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TO: Mayor & Council
FROM: Dean Rohla, John Greenwood
DATE: December 3, 2021
RE: Title 17 (Land Use Code) Update

Land Use Code – Full Review.

In addition to the Comprehensive Plan Update, Council will recall that Staff has been performing a full review/update of the Land Use Code. This review/update will likely not be completed in 2022 – only a portion will be. At a minimum, what will likely be completed and passed via ordinance will be the five chapters that were brought before Council in October:

- CHMC 17.12 – Establishment of Districts – Zoning Map
- CHMC 17.18 – G-1 Government District
- CHMC 17.19 – S-1 School District
- CHMC 17.48 – Swimming Pools
- CHMC 17.52 – Parking Area Regulations

The Planning Commission will review these in early 2022. Council will then adopt any changes later in 2022. While the process to implement the changes to these five chapters is underway, Staff will also be working with the soon-to-be-selected planning consultant as well as the Planning Commission (and, eventually, the Council) to plan for and complete the mandatory update to the City's Comprehensive Plan. During this time, Staff are also intent on, with the assistance of the planning consultant and the City Attorney, reviewing and making recommendations to the Council regarding other chapters in the Land Use Code to update.

As stated in October, Staff is intent on drafting further updates to the Land Use Code during 2022, updates that will be ready for Council's initial review as they become available. Staff is seeking Council's input on which Chapters to prioritize for 2022 (Staff recommendations in **Green**) with the understanding that additional Chapters will be reviewed if/when Staff workload permits and presented to Council in three waves:

17.04 – Definitions	Defects Found
17.08 – General Provisions	Defects Found
17.10 – Conditional Use Permits	No Defects Found
17.12 – Establishment of Districts – Zoning Map	Prepared – 2021
17.16 – R-1 Residence District	Defects Found
17.18 – G-1 Government District	Prepared – 2021
17.19 – S-1 School District	Prepared – 2021
17.28 – B-1 Business District	Review For Defects
17.37 – Fences	Defects Found
17.38 – Trees – View & Sunlight Obstruction	Recently Updated
17.39 – Accessory Dwelling Units	Defects Found
17.40 – Recreational Facilities	Defects Found
17.44 – Private Roads & Easements	Review For Defects
17.48 – Swimming Pools	Prepared – 2021
17.50 – Communications Facilities	Review For Defects
17.52 – Parking Area Regulations ¹	Prepared – 2021
17.56 – Signs	Defects Found
17.60 – Nonconforming Uses	Review For Defects
17.72 – Special Exceptions – Hearing Examiner	Recently Updated
17.76 – Amendments & Changes of District Boundaries	Review For Defects
17.77 – Wireless Communications Facilities	Recently Updated
17.78 – Small Wireless Facilities	Recently Updated
17.80 – Enforcement	Defects Found

The reasoning behind Staff’s recommendations for Wave #1 of chapters to review:

- CHMC 17.04 – Definitions (*Update with each Chapter as needed*)
- CHMC 17.08 – General Provisions (Review already underway; significant deficiencies found; high demand)
- CHMC 17.37 – Fences (Significant deficiencies found; high demand)
- CHMC 17.39 – Accessory Dwelling Units (Review already underway)
- CHMC 17.56 – Signs (Significant deficiencies found)
- CHMC 17.80 – Enforcement (Significant deficiencies found)

¹ This should not be confused with Title 10 – Vehicles & Traffic

Staff recommend the second and third waves of Chapters be reviewed starting with **known deficiencies** followed by those that have not been reviewed for deficiencies in the order that they appear in the Code:

Wave #2:

- CHMC 17.04 – Definitions (*Update with each Chapter as needed*)
- CHMC 17.16 – R-1 Residence District (**Defects Found**)
- CHMC 17.28 – B-1 Business District (Not Reviewed)
- CHMC 17.40 – Recreational Facilities (**Defects Found**)

Wave #3:

- CHMC 17.04 – Definitions (*Update with each Chapter as needed*)
- CHMC 17.44 – Private Roads & Easements (Not Reviewed)
- CHMC 17.50 – Communications Facilities (Not Reviewed)
- CHMC 17.60 – Nonconforming Uses (Not Reviewed)
- CHMC 17.76 – Amendments & Changes of District Boundaries (Not Reviewed)

Staff seek Council's direction on the following:

- 1) Are those chapters that have recently been updated appropriate to skip in terms of Staff review? If not, which ones should be reviewed?
- 2) Is the order of review acceptable? If not, what order would the Council like Staff to review the chapters in the Land Use Code?

Staff do not have any preference as to the order. As chapters are reviewed and “waves” are completed, a draft ordinance encompassing each “wave” will be brought before Council for review/edits so that the Council can sign off on the draft ordinance and instruct the Planning Commission to begin its review and hold a public hearing.

Financial Review.

No financial review is needed at this time.

Legal Review.

No legal review is needed at this time.

Council's Decision.

- 1) Direct Staff to prioritize the review of specific Chapters of the City's Land Use Code; or
- 2) Do nothing.