land use designation is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

Section 5. Copy to CTED. The City Clerk is directed to send a copy of this ordinance to the State Department of Community, Trade, and Economic Development for its files within ten (10) days after adoption of this Ordinance.

Section 6. Effective Date; Sunset. Based upon the recitals and findings set forth above, the City Council hereby declares a public emergency requiring this ordinance to take effect immediately; PROVIDED, that the interim zoning code amendment imposed pursuant to Section 2 hereof shall take effect on March 21, 2007, immediately following the scheduled expiration of the land use and building moratorium originally adopted by Ordinance No. 419 and renewed by Ordinance No. 427. Subject to the foregoing, this ordinance shall be in full force and effect immediately upon adoption, and shall remain effective for a period of six months unless terminated earlier or subsequently extended by the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 12th DAY OF MARCH 2007.

Cathy VonWald, Mayor

ATTEST/AUTHENTICATED:

Jennifer Kuhn
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
J. Zachary Lell
City Attorney

PASSED BY THE CITY COUNCIL: 3-12-2007
PUBLISHED: 3-19-2007
EFFECTIVE DATE: 3-12-2007
ORDINANCE NO. 431

Sustainable Development Study Phase 2 Work Plan - Summary

Goals to Complete Sustainable Development Study <i>(see attachments for detailed tasks)</i>	Estimated Costs Phase 2a	Estimated Costs Phase 2b	Consultants/ Comments
1. Transportation	\$25,000	\$329,441	Perteet
Goal 1 Identify transportation impacts caused by increased density and development outside of city	\$25,000		
Goal 2 Identify transportation improvements needed to mitigate increased density (combined with outside city development)		\$155,076	
Goal 3 Identify impacts caused by increased density and outside city development on non-motorized systems		\$15,385	
Goal 4 Identify transportation system costs to mitigate increased density impacts on roadway systems		\$108,246	
Goal 5 Assist in Low Impacts Development Standards		\$8,364	
Goal 6 Assist in Development Standards		\$22,000	
Goal 7 Evaluate Safety		\$10,000	
Goal 8 Develop a Transportation Report		\$10,370	
2. Hydrology	\$48,820	\$272,000	
Surface Water Goal 1a Determine areas contributing cold clear water to important ecological systems (Bear Creek, Little Bear Creek); Review current status of Bear Creek Basin special protection measures. Goal 1b Identify impacts of increased density on storm systems Goal 2b Develop storm system improvement development plan with costs Goal 3b Develop water quality protection plan and compare at lower and higher densities (The above includes Review Basin areas around Lake Leota; coordinate with surface water management plan; further evaluate Low Impact Development; evaluate if flows to Bear Creek could meet a refined "Litowitz" test; Review Bob Harmon data)	\$15,000	\$272,000	OTAK
Goal 4 Identify LID Guidelines	\$1,320		Perteet
Groundwater Goal 1a Update/Improve groundwater flow map. Identify impacts of increasing development density City time meetings, coordination, review, etc	\$30,000 \$2,500		Golder Cost Options Right-of-Entry prob.

Sustainable Development Study Phase 2 Work Plan – Summary (continued)

Goals to Complete Sustainable Development Study (see attachments for detailed tasks)	Estimated Costs Phase 2a	Estimated Costs Phase 2b	Consultants/ Comments
3. Geotechnical	\$14,000		Golder
Goal 1 Review and update landslide hazard areas Goal 2 Evaluate active faults and impacts associated with increased density Goal 3 Coordinate with CAP	\$14,000		Right-of-Entry possible problem
4. Other Critical Areas Information	\$30,420	\$0	Jones & Stokes
Goal 1 Identify additional wetlands and impacts from increased density Goal 2 Identify any wildlife corridors and impacts from increased density	\$15,710 \$14,710		J&S (review by Steward & Assoc.) Right-of-Entry possible problem
5. Neighborhood Character & Land Use	\$90,940	\$0	Jones & Stokes
Goal 1 Identify and evaluate CC&R's Goal 2 Review & strengthen Neighborhood Character report Goal 3 Re-evaluate residential zones in WMC Goal 4 Prepare Documents, assist staff and CAP Goal 5 Prepare Buildable Lands Data and Report Goal 6 Evaluate City's Affordable Housing Goal 7 Evaluate Transfer of Density Credits/Development Rights	\$17,800 \$24,220 \$4,620 \$27,295 \$3,170 \$4,075 \$9,760		
6. Other	\$3,282	\$6,100	
Goal 1 Request Health Department assist city with knowledge about alternative septic systems Goal 2 Administrative Expenses	\$2,000 \$1,282	\$6,100	
GRAND TOTALS	\$212,462	\$607,541	\$820,003

1. Transportation

Sustainable Development Study

March-September 2007

Prepared by Perteet, City, Roger Mason

Revision: 30 March 2007

The community, CAP, and decision makers need additional information to understand the following:

1. Existing area-wide constraints and deficiencies related to the transportation system in the R-1 area.
2. Traffic related information to understand how re-zone scenarios affect capacity, safety and operations of existing arterials and local access roads within the R-1 area.
3. Review and consider impacts (environmental, right-of-way, and budget) of potential improvements required to address traffic capacity, safety and operations.
4. Major issues or fatal flaws resulting from potential transportation/traffic improvements that would be needed to accommodate higher densities.
5. Additional thoughts: The SDS scope outline defines a future year of 2022. Although it would be more efficient/timely to use the same 2030 forecast year (consistent with PSRC regional models), staying consistent with the previous analysis (a 2022 forecast year) be achieved by developing an interim 2022 forecast year for the SDS by interpolating between the 2007 and the new 2030 land use forecasts.

Goal 1. Identify transportation impacts on arterial and collector roadways from increased density and outside city development...

Task 1. Conduct an origin-destination survey on main arterial and collector roads during PM peak hour

Task 2. Evaluate data and provide analysis of through trips in R-1 study area

Task 3. Incorporation information into traffic model for future calibration during concurrency model development

Goal 2. Identify transportation improvements needed to mitigate increased density (combined with outside city development)

Task 1. Presentations and interface with CAP on transportation data collection, modeling methods of analysis, review of results. Develop foundation to understand results.

Task 2. Acceptance of assumption used in transportation modeling (e.g. growth rate, standards, historical data)

Task 3. Projection of development/redevelopment of the R-1 zone to R-4 through 2028 (or appropriate period consistent with other forecast data)

Task 4. Projection of development in Snohomish County that will impact the R-1 zone

Task 5. Projection of development in King County that will impact the R-1 zone

Task 6. Develop baseline traffic conditions for 2008(or appropriate period consistent with other forecast data) .

Sub 1. Turn movement counts at key arterial and collector intersections (W-D/156th Ave, W-D/167th Ave, W-D/168th Ave, 164th Ave/175th St, 173rd St/152nd Pl, NE W-D/W-D)

Sub 2. Turn movement counts at 6 key local/arterial intersections (195th St/156th Ave, 198th St/156th Ave, 202nd St/156th Ave, 152nd Ave/W-D, 154th Ave/W-D, 160th Ave/W-D)

- Sub 3. Traffic tube counts along at 10 locations on arterial and collector system roads (W-D east of 156th Ave, W-D west of 156th Ave, W-D east of 168th Ave, 156th Ave south of 188th Pl, 156th Ave south of City Limit, 168th Ave north of W-D, 167th south of W-D, 164th Ave south of 180th St, 175th St west of 164th Ave, 171st St east of 143rd Pl.)
- Sub 4. Identify any trip generations impacts from adjoining regions in both King and Snohomish County
- Sub 5. Perform Level of Service (LOS) analysis on all intersections identified under Sub 1 and Sub 2.
- Task 7. Project traffic conditions for 2028 (or appropriate period consistent with other forecast data)
 - Sub 1. Develop assumptions and get approval from City of Woodinville
 - Sub 2. Project regional traffic generation on roadway system (show new and accumulative trips on arterial and collector system)
 - Sub 3. Project local traffic generation (show new and accumulative trips on arterial and collector system)
 - Sub 4. Analysis of LOS at identified intersections under current road configuration (Task 4 sub 1 & 2)
 - Sub 5. Identify needed system improvements on identified intersections exceeding LOS E
 - Sub 6. Analysis on W-D with a three lane and five lane standard including intersections
 - Sub 7. Analysis of 156th Avenue with a three lane standard including intersections
 - Sub 8. Identify needed system improvements on other arterial and collector roadway segments exceeding ADT capacity under current industrial standards for urban roadways
 - Sub 9. Analysis of potential for future road connections to improve circulation in R-1 zone
 - Sub 10. Provide system map ADT, LOS, turn movement for current and 2028
- Goal 3. Identify impacts caused by increased density and outside city development on non-motorized systems
 - Task 1. Identify school pedestrian and bike travel routes
 - Task 2. Identify existing non-motorized system for pedestrian and bikes entire R-1 zone area
 - Task 3. Review City's Non-motorized plan and perform needs review in field
 - Task 4. Identify non-motorized system needs with recommended priority list
- Goal 4. Identify transportation system costs to mitigate increased density impacts on roadway systems
 - Task 1. Perform field review of existing edge conditions for arterial and collector road system to include photos of key areas of design concerns (ie: steep slopes, fill/cut sections, large trees, location of homes and structures)

- Task 2. Provide engineering cost opinion (in Excel format), including anticipated property takes and impacts, storm water system including detention/WQ, street lighting, associated PS&E, construction, and 20% contingency, for:
- Sub 1. W-D from 156th Ave to east City limit with three lane cross section using existing standards
 - Sub 2. W-D from 156th Ave to east City limit with five lane cross section using existing standards
 - Sub 3. W-D from 156th Ave to east City limit with three lane cross section using a modified standard (to be provided by City)
 - Sub 4. W-D from 156th Ave to east City limit with five lane cross section using a modified standard (to be provided by City)
 - Sub 5. W-D west of 156th Ave to match into existing five lane section with five lane cross section using existing standards
 - Sub 6. W-D west of 156th Ave to match into existing five lane section with five lane modified standard cross section (developed by consultant to have minimum impact)
 - Sub 7. 156th Ave from W-D to north City limit with three lane cross section using existing standards
 - Sub 8. 156th Ave from W-D to north City limit with three lane cross section using a modified standard (to be provided by City)
 - Sub 9. 168th Ave north of W-D to NE 195th with three lane cross section using a modified standard (to be provided by City)
 - Sub 10. 167th from W-D 164th Ave with three lane cross section using a modified standard (to be provided by City)
 - Sub 11. 164th Ave from 180th St to south City limit with three lane cross section using a modified standard (to be provided by City)
 - Sub 12. 175th St west of 164th Ave to 143rd Pl. with three lane cross section using a modified standard (to be provided by City)

Goal 5. Assist in development of Low Impact Development Standards

- Task 1. Review existing standards
- Task 2. Provide recommendation of improvements to existing standards to address LID for short and long term
- Task 3. Recommendation of LID improvement to incorporate into arterial and collector standards

Goal 6. Assist in development of Standards

- Task 1. Review existing standards
- Task 2. Provide recommendation of improvements to existing standards

Goal 7. Evaluate safety (pedestrian and vehicular), including during inclement weather

Goal 8. Develop a Transportation Report

- Task 1. Summarize findings
- Task 2. Diagram maps of existing and 2028 traffic volumes, LOS, and turn movements

- Task 3. Diagram map showing existing and 2028 roadway deficiencies
- Task 4. Diagram map showing existing pedestrian & bike travel, existing deficiencies.
- Task 5. Diagram map showing capital need for road improvements
- Task 6. Diagram map showing capital need for non-motorized improvement
- Task 7. Provide an aerial map for each cost estimate identifying edge conditions, estimate property takes, anticipate impact areas to structures and significant trees (16 inch dia. or larger)
- Task 8. Item level cost opinions
- Task 9. Provide standard plans used in report
- Task 10. Document study material
- Task 11. Identify transportation funding alternatives
- Task 12. Provide CIP timeline

Hydrology:

2a. Surface Water

Goal 1. Determine areas contributing cold clear water to important ecological systems (Bear Creek, Little Bear Creek); Review current status of Bear Creek Basin in King County for special protection measures used by King County).

Task 1. Determine basin flows and test temperatures for cold clear water contributions

Task 2. Determine if results contribute to "Litowitz test)

2b. Surface Water

Goal 1. Identify impacts of increased density on storm systems

Task 1. Projection of development/redevelopment of the R-1 zone to R-4 through 2022

Task 2. Projection of development outside of City that will impact surface water flows for R-1 zone *[Assume a maximum buildout, with outside agency future land use. Buildout is expected to be in full compliance with current regulations (ie Detention, Water Quality, Conveyance). Include system inventory at boundaries and delineating basins.]*

Task 3. Develop baseline capacity of existing conditions

Sub 1. Inventory of existing system

Sub 2. Identify sub-basin areas

Sub 3. Perform hydrologic analysis, develop existing and 2022 flows

Sub 4. Model system for existing capacity *[Update model.]*

Sub 5. Identify deficiencies

Task 4. Model 2022 capacity need for R-1 and R-4 in 2022

Goal 2. Develop storm system improvement Plan with costs (include property acquisition and annual maintenance)

Task 1. Improvement plan for R-1 at 2022 to include regional storm detention and water quality facilities

Task 2. Improvement plan for R-4 at 2022 to include regional storm detention/water quality systems

Task 3. Perform comparative matrix between R-1 and R-4 plan

Goal 3. Develop Water Quality protection plan

Task 1. Lake Leota

Task 2. Little Bear Creek

Task 3. Bear Creek

Task 4. Cottage Lake

Task 5. General education

Groundwater

For Sustainable Development

Prepared by David Findley

Golder & Associates

March 29, 2007

Revised by City of Woodinville

April 15, 2007

Purpose : Update and improve groundwater flow map in R-1 Report to confirm groundwater flow directions and relationships between regional flow, Lake Leota, Cold Creek Springs, and hillside discharges.

Approach : Phased tasks to manage cost and fill data gaps incrementally.

Phase 2a -- groundwater

Goal 1. Update/Improve groundwater flow map. Identify impacts of increasing development density

Task 1 : Well Inventory and Topographic Control

Field locate and obtain access to as many of the following wells as possible:

From King County Database

1. Vannoy
2. Larson
3. Searight
4. Lisheness
5. Drennan
6. Kirvans
7. Wright
8. Cottage Lake
9. Mack
10. Kaplan

11. Rojers
12. Neisenuimer
13. Doughty
14. Woodinville Water
15. Woodinville

Additional Wells in WDOE Database

1. Hoflin
2. Nason
3. Schnoebelen
4. Brady
5. Hanawalt

Field GPS location/elevation, combined with LIDAR for location and elevations of Lake Leota, Cold Creek Springs and selected wells. Cost also assumes City can provide raw LIDAR data to extract elevations. Assumes preparation of a short memo with a list of wells visited and suggested monitoring approach.

Task 2 : One time measurement of Water Levels

Measure water levels one time by combination of manual and automated water level monitoring depending on well construction and landowner access. Include visual observation/documentation of seepage along hillside. Depends on how many wells can be accessed. Cost assumes City purchases two transducers. Assumes no modifications are necessary to obtain water levels.

Task 3. Evaluate data and prepare memo addressing two scenarios:

1. Groundwater in School and Daniels basin flows east and 2. Groundwater in School and Daniels basin flows west. Determine assumptions, probabilities, and effects of cold water flows within the basins.

Task 4. Meet with USGS (Craig Weaver & Brian Sherrod), two CAP members (Susan Boundy-Sanders, Matt Schultz), Dave Findley, Bob Anderson, and city staff

Meet to discuss likelihood of groundwater flow direction, fault effects on the flows, adequacy of data, and need for additional depending on probability of results.

3. Geologic

For Sustainable Development Study

Prepared by David Findley

Golder & Associates

March 29, 2007

Task 1: Review and update Landslide Hazard areas

Purpose: To evaluate slopes within City Limits in addition to the Hillside Drainages, such as the east-facing slopes on the west side of the Sammamish Valley, and other smaller slopes within the City Limits from a Landslide Hazard perspective. Activities would include LiDar imagery and aerial photograph review, ground reconnaissance, review of previous geotechnical reports, and possible excavation of exploratory test pits, updating/ revising the existing slope hazard mapping.

Assumptions: City LiDar data base is available and right-of-entry will be obtained by the City, May want to dig backhoe excavated test pit, similar to what was done in January 2007 for the Sustainability Study, for subsurface information. Assumes the City can provide a backhoe and operator.

Task 2: Earthquake Hazard (active fault) Evaluation

Purpose: This task will review and update the current state of knowledge regarding the location and nature of suspected active faults within and around the City of Woodinville. The United States Geological Survey has recently completed several active fault studies/investigations that have extended and or revised the eastward extension of the South Whidbey Island fault. The location of the South Whidbey Island Fault and associated splays needs to be documented and mapped for the City's data base and potential future use for regulating surface fault rupture earthquake hazards.

Assumptions: This task will primarily be completed as a desk top study and meeting with U.S. Geological Survey personnel. The review and analysis of available LiDar imagery and will be an integral part of the study. A report documenting the results with maps showing the current locations of known active faults would be prepared as well as recommendations for future earthquake hazard reduction needs.

Task 4 Coordination with CAP

This task will help the Cap define objectives and out comes of additional technical activities. We have assumed that Golder participation will be requested at selected CAP meetings. This task's activities could be coordinated with similar citizen group with whom we are currently working with in the adjacent portion of southern Snohomish County.

NOTE: Right of Entry on private property may be difficult

4. Other Critical Areas Information

Sustainable Development Study

2007 Continuation - Jones & Stokes-related Sustainable Development Scope of Work
Revision: 26 April 2007

This preliminary scope of work identifies Sustainable Development work program items that City may ask Jones & Stokes to take on as part of an augment to the existing Sustainable Development Study scope of work. All tasks are performed by Jones & Stokes unless noted as a City task.

Goal 1. Identify additional wetlands and impacts from increased density

- Task 1. Obtain City color aerial photography being shot in Spring 2007 for assistance in wetland tasks below.
- Task 2. Add to wetland map a symbol for citizen-identified wetlands that do not appear on February 2007 GIS map, as a means of flagging these areas for future review and analysis when land use applications are submitted. Add City provided information on wetlands from Golf Course basin.
- Task 3. Review wetlands in School Basin roughly between 162nd Avenue NE and 166th Avenue NE. It is assumed that only a minor amount of wetlands will be reviewed north of the King County line based on surface water flow patterns. The purpose is to determine the approximate extent of the wetlands and the hydrologic connectivity of the wetlands with other streams/wetlands. In reviewing the extent of the wetlands the effort will not involve a surveyed delineation. Consideration of hydrologic connectivity will involve a review of the nature of the surface connection between the wetlands, but will not involve a quantitative estimation of the volume contribution of the wetlands to the basin or Lake Leota. The task includes review of any prior reports or information on the wetlands, field review by two wetlands ecologists, preparation of a memorandum summarizing conclusions, and attendance at one staff and at one public meeting by one ecologist. It is assumed that the City will obtain private property owner permission for wetland reviews in the field.

Goal 2. Identify any wildlife corridors and impacts from increased density

- Task 1. Review published sources for maps or descriptions of existing wildlife corridors in the R-1 Study Area.
- Task 2. Review existing data, including aerial photography of the Study Area and critical area maps to find water courses, areas of significant vegetation, and connectivity of watercourses and areas of significant vegetation that could provide wildlife corridors within the existing R-1 Study Area. Meet or teleconference with State Fish and Wildlife staff.
- Task 3. Based on results of Tasks 1 and 2, identify possible wildlife corridors and properties for follow-up field reconnaissance.
- Task 4. City obtains private property owner permission for follow-up field reconnaissance.
- Task 5. Conduct follow-up field reconnaissance of identified possible wildlife corridors in R-1 Study Area. This task assumes up to two days of field reconnaissance by 2 wildlife biologists. During the field reconnaissance, the biologists may be accompanied by State Fish and Wildlife staff and one citizen advisory panel member.
- Task 6. Prepare GIS-format map to document findings of follow-up field reconnaissance. This task assumes one draft map and one final map are produced.
- Task 7. Prepare memorandum to be included in the Sustainable Development Study that documents findings of follow-up field reconnaissance.

5. Neighborhood Character, Land Use & Affordable Housing Sustainable Development Study

March-July 2007 Continuation
Jones & Stokes-related Sustainable Development Scope of Work
Revision: 29 March 2007

This preliminary scope of work identifies Sustainable Development work program items that City may ask Jones & Stokes to take on as part of an augment to the existing Sustainable Development Study scope of work. All tasks are performed by Jones & Stokes unless noted as a City task.

Goal 1. Identify Covenants, Codes, and Restrictions (CC&R's) that are in existence in the R-1 Study Area as a means of helping identify neighborhoods with high neighborhood character ranking.

Task 1. Analyze existing CC&R's in R-1 Study Area obtained from a title company.

Task 2. Research King County ordinances for possible CC&R's in the R-1 Study Area.

Task 3. Incorporate results of research on CC&R's into a GIS base map (1 draft & 1 final) and table summarizing findings.

Task 4. Provide recommendations for how the results of this review may change the Neighborhood Character Report.

Goal 2. Review and strengthen Neighborhood Character Report

Task 1. Incorporate demographic and social aspects into the Neighborhood Character report based on resources such as:

- Neighborhood social aspects reported by the CAP
- 2000 or more recent U.S. Census data at the block level
- Demographic and/or socio-economic data collected from the State Office of Financial Management, King County, and Puget Sound Regional Council.

Sub 1. Analyze data collected to determine any social or demographic attributes that would help define neighborhood subarea boundaries.

Sub 2. Compile results of demographic analysis into a memorandum and maps (up to 3) that can be incorporated as an appendix to Neighborhood Character report.

Task 2. Conduct up to 2 organized field trips to the R-1 Study Area with city staff & Sustainable Development CAP. This task assumes use of City-provided vehicles for neighborhood character field trips in the study area.

Task 3. Analyze transportation connectivity within the R-1 Study Area and identify subarea boundaries that could potentially change due to connectivity issues

Task 4. Review basis for neighborhood subarea boundaries within the R-1 Study Area.

Sub 1. Identify other forms of neighborhood subarea identification. This subtask includes identifying such things as any neighborhood block watches within the R-1 Study Area.

Sub 2. Analyze CC&R results, socio-economic/demographic data analysis, review of other neighborhood subarea identification aspects, and connectivity between subareas to evaluate existing neighborhood subarea boundaries.

Sub 3. Produce recommendations for possible changes to neighborhood subarea boundaries.

Sub 4. Update GIS-based map (1 draft & 1 final) of neighborhood subareas based upon Subtask 2 above.

Task 5. Evaluate the indicators used to rank neighborhood subarea character in current Neighborhood Character report.

Sub 1. Analyze definitions of existing indicators and add further detail to their definitions and/or modify their titles to clarify their meaning.

Sub 2. Evaluate the relevance of:

- Measures being used to categorize neighborhood subarea character,
- How data is presented in maps used to define neighborhood subareas degree of character, and
- The weight given to measures being used to define neighborhood subareas' degree of neighborhood character.

Task 6. Evaluate the Neighborhood Character rankings for neighborhood subareas using results of above tasks within this Goal.

Task 7. Revise Neighborhood Character matrix, maps, and report, as appropriate based upon results of Task 6. This task assumes that 1 draft and 1 final version of neighborhood character maps existing within neighborhood character report at time of this draft.

Goal 3. Re-evaluate the definitions of residential zones contained in the Woodinville Municipal Code.

Task 1. Review how other cities in King County define their residential zones.

Task 2. Analyze results of review to determine relevance of amending City of Woodinville residential zone definitions.

Task 3. Draft revisions to city residential zone definitions based upon results of analysis using strike-through/underline. This task assumes one draft and one round of revisions for draft

Goal 4. Provide Assistance to City Staff at CAP and Planning Commission meetings, updating Sustainable Development Study Executive Summary, and related document management for updated Sustainable Development Study.

Task 1. Incorporate updates provided by City staff and sub-consultants into the Sustainable Development Study. This task assumes the City will consolidate updates and provide no more than 2 rounds of updates. Revisions will be provided by electronic copy only.

Task 2. Revise and update Sustainable Development Study Executive Summary. This task assumes no more than 2 rounds of revisions and all revisions will be provided by electronic copy only.

Task 3. Attend and act as a resource to City staff at Sustainable Development CAP and Planning Commission meetings. This task assumes attendance of up to one staff person at no more than 5 Sustainable Development CAP meetings, and no more than 2 additional Planning Commission meetings.

Goal 5. Provide a completed 2001 – 2005 Buildable Lands Report as an addendum to the City of Woodinville Sustainable Development Study - R-1 Zone Report.

Task 1. City Task: Complete field work on updated Buildable Lands inventory map.

Task 2. City Task: Revise Buildable Lands inventory map as necessary.

Task 3. Determine for the CBD and TB Zones:

- A. Achieved % of net land developed residential.
- B. Achieved % of net land developed commercial.
- C. Assumed future % of net land developed residential.
- D. Assumed future % of net land developed commercial.
- E. Reasons/documentation for differences between B and D or C and E.

Task 4. City Task: Determine assumed future density for all residential zones.

Task 5. City Task: Determine floor area ratio in all non-residential zones.

Task 6. City Task: Determine mixed-use land supply in CBD and TB Zones.

Task 7. City Task: Summarize development capacity.

Task 8. City Task: Review Buildable Lands data with Suburban Cities Association Buildable Lands Manager for compliance with applicable State guidelines.

Task 9. City Task: Finalize Draft Buildable Lands Report.

Task 10. Prepare Buildable Lands briefing and staff report for Planning Commission.

Task 11. Present Buildable Lands Report to CAP for review and comment.

Task 12. Amend Report if necessary.

Task 13. City Task: Present Buildable Lands briefing & Report at Planning Commission study session.

Task 14. Prepare Buildable Lands briefing & staff report for City Council study session.

Task 15. City Task: Present Buildable Lands briefing & Report at City Council study session.

Task 16. Prepare Final Buildable Lands Report.

Task 17. Present Final Buildable Lands Report to CAP for review & comment.

Task 18. Prepare Planning Commission staff report.

Task 20. Prepare City Council staff report & Resolution.

Goal 6. Evaluate city's current affordable housing and assess what other city's are doing to manage their housing

Task 1. Evaluate data and compare to other justifications

Task 2. Prepare strategies for further efforts to attain affordable housing

Goal 7. Determine the ability of the City's Transfer of Density Credits/Transfer of Development Rights (TDC/TDR) regulations to preserve critical environmental or neighborhood character attributes in the R-1 Study Area while meeting other City goals.

Task 1. Review TDC/TDR regulations and programs in other cities and jurisdictions within King County.

Task 2. Review case law and Growth Management Hearings Board cases that support or do not support the use of TDC/TDR regulations.

Task 3. Evaluate how appropriate this issue is to the City's existing plans and regulations.

Task 4. Develop recommendations for possible amendments to the City's TDC/TDR regulations that would assist in preserving critical environmental or neighborhood character attributes of the R-1 Study Area and achieve other city goals. This task assumes production of 1 draft memorandum explaining findings of analysis and outlining recommendations with 1 final memorandum.

Task 5. Draft revisions to the City's TDC/TDR regulations. This task assumes 1 draft of amendments to regulations in strike-through/underline with 1 final version of amendments.

Work Plan Schedule Identified in Staff Report

TO: City Council
VIA: Richard A. Leahy, City Manager
FROM: Ray Sturtz, Long Range Planning Manager
SUBJECT: Interim Ordinance 431 & Resolution 338 - Public Hearing
MEETING DATE: May 7, 2007

ISSUE: Shall the Council hold a public hearing for Ordinance 431, an interim ordinance for the Low Density Residential Zone, amending WMC 21.04.080(1)(a), removing restrictions on developments with densities less than four units per acre if adequate services are not provided?

RECOMMENDATION: To hold the public hearing to receive testimony and evidence concerning Ordinance No. 431; and to approve Resolution 338 adopting additional findings, work plan, budget, and schedule for supplemental work on the Sustainable Development Study for the R-1 Zone, and allow the interim regulations for the Low Density Zone to remain in effect.

BACKGROUND: On March 12, 2007, the City Council adopted Ordinance 431 as an *interim* zoning measure that will automatically expire six months after adoption unless terminated earlier or extended further by Council action. This interim regulation was adopted under RCW 35A.63.220 and 36.70A.390 which limit the duration of interim regulations to not more than six months increments; and which require that a public hearing be held on the interim regulation within 60 days of its adoption. Tonight's public hearing fulfills the requirement for a public hearing within 60 days of adoption of the interim regulation.

The Council adopted Ordinance 431 after almost 12 months of development moratorium in this zone and after considering recommendations of the Planning Commission and testimony of the public regarding the findings of an extensive Sustainable Development Study for the R-1 Zone.

POLICY DECISIONS:

The decisions before the Council tonight include the following matters:

1. Shall the public hearing be held for Ordinance 431 (adopted by the Council on March 12, 2007) to comply with requirements of State Law?
2. Shall the Council approve the Supplemental Work Plan, Project Budget, and Schedule for the Sustainable Development Study for the R-1 Zone?
3. Shall the Council approve Resolution 338 adopting additional findings, work plan, budget, and schedule for the Sustainable Development Study for the Low Density Residential Zone and allow Ordinance 431 to remain in effect?

Public Hearing for Ordinance 431

Pursuant to RCW 36.70A.390, RCW 35A.63.220, and Ordinance 431-Section 3; the City Council must conduct a public hearing within 60 days after the interim ordinance is adopted. The purpose of the May 7, 2007 public hearing is to comply with this legal requirement and receive public testimony regarding the substance of Ordinance 431.

RCW 36.70A.390 and 35A.63.220 also require the Council to adopt written findings in support of an interim zoning ordinance. Because Ordinance 431 contained several legislative findings when it was adopted, the City Council has technically already satisfied this requirement. However, tonight's action will add findings to those originally contained in Ordinance 431.

Supplemental Work Plan, Budget, & Schedule for Sustainable Development Study for R-1

When the City Council adopted the interim regulations on March 12, 2007, it determined that supplemental information and analysis was needed beyond the initial Sustainable Development Study before a permanent decision about zoning and environmental protection in the Low Density Residential Zone could be made.

With assistance of the Citizen Advisory Panel (CAP), we identified six areas requiring analysis:

1. Transportation (including impacts of local and regional traffic and necessary improvements to retain Level of Service);
2. Hydrology (including surface water and groundwater);
3. Geotechnical (including soil conditions, landslides, and earthquake faults);
4. Other Critical Areas (including wetlands and wildlife corridors);
5. Neighborhood Character (including CC&Rs and buildable lands); and
6. Other - Request Health Department assistance regarding information on alternative septic system

Resolution 338, Exhibit B, includes a list of all identified tasks including the goals, detailed description, and cost.

Project Cost

The estimated cost to prepare this supplemental information is significant, approximately \$820,000 for all tasks and phases. In recognition of financial constraints and the six-month time constraint of the interim regulation, we have worked with the CAP, consultants, and our attorney to prioritize this work into two phases, Phase 2a and Phase 2b.

Phase 2a includes work that will provide the data necessary to make a final decision on the appropriate densities in Low Density Residential Zone and any code amendments that may be needed to replace Ordinance No. 431 (interim regulations) which expires on September 11, 2007. The cost of Phase 2a is estimated to be \$212,000.

Phase 2b includes work which cannot be accomplished by September 11, 2007 or which is less essential to making a final decision on densities in the Low Density Residential Zone. The cost of Phase 2b is estimated to be \$608,000.

The cost of each element of the Work Plan is provided in Exhibit B. If the City Council approves the work plan and schedule, the appropriate budget amendments will be prepared for City Council approval at a later date.

Schedule

To comply with the September 11, 2007 deadline of the interim regulations, we must pursue an aggressive work schedule. Previously, the City Council expressed concern about a Preliminary Work Schedule presented on April 9, 2007, which envisioned that the supplemental study would be finalized in late June/early July. The following revised schedule provides almost one additional month before the report is finalized and still allows opportunities to include additional information while the Planning Commission and City Council are reviewing it. Following is the revised Work Schedule.

City of Woodinville, Washington
SUPPLEMENTAL SUSTAINABLE DEVELOPMENT STUDY SCHEDULE
 May 7, 2007

Date	Task
April 2007	Work with CAP, consultants, and attorney to finalize scope of work and prioritize elements. Begin work on well-defined issues/topics.
May 7, 2007	Public Hearing by City Council on Interim Regulations. Seek Council approval on full scope of work and project budget.
June 29, 2007	Initial draft of report complete.
July 3, 2007	Draft possible code revisions (if any)
July 6, 2007	Submit possible code revisions (if any) to CTED for 60-day Review and Comment Period
July 2007 (to be determined)	Possible joint meeting of City Council and Planning Commission to review preliminary report findings.
July 25, 2007	Finalize Report
Aug. 1, 2007	Planning Commission Public Hearing & Recommendations to City Council
Aug. 8, 2007	Planning Commission Deliberation and Recommendation to City Council
Aug. 20, 2007	City Council – 1st Reading of Planning Commission Recommendations
Sep. 4, 2007	City Council – 2nd Reading and Adoption
Sep. 10, 2007	Back-up Date for City Council Action
Sep. 11, 2007	Interim Development Regulations Expire

This schedule provides little room for delay and tries to balance the time needed to develop the information with the time needed to give the City Council adequate time to decide the matter.

ANALYSIS: The Council has indicated that supplemental information is needed to make an informed permanent decision on zoning density. The purpose of Ordinance No. 431 is to adopt the substance of the Planning Commission's recommendations on an interim basis until these additional elements of the Sustainable Development Program are fully completed. The City intends to complete these additional tasks during the six-month effective period of the interim ordinance.

ALTERNATIVES: The City Council is legally required to conduct a public hearing within sixty days of adopting an interim zoning measure. The Council's failure to conduct a hearing within this statutorily defined timeframe could potentially jeopardize the continued effect of Ordinance No. 431. The only discretionary decision for the City Council concerns the extent to which additional, supplementary findings in support of Ordinance No. 431 should be adopted at the conclusion of the public hearing.

Chapter

37

RECEIVED

JUL 13 2007

City of Woodinville

Jennifer Kuhn, City Clerk
12:00 pm

BEFORE THE CITY COUNCIL
OF THE
CITY OF WOODINVILLE

In the Matter of Rezone and
Preliminary Plat Applications for

MONTEVALLO

NOS. ZMA 2004-094
PPA 2004-093

OPENING APPEAL BRIEF OF
CONCERNED NEIGHBORS OF
WELLINGTON'S BRIEF TO CITY
COUNCIL (MONTEVALLO)

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RECEIVED

JUL 13 2007

City of Woodinville

*Jennifer Keen
City Clerk
12:00 pm*

BEFORE THE CITY COUNCIL
OF THE
CITY OF WOODINVILLE

In the Matter of Rezone and
Preliminary Plat Applications for

WOOD TRAILS

NOS. ZMA 2004-053
PPA 2004-054

OPENING APPEAL BRIEF OF
CONCERNED NEIGHBORS OF
WELLINGTON'S BRIEF TO CITY
COUNCIL (**WOOD TRAILS**)

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(See Sections 5.1 to 5.4 of "OPENING APPEAL BRIEF OF CONCERNED
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