



## Part I: Code Amendments at a Glance – Local Project Review Procedures (Title 15):

### A. What is it?

In 1995, the legislature passed an Act (see [RCW 36.70B](#)) to implement the recommendations of the governor’s task force on regulatory reform on integrating growth management planning and environmental review. The City passed interim procedures in 1996 (Ord. 2136-96) and 1998 (Ord. 2330-98), with the main passage of what is called the “Local Project Review Procedures” in [Title 15](#) in 2001. Since that time, there have been several amendments to the procedures.

The legislature’s actions in 1995 made changes to the Growth Management Act (GMA), State Environmental Policy Act (SEPA), Shoreline Management Act (SMA), Local Permit Process, implemented new standards for “Development Agreements”, and addressed state permit coordination and appeals.

The City’s adopted procedures are spread out amongst eight (8) different chapters in [Title 15](#). In addition, some land use decision criteria are scattered amongst other ordinances, such as the requirements to amend the comprehensive plan. The draft would repeal all existing procedures and criteria, and reorganize the procedures into three chapters:

- Chapter 15.01, Application Requirements
- Chapter 15.02, Local Project Review Procedures
- Chapter 15.03, Review Criteria for Land Use Decisions

### B. Type of revision drafted:

- Minor revision to an existing chapter
- Major rewrite and relocation of existing chapters
- New chapter

### C. Key changes from existing code:

While the legislature sets some parameters for local project review procedures, there are some procedures that the City has enacted that are beyond the minimum requirements of state law. The changes are noted in Chapter 15.02 below.

## Part II: Analysis of Code Amendments

### Chapter 15.01 Land Use Application Requirements

This chapter includes the land use application requirements, including:

- Article 1, Land Use Applications
  - Preapplications
  - Land use permit
  - Shoreline permits
  - Land divisions
- Article II, Determination of Completeness
- Article III, Time Limits for Permits and Permit Processing

The chapter is a reorganization of application requirements into one chapter. No substantive changes from current standards are included in this chapter.

### Chapter 15.02 Land Use and Project Review Procedures

This chapter covers the procedures for a variety of land use applications.

#### Article 1, Types of Review Process

This article includes:

- Review Process I, Minor Administrative Review
- Review Process II, Planning Director Review
- Review Process III, Hearing Examiner Review
- Review Process V, Quasi-Judicial City Council Review
- Legislative Actions

Changes from current practice that are within Article I of Chapter 15.02:

- State law ([RCW 58.17.060](#)) allows for the summary approval by administrative staff of short plats or short subdivisions, which is the division of land into less than ten (10) lots. There is no requirement in state law for public notice of the application. The draft is consistent with what state law allows.
- State law ([RCW 90.58](#)) for development within SMA jurisdiction dictates specific notice requirements and timing for issuance of shoreline substantial development permits. The SMA, however, does not dictate who the local decision-maker is. The amendments revise the decision-maker to streamline procedures and timing, but do not revise the public notice requirements of the SMA. The new framework for shoreline decisions is as follows:
  - Hearing Examiner decisions (REV III): The hearing examiner would hear shoreline variance, shoreline conditional use permits and any request to increase heights to accommodate industrial activities with access to the marine shorelines in Chapter 19.22.070.
  - Planning Director decisions (REV II): Applications subject to posting and public notice includes:
    - Development with one (1) acre or more of the project footprint within shoreline jurisdiction
    - Development in the shoreline area will include buildings in excess of 35' in height

- Development which includes docks or other in-water facilities, including fill, which could interfere with the public’s use of shorelines of the state
- Staff Administrative decisions (REV I): All other shoreline permit applications would be staff decisions. The only distinction between REV I and REV II shoreline applications is that REV I applications would not require posting of a sign, but would require notice to property owners within 300’, and the local procedures would require notice to SEPA mailing list and neighborhood leaders.
- Historic. No changes are proposed to change what is being reviewed by the city’s Historical Commission, but some changes to the extent of public notice to surrounding properties is drafted. Posting of project signs and mailing notice to owners within 500’ would no longer be required for:
  - Addition of an accessory dwelling unit
  - Alteration of significant features of a local register property
  - Additions to a building with three or more dwelling units when identified as contributing.

The decisions above are still subject to review at an open public meeting by the city’s Historical Commission.

#### **Article II, Notice Requirements and SEPA Procedures**

This article includes:

- Notice of Application
- Public Notice and Comments
- SEPA Procedures
- Notice of SEPA Determinations

The only change to note in this article is that notices can include electronic notices (e.g. email) where applicable.

#### **Article III, Hearing Examiner Procedures**

This article includes existing hearing examiner procedures without any changes from current practices.

#### **Article IV, Shoreline Permit Procedures**

This article includes existing shoreline permit procedures without any changes from current practices. (See Article I regarding decision-making authority changes for shoreline permits.)

#### **Article V, Land Division Procedures**

The only change to note is the expiration of land division applications can be extended by one year in the event of any public emergency is declared by the mayor or city council.

#### **Article VI, Planned Action Review**

This article includes existing planned action review procedures without any changes from current practices.

## **Article VII, Appeals**

This article includes existing appeal procedures without any changes from current practices.

## **Article VIII, Comprehensive Plan Docket Procedures**

This article includes existing docket procedures without any changes from current practices.

## **Article IX, Interpretations, Vesting & Definitions**

This article includes existing interpretation and vesting procedures without any changes from current practices.

## **Chapter 15.03 Land Use Decisions, Criteria and Authority**

This chapter covers the decisions, criteria and authority for a variety of land use applications. The following are new or amended sections from current practices:

### **15.03.100 Administrative Use**

An Administrative Use, identified in EMC 19.05, is a mechanism by which the city may place special conditions on the use or development of property to ensure that new development is compatible with surrounding properties.

The evaluation criteria have been modified from existing Special Property Use criteria in the Zoning Code ([EMC 19.41.150](#)).

### **15.03.120 Conditional Use**

A Conditional Use, identified in the draft Chapter 19.05, means a use, which because of its unusual size, infrequent occurrence, special requirements, possible safety hazards, or other possible detrimental effects on surrounding properties, may be approved only after meeting the requirements of this section.

The current zoning code does not have any evaluation criteria for this category of uses (public hearing before hearing examiner). Standards from other jurisdictions were researched and the following criteria are drafted:

1. The adequacy of utilities, public facilities and services required to serve a proposed use.
2. The impact of traffic generated by the proposed use on the surrounding area, pedestrian circulation and public safety; and the ability of the proponent to mitigate such potential impacts.
3. Compatibility of proposed structures and improvements with surrounding properties, including the size, height, location, setback and arrangements of all proposed buildings and facilities, especially as they relate to light and shadow impacts on more sensitive land uses and less intensive zones.
4. The landscaping, buffering and screening of buildings, parking, loading and storage areas, especially as they relate to more sensitive land uses.
5. The generation of nuisance irritants such as noise, smoke, dust, odor, glare, visual blight or other undesirable impacts.
6. Compliance with the provisions of Title 19 and other city, state and federal regulations.

### **15.03.140 Variances**

No changes from current requirements.

### **15.03.200 Development Agreements**

The current Zoning Code provisions for development agreements authorized by [RCW 36.70B.170](#) are focused on “performance agreement rezones”. Not all development agreements are associated with rezones, so this section has been drafted to clarify the scope of what is allowed based on state law, and who the decision-maker and hearing body would be.

### **15.03.300 Unified Development Code Amendment**

Only the name has been changed from “Zoning Code Amendment” to “Unified Development Code Amendment”.

### **15.03.400 Comprehensive Plan Amendments**

These provisions are currently located within Chapter One of the Comprehensive Plan. That chapter will be amended and direct people to review the code requirements in this chapter for comprehensive plan amendments.