

**ORDINANCE NO. 496**

**AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON CONCERNING THE 2009 ANNUAL DOCKET FOR AMENDMENTS TO THE WOODINVILLE MUNICIPAL CODE; MAKING FINDINGS OF FACT AND THE FOLLOWING AMENDMENTS:**

- 1. AMENDING CHAPTERS: WMC 2.30, APPEAL PROCEDURES; WMC 8.08 NOISE REGULATION; WMC 14.04, ENVIRONMENTAL PROTECTION; WMC 17.07, TYPES OF PROJECTS PERMIT APPLICATIONS; WMC 17.09; TYPE I – IV PROJECT PERMIT APPLICATIONS; WMC 17.11, PUBLIC NOTICE; WMC 17.13, CONSISTENCY WITH DEVELOPMENT REGULATIONS AND SEPA; WMC 17.15, OPEN RECORD PUBLIC HEARINGS; WMC 17.17, CLOSED RECORD DECISIONS AND APPEALS; WMC 20.08, SUBDIVISION AND SHORT SUBDIVISION PROCEDURES; WMC 21.01, COMPREHENSIVE PLAN; WMC 21.02 AUTHORITY, PURPOSE, INTERPRETATION AND ADMINISTRATION; WMC 21.14, DEVELOPMENT STANDARDS - DESIGN REQUIREMENTS; WMC 21.17, FOREST PRACTICE REGULATIONS; WMC 21.20, DEVELOPMENT STANDARDS – SIGNS; WMC 21.25, ESSENTIAL PUBLIC FACILITIES; WMC 21.40, APPLICATION AND NOTICE REQUIREMENTS; WMC 21.42, REVIEW PROCEDURES; AND WMC 21.44, DECISION CRITERIA; TO CONSOLIDATE THE PERMIT PROCESS REQUIREMENTS OF SAID CHAPTERS,**
- 2. AMENDING SECTION 21.01.130, TIME TO INITIATE, TO ESTABLISH JANUARY 7 OF EACH YEAR AS THE NEW DEADLINE FOR SUBMITTING COMPREHENSIVE PLAN AMENDMENT APPLICATIONS FOR CONSIDERATION THAT YEAR, AND**
- 3. AMENDING SECTION 21.08.030, RESIDENTIAL LAND USES, TO ESTABLISH APARTMENTS AS A PERMITTED USE IN THE OFFICE ZONE SUBJECT TO A DEVELOPMENT CONDITION LIMITING THE USE TO SITES CURRENTLY CONTAINING APARTMENT UNITS.**

**PROVIDING FOR SEVERABILITY; PROVIDING FOR SUMMARY PUBLICATION BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the requirements of the Washington State Growth Management Act, the City of Woodinville is required to develop and adopt development regulations implementing its Comprehensive Plan; and

**WHEREAS**, RCW 36.70A.130(4) requires that the City of Woodinville, a “fully planning” city within King County shall update its Comprehensive Plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

**WHEREAS**, the Woodinville City Council has determined that certain amendments are necessary to keep the Comprehensive Plan, Development Code, Subdivision Code and Zoning Code updated and to accommodate the needs of its citizens; and

**WHEREAS**, the Woodinville City Council has reviewed the amendments contained in this ordinance and finds that these amendments meet the required criteria in Ordinance No. 172 and WMC 21.46.030; and

**WHEREAS**, a public hearing was held by the City of Woodinville Planning Commission on November 18, 2009; and

**WHEREAS**, the requirements of the State Environmental Policy Act (SEPA) RCW 43.21C have been met; and

**WHEREAS**, adoption of this ordinance will promote the public health, safety and general welfare within the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Findings.** The City Council hereby adopts the following findings in support of this ordinance, together with the recitals expressed herein.

1. The 2009 Annual Docket Applications are organized into two broad categories: (1) Comprehensive Plan Amendments and (2) Development Code Amendments.
2. The Zoning Code amendments are consistent with the required decision criteria found in WMC 21.46.030. Analysis of the proposed amendments and decision criteria is contained in Attachment A, which is herein incorporated by reference.
3. The City SEPA Official reviewed the 2009 Annual Docket amendments for environmental impacts under SEPA (RCW 43.21C), and issued Determination of Non-Significances (DNS) on August 31, 2009 and September 21, 2009. The appeal periods ended without any comments or appeals being filed.
4. The Planning Commission reviewed the 2009 Annual Docket proposed Development Code amendments during its August 5, 2009 and September 2, 2009 public meetings.
5. To encourage public involvement, the City published a notice and held two public open house meetings on June 10, 2009 and August 5, 2009 to receive public comment on the 2009 Annual Docket.
6. Pursuant to the City of Woodinville Municipal Code (WMC) Chapter 17, the Planning Commission is required to hold a public hearing on the amendments and make a recommendation to the City Council.
7. The Planning Commission held a public hearing for the 2009 Annual Docket proposed Development Code amendments on November 18, 2009.
8. The Planning Commission received written comments and public testimony; deliberated and produced a public record and recommendations on the 2009 Annual Docket Development Code amendments during the November 18, 2009 Planning Commission meeting.
9. The City Council considered the Planning Commission's public record, included as Attachment D of this Ordinance, and recommendations concerning the 2009 Annual Docket Development Code amendments at a public hearing on February 2, 2010, continued to February 16, 2010 and March 9, 2010.
10. The City Council passed first reading of Ordinance No. 496 on April 20, 2010.

11. The City Council passed second reading and adoption of Ordinance No. 496 on May 4, 2010.

**Section 2. Amendment to Chapters: 2.30, Appeal Procedures; 8.08, Noise Regulation; 14.04, Environmental Protection; 17.07, Types Of Projects Permit Applications; 17.09, Type I – IV Project Permit Applications; 17.11, Public Notice; 17.13, Consistency with Development Regulations and SEPA; 17.15, Open Records Public Hearings; 17.17, Closed Record Decisions and Appeals; 20.08, Subdivision and Short Subdivision Procedures; 21.01, Comprehensive Plan; 21.02 Authority, Purpose, Interpretation and Administration; 21.14, Development Standards - Design Requirements; 21.17, Forest Practice Regulations; 21.20, Development Standards – Signs; 21.25, Essential Public Facilities; 21.40, Application and Notice Requirements; 21.42, Review Procedures; and 21.44, Decision Criteria regarding permit process requirements** is hereby amended to read as set forth in Attachment B, which is attached hereto and incorporated herein by this reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~. All other articles, sections, subsections, sentences, clauses, or phases of these chapters shall remain unchanged and in full force and effect.

**Section 3. Amendment to Subsection 1 of Section 21.01.130, Time to initiate, of the Woodinville Municipal Code**, is hereby amended to read as set forth below. New text is shown by underline; deleted text is indicated by ~~strikethrough~~. All other articles, sections, subsections, sentences, clauses, or phases of this chapter shall remain unchanged and in full force and effect.

**21.01.130 Time to initiate.**

(1) An application to amend the City's Comprehensive Plan may be made to the City ~~Development Services Department of Planning and Community Development~~ at any time. However, effective January 1, 2011, applications that are reviewed annually must be received by ~~March 31<sup>st</sup>~~ January 7<sup>th</sup>, or the next business day thereafter, of any year to be considered during that same year.

**Section 4. Amendment to Section 21.08.030, Residential Land Uses, of the Woodinville Municipal Code regarding apartment as a permitted use in the Office zone**, is hereby amended to read as set forth in Attachment C, which is attached hereto and incorporated herein by this reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~. All other articles, sections, subsections, sentences, clauses, or phases of this chapter shall remain unchanged and in full force and effect.

**Section 5. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance, or any change in a land use designation is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

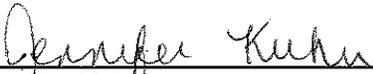
**Section 6. Copy to Commerce Department.** Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

**Section 7. Effective Date.** The adoption of this ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

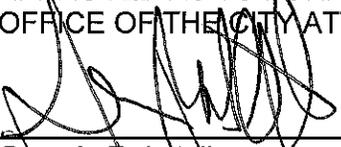
**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE  
THIS 4<sup>th</sup> DAY OF May, 2010.**

  
\_\_\_\_\_  
Charles E. Price, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Jennifer Kuhn  
City Clerk/CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

  
\_\_\_\_\_  
Greg A. Rubstello  
City Attorney

PASSED BY THE CITY COUNCIL: 5/04/2010  
PUBLISHED: 5/10/2010  
EFFECTIVE DATE: 5/17/2010  
ORDINANCE NO. 496

## **WMC 21.46.030 Required Findings for Zoning Code Amendments**

### ZCA09008 – Permit Process Code Amendment

Development Code Amendment ZCA09008 to consolidate the permit process under one title, as much as practical, to ensure consistency between Titles and with state and federal law is consistent with the applicable criteria contained in WMC 21.46.030 pursuant to the following comments and findings:

1. The amendments are consistent with the purposes of the Comprehensive Plan.

*The proposed Amendments correct errors, update and add mandatory language and amend the development and zoning codes to further implement the Comprehensive Plan. Amendments include adding definitions and regulations to add clarity and ensure consistency in regulating land uses in accordance with the purposes of the Comprehensive Plan.*

2. The (proposed) amendments are consistent with the purposes of this title (Zoning Code).

*The amendments are consistent with the general purposes of the Zoning Code. The amendments will clarify code language and add definitions resulting in better land use decisions and more effective application of development regulations*

3. The benefit or avoided cost to the public health, safety and welfare is sufficient to warrant the action (proposed amendments).

*The proposed amendments are expected to have positive impacts on public health, safety, and welfare by providing a more streamlined and efficient permit permitting process. These changes are needed in order to make City Code consistent with state law and to provide staff, permit applicants, and the public with a clear, streamlined, and comprehensive project review process.*

### ZCA09012 – Annual Docket Process Deadline

Zoning Code Amendment ZCA09012 to establish a new application deadline for the Annual Docket process is consistent with the applicable criteria contained in WMC 21.46.030 pursuant to the following comments and findings:

1. The amendment is consistent with the purposes of the Comprehensive Plan.

*One of the underlying purposes of the Comprehensive Plan and the Growth Management Act is to provide a means for the public to be involved in the planning process. Providing an earlier submittal date as proposed will provide more time during the year for the review of proposed Comprehensive Plan amendments by the public. It will also allow time during the year for the sequential rather concurrent processing of Comprehensive Plan and development code amendments. A sequential approach allows for the review and decision on the policy issues to take place first and separate from the implementing regulatory review and decision. This gives the public, the*

*Planning Commission and Council more time to consider the issues related to a proposed change.*

2. The (proposed) amendment is consistent with the purposes of this title (Zoning Code).

*The proposed amendment provides more time during the year to process and review proposed Comprehensive Plan and development code amendments during the year thereby serving the purpose and implementation of:*

**21.02.030 Purpose.** The general purposes of this title are:

- (1) To encourage land use decision making in accordance with the public interest and applicable laws of the State of Washington;

3. The benefit or avoided cost to the public health, safety and welfare is sufficient to warrant the action (proposed amendments).

*It is anticipated the proposed amendment will have a positive impact on the public health, safety and welfare by giving more opportunity for public input on proposed amendments.*

#### ZCA09014 - Apartment Use in the Office Zone Amendment

Zoning Code Amendment ZCA09014 to add "apartment" as a permitted use in the Office zone subject to a development t Condition that limits the use to sites currently containing said use is consistent with the applicable criteria contained in WMC 21.46.030 pursuant to the following comments and findings:

1. The amendment is consistent with the purposes of the Comprehensive Plan.

*The proposed Zoning Code Amendment to reinstate apartments as a permitted use in the Office zone would remove the non-conformance status of existing condominium apartment units located in the Office zone. This in turn removes potential barriers to financing of these existing homes for purchase and major repair. By doing so, the Zoning Code Amendment serves to implement the following Comprehensive Plan Housing Goal and Policies and therefore can be found to be consistent with the Comprehensive Plan:*

**Goal H -1: To preserve existing housing and neighborhoods and provide a diversity of housing types that promote housing opportunities for all economic segments of the City's population.**

- H-1.1** *Allow for a variety of housing types and lot sizes through mixed use development and small and large lot single family development, townhomes, duplexes, multiplexes, apartments, manufactured housing, mobile home parks, and accessory dwelling units.*
- H-1.2** *Promote housing ownership opportunities for people at all economic levels in the City.*
- H-1.4** *Define residential land use regulations to allow for development that will accommodate a range of incomes by providing for a variety of housing types and cost.*
- H-1.6** *Provide incentives for moderately priced housing ownership through flexible lot size requirements and permitting townhome and condominium housing.*
- H-1.7** *Encourage preservation and maintenance of existing affordable housing.*

2. The (proposed) amendment is consistent with the purposes of this title (Zoning Code).

*The Office zone purpose statement, see WMC 21.04.120, acknowledges the zone is to provide in part for "higher density residential development". Reinstating apartments as a permitted use could insure the long term viability of the existing apartment style (single floor per unit) condominiums that are currently located property zoned Office. Due to their bulk, multi-unit building style and function, apartments are considered compatible with townhomes, currently the only permitted residential use in the Office zone.*

3. The benefit or avoided cost to the public health, safety and welfare is sufficient to warrant the action (proposed amendments).

*The proposed amendment is expected to have a positive impact on public health, safety and welfare by removing a potential barrier to financing for purchasing and maintaining affordable housing located in proximity to services, employment and mass transit.*

**Chapter 2.30  
APPEAL PROCEDURES**

**2.30.040 Judicial appeal.**

Appeal from the decision of the City board, commission or officer for which no other administrative appeal is provided, shall be to the King County Superior Court. An appropriate action must be served and filed within 14 days of the date of the decision, or 21 days for a land use petition act appeal under RCW 36.70C. The costs of transcription of any record ordered to be certified by the court shall be borne by the appellant.

\* \* \*

**2.30.060 Impact fee appeals.**

- (1) To appeal the amount of an impact fee, the amount of an impact fee credit, or the denial of a permit based upon a failure to pay an impact fee, the appellant must file a notice of appeal with the Permit Center Development Services Department within 14 days of impact fee collection or permit denial, pursuant to WMC 17.17. The notice of appeal shall clearly state the grounds for such appeal. Filing an appeal shall require the payment of a fee as set forth in WMC 2.30.030.
- (2) The Permit Center Development Services Department will schedule a hearing before the Hearing Examiner who shall operate pursuant to the authority granted in Chapter 2.27 WMC. For the purposes of appeals under this section, the Examiner is authorized to make findings of fact and a decision regarding any of the following: the applicability of the impact fee requirement to a given development activity, the availability or amount of a credit, or the accuracy or applicability of an independent fee calculation.

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**Chapter 8.08  
Noise Regulations**

**8.08.090 Variances.**

- (3) Variances shall be a Type I permit under WMC 17.07.030, ~~heard and decided in the manner set forth in Chapter 21.42 WMC~~ and the decision of the Director shall be governed by the criteria set forth in ~~said chapter~~ WMC 21.44, for purposes of decision making, notice and appeal procedures.

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**Chapter 14.04  
ENVIRONMENTAL PROTECTION**

**14.04.040 Designation of responsible official.**

- (1) For those proposals for which the City is the lead agency, the responsible official shall be the Planning Director, or such other person as the City Manager may designate in writing.
- (2) For all proposals for which the City is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that were adopted by reference in WMC 14.04.020.
- (3) The City shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter ~~42.4756~~ RCW.

**14.04.050 Lead agency determination and responsibilities.**

- (1) When the City receives an application for or initiating a proposal that involves a nonexempt action, the responsible official shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940, unless the lead agency has been previously

determined or the department is aware that another department or agency is in the process of determining the lead agency.

- (2) When the City is not the lead agency for a proposal, all departments of the City shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No City department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless the City determines a supplemental environmental review is necessary under WAC 197-11-600.
- (3) If the City or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 14 days of receipt of the determination, or the City must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 14-day time period. Any such petition on behalf of the City may be initiated by the responsible official.
- (4) The responsible official is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.
- (5) The responsible official, when making a lead agency determination for a private project, shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.

\* \* \*

**14.04.070 Integration with permit and land use decisions.**

Under State law, the procedure for review of development project permits shall be combined with the environmental review process, both procedural and substantive. The process under SEPA and this chapter shall integrate the following procedures, insofar as possible, with any applicable process for decision making on permit and land use applications:

- (1) Staff review of the application under City codes and regulations and the environmental review and determination thereon;
- (2) The staff report on the application and the report or documentation concerning environmental review;
- (3) Hearings and other public process, including required public notices, required by City code or regulation, and hearings and other public processes, including public notices, required or conducted under SEPA. This section shall include all appeals, except as otherwise expressly provided by this code;
- (4) Such other review processes as the Planning Director shall determine.

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**14.04.100 Thresholds for categorical exemptions.**

The City hereby adopts the following thresholds for minor new construction under WAC 197-11-800(1)(b) based on local conditions:

- (1) For residential dwelling units in WAC 197-11-800(1)(b)(i): up to 4 dwelling units;
- (2) For agricultural structures in WAC 197-11-800(1)(b)(ii): up to 10,000 square feet;
- (3) For office, school, commercial, recreational, services, or storage buildings in WAC 197-11-800(1)(b)(iii): up to 4,000 square feet and 20 parking spaces;

- (4) For parking lots in WAC 197-11-800(1)(b)(iv): up to 20 parking spaces; and
- (5) For landfills and excavations in WAC 197-11-800(1)(b)(v): up to 100 cubic yards.
- (6) Whenever the City establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, under WAC 197-11-800(1)(c).

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**14.04.180 Public comment. Reserved.**

- (1) ~~A period of public comment shall be provided after threshold determinations under WAC 197-11-070, 197-11-259, 197-11-340, 197-11-355, 197-11-390 and 197-11-502.~~
- (2) ~~Public comment periods shall be as follows:~~
  - (a) ~~DNS: Except as provided by the optional DNS process, none. However, a 14-day comment period is required if the proposal involves:~~
    - (i) ~~Another agency with jurisdiction,~~
    - (ii) ~~Demolition of any structure or facility not exempted by WAC 197-11-800(2)(f) or 197-11-880,~~
    - (iii) ~~Issuance of clearing or grading permits not exempted in WAC 197-11-800(1)(v),~~
    - (iv) ~~A DNS under WAC 197-11-350(2), (3), or 197-11-360(4), or~~
    - (v) ~~A GMA action;~~
  - (b) ~~Optional DNS: Combined with notice of application. See WMC 14.04.140 and WAC 197-11-355;~~
  - (c) ~~MDNS: Except as provided by the optional DNS process, 14 days;~~
  - (d) ~~Scoping: 21 days; 14 days if combined with notice of application; longer if expanded scoping is used (see WAC 197-11-410).~~

**14.04.190 Public notice.**

- (1) Whenever possible, the City shall integrate the public notice required under this section with existing notice procedures for the City's nonexempt permit(s) or approval(s) required for the proposal.
- (2) Whenever the City issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the City shall give public notice as follows:
  - (a) ~~If a SEPA document is issued concurrently with the notice of application, the public notice requirements for the notice of application will suffice to meet the SEPA public notice requirements.~~
  - (ba) If no public notice is otherwise required for the permit or approval, the City shall give notice of the DNS or DS by at least one of the following:
    - (i) Publishing notice in the City's official newspaper;
    - (ii) Mailing notice to property owners per WMC 17.11.040(3); or
    - (iii) Noticing as otherwise required or allowed by Chapter 17.11 WMC.
  - (eb) Whenever the City issues a DS under WAC 197-11-360(3), the City shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

- (c) If the DS is made concurrent with the notice of application, the DS and scoping notice shall be combined with the notice of application issued under RCW 36.70B.110. Nothing in this subsection prevents the DS/scoping notice from being issued before the notice of application. If sufficient information is not available to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process.
- (d) If an open record pre-decision hearing is required, the threshold determination shall be issued at least fifteen days before the open record pre-decision hearing.
- ~~(3) If a DNS is issued using the optional DNS process, the public notice requirements for the notice of application as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements.~~
- ~~(34) Whenever the City issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:~~
- ~~(a) Indicating the availability of the DEIS in any public notice required for a nonexempt permit; and~~
- ~~(b) One or more of the following:~~
- ~~(i) Posting the property for site-specific proposal;~~
- ~~(ii) Publishing notice in a newspaper of general circulation in the County, City, or general area where the proposal is located;~~
- ~~(iii) Notifying public or private groups that have expressed interest in a certain proposal or in the type of proposal being considered;~~
- ~~(iv) Notifying the news media;~~
- ~~(v) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or~~
- ~~(vi) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (general lists or specific lists for proposals or subject areas).~~
- ~~(45) The City may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.~~

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**14.04.230 SEPA and agency decisions-- Adoption by reference.**

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

WAC

- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.
- 197-11-700 Definitions.

**14.04.240 Substantive authority.**

- (1) The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the City of Woodinville.
- (2) The City may attach conditions to a permit or approval for a proposal so long as:
- (a) Such conditions are necessary to mitigate specific probable adverse environmental impacts clearly identified in environmental document prepared pursuant to this chapter;

- (b) Such conditions are in writing;
  - (c) The mitigation measures included in such conditions are reasonable and capable of being accomplished;
  - (d) The City has considered whether other local, State, or Federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
  - (e) Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.
- (3) The City may deny a permit or approval for a proposal on the basis of SEPA so long as:
- (a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter;
  - (b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
  - (c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.
- (4) The City designates and adopts by reference the following policies as the basis for the City's exercise of authority pursuant to this section:
- (a) The City shall use all practicable means, consistent with other essential considerations of State policy, to improve and coordinate plans, functions, programs, and resources to the end that the State and its citizens may:
    - (i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
    - (ii) Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;
    - (iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
    - (iv) Preserve important historic, cultural, and natural aspects of our national heritage;
    - (v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
    - (vi) Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
    - (vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
  - (b) The City adopts by reference the policies in the following City codes, ordinances, resolutions, and plans as adopted by the City now exist or amended, and as may hereafter be amended:
    - (i) Chapter 43.21C RCW – State Environmental Policy Act;
    - (ii) Woodinville Municipal Code;
    - (iii) Woodinville Comprehensive Plan;
    - (iv) Woodinville Transportation Plan;
    - (v) Woodinville Storm Drainage Plan;

- ~~(vi) Woodinville Shoreline Master Plan;~~
- ~~(vii) Woodinville Emergency Management Plan;~~
- ~~(viii) Woodinville Capital Improvement Plan;~~
- ~~(ix) Woodinville Water District Water Plan;~~
- ~~(x) Woodinville Water District Sewer Plan.~~
- ~~(ii) Ord. No. 24 — Water Quality Standards;~~
- ~~(iii) Ord. No. 25 — Surface Water Runoff Policy;~~
- ~~(iv) Ord. No. 27 — Land Use and Health Enforcement;~~
- ~~(v) Ord. No. 30 — Mitigation of Impacts;~~
- ~~(vi) Ord. No. 33 — Official Street Plan;~~
- ~~(vii) Ord. No. 35 — Hazardous Waste\*;~~
- ~~(viii) Res. No. 93-20 — Surface Water Management;~~
- ~~(ix) Ord. No. 35 — Washington State Energy Code\*;~~
- ~~(x) Res. No. 93-11 — Solid Waste Management;~~
- ~~(xi) Ord. No. 40 — Emergency Management;~~
- ~~(xii) Ord. No. 34 — Capital Improvement Plan;~~
- ~~(xiii) Ord. No. 37 — Establishing a Permit System for Moving Buildings;~~
- ~~(xiv) Ord. No. 39 — Establishing Regulations for Sidewalks;~~
- ~~(xv) Ord. No. 49 — Adopting Street and Construction Standards;~~
- ~~(xvi) Ord. No. 50 — Designating Street Classifications;~~
- ~~(xvii) Ord. No. 59 — Establishing Street Vacations, Notice, Fees, and Conditions;~~
- ~~(xviii) Ord. No. 69 — Adopting State Highway Access Management Class System;~~
- ~~(xix) Ord. No. 73 — Adopting a Commute Trip Reduction Plan (CTR);~~
- ~~(xx) Ord. No. 84 — Adopting 1993 Comprehensive Sewer Plan of Woodinville Water District;~~
- ~~(xxi) Ord. No. 93 — Adopting Washington Model Traffic Ordinance;~~
- ~~(xxii) Ord. No. 99 — Regulating SOB;~~
- ~~(xxiii) Ord. No. 101 — Amending Zoning Code SOB Overlay\*;~~
- ~~(xxiv) Ord. No. 103 — Regulations for Planting of Public Trees;~~
- ~~(xxv) Ord. No. 112 — Adopting Interim Design Principles;~~
- ~~(xxvi) Ord. No. 121 — Building, Mechanical, Plumbing, Electrical Codes;~~
- ~~(xxvii) Ord. No. 134 — Fire Code;~~
- ~~(xxviii) Ord. No. 143 — Regulatory Reform;~~
- ~~(xxix) Ord. No. 157 — GMA Comprehensive Plan;~~
- ~~(xxx) Ord. No. 173 — Shoreline Master Program;~~
- ~~(xxxi) Ord. No. 175 — GMA Development Regulations.~~

- ~~(5) Except for permits and variances issued pursuant to WMC Title 24, Shoreline Management, when any proposal or action not requiring a decision of the City's Hearing Examiner is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the City's Hearing Examiner. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within 10 days of the decision being appealed. Review by the Hearing Examiner shall be on a de novo basis.~~

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#### **14.04.260 Appeals.**

- (1) Unless otherwise provided by this section:
- (a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations and shall be heard ~~by the Hearing Examiner as the decision maker of the highest level of review pursuant to WMC 17.17, Closed Record Decisions and Appeals and WMC 2.30, Appeals.~~
  - (b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to the environmental review.
- (2) The City shall not allow more than one City appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final EIS).
- (3) The City shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing before the Hearing Examiner to consider the City's decision on a proposal and any environmental determinations made under this chapter, with the exception of the appeal, if any, of a determination of significance as provided in subsection (1)(b) of this section or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.
- (4) The City establishes the following administrative appeal procedures: Appeals to SEPA decisions are heard by the Hearing Examiner. For SEPA decision appeals made prior to project decision, only one open record public hearing before the Hearing Examiner will be held for both the SEPA appeal and the project permit. The Hearing Examiner shall be the responsible authority for both the SEPA appeal decision and the project permit decision. This includes project permits that would otherwise be heard by another decisionmaker, such as the Planning Director or City Council. Any agency or person may appeal the City's procedural compliance with Chapter 197-11 WAC for issuance of the following determinations:
- (a) A Final DNS or Mitigated DNS (MDNS) Made Prior to Project Permit Decision. An appeal of the DNS or MDNS made prior to the final permit decision must be made to the Hearing Examiner within 14 days of the date the DNS or MDNS becomes final. The appeal period shall be extended an additional seven days if State or local rules adopted pursuant to Chapter 43.21C RCW (SEPA) allow public comment on a DNS issued as part of the appealable decision.
  - (b) A Final DNS or Mitigated DNS (MDNS) Made with Project Permit Decision. An appeal of the DNS or MDNS must be made to the Hearing Examiner within 14 days of the date the DNS or MDNS becomes final. The appeal period shall be extended an additional seven days if State or local rules adopted pursuant to Chapter 43.21C RCW (SEPA) allow public comment on a DNS issued as part of the appealable decision. The appeal is heard as an open record hearing by the Hearing Examiner, together with an appeal on the underlying governmental action; provided, that if an open record predecision hearing has already been held, the Hearing Examiner shall hear the appeal as a closed record appeal.

- (c) A Final Determination of Significance (DS). An appeal of the DS must be made to the Hearing Examiner within 14 days of the date the DS becomes final. The appeal is heard as an open record hearing by the Hearing Examiner. A subsequent open record hearing may be held on the underlying action and accompanying SEPA documents (including an EIS, if one is prepared), and SEPA substantive determinations.
- (5) For any appeal under this section, the City shall provide for a record that shall consist of the following:
- (a) Finding and conclusions;
  - (b) Testimony under oath; and
  - (c) A taped or written transcript.
- (6) The City may require the applicant to provide an electronic transcript.
- (7) The procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.
- (8) No permit shall be issued which would allow construction, demolition, grading, or other direct modification of the physical environment until expiration of the period for filing a notice of appeal, and until any appeal shall have been finalized at the Hearing Examiner level.
- (9) The City shall give official notice whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. The following permits or approvals require official notice: all actions of the City Council, a City official, the Hearing Examiner, or any board or commission for which no further administrative appeal is provided.
- (10) Except for permits and variances issued pursuant to WMC Title 24, Shoreline Management, when any proposal or action not requiring a decision of the City's Hearing Examiner is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the City's Hearing Examiner. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within 14 days of the decision being appealed. Review by the Hearing Examiner shall be on a de novo basis.

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#### **14.04.320 Critical areas.**

- (1) The City has selected certain categorical exemptions that will not apply in critical areas identified in the critical areas development regulations required under RCW 36.70A.060 (see Chapter 21.24 WMC for critical areas regulations). For any critical area, the exemptions within WAC 197-11-800 that are inapplicable for that area are WAC 197-11-800(1), (2)(a) through (h), (3), (5), (6)(a), (14)(c), (24)(a) through (g), (c), (e), (g), (h) and (25)(d), (25)(f), (25)(h), and (25)(i).
- (2) The scope of environmental review of actions with these areas shall be limited to:
- (a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and
  - (b) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and with other applicable environmental review laws.

**14.04.330 Fees.**

The City shall require the following fees in such amounts as are established by the City Council pursuant to such periodic resolution as Council, from time to time, updates and approves for its activities in accordance with the provisions of this chapter:

- (1) **Threshold Determination.** For every environmental checklist the City will review when it is lead agency, the City/County shall collect an established fee of ~~\$275.00~~ from the proponent of the proposal prior to undertaking a basic threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee. ~~When the City completes the environmental checklist at the applicant's request or under WMC 14.04.120(3), an additional \$300.00 shall be collected. For any complex review requiring staff time in excess of 10 hours, the City shall charge an hourly rate of \$65.00 for the additional time or as established pursuant to a contract with an environmental consultant hired by the City to complete the review.~~
  - (2) **Environmental Impact Statement.**
    - (a) When the City is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the City, the City may charge and collect a reasonable fee from any applicant to cover costs incurred by the City in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
    - (b) The responsible official may determine that the City will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the City and may bill such costs and expenses directly to the applicant. Such consultant shall be selected by the City.
    - (c) The applicant shall pay the projected amount to the City prior to commencing work. The City will refund the excess, if any, at the completion of the EIS. If the City's costs exceed the projected costs, the applicant shall immediately pay the excess. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection (2)(a) or (b) of this section, which remain after incurred costs, including overhead, are paid.
    - (d) For all proposals in which the City is the lead agency and the responsible official determines that an EIS is required, the applicant shall be charged \$500.00 or a fee equal to five percent of the costs of the draft and final EISs, whichever is greater, to cover the City's administrative costs of supervision and preparation. For the purpose of this section, cost of an EIS shall include the cost of preparation and publication, including printing, collating, binding, and circulation of the draft and final EIS. Applicants may be required to post bond or otherwise insure payment of such costs. In the event the actual cost of the draft and final EIS exceeds the estimated cost of the EIS agreed upon by the City and the applicant, such excess shall be paid to the City by the applicant prior to final action by the City.
  - (3) The City may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.
  - (4) The City shall not collect a fee for performing its duties as a consulted agency.
  - (5) The City may charge any person for copies of any document prepared under this chapter and for mailing the document in a manner provided by Chapter 42.17 RCW.
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**Title 17**  
**LAND DEVELOPMENT**

- 17.03 Condominium Conversions
- 17.07 Types of Project Permit Applications
- 17.09 Type I – ~~IV~~ V Project Permit Applications
- 17.11 Public Notice
- 17.13 Consistency with Development Regulations and SEPA
- 17.15 Open Record Public Hearings
- 17.17 Closed Record Decisions and Appeals
- 17.19 Regulating Sexually Oriented Businesses (SOB)

**Chapter 17.07**  
**TYPES OF PROJECT PERMIT APPLICATIONS**

\* \* \*

**17.07.020 Determination of proper procedure type.**

- (1) Determination by Director. The Development Services Director of the ~~Community Development Department~~ or his/her designee (hereinafter the "Director") shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the Director shall resolve it in favor of the higher procedure type number.
- (2) Optional Consolidated Permit Processing.
  - (a) An application that involves two or more ~~procedures~~ project permits may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. ~~If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. This subsection shall not be construed as authorizing the concurrent processing of a Comprehensive Plan amendment and a site-specific zoning map amendment in contravention of subsection (5) of this section. If an applicant elects not to have the multi-permit application processed under the consolidated process, all permits shall be processed individually according to the process applicable to each permit.~~
  - (b) SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:
    - (i) Projects categorically exempt from SEPA;
    - (ii) Components of previously completed planned actions, to the ~~extend~~ extent permitted by law and consistent with the EIS for the planned action.
- (3) Decisionmaker(s). Applications processed in accordance with subsection (2) of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decisionmaker(s). The City Council is the highest, followed by the Hearing Examiner or Planning Commission, as applicable, and then the Director. Joint public hearings with other agencies shall be processed according to WMC 17.07.040.
- (4) Hearings. Project permits are allowed only one record hearing and one closed record appeal hearing.

~~(5) Site Specific Zoning Map Amendments Necessitating a Comprehensive Plan Amendment. A site-specific zoning map amendment that requires a Comprehensive Plan amendment in order to obtain consistency with the Comprehensive Plan pursuant to WMC 21.44.070 may be processed only after the effective date of such Comprehensive Plan amendment. Nothing in this subsection shall alter the designation of any such site specific zoning map amendment or Comprehensive Plan amendment as Type III and Type V land use actions, respectively, pursuant to WMC 17.07.030.~~

**17.07.030 Project permit application framework.**

<b>PROJECT PERMIT APPLICATIONS AUTHORITY AND PROCESS</b>				
<b>TYPE I</b>	<b>TYPE II</b>	<b>TYPE III</b>	<b>TYPE IV</b>	<b>TYPE V</b>
Boundary Line Adjustments <u>Commercial, Mixed-Use, Industrial, Multi-Family Residential, Public Projects (tenant improvements, additions or alterations not requiring SEPA)</u> <u>Critical Area Determination</u> <u>Flood Improvement Permit</u> <u>Grading/Site Development Permits (SEPA not required)</u> Home Occupation Permits Home Industry Permits <u>Master Signage Plan</u> <u>Right-of-Way Permits (SEPA not required)</u> <u>Shoreline Exemption</u> <u>Sign Permits and Portable Sign Variance</u> <u>Single-Family Residential Building Permits (SEPA not required)</u>	Administrative Approvals (including projects requiring SEPA review) Administrative Interpretations Binding Site Plans <u>Commercial, Mixed-Use, Industrial, Multi-Family Residential, Public Projects (new or requiring SEPA)</u> <u>Forest Practices Permit</u> <u>Grading/Site Development Permits (SEPA required)</u> <u>Personal Wireless Service Facility</u> <u>Right-of-Way Permits (SEPA required)</u> Short Plats Minor Modifications Subdivisions <u>Shoreline Substantial Development Permits</u> <u>Single-Family Residential Building Permits (SEPA required)</u> Conditional Use	Conditional Use Permits-Hearing Examiner Approval <u>Flood Variance</u> <u>Forest Practices Request for Removal of Development Moratorium or Single-Family Dwelling Exception</u> Major Modifications Subdivisions Shoreline CUPs <u>Shoreline Variance</u> Site Specific Zoning Map Amendments Special Use Permits Subdivisions – Preliminary Variances	Subdivisions Final	Annexations Area-Wide Zoning Map Amendments Comprehensive Plan Amendments Development Agreements Development Regulations Amendments Subdivision Vacations Zoning Code Amendments

Temporary Use Permits	Permit			
Tree Removal Permits				

**ACTION TYPE**

<b>PROCEDURE PROJECT PERMIT AUTHORITY AND HEARING PROCESS (TYPE I – V)</b>					
	<b>TYPE I</b>	<b>TYPE II</b>	<b>TYPE III</b>	<b>TYPE IV</b>	<b>TYPE V</b>
Final Decision Made By:	Director	Director	Hearing Examiner, <u>except site specific zoning map amendments are City Council</u>	City Council	City Council
Recommendation Made By:	N/A	N/A	<u>N/A Only Zoning Map Amendments, by Hearing Examiner</u>	N/A	Planning Commission
Notice of Application:	No	Yes	Yes	No	No
Open Record Public Hearing:	No	<u>Only if appealed, open record hearing before Hearing Examiner</u> <u>No</u>	Yes, before Hearing Examiner to render final decision	No	<u>Yes, before <del>Plan. Comm.</del> Planning Commission to make recommendation to Council, and Council can hold its own hearing in addition to Planning Commission</u>
Closed Record Decision:	<u>No</u>	<u>No</u>	<u>Site specific zoning map amendments only, by City Council</u>	<u>City Council</u>	<u>No</u>
Notice of Decision:	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
Closed Record Appeal/Final Decision: <u>Administrative Appeal (14 days from date of final decision)</u>	<u>No</u> <u>Hearing Examiner (open record), and for building permits only, City Council (closed</u>	<u>No</u> <u>Hearing Examiner (open record), and for building permits only, City Council (closed record)</u>	<u>Only if appealed, then before Council, unless site-specific zoning map amendments, then before Council on ordinance adoption</u> <u>City Council (closed record)</u>	<u>Yes, before Council to render final decision</u> <u>No</u>	<u>Yes, or Council could hold its own hearing</u> <u>No</u>

	record)				
Judicial Appeal:	Yes	Yes	Yes	Yes	Yes

**DECISION**

TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
Boundary Line Adjustments Home Occupation Permits Home Industry Permits Temporary Use Permits	Short Plats Shoreline Development Permits Binding Site Plans Minor Modifications Subdivisions Administrative Interpretations Conditional Use Permit Administrative Approvals	Conditional Use Permits—Hearing Examiner Approval Shoreline CUPs Site Specific Zoning Map Amendments Subdivisions—Preliminary Special Use Permits Variances Major Modifications Subdivisions	Subdivisions Final	—Zoning Code Amendments —Development Regulations Amendments Area Wide Zoning Map Amendments —Comprehensive Plan Amendments Annexations Subdivision Vacations Development Agreements

**17.07.040 Joint public hearings.**

- (1) Director’s Decision to Hold Joint Hearing. The Director may combine any public hearing on a project permit application with any hearing that may be held by another local, State, regional, Federal, or other agency on the proposed action, as long as: (a) the hearing is held within the City limits; and (b) the requirements of subsection (3) below are met, and (c) the City acts as the lead agency on the proposed application.
- (2) Applicant’s Request for a Joint Hearing. The applicant may request that the public hearing on a ~~permit application~~ project permit be combined as long as the joint hearing can be held within the time periods set forth in this title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.
- (3) Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, State, regional, Federal or other agency and the City, as long as:
  - (a) The other agency is not expressly prohibited by statute from doing so;
  - (b) Sufficient notice of the hearing is given to meet each of the agencies’ adopted notice requirements as set forth in statute, ordinance, or rule;
  - (c) The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the City’s hearing; and
  - (d) The hearing is held within the geographic boundary of the City.

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**17.07.070 Exemptions from project permit application processing.**

- (1) Whenever a permit or approval in the Woodinville Municipal Code has been designated as a Type I, II, III or IV permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are, however, specifically excluded from the procedures set forth in this title:

- (a) Landmark designations;
  - (b) Street vacation;
  - (c) Street use permits.
- (2) Pursuant to RCW 36.70B.140(2), Type I project permits, including building permits, boundary line adjustments, and building permits, other construction permits, or similar administrative approvals which are categorically exempt from environmental review under SEPA (Chapter 43.21C RCW) and the Chapter 14.04 WMC (SEPA), or permits/approvals for which environmental review has been completed in connection with other project permits, are excluded from the following procedures:
- (a) ~~Determination of completeness, WMC 17.09.030(1);~~
  - (ba) Notice of application, WMC 17.09.040;
  - (eb) Except as provided in RCW 36.70B.140, optional consolidated project permit review processing WMC 17.07.020(2)(a);
  - (dc) Joint public hearings, WMC 17.07.040;
  - (ed) Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing, WMC 17.15.020(3);
  - (fe) Notice of decision, WMC 17.09.060;
  - (gf) Completion of project review within any applicable time periods (including the 120-day permit processing time), WMC 17.09.060(1).

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#### **17.07.090 Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) Closed Record Appeal Hearing. An administrative appeal on the record following an open record hearing on a project permit application when the appeal is on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.
- (2) Director. The Development Services Director of Planning and Community Development or his/her designees unless another department or agency is in charge of the project permit in which case it refers to the chief administrative officer of that department or agency.
- (3) Open Record Hearing. A hearing, conducted by a single hearing body or officer that creates the record through testimony and submission of evidence and information. An open record hearing may be held prior to a decision on a project permit to be known as an "open record predecision hearing". An open record hearing may be held on an appeal, to be known as an "open record appeal hearing", if no open record predecision hearing has been held on the project permit.
- (4) Project Permit or Project Permit Application. Any land use or environmental permit or license required from the City for a project action, including but not limited to subdivisions, conditional uses, shoreline substantial development permits, permits or approvals required by critical area ordinances, site-specific rezones authorized by the Comprehensive Plan or a subarea plan, but excluding the adoption or amendment of the Comprehensive Plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.
- (5) Public Meeting. An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to a decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping

meeting on draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting shall be included in the City's project permit application file.

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**Chapter 17.09**  
**TYPE I – IV V PROJECT PERMIT APPLICATIONS**

Sections:

- 17.09.010 Pre-application conference.
- 17.09.020 Project permit application.
- 17.09.030 Submission and acceptance of application.
- 17.09.040 Notice of application.
- 17.09.050 Referral and review of project permit applications.
- 17.09.060 Notice of final decision.
- 17.09.070 Substantial revisions or modifications to proposal.

**17.09.010 Technical Review Committee (TRC)– Pre-application.**

- (1) At the applicant's request, a pre-application conference shall be scheduled with representatives of the City's technical review committee, including the planning, engineering, building and fire departments. Representatives from other departments or agencies are encouraged to provide comments and/or attend the conference. Applications subject to review pursuant to Chapters 17.07 through 17.17 WMC shall not be accepted by the Director unless the applicant has scheduled and attended a pre-application conference to acquaint the applicant with requirements for a complete application. Pre-application conferences for all other types of applications are optional.
- (2) The Director shall establish procedures, reasonable schedules, and staff participation for pre-application conferences.
- (3) The discussions at the conference shall not bind or prohibit the City's future application or enforcement of all applicable law since it is impractical impossible for a pre-application conference to be an exhaustive review of all potential issues.
- (4) The applicant should provide a draft site plan, grading plan, storm drainage plan, and building elevations. The number of copies required shall be set by the Director.
- (5) If a fee is established by the City's most current fee resolution, the applicant shall pay the fee at the time the pre-application meeting is scheduled.

**17.09.020 Project permit application.**

- (1) Review of project permit applications shall be carried out by the City planning, engineering, building and fire departments for Type I, II, III, IV and V project permits.
- (2) A project permit application is complete when it meets the submittal requirements specified by the Director in WMC 17.09.030. An application shall consist of all materials required by the specific application submittal checklist, the applicable development regulations, and shall, at a minimum, include the following general information:
  - (1) A completed project permit application form signed by the property owner;
  - (2) The applicant shall attest by written oath to the accuracy and completeness of all information submitted for an application;
  - (3) A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;

- ~~(4) A property and/or legal description of the site for all applications as required by the applicable development regulation;~~
- ~~(5) The application fee;~~
- ~~(6) Evidence of adequate water supply as required by RCW 19.27.097;~~
- ~~(7) Evidence of sewer availability;~~
- ~~(8) Any additional information as required on the specific submittal checklist for each specific application type.~~
- ~~(9) The Director shall have the authority to prepare and revise submittal requirement checklists.~~
- (3) Review Process. The project permit application review shall follow the underlying permit review process as described in the City Code. Depending on the application, project permit application review may be administrative or require a public hearing by a City designated official or board. In addition to the other requirements of this title, the project permit application shall only be approved after the project has met all environmental, zoning, engineering and building regulations and standards for the particular use.
- (4) An approved project permit shall be issued by the City only after the proposal has met all the requirements of the Woodinville Municipal Code. Any project permit approved pursuant to this code shall be commenced, performed and completed in compliance with the provisions and conditions of the permits under which the project was approved.
- (5) The project permit shall be valid as outlined below from the date that the permit is approved. The project is required to have construction permits issued, or have final approval for plats and shorts plats, prior to the end of the approval period.

**Project Permit Approval Expiration**

<u>Permit Type</u>	<u>Approval Period</u>	<u>One Extension Allowed</u>
<u>All Land Use Approvals (not otherwise listed)</u>	<u>2 years</u>	<u>1 year</u>
<u>Conditional Use</u>	<u>5 years</u>	<u>1 year</u>
<u>Shoreline Permits</u>	<u>2 years</u>	<u>1 year</u>
<u>Short Plats</u>	<u>5 years</u>	<u>1 year</u>
<u>Subdivisions</u>	<u>5 years</u>	<u>1 year</u>

Extensions to the approval expiration may be granted by the Director if:

- (a) The construction permits can or will be issued within 30 days of the approval expiration;  
or
- (b) The City and/or other public agency's capital project needs to be completed ahead of the required improvements to allow for logical sequence of construction to prevent damage or disruption to the improvements being made; or

(c) Expiration of the approval will create an unnecessary and unusual hardship to the applicant that is not self-created; and

(d) The need for the extension is not the result of deliberate actions of the applicant; and

(e) The public health, safety, and welfare are not endangered by allowing the extension.

(6) Minor modifications to the approved project permit may be authorized by the Development Services Director and/or Public Works Director, or his/her designee. Major modifications shall be approved by following the original review and approval process. Major modifications shall be changes which add additional unmitigated impacts or changes which affect the findings, conclusions, conditions of the original approval.

(7) All applications shall be submitted with the appropriate fees as established by City Council resolution. The fees are necessary to reimburse the City for costs associated with processing permits including, but not necessarily limited to, staff time, postage, legal notices, paper, duplicating costs, and mileage.

**17.09.030 Submission and acceptance of application.** The procedures in this section apply to Type I, II, III, IV, and V project permits.

(1) Determination of Completeness. Within 28 days after receiving a project permit application, the City shall send by mail or personally provide a written determination to the applicant which states either: (a) that the application is complete, or (b) that the application is incomplete and what is necessary to make the application complete.

(2) Identification of Other Agencies with Jurisdiction. To the extent known by the City, other agencies with jurisdiction over the project permit application shall be identified in the City's determination required by subsection (1) of this section.

(3) "Complete" Application/Additional Information. A project permit application is complete for purposes of this section when it meets the submission requirements in the table below under subsection (10). WMC 17.09.020, as well as the submission requirements contained in the applicable development regulations. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The City's determination of completeness shall not preclude the City from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action.

(4) Incomplete Application Procedure.

(a) If the applicant receives a determination from the City that an application is not complete, the applicant shall have 90 days to submit the necessary information to the City. Within 14 days after an applicant has submitted the requested additional information, the City shall make the determination as described in subsection (1) of this section, and notify the applicant in the same manner.

(b) If the applicant either refuses in writing to submit additional information or does not submit the required information within the 90-day period, the application shall lapse.

(c) In those situations where the application has lapsed because the applicant has failed to submit the required information within the necessary time period, the applicant may request a refund of the unexpended application fee by the City's determination of completeness.

(5) City's Failure to Provide Determination of Completeness. A project permit application shall be deemed complete under this section if the City does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1) of this section.

- (6) Date of Acceptance of Application. When the project permit application is complete, the Director shall accept it and note the date of acceptance.
- (7) The applicant shall designate a single person or entity to receive determination and notices required by this chapter. The single person or entity shall also be the designee for any contact regarding permit activity.
- (8) Insufficient Information. If, upon review of a complete application, the City finds that additional information is necessary, or corrections are required to be made to the plans to be consistent with City codes and regulations, the City shall write a letter to the applicant detailing the necessary corrections. The applicant shall have ninety calendar days to submit the necessary information to the City. If the applicant does not submit the required information within ninety calendar days, the Director shall make findings that the application has lapsed for failure to submit the necessary information in a timely manner and close the permit application file. The Director may allow for a time extension to submit the required information, not to exceed an additional ninety days. This section shall apply to permits applied for prior to the effective date of this section.
- (9) The Director shall have the authority to prepare how-to guides, forms and other information to aid applicants in applying for various project permits, and to further clarify the required elements of a complete application.
- (10) Permit Submittal Requirements Table.

Permit Submittal Requirements										
Submittal Requirements	Boundary Line Adjustment	Building Permit (inc. Mechanical/Plumbing/Demolition)	Critical Area Determination	Grading/Site Development Permit	Home Industry/Home Occupation	Shoreline Exemption	Signs/Master Signage Plan	Tree Removal	Required for Complete Application?	Submitted?
<b>General:</b>										
Application Form	X	X	X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Supplemental application form <sup>1</sup>							X		<input type="checkbox"/>	<input type="checkbox"/>
Legal Description	X	X	X	X		X	X		<input type="checkbox"/>	<input type="checkbox"/>
Owner Authorization Form	X	X	X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Contractor Verification		X		X			X	X	<input type="checkbox"/>	<input type="checkbox"/>
Project Narrative			X		X				<input type="checkbox"/>	<input type="checkbox"/>
Statement on Decision Criteria			X			X	X		<input type="checkbox"/>	<input type="checkbox"/>
Submittal fees	X	X	X	X	X	X	X		<input type="checkbox"/>	<input type="checkbox"/>
Building Height Verification	:	X		:	:				<input type="checkbox"/>	<input type="checkbox"/>
Traffic Impact Fee Worksheet		X		:	:				<input type="checkbox"/>	<input type="checkbox"/>
Notice Mailing Labels		:		:					<input type="checkbox"/>	<input type="checkbox"/>
Water and Sewer/Septic Availability Certificate	:	:		X	:				<input type="checkbox"/>	<input type="checkbox"/>

<b>Building Plans:</b>											
Building/ Construction Plans (max 22x34)		X				:		X		<input type="checkbox"/>	<input type="checkbox"/>
Structural/ Lateral Calculations		X				:		:		<input type="checkbox"/>	<input type="checkbox"/>
Isometrics		:								<input type="checkbox"/>	<input type="checkbox"/>
Asbestos Report		:								<input type="checkbox"/>	<input type="checkbox"/>
Energy Calculations		:								<input type="checkbox"/>	<input type="checkbox"/>
<b>Design Review Materials:</b>											
Design Review Checklist:		X						:		<input type="checkbox"/>	<input type="checkbox"/>
Building Elevations/ Building Floor Plans		X						:		<input type="checkbox"/>	<input type="checkbox"/>
Reduced elevations/floor plans		X						:		<input type="checkbox"/>	<input type="checkbox"/>
Color Renderings/ Color Elevations/ Materials Board		X						:		<input type="checkbox"/>	<input type="checkbox"/>
<b>Site/Civil Plans:</b>											
Site Plan (max 22x34)		X	X	X	X	X	X	X	:	<input type="checkbox"/>	<input type="checkbox"/>
Reduced Site Plan (max: 11x17)		X		X			X			<input type="checkbox"/>	<input type="checkbox"/>
Survey	X	:		:						<input type="checkbox"/>	<input type="checkbox"/>
Landscaping and Irrigation Plans		:		X				:	:	<input type="checkbox"/>	<input type="checkbox"/>
Reduced Landscaping Plan (max. 11x17)		:		X						<input type="checkbox"/>	<input type="checkbox"/>
Plat Map										<input type="checkbox"/>	<input type="checkbox"/>
Clearing and grading plans		X		X			X		:	<input type="checkbox"/>	<input type="checkbox"/>
Drainage study (TIR)/calculations		X		X			:			<input type="checkbox"/>	<input type="checkbox"/>
Road and drainage plans		X		X			X		:	<input type="checkbox"/>	<input type="checkbox"/>
Erosion Control Plans		X		X			X		:	<input type="checkbox"/>	<input type="checkbox"/>
Topography (existing and proposed.) (survey may be required)		X		X			X		:	<input type="checkbox"/>	<input type="checkbox"/>

Water/Sewer/ Utility Plans		:		X		X		:	<input type="checkbox"/>	<input type="checkbox"/>
<b>Environmental:</b>										
Geotechnical Report		:	:	:		:		:	<input type="checkbox"/>	<input type="checkbox"/>
SEPA Checklist		:	:	:		:		:	<input type="checkbox"/>	<input type="checkbox"/>
Critical Area Study (Wetland and Stream)		:	X	:		:		:	<input type="checkbox"/>	<input type="checkbox"/>
Wildlife Habitat Report		:	:	:		:		:	<input type="checkbox"/>	<input type="checkbox"/>
Tree Plan		:		X				X	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Study		:		:					<input type="checkbox"/>	<input type="checkbox"/>
<b>Other:</b>										
CC&R's		:							<input type="checkbox"/>	<input type="checkbox"/>
Photo Simulation diagram									<input type="checkbox"/>	<input type="checkbox"/>
Title Report (less than 30 days old)	X								<input type="checkbox"/>	<input type="checkbox"/>
School Safewalk Form		:							<input type="checkbox"/>	<input type="checkbox"/>

Permit Submittal Requirements									
Submittal Requirements	Temporary Use Permit	SEPA/ Project Approval	Binding Site Plan	Personal Wireless Service Facility Permit	Shoreline Permit	Conditional Use Permit	Special Use Permit	Required for Complete Application?	Submitted?
<b>General:</b>									
Application Form	X	X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Supplemental application form 1					:			<input type="checkbox"/>	<input type="checkbox"/>
Legal Description	X	X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Owner Authorization Form	X	X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Contractor Verification				X				<input type="checkbox"/>	<input type="checkbox"/>
Project Narrative		X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Statement on Decision Criteria					:		X	<input type="checkbox"/>	<input type="checkbox"/>
Submittal fees	X	X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Building Height Verification		:		X	:	:	:	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Impact Fee Worksheet	:	X			:	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Notice Mailing Labels		X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Water and Sewer/Septic Availability Certificate	:	X			X			<input type="checkbox"/>	<input type="checkbox"/>

<b>Building Plans:</b>									
Building/ Construction Plans (max 22x34)	:			X		:	:	<input type="checkbox"/>	<input type="checkbox"/>
Structural/ Lateral Calculations				X				<input type="checkbox"/>	<input type="checkbox"/>
Isometrics								<input type="checkbox"/>	<input type="checkbox"/>
Asbestos Report								<input type="checkbox"/>	<input type="checkbox"/>
Energy Calculations								<input type="checkbox"/>	<input type="checkbox"/>
<b>Design Review</b>									
<b>Materials:</b>									
Design Review Checklist		X				:	:	<input type="checkbox"/>	<input type="checkbox"/>
Building Elevations/ Building Floor Plans		X				:	:	<input type="checkbox"/>	<input type="checkbox"/>
Reduced elevations/floor plans		X				:	:	<input type="checkbox"/>	<input type="checkbox"/>
Color Renderings/ Color Elevations/ Materials Board		X				:	:	<input type="checkbox"/>	<input type="checkbox"/>
<b>Site/Civil Plans:<sup>2</sup></b>									
Site Plan (max 22x34)	X	X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Reduced Site Plan (max. 11x17)		X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Survey		:	X	:				<input type="checkbox"/>	<input type="checkbox"/>
Landscaping and Irrigation Plans		X		X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Reduced Landscaping Plan (max. 11x17)		X		X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Plat Map								<input type="checkbox"/>	<input type="checkbox"/>
Clearing and grading plans		X		:	X	:	:	<input type="checkbox"/>	<input type="checkbox"/>
Drainage study (TIR)/calculations		X			X	:	:	<input type="checkbox"/>	<input type="checkbox"/>
Road and drainage plans		X		:	X	:	:	<input type="checkbox"/>	<input type="checkbox"/>
Erosion Control Plans (TECSP)		X		X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Topography (existing and proposed.) (survey may be required)		X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Water/Sewer/ Utility Plans		X			:	:	:	<input type="checkbox"/>	<input type="checkbox"/>
<b>Environmental:</b>									
Geotechnical Report		:	:	:	:	:	:	<input type="checkbox"/>	<input type="checkbox"/>
SEPA Checklist		X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>

Critical Area Study (Wetland and Stream)	:	:		X	:	:	<input type="checkbox"/>	<input type="checkbox"/>
Wildlife Habitat Report	:	:		:	:	:	<input type="checkbox"/>	<input type="checkbox"/>
Tree Plan	X	:		:	:	:	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Study	:	:		:	:	:	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other:</b>								
CC&R's		:					<input type="checkbox"/>	<input type="checkbox"/>
Photo Simulation diagram				X			<input type="checkbox"/>	<input type="checkbox"/>
Title Report (less than 30 days old)	:	X					<input type="checkbox"/>	<input type="checkbox"/>
School Safewalk Form	:						<input type="checkbox"/>	<input type="checkbox"/>

Permit Submittal Requirements									
Submittal Requirements	Short Plat	Preliminary Plat	Variance	Final Plat	Comprehensive Plan Amendment	Zoning Code Amendment	Zoning Map Amendment	Required for Complete Application?	Submitted?
<b>General:</b>									
Application Form	X	X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Supplemental application form <sup>1</sup>								<input type="checkbox"/>	<input type="checkbox"/>
Legal Description	X	X	X	X			:	<input type="checkbox"/>	<input type="checkbox"/>
Owner Authorization Form	X	X	X	X				<input type="checkbox"/>	<input type="checkbox"/>
Contractor Verification								<input type="checkbox"/>	<input type="checkbox"/>
Project Narrative	X	X	X					<input type="checkbox"/>	<input type="checkbox"/>
Statement on Decision Criteria			X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Submittal fees	X	X	X	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Building Height Verification			:					<input type="checkbox"/>	<input type="checkbox"/>
Traffic Impact Fee Worksheet	X	X						<input type="checkbox"/>	<input type="checkbox"/>
Notice Mailing Labels	X	X	X				:	<input type="checkbox"/>	<input type="checkbox"/>
Water and Sewer/Septic Availability Certificate	X	X		X				<input type="checkbox"/>	<input type="checkbox"/>
<b>Building Plans:</b>									
Building/ Construction Plans (max 22x34)			:					<input type="checkbox"/>	<input type="checkbox"/>
Structural/ Lateral Calculations								<input type="checkbox"/>	<input type="checkbox"/>

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Isometrics								<input type="checkbox"/>	<input type="checkbox"/>
Asbestos Report								<input type="checkbox"/>	<input type="checkbox"/>
Energy Calculations								<input type="checkbox"/>	<input type="checkbox"/>
<b>Design Review Materials:</b>									
Design Review Checklist			:					<input type="checkbox"/>	<input type="checkbox"/>
Building Elevations/ Building Floor Plans			:					<input type="checkbox"/>	<input type="checkbox"/>
Reduced elevations/floor plans			:					<input type="checkbox"/>	<input type="checkbox"/>
Color Renderings/ Color Elevations/ Materials Board			:					<input type="checkbox"/>	<input type="checkbox"/>
<b>Site/Civil Plans: 2</b>									
Site Plan (max 22x34)		X	X				:	<input type="checkbox"/>	<input type="checkbox"/>
Reduced Site Plan (max. 11x17)		X	X				:	<input type="checkbox"/>	<input type="checkbox"/>
Survey				X				<input type="checkbox"/>	<input type="checkbox"/>
Landscaping and Irrigation Plans	:	X	:					<input type="checkbox"/>	<input type="checkbox"/>
Reduced Landscaping Plan (max. 11x17)	:	X	:					<input type="checkbox"/>	<input type="checkbox"/>
Plat Map	X	X		X				<input type="checkbox"/>	<input type="checkbox"/>
Clearing and grading plans	X	X	:					<input type="checkbox"/>	<input type="checkbox"/>
Drainage study (TIR)/calculations	X	X	:					<input type="checkbox"/>	<input type="checkbox"/>
Road and drainage plans	X	X	:					<input type="checkbox"/>	<input type="checkbox"/>
Erosion Control Plans	X	X	:					<input type="checkbox"/>	<input type="checkbox"/>
Topography (existing and proposed,) (survey may be required)	X	X	X					<input type="checkbox"/>	<input type="checkbox"/>
Water/Sewer/Utility Plans	X	X	:					<input type="checkbox"/>	<input type="checkbox"/>
<b>Environmental:</b>									
Geotechnical Report	:	:						<input type="checkbox"/>	<input type="checkbox"/>
SEPA Checklist	:	X			X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
Critical Area Study (Wetland and Stream)	:	:						<input type="checkbox"/>	<input type="checkbox"/>
Wildlife Habitat Report	:	:						<input type="checkbox"/>	<input type="checkbox"/>
Tree Plan	X	X						<input type="checkbox"/>	<input type="checkbox"/>

Traffic Study		X						<input type="checkbox"/>	<input type="checkbox"/>
Other:									
CC&R's	X	X						<input type="checkbox"/>	<input type="checkbox"/>
Photo Simulation diagram								<input type="checkbox"/>	<input type="checkbox"/>
Title Report (less than 30 days old)	X	X		X				<input type="checkbox"/>	<input type="checkbox"/>
School Safewalk Form	X							<input type="checkbox"/>	<input type="checkbox"/>

**Footnotes:**

X In the codified version of this checklist, a "X" indicates that the item is required for submittal. The Director shall set the number of copies required.

• In the codified version of this checklist, a "\*" indicates that the item may be required for submittal. The Director shall set the number of copies required.

1 See supplemental application form for specific submittal requirements.

2 Preliminary plans (grading, drainage, etc.) are required for project approvals, shoreline permits, conditional use permits, variances, preliminary plats and short plats. Final plans are required for grading and site development permits and building permits.

**17.09.040 Notice of application.**

A notice of application shall be issued on all Type II and III project permit applications in accordance with the provisions of WMC 17.11.010 and 17.11.020. ~~To the extent consistent with Chapter 14.04 WMC and Chapter 197-11 WAC, a notice of application may be processed concurrently with a SEPA determination of nonsignificance (DNS) where the optional DNS process pursuant to WAC 197-11-355 is utilized.~~

**17.09.050 Referral and review of project permit applications.**

For all Type I, II, III, IV, and V project permits, ~~W~~within 14 days of accepting a complete application, and as part of the notice of application, where applicable, the Director shall do the following:

- (1) Transmit a copy of the application, or appropriate parts of the application, to each affected agency and City departments for review and comment, including those responsible for determining compliance with State and Federal requirements. The affected agencies and City departments shall have 15 days to comment. The referral agency or City department is presumed to have no comments if comments are not received within the specified time period. The Director shall grant an extension of time for comment only if the application involves unusual circumstances. ~~Any extension shall only be for a maximum of three additional days. The agency requesting the extension shall provide a timeframe for review, not to exceed an additional fifteen days.~~
- ~~(2) If a Type III procedure is required, notice and hearing shall be provided as set forth in WMC 17.11.030 and Chapter 17.15 WMC.~~

**17.09.060 Notice of final decision.**

Following the completion of any hearing, procedure, or administrative decision, the project permit application shall be approved, approved with conditions or denied, and a written notice of decision shall be issued within ten calendar days.

- (1) Time Limits.
  - (a) The City shall issue a notice of final decision on ~~a~~Type II and III project permit applications within 120 days after the applicant is notified that the applications is complete.
  - (b) The City shall exclude the following period from the 120-day requirement:

- (i) Any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional required information. ~~The period shall be calculated from the date the City notifies the applicant by certified mail for additional information until the date no more than 14 days after the applicant has submitted the requested information. The City shall determine if the information submitted is sufficient. If the information is not sufficient, this process will begin again;~~
  - (ii) Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance;
  - (iii) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed.
  - (iv) Any extension of time mutually agreed upon by the applicant and the City.
- (2) Final Notice Distribution. ~~For Type II, and III project permits, the~~The City shall provide a notice of decision that also includes a statement of any SEPA threshold determination made and the procedures for administrative filing an appeal. The notice shall be provided to the applicant and any person or agency who, prior to the rendering of the decision, requested notice of decision or submitted substantive comments on the application. Notice shall also be published and posted pursuant to WMC 17.11.040. The Notice shall state that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. The Notice shall be provided to the county assessor's office of the county or counties in which the property is situated.
- (3) The City shall provide a written notice to the applicant if the final decision is not issued within specified time limits. The written notice shall state the reasons why and the estimated date of decision.
- (4) Exemptions. The following project permits are exempt from the time limits established in this section:
- (a) An amendment to the Comprehensive Plan or development regulation;
  - (b) Approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or siting of an essential public facility as provided in RCW 36.70A.200;
  - (c) Projects that have been substantially revised by the applicant pursuant to WMC 17.09.070;
  - ~~(d) Exemptions pursuant to WMC 17.07.070(1) and (2);~~
  - (ed) Any extension of time mutually agreed upon in writing by the applicant and the City.

**17.09.070 Substantial revisions or modifications to proposal.**

- (1) A revision or modification to the content of an application before or after issuance of the permit, either voluntarily or to conform with applicable standards and requirements, shall be deemed a new application for the purpose of vesting when the revision or modification would result in a substantial increase in a project's impacts as determined by the Director. In reaching a decision on whether a revision is substantial, the Director may consider the relative and absolute magnitude of the revision; the environmental sensitivity of the site; any changes in location of significant elements of the project and their relationships to public facilities, surrounding lands and land uses; and the review cycle of the proposal.
- (2) Written notice of such determination of substantial revision or modification shall be provided to the applicant and all parties of record.
- (3) A determination that any revision or modification is substantial shall conform to the time periods set forth in WMC 17.09.060(1). The review cycle for the revised project application shall begin

with the date the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations, and standards in effect on the date of receipt of such complete substantial revision.

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**Chapter 17.11**  
**PUBLIC NOTICE**

Sections:

- 17.11.010 Required public notice of application.
- 17.11.020 Optional public notice.
- 17.11.025 Notice of SEPA Threshold Determination
- 17.11.030 Notice of public hearing.
- 17.11.040 Notice methods.

**17.11.010 Required public notice of application.**

(1) Notice of Application Required for Type II and III Project Permits. Notice of Application for Type II and III project permits is required in accordance with this chapter. ~~The City shall provide public notice of a project permit application by publication in the City's official newspaper and by posting as provided in WMC 17.11.040.~~

(a) Contents. The notice of application shall include:

- (i) The file number(s);
- (ii) The name of the applicant;
- (iii) The date of application, the date of the notice of completion for the application and the date of the notice of application;
- (iv) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;
- (v) The identification of other permits not included in the application, to the extent known by the City;
- (vi) A site plan, if applicable;
- (vii) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
- (viii) A statement of the limits of the public comment period, which shall be not less than 4415 days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
- (ix) The date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application;
- (x) A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and of consistency as provided in Chapter 17.13 WMC;
- (xi) Any other information determined appropriate by the City, such as the City's threshold determination, if complete at the time of issuance of the notice of application;
- (xii) Identification of the responsible City official.

(xiii) For Shoreline permits, the following additional information shall be required:

1) A statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application within a reasonable time after issuance of the decision, may submit the comments or requests for decisions to the City within 30 days of the last date the notice is to be published pursuant to this subsection. The City shall forward, in a timely manner following issuance of the decision, a copy of the decision to each person who submits a request for the decision.

2) Notice of the hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

- (b) Time Frame for Issuance of Notice of Application. (i) Within 14 days after the City has made a determination of completeness of a project permit application, the City shall issue a notice of application. (ii) If any open record pre-decision hearing is required for the requested project permit(s), the notice of application shall be provided at least 15 days prior to the open record hearing.
- (c) Public Comment on the notice of application. (i) The public comment period for a notice of application shall be 4415 days after notice issuance, except that the public comment period for shoreline permits shall be 30 days after notice issuance. (ii) All public comments received on the notice of application must be received in the Development Services Department of Community Development by 5:00 4:00 p.m. on the last day of the comment period. Comments may be mailed or personally delivered. Comments should be as specific as possible.
- (d) SEPA Threshold Determination Issuance and Notice of Application.
- (i) Except for a determination of significance, the City may not issue its threshold determination or issue a decision or recommendation on a project permit until the expiration of the public comment period on the notice of application.
- (ii) If the City issues a determination of significance pursuant to Chapter 14.04 WMC concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. The determination of significance and scoping notice may be issued prior to the notice of application.

~~(2) Shoreline Master Program (SMP) Permits.~~

~~(a) Methods of Providing SMP Notice. Notice of the application of a permit under the preview of the City's Shoreline Master Program (SMP) shall be given by at least one of the following methods:~~

- ~~(i) Mailing of the notice to the latest recorded real property owners as shown by the records of the County assessor within at least 500 feet of the boundary of the property upon which the substantial development is proposed;~~
- ~~(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed pursuant to WMC 17.11.040(1); or~~
- ~~(iii) Any other manner deemed appropriate by the City to accomplish the objectives of reasonable notice to adjacent landowners and the public.~~

~~(b) Content of SMP Notice. The notices shall include:~~

~~(i) A statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application within a reasonable time after issuance of the decision, may submit the comments or~~

~~requests for decisions to the City within 30 days of the last date the notice is to be published pursuant to this subsection. The City shall forward, in a timely manner following issuance of the decision, a copy of the decision to each person who submits a request for the decision.~~

~~(ii) Notice of the hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.~~

~~(iii) The public comment period shall be 30 days. The notice shall state the manner in which the public may obtain a copy of the City's decision on the application no later than two days following its issuance.~~

~~(3) SEPA Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required.~~

#### **17.11.020 Optional public notice.**

As optional methods of providing public notice of any project permits, the City may:

- (1) Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- (2) Notifying the news media;
- (3) Placing notices in appropriate regional or neighborhood newspapers or trade journals;
- (4) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas.

The City's failure to provide the optional notice as described in this subsection shall not be grounds for invalidation of any permit decision.

#### **17.11.025 Notice of SEPA Threshold Determination**

(1) A period of public comment shall be provided after threshold determinations under WAC 197-11-070, 197-11-259, 197-11-340, 197-11-355, 197-11-390 and 197-11-502.

(2) Public comment periods shall be as follows:

(a) DNS or MDNS: A 14-day comment period shall be required.

(b) Optional DNS: Combined with notice of application. See WMC 14.04.140 and WAC 197-11-355;

(c) Scoping: 21 days; 14 days if combined with notice of application; longer if expanded scoping is used (see WAC 197-11-410).

(3) A SEPA Threshold Determination shall be issued a minimum of 15 days before any open record public hearing.

#### **17.11.030 Notice of public hearing.**

(1) ~~Content of Notice of Public Hearing for all Types of Applications.~~ The notice given of a public hearing required in this chapter shall contain:

- (a) The name and address of the applicant or the applicant's representative;
- ~~(b) Description of the affected property, which may be in the form of either a vicinity location or written description, other than a legal description;~~
- ~~(c) The date, time and place of the hearing;~~

- (dc) A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to the use of a map or postal address and a subdivision lot and block designation;
  - (ed) ~~The nature of the proposed use of development;~~ A description of the proposed project action and a list of the project permits included in the application;
  - (fe) A statement that all interested persons may appear and provide testimony;
  - (gf) The sections of the code that are pertinent to the hearing procedure;
  - (hg) A statement of when information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted;
  - (ih) The name of a local government representative to contact and the telephone number where additional information may be obtained;
  - (ji) That a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at the City's cost;
  - (kj) That a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided at the City's cost.
- (2) ~~Mailed Notice. Mailed notice of the public hearing shall be provided as follows:~~
- (a) ~~Type I, Type II, and Type IV Actions. No public notice is required because no public hearing is held, except on an appeal of a Type II action.~~
  - (b) ~~Type III Actions. The notice of public hearing shall be mailed to:~~
    - (i) ~~The applicant;~~
    - (ii) ~~All owners of property within 500 feet of the subject property;~~
    - (iii) ~~Any person who submits written or oral comments on an application.~~

~~(See additional requirements in WMC 17.11.010 above for SMP applications.)~~
  - (c) ~~Type III Preliminary Plat Actions. In addition to the notice for Type III actions above for preliminary plats, additional notice shall be provided as follows:~~
    - (i) ~~Notice of the filing of a preliminary plat adjacent to or within one mile of the municipal boundaries of a city or town, or which contemplates the use of any city or town utilities shall be given to the appropriate city or town authorities.~~
    - (ii) ~~Notice of the filing of a preliminary plat of a proposed subdivision located in a city or town and adjoining the municipal boundaries thereof shall be given to the appropriate County officials.~~
    - (iii) ~~Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a State highway or within two miles of the boundary of a State or municipal airport shall be given to the Secretary of Transportation, who must respond within 15 days of such notice.~~
    - (iv) ~~Special notice of the hearing shall be given to adjacent landowners by any other reasonable method the City deems necessary. Adjacent landowners are the owners of real property, as shown by the records of the County assessor, located within 500 feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided,~~

~~notice required by section WMC 17.11.040(3) shall be given to owners of real property located within 500 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.~~

~~(32) Type V Actions. For Type V legislative actions, the City shall publish notice pursuant to WMC 17.11.040, as described in WMC 17.11.030(4)(b) below.~~

~~(4) General Procedure for Mailed Notice of Public Hearing.~~

~~(a) The records of the King County or Snohomish County Assessor's Office shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the applicable County's real property tax records. The Director shall issue a sworn certificate of mailing to all persons entitled to notice under this chapter. The Director may provide notice to other persons that those required to receive notice under the code.~~

~~(b) All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.~~

~~(5) Procedure for Posted or Published Notice of Public Hearing.~~

~~(a) Posted notice of the public hearing is required for all Type III and IV project permit applications. The posted notice shall be posted as required by WMC 17.11.040(1)(a).~~

~~(b) Published notice is required for all Type III, IV and V procedures. The published notice shall be published in the City's official newspaper.~~

~~(63) Time and Cost of Notice of Public Hearing.~~

~~(a) Notice shall be mailed, posted and first published provided not less than 15 days prior to the hearing date. Any posted notice shall be removed by the applicant within 15 days following the public hearing.~~

~~(b) All costs associated with the public notice shall be borne by the applicant.~~

~~(74) Notice – Exception to Public Hearing Notice Requirements. If testimony cannot be completed prior to adjournment on the date set for a hearing, the presiding official shall:~~

~~(a) Announce prior to adjournment the time and place said hearing will be continued; or~~

~~(b) Provide mailed notice for a continued hearing to all parties of record, when a new time and place is determined.~~

**17.11.040 Notice methods.**

(1) Notice of Application, SEPA Determination, and Notice of Public Hearing, shall be noticed in accordance with the table below. Notice of Decision shall be noticed in accordance with WMC 17.09.060(2).

**Public Noticing Requirements**

<u>Type of Application</u>	<u>Post Site</u>	<u>Post at Designated Posting Locations</u>	<u>Advertise in Designated Newspaper</u>	<u>Property Owner Notification</u>	
				<u>Within 500'</u>	<u>Abutting</u>

Type II Projects	X	X	X	X	
Type III Projects	X	X	X	X	

(42) Posting. Posting of the property for site specific proposals shall consist of one or more notice boards as follows:

- (a) A single notice board shall be placed by the applicant;
  - (i) At the midpoint of the site street frontage or as otherwise directed by the City for maximum visibility;
  - (ii) Five feet inside the street property line, except when the board is structurally attached to an existing building; provided, that no notice board shall be placed more than five feet from the street property without approval of the Department;
  - (iii) So that the top of the notice board is between seven to nine feet above grade; and
  - (iv) Where it is completely visible to pedestrians.
- (b) Additional notice boards may be required when:
  - (i) The site does not abut a public road;
  - (ii) A large site abuts more than one public road; or
  - (iii) The Director determines that additional notice boards are necessary to provide adequate public notice.
- (c) Notice boards shall be:
  - (i) Maintained in good condition by the applicant during the notice period;
  - (ii) In place at least 15 days prior to the date of hearing, or at least 15 days prior to the end of any required comment period;
  - (iii) Removed within 15 days after the end of the notice period.
- (d) Removal of the notice board prior to the end of the notice period may be cause for discontinuance of the Department review until the notice board is replaced and remains in place for the specified time period.
- (e) An affidavit of posting shall be submitted to the ~~Director~~ City by the applicant prior to the hearing or final comment date. If the affidavits are not filed as required, any scheduled hearing or date by which the public may comment on the application will be postponed in order to allow compliance with this notice requirement. If the City posts the notice, then the City shall issue an affidavit of posting.
- (f) Notice boards shall be constructed and installed in accordance with specifications promulgated by the Department.

(23) Published Notice. Published notice shall include at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed. Notice of a proposed action shall be published by the City at least 15 days prior to the public hearing or the end of any required comment period in the official City newspaper or another newspaper of general circulation in the affected area. The City shall issue an affidavit of publication.

(34) Notice – Mailed Notice. Mailed notice for proposed action shall:

- (a) Be sent by the Department by first class mail to owners of property in an area within 500 feet of the site, and to the extent possible to tenants or residents living within 500 feet of the site; provided such area shall be expanded as necessary to send mailed notice to at least 20 different property owners, and tenants or residents.
- (b) ~~Be considered supplementary to posted or published notice.~~ All mailed notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.
- (c) Be deemed satisfactory despite the failure of one or more owners, tenants and residents to receive mailed notice.
- (d) The records of the King County or Snohomish County Assessor's Office shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the applicable County's real property tax records. The City shall issue an affidavit of mailing. The Director may provide additional notice to persons other than those required to receive notice under the code.

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**Chapter 17.13**  
**CONSISTENCY WITH DEVELOPMENT REGULATIONS AND SEPA**

**17.13.010 Determination of consistency.**

- (1) Purpose. When the City receives a project permit application, consistency between the proposed project and the applicable regulations and Comprehensive Plan should be determined through the process in this chapter and the City's adopted SEPA ordinance, Chapter 14.04 WMC.
- (2) Consistency. During project permit application review, the City shall determine whether the ~~items listed in this subsection are defined in the development regulations applicable to the proposed project~~ proposed project is consistent with the applicable development regulations. In the absence of applicable development regulations, the City shall determine whether the ~~items listed in this subsection are defined in the City's adopted Comprehensive Plan~~ City's adopted comprehensive plan contains policies which address the unregulated impacts. This determination of consistency shall include the following:
  - (a) The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;
  - (b) The level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density; and
  - (c) ~~Availability and adequacy of infrastructure and public facilities identified in the Comprehensive Plan, if the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW~~ Availability and adequacy of infrastructure, public facilities and services identified in the comprehensive plan and needed to serve the development; and
  - (d) Character of the development, such as development standards.

\* \* \*

**17.13.030 Categorically exempt and planned actions.**

- (1) Categorically Exempt. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement. An

action that is categorically exempt under the rules adopted by the Department of Ecology (Chapter 197-11 WAC) may not be conditioned or denied under SEPA.

(2) Planned Actions.

- (a) A planned action does not require a threshold determination or the preparation of an environmental impact statement under SEPA, but is subject to environmental review and mitigation under SEPA.
- (b) A "planned action" means one or more types of project action that:
  - (i) Are designated planned actions by an ordinance or resolution adopted by the City;
  - (ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with:
    - (A) The Comprehensive Plan or subarea plan adopted under Chapter 36.70A RCW, or
    - (B) A fully contained community, a master planned resort, a master planned development or a phased project;
  - (iii) Are subsequent or implementing projects for the proposals listed in (b)(ii) of this subsection;
  - (iv) Are located within an urban growth area, as defined in RCW 36.70A.030;
  - (v) Are not essential public facilities, as defined in RCW 36.70A.200;
  - (vi) Are consistent with the City's Comprehensive Plan adopted under Chapter 36.70A RCW.

(3) Limitations on Planned Actions. The City shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the City and may limit a planned action to a time period identified in the environmental impact statement or in the ordinance or resolution designating the planned action under RCW 36.70A.040.

~~(4) Limitations on SEPA Review. During project review, the City shall not re-examine alternatives to or hear appeals on the items identified in WMC 17.13.010(2), except for issues of code interpretation. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.~~

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**Chapter 17.15**  
**OPEN RECORD PUBLIC HEARINGS**

Sections:

- 17.15.010 General.
- 17.15.020 Responsibility of Director of Community Development and/or his/her designees for hearing.
- 17.15.030 Conflict of interest, ethics, open public meetings, appearance of fairness.
- 17.15.040 Ex parte communications.
- 17.15.050 Disqualification.
- 17.15.060 Burden and nature of proof.
- 17.15.070 Order of proceedings.
- 17.15.080 Decision and notice of decision.
- 17.15.090 Issuance of notice of final decision.

**17.15.010 General.**

Public hearings on all Type II, III and V project permit applications, as defined in WMC 17.07.030, shall be conducted in accordance with this chapter.

**17.15.020 Responsibility of Director of Community Development and/or his/her designees for hearing.**

The Director shall:

- (1) Schedule an application for review and public hearing.
- (2) Give notice.
- (3) Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the City's authority under SEPA. If the threshold determination other than a determination of significance has not been issued previously by the City, the report shall include or append this determination. In the case of a Type I or II project permit application, this report may be the permit.
- (4) Prepare the notice of decision, if required by the hearing body and/or mail a copy of the notice of decision to those required by this code to receive such decision.

**17.15.030 Conflict of interest, ethics, open public meetings, appearance of fairness.**

The hearing body shall be subject to the code of ethics (RCW 35A.42.020), prohibitions on conflict of interest (RCW 35A.42.020 and Chapter 42.23 RCW), open public meetings (Chapter 42.30 RCW), and appearance of fairness (Chapter 42.36 RCW) as the same now exist or may hereafter be amended.

**17.15.040 Ex parte communications.**

- (1) No member of the hearing body may communicate, directly or indirectly, regarding any issue in a proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:
  - (a) The hearing body may receive advice from legal counsel;
  - (b) The hearing body may communicate with staff members (except where the proceeding relates to a code enforcement investigation or prosecution);
  - (c) If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in subsection (2) below.
- (2) If the hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:
  - (a) All written communications received;
  - (b) All written responses to the communication;
  - (c) State the substance of all oral communications received and all responses made;
  - (d) The identity of each person from whom the examiner received any ex parte communications.

The hearing body shall advise all parties that these matters have been placed on the record. Upon request made within 10 days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

**17.15.050 Disqualification.**

- (1) A member of the hearing body who is disqualified shall not be counted for purposes of forming a quorum. Any member who is disqualified may do so only by making full disclosure to the audience, abstaining from voting on the proposal, vacating the seat on the hearing body and physically leaving the hearing.
- (2) If all members of the hearing body are disqualified, all members present after stating their reasons for disqualification shall be re-qualified and shall proceed to resolve the issues.
- (3) Except for Type V actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

**17.15.060 Burden and nature of proof.**

Except for Type V actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the City's development regulations, Comprehensive Plan and that any significant adverse environmental impacts have been adequately addressed.

**17.15.070 Order of proceedings.**

- (1) The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.
  - (a) Before receiving information on the issue, the following shall be determined:
    - (i) Any objections on jurisdictional grounds shall be noted on the record and if there is objection, the hearing body has the discretion to proceed or terminate.
    - (ii) Any abstentions or disqualifications shall be determined.
  - (b) The presiding officer may take official notice of known information related to the issue, such as:
    - (i) A provision of any ordinance, resolution, rule, officially adopted development standard or State law;
    - (ii) Other public records and facts judicially noticeable by law.
  - (c) Matters officially noticed need not be established by evidence and be considered by the hearing body in its determination. Parties requesting notice shall do so on the record. However, the hearing body may take notice of matters listed in subsection (1)(b) of this section if stated for the record. Any matter given official notice may be rebutted.
  - (d) The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view on the record.
  - (e) Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

- (f) When the presiding officer has closed the public hearing portion of the hearing, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

**17.15.080 Decision and notice of decision.**

- (1) Following the hearing procedure described in WMC 17.15.070, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse or remand the decision that is on appeal.
- (2) The hearing body's written decision shall be issued within 10 working days after the hearing on the project permit application. The ~~n~~Notice of final d~~Decision~~ shall be issued within 120 days after the City notifies the applicant that the application is complete. The time frames set forth in this section and WMC 17.15.090 shall apply to project permit applications filed on or after April 1, 1996.
- (3) The City shall provide a notice of decision that also includes a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal, if any. ~~For Type II, III and IV project permits, the notice of decision on the issued permit shall contain the requirements set forth in WMC 17.13.020(1).~~
- ~~(4) The notice of decision shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.~~
- ~~(5) The notice of decision shall be provided to the public as set forth in WMC 17.11.030.~~
- ~~(6) If the City is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall included a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of decision.~~

**17.15.090 Issuance of notice of final decision.**

- ~~(1) Notice of decision shall be issued pursuant to WMC 17.09.060. The time periods for issuing a final decision are subject to WMC 17.09.060.~~
- ~~(2) Administrative appeals of project permits, if an open record appeal hearing or a closed record appeal shall be processed within the following time periods:
  - ~~(a) Ninety days for an open record appeal hearing; and~~
  - ~~(b) Sixty days for a closed record appeal.~~The parties may agree to extend these time periods.~~

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**Chapter 17.17**  
**CLOSED RECORD DECISIONS AND APPEALS**

Sections:

- 17.17.010 Appeals of decisions.
- 17.17.020 Consolidated appeals.
- 17.17.030 Standing to initiate administrative appeal.
- 17.17.040 Closed record decisions and a~~a~~Appeals.
- 17.17.050 Procedure for closed record decision/appeal.
- 17.17.060 Judicial appeals.

**17.17.010 Appeals of decisions.**

Project permit applications shall be appealable as provided in the framework in WMC 17.07.030.

**17.17.020 Consolidated appeals.**

- (1) All appeals of project permit application decisions, other than an appeal of determination of significance (DS), shall be considered together in a consolidated appeal.
- ~~(2) Appeals of environmental determinations under SEPA shall proceed as provided in WMC 14.04.260.~~

**17.17.030 Standing to initiate administrative appeal.**

- (1) Limited to Parties of Record. Only parties of record may initiate an administrative appeal of a Type II, III or IV decision on a project permit application.
- (2) Definition. The term "parties of record", for the purposes of this chapter, shall mean:
  - (a) The applicant;
  - (b) Any person who testified at the open record public hearing on the application; and/or
  - (c) Any person who submitted written comments concerning the application at the open record public hearing excluding persons who have only signed petitions or mechanically produced form letters.

**~~17.17.040 Closed record decisions and Appeals.~~**

- ~~(1) Type II, III, or IV Project Decisions or Recommendations. Appeals of the hearing body's decision or recommendation on a Type II, III or IV project permit application shall be governed by the following:
  - ~~(a) Standing. Only parties of record have standing to appeal the hearing body's decision.~~~~
- ~~(b1) Time to File. An administrative appeal of the hearing body's decision must be filed within 14 calendar days following issuance of the hearing body's written decision. Appeals and the appeal fee shall be delivered to the Planning Director by mail or personal delivery before 5:00 4:00 p.m. on the last business day of the appeal period. ~~(e) Computation of Time.~~ For the purposes of computing the time for filing an appeal, the day the hearing body's decision is rendered shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the City's ordinances as a legal holiday, then it also is excluded and the filing must be completed on the next business day.~~
- ~~(d2) Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee as set by the City's most current fee resolution, and contain the following information:
  - (ia) Appellant's name, address and phone number;
  - (iib) Appellant's statement describing his or her standing to appeal;
  - (iiic) Identification of the application which is the subject of the appeal;
  - (ivd) Appellant's statement of grounds for appeal and the facts upon which the appeal is based;
  - (ve) The relief sought, including the specific nature and extent;
  - (vif) A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.~~
- ~~(e3) Effect. The timely filing of an appeal shall stay the effective date of the hearing body's decision until such time as the appeal is adjudicated by the Council or withdrawn.~~
- ~~(f4) Notice of Appeal. The Director shall provide public notice of the appeal as provided in WMC 17.11.030(2)(b)(i) and 17.11.030(2)(b)(iii)WMC 2.30.~~

(5) Administrative appeals of project permits, whether an open record appeal hearing or a closed record appeal shall be considered and decided within the following time periods:

(a) Ninety days for an open record appeal hearing; and

(b) Sixty days for a closed record appeal.

The parties may mutually agree to extend these time periods.

(6) The City shall issue a written decision of appeal within ten calendar days of the appeal body's final action to the parties of record disclosing whether the appeal is upheld or denied.

~~(g) The Planning Director may, in his or her sole discretion, waive the appeal period for Type II development applications when a request for waiver is made by the applicant and property owner and then only when the applicant and property owner are the only parties of record with standing. Request for waiver must be made in writing and must state the reason for the requested waiver.~~

**17.17.050 Procedure for closed record decision/appeal.**

- (1) The provisions of WMC 17.15 following subsections of this title shall apply to a closed record decision/appeal hearing, except as noted below: 17.15.030; 17.15.040; 17.15.050; 17.15.060; 17.15.070(1)(a); 17.15.070(1)(b); 17.15.070(1)(c); 17.15.070(1)(d); 17.15.070(1)(f); and 17.15.080.
- (2) The closed record appeal/decision hearing shall be on the record before the hearing body, and no new evidence may be presented.

**17.17.060 Judicial appeals.**

- (1) The City's final decision on an application may be appealed by a party of record with standing to file a land use petition in King County Superior Court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW.
- (2) ~~The Planning Director may, in his or her sole discretion, waive the appeal period for Type I development applications when a request for waiver is made by the applicant and property owner and then only when the applicant and property owner are the only parties of record with standing. Request for waiver must be made in writing and must state the reason for the requested waiver. In the event that the Planning Director agrees to said requested waiver, the applicant shall be required to execute a release agreement in a form approved by the City Attorney.~~

**Chapter 20.08**  
**SUBDIVISION AND SHORT**  
**SUBDIVISION PROCEDURES**

**20.08.030 Preliminary plat review.**

- (1) Application Submittal. Whenever it is proposed to subdivide land into five or more lots, tracts, parcels, sites or divisions, the applicant shall file with the Planning Department a preliminary plat application packet in conformance with WMC 17.09.020030.
- (2) Public Notice. Notice of the public hearing shall be provided in compliance with Chapter 17.11 WMC.
- (3) Public Hearing and Public Hearing Record. Upon completion of the public hearing notice period, the Hearing Examiner shall hold a public hearing to receive all relevant evidence to determine whether to approve, approve with conditions or deny the preliminary plat, in accordance with Chapter 17.15 WMC.

- (4) Criteria. As a basis for approval, approval with conditions or disapproval of a preliminary plat, the Hearing Examiner shall determine if appropriate provisions have been made for, but not limited to, the purpose and criteria set forth in Chapter 20.06 WMC, Subdivision and Short Subdivision Regulations.
- (5) Decisions by the Hearing Examiner. The final decision made by the Hearing Examiner shall be given the effect of an administrative decision and shall be provided in compliance with the provisions of ~~Chapter~~ WMC 17.09.060 and 17.15 WMC. The decision may be appealed to the City Council in compliance with Chapter 17.17 WMC. If the decision is appealed, the appeal shall stay the running of the 90-day time period defined below in subsection (8), Time Limits, below.
- (6) The Hearing Examiner shall make written findings that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools, and schoolgrounds.
- (7) Effect of Preliminary Plat Approval. Approval of the preliminary plat shall constitute authorization for the applicant to develop the subdivision facilities and improvements in strict accordance with the plans and specifications as approved by the City subject to any conditions imposed by the Hearing Examiner.
- (8) Time Limits.
  - (a) Approval within 90 Days. A preliminary plat shall be approved, approved with conditions, disapproved or returned to the applicant for modification or correction within 90 days from the date of filing of a complete application ~~and completion of all required improvements~~ unless the applicant agrees to an extension of the time period in writing; provided, should an environmental impact statement (EIS) be required per RCW 43.21C.030, Guidelines for State Agencies, Local Governments, the 90-day period shall not include the time spent in preparing and circulating the EIS by the City. A preliminary plat application shall not be deemed "complete" until all of the preliminary plat application submittal requirements of the City's checklist have been submitted, pursuant to WMC 17.09.020030.
  - (b) Limitation on Approval. Final plat approval must be acquired within five years of preliminary approval, after which time the preliminary subdivision approval is void. An extension may be granted by the ~~Hearing Examiner~~ Planning Director for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the ~~Hearing Examiner~~ City requesting the extension at least 30 days before expiration of the five-year period.

#### **20.08.040 Final plat.**

- (1) Application Submittal. The final plat application packet shall include the application, documents, certification, survey data, and demonstration that the required infrastructure has been constructed and/or any approved security for completion of required improvements at a later date. A complete application shall be submitted pursuant to WMC 17.09.030.
- (2) Review – Time Limits. Final plat shall be approved, disapproved or returned to the applicant for modification or correction within 30 days from the date of filing unless the applicant consents to an extension of such time period.
- (3) Review – Director of Public Works. The Director of Public Works or a licensed professional engineer acting on behalf of the City shall review the survey data, layout of lot lines, streets, alleys and other rights-of-way, design of bridges, and utility systems improvements including storm drainage, water and sanitary sewer. The Director of Public Works or other professional

engineer acting on behalf of the City shall convey his findings to the City Council. Prior to approval, the engineer shall assure that:

- (a) The proposed final plat meets all standards established by State law and this section relating to the final plat's drawings and subdivision improvements;
  - (b) The proposed final plat bears the certificates and statements of approval required by this section;
  - (c) Current title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final plat;
  - (d) The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat;
  - (e) The facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has provided a security in an amount and with securities commensurate with the improvements such as landscaping or final lift or asphalt paving remaining to be completed, securing to the City the construction and installation of the improvements;
  - (f) The surveyor has certified that all survey monument lot corners are in place and visible.
- (4) Review – City Council. The City Council shall review the final plat as follows:
- (a) At a public meeting, the City Council shall, ~~pursuant to WMC 17.07.030~~, determine whether the subdivision proposed for final subdivision approval conforms to all terms of preliminary approval, and whether the subdivision meets the requirements of Chapter 20.06 WMC, applicable State laws and all other local ordinances adopted by the City which were in effect at the time of preliminary approval.
  - (b) If the conditions have been met, the City Council shall authorize the Mayor to inscribe and execute the written approval on the face of the plat map. If the City Council disapproves the plat, it will be returned to the applicant with reasons for denial and conditions for compliance.
  - (c) The City Council shall make written findings that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools, and school grounds.
- (5) Recording. All final plats shall be recorded in compliance with the following:
- (a) Recording Required. No final plat shall be recorded unless approved by the City Council. The original of an approved final plat shall be filed for record with the County Auditor.
  - (b) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original final plat drawings to the Planning Department together with the plat checking fees and performance bond(s). After the City has approved said drawings, the applicant shall submit the City-approved original final plat drawings to the County Auditor together with the recording fees.

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#### **20.08.070 Short subdivision review.**

- (1) Application Submittal. Whenever it is proposed to subdivide land into four or fewer lots, tracts, parcels, sites or division, the applicant shall file with the Planning Department a short

subdivision application packet in compliance with the requirements as set forth in WMC 17.09.020030 and Chapter 20.06 WMC, Subdivision and Short Subdivision Regulations.

- (2) Public Notice. Notice of the filing of the short subdivision application shall be provided in compliance with ~~Chapter 17.09 WMC~~ 17.11 and RCW 58.17.155, Short Subdivision Adjacent to State Highway – Notice to Department of Transportation.
- (3) Criteria. As a basis for approval, approval with conditions or disapproval of a short subdivision, the ~~Planning Director~~ City shall determine if appropriate provisions have been made for but not limited to the purpose and criteria set forth in Chapter 20.06 WMC, Subdivision and Short Subdivision Regulations.
  - (a) Approval. Within 30 days of the date of filing the application for a short subdivision, unless an extension is granted in writing by the applicant, the applicant shall be notified in writing of one of the following:
    - (i) That the final approval has been granted;
    - (ii) That tentative approval has been granted;
    - (iii) That the application is returned due to certain omissions, problems, deficiencies, or noncompliance with short plat requirements; or
    - (iv) That the application has been disapproved.

Provided, that all time expended to complete required environmental review under the State Environmental Policy Act for those short subdivisions which are not categorically exempt, including, but not limited to, time expended by the responsible official in reviewing the proposal and issuing a threshold determination, time spent in preparing and issuing a final environmental impact statement, and time spent processing appeals allowed under the city's SEPA regulations, shall be excluded from the 30-day time limitation provided by this section. "Tentative approval" under this section means the approval of a short subdivision application subject to the satisfactory completion of improvements, conditions, and/or requirements specified by the ~~Planning Director~~ City.

The ~~Planning Director~~ City in rendering a decision regarding the short subdivision application shall consider comments from the City Engineer, the Woodinville Water District, if involved, citizen comments, comments from other departments and affected agencies or jurisdictions; compliance with the City's zoning code; compliance with the adopted comprehensive plan, park and recreation plan, transportation plan, and storm drainage plan; environmental documents and review; and the requirements and standards for short subdivision development. The ~~Planning Director~~ City shall prepare a written report of the decision made with supporting facts and reasons. ~~A copy of the written decision with all conditions, if any, shall be mailed in three working days of the decision to the applicant, parties of record, and other persons who have made a written request for notice of the decision.~~ The City shall issue the decision pursuant to WMC 17.09.060.

- (b) Tentative Approval. The tentative approval of a proposed short subdivision for which a complete application was filed on or after May 24, 2007, shall be is-effective for a period of one five years from the date tentative approval was granted, unless extended by the Planning Director for a period of not more than one additional year, pursuant to WMC 17.09.020. Final short subdivision approval must be acquired within five years of tentative approval, or ~~If all specified requirements are not completed or guaranteed as specified below within the tentative approval period,~~ tentative approval shall expire and a new application in conformity with then current regulations shall be required. ~~If the proposed~~

~~short subdivision is tentatively approved by the Planning Director, any specified requirements shall be completed within one year, plus any authorized extension, or tentative approval shall expire. In the event of such an expiration a new application in conformity with the then current regulations shall be required before tentative approval is again granted.~~

- (4) ~~Decision by the Planning Director City.~~ Each final decision of the ~~Planning Director City~~ shall be made pursuant to WMC 17.09.060. The decision made by the ~~Planning Director City~~ may be appealed to the Hearing Examiner in compliance with ~~Chapter WMC 2.30 and 17.17 WMC.~~
- (5) The ~~Planning Director City~~ shall make written findings that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds.
- (6) Effect of Short Subdivision Approval. Approval of the short subdivision shall constitute authorization of the applicant to develop the short subdivision facilities and improvements in strict accordance with the plans and specifications as approved by the Director of Public Works subject to any conditions imposed by the ~~Planning Director City.~~
- (7) Recording. All short subdivisions shall be filed in compliance with the following:
  - (a) Recording Required. No short subdivision shall be filed unless approved by the Planning Director and Director of Public Works. A copy of an approved short subdivision shall be filed for record with the County Auditor and one reproducible copy shall be furnished to the Planning Director.
  - (b) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original short subdivision drawings to the Planning Department for signatures together with the short subdivision application fee.
  - (c) All short plats shall be recorded within five years of tentative approval with a possible one year extension, pursuant to WMC 17.09.020.
- (8) Short Subdivisions – Restrictions. The area included in an approved and recorded short subdivision shall not be further divided within a period of five years from the date of final approval without meeting the requirements for a subdivision or re-subdivision; except, that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.

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#### **20.08.090 Divisions requiring binding site plans.**

A subdivision of land which is exempt from the subdivision regulations, but requires that a binding site plan be approved, shall comply with the following requirements:

- (1) Applications submitted shall comply with the requirements established by WMC 17.09.020030.
- (2) Notice of the filing of the binding site plan application shall be provided in compliance with Chapter 17.11 WMC.
- (3) As a basis for approval, approval with conditions or disapproval of a binding site plan, the Planning Director shall determine if appropriate provisions have been made for but not limited to the purpose and criteria set forth in Chapter 20.06 WMC, Subdivision and Short Subdivision Regulations.
- (4) Each final decision of the Planning Director shall be in writing and shall include findings and conclusions based on the record to support the decision, in accordance with WMC 17.09.060.

The decision made by the Planning Director may be appealed to the Hearing Examiner in compliance with Chapter WMC 2.30 and 17.17 WMC.

- (5) Binding site plans shall be drawn at a scale no smaller than one inch equals 100 feet and shall include the design of any lots or building envelopes and the areas designated for landscaping and vehicle use.
- (6) All binding site plans shall be recorded in compliance with the following:
  - (a) Recording Required. No binding site plan shall be filed unless approved by the Planning Director and Director of Public Works. A copy of an approved binding site plan shall be filed for record with the County Auditor and one reproducible copy shall be furnished to the Planning Director.
  - (b) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original binding site plan mylar to the Planning Department for signatures together with the binding site plan approval fee.
- (7) Approved binding site plans shall be binding and all provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan approval shall be considered a violation of this title, and shall be restrained by injunctive action and shall be illegal as provided in Chapter 58.17 RCW, Plats – Subdivisions – Dedications.
- (8) All subsequent development shall be in conformity with the approved binding site plan. Each binding site plan document shall reference the requirement for compliance with the binding site plan approval.
- (9) Amendments to or vacations of an approved binding site plan shall be made through the process of this section.
- (10) Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the City.

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**Chapter 21.01**  
**COMPREHENSIVE PLAN**

**21.01.150 Submittal requirements.**

Any complete application for an amendment to the Comprehensive Plan shall contain all the information as required in WMC 17.09.030, by the ~~Development Services Director in the Comprehensive Plan amendment submittal requirement checklist.~~

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**Chapter 21.02**  
**AUTHORITY, PURPOSE, INTERPRETATION AND ADMINISTRATION**

**21.02.070 Interpretation– North American Industrial Classification System.**

- (1) All references to the North America Industrial Classification System (NAICS) are to the titles and descriptions found in the North America Industrial Classification System, 2002 Edition, prepared by the United States Office of Management and Budget which is hereby adopted by reference. The NAICS is used, with modifications to suit the purposes of this title, to list and define land uses authorized to be located in the various zones.

- (2) The NAICS categorizes each land use under a general two-digit major group number, or under a more specific five- or six-digit industry group or industry number. A use shown on a land use table with a two-digit number includes all uses listed in the SIC for that major group. A use shown with a five-digit or six-digit number includes only the uses listed in the NAICS for that industry group or industry, respectively, and the uses so listed are excluded from the respective major group.
- (3) An asterisk (\*) in the NAICS number column of a land use table means that the NAICS definition for the specific land use identified has been modified by this title. The definition may include one or more NAICS sub-classification numbers, or may define the use without reference to the NAICS.
- (4) The Development Services Director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a NAICS classification is allowed in a zone. The Development Services Director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone's purpose as set forth in Chapter 21.04 WMC, by considering the following factors:
  - (a) The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;
  - (b) Whether or not the use complements or is compatible with other uses permitted in the zone; and
  - (c) The NAICS classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use.
- (5) The decision of the Development Services Director on an NAICS classification shall be final unless the applicant or an adverse party files an appeal to the Hearing Examiner pursuant to WMC 21.42.090 2.30 and 17.17.

\* \* \*

#### **21.02.090 Administration and review authority.**

- (1) The Hearing Examiner shall have authority to hold public hearings and make decisions and recommendations on ~~variances, reclassification, subdivisions and other development proposals~~ development proposals as set forth in WMC Title 17, and appeals of Development Services Director and Building Official decisions, as set forth in WMC 2.30, Title 15 and Title 17.
- (2) The Development Services Director shall have the authority to grant, condition or deny applications for ~~development proposals as set forth in WMC Title 17, temporary use permits, conditional use permits, and renewals of permits for mineral extraction and processing, unless a public hearing is required as set forth in Chapter 21.42 WMC, in which case this authority shall be exercised by the Hearing Examiner.~~
- (3) ~~The City Building Official shall have authority to grant, condition or deny commercial and residential building permits, and clearing and grading permits in accordance with the procedures set forth in Chapter 21.42 WMC.~~
- (34) Except for other agencies with authority to implement specific provisions of this title, the Development Services Director shall have the sole authority to issue official interpretations of this title.
- (45) The Development Services Director is hereby authorized after July 14, 1997, to incorporate drawings as necessary for the purpose of illustrating concepts and regulatory standards contained in this title; provided, that the adopted provisions of the code shall control.

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**Chapter 21.14**  
**DEVELOPMENT STANDARDS – DESIGN REQUIREMENTS**

Sections:

Article II. Commercial Design Standards

- 21.14.300 Purpose.
- 21.14.301 Administrative procedures.
- 21.14.310 Applicability.
- 21.14.315 Interpretation.
- 21.14.320 Design review procedures.
- 21.14.330 ~~Alternative review procedure.~~ Reserved
- 21.14.340 Dispute Resolution and Appeals.
- 21.14.350 Amendment of ~~site plan approved design.~~
- 21.14.360 Expiration.
- 21.14.370 Notice.

**21.14.301 Administrative procedures.**

- (1) The Director of Planning (Director) will report design review activity regularly to the Planning Commission, who will serve as the monitor for these commercial design standards. The City is committed to incorporating design review procedures that:
  - (a) Apply to all commercially designated property within the City;
  - (b) Allow for flexibility to accommodate creative design that meets the intent of adopted standards;
  - (c) Do not prolong approval processes; and
  - (d) Encourage design review that parallels development design for economy of design resources.
- (2) Applicants will have opportunity to informally discuss and formally review proposed designs throughout the design process, including pre-application, project permit review, and final construction design review. The procedures outlined in WMC 21.14.320 and 21.14.330 are intended to accomplish the previously stated objectives. The underlying premise of the procedures established for design review is to provide City review that parallels design processes. The developer has access to design review as design development progresses so that design resources are directed to known, expected results.

\* \* \*

**21.14.320 Design review procedures.**

- (1) Design review shall be reviewed as part of the applicable permit application or process. A design decision shall be issued in the same manner that a SEPA threshold determination is issued.
- (2) No project approval shall be granted, no building permit issued and no construction shall begin until the Director has completed design review and determined that the application is consistent with the criteria in this section, has issued a design decision, and all appeal periods have expired.
- (3) A Design Review Application shall be submitted with application for the project permit, pursuant to WMC Title 17. The Director may require other information to be submitted that is determined to be appropriate and necessary for a proper review of the requested action.
- (4) With submittal of the building permit, the Director shall determine that the final design is consistent with the issued design decision.

Design review is available and encouraged in phases described below:

(1) ~~Schematic Design Review. Schematic design, as used here, is a preliminary graphic representation of the proposed development that is based on available information. The graphic representation may be supplemented with written information.~~

~~The intent of schematic design review is to provide a way for the developer to convey information that describes the developer's objectives early so the design standards that relate to the development can be identified for consideration. Most issues will be addressed at the schematic design review with the understanding that details of these issues will be addressed subsequently.~~

~~Schematic design review will be conducted by the City's Technical Review Committee (TRC). Multiple TRC reviews may be justified for larger developments. TRC review will be most beneficial if the following items are included in schematic plans:~~

- ~~(a) Site layout;~~
- ~~(b) Pedestrian, bicycle and vehicular circulation on-site and in relation to connecting walks and streets;~~
- ~~(c) Building elevations;~~
- ~~(d) Landscaping in concept and general material types; and~~
- ~~(e) Storm drainage system concept.~~

~~(2) Permit Document Development Design Review. Prior to building permit application, the City will provide reasonable periodic design review during preparation of development permit documents. This review may be conducted by TRC or the staff person responsible for the issue reviewed.~~

~~(3) Prior to the submittal of a building permit application, the applicant shall complete and submit a City of Woodinville design review application packet for tentative approval of the design for the proposed building and site landscaping. Subsequent to any Planning Commission review, the Director shall respond to the applicant by written tentative approval, approval with conditions, or disapproval with reasons for disapproval. The applicant and the City are to retain duplicates of documents accepted for design review as references for final design confirmation.~~

~~(4) Dispute Resolution. Either the applicant or the staff may request consultation with the Planning Commission as provided in WMC 21.14.340.~~

~~(5) Final Design Review. A final design standards checklist will be prepared using documents submitted for development permits. Staff will also prepare a final decision with conditions of approval as may be required.~~

~~(6) Appeal. Any appeal of the decision shall be made to the City Council pursuant to Chapter 2.30 WMC and WMC Title 17.~~

**21.14.330 Alternative review procedure. Reserved**

(1) ~~Intent.~~

~~(a) To provide an alternative review procedure that recognizes the unique opportunities and special challenges of developments that merit special considerations. Such considerations include environmental constraints or circumstances or large lot development (two acres or larger).~~

~~(b) To permit greater flexibility and encourage more creative and imaginative site planning and design than may be possible under procedures described in subsection (1)(a) of this section.~~

~~(c) Qualifying developments may utilize an alternative review procedure to gain flexibility to vary from the strict requirements of certain of the City's zoning development standards (Chapters 21.12 through 21.18 WMC) and commercial design standards; provided, that the Director determines that the proposal complies with the City's Comprehensive Plan, meets the intent of the development standards and commercial design standards and provides public benefit by meeting terms of WMC 21.14.320(1), Schematic Design Review, and as further specified below:~~

- ~~(i) To provide more economic and efficient use of the land;~~
- ~~(ii) To reduce the negative impacts to adjacent properties;~~
- ~~(iii) To increase convenient pedestrian and vehicular circulation in the vicinity of the subject property;~~
- ~~(iv) To enhance the overall visual quality in the commercial areas of Woodinville and maintain a human architectural scale;~~
- ~~(v) To produce consistent design identity compatible with the surrounding commercial area;~~
- ~~(vi) To take advantage of special opportunities to create a pleasing composition of buildings and landscape features; and~~
- ~~(vii) To create a focal point in the downtown.~~

~~(2) Applicability. Alternate review procedures may be used by holders of an equitable interest in or option on property. The applicant must submit evidence of such interest.~~

~~(3) Permitted Uses. Land uses of the site plan review process shall be limited to those permitted in the underlying zone.~~

~~(4) Public Service Availability. Design review under commercial design standards shall consider sufficiency of public facilities such as water lines and streets. "Sufficiency" shall mean that either the systems exist or are planned to serve the proposed development and integrate the total systems of which the reviewed system is a part.~~

~~(5) Site Plan Review Criteria.~~

~~(a) The TRC may consider and approve plans submitted under the alternative review procedures for development that vary from the development standards of Chapters 21.12 through 21.18 WMC and these commercial design standards; provided, that the TRC finds that all of the following standards are met:~~

- ~~(i) The proposal is consistent with the intent of the City's commercial design standards.~~
- ~~(ii) The proposal complies with the City's Comprehensive Plan.~~
- ~~(iii) The proposal provides a public benefit by meeting the following standards: the site planning for developments reviewed under this alternative review procedure shall demonstrate unifying organization as well as accomplish the following goals:
  - ~~(A) Mitigate transportation impacts and conform to the City's objectives for better circulation by connecting through streets;~~
  - ~~(B) Provide convenient, inviting pedestrian circulation connecting all on-site activities to adjacent pedestrian routes and street rights-of-way and encourage bicycle access and use;~~~~

- ~~(C) Encourage buildings to complement adjacent activities and visual character and create human scale;~~
- ~~(D) Incorporate open space and landscape design as a significant unifying element;~~
- ~~(E) Enhance the quality of pedestrian-oriented streets if adjacent to streets classified as "pedestrian-oriented streets" for design review purposes;~~
- ~~(F) Incorporate screening, environmental mitigation, utilities, and drainage as positive elements in site design, such as creating a "natural" open space or wet pond as a site feature to accommodate surface water runoff;~~
- ~~(G) Reduce the visual and functional impacts of parking through placement and design of parking lots; and~~
- ~~(H) Where it is warranted and feasible, incorporate shared or joint use parking, transit access, and other parking/auto trip reduction measures.~~

~~(6) Schematic Site Plan Review.~~

~~(a) Before filing any application, the prospective applicant shall submit for review by the TRC information noted in WMC 21.14.320(1)(a) through (e).~~

~~(b) The TRC will meet with the applicant, who will provide information necessary for a complete application. The TRC's recommendations and comments shall be provided to the applicant in writing after the meeting.~~

~~(c) The Director shall issue a letter indicating acceptance when documents submitted for schematic site plan design review for major issues identified in WMC 21.14.320(1)(a) through (e) are satisfactory to the City. Approved documents, marked for identification, will be provided to the applicant and retained in the City's files.~~

~~(7) Permit Document Development Design Review.~~

~~(a) Subsequent to schematic site plan review, the City will provide periodic design review at the applicant's request and reasonably scheduled by the City during development of permit documents.~~

~~(b) The City will reasonably schedule permit document development design reviews until the applicant is prepared to submit documents for final design review.~~

~~(c) Prior to the submittal of a building permit application, the applicant shall complete and submit a City of Woodinville design review application packet for tentative approval of the design for the proposed building and site landscaping. Subsequent to any required Planning Commission review, the Director shall respond to the applicant by written tentative approval, approval with conditions, or disapproval with reasons for disapproval. The applicant and the City are to retain duplicates of documents accepted for design review as references for final design confirmation.~~

~~(8) Final Design Confirmation.~~

~~(a) Documents submitted for final design confirmation are documents submitted for permit approval. Where the project is to be developed in phases, a master plan shall be prepared that indicates phasing and methods for ensuring functionality of phased utility, circulation, and drainage systems.~~

~~(b) Submission requirements for final design confirmation shall conform to permit submission requirements as follows:~~

- ~~(i) Building and Planning Departments requirements;~~

~~(ii) SEPA checklist or determination from prior SEPA review for the project proposed;~~

~~(iii) Updated design review checklist indicating conformance with design standards of the final design compared with checklist review conducted for schematic site plan review and permit document development design review; and~~

~~(iv) A written description of phasing proposed and measures included in the design to assure the public's safety and welfare during all phases of the development.~~

#### **21.14.340 Dispute Resolution and Appeals.**

Request for dispute resolution to the Planning Commission:

(1) The applicant or the Director may request consultation with the Planning Commission during ~~schematic site plan review or permit document development design review~~ to resolve interpretation disputes of the commercial design standards.

(a) The Director shall schedule a requested consultation with the Planning Commission within a reasonable time period after the request. The reasonableness of time shall give consideration to any time required to review an environmental checklist and make a threshold determination and to develop and review an environmental impact statement, if required under SEPA, as well as time consumed by Planning Commission optional review.

(b) The Planning Commission shall render a decision on the design review issue(s) subject of the requested consultation. Thereafter, the Director shall consider the decision of the Planning Commission and shall issue a final decision.

(2) Appeal of Final Decisions to City Council.

(a) Design review decisions may be appealed to the City Council by the applicant after they are heard by the Planning Commission. Appeals to the City Council shall be considered on the basis of whether or not the proposed design(s) are consistent with the design standards and otherwise comply with the provision of law.

(b) Permitted land uses in the underlying zone cannot be appealed under design review processes.

(c) Appeals shall be made in accordance with the provisions of Chapter 2.30 WMC and WMC Title 17.

#### **21.14.350 Amendment of site plan approved design.**

Major change(s) to plans approved by the Director or City Council may only be amended by the same procedures provided herein for original ~~site plan design~~ approval. Design review for amendments shall be limited to the proposed change, except the proposed amendment shall be considered in context with approved design review.

A major change is a change that affects a design standard reviewed in the original approval(s).

#### **21.14.360 Expiration.**

(1) ~~Site plan Design~~ approval shall expire within two years of the date of approval, except as provided for phased site plan approvals below. A single two-year extension may be granted for good cause as determined by the Director.

(2) The Director may grant ~~site plan design~~ approval for large projects planned to be developed in phases over a period of years exceeding the normal time limits of subsection (1) of this section. Such approval shall include time limits for particular phases of the development as agreed

upon by the applicant and the Director. If the time limits of a phase cannot be met, a single two-year extension may be granted for good cause by the Director.

**21.14.370 Notice.**

Notice of the final staff decision for design review or the alternate review procedure shall be ~~posted and published~~ issued in the same manner as SEPA threshold determinations, pursuant to WMC 17.

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**Chapter 21.17**  
**FOREST PRACTICE REGULATIONS**

**21.17.040 Administration.**

- (1) Approvals Required. An approval pursuant to this chapter must be obtained from the City for the following:
  - (a) Forest Practice Approvals Class IV-General Forest Practices. An approved forest practices permit is classified as a Type II project permit application in accordance with Chapter 17.07 WMC and shall be obtained from the City prior to conducting any forest practices as defined WMC 21.06.268 for Forest Practices Class IV-General.
  - (b) Request for Removal of Development Moratorium. An approved request for removal of development moratorium pursuant to WMC 21.17.070 shall be required prior to the approval of any development permits by the City for land which is subject to a development moratorium as a result of a forest practice except for the construction of one single-family residence. The application shall be processed as a Type III pursuant to WMC 17.07.030.
  - (c) Request for Single-Family Dwelling Exception. An approved request for single-family dwelling exception shall be required prior to the construction of a single-family residence or related improvements on land which is subject to a development moratorium above. The request shall be processed as a Type III application pursuant to WMC ~~17.17.030.~~ 17.07.030.
- (2) Public Notice. Public notice for notice of application; threshold determination, if applicable; public hearing, if applicable; and final decision pursuant to this chapter are subject to ~~Chapter 17.11 WMC~~ WMC 17.11 and 17.09.060.

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**21.17.070 Request for removal of development moratoria.**

Any development moratorium established pursuant to WMC 21.17.060 may be considered for removal by the Hearing Examiner when the following requirements are met:

- (1) Public Hearing Required.
  - (a) The Department shall set a date for an open record public hearing before the Hearing Examiner after all the requests for additional information or plan correction and/or application information of WMC 17.09.020 ~~030~~ have been satisfied, and either a determination of nonsignificance or a mitigated determination of nonsignificance (DNS or MDNS) or final or final supplemental environmental impact statement (FEIS or FSEIS), if required, has been issued.
  - (b) The public hearing shall follow the procedures set forth in Chapter 17.15 WMC.

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**Chapter 21.20**  
**Development Standards - Signs**

**21.20.130 Signs or displays of limited duration.**

- (8) Portable Signs in Neighborhood Business, Tourist Business, General Business or Office Zones. Portable signs in Neighborhood Business, Tourist Business, General Business or Office zones are permitted subject to the following requirements. Portable signs in the Tourist District Overlay shall also be subject to WMC 21.38.065 and Chapter 21.32 WMC for special event requirements.
- (j) An administrative variance, decided by the Director, shall be available for those properties that can meet the following requirements:
    - (i) The variance criteria in WMC 21.44.040 shall be used to determine if the variance is warranted.
    - (ii) If the applicant can demonstrate that the variance criteria have been met, the following regulations may be modified by the Director: number, location, and/or height of signs.
    - (iii) This administrative variance shall be considered a Type I permit, and shall be exempt from the project permit procedures in ~~Chapter 17.09 WMC~~ WMC 17.07 through 17.17.
- .....

**Chapter 21.25**  
**ESSENTIAL PUBLIC FACILITIES**

**21.25.030 Siting and expansion of local essential public facilities.**

- (2) A complete application for a special use permit for a local essential public facility shall comply with WMC 17.09.020030. The Director shall develop a supplemental application form which addresses and provides sufficient information to determine the application's estimated compliance with each of the approval criteria set forth in this section.

**21.25.040 Siting and expansion of State and regional essential public facilities.**

- (2) A complete application for a special use permit for a State or regional essential public facility shall comply with WMC 17.09.020030. The Director shall develop a supplemental application form which addresses and provides sufficient information to determine the application's estimated compliance with each of the approval criteria set forth in this section.
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**Chapter 21.40**  
**APPLICATION AND NOTICE REQUIREMENTS**

**21.40.015 Applications– Requirements.**

Application requirements shall be in accordance with the provisions of WMC 17.09.020030.

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**21.40.035 Vesting.**

- (1) A project permit shall vest upon submittal of a complete application for a project permit.
- (12) Supplemental information required after acceptance and vesting of a complete application, pursuant to WMC 17.09.020030, shall not affect the validity of the vesting for such application.
- (23) Vesting of an application does not vest any subsequently required project permits, nor does it affect the requirements for vesting of subsequent project permits or approvals.
- (34) A project does not vest upon submittal of a pre-application request. ~~will vest upon the submittal of a complete request for a pre-application meeting if a complete project permit application, pursuant to WMC 17.09.020, is filed within 21 days of the date of the pre-~~

application request or seven days from the end of the pre-application meeting, whichever is later.

\* \* \*

**21.40.070 Applications— Limitations on refiling.**

Upon denial by the City Council of a zone reclassification or a special use project permit, no new application for substantially the same proposal shall be accepted within one year from the date of denial.

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**Chapter 21.42  
REVIEW PROCEDURES**

Sections:

21.42.010 Code compliance review— Actions subject to review Permits Subject to Administrative Review.

21.42.020 ~~Reserved.~~ Permits Subject to Quasi-Judicial Review.

21.42.030 Development Services Director review— Decisions and appeals.

21.42.040 Development Services Director review— Actions subject to review. ~~Reserved~~

21.42.050 Development Services Director review— Notice requirements and comment period. ~~Reserved~~

21.42.060 Development Services Director review— Decision or public hearing required. ~~Reserved~~

21.42.070 Development Services Director review— Additional requirements prior to hearing. ~~Reserved~~

21.42.080 Development Services Director review— Decision regarding proposal. ~~Reserved~~

21.42.090 Development Services Director review— Decision final unless appealed. ~~Reserved~~

21.42.100 Hearing Examiner review— Zone reclassification, variances, special use permits and conditional use permits referred by the Development Services Director. ~~Reserved~~

21.42.110 Hearing Examiner review— Decision final unless appealed or challenged. ~~Reserved~~

21.42.120 Expiration. ~~Reserved~~

21.42.130 Establishment of hearing rules. ~~Reserved~~

21.42.140 Records.

**21.42.010 Code compliance review— Actions subject to review Permits Subject to Administrative Review.**

The following actions shall be subject to administrative review for determining compliance with the provisions of this title and/or any applicable development conditions which may affect the proposal:

- (1) Building permits;
- (2) Grading permits; and
- (3) Site development permits;
- (4) Tree removal permits;
- (5) Right-of-way permits;
- (6) Sign permits;
- (7) Boundary line adjustments, and
- (8) Any other permit not requiring a specific review process or public hearing.

**21.42.020 Reserved. Permits Subject to Quasi-Judicial Review.**

The following actions shall be subject to quasi-judicial review for determining compliance with the provisions of this title and/or any applicable development conditions which may affect the proposal:

- (1) Commercial, industrial and multi-family residential project approval;
- (2) Preliminary and final plats and short plats, and binding site plans;
- (3) Conditional use permits;
- (4) Special use permits;
- (5) Shoreline substantial development permits, conditional use permits and variances;
- (6) Variances
- (7) Zone reclassifications or site-specific zoning map amendments;
- (8) Appeals; and
- (9) Any other permit or approval requiring a specific review process and/or a public hearing.

**21.42.030 ~~Development Services Director review~~– Decisions and appeals.**

- (1) The ~~Development Services Director~~ City shall approve with conditions or deny permits based on compliance with this title and any other development conditions affecting the proposal. Decisions shall be rendered pursuant to WMC 17.09.060.
- (2) Development Services Director decisions may be appealed to the Hearing Examiner pursuant to WMC 17.07.030 and in accordance with Chapter 17.17 WMC.
- (3) The Department shall provide notice pursuant to WMC 17.11.040 for all applications subject to Development Services Director review.
- (4) Written comments and materials regarding applications subject to Development Services Director review procedures shall be submitted within 15 days of the date of published notice or the posting date, whichever is later. A comment period or public hearing may be reopened for the purpose of obtaining additional information.
- (5) The approval authority for each type of project permit shall be pursuant to WMC 17.
- (6) Decisions regarding the approval or denial of proposals subject to Development Services Director review pursuant to WMC 17. shall be based upon compliance with the required showings of Chapter 21.44 WMC, or WMC 21.22.050(2) for periodic reviews of extractive operations.
- (7) The written decision contained in the record shall be in accordance with WMC 17.15.080(3) and 17.09.060, and shall show:
  - (a) Facts, findings and conclusions supporting the decision and demonstrating compliance with the applicable decision criteria; and
  - (b) Any conditions and limitations imposed, if the request is granted.
- ~~(3) Permits approved through code compliance review shall be effective for the time periods and subject to the terms set out as follows:~~
  - ~~(a) Building permits shall comply with Uniform Building Code as adopted by the City of Woodinville;~~

~~(b) Grading permits shall comply with Uniform Building Code as adopted by the City of Woodinville; and~~

~~(c) Temporary use permits shall comply with Chapter 21.32 WMC.~~

**21.42.040 Development Services Director review—Actions subject to review. Reserved.**

~~The following actions shall be subject to the Development Services Director review procedures set forth in this chapter:~~

- ~~(1) Applications for conditional uses;~~
- ~~(2) Periodic review of extractive operations;~~
- ~~(3) Applications for home occupation and home industry permits; and~~
- ~~(4) Temporary use permits.~~

**21.42.050 Development Services Director review—Notice requirements and comment period. Reserved.**

- ~~(1) The department shall provide published, posted and mailed notice pursuant to WMC 17.11.040 for all applications subject to Development Services Director review.~~
- ~~(2) Written comments and materials regarding applications subject to Development Services Director review procedures shall be submitted within 15 days of the date of published notice or the posting date, whichever is later.~~

**21.42.060 Development Services Director review—Decision or public hearing required. Reserved.**

~~Following the comment period provided in WMC 21.42.050, the Development Services Director shall:~~

- ~~(1) Review the information in the record and render a decision pursuant to WMC 21.42.080; or~~
- ~~(2) Forward the application to the Hearing Examiner for public hearing, if:
  - ~~(a) Adverse comments are received from at least five persons or agencies during the comment period which are relevant to the decision criteria of Chapter 21.44 WMC or state specific reasons why a hearing should be held; or~~
  - ~~(b) The Development Services Director determines that a hearing is necessary to address issues of vague, conflicting or inadequate information, or issues of public significance.~~~~

**21.42.070 Development Services Director review—Additional requirements prior to hearing. Reserved.**

~~When a hearing before the Hearing Examiner is deemed necessary by the Development Services Director:~~

- ~~(1) Application processing shall not proceed until the supplemental permit review fees set forth in the WMC are received; and~~
- ~~(2) The application shall be deemed withdrawn if the supplemental fees are not received within 30 days of applicant notification by the Department.~~

**21.42.080 Development Services Director review—Decision regarding proposal. Reserved.**

- ~~(1) Decisions regarding the approval or denial of proposals (excluding periodic review of extractive operations) subject to Development Services Director review pursuant to WMC 21.42.040 shall be based upon compliance with the required showings of Chapter 21.44 WMC. Periodic reviews of extractive operations shall be based upon the criteria outlined in WMC 21.22.050(2).~~

- (2) Decisions shall be rendered pursuant to WMC 17.09.060. A comment period or public hearing may be reopened for the purpose of obtaining additional information.
- (3) The written decision contained in the record shall be in accordance with WMC 17.15.080(3) and shall show:
  - (a) Facts, findings and conclusions supporting the decision and demonstrating compliance with the applicable decision criteria; and
  - (b) Any conditions and limitations imposed, if the request is granted.
- (4) The Development Services Director shall mail a copy of the written decision to the applicant and to all parties of record in accordance with WMC 17.09.060(2).

**~~21.42.090 Development Services Director review— Decision final unless appealed. Reserved.~~**

- (1) The decision of the Development Services Director shall be final unless the applicant or an adverse party files an appeal to the Hearing Examiner pursuant to Chapters 2.30 and 17.17 WMC.
- (2) Prior to an appeal hearing by the Hearing Examiner, the Hearing Examiner shall mail notice of the appeal to parties of record and provide notice in accordance with WMC 17.17.040(1)(d) and (f).
- (3) The Hearing Examiner shall review and make decisions based upon information contained in the written appeal and the record.
- (4) The Hearing Examiner shall render a decision within 10 working days of the closing of hearing.
- (5) The Hearing Examiner's decision shall be final unless appealed to Superior Court under the provisions of Chapter 2.30 WMC.

**~~21.42.100 Hearing Examiner review— Zone reclassification, variances, special use permits and conditional use permits referred by the Development Services Director. Reserved.~~**

Applications for zone reclassification, special use permits, variances and conditional use permits referred by the Development Services Director shall be reviewed by the Hearing Examiner subject to the notice procedures set forth in Chapter 17.11 WMC and applicable criteria set forth in Chapter 21.44 WMC.

**~~21.42.110 Hearing Examiner review— Decision final unless appealed or challenged. Reserved.~~**

- (1) The decision of the Hearing Examiner regarding variances, special use permits and conditional use permits shall be final unless the applicant or an adverse party files an appeal to the City Council pursuant to Chapter 2.30 WMC and in accordance with Chapter 17.17 WMC.
- (2) The decision of the Hearing Examiner regarding zone reclassifications shall be in the form of a recommendation to the City Council for passage of the appropriate ordinance. The Hearing Examiner shall hold the open record hearing pursuant to WMC 17.07.030, Project permit application framework (Type III).
- (3) Prior to an appeal hearing by the City Council, the Development Services Director shall mail a notice of the appeal or challenge to all parties of record pursuant to WMC 17.17.040(1)(f).
- (4) The City Council's decision shall be final unless appealed to Superior Court under the provisions of Chapters 2.30 and 17.17 WMC.

**~~21.42.120 Expiration. Reserved.~~**

- (1) Land use decisions that have been reviewed and approved pursuant to WMC 21.42.040 and 21.42.110 shall expire within two years of approval, during which all construction of the project

~~must be completed; provided, that conditional use approval for schools shall expire within five years.~~

- ~~(2) The expiration date may be extended one additional year by the Development Services Director if, prior to the expiration date then in effect, the applicant demonstrates all of the following:
  - ~~(a) That the applicant has made significant progress toward completion of the project;~~
  - ~~(b) That failure to complete the project in a timely manner was beyond the applicant's control; and~~
  - ~~(c) That expiration would cause the applicant to endure a significant financial hardship.~~~~
- ~~(3) For the purpose of this section, approval shall be the date the land use decision is approved, issued or granted by the Development Services Director or the Hearing Examiner, whichever is later.~~
- ~~(4) This section shall apply retroactively to land use decisions approved pursuant to WMC 21.42.040 and 21.42.110 prior to December 14, 2002; provided, that for the purposes of determining the retroactive expiration date, the two-year period shall begin to run from December 14, 2002.~~
- ~~(5) This section shall not apply to zone reclassifications.~~

**~~21.42.130 Establishment of hearing rules. Reserved.~~**

~~The Hearing Examiner shall establish rules governing the conduct of public hearings before the Hearing Examiner and shall be in accordance with Chapters 17.15 and 17.17 WMC.~~

**21.42.140 Records.**

The Department shall maintain public records for all permit approvals and denials containing the following information:

- (1) Application documents;
- (2) Tape recorded verbatim records of required public hearing;
- (3) Written recommendations and decisions for proposed actions;
- (4) Ordinances showing final City Council actions;
- (5) Evidence of notice;
- (6) Written comments received; and
- (7) Material submitted as exhibits.

.....  
**Chapter 21.44**  
**DECISION CRITERIA**

**21.44.030 Temporary use permit.**

A temporary use permit shall be granted by the ~~Development Services Director~~ City, only if the applicant demonstrates that:

- (1) The proposed temporary use will not be materially detrimental to the public welfare;
- (2) The proposed temporary use is compatible with existing land use in the immediate vicinity in terms of noise and hours of operation;

- (3) The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-street parking if necessary to protect against compacting soils;
- (4) Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and
- (5) The proposed temporary use is not otherwise permitted in the zone in which it is proposed.

**21.44.040 Variance.**

A variance shall be granted by the City's ~~Hearing Examiner~~, only if the applicant demonstrates all of the following:

- (1) The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
- (2) The variance is necessary because of the unique size, shape, topography, or location of the subject property;
- (3) The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
- (4) The need for the variance is not the result of deliberate actions of the applicant or property owner;
- (5) The variance does not create health and safety hazards;
- (6) The variance does not relieve an applicant from any of the procedural provisions of this title;
- (7) The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;
- (8) The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;
- (9) The variance does not allow the creation of lots or densities that exceed the base residential density for the zone;
- (10) The variance is the minimum necessary to grant relief to the applicant;
- (11) The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and
- (12) The variance does not relieve an applicant from any provisions of Chapter 21.24 WMC, Environmentally Sensitive Areas, except for the required buffer widths set forth in 21.24.310, 21.24.330 or 21.24.380.

**21.44.050 Conditional use permit.**

A conditional use permit shall be granted by the ~~Development Services Director or the City's Hearing Examiner~~City, only if the applicant demonstrates that:

- (1) The conditional use is designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;
- (2) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- (3) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

- (4) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- (5) The conditional use is not in conflict with the health and safety of the community;
- (6) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- (7) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

**21.44.060 Special use permit.**

- (1) A special use permit shall be granted, or, if applicable, conditionally granted, by the City's ~~Hearing Examiner~~; provided, that:
  - (a) The applicant can demonstrate that:
    - (i) The characteristics of the special use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;
    - (ii) The special use will not materially endanger the health, safety and welfare of the community;
    - (iii) The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
    - (iv) The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
    - (v) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;
    - (vi) The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title;
    - (vii) Where applicable, the special use meets the requirements of the Comprehensive Plan regarding the siting process for essential public facilities; and
  - (b) Subject to public notice requirements of WMC Title 17, the Hearing Examiner shall make a threshold determination on whether the proposal presents siting difficulties, and shall consider public comments in making that determination.
- (2) With respect to essential public facilities, the provisions and decisional criteria of Chapter 21.25 WMC shall supersede the provisions of this section to the extent of any conflict or inconsistency.

\* \* \*

**21.44.080 Home occupation permit.**

A home occupation permit shall be granted by the ~~Development Services Director~~ City only if the applicant demonstrates that the home occupation will be conducted in compliance with the provisions of WMC 21.30.040.

**21.44.090 Home industry permit.**

A home industry permit shall be granted by the ~~Development Services Director~~ City only if the applicant demonstrates that the home industry will be conducted in compliance with the provisions of WMC 21.30.05 Chapter 21.50.

WMC 21.08.030 A.  RESIDENTIAL LAND USE  <u>KEY</u>  P – PERMITTED USE C – CONDITIONAL USE S – SPECIAL USE		Z O N E											
		Residential				Commercial/Industrial/Public							
		L o w	M o d e r a t e	M e d i u m	H i g h	N e i g h b o r h o o d	T o u r i s t	G e n e r a l	C e n t r a l	O f f i c e	I n d u s t r i a l	P u b l i c	I n s t i t u t i o n
NAICS#	SPECIFIC LAND USE	R1-4	R5-8	R9-18	R19+	NB	TB	GB	CBD	O	I	P/I	
	<b>Dwelling Units, Types:</b>												
*	Single Detached	P, C19	P, C19	P									
*	Duplex	P10	P10	P10	P10								
*	Townhome	C10 I2	C7, 10 I2	P	P		P20		P	P18			
*	Apartment		P11	P	P		P20		P	<b>P18</b>			
*	Mobile Home Park		P	P					P				
623311 623312	Senior Citizen Assisted (see 21.06.188 for definition)		P11	P	P				P				
	<b>Group Residences:</b>												
*	Community Residential Facility	C15	C15	P15	P15				P15			P15	
721310	Dormitory	C2	C2	P2	P2				P2		P2	P13	
	<b>Accessory Uses:</b>												
*	Residential Accessory Uses	P3	P3	P3	P3				P3			P16	
*	Home Occupation (8)	P	P	P	P				P				
*	Home Industry (9)	C	C	C	C								
NAICS#	SPECIFIC LAND USE	R1-4	R5-8	R9-18	R19+	NB	TB	GB	CBD	O	I	P/I	
	<b>Temporary Lodging:</b>												
721110	Hotel/Motel						P5	P	P				
721191 *	Bed and Breakfast Inns	P6	P6	P6			P5		P6				
721310	Organization Hotel/Lodging												
624221 *	Temporary Shelter								P4			P17	
* 721199	Youth Hostel						P5		P14				
GENERAL CROSS REFERENCES: Land Use Table Instructions, see WMC 21.08.020 and 21.02.070 Development Standards, see WMC 21.12. through 21.30 General Provisions, see WMC 21.32 through 21.38						Application and Review Procedures, see WMC 21.40 through 21.44 Tourist District Regulations, see WMC 21.38.065 R-48/O Regulations, see WMC 21.28.030 (* ) Definition of the specific Land Use, see WMC 21.06							

21.08.030 B DEVELOPMENT CONDITIONS

- (1) Reserved.
- (2) Only as an accessory to a school, college/university, church, or fire station.
- (3) (a) Accessory dwelling units:
  - (i) Only one accessory dwelling per lot;
  - (ii) The primary residence or the accessory dwelling unit shall be owner occupied;
  - (iii) If the accessory dwelling unit is a separate structure, the accessory dwelling unit shall not be larger than fifty percent of the living area of the primary residence;
  - (iv) One additional off-street parking space is provided; and
  - (v) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied.
- (b) Accessory Aircraft: One single or twin engine, general aviation aircraft shall be permitted only on lots which abut, or have a legal access which is not a public right-of-way, to a waterbody or landing field, provided:
  - (i) No aircraft sales, service, repair, charter or rental;
  - (ii) No storage of aviation fuel except that contained in the tank or tanks of the aircraft; and
  - (iii) Storage hangars shall not exceed twenty feet in height above average finished grade or have a gross area exceeding 3,000 square feet.
- (4) Only as an accessory use to an institution, school, public agency, church, synagogue, temple, or non-profit community organization.
- (5) See WMC 21.38.065 Special district overlay -- Tourist District.
- (6) Only as an accessory to the permanent residence of the operator, provided:
  - (a) Serving meals to paying guests shall be limited to breakfast;
  - (b) The number of guest rooms shall not exceed three; and
  - (c) The fee owner of the residence serving as a bed & breakfast must reside on the premises
- (7) A conditional use permit is not required if the townhomes are approved through subdivision review or if the project is in the R-8 zone.
- (8) Home Occupations are subject to the requirements and standards contained in Section 21.30.040.
- (9) Home Industries are subject to the requirements and standards contained in Section 21.30.050.
- (10) Townhomes and duplexes must be compatible in design, height, color, style, and materials with existing neighborhood.
- (11) Permitted only in the R-8 zone.
- (12) Permitted only in the R-4 and R-6 zones, on parcels where protection of critical areas prohibit traditional single-family development.
- (13) Only as an accessory to a public school.
- (14) Also permitted in the Tourist District. See WMC 21.38.065.
- (15) The number of occupants shall not exceed the occupant load of the structure, calculated as provided in the WMC 15.09 Construction Codes, or as may be hereafter amended.
- (16) Only as an accessory to a permitted use.
- (17) Only as an accessory to an institution, school, or public agency.
- (18) Limited to current location. No new townhomes or apartments are permitted in the office zone except on the site currently containing townhomes or apartments on January 1, 2002.

Planning Commission  
Public Hearing Exhibit List  
November 18, 2009

EXHIBIT NO.	EXHIBIT NAME
12	Staff Report: 2009 Annual Docket Land Use Code Amendments – Permit Process Code Amendment, ZCA09008, dated November 18, 2009
12 a	Proposed Development Code Amendments to Chapters 2.27, 2.30, 14.04, 17.07, 17.09 ,17.11, 17.13, 17.15, 17.17, 20.08, 21.0221.14, 21.40, 21.42, and 21.44 of the Woodinville Municipal Code
12 b	Analysis of Consistency with WMC 21.46.030
12 c	SEPA Determination of Non-significance issued August 31, 2009
12 d	Power Point Presentation presented November 18, 2009
13	Staff Report: 2009 Annual Docket Citywide Land Use Amendments – Docket Process Deadline Amendments, ZCA09012, dated October 21, 2009
13 a	Proposed Zoning Code Amendments to WMC 21.01.130
13 b	Analysis of Consistency with WMC 21.46.030
13 c	SEPA Determination of Non-significance, dated September 21,2009
13 d	Power Point Presentation presented November 18, 2009
16	Staff Report: 2009 Annual Docket Land Use Code Amendment – Apartment Use in Office Zone Amendments, ZCA09016
16 a	City Council-initiated Zoning Code Amendments to WMC 21.08.030
16 b	Analysis of Consistency with WMC 21.46.030
16 c	City of Woodinville Zoning Map
16 d	SEPA Determination of Non-significance issued September 21, 2009
16 e	Power Point Presentation presented November 18, 2009



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE

128 - 10<sup>th</sup> Avenue SW • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000

May 12, 2010

Jennifer Kuhn  
City Clerk  
City of Woodinville  
17301 - 133rd Avenue Northeast  
Woodinville, Washington 98072

Dear Ms. Kuhn:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

**City of Woodinville - Adopted Ordinance 496, the 2009 annual docket amendments to the municipal code. These materials were received on May 07, 2010 and processed with the Material ID # 15665.**

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please call me at 360.725.3063.

Sincerely,

*Linda Weyl*  
*for*

Sam Wentz  
GIS Coordinator  
Growth Management Services