



City of Woodinville

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Unified Development Code (UDC) Update Project

Project Purpose.

The City of Woodinville is working on a rewrite and update to the development regulations that affect how new development and redevelopment occurs within the city. The purpose of the Unified Development Code Update Project is to establish a clear set of unified standards, procedures, and minimum requirements, consistent with the comprehensive plan, which regulate and control the planning and subdivision of lands; the use, bulk, design, and location of land and buildings; the creation and administration of zoning districts; and the general development of real property inside the boundaries of the city.

What is a Unified Development Code?

The Unified Development Code is a document containing all development-related regulations including zoning requirements, subdivision regulations, design and development standards, shoreline and environmental regulations, building and construction codes, and review procedures. It is intended to consolidate in one place and in logical order without unnecessary duplication all regulations pertaining to land use and development. The idea is to make the regulations simpler for users by having the regulations in a singular set of standards that can be better integrated with each other.

Goals for the update.

The City Council first adopted interim zoning regulations by Ordinance 43 and adopted zoning and subdivision regulation in 1997 by Ordinance 175. This was repealed by Ordinance 611, which readopted and updated some development regulations and consolidated most development regulations under Title 21. This created the framework for the Unified Development Code. The next step is to complete the consolidation of development regulations in Title 21 and perform a comprehensive review and update of the development regulations consistent with the following goals:

GOALS:

1. Improve the codes organization and user-friendliness, so that it is more easily understood by people who are not land use professionals;
2. Complete the process of consolidating other development regulations and construction codes under Title 21 as a Unified Development Code;
3. Maintain consistency with and implement Woodinville's comprehensive plan;
4. Modernize the Use Classification System by eliminating the reliance on the North American Industrial Classification System (NAICS) and developing a local classification of uses that allows greater flexibility;
5. Consolidate and simplify standards, including using more tables, figures and diagrams, so that the regulations are easier for readers to understand and apply;
6. Clarify confusing and ambiguous language, and correct conflicting regulations;
7. Update definitions to support the development regulations and move out any development standards found in the definitions.
8. Eliminate redundancy to the extent feasible;
9. Look for opportunities to streamline permit processes to achieve better efficiencies by reducing time, cost and effort without losing the protections for neighboring property owners and the preservation of community character.
10. Fix problems in the land division regulations and update these to better reflect state law.

Organization of the Unified Development Code.

Most of the development regulations are found in Title 21 of the Woodinville Municipal Code. However, construction codes are found in Title 15 and the shoreline master program is found as a separate document in Ordinance 466. Additionally, the Downtown Vision and Illustrative Guide are a separate document under Resolution 524, Industrial Design Standards are a separate document under Ordinance 572, and Multifamily Design Standards are a separate document under Ordinance 572, none of which are codified within Title 21.

The current organization of Title 21 can be confusing as readers must jump around frequently to determine whether a use is allowed in a zone and under what conditions and development standards. Additionally, in many areas of the code, the actual regulations that apply to a project will depend on multiple variants. To bring a more user-friendly experience to the code, similar regulations will be grouped together, multiple options will be consolidated where practical, and all development regulations will be codified for easier research. The following is a possible outline of how the development code might be re-organized.

Division 1 General Administration.

- Chapter 21.00 Introduction to the Unified Development Code.
- Chapter 21.10 General Provisions.
- Chapter 21.11 Definitions.
- Chapter 21.12 Administrative Fees.
- Chapter 21.13 Enforcement.

Division 2 Land Use.

- Chapter 21.20 Establishment of Zoning
- Chapter 21.21 Use and Occupancy.
- Chapter 21.22 Little Bear Creek Design Districts
- Chapter 21.23 Pedestrian-oriented Overlay
- Chapter 21.24 Adult Entertainment Overlay
- Chapter 21.25 Transit-Oriented Overlay

Division 3 General Development Standards

- Chapter 21.31 Density and Lot Development Standards.
- Chapter 21.32 Bulk Development Standards.
- Chapter 21.33 Multifamily Residential Design Standards
- Chapter 21.34 Non-residential Design Standards.
- Chapter 21.35 Landscaping.
- Chapter 21.36 Off-street Parking and Lot Circulation.
- Chapter 21.37 Nonconformance.

Division 4 Use-specific Development Standards.

- Chapter 21.40 City-wide uses
- Chapter 21.41 Accessory Uses.
- Chapter 21.42 Limited Uses.
- Chapter 21.43 Special Uses/ Conditional Uses.
- Chapter 21.44 Temporary Uses
- Chapter 21.45 Signs.
- Chapter 21.46 Wireless Communication Facilities.
- Chapter 21.47 Landmark Protection and Preservation.
- Chapter 21.48 Essential Public Facilities.

Division 5 Environment.

- Chapter 21.50 Tree Management Code.
- Chapter 21.51 Critical Areas.
- Chapter 21.52 State Environmental Policy Act.

Division 6 Building and Construction Codes.

- Chapter 21.60 Building and Fire Codes.
- Chapter 21.61 Premise Identification.
- Chapter 21.62 Condominium Conversion.
- Chapter 21.63 Property Maintenance Code.

- Chapter 21.64 Site Development Regulations - Grading and Drainage.
- Chapter 21.65 Undergrounding of utilities.
- Chapter 21.66 Moving of Buildings.

Division 7 Shoreline Master Program

- Chapter 21.70 Shoreline Master Program.
- Chapter 21.71 Shoreline Environment Designation.
- Chapter 21.72 Shoreline Use Regulations.
- Chapter 21.73 General Shoreline Regulations.
- Chapter 21.74 Shoreline Development Standards.
- Chapter 21.75 Use-specific Shoreline Development Standards
- Chapter 21.76 Shoreline Modifications.
- Chapter 21.77 Shoreline Critical Areas.

Division 8 Review Procedures.

- Chapter 21.80 Project Permit Review Procedures.
- Chapter 21.81 Project Permit Appeals.
- Chapter 21.82 Type 1 Decisions – Administrative Approvals.
- Chapter 21.83 Type 2 Decisions – Administrative Discretionary Approvals.
- Chapter 21.84 Type 3 Decisions – Quasi-Judicial Approvals.
- Chapter 21.85 Development Agreements.
- Chapter 21.86 Text Amendment Procedures.
- Chapter 21.87 Area-wide Map Amendment Procedures
- Chapter 21.88 Comprehensive Plan Amendment Procedures
- Chapter 21.89 Annexations

Division 9 Land Division and Improvements.

- Chapter 21.90 Development Concurrency.
- Chapter 21.91 Land Divisions and Lot Line Adjustments.
- Chapter 21.92 Land Division Design and Improvement Standards.
- Chapter 21.93 Recreation and Trail Corridors Development Standards.

Key Themes for Updates.

The next section of this report is intended to provide additional background on the proposed updates. This background is not intended to be an exhausted list, but only to highlight the main themes. Additionally, a list of items from the Docket of Amendments and where those items might be incorporated into this update is included under each division.

Division 1: General Administration.

Chapter 21.00	Introduction to the Unified Development Code.
Chapter 21.10	General Provisions.
Chapter 21.11	Definitions.
Chapter 21.12	Administrative Fees.
Chapter 21.13	Enforcement.

PURPOSE:

The general provisions set the groundwork for administering the UDC and typically include requirements for compliance, the regulations represent minimum requirements, addressing regulatory conflicts, administrative authority to manage the code, criteria for code interpretations, city liability and severability provisions and similar provisions.

KEY RECOMMENDATIONS:

1. The current regulations are missing criteria for interpreting codes. Washington State Courts have outline criteria for interpreting ordinances, which will be incorporated for interpreting the text of the code.
2. The general organization of the chapter on definitions will be preserved with updates to individual definitions made as needed.
3. A new chapter on fees will be added outlining the policies pertaining to fees consistent with RCW 82.02.020, including the collection and refunding of fees. Additionally, valuation tables will be established in the code for computing building permit fees.
4. The chapter on enforcement will be revised to establish clearer authority and update provisions consistent with Washington State Court case laws.

ASSOCIATED DOCKET OF AMENDMENT ITEMS:

1A, 3I

Division 2: Land Use.

Chapter 21.20	Establishment of Zoning
Chapter 21.21	Use and Occupancy.
Chapter 21.22	Little Bear Creek Design Districts
Chapter 21.23	Pedestrian-oriented Overlay
Chapter 21.24	Adult Entertainment Overlay
Chapter 21.25	Transit-Oriented Overlay

PURPOSE:

These chapters divide the city into districts consistent with the comprehensive plan and establish the types of occupancies (uses) allowed in each. The provisions also established whether uses are permitted "as of right," meaning automatically, or as "conditional" or "special" uses". The Official Zoning Map is an important component of these chapters as this document typically establishes the boundaries of the different zoning districts and overlays.

KEY RECOMMENDATIONS:

1. The Establishment of Zoning chapter will group and update regulations pertaining to the Official Zoning Map, including how it is interpreted. This includes moving other maps such as those establishing boundaries for the Little Bear Creek Design Districts here, so they are easier to find.
2. A new system of classifying uses will be incorporated into the new master use tables. The intent is to transition away from relying on the North American Industrial Classification System (NAICS), which few jurisdictions use anymore and create a simplified category of uses that have greater flexibility. Definitions will be provided for all uses in Chapter 21.11.

An example of this might be:

"Retail, General" means an establishment with a gross floor area of less than 45,000 square feet primarily engaged in the sale or rental of goods or merchandise to the general public for personal or household consumption, and primarily rendering services incidental to the sale of such goods. This definition includes Art Studios with sales to the general public.

"Retail, Large" means an establishment with a gross floor area of 45,000 square feet and greater, primarily engaged in the sale or rental of goods or merchandise to the general public or other businesses for personal, household or business consumption and primarily rendering services incidental to the sale of such goods.

These two definitions could potentially replace 18 or more NAIC listings as well as create greater flexibility as uses are defined more broadly by their criteria rather than specifically as the current approach does. When it might be appropriate to call-out a specific use that has distinguishable characteristics that might be incompatible with other uses in the zoning district, these uses can be called out and defined separately. (e.g., Pawn Shop, which has retail and loan-making characteristics.)

3. In revising and updating the use tables, an in-depth review of the uses will be necessary to ensure compatibility with the zoning district and the comprehensive plan. One of the challenges here has been preexisting office buildings in the Industrial Zone. Professional Office is allowed only as an accessory use (limited to 49 percent of the floor area), which creates challenges for these types of businesses applying for a business license because it is difficult to determine whether they are allowed.
4. Clarification of primary versus accessory uses is necessary. Primary uses are defined as the sole or main uses of a property. Accessory uses are those uses that are secondary or incidental and accompany the primary use. A difficulty arises where a property might have

multiple uses such as a shopping center, or a manufacturing facility that might include onsite retail and food services. In many cases, it has become increasingly difficult to determine how an accessory use might be allowed on a site

5. The Industrial Zoning District should be divided into two distinct industrial zoning districts. For example: Industrial/Manufacturing Zoning District and Industrial/ Tourist Zoning District. The idea is to eliminate the Tourist District Overlay and incorporate these standards directly into the standards applicable to each zone.
6. Office/Research Park Development Overlay will be deleted as implementing regulations specific to this overlay were never adopted. Additionally, an evaluation of the Pedestrian-Oriented Commercial Overlay and whether retaining this makes sense will be included.

ASSOCIATED DOCKET OF AMENDMENT ITEMS:

1A, 1.1A, 1.1B, 1.1E, 1.1F, 1.1I, 1.1G, 1.1J

Division 3: General Development Standards

Chapter 21.31	Density and Lot Development Standards.
Chapter 21.32	Bulk Development Standards.
Chapter 21.33	Multifamily Residential Design Standards
Chapter 21.34	Non-residential Design Standards.
Chapter 21.35	Landscaping.
Chapter 21.36	Off-street Parking and Lot Circulation.
Chapter 21.37	Nonconformance.

PURPOSE:

These chapters establish the standards that are measurable – e.g., so many feet, so many cars, so many plants, so many anything. These include lot standards that affect the layout of lots such as concentration of lots, lot width, lot size and setbacks. Bulk standards address the basic massing of buildings such as floor-area-ratios (FAR), lot coverage, and height. Design standards supplement conventional zoning and address the quality of development. Nonconformities address the treatment of uses and conditions that were legally established prior to the adoption of rules that subsequently forbid them.

KEY ISSUES:

1. Reorganizing and grouping similar standards into the various chapters. For example, the chapter on Permitted Uses lists uses but includes some dimensional requirements. These dimensional requirements will be moved into corresponding chapters containing dimensional standards.
2. The use of residential density standards and FAR in nonresidential zones will be simplified to FAR only. Having one methodology for measuring residential development consistent with the commercial FAR will make the regulations easier to implement. A base residential FAR can be developed using current density assumptions (e.g., 36 du/ac can convert to a 0.8/1 FAR based on an assumption of an average of 968 floor square feet per dwelling unit). Bonus densities of 2/1 and 2.5/1 FAR in exchanged for public benefits will continue by carrying over.

3. The provisions for height will be consolidated and simplified as the existing height provisions are found in multiple locations in the code and don't follow a coherent pattern.

As an example, the following are a list of the location of various height standards in the code:

- 1) Table 21.22.030: residential base height
- 2) Table 21.22.040(A): nonresidential base height
- 3) Table 21.22.040(A): maximum height with incentives
- 4) Table 21.22.040(A): Maximum height with structured parking
- 5) WMC 21.22.040(B): Condition 10: height can be increased to 49 feet with development agreement
- 6) WMC 21.22.040(B): Condition 4: height is limited to 35 feet when Public/Institutional or Office is adjacent to low or moderate residential zones
- 7) WMC 21.22.040(B): Condition 6: base height for mixed-use development can be increased to 45 feet with 25 percent office (CBD zone)
- 8) WMC 21.22.040(B): Condition 10: heights can be increased if the building is stepped back from the property line up to a maximum height of 45 feet (All nonresidential zones)
- 9) WMC 21.22.040(B): Condition 12: height is limited to 35 feet in the Civic Gateway Design District when adjoining low or moderate residential zones
- 10) WMC 21.22.040(B): Condition 18: base height can be increased to 45 feet when used entirely for office or mixed retail and office (GB zone)
- 11) WMC 21.22.040(B): Condition 24: Maximum height of 51 feet (four floor limit) with open space plus two public incentives (GB and CBD zones)
- 12) WMC 21.22.040(B): Condition 25: Maximum height is 57 feet in the CBD zone and 60 feet in the GB zone when onsite structure parking is provided with open space plus two public incentives
- 13) WMC 21.22.160 – Height exceptions
- 14) Chapter 21.40.030(2) within Little Bear Creek Design District: 60-foot height allowed with structure parking and green pedestrian connections
- 15) WMC 21.40.330(2)(c) Buildings allowed 51 feet (maximum four floors) with open space plus two public incentives (interpreted to be limited to GB and CBD zones per Condition 24 above)
- 16) WMC 21.26.010(6)(b) allows a 45-foot height standard for the Tourist Business District Overlay (TB and I zones)

Rather than having height standards in 16 locations, these can be consolidated into tables for simplification. Below is an example of how this might possibly look:

Application of height standards.

- a. Table X sets forth the maximum building and structure height within each zone
- b. Where Table X specifies eligibility for bonus height set forth in Section 2.

Table X

District/ Overlay	Maximum Height	Bonus Height	Structured Parking Bonus Height
R-1, R-4, R-6, R-8, R-12	35 feet	No	No
R-18, R-24, R-48	45 feet	No	No

NB, P/I, O	35 feet	Yes	No
TB, I	45 feet	Yes	No
CBD	35 feet	Yes	No
CBD	35 feet	Yes	Yes
GB	39 feet	Yes	Yes

Bonus height.

- a. Where Table X specifies eligibility for a bonus height, the maximum height of buildings may be increased in accordance with the zoning district/ overlay and the corresponding maximum height and height requirements in Table Y. Where a zoning district is listed more than once in the table, the property owner may choose which maximum height and corresponding height requirements to apply.

Table Y

District/ Overlay	Maximum Height	Height Incentives
P/I, O	45 feet	Cannot adjoin any R-1, R-4, R-6, or R-8 zoned properties
CBD	39 feet	Cannot adjoin any R-1, R-4, R-6, or R-8 zoned properties
NB, P/I, O, TB, I	49 feet	Approval of a Development Agreement pursuant to WMC 21.xx
GB, CBD	51 feet	<ol style="list-style-type: none"> 1. Public Open space pursuant to WMC XXX is provided; and 2. Two of the following incentives are provided: <ul style="list-style-type: none"> • The criteria for exceptional design are satisfied pursuant to WMC XXX • LEED Certification • Structure Parking for all parking spaces • Private Open space pursuant to WMC XXXX

- b. Where Table X specifies a structure parking bonus height, the maximum height of buildings may be increased to the corresponding maximum height provided the height incentives are provided in Table Z.

Table Z

District	Maximum Height	Height Incentives
GB	60 feet	<ol style="list-style-type: none"> 1. Structured parking for all parking spaces; and 2. Public Open space pursuant to WMC XXX is provided; and 3. Two City Approved incentives to mitigate height impacts; and 4. One of the following incentives are provided:
CBD	57 feet	

		<ul style="list-style-type: none"> • The criteria for exceptional design are satisfied pursuant to WMC XXX • LEED Certification • Private Open space pursuant to WMC XXXX
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4. The design standards currently found in Chapter 21.40, Chapter 21.41, Chapter 21.42 and the Downtown Vision and Illustrative Guide under Resolution 524, Industrial Design Standards under Ordinance 572, and Multifamily Design Standards under Ordinance 572 will all be codified and consolidated into two chapters: Non-residential Design Standards & Multifamily Design Standards. The intent here is to simplify and consolidate overlapping design standards.
5. The methodology for calculating off-street parking requirements will be updated to reflect using a similar/same method of study as used in the Institute of Traffic Engineers Parking Generation Report, which use gross floor area for generating parking requirements rather than net standards currently used in Chapter 21.44.
6. The chapter on nonconformance will be rewritten to clarify rules for each of the categories of nonconformance – lots, uses and structures. The theory of zoning ordinances is that nonconformities are detrimental to the public interest. Property owners have a vested protection that prevents a city from immediately terminating a nonconformity. However, the protection from termination is not unlimited and the city must have clear regulations on how to address nonconformance. Nonconformance creates a tremendous amount of difficulties for property owners as verification of the legal status of a nonconformance and determining how to apply the rules adds burdensome requirements to even simple projects.

ASSOCIATED DOCKET OF AMENDMENT ITEMS:
1B, 1E, 1F, 1G, 1.1C, 1G, 1.1C

Division 4	Use-specific Development Standards.
Chapter 21.40	City-wide uses
Chapter 21.41	Accessory Uses.
Chapter 21.42	Limited Uses.
Chapter 21.43	Special Uses/ Conditional Uses.
Chapter 21.44	Temporary Uses
Chapter 21.45	Signs.
Chapter 21.46	Wireless Communication Facilities.
Chapter 21.47	Landmark Protection and Preservation.
Chapter 21.48	Essential Public Facilities.

PURPOSE:

These chapters provide special requirements for site planning, development, and/or operating standards for certain land uses within individual or multiple zones, and for activities that require special standards to ensure their compatibility with surrounding uses. Some terms to be familiar with:

- Accessory Uses: Accessory uses are those uses that are subservient or secondary and accompany the principal use. These are not necessarily incidental uses, which rely on another use for their existence.
- Limited Uses: These uses are generally permitted outright; that is, they are allowed automatically, without a zoning permit, but have special standards to ensure their compatibility with surrounding uses and the intent of the zoning district.
- Special Uses/ Conditional Uses: These are uses that do not exactly fit anywhere in the zoning district because they generate impacts such as traffic or create other things that may not be compatible with other uses. Before these uses are permitted, they must be individually looked at as to where they are being proposed and how they are designed.
- Temporary Uses: These uses are of limited duration and are generally allowed to follow different requirements than permitted uses and other types of uses.

KEY ISSUES:

1. The City-wide uses chapter is new. These types of uses are secondary in nature and include development standards such as for fences and lighting. This might also include provisions related to animals that are noncommercial in nature.
2. The current regulations have multiple definitions relating to accessory uses:

Accessory uses, Commercial/Industrial
 Accessory uses, Residential
 Accessory uses, Resource

These definitions refer to accessory uses being customary and incidental to a primary use and include examples. Additionally, the code contains the following definition that also refers to accessory uses:

Use” means activity or function carried out on an area of land, or in a building or structure located thereon. Any use comprising the sole or main use on the site is considered the primary use of the site. *Any use subordinate or incidental to the primary use on a site is considered an accessory use.*

Although generally the same, the definitions have slightly different meaning leading to slightly different applications. To provide better clarity, a singular use of the term will be established, and the code’s current treatment of accessory uses will be reevaluated to create a more uniform approach that is easier to understand.

3. The current chapter on Accessory Uses and Structures (Chapter 21.30) will be revised and updated. This will include such uses as home occupation and home industry (renamed to Home Business 1 and Home Business 2), animals that are commercial in nature, and uses in the land use tables that have footnotes identifying them as accessory uses in that zone.
4. The Limited Uses chapter is new. This will include the uses in the land use tables that are permitted outright, but have specific conditions associated with them. An example of this is residential in the TB zone, which has a list of conditions to be satisfied to be allowed. A review

and reevaluation of the conditions and whether they still make sense with some of the uses will be included.

5. Like the Limited Uses chapter, the Special/Conditional Use chapter will include uses in the land use tables that require Special Use or Conditional Use Permits and have special development requirements associated with them.
6. The Chapter on signs will be revised and updated to be consistent with recent court decisions. This includes more content neutral definitions for signs such as commercial and noncommercial signs, permanent and temporary signs, and identity signs. Within these general categories will be further classification of types of signs such as wall-mounted, protruding, freestanding and pole-mounted signs. The following are some of the objectives in updating the sign code:
 - Provide content-neutral design standards for signage; and
 - Establish regulations for the design, number, placement and size of exterior signs consistent with the city's Northwest Woodland character; and
 - Ensure business establishments can identify themselves with signage consistent with the city's Northwest Woodland character; and
 - To promote public safety by controlling the amount of clutter and visual distractions caused by signs; and
 - To establish minimum requirements for maintenance of signs.
7. Wireless communication regulations will be evaluated and updated as needed for consistency with federal law.

ASSOCIATED DOCKET OF AMENDMENT ITEMS:

1.H, 1.I, 1.K, 1.L, 1.1C, 1.1M, 1.1K

Division 5	Environment.
Chapter 21.50	Tree Management Code.
Chapter 21.51	Critical Areas.
Chapter 21.52	State Environmental Policy Act.

PURPOSE:

These chapter regulate the interaction of human life to the natural environment and to protect and preserve the natural environment.

KEY ISSUES:

1. Provisions of the Tree Code will be updated for better clarity.
2. Updates to the geologically sensitives area regulations will be considered to ease the burden of review while maintaining necessary safeguards for public health and safety.

3. The City's regulations pertaining to the State Environmental Policy Act will be reviewed for necessary updates to create better clarity and whether threshold exemption levels might be revised to reduce the requirements for obtaining SEPA determinations.

ASSOCIATED DOCKET OF AMENDMENT ITEMS:
1.2A, 1.2C

Division 6 Building and Construction Codes.

Chapter 21.60	Building and Fire Codes.
Chapter 21.61	Premise Identification.
Chapter 21.62	Condominium Conversion.
Chapter 21.63	Property Maintenance Code.
Chapter 21.64	Site Development Regulations - Grading and Drainage.
Chapter 21.65	Undergrounding of utilities.
Chapter 21.66	Moving of Buildings.

PURPOSE:

The main purpose of building and construction codes is to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. State Building and Energy Codes are set forth in Chapters 19.27 and 19.27A and WAC 51-50, 51-51, 51-52, 51-54A, 51-56, and 51-11C and 51-11R.

KEY ISSUES:

1. The effective date of the next round of amendments to the state building codes is July 1, 2020. The City has authority to modify administrative provisions to reflect local permitting conditions and will identify updates to make administration of the code more efficient.

ASSOCIATED DOCKET OF AMENDMENT ITEMS:
None

Division 7 Shoreline Master Program

Chapter 21.70	Shoreline Master Program.
Chapter 21.71	Shoreline Environment Designation.
Chapter 21.72	Shoreline Use Regulations.
Chapter 21.73	General Shoreline Regulations.
Chapter 21.74	Shoreline Development Standards.
Chapter 21.75	Use-specific Shoreline Development Standards
Chapter 21.76	Shoreline Modifications.
Chapter 21.77	Shoreline Critical Areas.

PURPOSE: The Shoreline Management Act of 1971 (Act) was adopted by the public in a 1972 referendum "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." This is implemented by way of a shoreline master program. The City's current shoreline master program is adopted under Ordinance No. 487.

KEY ISSUES:

1. Updates to the Shoreline Master Program consistent with the goals outlined in this report and to incorporate it into the Unified Development Code are underway.

ASSOCIATED DOCKET OF AMENDMENT ITEMS:

4A, 4B, 4C

Division 8 Review Procedures.

Chapter 21.80	Project Permit Review Procedures.
Chapter 21.81	Project Permit Appeals.
Chapter 21.82	Type 1 Decisions – Administrative Approvals.
Chapter 21.83	Type 2 Decisions – Administrative Discretionary Approvals.
Chapter 21.84	Type 3 Decisions – Quasi-Judicial Approvals.
Chapter 21.85	Development Agreements.
Chapter 21.86	Text Amendment Procedures.
Chapter 21.87	Area-wide Map Amendment Procedures
Chapter 21.88	Comprehensive Plan Amendment Procedures
Chapter 21.89	Annexations

PURPOSE:

These chapters establish minimum procedural steps involving permits and amending the comprehensive plan and city development regulations. In simple terms, review procedures are the steps in gathering and evaluating information to render a decision. Key components are:

- *Procedures:* Procedures are the steps for conducting the review process. Permitting procedures consist of formal (code based) and informal (policies, forms, checklists, etc) procedures. Formal procedures create the overall framework under which review occurs and establishes the procedural protections that will be afforded interested parties, while informal procedures establish the how to administer the review.
- *Legal Notices:* Legal notice is the notifying of interested parties about an action. The requirements for legal notice(s) should correlate with the degree of potential consequences the action will have on various parties and the amount of discretionary judgment allowed for the decision-maker.
- *Evaluation Criteria:* Evaluation criteria are the standards upon which an application is judged. Clarity is very important as the approval criteria establish the level of discretion that may be exercised in deciding.
- *Decision:* A decision is the outcome of review process, also referred to as a government action.

The decision and the decision-making process can be sorted into categories that reflect the decision-making body and the amount of discretionary judgment that is allowed to be exercised. While there are no statutory definitions of the different categories, some common terms have emerged to described them:

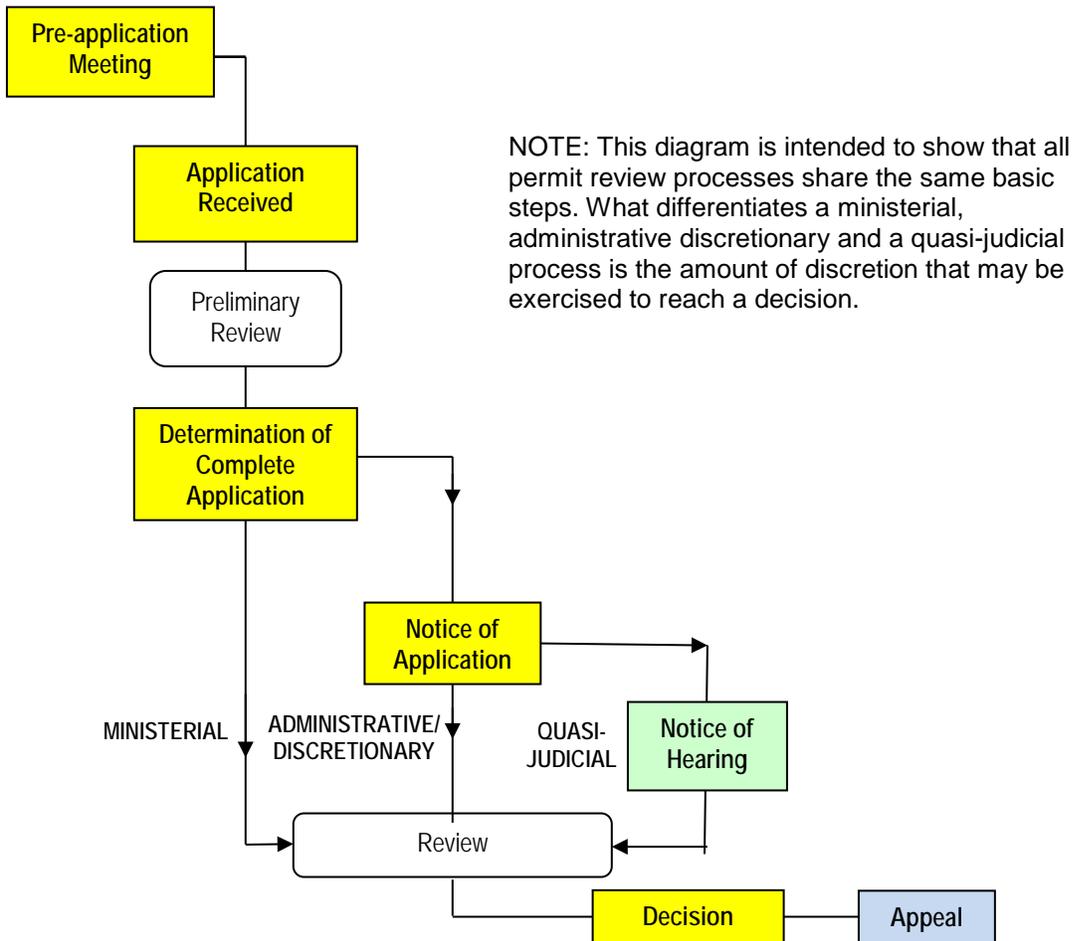
- *Administrative:* These involve staff decisions on project-related applications and code interpretations. Administrative decisions can be ministerial in nature where approval is judged on yes/ no standards, or they can administrative discretion where the scope of judgment is narrowly defined. The primary distinction of administrative decisions is that they are made by designated staff and they are based on clearly established standards and clearly identified approval criteria.
- *Quasi-Judicial:* These involve decisions that are of a judicial nature. They are generally made by a neutral third-party, such as a hearing examiner. The term is applied to decision-making processes involving a significant amount of discretion through the ascertaining of facts, weighing of evidence and drawing conclusions. The primary distinguishing character for quasi-judicial decisions is that they involve a hearing and are for site-specific proposals.
- *Legislative:* These involve decisions that are of a community-wide interest and do not apply to a site-specific proposal. They are made by the city council under its authority to establish policies and regulations regarding future private and public development, and management of public lands.

Appeals are protective measures for reviewing the appropriateness of a government decision. Appeals can be administrative, which is adjudicated by an appointed body, such as the hearing examiner, or they can be judicial, which are adjudicated by a court of law. Administrative appeals are quasi-judicial actions but are differentiated here by the scope of the action. Procedurally, administrative appeals require a hearing that is either:

- *Open-record:* This is where a record is created through testimony and submission of evidence and information. Only a single open-record hearing is allowed per project so if a pre-decision hearing was held, a closed record appeal would be the only option for an administrative appeal.
- *Closed-record:* This is where no or limited new evidence or information is allowed to be entered into the record and only appeal arguments are allowed. The record created by the pre-decision hearing serves as the basis for adjudicating the appeal.

Each jurisdiction has the option to allow for administrative appeals and if so, what decisions will have an administrative appeal. If a permit has no administrative appeal, a judicial appeal is available and can be filed in accordance with the Land Use Petition Act (LUPA) set forth in chapter 36.70C RCW.

DIAGRAM OF A GENERAL PERMIT REVIEW PROCESS:



KEY ISSUES:

1. These chapters will be updated to support more streamlined processes and to provide clearer decision criteria.
2. A key change will be to convert the Land Use Project Approval to a Site Plan Review process. A site plan review is a review of a scaled drawing which shows the uses and structures proposed for a parcel of land. It also includes information concerning landscaping, parking, trees and other site layout-related requirements. Site plan review does not represent final approval of a project, but it helps address major zoning and environmental issues before an applicant invests in construction drawings.

ASSOCIATED DOCKET OF AMENDMENT ITEMS:

1.M

Division 9 Land Division and Improvements.

Chapter 21.90	Development Concurrency.
Chapter 21.91	Land Divisions and Lot Line Adjustments.
Chapter 21.92	Land Division Design and Improvement Standards.
Chapter 21.93	Recreation and Trail Corridors Development Standards.

PURPOSE:

RCW 58.17 sets forth minimum procedures and review criteria for the division of lands.

KEY ISSUES:

1. The current regulations for dividing land contain provisions that are not consistent with state law. These provisions require updating to ensure consistency with state requirements.
2. One of the options for consideration for streamlining procedures is to increase the number of lots from four to nine to qualify for a short subdivision process.
3. The City's regulations currently do not include procedures for amending binding site plans, which will be added with updates.
4. Instead of using lot averaging, explore having a cluster development approval process where density is held steady, but the lot sizes can be varied for better design and to protect critical areas incentivize creating open space.

ASSOCIATED DOCKET OF AMENDMENT ITEMS:

None