BEFORE THE CITY COUNCIL OF
THE CITY OF WOODINVILLE

In the Matter of the Hearing Examiner's:) Rezone Recommendation and Preliminary Plat) Approval for the "Wood Trails" Development)	**Appeal Application No: APP2007-0002 Wood Trails** **FINDINGS, CONCLUSIONS, AND DECISION UPON CLOSED RECORD REVIEW**

SUMMARY OF DECISION

The City Council, of the City of Woodinville, denies the requested Rezone Application (ZMA2004053) recommended by the City Hearing Examiner and Grants the Appeal of the Concerned Neighbors of Wellington (CNW) of the Hearing Examiner's approval of the Preliminary Plat Application (PPA2004054) based solely upon the denial of the Rezone. Since the Hearing Examiner's approval of the Preliminary Plat Application was contingent upon the approval of the rezone, the City Council does not reach the merits of the other claims of error raised by the CNW in their appeal of the Hearing Examiner's Approval of the Preliminary Plat Application.

SUMMARY OF RECORD AND PROCEDURAL MATTERS

Closed Record Review:
A closed record review of the Hearing Examiner's recommendation of May 16, 2007 to approve the requested rezone and of the Hearing Examiner's decision to approve the Preliminary Plat Application based on the appeal of the CNW was held by the City Council on August 6 and August 13, 2007. Oral argument was heard from the Applicant Phoenix Development, Appellant CNW, and other parties of record. No new evidence was received by the City Council. Exhibits received and considered by the Hearing Examiner as well as the video/audio recordings of the open record hearing before the Hearing Examiner were provided to and reviewed by the City Council Members prior to the August 6, 2007 public meeting.

FINDINGS OF FACT

1. The following "General Findings" made by the Hearing Examiner are adopted and incorporated by reference herein: 1, 2, 3, 4, 5, and 7.

2. The following "Findings Related To The Rezone" made by the Hearing Examiner are adopted and incorporated by reference herein: 8, 9, 10, 11, 12, 13, 14, 15, and 16.

3. The subject site is currently zoned R-1 and has been zoned R-1 since incorporation of the City. The zoning designation was at the time of incorporation a continuation of the applicable King County zoning designation under which the land had been subdivided and developed as part of unincorporated King County. City development regulations allow the property to be

developed consistent with its R-1 designation. There is nothing in the record to indicate that the Applicant attempted to develop the property under its current R-1 zoning designation.

4. The R-1 zoning is consistent with the "Low Density Residential" land use designation described in the City's Comprehensive Plan and the land use designation for the area in which the subject site is located on the Future Land Use Map made part of the City's Comprehensive Plan.

5. It is not necessary to rezone the property in order to provide consistency with the City's Comprehensive Plan. Current property zoning is consistent with the City's Comprehensive Plan.

6. In its legislative capacity, the City Council finds that the current zoning designation of R-1 is appropriate. The R-1 designation is appropriately placed upon the property in consideration of:

a. The development history of the area in which the property is located.

b. The maintenance of the existing suburban neighborhood character.

c. The lack of adequate public facilities and services to support the proposed R-4 development, including, but not limited to the substandard arterial roads and pedestrian walkways providing access to and from the subject property, the absence of any City parklands within walking distance of the subject property, and the absence of public transit services servicing the neighborhood area. Developments with R-4 densities are inappropriate in areas of the City where adequate public facilities and services cannot be provided at the time of development. See the statement of purpose in WMC Section 21.04.080(1)(a).

d. Area-wide environmental constraints imposed by steep slopes and erosion hazard areas make R-1 zoning particularly appropriate for the site by minimizing the significant unavoidable adverse impacts of residential development of the property. See the statement of purpose in WMC Section 21.04.080(2)(a) and (b).

e. The absence of any substantial changes in the circumstances from which the original zoning determination was made, including, but not limited to land use patterns, public opinion, established neighborhood character, substandard roadways, the absence of stores, sidewalks, and community parks.[1] Public sewer has not been brought to the property, but the Applicant for the rezone has proposed bringing public sewer to the property in its preliminary plat application. The Applicant would connect to public sewer at locations that have existed and been available for sewer connection since the mid 1990's.

f. Although the proposed rezone is arguably consistent with several policies of the City's Comprehensive Plan, a change in the zoning at the subject site is not needed or necessary to fulfill the City's Comprehensive Plan or to implement the Land Use Element of the Plan.[2] The Council does not construe its Comprehensive Plan or development regulations as requiring a rezone of this type.

g. The well established R-1 subdivisions of the same R-1 density served by public and private facilities and services inadequate to support the planned R-4 densities. See the statement of purpose in WMC Section 21.04.080(2)(a) and (b).

---

[1] Although the issue of whether or not there were changed circumstances to support a rezone was in dispute, the Council notes that the Hearing Examiner made no specific finding on this issue.

[2] Although the issue of whether or not the rezone was needed to fulfill the comprehensive plan was in dispute, the Council notes that the Hearing Examiner made no finding on this issue. The Hearing Examiner found only that the proposed rezone was "generally compliant" with the comprehensive plan.

7. Specific growth targets have been set for the City of Woodinville to meet by 2022 by King County consistent with the Growth Management Act (GMA) RCW 36.70A and the City of Woodinville is on track to meet these targets. It is not necessary for the City of Woodinville to approve of the Wood Trails development to meet these growth targets. Although the Applicant disputes the accuracy of the City staff's numbers, the Applicant has not demonstrated that the City is not on track to meet is targets.

8. The City of Woodinville currently has a diversity of housing within the R-1, R-4 R-6 R-12, R-24, R-48 and Central Business District (CBD) zoning designations that allow for a wide variety of housing types, incomes and living situations.

9. The Woodinville Municipal Code (WMC) Critical Areas Ordinance mapping showed evidence of area-wide environmental constraints as evidence in the FEIS and exhibits.

10. The FEIS completed by the City of Woodinville shows evidence of area-wide environmental constraints. See exhibit for steep slopes. See exhibit for wetlands.

11. The FEIS completed by the City of Woodinville shows that the Wood Trails development identifies unavoidable adverse impacts to transportation systems of the city and in the neighborhoods the development is set within. The impacts can be avoided by denial of the rezone. Reliance upon disputed mitigation measures and the safe driving habits of future residents of higher density developments is unwise and not in the public interest.

12. The Wood Trails Development as proposed is not in character with the surrounding R-1 neighborhoods and properties.

13. The City of Woodinville must ensure that its capital investments carry out the goals and objectives of the comprehensive plan in a manner which is consistent with the Land Use Element, Capital Facilities Element, and Transportation Element of the plan.

14. The "need" criterion under WMC 21.44.070 ultimately requires an objective judgment by the City Council based upon plans, goals, policies and timeframes. The Council finds that the proposed rezone is not "needed" at this time.

15. While some Comprehensive Plan and code provisions can be construed as supporting further R-4 development within the low density residential areas of the City, the extent, character and timing of any such development is not indelibly predetermined.

16. The City Council has identified key priorities for planning growth and infrastructure investment in the Comprehensive Plan under a number of different elements as well as in the Municipal Code, the Capital Improvement Plan (CIP) and City's budget so that near-term and long-term growth proceeds as a coordinated, time efficient and cost effective investment process.

17. The Comprehensive Plan has a twenty year planning horizon and the City Council recognized that funding constraints require a need for prioritization of actions. As a result, the City Council selected the downtown area for its focus for growth and infrastructure requirements because the downtown has the existing infrastructure capacity and services readily available where the City could achieve many of its GMA goals for housing, employment, and economic

development and transportation improvements. This is precisely what the Growth Management Act, Vision 2020 and the King County-wide planning policies are asking cities to do: to guide development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

18. King County countywide policies call for contiguous and orderly development within Urban Growth Areas and the provision for urban services to such development.

19. Chapter III Land Use Pattern of the County's Countywide Planning Polices describes policies relating to land use and development. Relevant land use (LU) policies are summarized as follows. Urban areas (which includes all of the City of Woodinville) are designated to accommodate a majority of future growth and at least the 20-year projection of population and employment growth (LU-25a & LU-26). Within Urban Areas, growth should first be directed to centers and urbanized areas with existing infrastructure capacity (LU-28). Growth phasing plans for the next 10 to 20 years are required and shall be based on locally adopted definitions, service levels, and financing commitments (LU-29). Chapter III also includes a statement that phased growth is required to promote efficient use of the land, add certainty to infrastructure planning and to insure that urban services can be provided to urban development.

20. The Growth Management Act urban growth goal states: "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner".

21. Vision 2020, a long-range growth and transportation strategy for Puget Sound Region, provides the following relevant polices. Concentrate development in urban areas to conserve agricultural, forest, and environmental resources. Within urban growth areas, promote growth into centers that are connected by an efficient, transit-oriented, multi-modal transportation system (RF-1). Develop a transportation system that emphasizes accessibility, includes a variety of mobility options, and enables the efficient movement of people, goods, and freight (RF-4). The proposed rezone runs contrary to this strategy.

22. The City Council decision to focus planning and growth in the downtown provided the context within short-term capital planning could be done and subsequent decisions made with a view to a longer planning horizon.

24. The City Council has given priority to capital improvements that: (1) protect the public health and safety; (2) have a positive impact on the operating budget through reduced expenditures; (3) correct existing deficiencies or maintain existing levels of service adopted in the Comprehensive Plan; and (4) provide critical City services such as police, surface water and transportation.

25. The City is not yet prepared to commit capital resources to the subject area in the near-term. Committing the City to prematurely construct infrastructure and provide services to this area will become increasingly problematic, resulting in an increasing inefficiency of services thereby lessening the economic gain and placing a growing strain on the fiscal resources of the community.

26. While new development creates impacts upon public facilities and is required to pay its fair share of costs associated with those impacts, it does little in the way of correcting existing deficiencies within the context of the Capital Improvement Plan (CIP) and the overall capacity of the City to provide for infrastructure needs and services. The City has a 20 year list of transportation needs. Because of the scope, nature size and costs of these needs and because the sources of funding are limited relative to the cost of improvements, the City has focused its investment on major traffic chokepoints in and around downtown.

27. The City has provided in excess of $100,000 to finance an ongoing sustainable development study, referenced in Ordinance 431 that will answer significant questions related to land use in the City that should be available to the City Council before additional rezones in the R-1 areas of the City are approved. See also the references to the study in the Staff Report.

CONCLUSIONS

1. In its quasi-judicial capacity, the City Council finds that, a site specific rezone of the property to R-4 density would be inconsistent with significant Comprehensive Plan Policies and does not bear a substantial relationship to the public health, safety, morals or welfare.

2. Approval of the proposed rezone is inappropriate at this time due to the deficient public facilities and services (other than sewer) in the area where the property is located and the currently ongoing sustainable development study

3. The proposed rezone and anticipated higher density development that would result does not meet the City Council's key priorities identified for planning growth and infrastructure investment in the Comprehensive Plan under a number of different elements as well as in the Municipal Code, the Capital Improvement Plan (CIP) and City's budget so that near-term and long-term growth proceeds as a coordinated, time efficient and cost effective investment process.

4. The City Council selected the downtown area for its focus for growth and infrastructure requirements because the downtown has the existing infrastructure capacity and services readily available where the City could achieve many of its GMA goals for housing, employment, and economic development and transportation improvements. The proposed rezone, as outlined, does not further the City's goals and objective in this regard which is to guide development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

5. The rezone is inconsistent with the City's strategy to meet its regional growth objective. The City has chosen to meet the growth objective in the CBD while insuring that new growth in other areas of the City does not negatively impact the City's transportation land use and capital facilities goals and objectives. RCW 36.70A directs growth as follows: growth should first be directed to centers and urbanized areas with existing infrastructure capacity (consistent with LU-28 County-wide planning policy). Growth phasing plans for the next 10 to 20 years are required and shall be based on locally adopted definitions, service levels, and financing commitments (LU-29). Chapter III also includes a statement that phased growth is required to promote efficient use of the land, add certainty to infrastructure planning and to insure that urban services can be provided to urban development.

6. The City of Woodinville planning approach is complying with GMA requirements. According to past King County Buildable Lands Reports and the preliminary 2007 report, the City has excess capacity to accommodate its GMA housing allocation and is also meeting its employment growth target. The City is providing and supporting affordable housing for the Eastside through its participation in a coalition of east King County cities (ARCH). The City of Woodinville Capital Facilities planning and CIP are addressing the City's infrastructure deficiencies and commits the City to extending infrastructure and services to support urban development with the intent of maximizing the benefit from capital projects relative to costs and resources and in an efficient manner.

7. While new development creates impacts upon public facilities and is required to pay its fair share of costs associated with those impacts, it does little in the way of correcting existing deficiencies within the context of the CIP and the overall capacity of the City to provide for infrastructure needs and services. The City has a 20 year list of transportation needs. Because of the scope, nature, size, and costs of these needs and because the sources of funding are limited relative to the cost of improvements, the City has focused its investment on major traffic chokepoints in and around downtown.

8. Planning is critical to assist a city in its evolution. Given the locational context of the City, the objective is to effectively and comprehensively think and plan in a manner consistent with sound regional planning. The City must proactively direct development to occur in appropriate locations and concurrent with the availability and provision of adequate public facilities and services. Planning comprehensively ensures the integrity of the City's growth strategy. Development which the City cannot readily and efficiently provide services to is clearly premature and is not consistent with the City of Woodinville Comprehensive Plan.

9. The current underlying zoning of the property at R-1 is inconsistent with the proposed density of the preliminary plat application.

DECISION

BASED UPON THE PRECEDING FINDINGS OF FACT AND CONCLUSIONS, THE CITY COUNCIL THEREFORE DENIES REZONE APPLICATION ZMA2004053 AND REVERSES THE HEARING EXAMINER'S APPROVAL OF THE PRELIMINARY PLAT APPLICATION PPA2004054 FOR THE PROPOSED "WOOD TRAILS SUBDIVISION.

APPROVED AND ADOPTED BY THE WOODINVILLE CITY COUNCIL this 20th Day of August, 2007.