



NOTICE OF DECISION

City of Woodinville

Development Services Department

425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072

Desk Hours • Monday – Thursday 7:30am – 5:00pm • Friday 7:30am – 4:00pm

The City of Woodinville has issued a Notice of Hearing Examiner Decision for the following project:

Project Name: Crossfit Nine Conditional Use Permit

Proponent: Dan Arvidson, Crossfit Nine LLC

Project Number: CUP13002/SEP13003

Description of proposal: Conditional Use permit to operate a sports club/specialized instruction school in the Industrial zone. This use will be reviewed at a maximum of up to 10,000 square feet, within any of the buildings located on this same property. SEPA is required for a Conditional Use Permit. This same business obtained a conditional use permit for a different suite within the same complex. That application is available at City Hall under File Number CUP11001/SEP11008.

Project Decision: Approved with Conditions

Project Location: 16110 Woodinville-Redmond Road, Woodinville, WA.

Notice of Decision Date: April 8, 2013

End of Appeal Period Date/Time: April 22, 2013 by 4:00 p.m.

Project Permit Expiration Date: April 8, 2018

A public hearing was held before the Woodinville Hearing Examiner on March 18, 2013 for review of the Conditional Use Permit application. After considering comments by the public, City staff, and outside agencies, the project was approved with conditions by the Woodinville Hearing Examiner, subject to the attached Findings of Fact, Conclusions and Decision.

The Conditional Use Permit shall be valid for five (5) years from the date of this Notice of Decision. If an issued permit is not obtained within this period, the Conditional Use Permit shall become null and void, and a new application would need to be submitted.

The Conditional Use Permit shall also be declared void if there is a failure to comply with the approved plans or conditions of approval.

The application, supporting documents, and studies are available for review at the City of Woodinville, 17301 133rd Avenue NE, Woodinville, WA 98072. Contact: Debra Crawford, Project Manager, at (425) 877-2285. Email address: debrac@ci.woodinville.wa.us.

Appeals

A Party of Record must file an appeal of this decision within fourteen (14) days from date of this Notice of Decision. The final decision of the Hearing Examiner's Decision is appealable to the Woodinville City Council. Appeals must be delivered to the City of Woodinville and must be filed no later than Monday, April 22, 2013 by 4:00 p.m.

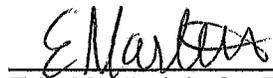
Appellants must be a party of record. To receive additional information on appeals for this application, please contact the Project Manager listed below.

Affected property owners may request a change in valuation with King County for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the King County Assessor's Office at 206-296-7300.

Contact person: Debra Crawford, Project Manager

Phone: (425) 877-2285

Email address: debrac@ci.woodinville.wa.us



Erin Martindale for David Kuhl, Development Services Director

Date: 4/8/13

Project Name: Crossfit Nine Conditional Use Permit
File Numbers: CUP13002/SEP13003

Location Map



**BEFORE THE HEARING EXAMINER
FOR WOODINVILLE**

In the Matter of Application of)	CUP13002/SEP13003
)	
Dan Arvidson, Crossfit Nine)	Findings of Fact and Conclusions
<u>for approval of a Conditional Use Permit</u>)	and Decision

SUMMARY OF DECISION

The requested Conditional Use Permit to locate and operate a sports club/specialized instruction school in an Industrial zone at 16110 Woodinville-Redmond Road NE, Woodinville, Washington is granted subject to the conditions as listed below.

SUMMARY OF RECORD

Request:

Dan Arvidson, Crossfit Nine (Applicant) requested approval of a Conditional Use Permit (CUP) to locate and operate a sports club/specialized instruction school in an Industrial zone at 16110 Woodinville-Redmond Road NE, Woodinville, Washington¹.

Hearing Date:

A hearing on the request was held before the Hearing Examiner of Woodinville on March 18, 2013.

Testimony:

At the hearing the following presented testimony:
Debra Crawford - City of Woodinville
David Arvidson - Applicant

Exhibits

Exhibit 1	Staff Report
Exhibit 2	Application forms (February 19, 2013)
Exhibit 3	Notice of Application (February 25, 2013)
Exhibit 4	State Environmental Policy Act Determination (March 18, 2013) and SEPA checklist
Exhibit 5	Agency comments
Exhibit 6	Notice of Public Hearing (February 25, 2013)
Exhibit 7	Sign up list from Public Hearing

¹ Legally described as a POR OF NW 1/4 OF NW 1/4 LY WLY & SLY OF SAMMAMISH RIVER DRAINAGE DITCH & NLY & ELY OF NP R/W & LY NLY OF S LN OF N 300 FT OF S 900 FT OF SD SUBD & LY SLY OF LN DAF - BEG AT NW COR OF SD SUBD TH S 02-01-30 W ALG W LN OF SD SUBD 133.66 FT TAP ON NELY R/W MGN OF SD N P R/W TH S 52-27-09 E ALG SD MGN 356.36 FT TH S 51-12-59 W ALG SD MGN 93.07 FT TAP ON N LN OF N 300 FT OF S 900 FT OF SD SUBD TH CONTG S 51-12-59 E ALG SD MGN 77.96 FT TO BEG OF CRV TO RGT FR WCH CENTER BEARS S 38-47-01 W 1436.49 FT DIST TH SELY ALG SD CRV & MGN THRU C/A OF 02-19-28 AN ARC DIST OF 58.28 FT TO TPOB OF SD LN TH N 56-16-00 E 463.31 FT TAP ON SLY MGN OF SD SAMMAMISH RIVER D D & TERM OF SD LN- AKA LOT A OF KC LLA #8883019 APPROVED 5-3-88 TGW POR OF N 300 FT OF S 600 FT OF N 1/2 OF SD NW 1/4 LY BTWN SAMMAMISH RIVER & MAIN LN OF NP R/W

Based on the testimony and evidence submitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions to support the final decision:

FINDINGS

1. The Applicant requested approval of a CUP to locate and operate a sports club and specialized sport instruction school² at 16110 Woodinville-Redmond Road NE, Woodinville, Washington. *Exhibit 1-pg. 1; Exhibits 2 and 3.* The property, located in an Industrial zone, is part of a business park that was constructed in 1990 prior to the incorporation of the City of Woodinville in 1993, and pursuant to King County Codes. The development includes four (4) buildings on one (1) parcel. Since 2010 the property has been owned by WA Riverfront 2 LLC et al. *Exhibit 1-pg. 1; Testimony of Ms. Crawford.*
2. In 2011, the Applicant was granted a CUP and SEPA approval to operate a sports club at a nearby location at 16130 Woodinville – Redmond Road, which is another building of the business park. Since the issuance of that CUP the business and demand for the fitness center has grown and the company’s existing space is at capacity. In order to meet the demand the Applicant desires to expand the sports facility business to another suite in a building in the same complex. *Testimony of Ms. Crawford; Exhibit 1; pg. 3; Testimony of Mr. Arvidson*
3. The 9.06 acre parcel is zoned and has a Comprehensive Plan designation of Industrial (I). It is outside the Shoreline jurisdiction for review. The developed uses of the buildings are industrial related. *Testimony of Ms. Crawford; Exhibit 1, pgs. 1 and 3.* Adjoining properties to the north, south and west have I zoning designations and are developed with industrial uses and some warehouse use (west). The property to east is zoned Agriculture and is developed with agricultural uses. *Exhibit 1, pg. 3*
4. Water and sewer services are available from the Woodinville Water District. No additional water or sewer services will be required to accommodate the sports facility use. Fire service is provided by the Woodinville Fire and Rescue. *Exhibit 1-pgs. 1 and 6.* Electricity and natural gas are provided by Puget Sound Energy. The site is in the Northshore School District. *Exhibit 1-pgs. 1 and 3*
5. The proposed sports facility is considered by the City as a different type of use than industrial or warehousing. While it will draw non-industrial traffic into an industrial area, the proposed use will attract fewer people and less intense use in the Industrial zone than some permitted or allowed accessory uses. Similar uses, including gymnastics and dance instruction, currently are operating in the Industrial zone and have not been problematic. The proposed use will create traffic, but the majority of traffic at the site will occur during the evenings and weekends, which are non-peak hours for adjacent industrial uses. *Testimony of Ms. Crawford; Testimony of Mr. Arvidson; Exhibit 1, pg. 4*

² Throughout these findings the sports club and specialized sport instruction school will be referred to as the sports facility.

6. In the city of Woodinville a CUP is required for a sports facility to be located in an industrial zone (*WMC 21.08.040(A)*). The Applicant applied for the CUP and State Environmental Policy Act (SEPA) approval in order to expand the existing sports facility at 16110 Woodinville-Redmond Road NE, Woodinville, Washington. *Exhibit 2; Testimony of Ms. Crawford*
7. A sports facility use requires large wide open spaces for its operation. These types of spaces are available in the proposed industrial space. Similar industrial space has been used for e other recreational uses such as gymnastics, specialized recreational instruction, and dance instruction. *Testimony of Ms. Crawford; Exhibit 1, pg. 4*
8. The industrial complex in which the proposed conditional use would be granted contains a majority of industrial and manufacturing businesses. The proposed use of a sports facility would not dominate the industrial nature of the complex. The proposed use would be compatible with industrial, manufacturing and warehousing uses in the vicinity. *Testimony of Ms. Crawford; Exhibit 1, pg. 4*
9. Pursuant to SEPA (*RCW 43.21C*) the project was subject to review of environmental impacts that would result from the development. As the lead agency, the City of Woodinville, on March 18, 2013, issued an Addendum to the original Determination of Nonsignificance of May 9, 2011. The process was consistent with Washington Administrative Code 197-11-340(2). No appeals were filed. *Exhibit 4; Exhibit 1, pg. 6*
10. Parking for the facility would be near the building entrance and there would be few, if any, pedestrian conflicts with other industrial uses. There are no exterior proposed modifications, additions or other alterations and there would be no conflict with other uses. The main hours of operation for the proposed use are off-peak from other surrounding users. The Planning Director determined that the parking proposed on-site was sufficient under the City's code, and no parking analysis was required. *Testimony of Mr. Arvidson; Testimony of Ms. Crawford; Exhibit 2; Exhibit 1, pgs. 5 and 6*
11. The building will continue to have the appearance of an industrial/warehouse space. There will be no impacts to neighboring uses, on-site uses, or properties to the north, west and south. This project is not expected to interfere with the future use of neighboring properties. *Exhibit 1, pg. 5; Testimony of Mr. Arvidson; Testimony of Ms. Crawford*
12. The City of Woodinville Public Works Director determined that any increase in PM Peak Hour trips to or from the site does not require a traffic analysis to evaluate potential level of service issues on the public street system. *Exhibit 1-pg. 6; Testimony of Ms. Crawford.*
13. There is no specific off-street parking ratio in the City for recreational uses. As a means of determining the required parking, the Planning Department reviewed the size of the proposed use, similar uses and the available parking on-site. The building in which the facility is to be located is 30,896 square feet and the Applicant's space is 5,304 square feet. The City applied the general services/office ratio of 1 space per 300 square feet to the proposed use. Based on this application, 18 parking spaces are required for the sports

facility. Required parking for the entire building is 95 spaces. The building has 66 parking spaces and the entire site has 273 shared parking spaces. Based on this data the City submitted that parking should not be a problem as most activity will occur during off peak hours and on evenings and weekends when most of the other businesses in the complex are closed. *Exhibit 1, pg. 5; Testimony of Ms. Crawford.*

14. Pursuant to RCW 36.70B.040, Determination of Consistency and WMC 17.13.100 the request is reviewed for consistency with a local government's development regulations, including: type of land use; level of development, such as units per acre or other measures of density; infrastructure, including public facilities and services needed to serve the development; and characteristics of the development, such as development standards. The instant project has been reviewed by the City in the processing of the request and the City has determined that with conditions Crossfit Nine has met the City's infrastructure standards, 2009 Amended Comprehensive Plan, and Woodinville Municipal Code. *Testimony of Ms. Crawford; Exhibit 1-pg. 7*
15. The development of the use will contribute to the public health, safety, and general welfare by providing a safe pedestrian pick-up/drop-off area that does not interfere with local traffic. *Testimony of Ms. Crawford*
16. Legal and proper public notice was given. No opposition testimony was presented.

CONCLUSIONS

Jurisdiction:

The Hearing Examiner is granted jurisdiction to hear and decide applications for conditional use permits pursuant to RCW 36.70B and Woodinville Municipal Code (WMC) 17.07.020 and WMC 17.07.030

Applicable Ordinances and Regulations

WMC 21.44.050 Conditional Use Permit.

A conditional use permit shall be granted by the City only if the applicant demonstrates that:

- (1) The conditional use is designed in a manner which is compatible with the character and appearance of the existing or proposed development in the vicinity of the subject property;
- (2) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- (3) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- (4) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- (5) The conditional use is not in conflict with the health and safety of the community;
- (6) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and

(7) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities. (Ord. 496 § 2 (Att. B), 2010; Ord. 465 § 27, 2008; Ord. 175 § 1, 1997)

RCW 36.70B.040 – Determination of Consistency

RCW 36.70B.040 and WMC 17.13.100 require that a proposed project be reviewed for consistency with a local government's development regulations during project review by consideration of: 1.Type of land use; 2.Level of development, such as units per acre or other measures of density; 3. Infrastructure, including public facilities and services needed to serve the development; and 4.The characteristics of the development, such as development standards.

Conclusions based on uncontested Findings of Fact

1. The Applicant requested approval of a CUP to locate and operate a sports club and specialized sport instruction school at 16110 Woodinville-Redmond Road NE, Woodinville, Washington. The property, located in an Industrial zone, is part of a business park that was constructed in 1990 prior to the incorporation of the City of Woodinville in 1993, and pursuant to King County Codes. The development includes four (4) buildings on one (1) parcel. Since 2010 the property has been owned by WA Riverfront 2 LLC et al. *Finding of Fact No. 1*
2. The sports facility has been designed to be compatible with the character and appearance of the existing or proposed development in the vicinity of the subject property. While it is not an industrial use, it is compatible with the type and size of building in the complex. It provides a service for the public and other tenants. *Findings of Fact Nos. 3, 5 and 8*
3. The location, size and height of portion of the sports facility will not hinder neighborhood circulation nor discourage the permitted development or use of neighboring properties. *Findings of Fact Nos. 8, 11 and 12*
4. The sports facility has been designed to be compatible with the physical characteristics of the subject property. No alterations or modifications to the structure are to be made. *Findings of Fact Nos. 6, 7, 10 and 11*
5. The sports facility will not conflict with the health and safety of the community. *Findings of Fact No. 15*
6. The pedestrian and vehicular traffic associated with the sports facility will not be hazardous or conflict with existing and anticipated traffic in the neighborhood. *Finding of Fact No. 12*
7. Adequate parking will be available for the proposed use. *Findings of Fact No. 13*
8. The proposed sports facility use will not adversely affect public services to the surrounding area. *Findings of Fact Nos. 2 and 4*

9. The sport facility has been reviewed for consistency with the City of Woodinville's development regulations and the following issues have been considered: the type of land use; the level of development, such as units per acre or other measures of density; the infrastructure, including public facilities and services needed to serve the development; and the characteristics of the development, such as development standards. With the conditions as listed below, Crossfit Nine satisfies the requirements of the City of Woodinville Infrastructure Standards, Comprehensive Plan, and Woodinville Municipal Code. *Findings of Fact Nos. 4-14; Finding of Fact No 15*
10. The proposed use is consistent with the Woodinville Comprehensive Plan. *Findings of Fact Nos. 7- 14.* It will ensure adequate and enriching recreational activities for the citizens of Woodinville (Parks and Recreation Goal PRO-2); it will provide an active and diverse industrial area that promotes economic growth (Land Use Goal LU-11); and will protect industrial lands from encroachment by other land uses, which would reduce the economic viability of industrial lands (Land Use Goal LU-11.2). *Findings of Fact Nos. 7 and 8*
11. Subject to compliance with the conditions as set forth herein the proposed CUP satisfies the adopted development regulations of the City of Woodinville and the City's Comprehensive Plan policies. *Findings of Fact Nos. 4-14*

DECISION

Based on the above Findings of Facts and Conclusions, derived from the official administrative record of the Hearings Examiner, a Conditional Use Permit to locate and operate a sports club/specialized instruction school in an Industrial zone at 16110 Woodinville-Redmond Road NE, Woodinville, Washington **is granted** subject to the conditions as listed below:

1. The issued conditional use permit is for the operation of a sports facility. The use is allowed, but will require a new Conditional Use Permit if the entire area of the facility exceeds 10,000 square feet in all the buildings of the complex.
2. Conditions of approval must be met at all times in order for the conditional use permit to remain valid. A change in operations that violates any condition of approval shall require an application for a major modification of the conditional use permit to be submitted by the Applicant. The modification will be reviewed pursuant to the applicable law and may or may not be approved by the City.
3. Class sizes of the sports facility are limited by the occupancy listed on the currently posted certificate of occupancy that must be secured from the City's Building Department.
4. The Applicant is responsible for securing all required permits from the City of Woodinville.

Dated this 1st day of April, 2013

James M. Driscoll-Hearing Examiner

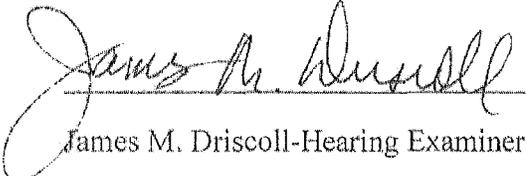
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10. The proposed use is consistent with the Woodinville Comprehensive Plan. *Findings of Fact Nos. 7- 14.* It will ensure adequate and enriching recreational activities for the citizens of Woodinville (Parks and Recreation Goal PRO-2); it will provide an active and diverse industrial area that promotes economic growth (Land Use Goal LU-11); and will protect industrial lands from encroachment by other land uses, which would reduce the economic viability of industrial lands (Land Use Goal LU-11.2). *Findings of Fact Nos. 7 and 8*
11. Subject to compliance with the conditions as set forth herein the proposed CUP satisfies the adopted development regulations of the City of Woodinville and the City's Comprehensive Plan policies. *Findings of Fact Nos. 4-14*

DECISION

Based on the above Findings of Facts and Conclusions, derived from the official administrative record of the Hearings Examiner, a Conditional Use Permit to locate and operate a sports club/specialized instruction school in an Industrial zone at 16110 Woodinville-Redmond Road NE, Woodinville, Washington is **granted** subject to the conditions as listed below:

1. The issued conditional use permit is for the operation of a sports facility. The use is allowed, but will require a new Conditional Use Permit if the entire area of the facility exceeds 10,000 square feet in all the buildings of the complex.
2. Conditions of approval must be met at all times in order for the conditional use permit to remain valid. A change in operations that violates any condition of approval shall require an application for a major modification of the conditional use permit to be submitted by the Applicant. The modification will be reviewed pursuant to the applicable law and may or may not be approved by the City.
3. Class sizes of the sports facility are limited by the occupancy listed on the currently posted certificate of occupancy that must be secured from the City's Building Department.
4. The Applicant is responsible for securing all required permits from the City of Woodinville.

Dated this 1st day of April, 2013


James M. Driscoll-Hearing Examiner