

TOWN OF WOODWAY

ORDINANCE 2021-631

AN ORDINANCE OF THE TOWN OF WOODWAY CONCERNING REVISIONS TO CHAPTER 14.40 URBAN VILLAGE ZONE DISTRICT OF THE WOODWAY MUNICIPAL CODE; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY

WHEREAS, the Washington State Growth Management Act provides for the update, review, and revision of development regulations to ensure compliance with the requirements of the Growth Management Act and State law; and

WHEREAS, the Town's Urban Village Zone text at WMC 14.40 has been amended to provide a minimum density consistent with the minimum density under Snohomish County Code 30.23.020 (the "Amendment"); and

WHEREAS, staff for Woodway and the City of Shoreline have met and coordinated revisions to their respective development regulations applicable to Point Wells upon annexation; and

WHEREAS, the Amendment to WMC 14.40 will be applicable to Point Wells upon annexation to the Town; and

WHEREAS, a Notice of Adoption of the Amendment was sent to the Department of Commerce on July 29, 2021; and

WHEREAS, a SEPA Declaration of Non-Significance was issued on July 22, 2021, prior to a decision on the Amendment by the Town Council; and

WHEREAS, a notice of public hearings before the Planning Commission was advertised in the Everett Herald newspaper, posted on Town bulletin boards, and posted on the Town's website by August 5, 2021; and

WHEREAS, the Planning Commission conducted a duly advertised public hearing on August 18, 2021 where a recommendation to the Town Council to approve the Amendment passed by unanimous vote as set forth in Planning Commission Resolution PC-2021-004 attached hereto as Exhibit B; and

WHEREAS, a notice of public hearings before the Town Council was advertised in the Everett Herald newspaper, posted on Town bulletin boards, and posted on the Town's website by August 5, 2021; and

WHEREAS, the Town Council has conducted two public hearings on September 7, 2021 and October 18, 2021 and complied with the statutory provisions set forth in RCW 35A.14.330-340; and

WHEREAS, the Amendment is consistent with the Washington State Growth Management Act, the Puget Sound Regional Council Growth Strategy *Vision 2050*, the Snohomish County Countywide Planning Policies, Snohomish County Code Chapter 30.23.020, and RCW 35A.14.296 (2)(a) and (b) and are deemed reasonably necessary by the Council to be in the best interest of health, safety, morals, and the general welfare.

NOW, THEREFORE, the Town Council of the Town of Woodway does hereby ordain as follows:

Section 1. The recitals set forth above are adopted as findings in support of Section 2 of this ordinance.

Section 2. Adoption of the amendment to the Urban Village Zone District 14.40, attached hereto as Exhibit A.

Section 3. If any part or portion of this Ordinance is declared invalid for any such reason, such declaration of invalidity shall not affect any remaining portion.

Section 4. This Ordinance shall take effect 5 days after date of publication by ordinance title only.

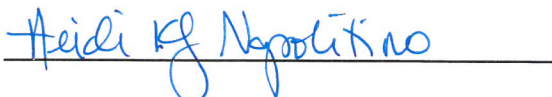
PASSED this 18th day of October 2021 by the Town Council of the Town of Woodway.

TOWN OF WOODWAY

A handwritten signature in black ink, appearing to read "Michael S. Quinn", is written over a horizontal line.

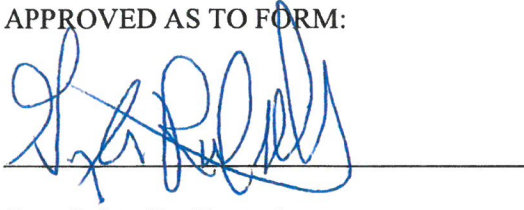
Michael S. Quinn, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Heidi K. S. Napolitano", is written over a horizontal line.

Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:



Greg Rubstello, Town Attorney

Date Passed by the Town Council: 18 October 2021

Date Published: 21 October 2021

Effective Date: 26 October 2021

TOWN OF WOODWAY
ORDINANCE 2021-631 | EXHIBIT A

URBAN VILLAGE ZONE DISTRICT 14.40 | PROPOSED AMENDMENTS

14.40.030 PERMITTED USES.

A. Single-Family Detached, subject to a maximum building height of 35', a maximum lot coverage of 30%, and WMC 14.36.030.

A.B. Land uses listed in Table 14.40.030 (A) are permitted subject to an approved development agreement.

B.C. Land uses not listed in Table 14.40.030 (A) may be permitted as part of an approved development agreement, provided the development agreement includes written findings that the unlisted land use(s) is consistent with the Point Wells Subarea Plan and the purpose of this subchapter.

Table 14.40.030 (A)

SPECIFIC LAND USE
Live/work units
Assisted Living Facilities
Apartment/Multifamily
Single-Family Attached (Townhomes)
Single family Detached ¹
Eating and Drinking Establishments (excluding Gambling Uses)
Hotel/Motel
General Retail Trade/Services ²
Professional Office
Parks and Trails
Recreation/cultural
Personal services
Financial institutions
Parking structures and surface parking lots, accessory to a primary use
Health and fitness facilities
General government/public administration
Fire facility
Police facility
Utilities ³
Wireless Telecommunication Facility ⁴
Home Occupation
Accessory dwelling units

Footnotes:

~~1. Subject to 35' maximum building height and 30% lot coverage~~

~~2.1.~~ These general retail trade/services are prohibited in the UV zone:

- a. Adult use facilities;
- b. Smoke/vape shop (a business that sells drug paraphernalia and smoking products);
- c. All businesses that are prohibited under the Town's business license regulations;
- d. Firearm sales;
- e. Pawnshops; and
- f. Vehicle sales and service.
- g. Drive-thrus.

~~3.2.~~ Utility facilities necessary to serve development in the UV zone are permitted.

~~4.3.~~ Subject to the provisions of WMC 14.46

14.40.040 DEVELOPMENT STANDARDS.

~~A.~~ Density. ~~Residential development shall provide a maximum density of forty-four dwelling units per acre.~~

~~1.~~ For the purposes of this chapter, "Density" means the net density of residential development excluding roads, drainage detention/retention areas, biofiltration swales, areas required for public use, tidelands, and critical areas and their required buffers.

~~2.~~ A minimum density of four dwelling units per acre shall be required for all new subdivisions, short subdivisions, townhouse, and mixed townhouse developments. Minimum ~~net~~ density is determined by rounding up to the next whole unit or lot when a fraction of a unit or lot is 0.5 or greater.

~~3.~~ For a period of five years after the effective date of an annexation to which this zone district is applicable, the minimum density required herein shall be consistent with the requirements of RCW 35A.14.296.

~~4.~~ Residential development shall not exceed a maximum density of forty-four dwelling units per acre.

~~C.B.~~ No building within the development shall exceed 60 dwelling units.

~~D.C.~~ No building within the development shall have a footprint that exceeds 10,000 square feet.

~~E.D.~~ Setbacks. Setbacks shall be consistent with applicable design standards and identified as part of an approved development agreement.

~~F.E.~~ Lot dimensions. There is no minimum lot size or width. Any subdivision of land or alteration of property lines is subject to WMC Title 13, Subdivisions.

~~G.F.~~ Utilities. All utilities, including transmission and distribution, shall be underground. Location of utilities and mechanical areas shall comply with applicable design standards set forth in WMC 14.60.

ORDINANCE 2021-631 | EXHIBIT B

TOWN OF WOODWAY PLANNING COMMISSION

RESOLUTION PC-2021-004

A RESOLUTION OF THE WOODWAY PLANNING COMMISSION RECOMMENDING TO
THE TOWN COUNCIL APPROVAL OF AMENDMENTS TO THE URBAN VILLAGE
ZONE DISTRICT (WMC 14.40)

WHEREAS, the Washington State Growth Management Act provides for the update, review, and revision of Comprehensive plans and development regulations to comply with the requirements of the Growth Management Act and legislative changes; and

WHEREAS, the Town of Woodway and City of Shoreline are concerned that future development at Point Wells may present impacts to each community's land use, transportation, infrastructure, neighborhoods, and form of governance that should be addressed through collaborative planning; and

WHEREAS, the Town of Woodway and City of Shoreline have collaborated on the preparation of subarea plans and development regulations for Point Wells that were adopted by each respective council in 2020; and

WHEREAS, Woodway's development regulation to implement the subarea plan is codified as Urban Village (WMC 14.40); and

WHEREAS, the Washington State Legislature approved an amendment to the state's annexation methods in 2020 enabling an alternative annexation method via an interlocal agreement (RCW 35A.14.296); and

WHEREAS, the Town has coordinated with Snohomish County and the City of Shoreline in the preparation of amendments to the current Urban Village zone district text to be consistent with the new provisions of RCW 35A.14.296 and

WHEREAS, application of the Urban Village zone text would only be applicable to new developments at Point Wells upon annexation to the Town; and

WHEREAS, a Notice of Adoption of proposed amendments was sent to the Department of Commerce on July 29, 2021; and

WHEREAS, a SEPA Declaration of Non-Significance was issued on July 22, 2021; and

WHEREAS, a notice of public hearing was advertised in the Everett Herald newspaper, posted on Town bulletin boards, and posted on the Town's website by August 5, 2021; and

WHEREAS, the Planning Commission conducted a public hearing on August 18, 2021; and

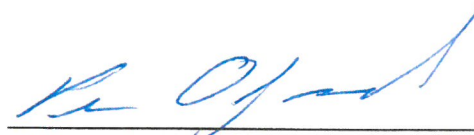
WHEREAS, the staff report attached hereto as Exhibit A includes an analysis, findings, and conclusions and a recommendation of the proposed amendments to the Town Council.

NOW, THEREFORE, the Planning Commission of the Town of Woodway does hereby resolve as follows:

Section 1. The Planning Commission adopts the staff report attached hereto as Exhibit A, including Attachment 1, Urban Village Zone District text amendments (WMC 14.40.030 and 040), and recommends to the Woodway Town Council that the proposed zoning text amendments be adopted.


PASSED by a vote of 7 in favor and 0 opposed this 18th day of August 2021 by the Planning Commission of the Town of Woodway.

TOWN OF WOODWAY



Per Odegaard, Chair

ATTEST:



Jill McCammon, Planning Commission Secretary

Attachment: Exhibit A - Staff Report to the Planning Commission Regarding Proposed Amendments to the Urban Village Zone District (WMC 14.40).

TOWN OF WOODWAY
PLANNING COMMISSION
RESOLUTION PC-2021-004 | EXHIBIT A

**Staff Report to the Town of Woodway Planning Commission
Regarding Proposed Amendments to the
Urban Village Zone District (WMC 14.40).**

Part 1: Introduction

Applicant:	Town of Woodway 23920 113 th Place W. Woodway, WA 98020
Public Hearing Date:	August 18, 2021
Public Hearing Purpose:	For the Planning Commission to receive public comments regarding proposed amendments to the Urban Village Zone District (WMC 14.40) and to forward a recommendation to the Town Council for action.
Location of Proposal:	The proposed amendments are only applicable to the geographic area designated as “Urban Village” in the <i>Point Wells Subarea Plan 2020</i> referred to the waterfront area commonly known as “Point Wells”.
SEPA Compliance:	Pursuant to WMC 16.04. A determination of non-significance was issued on July 22, 2021, forwarded to the Town’s SEPA distribution list, noticed in the Everett Herald, sent to affected property owners.
Public Notification:	A notice for the public hearing was advertised in the Everett Herald, posted in several public places within the Town of Woodway, and sent to affected property owners by August 5, 2021. A “notice of intent to adopt amendment” (60-day notice) was also sent to the Washington State Department of Commerce on July 29, 2021.

Part II: Background Information

Point Wells is situated in unincorporated Snohomish County and within Woodway’s Municipal Urban Growth Area (MUGA) and the City of Shoreline’s Future Service Area (FSA). A subarea plan for the Woodway

MUGA was adopted in April 2013 and incorporated into the Woodway Comprehensive Plan in 2015. The City of Shoreline adopted a subarea plan for Point Wells in 2011.

The Town of Woodway and City of Shoreline signed an interlocal agreement in June 2019 to work together to prepare coordinated subarea plans and development regulations that would be applicable to Point Wells upon a future annexation to either the Town or the City. Both jurisdictions adopted updated sub area plans and implementing zoning regulations that are similar in scope. The Town Council adopted the subarea plan and Urban Village zone district in December 2020. The zone district would only become effective upon annexation of Point Wells to the Town.

Also in 2020, the Governor signed into law amendments to the annexation statutes that provides for an alternative method of annexation by cities pursuant to an interlocal agreement. RCW 35A.14.296 allows cities and towns to enter into an interlocal agreement with the County and related parties such as adjacent cities and affected service purveyors. The statute requires that the annexing city or town, for a period of five years, must maintain zoning that provides for residential development and not have a zoning density less the zoning density of the unincorporated parcel prior to annexation.

To be consistent with the state law, the Town is proposing three amendments to the current Urban Village zone text. The amendments are provided below for each section of the code. See Attachment 1 for the full text of the revised sections.

Part III: Proposed Amendments

URBAN VILLAGE ZONE DISTRICT 14.40

14.40.030 PERMITTED USES

- A. [Single-Family Detached, subject to a maximum building height of 35', a maximum lot coverage of 30%, and WMC 14.36.030.](#)

14.40.040 DEVELOPMENT STANDARDS

- A. [2. A minimum density of four dwelling units per acre shall be required for all new subdivisions, short subdivisions, townhouse and mixed townhouse developments.](#) Minimum ~~net~~ density is determined by rounding up to the next whole unit or lot when a fraction of a unit of lot is 0.5 or greater.

2.3. For a period of five years after the effective date of an annexation to which this zone district is applicable, the minimum density required herein shall be consistent with the requirements of RCW 35A.14.296.

Part IV: Planning Commission Recommendation Criteria:

Pursuant to the Town code, there are two criterion that the Planning Commission must address in order to recommend a zoning code revision to the Town Council. These are (a) “a change of conditions” and (b) “harmony with the comprehensive plan and land use”.

- A. Change of Conditions: The major change of condition is the statutory amendment approved in 2020 by the legislature regarding annexations by interlocal agreement. The new section to RCW 35A.14.296 allows annexation by interlocal agreement provided that the annexing jurisdiction maintains residential use and zoning density of the unincorporated parcel prior to annexation for a period of five years. This is a statutory change that should be provided in the Town’s zoning ordinance if the Council chooses to move forward with an annexation of Point Wells by the interlocal agreement process.
- B. Harmony with the Comprehensive Plan and Land Use: The proposed three amendments to the Urban Village zone text will continue to implement the goals and policies of the Urban Village land use designation as set forth in the *Point Wells Subarea Plan 2020*. Land Use Goal LU.2 specifically provides for the annexation of Point Wells, the designation of Point Wells as Urban Village on the land use plan, and implementation of the designation through the application of the Urban Village zone district upon annexation.

Part V: Findings and Conclusions

The proposed amendments to the Town’s zoning ordinance have been prepared consistent with the applicable provisions of the Washington State Growth Management Act and related state laws. Further, the zoning district amendments have been prepared in collaboration with the City of Shoreline to ensure that development regulations are coordinated for Point Wells. As such, the Town staff makes the following findings and conclusions:

1. The Woodway Town Council approved the current Urban Village zone district in December 2020.

2. Legislative amendments to the annexation statutes enabling annexation by interlocal agreement were also enacted in 2020.
3. To be consistent with the state law, the existing Urban Village zone district needs to be updated to reflect the new provisions of RCW 35A.14.
4. The Town has prepared amendments to the Urban Village zone and coordinated with Snohomish County and the City of Shoreline who are both in agreement with the amendments.
5. The Town's SEPA Official issued a Determination of Non-Significance on July 22, 2021 and no appeals have been filed.
6. A Notice of Intent to Adopt Amendments was sent to the Dept. of Commerce on July 29, 2021.
7. A notice of the public hearing before the Planning Commission was advertised in the Everett Herald, posted in public places, and sent to affected property owners by August 5, 2021.
8. The Planning Commission conducted a public hearing August 18, 2021, to receive public testimony on the proposed amendments.
9. The amendments to the Urban Village Zone district further the vision, goals, and policies of the *Point Wells Subarea Plan 2020*.
10. The amendments are consistent with the Planning Commission review criteria set forth in WMC 14.44.060.

Part VI: Recommendation

Based on the above findings and conclusions, staff recommends that the Planning Commission recommend approval of the proposed amendments to the Urban Village Zone District 14.40 and forward a recommendation to Council as provided for in Resolution PC-2021-004.

Attachment 1: Urban Village zone district text amendments to 14.040.030 and 040.

TOWN OF WOODWAY
PLANNING COMMISSION

RESOLUTION PC-2021-004 | EXHIBIT A | ATTACHMENT 1

URBAN VILLAGE ZONE DISTRICT 14.40 | PROPOSED AMENDMENTS

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Home Occupation

Accessory dwelling units

Footnotes:

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- ~~3.~~ ~~For a period of five years after the effective date of an annexation to which this zone district is applicable, the minimum density required herein shall be consistent with the requirements of RCW 35A.14.296.~~
- ~~4.~~ ~~Residential development shall not exceed a maximum density of forty-four dwelling units per acre.~~

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