Attachment E Moratorium Ordinances

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 polices 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 pubic 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:

Cathy Von Wald

MAYOR CATHY VON WALD

ATTEST/AUTHENTICATED:

Sandra Parker, MMC

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.