

3.4 LAND USE

3.4.1 Existing Conditions

Citywide

The City's Comprehensive Plan (City of Woodinville 2002) divides the City into seven neighborhoods, based on the existing land use, geography, and character of these areas. Three of these neighborhoods are primarily residential: The Wedge (northwest portion of the City, north and west of SR-522); West Ridge (southwest portion of the City, west of the river and the Valley Industrial area); and Leota (the northeast portion of the City, generally east of the Town Center and the North Industrial neighborhoods, extending to the City limits on the north, south, and east). See Figure 1-1 of Section 1, Summary. The sites for the proposed subdivisions are both located in the northwest corner of the Leota Neighborhood. (Note: The 2005 Woodinville Parks, Recreation and Open Space [PRO] Plan uses somewhat different neighborhood nomenclature than does the Comprehensive Plan. This discussion follows the Comp Plan terminology, while other portions of the EIS use the PRO Plan terminology.)

Overall, the predominant land use in Woodinville is residential. As of the year 2000, the City had 3,888 total residential units; approximately 57 percent of these were single-family, detached residential units (including mobile homes) and 43 percent were multi-family dwellings (including townhouses; City of Woodinville 2002). The average residential density Citywide, based on the total number of units and the total acreage in residential use, was approximately 1.9 units per acre. For areas in single-family residential use, the average density was 1.1 units per acre. Residential land uses are predominant in City neighborhoods except the Town Center, the two industrial neighborhoods and the Tourist District.

The Town Center neighborhood is centered around NE 175th Street, roughly between 156th Avenue NE on the east and the Sammamish River on the west. The Town Center is primarily commercial. There has been new commercial development in the past several years and construction of a new City Hall; a recently completed City subarea plan envisions further redevelopment. The Valley Industrial neighborhood runs along either side of the Sammamish River, and is characterized by light industrial and warehousing and distribution uses. The North Industrial area is located north of the Town Center, extending north to the City limits/County line. It is bordered on the west by SR-522. In the past this area was characterized by auto salvage yards and similar uses; it is presently transitioning to light industrial and commercial uses. Just to the north of the City limits, King County Metro is building the Brightwater wastewater treatment plant in Snohomish County's unincorporated Urban Growth Area. The Tourist District is at the south end of the City, centered on NE 144th Street and the Sammamish River; predominant land uses are wineries and breweries, and related restaurant and hospitality uses.

A predominant natural feature in the City is the Sammamish River, which is located in the southwest part of the City. It flows through the Tourist District and the Valley Industrial neighborhood, passing along the southwest edge of the Town Center. There is a steep escarpment to the west of the river, and valley floor to the east. Little Bear Creek, which flows into the Sammamish River, is located just to the west of SR-522, between the Wedge and North Industrial neighborhoods.

SR-522, which in Woodinville is developed as a limited access highway, is a predominant man-made feature in the City, along with the railroad tracks bordering the highway and extending south through the Valley Industrial neighborhood.

Figure 3.4-1 shows existing land use citywide, as of 2000; Figure 3.4-2 shows Woodinville's neighborhoods and Figure 3.4-2(a) the 2006 Zoning and Urban Growth Boundary.

Leota Neighborhood

The two proposals are located within the Leota neighborhood. The Leota neighborhood is predominantly low-density single-family homes, many developed on 1-acre lots and most without public sewer. There is a scattering of undeveloped properties throughout the neighborhood. There is an existing Neighborhood Business area at the intersection of 156th Ave NE with Woodinville-Duvall Road. Lake Leota is a small lake surrounded by single-family residences located in the southeast portion of the Leota neighborhood. The Wellington Hills Golf Course and large-lot single-family residential uses in unincorporated Snohomish County border the Leota neighborhood to the north. Figure 3.4-2(b) shows land parcels by size.

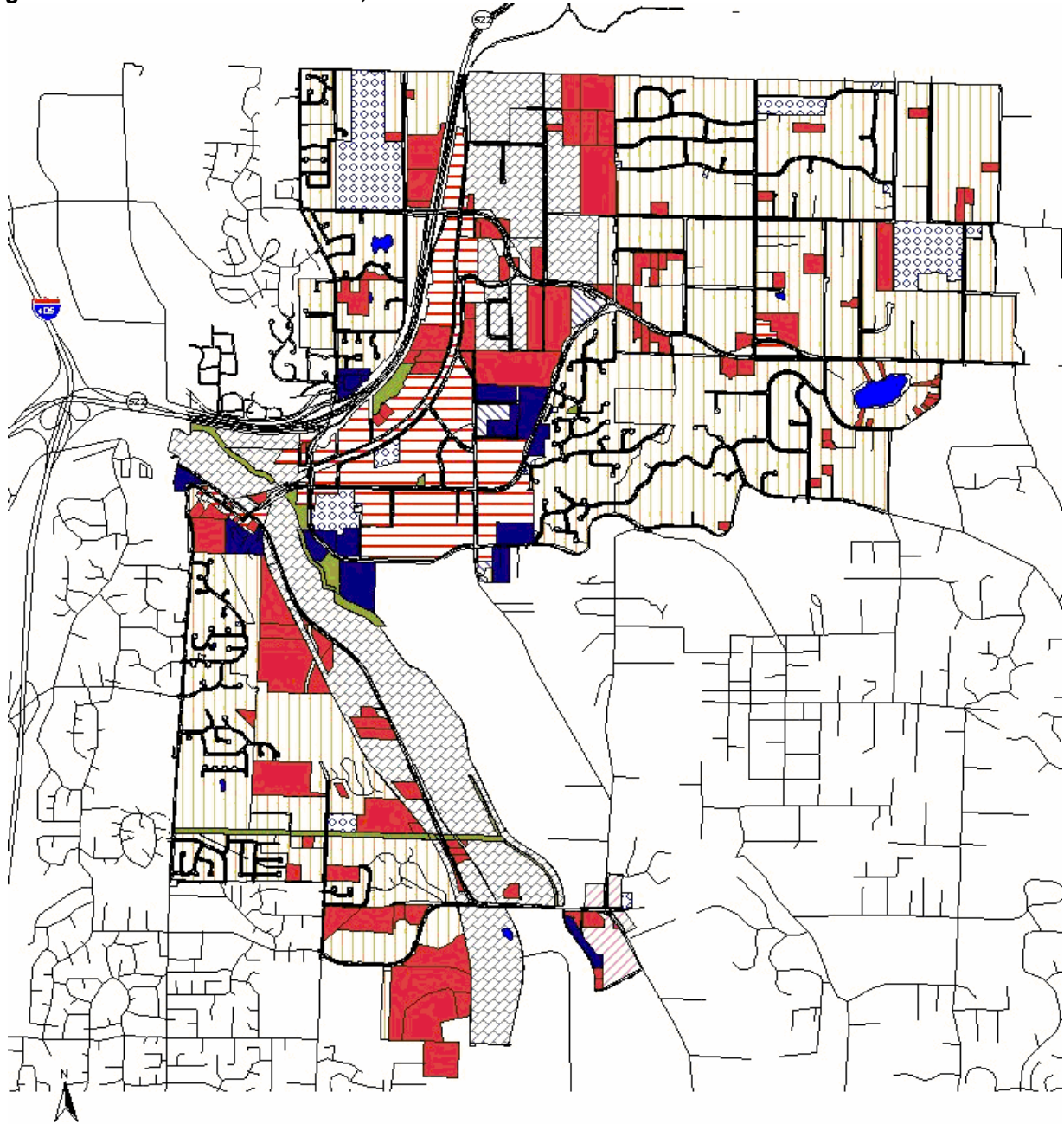
Wellington Hills

The area in which the two proposal sites are located is commonly known as Wellington Hills, after the golf course immediately north of the neighborhood (in rural unincorporated Snohomish County). The Wellington Hills area is in the northwest corner of the larger Leota neighborhood.

Wellington Hills is a neighborhood of mostly large-lot (0.5 acre to 2-acre lots, zoned R-1), single-family residential homes served by public water and individual on-site septic systems. Many of the homes were built in the 1970s and 1980s, though some are newer, and a few are older homes. Streets in Wellington Hills are typically paved but without curbs, gutter and sidewalks. Most of the neighborhood is heavily wooded, with open areas, particularly in the north-central part of the area.

Wellington Hills is bordered on the north by the City limits, which also is the King-Snohomish County line. Across the City line are the golf course and larger-lot single-family development. To the west, a steep, wooded bluff separates Wellington Hills from the North Industrial area. To the south and east, Wellington Hills is bordered by other parts of the larger Leota neighborhood.

Figure 3.4-1 Woodinville Land Use, 2000



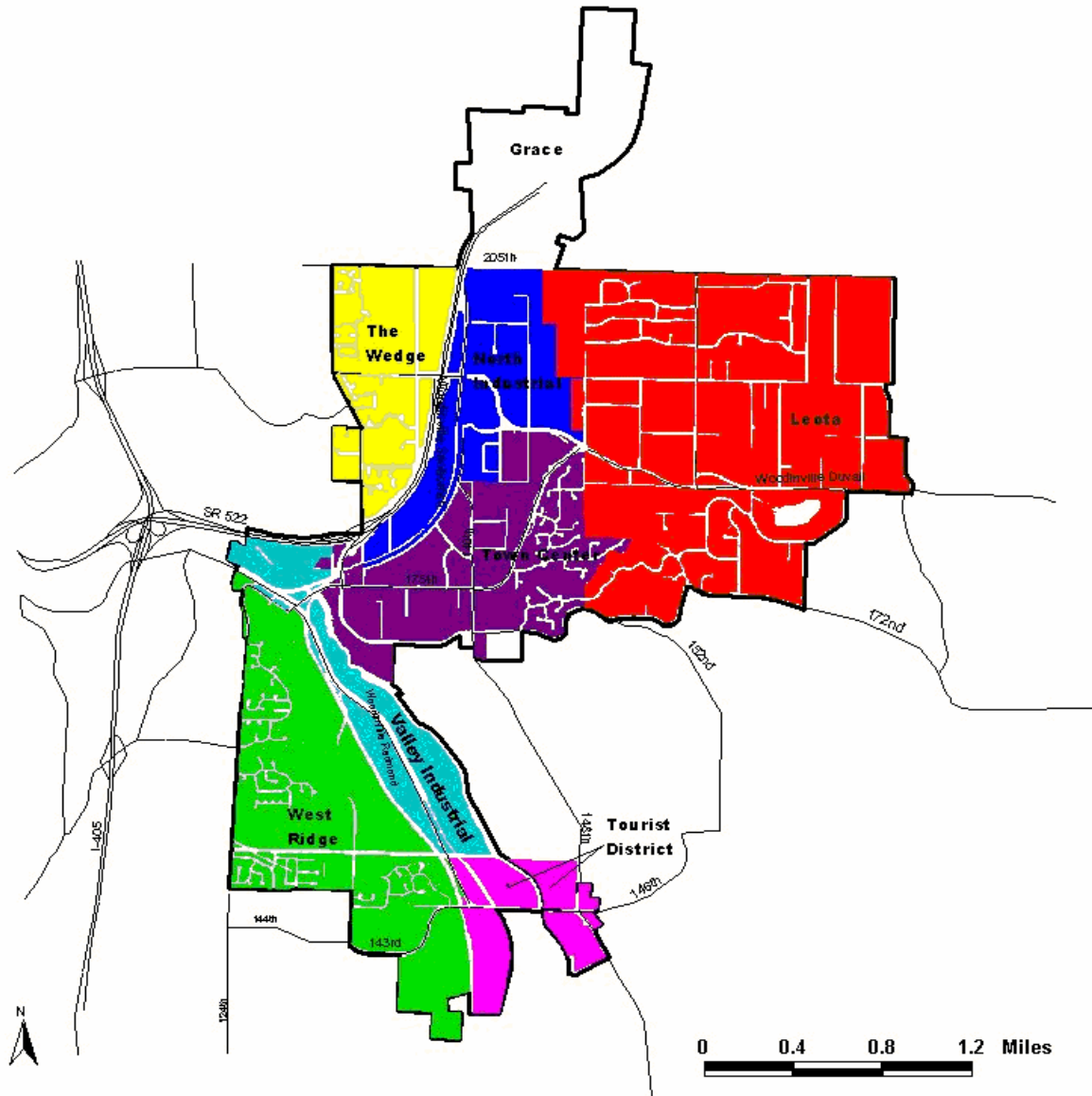
Legend

	Single Family		Retail Services		Public/Institutional
	Multi-Family		Office		Tourist Business
	Parks & Open Space		Industrial		Vacant Parcels

Source: 2000 Land Use Survey
5/30/02 - DC

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Figure 3.4-2 Woodinville Neighborhoods



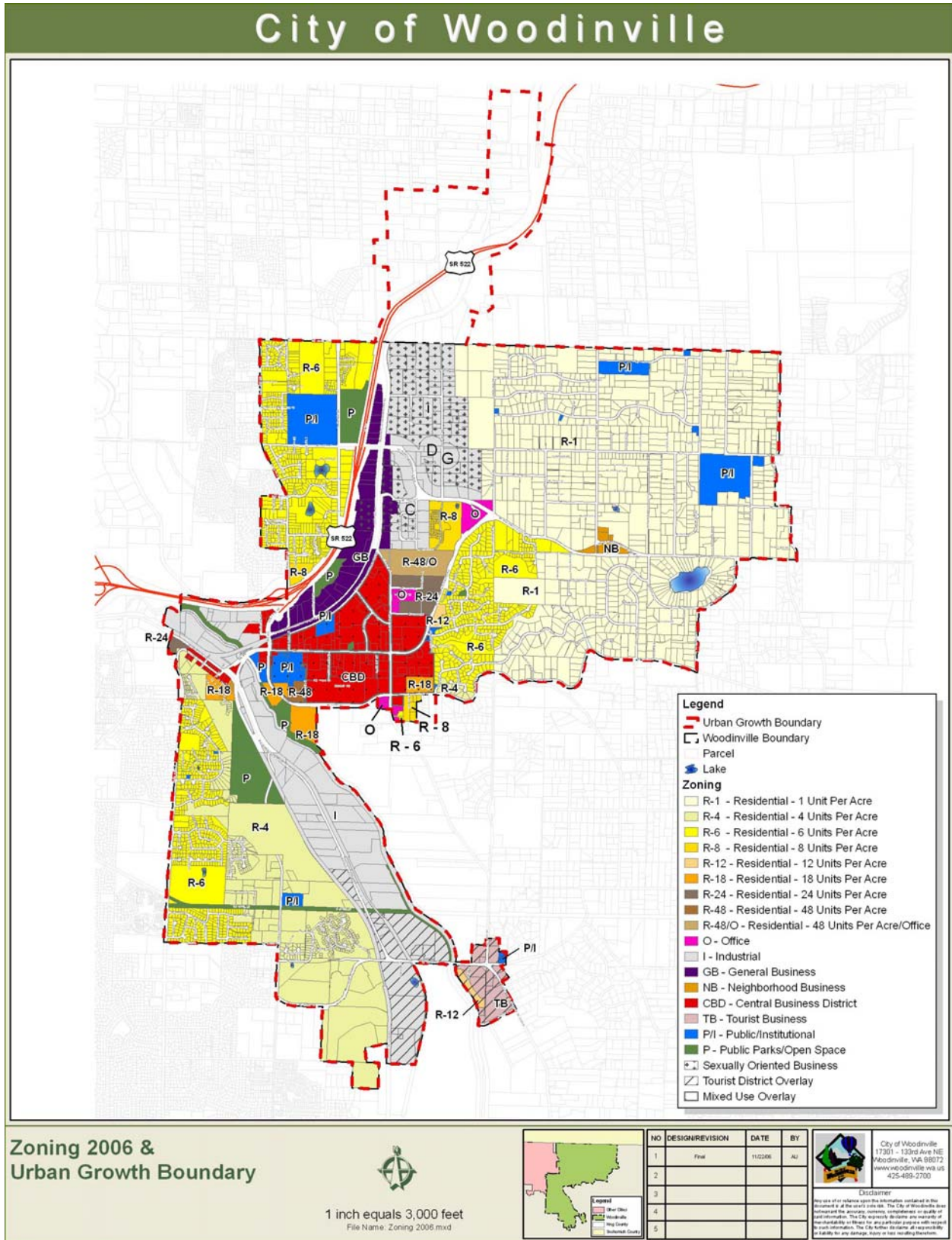
- West Ridge
- Valley Industrial
- Town Center
- Tourist District
- The Wedge
- North Industrial
- Leota
- Urban Growth Boundary
- Major Roads

Source: City of Woodinville, 2002

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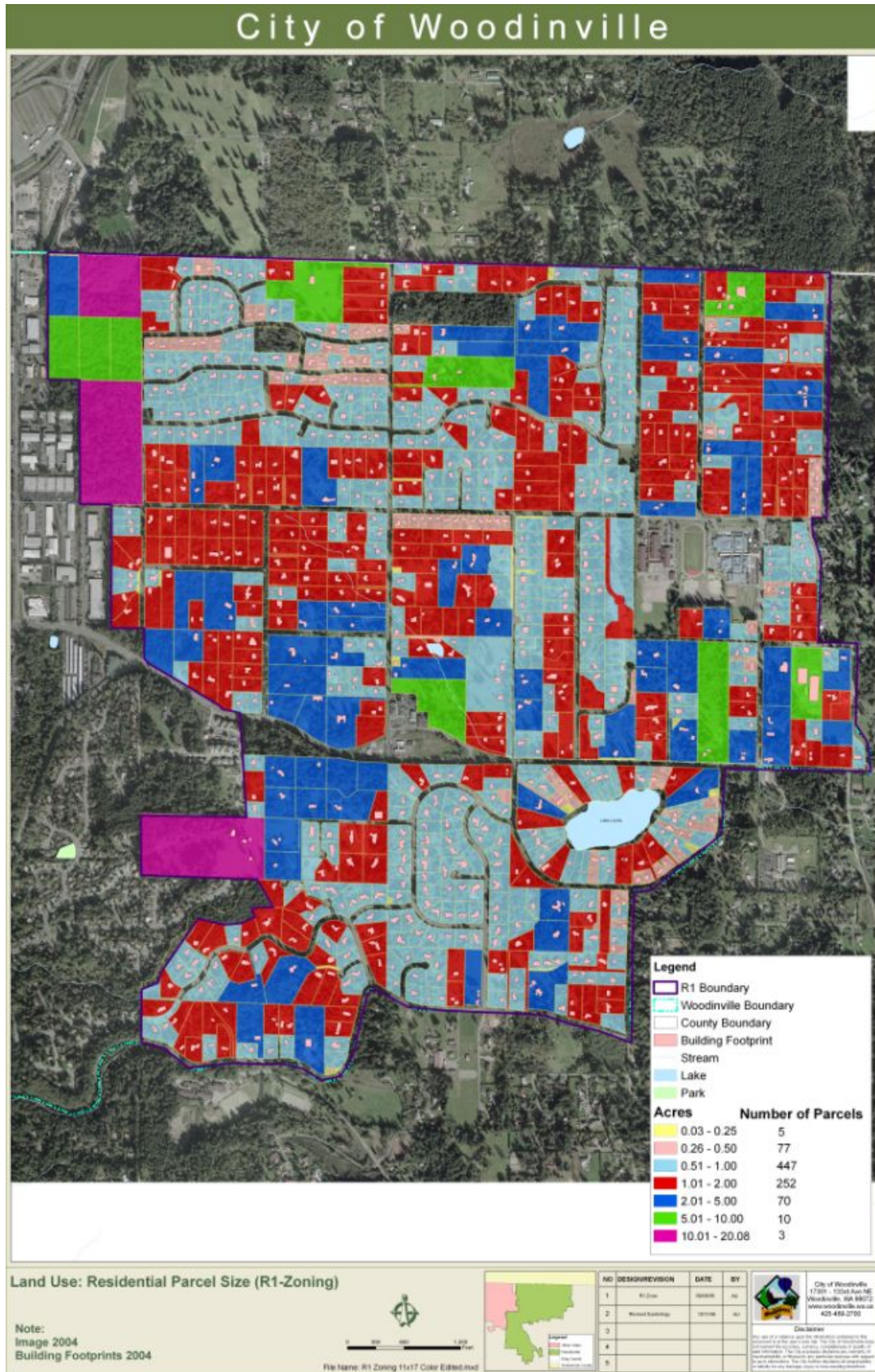
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Figure 3.4-2a Zoning 2006 and Urban Growth Boundary



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Figure 3.4-2b 2006 Land Parcels by Size



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In this area, the City boundary also forms part of the Urban Growth Area boundary; Snohomish County properties adjacent to Wellington Hills are currently designated rural. The Urban Growth Area extends north into Snohomish County to include the valley floor industrial area adjacent to (north of) Woodinville's North Industrial neighborhood; Snohomish County refers to this area as the Maltby UGA.

The topography in most of the Wellington Hills area is gently rolling. On the west side of 148th Ave NE, slopes that in places exceed 40 percent descend to the Little Bear Creek valley floor.

The only identified public facility (excluding existing roads and right-of-way) is a storm drainage detention facility located at the western terminus of 198th Street NE. There is presently a public water system, owned and operated by the Woodinville Water District, within the Wellington Hills neighborhood. There is a public sanitary sewer system in the lower industrial area, but it has not been extended to serve residential properties in the Wellington Hills neighborhood.

There are limited vacant lands, although re-developable lands would depend on the density allowed within the Woodinville UGA, as shown in the Figure 3.4-3. The Wood Trails site is indicated as vacant and the Montevallo site is shown as re-developable.

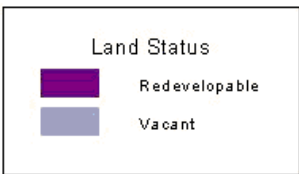
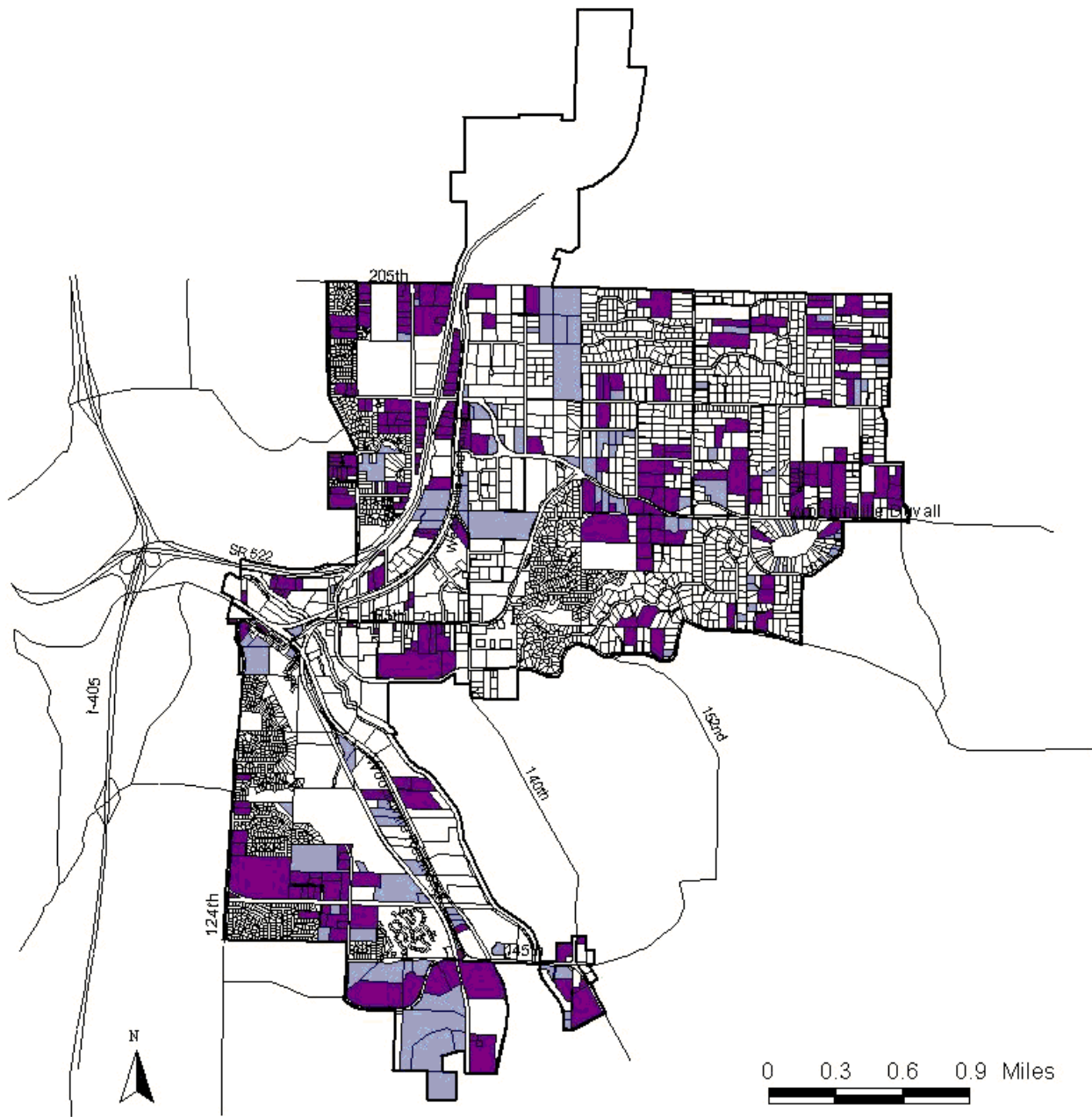
Recent development and proposals in the vicinity include permitting of a Costco retail store just to the northwest, in the lower industrial corridor in Snohomish County adjacent to SR 522. The Brightwater regional sewage treatment facility is proposed to be sited approximately one-half mile to the north of Wood Trails adjacent to SR 9.

Adjacent to Site

Figure 3.4-4 is an aerial photo with parcel boundaries indicated for Wood Trails and Montevallo sites. The Wood Trails site is on the west edge of Wellington Hills. The site contains a portion of the wooded slope that separates Wellington Hills from the industrial area to the west. Adjacent to the north, two wooded, undeveloped properties separate the proposal site from the City/County line. The slope separating Wellington Hills from the industrial area to the west continues onto these undeveloped properties. There are single-family homes to the northeast and east (across 148th Avenue NE) of the Wood Trails site. Generally, the homes to the northeast tend to be somewhat older and on somewhat smaller lots (though still generally about 0.5 to 1.0 acres in size); there are some newer, larger homes to the east of the southern part of the site (across 148th Avenue NE, generally south of NE 198th Street). The Wood Trails site is heavily wooded, with a mixture of mature deciduous and coniferous trees. It currently is vacant (undeveloped).

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Figure 3.4-3 Vacant and Re-Developable Lands in Woodinville, 2001

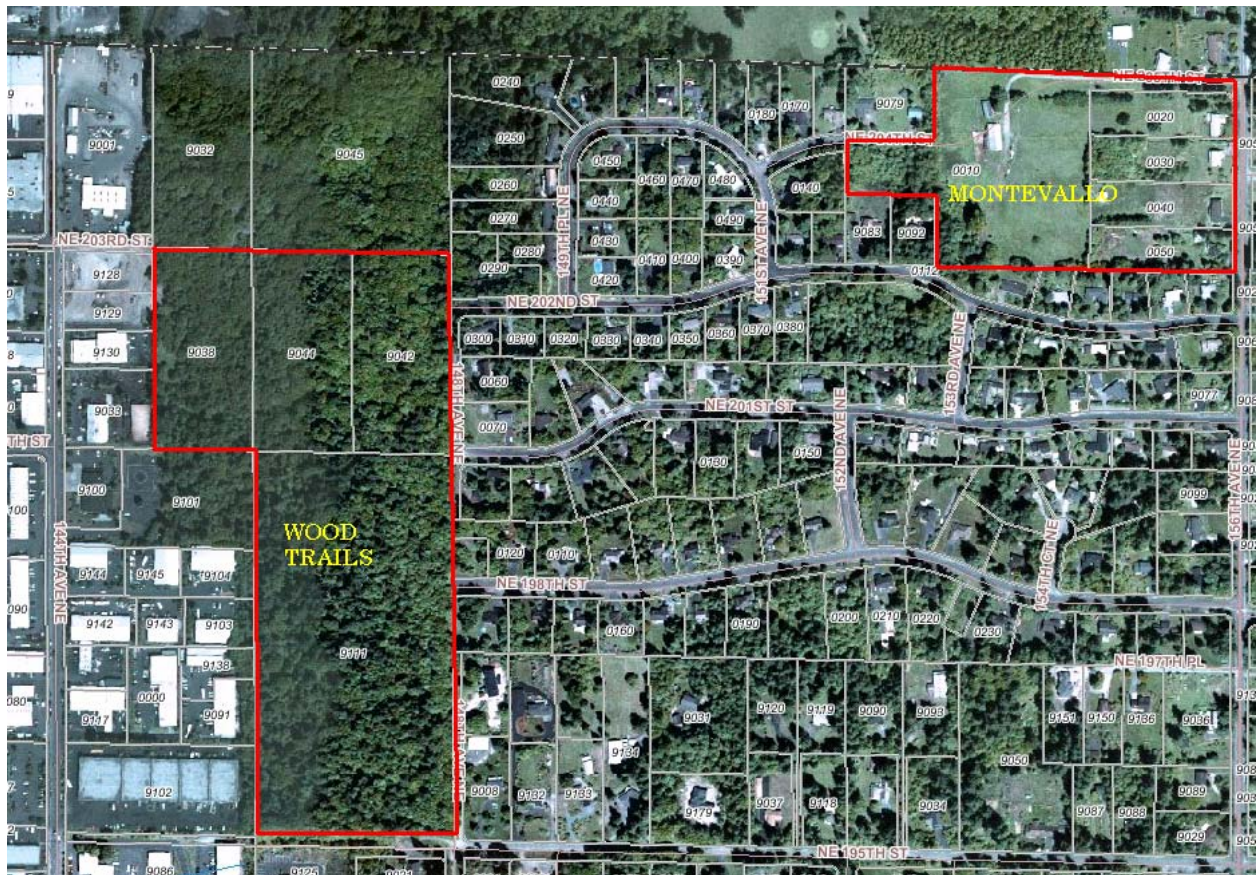


Note: This buildable lands map is a pictorial representation and the City does not warrant its accurate depiction.

Source: City of Woodinville, 2002
11/25/02 - EFC

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Figure 3.4-4 Existing On-Site and Adjacent Land Use



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The Montevallo site is on the north edge of Wellington Hills; the City/County line is immediately adjacent to (north of) the site. Across the County line to the north, the site is bordered by a portion of the Wellington Hills golf course and two older, large-lot, single-family residences. Older single-family homes border the site to the west and south (in the City). To the east, the site is bordered by 156th Avenue NE, an arterial street. Five single-family homes, along with a barn and other outbuildings, currently occupy the Montevallo site. Four of these homes front on 156th Avenue NE. The remaining home is behind (west of) these homes. West of this fifth home is open horse pasture and the barn, and then a forested wetland area.

3.4.2 Impacts of the Proposed Action

Wood Trails

The proposed Wood Trails subdivision would result in development of 66 single-family residences, plus the construction of roads, landscaping, and a storm drainage system on the 38.7-acre site. (See Chapter 2 for a full description of the Proposed Action and the alternatives that follow.) The site would generally be converted from undeveloped, to developed for urban-density use. Urban density in the Comprehensive Plan for Low Density is stated to be 1-4 units per acre. A portion of the site, approximately 21 acres, would remain undisturbed; this area would be surrounded by homes and other site development. Because the site is vacant, no existing uses would be displaced. There would be a net decrease in open space and the number of trees on the site. (See Table 2.1-1 for more information about open space before and after development.)

In terms of type of land use, the proposed Wood Trails subdivision would be compatible with existing adjacent single-family residential land uses to the north, south, and east of the site in Wellington Hills. The proposed detached single-family structures would be compatible in type and form with the existing adjacent detached single-family structures. However, the Wood Trails subdivision would result in smaller lots and higher-density development than currently exist in the neighborhood, with a gross density of 1.7 dwelling units per acre and a net density of 6.28 dwelling units/acre within the effective development area of the site (calculated per WMC 20.12.080). The density on the Wood Trails site would contrast with surrounding gross densities which average about 1-2 dwelling units per acre. The proposed homes would be closer together than most homes in the area, which are on larger lots and thus generally spaced farther apart. The form and scale of development would also contrast with surrounding single lot development that was created when the area was within rural King County. In this sense Wood Trails would represent an intensification of the existing land use pattern, i.e. a change from larger-lot, detached single-family homes developed under R-1 zoning to smaller-lot detached single-family homes developed at R-4 density. Densities would generally be characterized as urban in character; however, there is a more “rural” visual image that typifies the neighborhood character. The proposal would not result in significant conflicts with adjacent uses, but could result in conflicts with neighborhood character.

There would be a change in character of the site, from undeveloped/wooded to developed/urban residential use. The appearance of the site could change depending on the design. The change would be noticeable from some adjacent residences and the street, but would not be visible from public, off-site locations and would not be experienced by a large number of viewers. The character of the visual change may be perceived to be significant to adjacent neighbors, but would not represent a significant adverse impact in a broader context. Visual impacts to adjacent residents could be mitigated by increasing the size and/or density of the perimeter buffer or creating additional setbacks along the perimeter to screen the site from nearby views.

The proposed Wood Trails development is less intense than the existing light industrial and related uses in the North Industrial neighborhood west of the site. Because there is significant topographic separation and horizontal distance between the proposed development area and the existing industrial uses, and no

direct access between the two areas, this inconsistency should not result in significant land use impacts to Wood Trails or to the industrial area.

Montevallo

The proposed Montevallo subdivision would result in development of 66 single-family residences on the 16.5-acre Montevallo site, plus the construction of roads, landscaping, and a storm drainage system. The site would be redeveloped and converted from current lower-density (rR-1), single-family residential use to the higher end of the low density range (R-4) residential use. Five single-family homes and outbuildings that currently are on the site would be displaced. The four single family homes are on lots facing the adjacent neighborhood along the intervening street. There would be an additional two houses added to the street front. The open character of the site would be changed, with houses, streets, detention facilities, and other site improvements occupying almost the entire site except for the wetland and buffer on the western portion of the site. There would be a net decrease in open space and the number of trees on the site.

In terms of type of land use, the Montevallo subdivision would be compatible with existing adjacent single-family residential land use to the east, west, and south of the site in Wellington Hills, and with the two larger-lot, single-family homes to the north, in Snohomish County. It would differ from, but be compatible with, the golf course use that also abuts the proposal site to the north. The proposed detached single-family structures would be compatible in form with the existing adjacent detached single-family structures. However, Montevallo would result in smaller lots and higher density development internally to the site than currently exist in the neighborhood, with a gross density of 4 units per acre, and a net density of 5 dwelling units per acre, would contrast to an existing average of about 1 unit per 0.25-2.0 acres. The proposed homes would be closer together than most homes in the area, which are on larger lots and thus generally spaced farther apart. The form and scale of development would also contrast with surrounding single lot development. In this sense Montevallo would represent an intensification of the existing land use pattern, i.e. a change from larger-lot, detached single-family homes to smaller-lot, urban density detached single-family homes. This change would be particularly apparent to five of the six existing single-family residences on NE 202nd Street, and whose back yards abut the Montevallo site; each of these five lots would abut the back yard of two new single-family lots. The sixth home on NE 202nd Street would only abut one new lot. Densities would generally be characterized as low density urban. The proposal would not result in significant conflicts with adjacent uses; however, neighborhood character and visual impacts could result.

Development of the proposal would result in a change in the character of the site, from undeveloped/wooded to developed/urban residential use. The appearance of the site would similarly change. The change would be noticeable from some adjacent residences and the street, but would not be visible from public, off-site locations and would not be experienced by a large number of viewers. The character of the visual change may be perceived to be significant to adjacent neighbors, but would not represent a significant adverse impact in a broader context. Visual impacts to adjacent residents could be mitigated by increasing the size and/or density of the perimeter buffer or creating additional setbacks along the perimeter to screen the site from nearby views.

Secondary and Cumulative Impacts

The Proposed Action for either Wood Trails or Montevallo would extend sanitary sewer service from the industrial area along 144th Avenue NE into the Wellington Hills residential area, making feasible the development of property at a higher, single-family residential density than is currently typical in the immediate area. It could create pressure for additional infill and intensification. There are a number of citations in the WMC that indicate greater density would be required with access to sewer.

It is unlikely that in the Wellington area nearest the proposal sites, extension of sewer would increase the area density or bring about widespread sewer service in the Wellington area within the foreseeable future. A large portion of the surrounding lots are relatively small compared to the overall R-1 area lot sizes. The majority of the lots are 0.25 to 1.0 acre as compare to 1 to 5 acre lots. There are also sections of the code that focus on preserving natural areas and neighborhood character, including the requirement to submit for rezones to increase densities even within the allowed density within the Comprehensive Plans. Similarly, the WMC sections pertaining to sewage disposal have no requirements for existing residences to hook up to the public sewage system. Based on the applicable Code provisions, therefore, City policies on sewage disposal would have at most a limited effect on expansion of public sewer service in the Wellington area. The Woodinville Water District (District), which provides sanitary sewer service within the City, recognizes that its function is not to plan land uses, but to provide services consistent with plans adopted by other jurisdictions (2006b). Similar to the City policies discussed above, the District's policies would not dictate that extension of sewer service to the Wood Trails and Montevallo sites would result in further expansion of sewer service within the Wellington area.

To the extent that cumulative redevelopment occurred, over time it could result in less open space, fewer trees, and more closely spaced houses in the Wellington Hills area. This would change the intensity and general appearance of the area. The City's Comprehensive Plan and zoning do not currently allow commercial development in this area, and unless land use designations were revised by the City, these potential changes probably would not result in a change to the underlying single-family residential character of the neighborhood or this portion of the City. Regardless of the amount of potential infill or redevelopment activity, the area would remain a low-density residential community.

These indirect and cumulative impacts are possible, but are not considered probable or likely to occur. Similarly, the timing as well as the occurrence of potential future change is unknown. If change were to occur, it would involve the interaction of a variety of economic and market forces - such as land value, age and cost of existing structures, ability of developers to aggregate properties, individual investment decisions, local economic conditions, etc. - that cannot be predicted and that are not causally related to the proposed plats.

The hypothetical precedent established by the proposed rezones would cause cumulative or indirect effects only if additional rezones of R-1 properties to higher urban densities were proposed and approved by the City, or if the City initiated area-wide rezoning. The potential for additional infill is slight unless the City were to take some action (such as a Comprehensive Plan revision) to permit it; this is theoretically possible, but highly uncertain. In March 2006, the City Council imposed a moratorium on new development in the R-1 zone (later extended in September 2006) and authorized a study of environmental resource values in the R-1 areas. Until that study is completed, it is speculative to say what if any action the City Council may pursue.

The City's Comprehensive Plan does not identify the Wellington neighborhood as containing significant amounts of vacant or re-developable land (see Comprehensive Plan Figure A3-3). It is possible that currently developed R-1 lots could be rezoned to R-4 parcel-by-parcel; however, the actual number and significance of such individual rezones is speculative and uncertain. Alternatively, multiple contiguous R-1 parcels could be purchased and aggregated by a single owner, who could apply for a rezone to a higher density. Within the context of the Wellington neighborhood, such aggregation is considered to be difficult, expensive and contentious, and is therefore speculative. Rezoning and development of vacant land within an existing neighborhood is fundamentally different from redevelopment.

Snohomish County (2005) recently proposed designation of a UGA (Urban Growth Area) Expansion Area with an Urban Industrial designation for the Wellington Hills Golf Course location, as part of its

periodic update of the County's Comprehensive Plan. The Snohomish County Council subsequently voted to leave the current rural designation for the area in place, although this decision is subject to appeal. If Snohomish County did adopt a UGA designation in the future, it is conceivable that substantial development activity could occur in that location over the next 10 to 20 years. While intensive development on the golf course site would require road improvements and utility extensions, current development regulations would prevent such development from having major impacts on topography, erosion, slope stability and drainage conditions.

3.4.3 Impacts of the Alternatives

R-1 Zoning Alternative

This alternative would result in the development of 23 single-family residences on the Wood Trails site on 1-acre lots, plus the construction of roads, landscaping, and a storm drainage system. The site would be converted from undeveloped to low-density, single-family residential use. A portion of the site, approximately 24.9 acres, would remain undisturbed, although this area would be broken up and would be surrounded by homes and other site development. Because the site is vacant, no existing uses would be displaced. The net decrease in open space and number of trees on the site would be slightly less than in the Proposed Action.

Relative to the Proposed Action, in this alternative Wood Trails would be more compatible with existing adjacent low-density, large-lot, single-family residential land use to the north, south, and east of the site in Wellington Hills. The proposed detached single-family structures would be compatible in form with the existing adjacent detached single-family structures.

The R-1 Zoning Alternative would perpetuate the existing land use pattern in the local area. The City of Woodinville considers R-1 to R-4 low-density urban development. However, the courts and the Hearings Boards have questioned whether 1-acre development patterns would be considered "urban." It could be viewed as inconsistent with a threshold for urban density, based on past Growth Management Hearings Board decisions.

In this alternative the Montevallo site would be developed with 14 single-family residences on 1-acre lots, plus the construction of roads, landscaping, and a storm drainage system. The site would remain in single-family residential use, but would have an increased housing density. As in the Proposed Action, five single-family homes and outbuildings would be displaced, and the existing, relatively open character of the site would be changed. There would be a net decrease in open space and number of trees on the site, about the same as in the Proposed Action.

The R-1 Zoning Alternative would utilize individual on-site septic systems, and would not introduce sanitary sewer service to Wellington Hills. Therefore, compared to the Proposed Action, the R-1 Zoning Alternative would be less likely to have the indirect impact of encouraging additional development or redevelopment in the immediate area. However, the R-1 Zoning Alternative could still be viewed as an intensification of the existing land use pattern (albeit less so than the Proposed Action), because it would introduce 37 new homes to a neighborhood (23 in Wood Trails and 14 in Montevallo) that has not recently experienced this scale of development or redevelopment.

Attached Housing Alternative

This alternative would result in development of 85 attached, single-family, townhouse-style residences on the Wood Trails site, plus the construction of roads, landscaping and a storm drainage system. The site would be converted from undeveloped land to urban-density, single-family residential use. A portion of

the site, approximately 28.7 acres, would remain undisturbed. No existing uses would be displaced. The net decrease in open space and number of trees on the site would be less than in the Proposed Action.

Residential use of the site would be compatible with adjacent land uses. In terms of density, and relative to the Proposed Action, in the Attached Housing Alternative the Wood Trails development would be more dense and more urban in character relative to existing adjacent large-lot, single-family residential land use to the north, south, and east of the site in Wellington Hills. The proposed attached townhouse structures would be different in form from the existing adjacent detached single-family structures. The Attached Housing Alternative could be viewed as a greater intensification of the existing land use pattern relative to the Proposed Action, because it would introduce more new homes (85) and these homes would be different from (and to some viewers, more “urban” in form than) the traditional detached single-family structure.

In the Attached Housing Alternative, development on the Montevallo site would consist of 47 detached single-family residences. Land use impacts of this alternative would be similar to, but slightly less intense than, the impacts described for the Proposed Action. Although fewer lots would be developed than in the Proposed Action, the lots would be bigger, resulting in the same total development area and a similar loss of open character of the site.

The Attached Housing Alternative would utilize public sanitary sewer service on both sites, which could have the indirect impact of encouraging additional development or redevelopment in the immediate area. The Attached Housing Alternative could be viewed as an intensification of the existing land use pattern (albeit less so than the Proposed Action), because it would introduce 132 new homes to a neighborhood (85 in Wood Trails and 47 in Montevallo) that has not recently experienced this scale of development or redevelopment. The secondary and cumulative land use impacts for this alternative would be essentially the same as those described previously for the Proposed Action.

No Action Alternative

In the No Action Alternative, there would be no new development on either the Wood Trails or the Montevallo site for the foreseeable future. The Wood Trails site would presumably remain undeveloped and larger-lot residential use would continue on the Montevallo site. There would be no direct, indirect or cumulative land use impacts related to proposed residential development on these sites.

3.4.4 Mitigation Measures

Proposed Action and R-1 Zoning Alternative

Additional undeveloped open space could be preserved if an underground vault replaced the open stormwater detention included in the Proposed Action for Wood Trails. The applicant’s engineering evaluation of drainage facilities indicated an underground vault would not be feasible or appropriate for the proposal (see discussion in Section 2.1.1). Also, lower density housing could be constructed on the perimeter of the proposal and a vegetated buffer installed to better match the adjacent properties to provide a perceived “rural” environment in an urban setting.

Additional open space on the Montevallo site could be preserved if the number of additional units allowed through density transfer provisions were reduced. The same mitigation as proposed for Woods Trails of providing a perceived “rural” environment could also be considered for Montevallo.

Attached Housing Alternative

In this alternative, the Wood Trails townhouse structures could be designed with additional architectural features and detailing (offsets, building modulation, multiple eaves, etc.) that tend to visually reduce the scale and break up the mass of the buildings. This would make them more compatible in character with surrounding detached single-family structures. The maximum number of units per building could be limited, to further reduce the mass and scale of individual buildings. Additional undeveloped open space could be preserved if a vault replaced the proposed open stormwater detention facilities proposed for Wood Trails.

The Montevallo site could retain additional open space if the plat were reconfigured to utilize smaller lot sizes (like the lot sizes in the Proposed Action), which would result in a smaller overall development area.

3.4.5 Significant Unavoidable Adverse Impacts

Under any of the development alternatives, there would be an unavoidable loss of open space, trees and undeveloped land on the two project sites. Based on the level of existing development surrounding the sites and the amount of open space that would remain on the sites, this could be perceived as a significant land use impact within the neighborhood and adjacent properties. The visual change that would be visible to a limited number of adjacent residences could be mitigated by greater setbacks or buffering along the perimeter of the site and fewer homes on the perimeter. Under the R-1 Zoning Alternative, development densities could be viewed as inconsistent with Growth Management Hearings Board decisions. Under any of the alternatives, there would be no significant impacts to the land use pattern, but could be significant to perceived “rural” neighborhood character.

3.4.6 Plans, Policies and Regulations

3.4.6.1 Comprehensive Plan Policies and Land Use Map

Land Use Element

Land Use Policy LU-1.1

Summary: Preserve neighborhood character, while accommodating GMA growth forecasts.

Discussion: All alternatives, except the No Action Alternative, would help the City to accommodate its GMA residential growth forecasts. All alternatives would preserve existing neighborhood land use patterns in varying degrees. The Proposed Action, by adding 132 single-family dwelling units, would do the most to help accommodate the growth forecast; the Attached Housing Alternative, which also would add 132 single-family units, would do the same. The R-1 Zoning Alternative, by adding fewer (37) units, would help accommodate forecasts, but to a lesser degree. The Proposed Action would preserve the detached single-family residential land use pattern of the Wellington Hills neighborhood, but would be denser and more intensive than existing development. Visual character would change from undeveloped/wooded to a site that is developed for urban residential land use. This change would be visible from some adjacent residences and the street, but would not be visible to a significant number of viewers. It also would change the character of the undeveloped, wooded slope separating the neighborhood from the industrial area to the west, and would further reduce open space by developing the pasture that makes up a large part of the Montevallo site. The Attached Housing Alternative would introduce attached housing into the neighborhood, which would represent a change in the land use character of the neighborhood, though it would develop slightly less of the steep slope. The R-1 Zoning Alternative would develop somewhat less of the steep slope than would the Proposed Action, but somewhat more than would the Attached Housing Alternative. It would perpetuate the existing pattern of lot sizes, which is more “suburban” than “urban” in character.

Land Use Policy LU-1.2

Summary: Guide growth to areas with capacity, where impacts will be minimized, and where growth will help area's appearance or vitality.

Discussion: All of the alternatives, with the exception of the No Action Alternative, would direct growth to areas with capacity to accept growth: the Wood Trails site is undeveloped, and the Montevallo site is underdeveloped for residential uses, even compared to the rest of Wellington Hills. All alternatives, with the exception of the No Action Alternative, will have some impacts, though many of these impacts could be mitigated.

Land Use Policy LU-1.3

Summary: Phase growth and municipal services together.

Discussion: The Proposed Action would be consistent with this policy, because it would include extending sanitary sewer to the site, building on-site storm drainage facilities, and making street frontage improvements adjacent to the proposal sites. Sanitary sewers would be extended from the westerly industrial area to the Wood Trails subdivision first and then via 202nd right-of-way to the Montevallo subdivision. The Attached Housing Alternative would be consistent for the same reasons. The R-1 Zoning Alternative would not be consistent, because it would develop these two large properties without sanitary sewer in an urban area. In the No Action Alternative, neither new residential units nor municipal services would be developed in Wellington Hills.

Land Use Policy LU-2.2

Summary: Connect development, open space, recreation areas by planned street, path, and utility corridor networks.

Discussion: All of the alternatives would be consistent with this policy. Each of the development alternatives includes new on-site streets, as well as improvements to existing streets. All development alternatives include sidewalks and some trails. Additional street improvements, and pedestrian and/or bicycle connections, might be identified to further mitigate development impacts; these would increase consistency with this policy.

Land Use Policy LU-3.1

Summary: Development should complement existing residential development patterns.

Discussion: While the meaning of the word "complement" is not clear or precise, all of the alternatives, except the No Action Alternative, would continue the existing residential land use pattern in Wellington Hills. The form and density of development would vary among the alternatives, however. The R-1 Zoning Alternative would be the most consistent, because it would continue the pattern of large-lot, detached single-family residential development on individual septic systems. The Proposed Action would introduce smaller-lot detached single-family residential development on sanitary sewer. The Attached Housing Alternative would introduce attached townhouse housing, a new development form, into the area. This policy is not applicable to the No Action Alternative.

Land Use Policy LU-3.2

Summary: Preserve neighborhood natural environment.

Discussion: All of the alternatives would preserve some elements of the natural environment. The Proposed Action would preserve some undeveloped portions of the steeply-sloped Wood Trails site. The R-1 Zoning Alternative would preserve somewhat more of the slope, and the Attached Housing Alternative would preserve more still. The No Action Alternative would maintain the slope in its current, undeveloped state. All alternatives would observe requirements set forth in city development standards for tree retention (Ch. 21.16 WMC) and environmentally sensitive areas (Ch. 21.24 WMC).

Land Use Policy LU-3.4

Summary: Provide controls to minimize encroachment by incompatible land uses.

Discussion: All alternatives for the Wood Trails site would consist of land uses that to varying degrees would be compatible with the residential land uses to the north, south and east, and therefore would not represent encroachment by incompatible uses. None of the alternatives, with the exception of the No Action Alternative, would be compatible with the industrial uses to the west, but they would not encroach upon industrially designated or zoned land. All of the alternatives for the Montevallo site would consist of land uses that are to varying degrees compatible with the residential and recreational uses to the north, and the residential land uses to the north, south east of the site, and therefore would not represent encroachment by incompatible uses.

Land Use Policy LU-3.5

Summary: Allow residential lot clustering abutting sensitive areas or rural resource lands to provide buffers and reduce land use conflicts.

Discussion: The Attached Housing Alternative would provide clustered attached housing on the Wood Trails site and, of all the development alternatives, would leave the most undeveloped area on the steep, wooded slope; this would preserve more vegetative buffer between the proposed use and the existing industrial uses to the west. The Proposed Action, although lots would be clustered, would leave the least undeveloped open space on the Wood Trails site. None of the alternatives include cluster development for the Montevallo site. Neither site is adjacent to resource lands. Sensitive areas are addressed in Sections 3.1 and 3.3 of this Draft EIS. No significant land use conflicts have been identified.

Land Use Policy LU-3.6

Summary: Allow moderate (5-8 du/acre) and medium-density (9-18 du/acre) housing where services are available, land is suitable, and compatible with adjacent uses.

Discussion: The Proposed Action and the Attached Housing Alternative would be most consistent with this policy. These two alternatives would rezone the site from the current R-1 to a proposed R-4 (4 dwelling units per acre). As part of these alternatives, sanitary sewer service would be extended to the site. As discussed above, all of the alternatives to varying degrees would be compatible with adjacent residential uses.

Land Use Policy LU-3.7

Summary: Permit a range of densities to encourage a variety of housing types to serve a range of incomes.

Discussion: All of the development alternatives to varying degrees would be consistent with this policy. The Attached Housing Alternative would consist of townhouse type single-family residential housing, a housing type that typically is less expensive than a detached single-family home and that is not currently available in Wellington Hills. The Proposed Action, which would consist of detached single-family homes on smaller lots than currently are available in Wellington Hills, also would increase housing choice in the neighborhood. The R-1 Zoning Alternative would perpetuate the current housing options in Wellington Hills.

Housing Element

Housing Policy H-1.1

Summary: Allow a variety of housing types/lot sizes.

Discussion: Of the development alternatives, the Attached Housing Alternative would be the most consistent with this policy, and the R-1 Zoning Alternative the least consistent. (See discussion of Policy LU-3.7, above.)

Housing Policy H-2.1

Summary: Require usable open space (pocket parks, trails, etc.) in residential development.

Discussion: None of the alternatives would develop park or recreation space likely to receive significant use from the general public on either the Wood Trails or Montevallo sites. The Proposed Action includes an on-site trail segment linking the Wood Trails site with the industrial area to the west. The Proposed Action also includes a children's play area or tot lot on the Montevallo site, but this facility would likely serve primarily the residents of the project and not the surrounding neighborhood. (See the discussion of this issue in **Section 3.6** of this EIS, and Policy CF-3.1 below.)

Community Design Element

Community Design Policy CD-1.2

Summary: Preserve views, natural features, and landmarks.

Discussion: All of the development alternatives would preserve portions of the wooded steep slope on the Wood Trails site, which is the most significant natural feature on either site; the Attached Housing Alternative would preserve the most area, while the Proposed Action would preserve the least. The No Action Alternative would preserve this entire natural feature.

Community Design Policy CD-2.2

Summary: Encourage native vegetation in residential, commercial, industrial areas.

Discussion: All development alternatives would be subject to City tree retention standards, and landscaping standards that call for the use of native vegetation, and thus would comply with this policy. All of the alternatives would retain native vegetation on the Montevallo site (in the wetland and buffer), and would retain varying amounts of wooded open space on the Wood Trails site. (The Attached Housing Alternative would retain the most undisturbed open space; the Proposed Action would retain the least.)

Community Design Policy CD-2.3

Summary: Use trees/landscaping to buffer surrounding land uses.

Discussion: All development alternatives would comply with applicable City landscaping requirements. All development alternatives would retain varying amounts of undisturbed, wooded open space on the Wood Trails site, which would buffer the development from the industrial uses to the west

Community Design Policy CD-2.4

Summary: Require street trees in all development.

Discussion: All development alternatives would comply with applicable City street tree requirements.

Community Design Policy CD-2.5

Summary: Require preservation of existing vegetation through zoning regulations.

Discussion: All development alternatives would meet or exceed the City's adopted tree retention requirements and wetland/wetland buffer preservation requirements on both sites.

Community Design Policy CD-3.1

Summary: Integrate existing development into character of surrounding area.

Discussion: All alternatives (except the No Action Alternative) would develop the site for residential uses, which is consistent with the area's existing land use pattern. The Proposed Action and the R-1 Zoning Alternative would contain low density, detached single-family residential structures, which are the norm throughout Wellington Hills. The Attached Housing Alternative would consist of attached, townhouse single-family residential structures on the Wood Trails site, thus introducing a new, more compact form of housing to the neighborhood. Compared to existing conditions and the R-1 alternative, the more intensive development introduced by the Proposed Action and the Attached Housing alternative would result in smaller lots, less open space and a more urban character on the subject sites. As noted in

section 3.4.1, the resulting change in visual character would likely be experienced as a significant change by adjacent residents but is not considered to be a significant adverse impact.

Capital and Public Facilities Element

Capital and Public Facilities Policy CF-3.1

Summary: Require the City or other service providers to establish capital facility service standards; parks and recreation standards are as follows.

Recreation Category	Existing City LOS*	NRPA LOS*	1998 Adopted City LOS*
Resource Conservancy	7.11	10.0**	7.67
Resource Activities	0.35	16.5**	0.94
Linear Trails	0.32	1.5***	1.97
Athletic Fields/Playgrounds	1.06	3.1	4.93****
Special Use Facilities	0.38	None	4.11
Recreation Centers/ Pools	0.67	None	0.30
Total Recreation Facilities	9.89	34.45	Not Applicable
* Acres per 1,000 population			
** Includes resource areas within 1 hour driving distance.			
*** Based on 12-foot trail corridor			
**** Many existing fields in Woodinville are considered under-sized and are included in the Park Service Area.			

Discussion: The applicant proposes to comply with applicable City parks and recreation requirements through a combination of paying park impact fees, as authorized by the Woodinville Municipal Code, and credits against those fees for recreation facilities included in the proposed subdivisions. The Proposed Action could include payment of up to \$403,225 in park impact mitigation fees for 127 new dwelling units (132 minus 5 existing units on the Montevallo site). The R-1 Zoning Alternative could include \$117,475 in park impact mitigation fees for the 32 new dwelling units. The Attached Housing Alternative could include up to \$403,225 in park impact mitigation fees for 127 new units. These potential fee amounts are based solely on the City’s per-unit impact fee, and do not reflect any credits the City might accept for recreation elements of the Proposed Action.

Environmental Element

Environmental Policy ENV-3.1

Summary: Encourage urban forest preservation.

Discussion: All of the development alternatives would meet or exceed adopted City tree retention standards. Of the three development alternatives, the Attached Housing Alternative would preserve more of the wooded slope on the Wood Trails site (over 28-1/2 acres); the R-1 Zoning Alternative would preserve somewhat less (almost 25 acres); and the Proposed Action would preserve the least (just under 22 acres). All of the development alternatives would preserve the forested wetland/wetland buffer on the Montevallo site. The No Action Alternative would result in no removal of the existing wooded areas on the two sites.

Environmental Policy ENV-3.2

Summary: Protect sensitive habitat areas.

Discussion: Sensitive habitat areas are identified in the plan as including wetlands, streams and shorelines. Based on ecological studies conducted by the applicant, there is a wetland on the Wood Trails site and another wetland on the Montevallo site, and there are no streams or shorelines on either site. The

Proposed Action, R-1 Zoning Alternative and Attached Housing Alternative would each involve permanent loss of the wetland on the Wood Trails site, as the wetland is located in the only feasible site for a stormwater detention pond. The Proposed Action and Attached Housing Alternative also would both involve some permanent and temporary wetland and wetland buffer impacts on the Montevallo site associated with construction of a sewer line and a soft-surface trail. In all cases, wetland impacts would be addressed in full through mitigation proposals consistent with the mitigation requirements of the WMC. The R-1 Zoning Alternative and the No Action Alternative would avoid some or all of these impacts to wetlands and would have less or no direct effects on sensitive habitat areas. By providing water quality treatment for stormwater and sanitary sewer service, the Proposed Action and Attached Housing Alternative would be more protective of water quality in downstream areas than would the other alternatives.

Environmental Policy ENV-3.3

Summary: Maintain a standard of no net loss of sensitive habitat functions and values.

Discussion: As discussed above, the Proposed Action and Attached Housing Alternative would provide mitigation, in compliance with Code requirements, for wetland impacts on the Wood Trails and Montevallo sites. Consequently, there presumably would be no net loss of wetland functions and values as a result of either alternative. Based on existing and proposed conditions relative to sewer service and stormwater management, the balance of water quality changes from the Proposed Action and Attached Housing Alternative might be a net improvement in quality in waters downstream from the subject sites. The R-1 Zoning Alternative would be less protective of stream functions and values, as it would provide water quality treatment for stormwater but would rely on septic systems for sewage disposal.

Environmental Policy ENV-3.4

Summary: Maintain sensitive area connectivity.

Discussion: All of the development alternatives would maintain a large area of existing habitat on the western portion of the Wood Trails site as undeveloped open space, which would help to maintain connectivity with other habitat patches remaining in the vicinity. Mitigation proposals for the Wood Trails site include enhancement of the riparian corridor north of the Wood Trails site, to improve its functions and values. Likewise, all of the development alternatives would maintain the small wetland and adjacent upland habitat on the Montevallo site, which drains to an undeveloped tract to the north and appears to provide a corridor for wildlife movement. In addition, all of the development alternatives would eliminate the existing grazing use on the Montevallo site, which would lead to improved conditions in the wetland and buffer. All alternatives would be consistent with this policy.

Environmental Policy ENV-3.7

Summary: Encourage native plant use.

Discussion: The development alternatives would meet City requirements for the use of native plants in required landscaping; a detailed check of such landscaping would be conducted during the plat review process.

Environmental Policies ENV-4.1, 4.2

Summary: Protect public safety in potential seismic, flood hazard and slide hazard areas (ENV-4.1); minimize the adverse effects of development on topographic, geologic and hydrologic features, and native vegetation (ENV-4.2).

Discussion: Figure A13-3 of the Comprehensive Plan displays the distribution of sensitive geologic areas in Woodinville, including the location of features identified as slide areas, seismic areas, erosion areas, and areas of 30 percent and 40 percent slopes. The corresponding discussion in Chapter 12 and Appendix 12 of the Plan does not explain how these features were identified and mapped or the regulatory status of the figure, if any. Figure A13-3 shows an erosion area feature that includes much of the Wood Trails site. This map does not show any of the Wood Trails site as a slide area or as having 30

percent or 40 percent slopes, although slopes of 40 percent or more exist on the site (see discussion in Section 3.1); none of these geologic features occur on or near the Montevallo site. Chapter 2 and Section 3.1 of the EIS describe elements of the Proposed Action and the development alternatives that would minimize erosion and slope stability hazards associated with development on the Wood Trails site. Based on these measures, all of the development alternatives would be consistent with policies ENV-4.1 and ENV-4.2

Land Use Map

Summary: Both proposal sites are designated “Low Density Residential” (per Figure 3-2, Future Land Use Map, in the City of Woodinville [2002] Comprehensive Plan.) The Comprehensive Plan defines “Low Density Residential” as follows:

“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.”

Discussion: All development alternatives to varying degrees would be consistent with the Land Use Map’s designation of the proposal sites. The Proposed Action and the Attached Housing Alternative both would include site rezones to R-4, which is consistent with this low density designation. The Attached Housing Alternative would be consistent, provided that it met applicable City requirements for the development of single-family attached housing in this zone. The R-1 Zoning Alternative is consistent with the Land Use Map, as is the No Action Alternative.

3.4.6.2 Zoning, Critical Areas, and Other Development Regulations

Summary: Both proposal sites are zoned “R-1 (Low Density Residential)” (City of Woodinville [Zoning Map] 2005a). The Proposed Action and the Attached Housing Alternative would include rezones of these sites to R-4. The Zoning Code (21.04.080) describes the purpose of the “R-1” and “R-4” zones as follows:

(1) The purpose of the Urban Residential zones (R) is 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;

The Zoning Code describes the appropriate use of these zones as follows:

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.

The Code allows townhomes in R-4 zones as a means to protect sensitive areas (21.08.030).

Chapter 21.24 of the Zoning Code also establishes development standards for critical areas. This portion of the Code regulates development in and near geologically hazardous areas (21.24.290-310) and wetlands (21.24.320-360). WMC 21.24.290 provides guidance on designation of geologically hazardous areas, which include areas subject to erosion, landslide and/or seismic hazards and other types of geologic events. WMC 21.24.300 establishes general development standards related to geologically hazardous areas, while performance standards for development activities on sites containing erosion and/or landslide hazard areas. The wetlands sections of the Code define designation and rating of wetlands, development standards, permitted alterations and mitigation requirements. Pertinent aspects of the wetland regulations are discussed in Section 3.3 of the EIS.

Discussion: The development alternatives would generally be consistent with the use of the R-4 zone, provided that the sites are adequately served by utilities and other public facilities at the time of development, and that the sites are “predominantly environmentally unconstrained.” The two development alternatives that include rezones to R-4 would include provision of public sewer service. (The sites currently have public water service.) These alternatives also would include on-site and off-site street improvements necessary to serve the proposed development, and to mitigate identified traffic impacts. As currently proposed, the alternatives might not include adequate physical provisions for usable open space and recreation area, although payment of park impact fees by the applicant would mitigate for this need.

Per WMC 21.08.030, townhouses are allowed in the R-4 zone only where protection of sensitive areas prohibits traditional single-family development. While development on the Wood Trails site is somewhat constrained by wetlands and other sensitive areas, evaluation of the Proposed Action and R-1 Zoning Alternative indicates the site has sufficient developable area to accommodate some level of traditional, single-family residential development. Therefore, townhouse development on the Wood Trails site would be consistent with the Zoning Code if the Development Services Director made a determination that this type of development would be appropriate to protect sensitive areas.

Documentation submitted prior to release of the Draft EIS adequately establishes that a wetland is the only feature on the Montevallo site subject to regulation under the critical areas chapter of the Code. Information submitted by the applicant prior to publication of the Draft EIS confirmed the presence of a wetland on the Wood Trails site, indicates the presence and general distribution of erosion and landslide hazard areas on the site, and identifies mitigation measures that would address these geotechnical issues.

The Wood Trails site has a small (1,389 square feet), Class-3 wetland in the location of the proposed detention pond. As noted previously, under all development alternatives this wetland would be eliminated to accommodate the stormwater facility. According to mitigation plans submitted by the applicant, however, these impacts would be offset through enhancement of habitat in the riparian corridor to the north of the site. The Montevallo site has a forested and emergent wetland approximately 1.6 acres in size (about 10 percent of the site). This wetland would be preserved and buffered in all development alternatives. The Proposed Action and Attached Housing Alternative include temporary construction impacts from a sewer line through the wetland buffer, although impacts to the wetland itself would be avoided by boring the sewer line underneath the wetland. Impacts of this action would be compensated through wetland enhancement and expansion of the wetland buffer.

Much of the western portion of the Wood Trails site contains Alderwood gravelly sandy loam soils on 15 to 30 percent slopes, which are characterized as having a severe erosion hazard (see Section 3.1 for additional discussion of soil characteristics and location). Based on the soil survey information,

this portion of the site would appear to meet the WMC (21.24.290 [2][a]) criteria for designation as an Erosion Hazard Area. This area of the Wood Trails site generally corresponds to the steep-slope areas that are to be retained undisturbed as NGPE, although some of the construction disturbance associated with the stormwater detention pond would occur within the area of more severe erosion hazard (based on soil type). Section 3.1 of the EIS describes proposed measures to be undertaken to address erosion hazards and minimize the risk of erosion from development on the site. Final design plans for the development would need to demonstrate compliance with the buffer requirements, design standards, seasonal restrictions and other limitations prescribed in WMC 21.24.310.

The Wood Trails site has approximately 16 acres (about 40 percent of the site) with slopes of 40 percent or greater. The subject slopes are found in a discontinuous band along the more steeply sloping ravine areas in the western part of the property (see Section 3.1 for additional discussion, and Figure 3.1-1 for location), and comprise a portion of the area of Alderwood soils characterized as having a severe erosion hazard. These portions of the site would meet the WMC (21.24.290 [2][b]) criteria for designation as a Landslide Hazard Area. As noted above, the affected parts of the Wood Trails site are generally found within the steep-slope areas that are to be retained undisturbed as NGPE. Section 3.1 of the EIS describes proposed measures to be undertaken to address slope stability hazards and minimize the risk of slope failure from development on the site. Final design plans for the development would also need to demonstrate compliance with the buffer requirements, design standards, seasonal restrictions and other limitations relative to landslide hazard areas, as prescribed in WMC 21.24.310.

The Code prohibits development of on-site sewage disposal (septic) systems, including drain fields, within erosion or landslide hazard areas or their buffers. If the R-1 Zoning Alternative were approved for the Wood Trails site, final project plans would need to demonstrate that septic facilities did not impinge on hazard areas or buffers. Compliance with this requirement conceivably could necessitate site-plan modifications such as adjustment of lot lines or a reduction in the number of units.

In summary, the two development alternatives that include R-4 rezones would be consistent with the Zoning Code purpose statements for the R-4 zone. The two sites could accommodate development consistent with the purpose for the R-4 zone, but would require careful consideration and protection of the critical areas. Provided that specific critical areas study and final design plans confirmed that all environmentally critical areas were preserved and buffered as required by the Code (including prescribed setbacks and compliance with performance standards), the development alternatives would be consistent with these portions of the WMC.

3.4.6.3 Other City Policies

City of Woodinville Resolution 93

Summary: On March 13, 1995 the Woodinville City Council adopted Resolution 93 “recognizing the natural slope barrier between the north industrial neighborhood and the adjoining residential designated area to the east” (City of Woodinville 1995). The text of the resolution notes that the City encourages maintaining the integrity of residential neighborhoods and wants them to be buffered from industrial areas, and that steep slopes provide a natural boundary and buffer between adjoining land uses. Resolution 93 includes three specific sections. Section 1 indicates that the boundary between the north Woodinville industrial area and the adjoining residential zoning to the east shall be bounded by the 300-foot contour line, except that it shall be the eastern boundary of tax parcel #032605-9038-09, extending from the southern boundary of the same property north to the county line. Section 2 states that no new industrial designation shall be allowed east of that boundary, and that a low density residential designation shall be retained between that boundary and 148th Avenue NE extended. Section 3 states that

this policy is to be followed in the implementation of the Interim Comprehensive Plan and the Comprehensive Plan being developed at the time to comply with the Washington GMA.

Discussion: The boundary referenced in Section 1 of the resolution passes through the Wood Trails site to the west of the area proposed for development as residential lots under any of the action alternatives. Low-density residential development on the eastern part of the Wood Trails site is consistent with City intent, as established in Section 2 of the resolution. The Comprehensive Plan defines low-density residential development at 1 to 4 dwelling units per acre or less. Therefore, the nature and character of the Wood Trails residential development provided under the Proposed Action and the action alternatives would be consistent with the provisions of Resolution 93.

Temporary Moratorium on Development within R-1 Zoning District

Summary: On March 20, 2006 the Woodinville City Council adopted Ordinance No. 419, which imposed a temporary moratorium on the receipt and processing of applications for development actions within the R-1 zoning district of the City. The text of the ordinance includes a finding that continued development of the R-1 district and other residential zones in the City at current rates will irreversibly alter the character and physical environment of those areas in a manner inconsistent with various City goals and policies (City of Woodinville 2006b). Other findings address concerns related to aquifer recharge, surface water drainage to salmon-bearing streams and wetlands, steep slopes and other geologic hazards, retention of existing tree cover and a sustainable development program recently initiated by the City. In response to those and other findings, the ordinance states that the City will not accept or process 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 of the City. The ordinance identifies exceptions (such as permit applications for remodeling) to the moratorium and recognizes vested development rights for complete permit applications submitted before the effective date of the ordinance. Based upon the findings, Ordinance 419 declared a public emergency and made the moratorium effective immediately. The moratorium was to be effective for a period of 6 months (through September 20, 2006), although the City Council could renew the moratorium for one or more 6-month periods in accordance with State law. In September 2006 the City Council extended the moratorium for an additional 6 months.

Discussion: The effect of Ordinance 419 on the Proposed Action is not entirely clear. The applicant submitted complete applications for the proposed subdivisions that were accepted for processing by the City prior to the effective date of the moratorium. Based on the wording of Section 4 of the ordinance and on vesting provisions of state law (RCW 58.17.033), therefore, the Wood Trails and Montevallo proposals would not be affected by the moratorium. According to case law, however, applications for rezones by themselves (i.e., separate from an application for a development action, such as a short plat or a subdivision) do not provide vested rights. The status of the applications is therefore not totally clear. In any event, the City can continue to perform environmental review of the proposal under SEPA without conflicting with Ordinance 419.

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