

ORDINANCE NO. 602

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, CONCERNING UNDERGROUND UTILITY REQUIREMENTS; ADOPTING FINDINGS; AMENDING WMC SECTION 15.39.010; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION BY TITLE ONLY.

WHEREAS, Section 15.39.010 of the Woodinville Municipal Code ("WMC") regulates the placement of utilities above or underground as part of new development or redevelopment; and

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

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

WHEREAS, the proposed ordinance was considered by the Woodinville Planning Commission after review at a study session on January 21, 2015; and at a public hearing on February 18, 2015, March 4, 2015 and March 18, 2015, and recommendation was forward to the City Council for review and consideration; and

WHEREAS, the Woodinville City Council has considered recommendations of the Planning Commission, staff, and public input after public hearings held on March 17, 2015, April 7, 2015 and on April 21, 2015; and after such consideration has determined that the proposed changes recommended for approval in Ordinance No. 602 are in the public interest by providing service response time from serving utilities and minimizing visual impacts from public areas;

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

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

Section 2. Amendment of Section 15.39.010 WMC. Section 15.39.010 of the Woodinville Municipal Code is hereby amended in its entirety as follows (new text is show in underline, deletions of text are shown by strikethrough):

15.39.010 Undergrounding of utilities.

~~(1) As a condition of any new development or redevelopment, utilities shall be required to be placed underground, including new utility extensions and existing overhead utilities.~~

~~(a) The term "new" or "redevelopment" for purposes of this section includes any one of the following four conditions:~~

~~(i) A building permit for a new building;~~

- ~~(ii) A building permit for a project where the cost of construction equals or exceeds 50 percent of the assessed value of the existing structures on site;~~
- ~~(iii) A project where there are 10 or more additional trips generated or more parking spaces required; or~~
- ~~(iv) A project where street frontage improvements are required under the Woodinville Municipal Code.~~

~~(b) All new utilities on the property or on abutting public or private rights of way shall be installed underground, except as exempted in WMC 12.30.310. This shall include, but not be limited to, utility features and apparatus such as utility meters, utility vaults, electrical conduits, cabinets, and other service utility apparatus, which would otherwise be visible from a public street or other public space.~~

~~(c) All existing overhead utilities on the property or on abutting public or private rights of way shall be placed underground, except as exempted in WMC 12.30.310.~~

~~(2) The applicant shall be responsible for complying with the requirements of this section and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities. As used in this section, the term "utilities" includes, but is not limited to, public services provided in the form of electricity, telephone, and cable TV.~~

~~(3) The following activities are exempt from the provisions of this section:~~

~~(a) Remodel of existing single family residential structures and auxiliary buildings.~~

~~(b) The construction of a new single family residential structure on an existing legal lot when frontage improvements are not required to be constructed by other provisions of the Woodinville Municipal Code.~~

~~(c) When the cost of undergrounding utilities is greater than two and one-half percent of the valuation of the project as determined by the summation of the valuation on all required development permits.~~

~~(4) If undergrounding utilities as required above is not feasible due to utility or infrastructure conflicts, topographic conditions, project location(s), or site limitations, and the above such improvements should not or cannot be accomplished at the time of building construction, the Public Works Director and Planning Director may approve a deviation to waive, limit, or modify the requirement(s) for such improvements.~~

(1) As a condition of any new development or redevelopment, new and existing utilities shall be installed or relocated underground consistent with the provisions of this chapter except as hereafter provided. Utilities include infrastructure to support public services, such as electricity, gas, water, sewer, and communications.

(a) The applicant shall be responsible for complying with the requirements of this section and shall make all necessary arrangements with the utility companies and adjacent properties affected by the installation of such facilities.

(b) The applicant shall include utility location and details on grading and building plans as part of construction permit submittal, including providing anticipated locations for utility features and apparatuses.

(2) The term “new” or “redevelopment” for purposes of this section includes any one of the following conditions:

(a) A building permit for a new building where frontage improvements are required pursuant to WMC 15.04.060;

(b) A building permit for a project where the cost of construction equals or exceeds 50 percent of the assessed value of the existing structures on site, excluding interior remodel of existing single-family residential structures and auxiliary buildings; or

(c) A project where there are 10 or more additional average daily trips generated or more parking spaces required.

(3) New and existing utilities shall be placed entirely below ground when located within a property undergoing new development or redevelopment, and/or along the length of the property in the adjoining half-street, except when:

(a) Where undergrounding of utilities within a site is not feasible due to utility or infrastructure conflicts, topographic conditions, or site limitations. The facilities shall be screened with landscaping consistent with subsection (5). The Public Works Director may waive, limit, or modify the requirement for such improvements.

(b) For existing utilities only, when the cost of undergrounding is greater than two and one-half percent of the valuation of the project as determined by the summation of the valuation on all required development permits.

(4) Utility features and apparatuses may be placed above ground when meeting one of the following requirements. Utility features and apparatuses include ancillary equipment or devices required for the operation of the utility, rather than for conveyance, including but not limited to transformers, meters, vents, assemblies, and other related equipment.

(a) Fire hydrants and fire department connections as required by the International Fire Code, electric lines as exempted in WMC 12.30.310, wireless service facilities constructed in accordance with Chapter 21.26 WMC.

(b) Gas and electrical meters when located on the side or rear of a building.

(c) Other utility features and apparatuses in residential zones R-1 through R-8, except multifamily and nonresidential development, placed at least five feet from the edge of sidewalk, pavement edge, or back of ditch and screened with landscape consistent with subsection (5).

(d) Other utility features and apparatuses in multifamily or nonresidential development may be placed above ground only when:

(i) Less than 36 inches in height from finished grade, and located within a building or at least five feet from the edge of sidewalk or pavement edge, whichever is greater; and screened with landscape consistent with subsection (5); or

(ii) Greater than 36 inches in height from finished grade, and located within a building, or placed in a non-prominent location on the side or rear of the building at least 30 feet from the right-of-way or other public areas, and located behind decorative fencing or required landscaping pursuant to Chapter 21.16 WMC.

(e) Publicly operated traffic signal controllers, electric service cabinets, irrigation controllers, and similar utility features.

(5) Landscaping shall be required for aboveground utility features and apparatuses and planted in a manner to provide a vegetated screen of the subject facilities, meeting the following requirements:

(a) Landscaping shall be installed in a manner that meets the requirements of the serving utility, including prescribed minimum distances or clear working area, planting locations above service lines, and species selection.

(b) The landscaping area shall be required on sides that are visible from the public right-of-way or public areas. The depth of any landscaping area shall be at least five feet.

(c) Landscaping shall incorporate a variety of plant types and species that feature a range of heights, colors, and textures. The landscaping shall include a minimum of three different species.

(d) Shrubs shall be a minimum of 24 inches in height at time of planting and spaced no more than three feet apart. Groundcovers shall be spaced 18 inches on center.

(e) Alternative screening methods, such as decorative fencing or walls, and other concealment measures may be allowed as approved by the Development Services Director or through design review pursuant to Chapter 21.14 WMC. Screening shall meet the access and visibility standards for the serving utility and may not prohibit access for maintenance and emergency access.

(6) Deviation requests from these standards may be granted by the Development Services Director or Public Works Director where strict application of these standards will conflict with utility installation or maintenance required by the serving utility.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Copy to Department of Commerce. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten days after adoption of this ordinance.

Section 5. Publication and 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.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 5th DAY OF MAY 2015.


Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:



Jennifer L. Kuhn, CMC
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 05-05-2015
PUBLISHED: 05-11-2015
EFFECTIVE DATE: 05-18-2015
ORDINANCE NO. 602



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

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

May 6, 2015

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

Dear Ms. Kuhn:

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

City of Woodinville - Adopted Ordinance No. 602 concerning underground utility requirements; adopting findings; amending WMC Section 15.39.010; providing for severability; establishing an effective date and for summary publication by title only. These materials were received on May 06, 2015 and processed with the Material ID # 21256.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than July 04, 2015. Please remember to submit the final adopted amendment to Commerce within ten (10) days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491.

Sincerely,

Review Team
Growth Management Services