

**Chapter 14.16C**  
**LAND USE ACTIONS, PERMITS AND DETERMINATIONS –**  
**DECISION CRITERIA AND STANDARDS**  
**COMPARISON OF NEW CODE AND OLD CODE**

New Section	Old Section	Changes	Impact of Changes
14.16C.005 Purpose		New section	Purpose or intent sections are beneficial so if something doesn't exactly fit into code, you can determine if it meets the purpose or intent of a chapter or section. More jurisdictions are adding these to their codes.
14.16C.010 Scope		New section	Section lists other sections of related code which applicants will need to consider. Points applicants in the right direction.
14.16C.015 Administrative Conditional Use	14.16.100 Special Use Permits	<ul style="list-style-type: none"> <li>• Added one decision criteria and enhanced one</li> <li>• Added purpose, procedure, revision, vacation, revocation and transfer</li> </ul>	<p>Changed name of permit to Administrative Conditional Use, which is more in line with other jurisdictions as Special Use is often used for essential public facilities like a jail or treatment facility. Recommending change in permit name to be consistent with other jurisdictions.</p> <p>Added to decision criteria to better determine if permit should be issued. Added consistency with Comprehensive Plan as a decision criterion. Removed criteria that it be a permissible use in the zone and complete the SEPA review process as these are required by code already, and are covered in criteria 2. Enhanced one criterion (4) to provide specifics about compatibility with adjacent properties rather than just require compatibility.</p> <p>Added subsections on purpose, procedure, revision, vacation, revocation and transfer to guide applicants to the correct code section. These subsections create a more complete picture of the decision process. Without them, applicant would have to find a section by searching the code. This benefits applicants and staff by pointing in the right direction and also letting them know what actions are available.</p>
14.16C.025 Administrative Design Review	14.46.035 Modifications in Cottage Housing Code	New section	<p>Cottage code allows Planning Director to approve minor changes to design elements. Project must still meet the design guidelines.</p> <p>The design review process takes a lot of time for the applicant and staff and involves the Planning Commission and Council. By allowing for an administrative review for exterior modifications for construction projects less than \$100,000, it will benefit the applicant by saving them money and time, staff by saving time, and</p>

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			the time of the Planning Commission and Council on design review for small projects with minimal impacts. All other design review will continue with the existing process.
14.16C.030 Administrative Modifications	14.16.320 Modifications to Approved Permits	<ul style="list-style-type: none"> <li>• Specific decision criteria are added</li> <li>• Added purpose &amp; procedure</li> </ul>	Code currently allows Planning Director to make administrative decisions on modifications to approved permits. Changes provide more clarity by setting parameters for what constitutes an administrative modification (criterion 2).
14.16C.040 Change of Use	14.40.070 Change in Use	Added decision criteria and procedure	Currently, we do not have decision criteria but only describe what creates a change in use. Criteria allows applicant to understand information they need to provide for review and what information staff needs to look at before a decision is made.
14.16C.045 Code Interpretations	14.16.410 Interpretations	<ul style="list-style-type: none"> <li>• Added intent of code interpretations &amp; applicability</li> <li>• Lists requirements to include in request</li> <li>• Additional procedures</li> <li>• Specifics on interpretations for specific projects</li> <li>• Added decisions of Planning Director</li> </ul>	<p>Intent subsection lists what code interpretations can do and the applicability identifies sections which are interpreted by Fire Marshal and Building Inspector.</p> <p>Adding a list of requirements to be submitted should shorten review as staff will have the information they need to make recommendation to Planning or Public Works Directors.</p> <p>Added to procedure a written interpretation to be mailed to applicant and appealed to Council.</p> <p>Separated a general code interpretation with one related to a specific project and identifies applicants for each. This sets a clear demarcation of who can apply with only project applicant submitting request on their project, but parties of record can appeal code interpretation for a specific project.</p> <p>Decision of Director section will avoid many requests for a code interpretation of the same section. Once an interpretation is made on a section, it will stand. This provides consistency for everyone. Also having a statement that interpretations are on file in the department lets people know where to find them.</p>
14.16C.050 Comprehensive Plan	Chapter 1 Comprehensive Plan	Codifying process in code rather than just having in comprehensive plan	This section codifies the comprehensive plan amendment process as provided in the Plan. Because it is a decision process and requires a fee, it makes sense to have the action in the code. It is

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Amendments			also consistent with other jurisdictions.
14.16C.055 Conditional Use	14.16.120 Conditional Use Permits	<ul style="list-style-type: none"> <li>• Added numerous decision criteria</li> <li>• Discuss phasing of a project</li> <li>• Added specifics on types of conditions HE can set</li> <li>• Added revision, revocation, vacation and transfer</li> </ul>	<p>Current code is minimal with a description of a required scoping meeting, statement that hearing examiner makes decision and minimal decision criteria.</p> <p>Addition of purpose, procedure, revisions, vacation, revocation, and transfer provide a complete picture of the decision process for applicant and staff.</p> <p>Adding specific decision criteria for the hearing examiner informs applicants what is required for permit issuance and guides the hearing examiner in the decision. In addition, it lists the types of conditions which may be imposed by the hearing examiner, so applicant knows before applying, what they may be required to do to receive permit approval. This puts everyone on notice before application to reduce surprises at the hearing.</p>
14.16C.060 Development Agreements	None	All new section	<p>Currently, few development agreements are used in the City. However, it makes sense to have a process and criteria for when they are required to ensure consistency. New section includes purpose and authority, procedure, criteria, and contents of agreements. They are required to be recorded with a specific property, so subsections include recording, modification and appeal of agreements.</p>
14.16C.065 Essential Public Facilities	14.44.370, 380 & 390 Essential Public Facilities	Only added purpose and procedure	<p>No changes made to section as the requirements are per state code. However, to create a whole picture of the process, we included purpose and procedure subsections.</p>
14.16C.070 Home Occupations	14.08 Definitions	<ul style="list-style-type: none"> <li>• Moved decision criteria from definition and added a number of decision criteria</li> <li>• Changed allowance from two to one commercial vehicle parked onsite</li> <li>• Added specifics on modification</li> </ul>	<p>Currently, information on home occupations is only located in the definition section of Title 14. Definitions should be only definitions and not include standards or criteria. Therefore, these were moved into the decision chapter.</p> <p>In order to provide a complete picture of the process, added purpose, procedure, transfer, allowance for additional conditions to be set, inspections and modifications.</p>

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		and In-Home Day Care	<p>Existing standards are good, but the addition of more description of use of garages or other buildings or accessory structures, use of equipment, and parking will better limit the impacts to adjacent properties. Also, requiring no changes to the residential character or limiting type of sales or visitors will also reduce impacts to existing neighborhoods.</p> <p>The list of examples of businesses for home occupations was expanded to include day care and a list of prohibited home occupations was added. This will help applicants in determining if their business may be allowed and staff in assisting in the types of home occupations allowed.</p>
14.16C.075 Land Use Code Amendments	14.96 Amendments	Only added purpose and procedure	Only change is adding purpose and procedure subsections to provide a complete picture of the process.
14.16C.080 Planned Neighborhood Developments	14.44.030 Planned Neighborhood Developments	Only added purpose and procedure	Only change is adding purpose and procedure subsections to provide a complete picture of the process.
14.16C.085 Reasonable Use Exception	14.88 Critical Areas	Did not move process, but put a section to lead people to the Critical Areas code where process resides.	Short section to guide people to the Critical Areas code.
14.16C.090 Rezoning	14.96 Amendments	<ul style="list-style-type: none"> <li>• Procedure same</li> <li>• Additional description of the two types of rezones</li> <li>• Added additional decision criteria</li> <li>• Added specifics on application requirements, withdrawal or reapplication</li> </ul>	<p>No change in current procedure, but added subsections for purpose, procedure, withdrawal, continued classification, reapplication, and revocation to provide a complete picture of the process.</p> <p>Added description of site-specific and area-wide rezones to existing statement of major and minor rezones as these are terms used in state law.</p> <p>Added special application requirements that site-specific rezones must be consistent with comprehensive plan and include signature of 75 percent of owners.</p> <p>Current amendment criteria (1, 2 &amp; 3) are general, so proposal</p>

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			includes more specific criteria (4-9) to be considered by Council in making a decision. These new criteria are related to suitable development, services, impact of nearby properties, and environmental impacts. These are more easily measured than the original three general criteria. Better criteria assist applicant in knowing whether they have a good chance of receiving rezone and assist staff in providing specifics on meeting stated criteria for Planning Commission recommendation and Council decision.
14.16C.095 ROW Vacation	14.56.240 Vacations of Public ROW	<ul style="list-style-type: none"> <li>• Current code “Applications for vacations of public rights-of-way shall be processed according to RCW Chapter <a href="#">35.79</a>.”</li> <li>• New code formalizes as an action reviewed by City</li> </ul>	<p>Current code only referenced state law, which is vague and not good for making specific decisions. New section provides a complete picture of process with a purpose, special requirements, and procedure, survey requirements, appraisal, notice, and proceeds.</p> <p>The decision criteria will provide a specific list for Council to use to determine if the proposal meets code. The four criteria include specific criteria for determining compensation to the City and protect adjacent properties owners from being landlocked. It also specifies use of ROW vacation for access to public property.</p>
14.16C.100 Shoreline Permits	14.92 Shoreline Management	<ul style="list-style-type: none"> <li>• Moving information on specific permits to this chapter, but leaving the rest of shoreline information in shoreline chapter.</li> <li>• Very little added; added the two areas within the shoreline jurisdiction.</li> </ul>	<p>In order to bring all land use actions, permits and determinations into one chapter, the permit portion of the Shoreline Management chapter of the code was moved to this new chapter. No changes were made to existing code, except:</p> <ul style="list-style-type: none"> <li>• Currently decisionmaker for Shoreline Substantial Development Permit is by hearing examiner, but most jurisdictions have made it an administrative decision. Proposal is to make it an administrative decision as it still requires submittal to Ecology.</li> <li>• Addition of purpose and procedure subsections;</li> <li>• Note that no action can take place until 21 days after notice filed with Ecology (required by state law); and</li> <li>• Description of the two areas of shoreline as designated in the Shoreline Master Program.</li> </ul> <p>Additional changes to this section will likely occur as part of the</p>

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14.16C.105 Site Plan Review	Master Permit Application	Formalizing permit process in code rather than leaving in permit application	<p>Shoreline Master Program Update.</p> <p>Currently, site plan review is not included in the code, but exists in the application materials. It benefits the applicant and staff to have this information codified to provide flexibility to the applicant to allow them to permit their project in phases. The current application lists the submittal requirements, but proposal will add two new ones (calculations of acreage, dwelling units, zoning classifications, density and open space; and vicinity sketch) and enhances the drainage to show probable alterations to existing drainage courses.</p> <p>The chapter creates the complete process by including an intent, scope, procedures, approval, consistency, and limitations.</p>
14.16C.110 Temporary Use	14.44.040, 044, 048	<ul style="list-style-type: none"> <li>• No change to sections moved from 14.44.</li> <li>• No change to decision maker – Planning Director</li> <li>• Currently temporary structure when building or repairing home, RV for use as temporary dwelling &amp; public agency structures</li> <li>• Added temporary structures for contractor to use as shed or office, and temporary real estate offices or model home</li> </ul>	<p>Currently, we do not have a temporary use section in the code, but do have temporary uses in the code. The proposal brings all temporary uses in to one section and provides a complete process for the applicant and staff.</p> <p>Decision is still made administratively. The chapter is not adding to the use of temporary structures, but provides more information on the types allowed and when removed (during construction of permanent residence, for construction office, &amp; temporary real estate sales office).</p> <p>No decision criteria exist, so four were added relating to public welfare, impacts to existing land uses, appropriate parking, and use when temporary use not allowed in zone.</p> <p>Added that a date for termination of temporary use will be included in permit and that it is allowed only once per year.</p>
14.16C.115 Variances	14.16.115 Variances	Decision was by Zoning Board, now by Hearing Examiner (Type III Decision)	<p>Proposing for decisionmaker to be the hearing examiner rather than the Zoning Board, which is the Council. This is a quasi-judicial decision better suited to a hearing examiner.</p> <p>Using the existing decision criteria with the addition of one related to special circumstances such as size, shape, topography, etc., of property used by many other jurisdictions.</p>

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			Also providing a complete process by adding purpose, procedure, vacation/revocation subsections.