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# WOOD TRAILS

*Proposed Residential Subdivision  
City of Woodinville*

## *Project Description & Rezone Analysis*

City of Woodinville TRC File No.: TRC03033

June 3, 2004

Triad Job No.: 03-208

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# Wood Trails Project Description

## **Rezone & Preliminary Plat Request**

The applicant, Phoenix Development, Inc., is requesting a rezone of the subject 50.5 acre assemblage from the R-1 to the R-4 zone classification. The proposed rezone is being requested concurrently with a preliminary plat application for 66 detached, single-family lots.

## **Location**

The subject property is located in the north portion of the City of Woodinville and within the Woodinville/King County designated Urban Growth Area (UGA). The initial 50.5 acre assemblage is south of the Wellington Hills Golf Course and immediately south of the King-Snohomish County boundary. The rectangular shaped property lies on the west side of the 148<sup>th</sup> Avenue NE and can be accessed from NE 202<sup>nd</sup> Street, NE 201<sup>st</sup> Street, NE 198<sup>th</sup> Street and NE 195<sup>th</sup> Street. The property lies in a portion of Section 3, Township 26N, Range 5E, W.M., in King County, Washington.

The northerly 11.8 acres of the initial 50.5 acre assemblage is not needed for tree retention and open requirements of the proposed 66 lots. This northerly 11.8 acres will be segregated through a boundary line adjustment to be approved by the City of Woodinville prior to recording of the final plat.

## **Subdivision Design and Density**

The proposal is to subdivide the southerly 38.7 acres based upon a rezone to R-4. Based on steep slope constraints 66 detached, single-family lots can be accommodated on the buildable portion of the site which meet city standards. The minimum density required pursuant to *21.12.060 WMC* is 38 lots while the maximum density allowed is 85 lots. The applicant expressly preserves the option of transferring surplus density (19 lots) as permitted through *Ch. 21.36 WMC, Transfer of Density Credits*, to other potential sites within the Woodinville UGA.

Based on steep slope constraints and connectivity to the existing road system, three logical neighborhoods or pods have been created through careful site planning: a southerly pod of 13 lots, a central pod of 20 lots and a northerly looped pod of 33 lots. Forty-nine of the lots (74%) will have been designed to abut the common open space.

The subject property is currently zoned R-1, but within the City of Woodinville and the Urban Growth Area (UGA). The subject property is zoned *Low Density Residential*, not to exceed four dwelling units per acre on the Future Land Use Map. The R-4 zone is one of the implementing zones for the *Low Density Residential* designation. Areas to the north, south and east are comparatively designated. Areas to the west are designated and zoned for Industrial use. Gross density will be 1.7 dwelling units per acre.

### **Site Utilities**

The subdivision lots are proposed to be served with public water and sanitary sewer service by the Woodinville Water District. With the provision of sanitary sewers to this urban growth area project, the subject property is eligible for a rezone to R-4 to implement the Low Density Residential Designation of the comprehensive plan. Puget Sound Energy will be the provider of electrical service. Verizon will provide telephone service and AT&T will serve cable subscribers.

### **Vehicular Access and Circulation**

The 66 proposed lots will take access from three new public road extensions which will connect with the existing public road network. The two existing city streets proposed to serve the new connected road system is NE 198<sup>th</sup> Street and NE 201<sup>st</sup> Street. These streets ultimately connect to 156<sup>th</sup> Ave NE , a north-south collector.

### **Open Space Areas**

A total of 22.8 acres of common open space is being provided which represents 59% of the area within the plat. Approximately 21.9 acres of that open space will be protected in perpetuity as Native Growth Protection Area (NGPA). Approximately 3 acres of the subject plat will be contained within the lower Tract D for detention. An additional 2.5 acres will be utilized for public road right-of-way and private access tracts.

### **Storm Drainage**

Most of the new storm water runoff from road and house impervious surfaces will be collected and directed to a single detention pond located within the lower, west central area of the site (Tract D, 3.0 acres). Due to topographic constraints, drainage from 6 lots in the southerly pod and 2 lots from the central pod will bypass the proposed detention pond. Runoff from Lots 1-4 and the short private access road (Tract M) will be conveyed to the existing storm drainage system within 144<sup>th</sup> Avenue NE via underground pipes along the southern boundary of the subject plat. Runoff from Lots 12, 13, 29 and 30 is proposed to be discharged through a dispersion trench in common open space Tract L. A waiver from the standard drainage design will be required.

The proposed subdivision utilizes the density calculations prescribed by WMC 21.12.080. 85 lots would be allowed and 66 lots are proposed. The proposed subdivision meets the minimum density requirement of 38 lots as set forth in WMC 21.12.060.

# Wood Trails Rezone Analysis

## A. Rezone Review Criteria

General criteria for the review of rezone applications are established in 21.44.070 Woodinville Municipal Code (WMC)

### **21.44.070 Zone reclassification.**

A zone reclassification shall be granted only if the applicant demonstrates that the proposal is consistent with the Comprehensive Plan and applicable functional plans and complies with the following criteria:

- (1) There is a demonstrated need for additional zoning as the type proposed.
- (2) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties.
- (3) The property is practically and physically suited for the uses allowed in the proposed zone reclassification. (Ord. 175 § 1, 1997).

Rezone proposals are also addressed by case law. The following general rules apply to rezone applications: (1) there is no presumption of validity favoring the action of rezoning; (2) the proponents of the rezone have the burden of proof in demonstrating that conditions have changed since the original zoning; and (3) the rezone must bear a substantial relationship to the public health, safety, morals, or welfare. [*Citizens v. Mount Vernon (Mount Vernon)*, 133 Wn.2d 861, 874-75, 947 P.2d 1208 (1997), citing *Parkridge v. Seattle*, 89 Wn.2d 454, 462, 573 P.2d 359 (1978)] ***The courts have also held that a rezone which serves to implement the adopted comprehensive plan need not meet the “changed circumstances” portion of the Parkridge test. [emphasis added] [SORE v. Snohomish County, 99 Wn.2d 363, 370-371, 662 P.2d 816 (1983); Bjarnson v. Kitsap County, 78 Wn. App. 840, 846, 899 P.2d 1290 (1995)]***

***Discussion: It will be clearly demonstrated that the R-4 zone classification is specified as an implementing zone of the land use designation on comprehensive plan and will serve to implement that adopted plan. Therefore the changed circumstance test is not applicable. There is clearly a demonstrated demand and need for market price single family housing in the north King County and south Snohomish County. The rezone to R-4 provides a logical transition from the more intensive urban industrial land use to the west on the valley floor and lower density single family neighborhoods to the east. Extending urban services (particularly sanitary sewer and public water) to new development within the Urban Growth Areas is a fundamental objective of the Growth Management Act (GMA) which in turn is reflected in the City of Woodinville’s GMA comprehensive plan. The property is practically and physically suited for the residential uses allowed in the proposed R-4 zone reclassification. A minimum 38 lots would be required and maximum 85 lots would be allowed. 66 lots are proposed through a design with substantial open space.***

## **B. Rezone Process**

### **21.42.100 Hearing Examiner review – Zone reclassification, variances, special use permits and conditional use permits referred by the Planning Director.**

Applications for zone reclassification, special use permits, variances and conditional use permits referred by the Planning Director shall be reviewed by the Hearing Examiner subject to the notice procedures set forth in Chapter 17.11 WMC and applicable criteria set forth in Chapter 21.44 WMC. (Ord. 175 § 1, 1997)

## **C. Residential Zone Analysis: Purpose & Intent**

### **21.04.080 Residential zone.**

(1) The purpose of the Urban Residential zones (R) are to implement Comprehensive Plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

(a) Providing, in the low-density zones (R-1 through R-4), for predominantly single-family detached dwelling units. Other development types, such as duplexes and accessory units, are allowed under special circumstances. *Developments with densities less than R-4 are allowed only if adequate services cannot be provided [emphasis added];*

*Discussion: Adequate urban services, sanitary sewers and public water can be provided. Therefore, densities less than R-4 are not allowed where the urban service of sanitary sewers can be provided.*

(b) Providing, in the moderate density zones (R-5 through R-8), for a mix of predominantly single-family attached and detached dwelling units. Other development types, such as apartments, duplexes, and townhomes would be allowed so long as they contribute to Woodinville's small town atmosphere as articulated in the vision statement found in the City's Comprehensive Plan and conform to all applicable regulations;

(c) Providing, in the medium density zones (R-9 through R-18), for duplexes, multifamily apartments, and townhomes, at densities supportive of transit and providing a transition to lower density areas; and

(d) Providing, in the high-density zones (R-19 through R-48), for the highest residential densities, consisting of duplexes and multistory apartments. Developments have access to transit, pedestrian and nearby commercial facilities, and provide a transition to high intensity commercial uses.

(2) Use of this zone is appropriate in residential areas designated by the Comprehensive Plan as follows:

(a) The R-1 zone on or adjacent to lands with area-wide environmental constraints, or in well-established subdivisions of the same density, which are served at the time of development by public or private facilities and services adequate to support planned densities;

(b) The R-4 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are *served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services [emphasis added]*; and

(c) The R-12 through R-48 zones in appropriate areas of the City that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.  
(Ord. 295 § 4, 2001; Ord. 242 § 1, 1999; Ord. 175 § 1, 1997).

*Discussion: Adequate public sewers and public water can be provided. Therefore, the R-4 zone is an appropriate implementing zone if it meets the above criteria and when designated as an implementing zone by the adopted comprehensive plan.*

#### **D. Rezone & Preliminary Plat Consistency with Comprehensive Plan**

The City of Woodinville Growth Management Act (GMA) Comprehensive Plan, first effective June, 1996.

##### **21.01.010 Comprehensive Plan adopted.**

The comprehensive land use plan entitled “The City of Woodinville Comprehensive Plan,” dated June 1996 is on file with the office of the City Clerk for public inspection, and is hereby adopted as the GMA Comprehensive Plan for the City of Woodinville. (Ord. 157 § 3, 1996).

The City of Woodinville GMA Comprehensive Plan includes the Future Land Use Map (Figure 3-3). The subject property is designated *Low Density Residential*, not to exceed four dwelling units per acre on the Future Land Use Map. The R-4 zone is one of the implementing zones for the *Low Density Residential* designation. Areas to the north, south and east are comparatively designated. Areas to the west are designated and zoned for Industrial use.

The City of Woodinville GMA Comprehensive Plan includes ten elements: (1) GMA policies & guidelines, (2) land use, (3) housing, (4) human services, (5) economic development, (6) parks, recreation & open space, (7) community design, (8) transportation, (9) capital facilities and (10) utilities.

***Discussion: The property is practically and physically suited for the residential uses allowed in the proposed R-4 zone reclassification. A minimum of 38 lots would be required and a maximum of 85 lots would be allowed. 66 lots are proposed through a design with substantial open space.***

Land Use Policy LU-3.2: Preserve the existing natural environment in Woodinville's neighborhoods.

*Discussion: Approximately 21.9 acres of common open space will be preserved in perpetuity as Native Growth Protection Area (NGPA).*

Land Use Policy LU-3.3: Maintain each residential area as a safe, pleasant and enjoyable place to live.

*Discussion: Based on steep slope constraints and connectivity to the existing road system, three logical neighborhoods or pods have been created through careful site planning: a southerly pod of 13 lots, a central pod of 20 lots and a northerly looped pod of 33 lots. 49 of the lots (74%) will have been designed to abut the common open space. Adequate emergency vehicle access has been provided.*

Land Use Policy LU-3.4: Provide controls to minimize encroachment by incompatible land uses within and between zoning districts.

*Discussion: The preservation of over 20 acres of forested area between the new residential development and the lower industrial area will minimize impacts.*

Land Use Policy LU-3.6: Allow densities higher than one dwelling per acre only when adequate services and facilities are available to serve the proposed development.

*Discussion: Woodinville Water District has provided sanitary sewer and public water availability certification to this property within the UGA and the District's boundaries.*

Land Use Policy LU-3.7: Encourage medium and moderate density housing throughout the community where sufficient public facilities and services are available, where the land is capable of supporting such uses, and where compatible with adjacent land uses.

*Discussion: Woodinville Water District has provided sanitary sewer and public water availability certification to this property within the UGA and the District's boundaries.*



Land Use Policy LU-3.8: Permit a range of densities to encourage a variety of housing types that meet the housing needs of residents with a range of incomes.

***Discussion: The lots are smaller than the suburban density lots on septic systems to the east. However, overall gross density on the subject property is only 1.7 dwelling units per acre. 66 market-priced, detached single-family units will be constructed on the plat.***

#### Future Land Use Map

“Under the Growth Management Act, all zoning actions and development regulations must be consistent with the community’s adopted comprehensive plan.”

“The Future Land Use Map and its accompanying policies will also play a key role in land development and zoning decisions made by elected and appointed officials. All zoning decisions must be consistent with the Comprehensive Plan.”

The subject property is designated Low Density Residential on said plan.

#### “Low Density Residential

This designation has been applied to all areas currently developed with predominantly single-family detached dwellings. Other dwelling types will be allowed under certain circumstances, such as duplexes, single-family attached, or accessory dwellings. The permitted density for this designation will not exceed 4 dwelling units per acre.”<sup>1</sup>

***Discussion: Urban services, sanitary sewers and public water can be provided. Therefore, WMC 21.04.80 requires that densities less than R-4 are not allowed where the urban service of sanitary sewers can be provided.***

Land Use Policy LU-5.6: Enhance and control water quality through control of runoff and best management practices as adopted by the City of Woodinville.

***Discussion: Water quality has been incorporated into the drainage design. See Level 1 Downstream Analysis, dated June 1, 2004, prepared by Triad Associates. Discharge of these additional waters would be collected and routed through water quality facilities designed to meet City of Woodinville water quality standards which require design per the 1998 King County Surface Water Design Manual. Since site drainage is tributary to Little Bear Creek, a detention pond designed to Level 2 flow control standards along with water quality treatment from the Resource Stream Protection Menu is required. These standards have been developed to minimize potential surface and ground, water impacts.***

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<sup>1</sup> City of Woodinville Comprehensive Plan, June 1996, Ch. 3, p.10. WMC 21.01.010. Ord 15783 1006

Land Use Policy LU-5.11: Control grading and clearing to minimize erosion.

***Discussion: Erosion control measures will be utilized during the construction phase to minimize potential erosion impacts. Temporary erosion and sedimentation control plans will be submitted to and approved by the City of Woodinville prior to any clearing or grading activity.***

Land Use Policy LU-5.12: Maintain natural vegetation coverage at levels sufficient to moderate surface water runoff and to protect the integrity of stream channels. When revegetation is required, appropriate native vegetation should be used.

***Discussion: The development area of the site is approximately 16.8 acres and consists of the area for roads, utilities, trails, buffer and lots. The area of the proposed preliminary plat is approximately 38.7 acres in size. The subject application proposes to leave 21.0 acres of the site as Native Growth Protection Area (NGPA) within common open space Tracts F and L. Approximately 0.9 acres in Tract L will be impacted for necessary utility installation.***

Housing Policy H1.4: Define residential land use regulations to allow for development that will accommodate a range of incomes by providing for a range of housing types and cost. Regulations shall include provisions such as:

1. Requiring minimum urban densities for subdivisions to ensure full land use where urban services are provided.
4. Providing flexible subdivision standards subject to adopted criteria.

***Discussion: Minimum urban densities (R-4) will be utilized in design. 66 market-priced, detached single-family units will be constructed on the subject plat. Since 85 lots are allowed and only 66 lots are proposed, 19 lots can be considered for transfer of residential density credits in accordance with Chapter 21.36 WMC. The subject property would be the Sending Site pursuant to Chapter 21.36.030 WMC.***

Housing Policy H1.6: Provide incentives for moderately priced housing ownership through minimum lot size requirements, and permitting townhome and condominium housing.

***Discussion: The project will provide needed detached single-family housing in the north King County market.***

Community Design Policy CD-2.3:

Utilize trees and landscaping to mitigate environmental degradation and buffer surrounding land uses by impacted by residential, industrial and commercial activities.

***Discussion: The preservation of over 20 acres of forested area between the new residential development and the lower industrial area should minimize impacts.***

Community Design Policy CD-3.1.2:

New development should reflect the characteristics of the site. All new development must protect sensitive areas as required by City code. In addition, site design and layout should reflect natural topography and vegetation, solar access and energy conservation, and circulation as specified in the Woodinville Zoning Code.

***Discussion: Development of the site would change the visual character of the site for the nearest existing residences from that of largely undeveloped land to that of a single-family residential development. Views of the Olympic Mountains to the west may be opened up in certain areas to improve the vistas from individual homes. A Geotechnical Engineering Report has been prepared by Earth Consultants Inc., dated June 9, 2004. It contains specific information in regard to existing conditions, groundwater, steep slopes, as well as general recommendations for site preparation, foundations, retaining walls and other construction, is included as supplemental environmental information with this environmental checklist. The geotechnical report identifies surface and subsurface conditions and concludes that the site can accommodate the development as proposed with inclusion of some construction recommendations.***

<b>E. Rezone Application Prerequisites</b>
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The applicant has proceeded through the required Technical Review Committee (TRC) process as required by the City of Woodinville. For this land use application (concurrent preliminary plat, rezone request and environmental review), three levels of TRC were required. The TRC I was conducted on October 1, 2003, the TRC II was conducted on February 3, 2004 and the TRC III was conducted on April 28, 2004. A summary of City of Woodinville staff comments at the end of TRC III is appended to this report.<sup>2</sup>

In addition, the applicant's team voluntarily conducted a neighborhood meeting at Woodinville Community Center on April 21, 2004. A summary of the meeting minutes is appended to this report.

<sup>2</sup> Technical Review Committee, Level III Meeting Notes, City of Woodinville Permit Center, April 28, 2004

## **F. Rezone Conclusions**

1. The requested R-4 zone, a zone specifically articulated by the City of Woodinville Comprehensive Plan as appropriate for areas designated *Low Density Residential*, complies with and will implement the *City of Woodinville Comprehensive Plan Future Land Use Map*.
2. The requested rezone to R-4 with the proposed subdivision into 66 detached, single family residential lots, is sufficiently consistent with specific applicable policies of said plan.
3. The PUD indicates sufficient electrical capacity to serve the proposed development.
4. In general, conformity of a rezone to the applicable comprehensive plan is tantamount to its “bear[ing] a substantial relationship to the public...welfare,” since the comprehensive plan is the most direct expression of public policy in the topical area of land use.
5. The requested rezone meets the applicable approval tests and should be approved.
6. Adequate basic utility services are available and can be extended to the proposed subdivision. The Woodinville Water District has provided written notice of public water and sanitary sewer service availability to the development.

## **G. Preliminary Plat Conformance with Applicable Zoning Requirements**

The proposed subdivision conforms to the applicable regulations of the City zoning code and other land use controls. In particular, the proposed lot sizes and overall density are specifically permitted under the zoning code with the approved rezone to R-4. Therefore, the application conforms with the criteria of RCW 58.17.100 and .195.

Under RCW 58.17.110, the city is required to determine if “appropriate provisions” are present in the subdivision application for a range of topical areas. The preponderance of the evidence shows that the proposed subdivision, as conditioned herein, makes appropriate provisions for those items enumerated within RCW 58.17.110(2)(a), and serves the public use and interest.

The content of adopted policies and regulations provides reasonable criteria by which to judge whether a proposed subdivision serves the public health, safety and welfare. The application as proposed meets the applicable review criteria. Therefore it serves the public health, safety and welfare.

**AREAS OF CONCERN EXPRESSED BY  
THE NEIGHBORS AT THE  
WOOD TRAILS NEIGHBORHOOD MEETING  
APRIL 21, 2004**

*Project Team present:* Bob Vick, Phoenix Development, Inc. Loree Quade, Phoenix Development, Inc. George Newman (planner), Triad Assoc., Jeff Cox (landscape architect), Triad Assoc., Mark Keller (civil engineer), Triad Assoc., Mike Swenson (traffic engineer), The Transpo Group, Ray Coglas (geotechnical engineer), Earth Consultants.

- Size of lots.
- Single family, not multi-family.
- Square footage of the homes.
- Price range; many would like to see higher end product to preserve their property values.
- Where are sewers coming from?
- What expenses will the existing homeowners incur for the new utilities brought into the area?
- Will property owners be forced to hook-up to sewer
- What will the sewer connection fees be for the existing homeowners should they wish to connect
- What will the water consumption be?
- What tax dollars will be generated from the new development?
- What is the timing for subdivision and rezone application processing and site and home construction?
- What is the rezone process; did you consider R-1?
- How much noise will there be from existing roads/highways to the west once the site's cleared?
- The comp plan requires keeping the character of surrounding neighborhoods; how is that accomplished.
- Number of access points.
- An issue has been raised of one street accessing the proposed subdivision instead of three.
- A lot of concern raised regarding traffic on NE 202<sup>nd</sup> St.
- The suggestion was made to access the subdivision from 144<sup>th</sup> Ave NE and the industrial area.
- Poor sight distance on 195<sup>th</sup>; 3 children have died over the last 10(?) years.
- Will additional traffic change the classification of existing roads?
- Emergency vehicle access; can only get to the site via 156<sup>th</sup>.
- Why not extend 148<sup>th</sup> to Woodinville-Duvall Road?
- Traffic from future development to the north needs to be considered.
- Public noticing – 500' radius is not enough.