

**CHAPTER 21.28 DEVELOPMENT STANDARDS - ADEQUACY OF PUBLIC
FACILITIES AND SERVICES**

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21.28.010 Purpose. The purpose of this chapter is to ensure that public facilities and services necessary to support development are adequate or will be provided in a timely manner consistent with the Public Facilities and Services planning goal of the Washington State Growth Management Act of 1990 by:

- (1) Specifying the on-site and off-site facilities and services that must be in place or otherwise assured of timely provision prior to development;
- (2) Allocating the cost of those facilities and services fairly; and
- (3) Providing a general framework for relating development standards and other requirements of this code to:
 - (a) Adopted service level standards for public facilities and services;
 - (b) Procedural requirements for phasing development projects to ensure that services are provided as development occurs; and
 - (c) The review of development permit applications.

21.28.020 General Requirements.

- (1) All new development proposals including any use, activity, or structure allowed by WMC 21.08 that requires the City of Woodinville approval shall be adequately served by the following facilities and services prior to the time of occupancy, plat recording, or other land use approval, as further specified in this chapter:
 - (a) Sewage disposal;

- (b) Water supply;
 - (c) Surface water management;
 - (d) Roads and access;
 - (e) Fire protection service; and
 - (f) Schools.
- (2) Regardless of the number of sequential permits required, the provisions of this chapter shall be applied only once to any single development proposal. If changes and modifications result in impacts not considered when the proposal was first approved, the City shall consider the revised proposal as a new development proposal.
 - (3) Utilities are encouraged to co-locate distribution lines when completing upgrades or when utility relocations are considered as a part of major street improvements.
 - (4) Any building constructed for the purposes of a utility and requiring a building permit shall meet the landscaping requirements for utilities and subregional utilities in WMC 21.16 and, if applicable, the City's Design Guidelines and Standards.
 - (5) All utilities are subject to the sensitive areas regulations in WMC 21.24.

21.28.030

Adequate sewage disposal. All new development shall be served by an adequate public or private sewage disposal system, including both collection and treatment facilities as follows:

- (1) New development is encouraged to hook up to the public sewage system, provided that:
 - (a) For the issuance of a building permit, preliminary plat approval or other land use approval the site of the proposed development is served by an existing disposal system consistent with the City-approved Comprehensive Sewer Plan, and the disposal system has been approved by the City and the Woodinville Water District or local purveyor as being consistent with applicable state and local design and operating guidelines;
 - (b) For the issuance of a certificate of occupancy for a building permit, the approved public sewage disposal system as set forth in (1)(a) subsection of this section is installed to serve each building or lot;
 - (c) For recording a final plat, final short plat or binding site plan the approved public sewage disposal system set forth in subsection (1)(a) of this section shall be installed to serve each lot respectively; or a bond or similar security shall be deposited with the Public Works Director for the future installation of an adequate sewage disposal system. The bond may be assigned to a purveyor to assure the construction of such facilities within two years of recording; and
 - (d) For a zone reclassification, the timing of installation of required sewerage improvements shall be contained in the approving ordinance as specified in WMC 20.24.230; and
- (2) A private individual sewage system may be approved, if an on-site sewage disposal system for each individual building or lot is installed to meet the requirements and standards of the County department of public health as to lot

size, soils, and system design prior to issuance of a certificate of occupancy for a building permit or approval of a preliminary plat or short plat.

- (3) Hook up to the public sewage system may be required for expansion of existing developments within 330 feet of the sewage system.

21.28.040 Adequate water supply.

- (1) All new development shall be served by an adequate public or private water supply system as follows: A public water system is adequate for a development proposal provided that:
- (a) For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant must demonstrate that the existing water supply system serving the site complies with the following:
 - (i) Applicable planning, operating and design requirements of the State, the County, coordinated water system plans, and other applicable provisions of the rules and regulations of the City; and any limitation or condition imposed by the City-approved comprehensive plan of the water purveyor; and
 - (ii) The proposed improvements to an existing water system have been reviewed by the Public Works Director and the local purveyor and determined to comply with the design standards and conditions specified in paragraph i of this subsection; or
 - (iii) A proposed new water supply system has been reviewed by the Public Works Director and the local purveyor and determined to comply with the design standards and conditions specified in paragraph a of this subsection;
 - (b) Prior to issuance of a certificate of occupancy for a building permit, the approved public water system and any system improvements set forth in subsection (1)(a) of this section shall be installed to serve each building or lot respectively;
 - (c) For recording a final plat, final short plat or binding site plan, either the approved public water supply system or system improvements set forth in subsection (1)(a) of this section shall be installed to serve each lot or a bond or similar security shall be deposited with the Public Works Director and may be assigned to a purveyor to assure the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of recording; and
 - (d) For a zone reclassification, the timing of installation of required water system improvements shall be included in the approving ordinance.
- (2) Existing developments seeking building permits for improvements or additions that are served by private water systems are encouraged to hook up to the municipal water system.

21.28.050 Surface water management. All new development shall be served by an adequate surface water management system as follows:

- (1) The proposed system is adequate if the development proposal site is served by a surface water management system approved by the Department as being

consistent with the design, operating and procedural requirements of the King County Surface Water Design Manual and the City;

- (2) For a subdivision or zone reclassification, the phased installation of required surface water management improvements shall be stated in the approving ordinance. Such phasing may require that a bond or similar security be deposited with the Public Works Director; and
- (3) A variance request from the requirements of the King County Surface Water Design Manual shall be reviewed by the City's Public Works Director and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in WMC 21.12 through WMC 21.38.
- (4) The City encourages low-cost, long-term maintenance methods be incorporated in the design of new or modified storm water facilities. The Public Works Director may further require enhancement of storm water facilities to include recreational facilities or other aesthetically pleasing amenities.
- (5) In the event that a developer is required to build a storm water facility of regional and/or area wide significance, the Public Works Director may work with the developer to achieve a means of reimbursement to the developer for shared costs beyond that required to mitigate the development's impacts. This could be accomplished through a late-comer's agreement, impact fee program, or other method of collecting funds from other developers or the City or users benefiting from such a facility.

21.28.060 Adequate roads.

- (1) All new development shall be served by adequate roads. Roads are adequate if the development's traffic impacts on surrounding public roads are acceptable under the level-of-service standards as stated in WMC 21.28.070 and the compliance procedures established in WMC 21.28.080 and WMC 21.28.090.
- (2) The renewal of permits or the issuance of a new permit for existing uses constitutes a new development proposal only if it will generate additional traffic above that currently generated by the use.
- (3) A variance request from the road cross-section or construction standards established by the WMC shall be reviewed as set forth in WMC 21.42.100 and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in WMC 21.12 through WMC 21.38.
- (4) The establishment or acquisition of any new rights-of-way shall comply with the provisions of WMC 21.24. The location of new or expanded rights-of-way shall consider the protection of natural systems and provide adequate buffering from surrounding land uses.

21.28.070 Adequate roads - road capacity level of service ("LOS") standard.

- (1) A calculated LOS D or better shall be considered desirable.
- (2) A calculated LOS E shall be considered adequate.

(3) A calculated LOS F shall be considered inadequate.

21.28.080 Adequate Roads - applicability of capacity standard. The road adequacy standards as stated in WMC 21.28.070 shall apply to all public city, county, or state roads, other than freeways, provided that:

- (1) No improvements to state roads shall be required unless the state requests such improvements and there is an agreement between the state, city and applicant;
- (2) No improvements to county roads shall be required unless the county requests such improvements and an interlocal agreement is adopted by county and city ordinances. An application of different standards than set forth in WMC 21.28.070 may be allowed within the city limits or the city's planning area, outside the city, through an interlocal agreement if such standards are agreed upon through an interlocal agreement and have been adopted as an official control by city and county ordinance; and
- (3) The standard established in WMC 21.28.070 shall be applied to a project unless a different standard as provided in subsection (2) has been adopted prior to the project date, or in the case of plats, it has been adopted prior to the preliminary plat approval date.

21.28.090 Adequate roads - general conditions.

- (1) A development proposal, which will have a direct traffic impact, as defined by WMC 21.06.654, on a roadway or intersection, which results in a calculated LOS F, shall not be approved unless:
 - (a) The non-project LOS is D or better and the applicant agrees to fund improvements needed to attain LOS D or better;
 - (b) The non-project LOS is E or F and the applicant agrees to fund improvements to LOS E or better;
 - (c) The applicant achieves LOS E by phasing the project or using Transportation Demand Management ("TDM") techniques to reduce the number of peak hour trips generated by the project;
 - (d) The Development Services Director has established a date for final approval of subdivisions to become effective corresponding with the anticipated date of award of a construction contract for city, county, or state improvements needed to provide LOS D or better, or when the calculated non-project LOS is E or F, to provide LOS E or better; provided such effective approval date may be established only when the anticipated date of award of construction contract is within twelve (12) months of final approval; or
 - (e) The roadway or intersection has already been improved to its ultimate roadway section and the applicant agrees to use TDM incentives and/or phase the development proposal as determined by the Public Works Director.
 - (f) The necessary financial commitments are in place to assure the completion of the needed improvements to meet the district's standard of service within six (6) years of the time that the impacts of development are

expected to occur. Necessary improvements are those facilities identified by the district in its capital facilities plan.

- (2) Developments proposed which will have a direct impact, as defined by WMC 21.06.654, on City traffic facilities or designated areas pursuant to WMC 21.28.080 may attain the LOS specified in the adopted interlocal agreements rather than meeting WMC 21.28.070.
- (3) The Public Works Director may identify by ordinance intersections exempt from the level of service standards where existing levels of service are F and the improvements to the intersection are not financially or environmentally feasible as determined by the Public Works Director. Other mitigation measures may be required as described in the policies under Comprehensive Plan Goal T-7.
- (4) The developer is required to conduct an evaluation of the impacts of the development via level of service standards. The evaluation shall be reviewed by the Public Works Director.

21.28.100 (Reserved).

21.28.110 Exceptions.

- (1) Exceptions from the standards of WMC 21.28.060 - .070 may be granted only when extraordinary circumstances make compliance with the standards infeasible or when a traffic impact or mitigation fee is proposed.
- (2) For those developments proposed where the Hearing Examiner makes a recommendation to the City Council, the record must reflect the basis for the exception, and the approving ordinance must grant the exception in order for it to be effective. The ordinance approving the proposal shall be determinative and conclusive as to the proposal's compliance with this chapter.
- (3) For developments proposed for which the Hearing Examiner decision is final, the decision of the Hearing Examiner shall be determinative and conclusive as to the proposal's compliance with this chapter.
- (4) For permits which are administrative and ministerial for which no appeal is normally available, the issue of the application of the standards in this chapter to a development proposed may be appealed to the Hearing Examiner for a final decision. Such an appeal together with appeal arguments shall be filed with the Development Services Director within ten (10) days of decision.

21.28.120 Adequate vehicular access. All new development shall be served by adequate vehicular access as follows:

- (1) The property upon which the development proposed is to be located has direct access to:
 - (a) A public or private street, other than a half-street, that meets City street standards or is formally declared acceptable by the Public Works Director;
 - or
 - (b) A public or private street over a private driveway as approved by the Public Works Director;

- (2) The proposed circulation system of a proposed subdivision, short subdivision or binding site plan shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the Public Works Director; and
- (3) Every lot upon which one or more buildings is proposed to be erected or traffic generating use is proposed to be established, shall establish safe access as follows:
 - (a) Safe passage from the street right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the design standards set forth in WMC 21.18;
 - (b) Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services in accordance with adopted standards (e.g. fire protection, emergency medical service, mail delivery or trash collection); and
 - (c) Direct access from the street right-of-way, driveway, alley or other means of ingress/egress approved by the Public Works Director, to all required off-street parking spaces on the premises.

21.28.130 Adequate fire protection. All new development shall be served by adequate fire protection as set forth below:

- (1) The site of the development proposed is served by a water supply system that provides at least minimum fire flow and a road system or fire lane system that provides life safety/rescue access, and other fire protection requirements for buildings as required by the Uniform Fire Code and International Building Code as adopted by the City;
- (2) For a zone reclassification, the timing of installation of required fire protection improvements shall be stated in the approving ordinance, secured with a bond or similar security, and deposited with the Building Official; and
- (3) A variance request from the requirements established by the Uniform Fire Code, shall be reviewed and does not require a variance from this Title unless relief is requested from a building height, setback, landscaping or other development standard set forth in WMC 21.12 through WMC 21.38.

21.28.140 School concurrency - applicability and relationship with fees.

- (1) The concurrency standard set out in WMC 21.28.160 shall apply to applications for preliminary plat which would result in the creation of new residential building lots or mobile home parks or the construction of new dwelling units, requests for multifamily zoning, and building permits for multifamily housing projects which have not been previously evaluated for compliance with the concurrency standard.
- (2) The City's finding of concurrency shall be made at the time of preliminary plat approval, at the time that a request to actualize potential multifamily zoning is approved, or prior to building permit issuance for multifamily housing projects which have not been previously established for compliance with the concurrency standard. Once such a finding has been made, the development shall be considered as vested for purposes of the concurrency determination.

- (3) Excluded from the application of the concurrency standard are building permits for individual single family dwellings (except as required for school impact fees), any form of housing exclusively for the elderly, including nursing homes and retirement centers. Also excluded from the application of the concurrency standard are shelters for temporary placement, relocation facilities and transitional housing facilities. Replacement reconstruction or remodeling of existing dwelling units is not subject to the provisions of this chapter.
- (4) Also excluded from the application of the concurrency standard set out in this chapter are short subdivisions.
- (5) All of the development activities which are excluded from the application of the concurrency standard are subject to school impact fees, when established by the City.

21.28.150 Findings, recommendations, and decisions regarding school capacities.

- (1) The Development Services Director and/or the Hearing Examiner, in the course of reviewing proposals for residential development including applications for plats or multi-family zoning, and multifamily building permits, shall consider the school district's capital facilities plan as adopted in the City's Comprehensive Plan.
- (2) Documentation which the district is required to shall be incorporated into the record in every case without requiring the district to offer such plans and data into the record. The school district is also authorized to present testimony and documents demonstrating a lack of concurrency in the district and the inability of the district to accommodate the students to be generated by a specific development.
- (3) Based upon a finding that the impacts generated by the plat or the multi-family development were generally not anticipated at the time of the last City Council review and approval of a school district capital plan and were not included in the district's long-range forecast, the Development Services Director may require or recommend phasing or provision of the needed facilities and/or sites as appropriate to address the deficiency or deny or condition approval, consistent with the provisions of this chapter, the State Subdivision Act, and the State Environmental Policy Act.
- (4) Determinations of the Hearing Examiner or Development Services Director regarding concurrency can be appealed only pursuant to the provisions for appeal of the development permit process for which the determination has been made.
- (5) Where the City Council has not adopted an impact fee ordinance for a particular school district, the language of this section shall not affect the authority or duties of the Hearing Examiner or the Development Services Director pursuant to the State Environmental Policy Act or the State Subdivision Act.

21.28.160 School concurrency standard.

- (1) Schools shall be considered to have been provided concurrently with the development which will impact the schools if:
 - (a) The permanent and interim school improvements necessary to serve the development are planned to be in place at the time the impacts of development are expected to occur; or
 - (b) The necessary financial commitments are in place to assure the completion of the needed improvements to meet the district's standard of service within six (6) years of the time that the impacts of development are expected to occur. Necessary improvements are those facilities identified by the district in its capital facilities plan, as adopted by the City's Comprehensive Plan.
- (2) Any combination of the following shall constitute the "necessary financial commitments" for the purposes of subsection (1).
 - (a) The district has received voter approval of and/or has bonding authority;
 - (b) The district has received approval for federal, state, or other funds;
 - (c) The district has received a secured commitment from a developer that the developer will construct the needed permanent school facility, and the school district has found such facility to be acceptable and consistent with its capital facilities plan; and/or
 - (d) The district has other assured funding, including but not limited to school impact fees, which have been paid.
- (3) Compliance with this concurrency requirement of this section shall be sufficient to satisfy the provisions of RCW 58.17.060 and RCW 58.17.110.

21.28.170 (Reserved).

21.28.180 Credit for improvements. Whenever a development is granted approval subject to a condition that the development proponent actually provides a school facility acceptable to the district, the development proponent shall be entitled to a credit for the actual cost of providing the facility, against the fee that would have been charged. The cost of construction shall be estimated at the time of approval, but must be documented and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact or mitigation fee.

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