

TOWN OF WOODWAY  
PLANNING COMMISSION MEETING AGENDA

WEDNESDAY, APRIL 17, 2024  
6:00 P.M.

Woodway Town Hall | 23920 113<sup>th</sup> Place W. | Woodway, WA

1. Call to Order & Roll Call
2. Public Comments\*
3. Approval of Minutes – March 27, 2024
4. Floodplain Regulations for public hearing
  - a. Staff report and attachments (14.70, 14.71, 14.08)
5. Resolution PC-2024-008
6. Comprehensive Plan Review
  - a. Introduction
  - b. Land Use Element
7. Draft Accessory Dwelling Unit Regulations WMC 14.41
8. Other business
9. Adjournment

*Council agendas are subject to change before or during the council meetings upon motion. All times are approximate.*

*\*Anyone with a disability requiring special accommodations or anyone wishing to make a public comment for this meeting via video or audio connection should contact the Town Clerk's Office at Town Hall or call (206)542-4443 before 1:00 p.m. the Thursday preceding the Council Meeting. For TDD relay service, call (206)587-5500, or outside the Seattle area #1-800-833-6388.*

**TOWN OF WOODWAY  
PLANNING COMMISSION MEETING MINUTES**

**Meeting Date: Wednesday, March 27, 2024  
Location: Woodway Town Hall - 23920 113<sup>th</sup> Place W.**

	<input checked="" type="checkbox"/> Chair Per Odegaard	<input checked="" type="checkbox"/> Commissioner Jan Ostlund
	<input checked="" type="checkbox"/> Vice Chair Lisa Marquart	<input checked="" type="checkbox"/> Commissioner John Zevenbergen
	<input checked="" type="checkbox"/> Commissioner Laura Murphy	<input checked="" type="checkbox"/> Commissioner John Rettenmier
	<input checked="" type="checkbox"/> Commissioner Teresa Pape	
<b>Staff &amp; Guests Present</b>	<input checked="" type="checkbox"/> Town Planner Bill Trimm	<input checked="" type="checkbox"/> Deputy Clerk Kim Sullivan
	<input type="checkbox"/>	<input type="checkbox"/>

\*Attended virtually

**CALL TO ORDER, ROLL CALL**

Chair Odegaard called the meeting to order at 6:00 pm.

**PUBLIC COMMENTS**

Ron Cantu read his letter into the record that was sent to the Commissioners before the meeting, requesting ADUs be allowed on larger lots with separate on-site septic systems.

**APPROVAL OF MINUTES – FEBRUARY 21, 2024**

*Commissioner Pape* moved to approve the minutes of February 21, 2024. *Commissioner Zevenbergen* seconded the motion. The motion passed unanimously.

**CODE UPDATE**

- Accessory dwelling unit background information
  - Town Planner, Bill Trimm presented a PowerPoint on the state requirements for permitting ADUs in cities/towns.
  - Vice Chair Marquart would like to include ingress and egress requirements and to ensure that the street front appearance is compatible with existing residences.
  - Commissioner Zevenbergen does not see a need for a design review board for ADUs as long as they can meet the setbacks.
- Approach for Middle Housing code amendment
  - Mr. Trimm stated that future regulations related to middle housing may be incorporated in the ADU regulations to meet the intent of house bill 1110.

**COMPREHENSIVE PLAN REVIEW SCHEDULE**

- Town Planner, Bill Trimm presented a PowerPoint on the Comprehensive Plan review schedule. Commissioner Pape stated the July 19<sup>th</sup> meeting will need to be rescheduled to June 26<sup>th</sup> due to Junteenth holiday.

**RESCIND RESOLUTION PC-2024-001**

- *Commissioner Marquart* moved to rescind Resolution PC-2024-001. *Commissioner Zevenbergen* seconded the motion. The motion passed unanimously.

**OTHER BUSINESS**

- Next meeting is Wednesday, April 17<sup>th</sup> at 6pm.
- Commission Pape will be absent at the April meeting.

**ADJOURNMENT**

*Commissioner Ostlund* moved to adjourn the meeting. *Commissioner Marquart* seconded the motion. The motion passed unanimously. Meeting adjourned at 7:16 pm.

Respectfully Submitted,

**APPROVED BY THE PLANNING COMMISSION**

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Kim Sullivan, Deputy Clerk

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Per Odegaard, Chair

(These minutes accurately reflect what was said at the Planning Commission meeting. Publication does not vouch for the veracity of these statements.)

## MEMORANDUM

To: Planning Commission  
From: Bill Trimm, FAICP  
Date: April 10, 2024  
Subject: April 17, Meeting Agenda Items

The next meeting of the Planning Commission will be held on April 17<sup>th</sup> at 6:00 pm. in the Town Hall and on-line at [Townofwoodway.com](http://Townofwoodway.com). The major items on the agenda include a redo of the Floodplain Regulation public hearing due to a staff processing error, the Commission's review of the first two chapters of the Comprehensive Plan update and the introduction of draft accessory dwelling unit regulations.

Following the floodplain regulations public hearing, the next item will be the review, comment and any suggested edits or revisions to the preliminary Woodway Comprehensive Plan. As you know, and consistent with our planning process, we have been preparing and reviewing revisions to the various elements of the plan over the last 22 months. The next step in the process is the Commission's final review of the draft plan prior to submitting it for environmental review, public comments, and the public hearing.

Attached are the first two chapters of the plan for your review. Chapter 1 is the Introduction that provides background information on the planning process, relationship to the state, region, and county planning documents, the vision statement and general goals. Chapter 2 is the Land Use Element that includes land use data, goals, policies and the land use plan and zoning maps. (The maps will be updated with new title blocks prior to final editing). The Point Wells subarea plan and policies that were amended in 2020 are now incorporated in the Land Use Element. Staff will present PowerPoint presentations of the two chapters that summarize the various sections and policies.

Also attached for your review is the first draft of the accessory dwelling unit regulations. The draft regulations are based on the provisions of state law and the Commission's comments at last month's meeting. Staff would appreciate your comments and suggestions as we move forward with including them in the updated zoning regulations.

Thanks so much and we look forward to seeing you next Wednesday April 17<sup>th</sup> at 6:00 pm.

## Exhibit A

### Staff Report to the Town of Woodway Planning Commission Regarding Proposed Zoning Code Amendments Related to Flood Plain Regulations

#### Part 1: Introduction

- Applicant:** Town of Woodway  
23920 113<sup>th</sup> Place W.  
Woodway, WA 98020
- Public Hearing Date:** April 17, 2024
- Public Hearing Purpose:** For the Planning Commission to receive public comments on proposed zoning code amendments regarding flood plain regulations (WMC 14.70 and 14.71), added definitions (14.08) and forward a recommendation to the Town Council for action.
- Location of Proposal:** The proposed amendments are applicable to the geographic area contained in the Woodway corporate limits and the *Woodway Municipal Urban Growth Area*. The area includes the entire Town corporate limits and approximately 61 acres of the waterfront area referred to as "Point Wells". The proposed amendments affecting the Point Wells area will only apply upon annexation to the Town.
- SEPA Compliance:** Pursuant to WMC 16.04., A determination of non-significance was issued on January 8, 2024, forwarded to the Town's SEPA distribution list and noticed in the Everett Herald.
- Public Notification:** A public notice for the public hearing and notice of application was advertised in the Everett Herald, posted in several public places within the Town of Woodway on April 4, 2024, and April 5, respectively. A "notice of intent to adopt amendment" (60-day notice) was sent to the Washington State Department of Commerce on January 8, 2024.

#### Part II: Background Information

The Washington State Growth Management Act (GMA) requires jurisdictions planning under the Act to prepare critical area regulations to conserve and protect the natural environment, wildlife habitats and safe drinking water. The Act defines five types of critical areas including wetlands, aquifer recharge areas including streams, fish and habitat conservation areas, frequently flooded areas and geological hazard areas.

The Town's Critical Area Regulations were updated in 2020 to address new information available from the state related to wetlands and in 2022 to address geologic hazard areas. The Town has not prepared floodplain regulations in the past since the major land area subject to flooding is currently located outside the Town boundaries (Point Wells) and within the Municipal Urban Growth Area (MUGA). However, as the Town considers the possibility of annexing Point Wells in the future it is prudent to prepare floodplain regulations that would be applicable to the area if annexed.

The Snohomish County floodplain regulations currently apply to all unincorporated land in the county including the Town's MUGA. If annexation does occur and to afford the property owners with a seamless transition to the same regulatory requirements applicable in the County, the Town has modified and adapted the county regulations to be applicable to Woodway.

Except for references to floodplain regulations for farming areas, density fringe areas (Stillaguamish and Snohomish Rivers) and resource lands, the majority of the County code sections are incorporated and codified into the Town's development code. Three new code sections to the Town's zoning ordinance will address specific floodplain regulations (WMC 14.70), the administration of the regulations (WMC 14.71) and relevant definitions (14.08).

The spatial extent of floodplain areas is defined by the Federal Emergency Management Administration (FEMA) Flood Insurance Rating Maps (FIRM). These maps depict areas subject to Special Flood Hazard Areas (SFHA) defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. In Woodway and its (MUGA), the SFHAs are only designated for the coastal shoreline area and a portion of Point Wells. (Please see the last page of Exhibit B for the Special Flood Hazard Zone Areas map.) Deer Creek and the two small intermittent creeks on the upper bluff are currently not designated as SFHAs. If however, one or all of these creeks are designated as SFHAs in the future, the proposed ordinances would cover these creeks as well.

Part III below presents a summary of the key code sections. A complete text of the proposed amendments is attached to the staff report as Exhibits B, C and D.

### **Part III: Proposed Amendments**

**14.70.030-050 Federal Emergency Management Administration and Special Flood Hazard Zones** – These sections identify FEMA and establish the Federal Insurance Rating Maps (FIRM) as the spatial extent

of the 100-year floodplain in the town and its MUGA. If Point Wells is annexed, the special flood hazard zone map will be included in the Town's zoning ordinance.

**14.70.070 -075 Floodplain Administrator and Duties** – The director (Town Administrator or his/her designee) reviews and administers all permit applications consistent with the provisions of a separate code section (WMC 14.71).

**14.70.100-130 Floodproofing Data and Standards** – These sections establish the base elevation of 100-year flood and provide standards to elevate any structures at least one foot above the base elevation. The floodproofing of utilities, mechanical equipment and floodproofed construction materials are also prescribed to reduce flood related damage. Both general and specific floodproofing standards are prescribed for various special flood hazard zones. The Woodway shoreline and Point Wells are in zone AE with a base flood elevation of 12 feet. (Please see the maps on the last page of Exhibit B).

**14.70.130-160 Elevation and Floodproofing Certifications** – As part of the review process for a development application in a special flood hazard zone, the Town administrator must verify that all floodproofing standards and base elevations standards provided by FEMA have been satisfied. A certification form must be prepared, including relevant elevation data prepared by qualified professionals and maintained by the administrator.

**14.70.200-210 Flood Fringe Areas** – These are areas outside of the designated floodway that could be inundated to store floodwaters and debris from a flood event. Although commonly associated with larger rivers, it could also apply to flood hazard zones in the Town and Point Wells.

**14.70. 220-230 Floodways: Permitted and Prohibited Uses** – The floodway is the same area designated as special flood hazard zones listed on the FEMA FIRM maps. Section 220 defines the permitted uses that are listed in the underlying zone districts. Within the current Town boundaries, the limited coastline area is zoned for R-87 uses and the MUGA for Urban Village uses. Section 230 lists prohibited uses including any structure used for human habitation or encroachments that would increase flood levels.

**14.70.240-290 Non-Conforming Uses and Structures** – These sections include standard non-conforming use standards similar to the Town's

existing zoning regulations. Non-conforming uses cannot be expanded and can be changed to other conforming uses allowed in the underlying zone district. If the nonconforming use is discontinued for a period of 12 consecutive months, the nonconforming use is terminated. Nonconforming uses can be restored within six months of accidental damage (fire, explosion, natural disaster) consistent with applicable flood proofing.

**14.70.300 Flood Hazard Zone** – This section illustrates the flood hazard zones for Woodway as provided by FEMA and its FIRM maps.

#### **Part IV Findings and Conclusions**

1. The Washington State Growth Management Act requires development regulations to be periodically updated to reflect changes in legislation and/or conditions affecting local governments.
2. The Woodway Town Council submitted a notice of intent with the Snohomish County Boundary Review Board to annex the MUGA (Point Wells) in October 2023.
3. On January 10, 2024, the Snohomish County Council passed a resolution not to invoke jurisdiction of the Snohomish County Boundary Review Board enabling the Town Council to consider taking action on the annexation.
4. If the Town Council acts to annex Point Wells in the future it is prudent to amend the Town's zoning ordinance to ensure that land and structures are protected from periodic flooding and provide a seamless regulatory transition.
5. The Woodway Planning Commission reviewed the draft floodplain regulations in May 2023 and January 2024.
6. A public hearing has been scheduled and duly noticed for a public hearing before the Planning Commission on April 17, 2024, to receive public testimony.
7. A SEPA Determination of Non-Significance was issued on January 8, 2024, and no appeals have been received.
8. Staff has prepared a notice of application that was posted and advertised in the Everett Herald on April 2, 2024, sent a 60-day Notice of Code Amendments to the Department of Commerce on January 8, 2024, and advertised in the Everett Herald for the public hearing on April 17, 2024.
9. The proposed amendments to Title 14 at WMC 14.70, 14.70 and 14.08 are in the best interest of the general health, safety and

welfare and the public interest of the Town's residents and properties.

**Part V Recommendation**

Based on the above findings and conclusions, staff recommends to the Planning Commission the adoption of revisions to the zoning ordinance related to floodplain regulations, the administration of such regulations and selected floodplain related definitions as set forth in Resolution and attachments thereto.

Attachments:

- Planning Commission Resolution PC-2024-008
- Exhibit B- WMC 14.70
- Exhibit C- WMC 14.71
- Exhibit D: WMC 14.08

DRAFT

## WMC CHAPTER 14.70: SPECIAL FLOOD HAZARD AREAS

### Sections:

- 14.70.010 Purpose and applicability.
- 14.70.020 Intent.
- 14.70.030 National Flood Insurance Program.
- 14.70.040 Special flood hazard areas established.
- 14.70.050 Identification on official zoning maps.
- 14.70.060 Existing easements, covenants, and deed restrictions.
- 14.70.070 Designation of the floodplain administrator.
- 14.70.075 Duties and responsibilities of the floodplain administrator.
- 14.70.100 Floodproofing: use of available data.
- 14.70.110 Floodproofing: general standards.
- 14.70.120 Floodproofing: specific standards.
- 14.70.125 General requirements for all crawlspace construction.
- 14.70.130 Elevation and floodproofing certification.
- 14.70.140 Certification form.
- 14.70.150 Information to be obtained.
- 14.70.160 Certification responsibility.
- 14.70.200 Floodway fringe areas: permitted uses.
- 14.70.210 Floodway fringe areas: prohibited uses.
- 14.70.220 Floodways: permitted uses.
- 14.70.230 Floodways: prohibited uses.
- 14.70.240 Continuation of nonconforming uses and structures.
- 14.70.250 Nonconforming uses.
- 14.70.260 Discontinuance.
- 14.70.270 Restoration.
- 14.70.280 Nonconforming structures.
- 14.70.290 Enforcement.
- 14.70.300 FEMA Flood Insurance Rate Maps

### **14.70.010 PURPOSE AND APPLICABILITY.**

The purpose of this chapter is to protect the public health, safety and welfare in those areas subject to periodic inundation due to flooding, and to minimize losses due to flood conditions in the specific areas subject to this chapter by utilizing the methods and provisions set forth herein. The regulations set forth herein shall apply to all development in special flood hazard areas as defined in this title within the Town of Woodway.

### **14.70.020 INTENT.**

This chapter restricts uses and regulates structures to those that are consistent with the degree of flood hazard. The intent of this chapter is:

- A. To minimize loss of life and property by restricting uses and regulating development in special flood hazard areas;
- B. To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of the flood plain;
- C. To meet the minimum requirement of the national flood insurance program; and

D. To implement state and federal flood protection programs.

**14.70.030 NATIONAL FLOOD INSURANCE PROGRAM.**

This chapter incorporates the minimum flood plain management standards and regulations of the National Flood Insurance Program (NFIP). The enactment of this chapter is a necessary prerequisite for the Town's eligibility in the NFIP.

**14.70.040 SPECIAL FLOOD HAZARD AREAS ESTABLISHED.**

- A. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "the Flood Insurance Study (FIS) for Snohomish County, Washington, and Incorporated Areas," dated June 19, 2020, with accompanying Flood Insurance Rate Maps (FIRMs) dated June 19, 2020, are adopted herein by reference and declared to be a part of this chapter and are hereby established as special flood hazard areas for the purposes of this chapter. The FIS and FIRMs are on file at the Woodway Town Hall at 23920 113<sup>th</sup> Place W, Woodway, Washington 98020.
- B. When base flood elevation for A and V zones has not been provided under subsection A of this section, the best available information for flood hazard area identification described in WMC 14.70.075(C) shall be the basis for regulation in those zones.

**14.70.050 IDENTIFICATION ON OFFICIAL ZONING MAPS.**

In order to assist the public in identifying those properties within special flood hazard areas, the geographic extent of the areas shall generally be depicted upon the Town's official zoning map. Said depiction shall be provided for informational purposes only.

**14.70.060 EXISTING EASEMENTS, COVENANTS, AND DEED RESTRICTIONS.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**14.70.070 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.**

The director is designated as the floodplain administrator and shall administer, implement, and enforce this chapter by granting or denying flood hazard permits under WMC Chapter 14.71 consistent with applicable regulations. The floodplain administrator may delegate authority to implement WMC Chapter 14.71 and this chapter.

**14.70.075 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

The duties of the floodplain administrator shall include:

- A. Review all permits for development regulated by this chapter to determine that:
  - 1. The requirements of WMC Chapter 14.71 and this chapter have been satisfied;
  - 2. All other required state and federal permits have been obtained;
  - 3. The proposed development is not located in the floodway. If the development is located in the floodway, assure the provisions of WMC 14.70.230(A)(2) are met;
  - 4. The proposed development is reasonably safe from flooding.
- B. Notify FEMA when annexations occur in the special flood hazard area.
- C. When base flood elevation has not been provided in A or V Zones under WMC 14.70.040, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source to administer WMC 14.70.120, 14.70.220, and 14.70.230.

D. Obtain and maintain the following information:

1. Where base flood elevation is provided through the FIS, FIRM, or based on information obtained under subsection C of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially-improved structures, and whether the structure contains a basement.
2. In V and VE zones, documentation of the bottom of the lowest horizontal structural member.
3. For all new or substantially-improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or based on information obtained under subsection C of this section:
  - a. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and
  - b. Maintain the floodproofing certifications required in WMC 14.70.130.
4. Certifications required by WMC 14.70.230(A)(2).
5. Records of all decisions regarding flood hazard area variances under WMC Chapter 14.50.
6. Improvement and damage calculations for residential and nonresidential structures located in the special flood hazard area.
7. Maintain for public inspection all records pertaining to the provisions of WMC Chapter 14.71 and this chapter which include:
  - a. floodproofing certificates;
  - b. information on the elevation of the lowest floor for all new or substantially improved structures;
  - c. whether new or substantially improved structures contain a basement; and
  - d. whether new or substantially improved structures are floodproofed and the elevation to which they are floodproofed.

E. Whenever a riverine watercourse is to be altered or relocated:

1. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a riverine watercourse, and submit evidence of such notification to the Federal Insurance Administrator; and
2. Assure that the flood carrying capacity of the altered or relocated portion of said riverine watercourse is maintained.

**14.70.100 FLOODPROOFING: USE OF AVAILABLE DATA.**

- A. In all special flood hazard areas where base flood elevation data has been provided in accordance with WMC 14.70.040, or where the Town can reasonably utilize base flood elevation data available from federal, state, or other sources, the specific flood hazard protection standards of WMC 14.70.120 and WMC 14.70.230 shall be required.
- B. In all special flood hazard areas where base flood elevation data has not been provided, the Town shall review all development proposals in accordance with WMC 14.70.110 general standards and WMC 14.70.120 specific standards and shall require compliance with the standards of said sections as necessary to assure that development will be reasonably safe from flooding. The test of reasonableness shall include use of historic data, high water marks, photographs of past flooding, etc., where available. New construction and substantial improvement of any residential or nonresidential structure in an Unnumbered A

zone for which a base flood elevation is not available shall have the lowest floor, including basement, elevated a minimum of two feet above the highest adjacent grade.

- C. In areas where base flood elevation data has been provided, when a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within AE zoned areas on the applicable FIRM, unless the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the jurisdiction of the Town.

**14.70.110 FLOODPROOFING: GENERAL STANDARDS.**

The following regulations shall apply in all special flood hazard areas.

A. Anchoring.

- 1. All new construction and substantial improvements, including those related to mobile homes, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 2. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement. Anchoring methods may include use of over-the-top or frame ties to ground anchors.

B. Construction materials and methods.

- 1. All new construction and substantial improvements shall use materials and utility equipment resistant to flood damage;
- 2. All new construction and substantial improvements shall use methods and practices that minimize flood damage; and
- 3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

- 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 2. Except as otherwise provided in this subsection, water wells are prohibited in the floodway and shall be located where not subject to ponding.
- 3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- 4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- D. Enclosed area below the lowest floor. If structures or mobile homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

E. Subdivision proposals. All subdivision and short subdivision proposals shall:

- 1. Be consistent with the need to minimize flood damage;
- 2. Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage or eliminate flood damage;

3. Have adequate drainage provided to reduce exposure to flood damage; and
  4. Include the base flood elevation data.
- F. Watercourse alterations. The flood carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the director shall notify adjacent communities and the State Department of Ecology, and submit evidence of such notification to FEMA of the proposed development.

**14.70.120 FLOODPROOFING: SPECIFIC STANDARDS.**

In all special flood hazard areas where base elevation data has been provided as set forth in WMC 14.70.100, the following regulations shall apply, in addition to the general regulations of WMC 14.70.110:

- A. All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are permanently affixed to a structure and which may be subject to floodwater damage shall be elevated a minimum of one foot above the base flood elevation or higher (unless within an approved watertight structure).
- B. Residential construction.
1. In AE and A1-30 zones or other A zoned areas, where the base flood elevation has been determined, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated at least one foot above base flood elevation.
  2. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in WMC 14.70.290.
  3. New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in WMC 14.70.295.
  4. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
    - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
    - b. The bottom of all openings shall be no higher than one foot above the interior and exterior lowest grades;
    - c. Openings may be equipped with screens, louvers, or other coverings or devices only if they permit the automatic entry and exit of floodwaters; and
    - d. A garage attached to a residential structure, that is constructed with the garage floor slab below the base flood elevation, shall be designed to allow the automatic entry and exit of floodwaters.
- C. Nonresidential construction. New construction and substantial improvements of nonresidential structures shall comply with either subsection (C)(1) or (C)(2) of this section:
1. Be elevated consistent with the following standards:
    - a. In AE or unnumbered A zoned areas where the base flood elevation has been determined, structures shall have the lowest floor, including basement, elevated one

foot or more above the base flood elevation, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the base flood elevation, or as required by ASCE 24, whichever is greater.

- b. In AO zones, structures shall meet the requirements of WMC 14.70.290.
  - c. In V or VE zones, structures shall meet the requirements of WMC 14.70.290.
  - d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and they comply with WMC 14.70.110(D). Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
    - i. A minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - ii. The bottom of all openings shall be no higher than one foot above grade; and
    - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. Be dry floodproofed so that below one foot or more above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater. The following standards also apply:
- a. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - b. The structure shall be certified by a registered professional engineer or architect that the design and methods of construction meet accepted standards of practice and satisfy the provisions of subsection (C)(2) of this section based on their development or review of the structural design, specifications, and plans. The certifications shall be provided to the director pursuant to WMC 14.70.130.
- D. Mobile homes.
1. All mobile homes that are placed or substantially improved in special flood hazard areas shall be elevated on a permanent foundation and shall be securely anchored to an adequately anchored foundation system in accordance with WMC 14.70.110(A)(2) to resist flotation, collapse and lateral movement, and shall have the lowest floor elevated a minimum of one foot above the base flood elevation.
- E. Critical facilities as defined in WMC 14.08.082 shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.
- F. When fill is permitted to be used as an elevation/floodproofing technique, it shall be designed and installed so that it is properly compacted, sloped, and armored to resist potential flood velocities, scouring, and erosion during flooding.
- G. Flood hazard permits issued for wet floodproofing of any structure or for elevated structures having enclosures below the elevated structure that are wet floodproofed shall be subject to a standard permit condition prohibiting human habitation. The conditions shall be recorded on title on a form approved by the Town Administrator.

**14.70.125 GENERAL REQUIREMENTS FOR ALL CRAWLSPACE CONSTRUCTION.**

A. Crawlspace may be used to elevate a building in a special flood hazard area to or above the standards specified in WMC 14.70.120 if the space is designed to meet the following National Flood Insurance Program requirements, which apply to all crawlspaces that have enclosed areas or floors below the base flood elevation:

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings discussed in subsection (A)(2) of this section. Crawlspace construction is not recommended in areas where flood velocities exceed five feet per second, unless the design is reviewed and certified by a registered architect or professional engineer.
2. The crawlspace is an enclosed area below the base flood elevation and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent interior and exterior grade. Crawlspace construction is not permitted in FEMA coastal high hazard area designated V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones.
3. Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevations. The recommended construction practice is to elevate the bottom of joists and all insulation above base flood elevation. Insulation is not a flood-resistant material. When insulation becomes saturated with floodwater, the additional weight often pulls it away from the joists and flooring. Ductwork or other utility systems located below the insulation may also pull away from their supports.
4. Any building utility systems including ductwork within the crawlspace must be elevated above base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork must either be placed one foot above the base flood elevation or sealed from floodwaters.

**14.70.130 ELEVATION AND FLOODPROOFING CERTIFICATION.**

Certification shall be provided to verify that the minimum floodproofing and elevation standards of WMC 17.70.110 and 14.70.120 flood hazard protection standards have been satisfied. Certification shall be required only for the new construction or substantial improvement of any residential, commercial, industrial, or non-residential structure located in a special flood hazard area. A completed current FEMA elevation certificate shall be required in accordance with National Flood Insurance Program regulations and standards.

**14.70.140 CERTIFICATION FORM.**

The form of the elevation and floodproofing certificate shall be specified by the department and shall be consistent with that required by FEMA for the administration of the national flood insurance program.

**14.70.150 INFORMATION TO BE OBTAINED.**

Surveyed existing ground elevations of the four corners of the proposed development shall be submitted with the plan review application. The elevation or floodproofing certificates shall verify the following flood hazard protection information:

- A. Surveyed existing ground elevations of the four corners of the proposed development; and
- B. The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; and
- C. The actual elevation (in relation to mean sea level) of floodproofing of all new or substantially improved floodproofed structures, and that the floodproofing measures utilized below the base flood elevation render the structure watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

**14.70.160 CERTIFICATION RESPONSIBILITY.**

The project proponent shall be responsible for providing required certification data to the department prior to the applicable construction inspections specified in the certification form. All elevation data specified in WMC 14.70.150 must be obtained and certified by a registered professional land surveyor. Other floodproofing data specified in WMC 14.70.150 must be obtained and certified by a registered professional engineer or architect. The elevation and floodproofing certification shall be permanently maintained by the director.

**14.70.200 FLOODWAY FRINGE AREAS: PERMITTED USES.**

The following uses are permitted in the floodway fringe areas:

- A. Any use permitted by the applicable zone in accordance with WMC Title 14 when in compliance with all applicable provisions established in this chapter unless prohibited by WMC 14.70.210.
- B. Utility transmission lines. Utility transmission lines shall be permitted when consistent with WMC Chapter 14.16 and where not otherwise inconsistent with this chapter. When the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway fringe or special flood hazard area en route to another destination, as opposed to serving customers within a floodway fringe or special flood hazard area, such transmission line shall conform to the following:
  - 1. Electric transmission lines shall cross floodway fringe and special flood hazard areas by the most direct route feasible. When support towers must be located within floodway fringe or special flood hazard areas, they shall be placed to avoid high flood water velocity and/or depth areas, and shall be adequately flood proofed.
  - 2. Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet below the maximum scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained within the floodway fringe or special flood hazard area to the maximum extent of potential channel migration as determined by hydrologic analyses. All such hydrologic analyses shall conform to requirements of WMC 14.70.265.
  - 3. Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing

natural and artificial drainage features. Burial depth shall be a minimum of six feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with Snohomish County soils.

4. All buried utility transmission lines shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.
  5. Above ground utility transmission lines not including electric transmission lines shall only be allowed for the transportation of non-hazardous materials. In such cases, applicants must demonstrate that line placement will have no appreciable effect upon flood depth, velocity, or passage. Such lines shall be adequately protected from flood damage.
  6. Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in floodway fringe or special flood hazard areas except where no other alternative is available or in the event a floodway fringe or special flood hazard location is environmentally preferable. In such instances, above ground structures shall be located so that no appreciable effect upon flood depth, velocity or passage is created, and shall be adequately flood proofed.
- C. Critical facilities. Construction of new critical facilities shall be allowed only if no feasible alternative site is available outside of the flood hazard area.

**14.70.210 FLOODWAY FRINGE AREAS: PROHIBITED USES.**

New mobile home parks shall be prohibited in floodway fringe areas.

**14.70.220 FLOODWAYS: PERMITTED USES.**

The following uses are allowed in the floodway when permitted by the applicable zone under WMC 14, provided the use is in compliance with the applicable general and specific floodproofing standards of WMC 14.70.110 and 14.70.120, and other applicable provisions of this chapter:

- A. Agriculture;
- B. Forestry, including processing of forest products with portable equipment;
- C. Preserves and reservations;
- D. Park and recreational activities;
- E. Removal of rock, sand and gravel, when the applicant can provide clear and convincing evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of the Town's shoreline management program;
- F. Utility transmission lines when allowed in underlying zones unless otherwise prohibited by this chapter. When the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway en route to another destination, as opposed to serving customers within a floodway, such transmission lines shall conform to the following:
  1. All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways;
  2. Electric transmission lines shall span the floodway with support towers located in flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive

- width, support towers shall be located to avoid high flood water velocity and/or depth areas, and shall be adequately floodproofed;
3. Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet below the maximum established scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. In the event potential channel migration extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and special flood hazard areas shall also govern placement. All hydrologic analyses are subject to acceptance by the county, shall assume the conditions of a 100-year frequency flood as verified by the U.S. Army Corps of Engineers, and shall include on-site investigations and consideration of historical meander characteristics in addition to other pertinent facts and data. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the Town's Shoreline Master Program;
  4. Buried utility transmission lines transporting non-hazardous materials including water and sewage shall be buried a minimum of four feet below the maximum established scour of the waterway as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. All hydrologic analyses shall conform to requirements in subsection (F)(3) of this section. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the Town's Shoreline Master Program;
  5. Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing natural and artificial drainage features. Burial depth shall be a minimum of six feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with county soils. Burial depth in all other agricultural and non-agricultural floodway areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage;
  6. All buried utility transmission lines shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;
  7. Above ground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of non-hazardous materials where an existing or new bridge or other structure is available and capable of supporting the line. When located on existing or new bridges or other structures with elevations below the level of the 100-year flood, the transmission line shall be placed on the down-stream side and protected from flood debris. In such instances, site specific conditions and flood damage potential shall dictate placement, design and protection throughout the floodway. Applicants must demonstrate that such above ground lines will have no appreciable effect upon flood depth, velocity or passage, and shall be adequately protected from flood damage. If the transmission line is to be buried except at the waterway crossing, burial specifications shall be determined as in subsection (F)(4) of this section;

8. All floodway crossings by utility transmission lines transporting hazardous materials shall be equipped with valves capable of blocking flow within the pipeline in the event of leakage or rupture. All floodway crossings shall have valves unless otherwise indicated by standard engineering review of the site and type of transmission line as acceptable to the county with locations determined by other provisions of this chapter;
  9. Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in the floodway; and
  10. Where a floodway has not been determined by preliminary Corps of Engineers' investigations or official designation, a floodway shall be defined by qualified engineering work by the applicant on the basis of a verified 100-year flood event.
- G. Repairs, replacement, or relocation of substantially damaged residences in the floodway, are subject to the following:
1. When residences are substantially damaged in the floodway, the director may make a written request to the Department of Ecology under RCW 86.16.041(4) to assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the floodplain administrator authority to permit repair, replacement, or relocation of the substantially damaged structure. The property owner shall submit any information necessary to complete the assessment to the Town and the Department of Ecology. Without a favorable recommendation from the Department of Ecology for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed under WAC 173-158-076(1).
  2. Before the repair, replacement, or relocation is started, all applicable requirements of the National Flood Insurance Program, chapter 86.16 RCW, WMC Chapter 14.71, and this chapter must be satisfied. In addition, the following conditions must be met:
    - a. There is no potential building location for the replacement residential structure on the same property outside the regulatory floodway;
    - b. The replacement residential structure is equivalent in use and size to the substantially damaged residential structure;
    - c. The structure being repaired, replaced, or reconstructed was legally constructed;
    - d. Repairs, reconstruction, or replacement do not result in an increase of the total square footage of floodway encroachment;
    - e. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the base flood elevation;
    - f. New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system;
    - g. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and
    - h. All other utilities and connections to public utilities are elevated a minimum of one foot above the base flood elevation and are designed, constructed, and located to eliminate or minimize flood damage.

- H. Repair, reconstruction, or improvement of residential structures, where repair, reconstruction, or improvement of a structure does not increase the ground floor area, and is not a substantial improvement.
- I. Water-dependent utilities and other installations which by their very nature must be in the floodway. Examples of such uses are: Dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structural and nonstructural flood damage reduction facilities, and stream bank stabilization structures and practices. The applicant shall supply convincing evidence that a floodway location is necessary in view of the objectives of the proposal and that the proposal is consistent with other provisions of this chapter and the town shoreline management program. In all instances of locating utilities and other installations in floodway locations, project design must incorporate floodproofing.

**14.70.230 FLOODWAYS: PROHIBITED USES.**

- A. The following uses/development are prohibited in the floodway:
  - 1. Any structure, including mobile homes designed for, or to be used for, human habitation of a permanent nature.
  - 2. All encroachments, including fill, new construction, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.
  - 3. The construction or storage of any object subject to flotation or movement during flood level periods;
  - 4. The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway are specifically prohibited:
    - a. The filling of marshlands;
    - b. Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials;
    - c. Damming or relocation of any watercourse that will result in any downstream increase in flood levels during the occurrence of the base flood discharge; and
    - d. Critical facilities as defined in this title.
- B. The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.

**14.70.240 CONTINUATION OF NONCONFORMING USES AND STRUCTURES.**

Any nonconforming use or nonconforming structure may be continued subject to the provisions of this chapter. The provisions of WMC 14.70.310 through 14.70.340 shall be applied in place of other provisions in chapter WMC 14.52 relating to nonconforming uses and structures.

**14.70.250 NONCONFORMING USES.**

Nonconforming uses shall not be expanded and may be changed only to other uses which are allowed by this chapter; except that nonsubstantial improvements to the structural portions of nonconforming uses are allowed as provided in WMC 14.70.330(A).

**14.70.260 DISCONTINUANCE.**

If the nonconforming use is discontinued for a period of 12 consecutive months or more, the nonconforming status of the use is terminated and any future use of the land or structures shall be in conformity with the provisions of this chapter. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use.

**14.70.270 RESTORATION.**

- A. Nothing in this shall be deemed to prohibit the restoration of the structural portions of a nonconforming use located outside a designated floodway within six months from the date of its accidental damage by fire, explosion, natural disaster, or act of public enemy; provided that the applicable elevation and/or floodproofing requirements of this title shall be adhered to if the structure is destroyed. A structure shall be considered to be destroyed if the restoration costs exceed 75 percent of the market value; provided further that restoration of nonresidential structures in the floodway shall be allowed when the applicable provisions of WMC 14.70.220 and 14.70.230 are met.
- A. Construction or reconstruction of the structural portions of a nonconforming use pursuant to this section in a special flood hazard area, whether new construction, substantial or nonsubstantial improvements, shall be subject to all applicable provisions of this chapter and WMC Chapter 14.71.

**14.70.280 NONCONFORMING STRUCTURES.**

- A. Nonconforming structures may be structurally altered or enlarged and nonconforming structures accidentally damaged or destroyed by fire, explosion, act of God, or act of public enemy may be reconstructed; provided that the degree of nonconformance shall not be increased and the applicable elevation and/or floodproofing requirements of this title shall be observed when proposed construction is a substantial improvement provided further that, construction in the floodway (nonsubstantial and substantial improvements) shall be subject to the limitations of WMC 14.70.220 and 14.70.230.
- B. Nonconforming structures that are also the structural portions of a nonconforming use shall also be subject to the provisions of WMC 14.70.330.

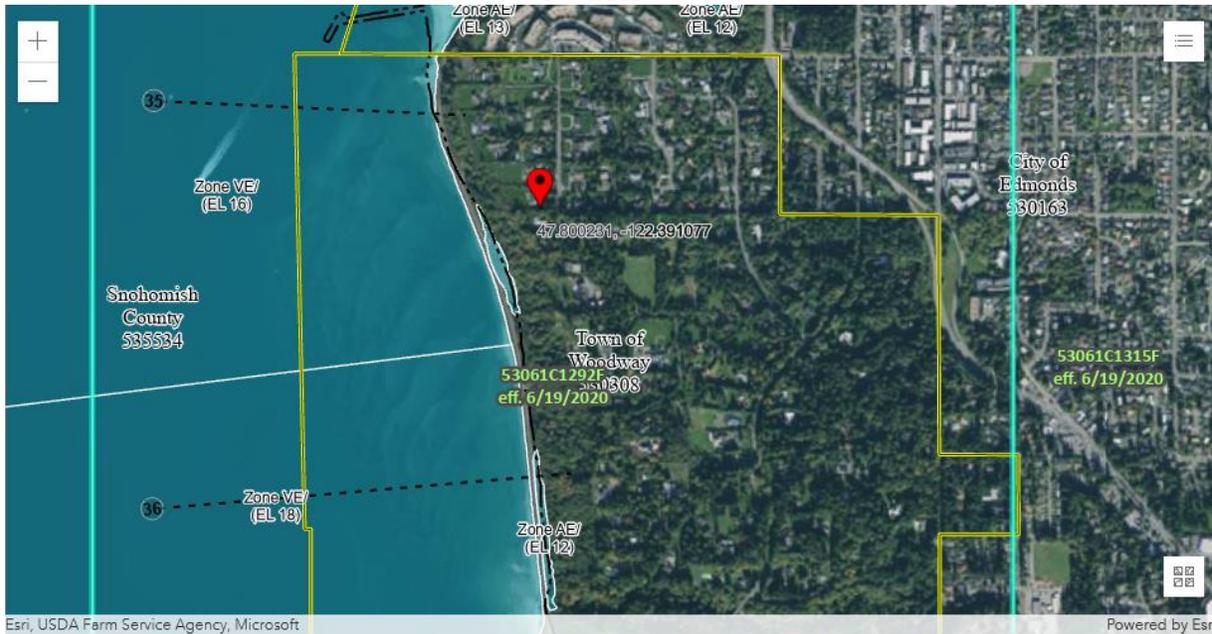
**14.70.290 ENFORCEMENT.**

The provisions of this chapter shall be enforced under WMC Chapter 1.14.

**14.70.300 FEMA FLOOD INSURANCE RATE MAPS**

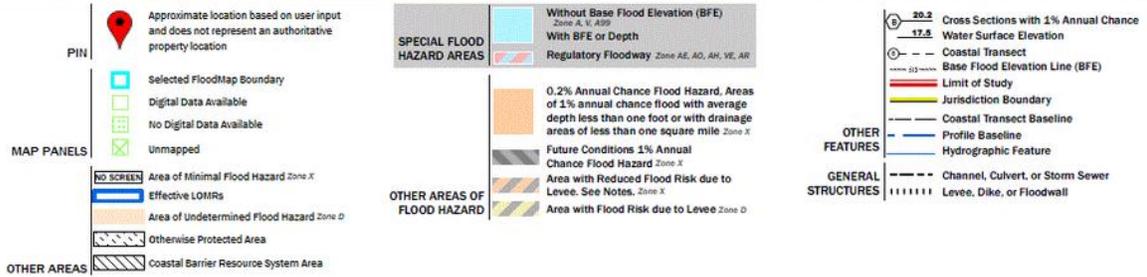
FEMA's Flood Insurance Rate Maps depicting special flood hazard zones are illustrated in Figure 1 – North and Figure 2 – South. These maps are effective 6/19/2020.

NORTH



Esri, USDA Farm Service Agency, Microsoft

Powered by Esri



SOUTH



<p><b>PIN</b></p> <ul style="list-style-type: none"> <li> Approximate location based on user input and does not represent an authoritative property location</li> </ul> <p><b>MAP PANELS</b></p> <ul style="list-style-type: none"> <li> Selected FloodMap Boundary</li> <li> Digital Data Available</li> <li> No Digital Data Available</li> <li> Unmapped</li> </ul> <p><b>OTHER AREAS</b></p> <ul style="list-style-type: none"> <li> Area of Minimal Flood Hazard Zone X</li> <li> Effective LOMRs</li> <li> Area of Undetermined Flood Hazard Zone D</li> <li> Otherwise Protected Area</li> <li> Coastal Barrier Resource System Area</li> </ul>	<p><b>SPECIAL FLOOD HAZARD AREAS</b></p> <ul style="list-style-type: none"> <li> Without Base Flood Elevation (BFE) Zone A, V, A99</li> <li> With BFE or Depth</li> <li> Regulatory Floodway Zone AE, AO, AH, VE, AR</li> </ul> <p><b>OTHER AREAS OF FLOOD HAZARD</b></p> <ul style="list-style-type: none"> <li> 0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X</li> <li> Future Conditions 1% Annual Chance Flood Hazard Zone X</li> <li> Area with Reduced Flood Risk due to Levee. See Notes. Zone X</li> <li> Area with Flood Risk due to Levee Zone D</li> </ul>	<p><b>OTHER FEATURES</b></p> <ul style="list-style-type: none"> <li> Cross Sections with 1% Annual Chance Water Surface Elevation</li> <li> Coastal Transect</li> <li> Base Flood Elevation Line (BFE)</li> <li> Limit of Study</li> <li> Jurisdiction Boundary</li> <li> Coastal Transect Baseline</li> <li> Profile Baseline</li> <li> Hydrographic Feature</li> </ul> <p><b>GENERAL STRUCTURES</b></p> <ul style="list-style-type: none"> <li> Channel, Culvert, or Storm Sewer</li> <li> Levee, Dike, or Floodwall</li> </ul>
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## WMC CHAPTER 14.71: FLOOD HAZARD PERMITS

### Sections:

- 14.71.010 Purpose and applicability.
- 14.71.020 Flood hazard permit.
- 14.71.030 Additional submittal requirements.
- 14.71.040 No liability.
- 14.71.050 Time limitation of application.
- 14.71.060 Decision criteria - flood hazard permit.
- 14.71.070 Permit expiration.
- 14.71.080 Enforcement.

### **14.71.010 PURPOSE AND APPLICABILITY.**

The purpose of this chapter is to set forth the procedures and decision criteria for flood hazard permits. This chapter applies to all development in a special flood hazard area as provided in WMC Chapter 14.70.

### **14.71.020 FLOOD HAZARD PERMIT.**

Prior to any development within a special flood hazard area as defined in WMC 14.08.305, a flood hazard permit shall be obtained. The Town shall have the authority to approve, approve with conditions, or deny a flood hazard permit using an administrative approval. The flood hazard permit is exempt from the notice provisions set forth in WMC 14A.04.070. If the flood hazard permit is accompanied by a concurrent development activity application, the flood hazard permit application may, at the applicant's request, be processed concurrently with the development activity application. In order to be considered concurrent, all other development activity permits must be submitted to the Town at the same time as the flood hazard permit application.

### **14.71.030 ADDITIONAL SUBMITTAL REQUIREMENTS.**

All persons applying for a flood hazard permit shall make application to and shall meet the submittal requirements established by the department pursuant to 14A.04.060. Additional submittal requirements shall include the following:

- A. Name of the stream or body of water associated with the floodplain in which the development is proposed;
- B. General location of the proposed development;
- C. Site plan map showing:
  - 1. Site boundaries;
  - 2. Location and dimensions of the proposed development or structure;
  - 3. Location and volume of any proposed fill material; and
  - 4. Location of existing structures;
- D. Topographic, engineering, and construction information necessary to evaluate the proposed project that may be requested by the department through the preapplication process or during the initial review for completeness of the application;
- E. Additional information when required pursuant to chapter WMC 14.70;

- F. If a project proposes to alter or relocate a riverine watercourse, the flood hazard permit application shall include a description of the extent to which the riverine watercourse will be altered or relocated;
- G. If a project will alter the base flood elevation or the boundaries of the special flood hazard area the flood hazard permit application shall include:
  - 1. Engineering documentation and analysis developed by a registered qualified professional engineer regarding the proposed change; and
  - 2. If required by the Federal Emergency Management Agency, a letter of map change from that agency. If a letter of map change is required, the applicant must receive approval of a conditional letter of map revision from the Federal Emergency Management Agency before the flood hazard permit may be approved. The application for the flood hazard permit shall include the complete conditional letter of map revision application package;
- H. Elevation and floodproofing certification under WMC 14.70.130 and 140; and
- I. If a project is proposed in the floodway, certification by a registered professional engineer confirming that the proposal will not result in any increase in flood levels during the occurrence of the base flood discharge.

**14.71.040 NO LIABILITY.**

The granting of a permit for any development or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the Town , or any official or employee thereof, of the practicality or safety of any structure or use proposed and shall create no liability upon, or cause of action against, such public body, official, or employee for any damage that may result thereto.

**14.71.050 TIME LIMITATION OF APPLICATION.**

An application for a flood hazard permit shall expire 18 months from the date of letter of completeness.

**14.71.060 DECISION CRITERIA - FLOOD HAZARD PERMIT.**

The department may approve or approve with conditions a flood hazard permit when the following is met:

- A. The requirements of chapter 14.70 are met, including, but not limited to
  - 1. Floodproofing requirements;
  - 2. Floodway encroachment provisions;
  - 3. Density fringe area provisions; and
  - 4. Requirements relating to the alteration or relocation of a watercourse; and
- B. Permits from those agencies for which prior approval is required have been issued; and
- C. The permit is in accordance with this code and other applicable local, state, and federal regulations; and
- D. Development authorized by the permit will not:
  - 1. Significantly increase the level of flooding on any lands;
  - 2. Threaten the preservation of those natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by:
    - a. creating or exacerbating rapid water runoff conditions which contribute to increased downstream flooding; and

- b. eliminating natural groundwater absorption areas essential for reducing surface flood flows downstream. In-kind on-site mitigation may be used to achieve this requirement; and
3. Materially pollute or contribute to the turbidity of flood waters.

**14.71.070 PERMIT EXPIRATION.**

The flood hazard permit shall expire 18 months from date of issuance.

**14.71.080 ENFORCEMENT.**

The provisions of this chapter shall be enforced under WMC Chapter 1.14.

## WMC CHAPTER 14.08: DEFINITIONS

### New Sections:

- 14.08.082 Critical facility.
- 14.08.086 Development activity.
- 14.08.305 Special flood hazard area

#### **14.08.082 CRITICAL FACILITY.**

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include but are not limited to schools; nursing homes; hospitals; police, fire and emergency response installations; and installations which produce, use, or store hazardous materials or hazardous waste.

#### **14.08.086 DEVELOPMENT ACTIVITY.**

“Development” means any construction, development, earth movement, clearing, or other site disturbance which either requires a permit, approval, or authorization from the Town or is proposed by a public agency.

#### **14.08.305 SPECIAL FLOOD HAZARD AREA.**

“Special flood hazard area” means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, or AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

**TOWN OF WOODWAY  
PLANNING COMMISSION**

**RESOLUTION PC-2024-008**

A RESOLUTION OF THE WOODWAY PLANNING COMMISSION RECOMMENDING TO  
THE TOWN COUNCIL APPROVAL OF AMENDMENTS TO THE ZONING ORDINANCE  
REGARDING FLOODPLAIN REGULATIONS (WMC 14.70, 14.71 AND 14.08)

WHEREAS, the Washington State Growth Management Act provides for the update, review, and revision of Comprehensive plans and development regulations to comply with the requirements of the Growth Management Act, legislative changes and best available science information; and

WHEREAS, the Town of Woodway updated its comprehensive plan consistent with the most recent periodic review set forth in RCW 36.70A.130; and

WHEREAS, Woodway's development regulation to implement the comprehensive plan has been updated for wetlands and geological hazard areas but not for frequently flooded areas; and

WHEREAS, the FEMA FIRM maps indicate that portions of the Town's MUGA (Point Wells) is within a special flood hazard zone; and

WHEREAS, if the Town Council considers annexing Point Wells in the future it is prudent to ensure that land and structures within the flood hazard zones are protected from inundation by the administration of floodplain regulations; and

Whereas, Snohomish County has adopted floodplain regulations applicable to the unincorporated areas of the County and should the Town Council act to annex Point Wells it would be appropriate to have similar regulations in the Town to provide landowners with a seamless transition of floodplain regulatory measures; and

Whereas, the Planning Commission reviewed the proposed floodplain regulations in May 2023 and again in January 2024; and

WHEREAS, the proposed amendments are consistent with the goals and policies of the Conservation Element of the Town's Comprehensive Plan; and

WHEREAS, a Notice of Adoption of proposed amendments was sent to the Department of Commerce on January 8, 2024; and

WHEREAS, a SEPA Declaration of Non-Significance was issued on January 8, 2024; and

WHEREAS, a notice of public hearing was advertised in the Everett Herald newspaper, posted on Town bulletin boards, and posted on the Town's website on January 8, 2024; and

WHEREAS, the Planning Commission conducted a public hearing on April 17, 2024; and

WHEREAS, the staff report attached hereto as Exhibit A includes findings and conclusions and a recommendation of the proposed amendments to the Town Council.

NOW, THEREFORE, the Planning Commission of the Town of Woodway does hereby resolve as follows:

Section 1. The Planning Commission adopts the staff report attached hereto as Exhibit A, including attachments containing regulations for Special Flood Hazard Areas, Flood Hazard Permits and definitions related to floodplains amendments as amended by the Planning Commission (WMC 14.70, 14.71 and 14.08), and recommends to the Woodway Town Council that the proposed amendments be adopted.

PASSED by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed this 17th day of April 2024 by the Planning Commission of the Town of Woodway.

TOWN OF WOODWAY

\_\_\_\_\_  
Per Odegaard, Chair

ATTEST:

\_\_\_\_\_  
Kim Sullivan, Deputy Clerk-Treasurer

Attachments:

Exhibit A: Staff Report to the Planning Commission Regarding Proposed Amendments to the zoning code regarding floodplain regulations (WMC 14.70, 14.71 and 14.08) including attachments.

## Chapter 1: Introduction

The Woodway Comprehensive Plan is the official document of the community to be used by both the public and private sectors when formulating decisions about the future use and servicing of land and facilities. The Comprehensive Plan and corresponding elements are required by the 1990 Washington State Growth Management Act, as amended (GMA). The statewide intent of GMA is to channel future urban growth into urban areas where a full range of urban services can be provided while conserving critical environmental areas and preserving valuable resources. A key element of GMA is to ensure consistency among the state, region, and local jurisdictions when planning for future growth and conservation of valuable resources. To that end, the Act sets up a hierarchy of planning goals illustrated in the image below. The GMA includes statewide goals providing direction for regional and countywide goals and policies. Local plans and polices are intended to be consistent with both the regional policies and the countywide policies.



The following provides an overview of the state GMA goals, multi-planning policies of the regional growth strategy *Vision 2050* and the Snohomish countywide planning policies.

### The State: Growth Management Act

The Growth Management Act (GMA) was adopted by the Washington State Legislature in 1990, and amended thereafter, to manage future urban development and preserve the state's valuable economic and natural resources. The primary component of the Act is the requirement that local jurisdictions develop and implement comprehensive plans to implement the goals set forth in the legislation.

The Town of Woodway's Comprehensive Plan is consistent with the following statewide goals set out in the GMA.

1. Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
2. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

3. Transportation. Encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
4. Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
5. Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans.
6. Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
7. Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
8. Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and agricultural lands, and discourage incompatible uses.
9. Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
10. Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
11. Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
12. Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
13. Historic preservation. Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.
14. Climate change and resiliency. Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

15. Shorelines. Preserve, protect and restore the ecological functions necessary to maintain shoreline natural resources while encouraging beneficial uses of the shoreline for the community. The goals, policies and regulations of the Shoreline Master Program are to be incorporated as an element of comprehensive plans.

## **The Region: Multi-County Planning Policies**

The Puget Sound Regional Council (PSRC) is the Central Puget Sound regional planning authority. GMA requires the regional planning authority to prepare a growth, transportation and economic development strategy for the four-county region including King, Kitsap, Pierce, and Snohomish County. The strategy is encompassed in the document entitled *Vision 2050* and includes multicounty planning policies, actions, and a regional growth strategy that guides how and where the region will grow through 2050.

The multi-county planning policies serve three key roles: implementing the Regional Growth Strategy, creating a common planning framework for local plans, and providing policy structure for other regional plans including the Regional Transportation Plan and Regional Economic Strategy. Multicounty planning policies call for concentrating growth within the region's designated urban growth areas and limiting development in natural resource and rural areas.

To move toward meeting these policies, Vision 2050 provides for planning and projecting growth in several distinct types of geographic places referred to as the Regional Growth Strategy (RGS). Based on the overarching GMA goal of channeling growth to urban growth areas and preserving and conserving rural and resource lands, the RGS creates the following places.

**Metropolitan Cities:** (5 cities) Seattle, Everett, Bellevue, Bremerton, and Tacoma. These cities will capture most of the population (36%) and employment (40%) growth in the four-county region.

**Core Cities:** (16 cities): Auburn, Bothell, Burien, Federal Way, Issaquah, Kent, Kirkland, Lakewood, Lynnwood, Puyallup, Redmond, Renton, SeaTac, Silverdale, Tukwila, and University Place. These cities will accommodate 20% of the population and 35% of the employment.

**High-Capacity Transit Communities:** These communities include cities and unincorporated municipal urban growth areas (MUGA) connected to existing or planned light rail, commuter rail, ferry, streetcar, and bus rapid transit facilities. Within Snohomish County they include Arlington, Mukilteo, Mill Creek, Edmonds, Lynnwood, Mountlake Terrace, Everett, Bothell, and Marysville. These areas and others in the King, Pierce and Kitsap counties are planned to accommodate 24% of the population and 13% of the employment by 2050.

**Cities and Towns:** (42 cities and towns) In Snohomish County these include Lake Stevens, Gold Bar, Sultan, Index, Darrington, Snohomish, Stanwood, Monroe, and Woodway. The region's 42 Cities and Towns are expected to accommodate relatively less growth than historical trends and remain relatively stable for the long term. Many Cities and Towns are served by local transit options, but similar to Woodway, these jurisdictions are not connected to the regional high-capacity transit system. The Regional Growth Strategy calls for 42 Cities and Towns to accommodate 6% of the region's population growth and 4% of its employment growth by the year 2050.

**Urban Unincorporated Areas:** This categorical place includes land within urban growth areas that may annex to an affiliated city or town. In Snohomish County these areas include the Woodway MUGA at Point Wells, Silver Firs east of Mill Creek, and the Lake Stickney area between Lynnwood and Everett.

**Rural Areas and Natural Resource Lands:** These land areas are located outside of the Urban Growth Areas. The rural areas are planned to maintain the long-term use of rural cultural, economic cottage industries and lifestyles with limited low-density housing supported by rural levels of service. The natural resource lands are planned to be retained for farming and forestry, recreation, cottage industries, and mining.

## **Vision 2050 Multicounty Planning Policies**

Vision 2050 is the result of a process undertaken by the region's elected officials, public agencies, interest groups, and individuals. It was adopted in 2020 and establishes the regional vision, sets the Regional Growth Strategy (RGS), and provides guidance to the CPPs. VISION 2050 describes itself with the following excerpt:

VISION 2050 is the shared regional plan for moving toward a sustainable and a more equitable future. It encourages decision-makers to make wise use of existing resources and planned transit investments while achieving the region's shared vision. VISION 2050 sets forth a pathway that strengthens economic, social, and environmental resiliency, while enhancing the region's ability to cope with adverse trends such as climate change and unmet housing needs. As the region experiences more growth, VISION 2050 seeks to provide housing, mobility options, and services in more sustainable ways. Most importantly, VISION 2050 is a call to action to meet the needs of a growing population while considering the current needs of residents. VISION 2050 recognizes that clean air, health, life expectancy, and access to jobs and good education can vary dramatically by neighborhood. VISION 2050 works to rectify the inequities of the past, especially for communities of color and people with low incomes.

## **The County: Countywide Planning Policies**

The Growth Management Act provides that local comprehensive plans be consistent with and based upon the policies adopted for the county in which the local jurisdictions

are located. Snohomish County prepared Countywide Planning Policies in 1994 that have been amended numerous times to be consistent with revisions in the GMA and other growth-related considerations. The most recent amendments were adopted in March 2022 following review and comments by members of the Snohomish County Tomorrow Steering Committee including Woodway.

The Woodway Comprehensive Plan has been prepared to be consistent with the relevant Countywide Planning Policies. The following summarizes the consistency of the Woodway Comprehensive Plan to the countywide policies considered most relevant to Woodway.

#### General Framework

The General Framework Policies acknowledge the role of the GMA and VISION 2050 in setting the goals and direction for the overall Countywide Planning Policies (CPPs). They also address the need to plan for projected population and employment growth through a collaborative process while recognizing the prerogative of each jurisdiction in the County to address local issues. Woodway has been a participant in the Snohomish County Tomorrow policy committee to coordinate and integrate population and employment forecasts together with applicable regional and county planning policies into the Woodway Comprehensive plan.

#### Joint Planning

The Growth Management Act requires that Countywide Planning Policies (CPPs) address joint County and city planning in urban growth areas. Coordination of planning for future annexation and servicing is essential to achieving a smooth transition between unincorporated County lands to city/town urban environments.

Snohomish County and Woodway have participated in planning for Point Wells for many years. Following a developer-initiated proposal for a mixed used project in 2011, Snohomish County, the City of Shoreline, the Richmond Beach neighborhood, and Woodway have all participated in defining their respective interests for Point Wells. Those collective efforts have culminated in each jurisdiction preparing land use plans that would be applicable either upon development in the County or after annexation to a particular jurisdiction. Woodway and Shoreline participated in a coordinated planning effort in 2020 to define each jurisdiction's respective interests at Point Wells. The joint planning effort culminated in coordinated plans and development regulations for Point Wells together with an interlocal agreement defining the terms addressing services, infrastructure, mitigation, impacts, and related issues related to development or redevelopment of Point Wells. The Town has and will continue to coordinate with the County and surrounding jurisdictions through interlocal agreements related to annexation and the provision of urban services.

#### Urban Growth

The Countywide Planning Policies include a map of the Southwest Urban Growth Area wherein Point Wells has been designated as Woodway's Municipal Urban Growth Area (MUGA). Woodway adopted the *Point Wells Subarea Plan 2020* and attendant development regulations in December. The 2044 population allocation for the existing

Town limits and its MUGA can be accommodated within the Town's planned distribution of land uses.

#### Contiguous and Orderly Development and Provision of Urban Services

The Woodway Comprehensive Plan for the Town limits and the MUGA subarea allows for infill development at urban level densities with the provision of urban services.

#### Development Patterns

The Woodway Land Use Element is consistent with the goals and relevant policies set forth in the CPPs related to Development Patterns. The Town's policies provide for the distribution and servicing of urban land uses and attendant facilities. The Land Use Element includes specific policies covering both the Town limits and its Municipal Urban Growth Area (MUGA) that includes Point Wells, all of which are planned for urban level uses and services. The land use plan map illustrates the distribution of residential uses ranging from low density in Woodway's historical neighborhoods to medium density planned for Point Wells within its MUGA.

#### Housing

The Woodway Housing Element recognizes the GMA housing goal that the Town's comprehensive plan and development regulations plan for and accommodate housing affordable to all economic segments of the population, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock. The Town's plan and development regulations can accommodate housing capacity as set out in the initial growth targets as provided in Appendix B of the CPPs. Given the Town's historical residential patterns, limited vacant or re-developable land supply and Woodway's location away from employment centers and transit corridors, siting new medium density housing within the current Town limits as provided in the CPPs is impracticable. Instead, the Town's Point Well's Subarea plan for its MUGA provides for urban level densities and a range of housing types. The Town has and should continue to support local housing programs.

#### Capital Facility Siting

The Capital Facilities Element includes goals and policy statements that if an essential public facility is proposed within the Town limits or MUGA, the Town will implement the County's essential facility siting process.

#### Environment and Climate Change

Although the CPPs related to the natural environment and climate change are not GMA required policies in local comprehensive plans, Woodway has included specific goals and actions to protect and preserve the town's natural environment and resources. The goals and policies of the Conservation Element reflect the essence of the CPPs to protect, preserve and enhance the natural environment. The Town's development regulations implement the Conservation Element policies and CPPs by retaining and increasing the town's expansive forest cover to help sequester greenhouse gas emissions, minimize impermeable surfaces, improve air, water quality, and preserve wildlife corridors. The policies also recognize the Town's long-standing tradition of civic and environmental stewardship.

### Economic Development

The GMA requires counties to prepare economic development policies within their CCPs and that local comprehensive plans include an economic development element. Given that Woodway is a “residential community” and does not provide for commercial or industrial lands, the Town is exempt per RCW 36.70A.070 (7) from preparing an economic element in the comprehensive plan. Although not required to prepare an economic element, the Town does support the Regional and the County’s economic development strategy of encouraging coordinated, sustainable economic growth by building on the strengths of the county’s economic base and diversifying it through strategic investments in infrastructure, education and training, and sound management of land and natural resources.

### Transportation

The Woodway Transportation Element recognizes the existing and planned low population levels for the Town and provides facilities that support the population and residential character. The planned transportation facilities include only local access streets with bicycle and pedestrian facilities. The element also provides concurrency level of service standards for local streets as set forth in the Countywide transportation policies TR 7 and 8.

## **The Town: Woodway Comprehensive Plan**

The Comprehensive Plan is composed of a set of goals that express the values of the community, and a series of policies that represent specific courses of action to follow to attain the various goals. In addition, the plan includes a set of maps that geographically depict the array of planned land uses, the transportation network, the general location of critical areas and the capital facilities and utilities that will service the planned land areas throughout the planning period (2024). The goals, policies, and associated maps are contained within six elements, or chapters, which include Land Use, Conservation, Transportation, Housing, Capital Facilities/Utilities, and Parks, Recreation and Open Space and Shorelines.

### **Planning and Woodway’s History**

Woodway was established in 1912 when David Whitcomb, Sr. purchased the original 320-acre site and platted the land for two-acre residential lots for people who desired “country living”. When nearby development in the 1950’s threatened the annexation of Woodway into other cities, residents of the Town incorporated it as a city in 1958, which provided development protection and independence as a community. These historical beginnings continue to guide present day policies.

Woodway’s first community plan was adopted in 1963 and described a vision based on respect for nature and a belief in a quiet existence in a densely wooded environment. The Town was designed as a retreat from common urban life that was associated with air and noise pollution, traffic congestion, obtrusive land uses, and commercial development. Although the population of Woodway has increased since the first plan was adopted, the residents of the Town are desirous of maintaining the character that was envisioned in the original plan. This desire to maintain Woodway as was originally

envisioned by David Whitcomb, Sr. is reflected in its municipal brand as being “The Quiet Place.”

### **Comprehensive Plan Updates: 1994, 2000, 2004, 2012, and 2015**

The initial 1963 community plan was revised in 1994 and then amended in 2000 to be compliant with several provisions of Washington State Growth Management Act (GMA). The state legislature adopted amendments to the Act in 2001 that required all counties and cities planning under the act to prepare and complete updates of their original plans on an eight-year cycle in order to plan for growth for the ensuing 20-year planning period. Consistent with the state legislation, the Town’s comprehensive plan and development regulations have been subsequently updated in 2004, 2015 and will be updated with the adoption of the 2024 plan contained herein.

To address the current plan update, the Woodway Planning Commission embarked on a process in 2022 to review and update the existing Comprehensive Plan. This current Comprehensive Plan update reflects their work and has been prepared to comply with the requirements for comprehensive plans set forth in the Growth Management Act with guidance and assistance by the Department of Commerce, Growth Management Division.

### **Relationship of the Comprehensive Plan to Development Regulations and the Shoreline Master Program**

The goals and policies contained in this Plan’s elements are implemented through the application of development regulations. Development regulations include the zoning and subdivision ordinance, environmentally critical areas ordinance, engineering standards, and other regulatory provisions set out in the Town’s municipal code. For example, where a policy in the Plan’s land use element states that a residential density is established in a certain portion of the Town, the zoning ordinance and map designate the general location for that residential density. Further, if vacant land is proposed for development, the critical areas ordinance defines sensitive land areas that may present constraints to development; the subdivision ordinance and engineering standards are used to create buildable parcels that respect environmental constraints.

The Town and Department of Ecology adopted the Town’s updated Shoreline Master Program in April 2013. The Shoreline Master Program provides goals, policies, and regulations for property located within two hundred feet upland of the mean ordinary high-water mark of Puget Sound. The Shoreline Master Program is an element of the Town’s Comprehensive Plan and is consulted and administered for proposed land uses within the two hundred foot shoreline jurisdictional area within the Town limits and Municipal Urban Growth Boundary (MUGA).

### **2024 Comprehensive Plan Update Processes**

The 2024 Woodway Comprehensive Plan update has been prepared with the assistance of a grant from the State Department of Commerce-Growth Management Division (DOC). The Planning Commission has utilized a planning process, based on

the department's Periodic Update Checklist for Fully Planning Cities. The checklist was helpful in identifying key components of the Town comprehensive plan and development regulations that needed to be updated to comply with changes in the GMA since the last update was completed in 2015. Figure 1-2 illustrates the sequential steps of the planning process.

## 2015 COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS UPDATE PLANNING PROCESS

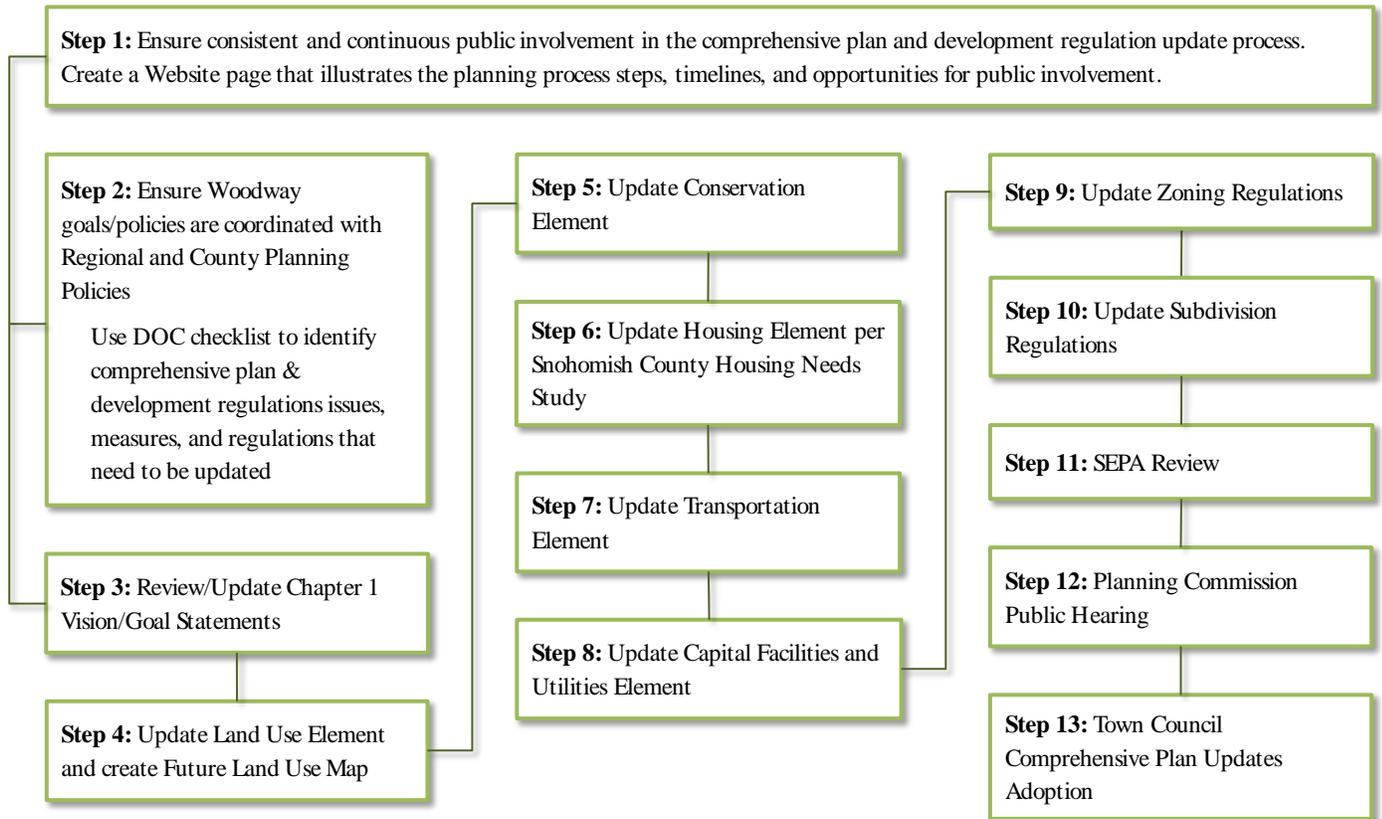


Figure 1-2 INSERT NEW 2024 UPDATE PROCESS

## **Comprehensive Plan Format**

The Comprehensive Plan is organized into six primary elements or chapters:

- Land Use
- Housing
- Conservation
- Transportation
- Capital Facilities/Utilities
- Parks, Recreation, and Open Space

Each element has been prepared pursuant to the GMA requirements and includes the following common format:

An introduction that describes the purpose or intent of the element; an inventory and analysis of the existing conditions of the built or natural environment; a discussion of consistency with applicable state legislative provisions, a set of goals that define the expectations of the Town relative to the element's purpose, and a set of policies that are specific courses of action to follow to move toward attaining the goals.

The plan also includes a series of maps that designate future land use, the planned transportation network, general critical areas and an implementing zoning map. The *Point Wells Subarea Plan 2020* is incorporated into the land use element.

## **Overarching Community Values, Goals, and Vision Statements**

The purpose of the Town's vision statement is to define the desired future of the community that should be in the forefront of major public and private decision-making. The vision for Woodway is based on a set of community values that residents have identified as vitally important to decision-making throughout the planning period.

### Community Values

Woodway historically has been a community characterized by low density residential neighborhoods situated in a forested environment adjacent to Puget Sound. The Town's logo includes the slogan "The Quiet Place," which accurately describes the sensory mood of the community when compared to more urban environs that surround the Town. Community values and community qualities listed by the Planning Commission include the following:

- Quiet residential neighborhoods situated among a physical setting of natural landscapes characterized by a Northwest forested environment exemplified by mature vegetation, abundance of wildlife, expanses of tall trees, and open space.
- An appreciation of, and the impetus to, preserve the Town's unique physical setting of residential neighborhoods while being surrounded by jurisdictions with more intense urban development.
- A strong "sense of community" and active volunteerism.

- A well-recognized pedestrian environment distinguished by its expansive walking paths and bikeways.
- Local residential streets with low traffic volumes devoid of congestion.
- Preservation of the night time environment with low lighting levels, and
- A legacy of independent local government with active participation in regional issues.

### Community Goals

The above values/qualities have been a solid foundation of the community for decades and have served as a touchstone for planning goals in the Town's previous comprehensive plans. Community values and qualities still embrace a contained community, large expanses of wooded open space, and quiet residential neighborhoods, but acknowledge that Woodway is not immune to urban issues. The Planning Commission has defined the following goals that contribute to the Town's vision:

### Character

Preserve Woodway's unparalleled physical setting and its historical pattern of residential neighborhoods. Respect the character of existing homes, neighborhoods, land uses and community aesthetics when considering new development within the Town and its designated municipal urban growth area.

### Guidance

Use the Comprehensive Plan, Shoreline Master Program, and development regulations as a guide for coordinating and regulating development activity.

### Land Use

Continue the historic land use patterns of residential neighborhoods consistent with state goals and regional and countywide planning policies. Accommodate development that is in the best interest of the Town and that will adequately meet the Town's adopted population and employment targets.

### Environment

Preserve the Town's unique natural setting and advance the enactment and administration of policies and regulations that promote conservation of natural resources, a healthy and clean environment, environmental stewardship, and sustainable development patterns and infrastructure.

### Transportation

Maintain a safe and convenient circulation system for the movement of people, goods, and services through Town while minimizing detrimental impacts generated by internal and external development activities.

### Community Facilities/Utilities

Provide the necessary public facilities to meet current and future needs.

## Governance

Continue to promote and administer Town policies that maintain Woodway's small-town character, independence, and sense of community that has been a hallmark of the community since incorporation.

## Vision Statement

As stated above, the purpose of the vision statement is to serve as the basis for making public and private decisions about land use, services, environmental protection, and the quality of life of all Woodway residents. Because of its broad application for overall community-wide decision making, the vision statement is incorporated into the Town's comprehensive plan and represents the overarching basis for the goals and policies set forth in each of the plan's elements.

- Woodway is a regional ecological resource that is also home to a stable, sustainable residential community. The Town includes significant native forests, wetlands, marine bluffs, wildlife corridors, and environmentally restored shorelines. These features, as well as a commitment to environmental stewardship, define the Town's identity.
- Woodway's natural resources are accessible to community residents and visitors from throughout the region. Environmental awareness and stewardship are important aspects of public land protection and restoration. Town actions, volunteer work, and individual residential activities all serve to reduce human impacts to the ecology. New development and infrastructure adhere to low-impact development practices.
- While the Town's governmental activities are restricted to those actions necessary to protect the general health, safety, and public welfare of the community's interests and maintain public services to all residents, volunteer efforts are an important source of civic energy and provide much of the community's inclusive cohesion and collective identity. Woodway's mission is to provide efficient and accessible municipal services and responsible stewardship of land and resources to all residents.
- Any new residential development within the Town's MUGA should benefit the Town financially, add to the Town's identity, and should be planned and designed to complement the Town's existing character and development patterns.
- Point Wells is developed for a combination of desired mixed land uses on the waterfront, a restored shoreline ecology, substantial public access, and recreational opportunities consistent with the *Point Wells Subarea Plan 2020*.

## Chapter 2: Land Use Element

### *Introduction*

The Land Use Element provides for the general distribution and location of existing and future land uses. It describes development trends and the general character of the Town of Woodway. It also includes population densities, building intensities, estimates of future population growth, and policies that provide for the future use, distribution, and servicing of land including approaches that promote physical activity. The underlying purpose of the Land Use Element is to ensure that an adequate amount and distribution of urban land uses are available to accommodate the projected 20-year population and employment projections of the Town.

### *General Setting of Woodway*

#### Existing Community

The Town consists of 846 acres, including tidelands. A system of public streets connects Woodway to the City of Edmonds in Snohomish County and the City of Shoreline in King County. Residential uses range from multi-acre residential tracts situated within preserved urban forests to low-density subdivisions. An array of public open space exists throughout the Town, including the 13-acre Woodway Reserve located along the Town's southern main roadway.

Woodway's land use distribution is predominantly single family residential. The Town's zoning districts allow for single-family development on one-quarter acre, one-third acre, one acre, and two acre lots. Residential uses cover approximately 90% of the Town's total land area while the only non-residential uses within the Town's boundaries are public uses that include the Town Hall and several open space parcels.

Residents of the Town and those of surrounding jurisdictions use the Town's walkways and streets for active recreational activities, including jogging, running, and bicycling. Surrounding School District facilities, community centers, and local, county, and state parks provide additional active and passive recreational opportunities.

The tidelands and associated shoreline are governed by the 2023 Woodway Shoreline Master Program. The Shoreline Master Program is a stand-alone document that includes goals, policies, and development regulations for the land area within 200 feet of the ordinary high-water mark of Puget Sound. There are three environmental designations set out in the master plan that include aquatic, urban conservancy, and Point Wells Urban. The policies and regulations associated with the Point Wells Urban designation would be applicable upon annexation. The Shoreline Master Plan is incorporated into the comprehensive plan as a separate element.

## Point Wells

Located adjacent to Puget Sound and surrounded on three sides by the Town Boundaries, Point Wells is a 62-acre remnant of unincorporated Snohomish County. Most of this area includes property currently used as a distribution center for asphalt materials. The area also includes railroad right of way owned by BNSF and the outfall portal for King County's Brightwater sewer treatment system. Primary access to Point Wells is via Richmond Beach Drive Northwest through the Town and the City of Shoreline.

Both the County, City of Shoreline and Woodway have participated with the property owners and surrounding neighborhoods in planning for a future urban village at Point Wells. The Town adopted the Point Wells Subarea Plan 2020 to provide guidance for future development of the area upon annexation to Woodway. The subarea plan and policies are incorporated into the Land Use Element as a separate section.

## ***Land Use Services***

Woodway provides municipal urban services through a combination of Town employees and through contractual services. The Capital Facilities element details the provision of both contracted and direct municipal services.

Domestic water and sanitary sewer services are provided to Woodway through agreements between the Town and Olympic View Water and Sewer District. Olympic View's water source includes a series of wells, one of which is situated in the 22-acre Deer Creek watershed located within the boundaries of Woodway. This area is protected by a Conservation zone designation. In December 2013, the Town provided 10-years notice to Olympic View of the Town's intent to resume sewer operations and assume Olympic View's water and sewer services within the Town. Pursuant to an agreement between the Town and Olympic View, Olympic View must transfer its water and sewer assets to the Town upon the conclusion of the 10-year period.

The Town owns several open space parcels, including the 22.7-acre Carla Nichols Reserve, a portion of which is designated as Native Growth/Public Open Space within the Woodway Highlands. The Town also owns Olympic Park, which is presently a 5.05-acre undeveloped parcel overlooking Puget Sound, and Deer Creek Park, a 4.38-acre parcel adjacent to the southern edge of the Deer Creek Watershed.

### **Existing Conditions**

The land use patterns in Woodway are similar to those existing at the time of incorporation in 1958. Land use is dominated by single-family residential neighborhoods situated within mature urban forests, as well as several more recent developments. The residential development pattern has resulted in the retention of significant areas of native vegetation in their natural state. More intensive urban development in the cities of Shoreline, Lynnwood, and Edmonds surrounds Woodway with commercial establishments, schools, and other services nearby and within walking distance.

Land use designations of the Comprehensive Plan are appropriately implemented with complementary zoning districts. The Town Hall and public open spaces, considered institutional uses, are allowable in residential zoning districts. The following table illustrates the amount of land area allocated to the existing zone districts within the town limits.

**Table 2-1  
Land Use Categories and Zoning Districts**

<b>Category</b>	<b>Acres (includes tidelands) *</b>	<b>% of Total</b>
Single-Family Residential:		
Forest Residential Park (R-87 & R-43)	512.4	60.5
Suburban Residential (R-14.5)	100.3	11.85
Urban Restricted (UR)	67.9	8.03
Conservation (C):	49.0	5.8
Public & BNSF Rights-of-Way:	116.7	13.8
Totals:	846.3	100

Source: Snohomish County Assessor

\*Approximate acreage

### ***Land Use Character and Planned Residential Densities***

The Growth Management Act requires communities to plan for their respective share of the anticipated growth provided by the state and county population allocation. Woodway has participated in the process with other Snohomish County jurisdictions by allocating population growth to the planning year of 2044. Based on the availability of vacant developable land within the current Town limits, Woodway can adequately accommodate its anticipated 2044 population of 1,480 as presented in Tables 2-2 and 2-3 below.

Woodway has a historical pattern of low-density residential neighborhoods with zoned lot sizes ranging from 7,000 square feet up to two acres in size. It is important to point out that the GMA does not require that these historical land use patterns be redeveloped to higher densities. However, the GMA does require that the Town meet its 20-year population forecasts with a range of densities set out in the Land Use Element. Based on the distribution of developed and undeveloped land in the Town's zoning districts, Woodway can meet its 2044 population target of 1,480. This population target was adopted by the Snohomish County Council as an element of the Snohomish Countywide Planning Policies in March 2022.

### ***Future Population and Employment Projections***

#### **Population**

Population projections for the next 20 years are based on Washington State Office of Financial Management (OFM) and Puget Sound Regional Council estimates, employment opportunities, and available land supply. Employment opportunities in the Town of Woodway are limited as there is no commercial or industrial zoned or developed land. Individual residents may operate home-based businesses consistent with the Home Occupation provisions of the Woodway Municipal Code.

Since incorporation in 1958, Woodway's population has increased from 400 to 1,330 as of April 1, 2022. According to the Snohomish County Tomorrow Estimates and Population Targets, Woodway's population within the current town limits is expected to increase to 1,480 by the year 2044 supported by the Town's available land supply. Population estimates for the Town's MUGA (Point Wells) are forecast to reach 271 residents by 2044.

**Table 2-2  
Population Increase: 1958 to 2044**

<b>Incorporation</b>				<b>Current</b>	<b>Projected</b>
Year	1958	1970	1980	2022	2044
Population	400	879	832	1330	1480

Source: Washington Office of Financial Management, Snohomish County Tomorrow, and Town of Woodway

Employment

Although the Town does not have any land zoned for commercial or industrial land use, the primary employment source in the town is through home occupations or home employment. The 2019 employment estimate was 68 employees and the 2044 employment target for the Town is 80 employees. Within the MUGA, Point Wells is planned and zoned for Urban Village uses that allows for a blend of uses including office, retail and commercial uses. If annexed to the Town and developed at its full potential of urban mixed uses, the BLR projects an employment capacity of 119 employees.

***Land Use Goals and Policies***

The Town of Woodway’s vision statement is aimed at maintaining the stable residential character of existing and new neighborhoods, preserving the Town’s notable natural surroundings, fostering a culture of environmental sustainability and active living, and promoting coordination and cooperation with surrounding communities. The goals and policies set out below are specific courses of action to guide both public and private decisions to move toward and attain the Town’s stated vision. Goals are identified as LUG (Land Use Goal) and policies are identified as LUP (Land Use Policy).

***Town Character and Development Goals***

- LUG-1 To preserve the Town of Woodway’s natural and scenic character, park-like atmosphere, and the privacy of individual residences.
- LUG-2 To preserve and protect the Town of Woodway’s historical development patterns through strict enforcement of the Town’s development regulations.
- LUG-3 To provide development regulations that allow for innovation and flexibility in the development of new single-family, accessory dwelling and additional affordable units within the current Town limits and mixed-use land uses at Point Wells, while preserving the character, natural environment, and environmentally sensitive areas of the Town and its MUGA.

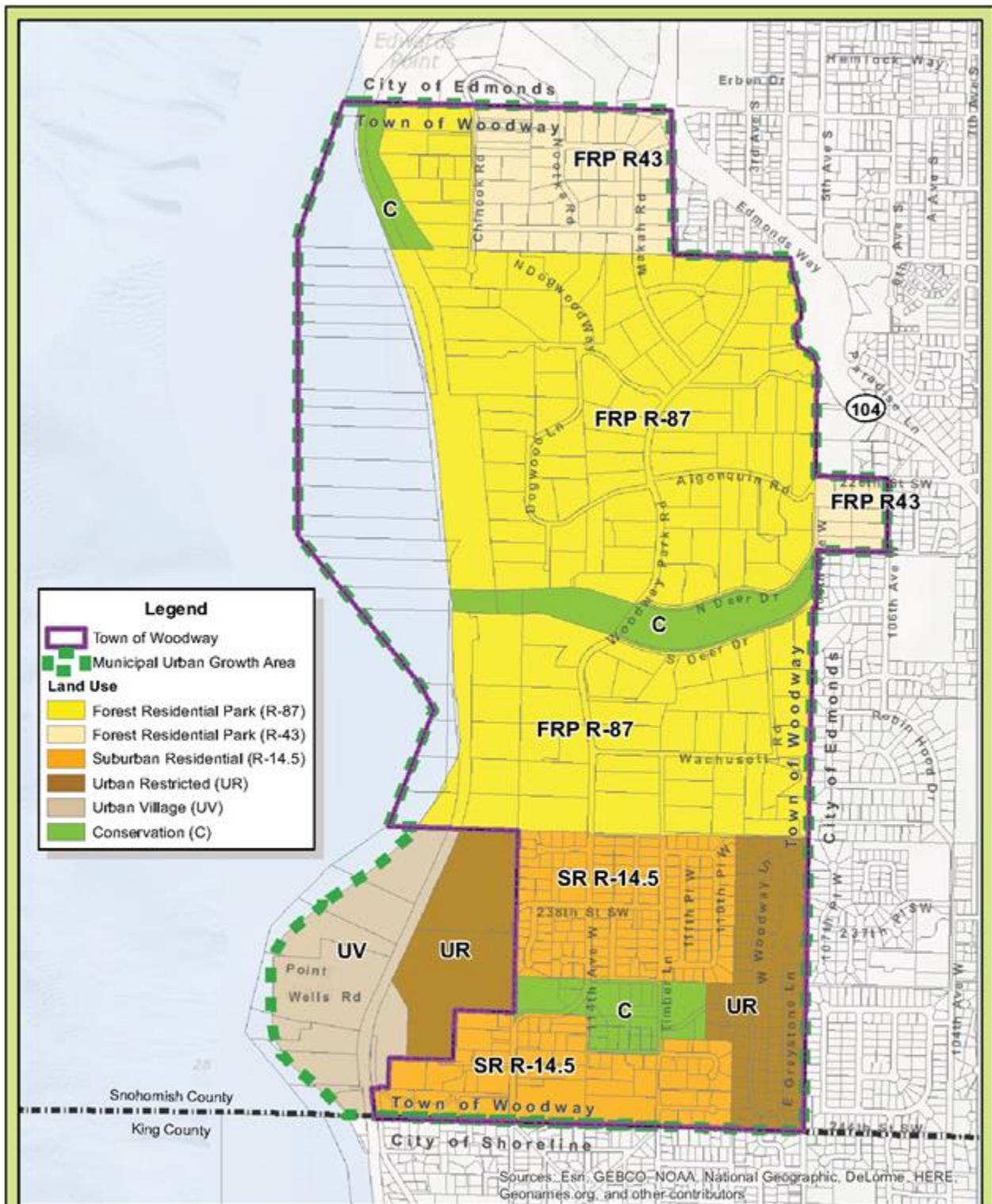
- LUG-4 To discourage development in areas where there are inadequate public facilities and/or environmentally sensitive areas determined to be potentially hazardous to public safety.
- LUG-5 To preserve and maintain the views of the nighttime skies and the visual character of Woodway by ensuring that nighttime lighting levels are designed to avoid light spillage off-site and upward into the nighttime sky.

***Town Character and Development Policies***

- LUP-1 To limit development to areas with adequate levels of public utility and facility services.
- LUP-2 To guide and regulate land development by the application of zoning, subdivision standards, and environmental policies and regulations that address the cumulative impacts of development on Town resources and consistency with the Growth Management Act.
- LUP-3 To designate residential densities based on the land's natural capacity for development, historical development patterns, applicable state laws, the ability to provide required public facilities and services, the protection of environmentally sensitive areas, adopted population targets and compatibility with surrounding land uses.
- LUP-4 To regulate redevelopment to higher densities by such factors as compatibility with surrounding residential uses, adequacy of public facilities and services, traffic patterns, Town character, and the project's cumulative impacts on the surrounding natural areas including the urban forests, bluff, tidelands, and stream corridors, and the protection of and minimizing impacts on environmentally sensitive areas.
- LUP-5 To ensure that residential infill development and redevelopment in established residential areas shall be designed to protect and enhance Town character, historical development patterns, and the natural environment.
- LUP-6 To ensure that new residential development and substantial remodels shall address the following minimum improvements in accordance with state and local regulations:
  - i. Paved streets and surfaced walkways.
  - ii. Off-street parking.
  - iii. Storm drainage control, including stormwater conveyance and detention facilities.
  - iv. Public water supply.
  - v. Public sanitary sewers.
  - vi. Circulation and traffic patterns for the development.
  - vii. Open space.

- viii. Environmentally critical areas and
- ix. Underground wiring.

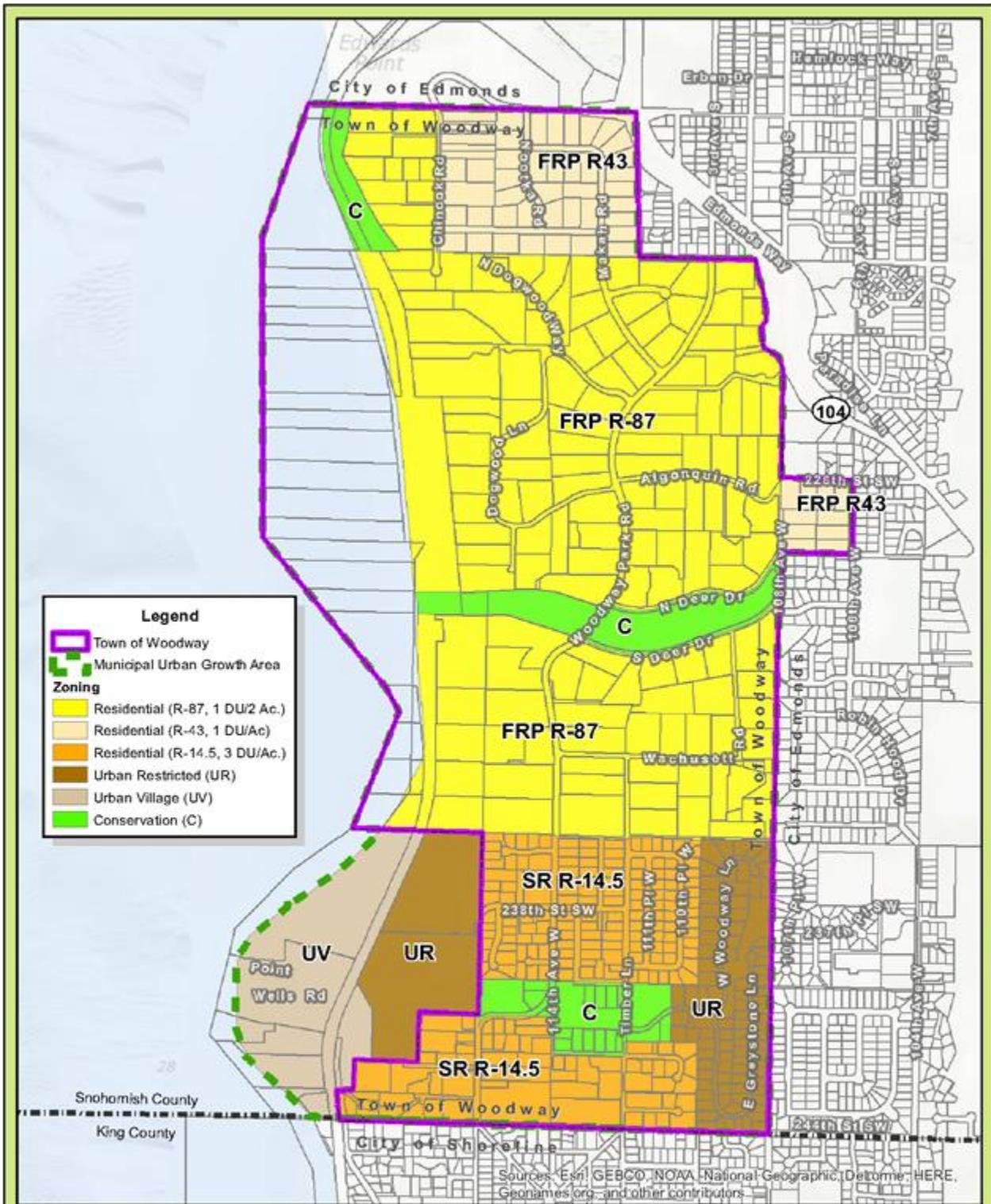
- LUP-7 To ensure that new development and redevelopment within the Town shall provide for and/or contribute its proportionate fair share of expenses associated with the provision or maintenance of established urban Levels of Service, in accordance with applicable state statutes and local regulations. Urban Levels of Service include streets, pedestrian circulation systems, emergency services (police and fire protection), schools, stormwater and water quality management, open space, and municipal sewer and water services.
- LUP-8 To ensure that the provision of off-site improvements shall be provided concurrent with the development of the proposed project, in accordance with state and local regulations, if applicable. In the case of an approved phased development, off-site improvements and/or fair share contributions may be provided concurrent with each phase, provided that for each phase adopted levels of service standards are maintained.
- LUP-9 To establish standard methodologies be used to determine the appropriate fair share contribution to be paid by new development for those off-site improvements that are associated with a proposed project.
- LUP-10 To periodically review all applicable development related sections of the Woodway Municipal Code and amend as necessary to ensure consistency with the adopted Comprehensive Plan and Growth Management Act.
- LUP-11 To ensure that residential, public, and other uses shall provide outdoor lighting fixtures that shield the light source and do not cast light upward into the nighttime sky.



### 2015 Comprehensive Plan Update Future Land Use Map

Figure 2-1





2015 Comprehensive Plan Update  
**Zoning**

Figure 2-2



## Point Wells Subarea Plan and Policies



### ***Context: Woodway Municipal Urban Growth Area***

Point Wells is situated within Woodway’s Municipal Urban Growth Area (MUGA) as designated in the Snohomish County General Policy Plan and the City of Shoreline’s Future Service and Annexation Area (FSAA) as designated in the King County General Plan. A subarea plan for the Woodway MUGA was adopted in April 2013 by the Woodway Town Council and incorporated into the Snohomish County General Policy Plan in 2015. The Point Wells Subarea Plan for Shoreline was adopted by the Shoreline City Council in 2011.

The Woodway Point Wells Subarea Plan was amended in 2020 to reflect coordinated policies with the City of Shoreline. For the current 2024 plan update, the background, goals, and policies are incorporated into the Land Use Element as a separate section entitled *Point Wells Subarea Plan and Policies*.

The Woodway MUGA contains two distinct geographic areas: Point Wells and the land area located east of the BNSF railroad right of way commonly referred to as the Woodway Upper Bluff. The Upper Bluff was annexed into the Town in June 2015 and is planned and zoned for low density residential development. The Point Wells portion of the MUGA is in unincorporated Snohomish County and is situated west of the BNSF right of way and extends westward to Puget Sound. The southernmost portion of Point Wells is adjacent to the City of Shoreline in King County.

### ***County and Regional Context***

To meet the provisions of the Growth Management Act that ensure that plans are consistent and coordinated, the Snohomish Countywide Planning Policies and the Puget Sound Regional Council's adopted growth strategy (*Vision 2050*) are used to guide the development of plans and development regulations for the subarea. The Snohomish County Comprehensive Plan designates the subarea as the Woodway Municipal Urban Growth Area (Woodway MUGA).

The Snohomish Countywide Planning Policies provide for the planning, development, and annexation of unincorporated land situated in a municipality's MUGA. Specifically, Countywide Planning Policy DP-5 establishes the factors to be included in comprehensive plans for UGAs and enables cities to prepare and adopt plans and development regulations for Municipal UGAs to which the city or town has determined it can provide municipal services at some point in the future via annexation. Further, policy DP-17 states that "*city comprehensive plans should have policies on annexing the areas in their unincorporated Urban Growth Area/Municipal Urban Growth Area*".

The Puget Sound Regional Council's adopted regional growth strategy, *Vision 2050*, directs unincorporated lands to annex to affiliated cities with services provided by the adjacent municipality. The *Vision 2050* goal for unincorporated urban growth areas states that "*all unincorporated lands within the urban growth area will either annex into existing cities or incorporate as new cities.*" Multicounty policies provide for unincorporated lands adjacent to cities to be affiliated with such cities and that annexation is preferred over incorporation. Additional policies support the provision of municipal services to unincorporated urban areas by the adjacent city.

Thus, the Woodway Municipal Urban Growth Area Subarea Plan draws on the adopted goals and policies of both the County and Region in creating the plan's stated vision, goals, and policies.

### ***Woodway/Snohomish County/Shoreline Planning Background***

The Town has been engaged in planning for the subarea for many years. In 1999, the Point Wells Advisory Committee was created to work with property owners, residents,

and surrounding jurisdictions to prepare for the eventual conversion of the industrial asphalt use to an urban non-industrial use. The Advisory Committee prepared several alternatives for consideration by the Town Planning Commission and Council. The alternatives prepared by the Planning Commission focused on residential uses and passive open space for the Upper Bluff and a variation of three mixed-use land patterns with varying urban uses and densities for Point Wells. The separate alternative desired by the Point Wells landowner (Chevron-Texaco in 2000) was to maintain the current Industrial land use designation as set forth in the Snohomish County comprehensive plan. The Advisory Committee recommended that the Planning Commission select the residential alternative for the Upper Bluff and maintain the industrial alternative for Point Wells. The Town Council adopted the Planning Commission's recommendation with a specific policy in the 2000 Comprehensive Plan that stated the industrial designation would be used for the near-term but may be amended with a more intensive use when geo-political conditions warrant.

In 2009, Snohomish County received an application to amend its comprehensive plan for Point Wells from Industrial to Urban Center. As part of the Urban Center comp plan designation, the County received an application for the development of a mixed-use urban center. Following a ruling by the Central Puget Sound Growth Hearings Board that the Point Wells Urban Center designation did not meet the County's criteria for an Urban Center, the County re-designated Point Wells in 2012 to the Urban Village future land use designation. Pursuant to the County's General Policy Plan, Urban Villages are typically smaller and less intensive than an Urban Center.

With the re-designation of Point Wells by Snohomish County and the change in geo-political conditions, the Town embarked on a planning process to reconsider the previous Industrial designation of Point Wells. The Woodway Planning Commission prepared a new plan for the Point Wells portion of the MUGA subarea that was adopted by the Town Council in April 2013. That plan designates and zones the entire Point Wells area as Urban Village. The Urban Village designation is implemented with the Town's Urban Village zone district upon annexation. The district provides for a variety of land uses, with a maximum residential density of 44 units per net developable acre.

As stated above, the City of Shoreline also prepared a plan for Point Wells. The city prepared a subarea plan for Point Wells in 2011, given that the primary access to Point Wells is via Richmond Beach Drive and that the majority of future transportation trips from Point Wells will impact Shoreline. The City's subarea plan recognizes the Snohomish County development application of an intensive mixed-use proposal and seeks to mitigate land use, environmental, aesthetic, servicing, and transportation impacts. The subarea plan provides to mitigate transportation impacts through the

preparation of a transportation corridor study and proposes to provide municipal services to the area following a future cross-county annexation.

In 2017 Shoreline began the process to enable a future annexation of Point Wells. The City proposed an amendment to the Snohomish County Planning Policies that, if approved, would allow the eventual cross-county annexation of Point Wells to Shoreline. The Snohomish County Tomorrow countywide planning group reviewed the proposal and recommended that Shoreline's proposal be denied. The Snohomish County Council agreed and passed a motion rejecting the request in May 2018.

### ***Woodway/Shoreline Settlement Agreement***

As previously stated, Point Wells has been identified as a future annexation area for both the City of Shoreline and Town of Woodway in each jurisdiction's Comprehensive Plan. Both plans include vision statements and policies regarding the planning, servicing, and development of Point Wells. Given that both jurisdictions have had disagreements in the past concerning the governance of Point Wells that have resulted in litigation and attendant expenditure of valuable municipal resources, it is prudent for both jurisdictions to move forward with a cooperative approach to plan for the desired future land uses, services, environmental considerations, and annexation of Point Wells.

Toward this end, Woodway and Shoreline both agree that it is of mutual benefit to provide a framework on how both jurisdictions will work together to plan for future land uses, servicing, and redevelopment of Point Wells. The jurisdictions executed a Settlement and Interlocal Agreement in October 2019 to address issues regarding annexation, development standards, individual city responsibilities, servicing, and resolution of outstanding litigation between the two cities.

### ***Framework***

Given that both jurisdictions have individual subarea plans for Point Wells, and Shoreline and the Town desire to coordinate their planning for the site, the applicable policies set forth below are intended to be largely identical in both jurisdictions' subarea plans. Both jurisdictions intend to repeal or modify the previous subarea plans (Shoreline Point Wells Subarea Plan - 2011 and Woodway Municipal Urban Growth Area Subarea Plan - 2013) and replace them with the applicable vision, goals, and policies provided herein.

### ***Vision Statement***

The current planning horizon for the Woodway and Shoreline Comprehensive Plans extends to 2044. The vision listed below is intended to guide land use decision-making throughout the planning period and provide the basis of a series of land use, servicing,

governance, and environmental policies that will be implemented with the application of practical development regulations and design standards.

The vision for the Point Wells portion of the subarea is:

To create a unique, primarily residential, Puget Sound community compatible with surrounding neighborhoods. Any mixed-use buildings will be pedestrian-oriented and incorporate exceptional architecture, environmentally sustainable design, and building heights that preserve public view corridors. The community will be designed and developed with low-impact, environmentally sustainable development practices and infrastructure, and include a restored natural environment, well-designed public gathering spaces, and a waterfront that emphasizes habitat restoration and public access. Point Wells will be designated as an Urban Village and will be annexed to Woodway and provided with a full range of municipal services.

The vision for the Upper Bluff portion of the subarea is:

To create a well-designed single-family residential neighborhood that complements adjacent neighborhood character, preserves public view corridors and environmentally critical areas, and provides pedestrian access to the planned neighborhood park/open space.

### ***Subarea Goals and Policies***

A set of goals and policies are listed below to enable the communities to move forward with land use decisions and actions to meet the intent of the vision statement for the subarea.

#### **Land Use Goals**

- LU.Goal-1     The Upper Bluff, annexed to the Town in 2015, is developed as a low-density residential neighborhood with high quality architectural design, while preserving public open space and view corridors to the Olympic Mountains and Puget Sound.
  
- LU.Goal-2     Point Wells is annexed to the Town and planned as an Urban Village based on a coordinated planning effort and incorporated into the Town's Comprehensive Plan. Development of Point Wells occurs pursuant to a master plan approved through a development agreement enabled by the Town's urban village zone district. The master plan is prepared by development applicants and includes a

primarily residential community that is compatible with surrounding neighborhoods.

Any mixed-use buildings will be pedestrian-oriented and designed consistent with the Town's adopted urban design standards. The development will be supported by a full range of municipal services.

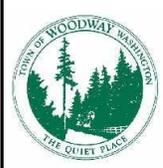
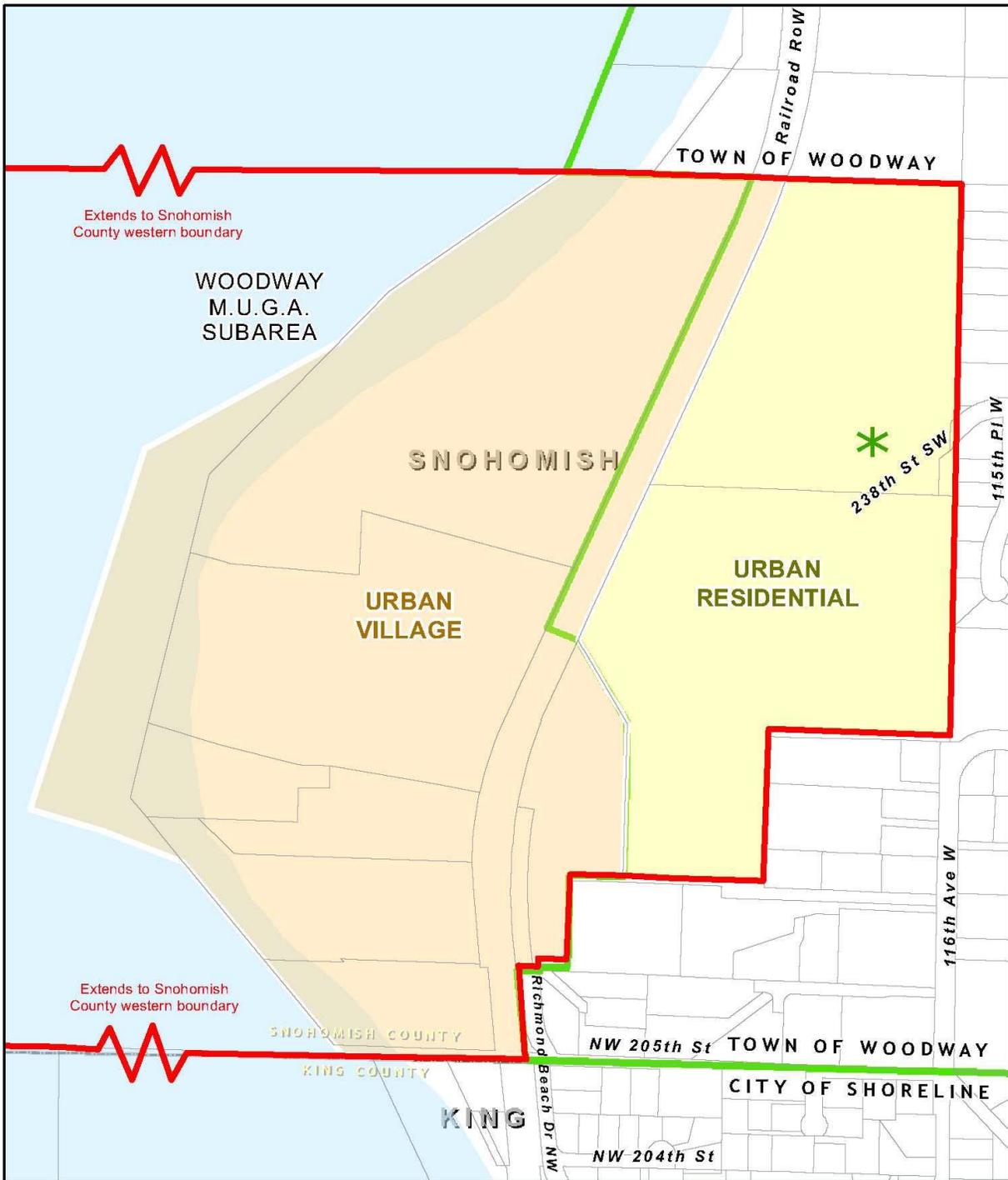
## **Land Use Policies**

- LU.Policy-1 Work with the property owner to plan for the design and development of a new residential neighborhood situated on the Upper Bluff. The new neighborhood will be developed with sustainable site improvements, conform to environmentally critical area regulations, include a public passive park/open space overlooking Puget Sound, and be connected to and complementary with existing neighborhoods. The maximum residential density will be five dwelling units per acre.
- LU.Policy-2 Designate the Upper Bluff, including the steep slopes and environmentally critical areas, as Urban Residential on the Comprehensive Plan Land Use Map. The Urban Residential designation will be implemented with the Town's Urban Restricted zone district, as amended.
- LU.Policy-3 A passive neighborhood park/open space is planned within the Urban Residential designation on the Upper Bluff. The park/open space should be designed as a passive space not less than ½ acre in size that focuses on public viewing areas of Puget Sound and complements the surrounding residential areas. The park shall be dedicated to the Town upon annexation.
- LU.Policy-4 Characteristics of the Urban Village designation include a mix of land uses, integrated into a pedestrian-scaled pattern with sustainable site improvements, infrastructure, buildings, and open spaces. The predominant use is residential, with any medium density multi-family residential housing situated in multi-story buildings of varying heights, strategically sited to preserve and enhance view corridors. The maximum allowable residential density is 44 units per net developable acre, with attendant uses including retail, office, transit facilities, structured parking, and public spaces. Site design emphasizes defined building envelopes separated with open space corridors, pedestrian circulation throughout the site, and public access to a restored shoreline.

- LU.Policy-5 Implementation of the Urban Village designation will occur through the adoption of an Urban Village zone district that will best implement the vision and goal of the Urban Village Plan. The implementing zone district should address at a minimum: permitted land uses, building mass and height, open space requirements, bulk standards, parking, and master plan requirements. A development agreement enabled by RCW 36.70B will serve as the entitlement for development approval of the master plan. The Town's development regulations, including zoning, subdivision standards, critical area regulations, stormwater regulations, floodplain regulations, and shoreline master program regulations, will be applicable upon annexation.
- LU.Policy-6 Urban design standards will be prepared to serve as a guide for the planning, design and construction of buildings, street network, parking, pedestrian spaces, signage, open space, utility placement, landscaping, and servicing. Administration of the design standards will occur through administrative review and approval.

# Subarea Land Use Plan Designations

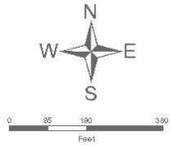
## Figure 2-3



- Sub Area Land Use**
- UR - Urban Residential (4 - DU/AC)
  - UV - Urban Village
  - Town of Woodway
  - Woodway MUGA Subarea
  - Neighborhood Park

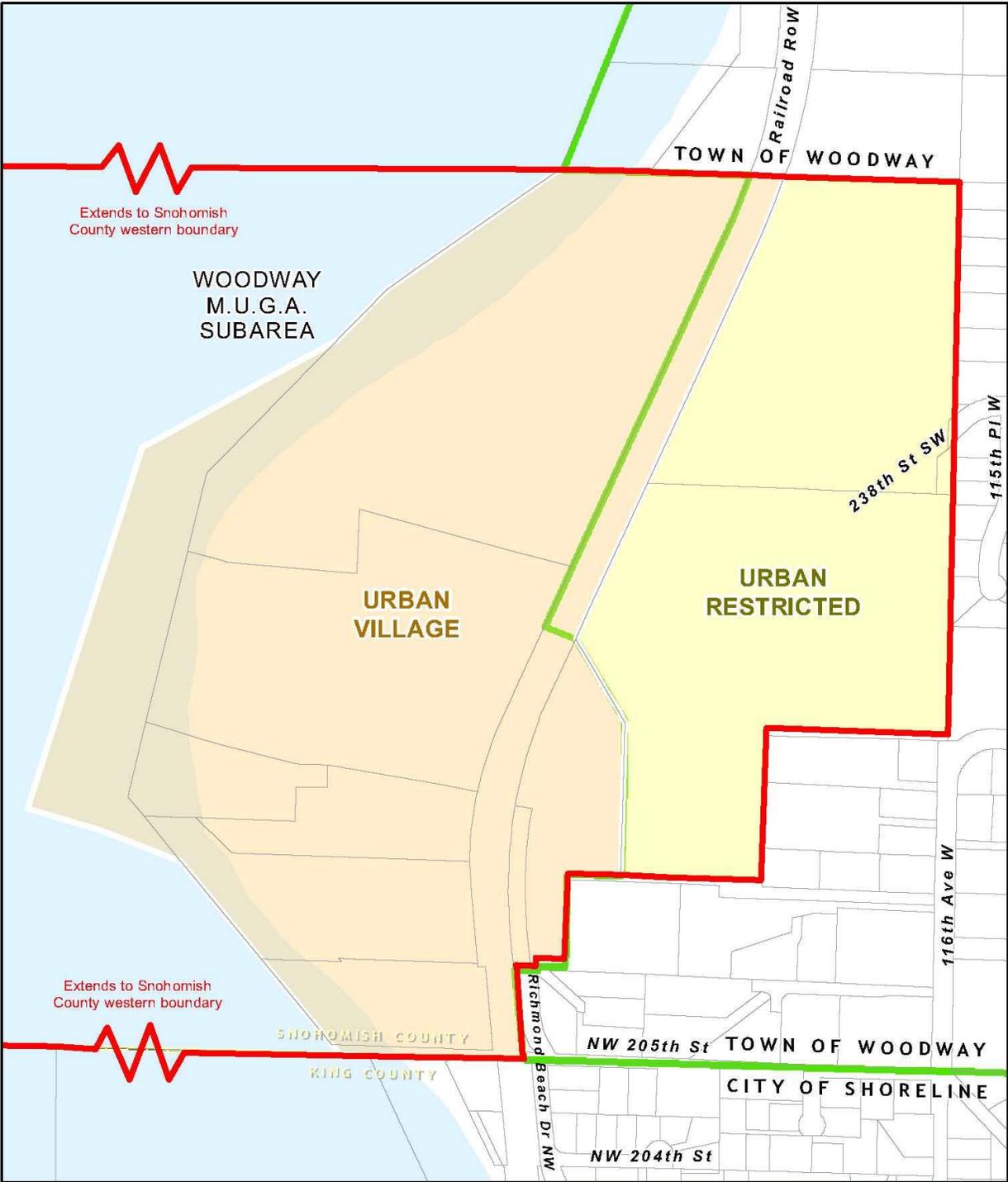
### LAND USE PLAN

WOODWAY M.U.G.A. SUBAREA



DRAWING IS NOT TO SCALE IF BAR IS NOT 1" LONG.  
 Note: These layouts represent themes requiring further planning and design. They are conceptual and under no circumstances should be construed as final plans for specific sites or areas.

**Subarea Zoning Districts**  
**Figure 2-4**



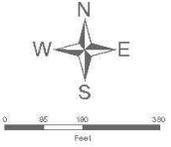


**Sub Area Zoning**

- Urban Restricted
- Urban Village
- Town of Woodway
- Woodway MUGA Subarea

## ZONING DISTRICT MAP

WOODWAY M.U.G.A. SUBAREA



DRAWING IS NOT TO SCALE IF BAR IS NOT 1" LONG.  
Note: These layers are presented for informational purposes only and are not intended for use in planning and design. They are conceptual and under no circumstances should be construed as final plans for specific sites or areas.

09/20

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## **Capital Facilities/Utilities Goal**

CF/U.Goal-1 Point Wells is served with a full range of services, including sewer and water, stormwater facilities, fire protection, law enforcement, energy and telecommunication facilities provided through the Town, special purpose districts, and regional providers. Alternative energy sources such as solar, wind, and co-generation facilities is incorporated into the development's master plan to reduce its carbon footprint.

## **Capital Facilities/Utilities Policies**

CF/U.Policy-1 The Town will provide capital facilities to serve the projected needs of the subarea population. Capital facilities anticipated to serve the Upper Bluff will include local public streets; stormwater, water, and sewer facilities; and a neighborhood park. Fire protection, emergency medical services, and police protection is provided from facilities located outside of the subarea.

CF/U.Policy-2 The provision of services provided by special purpose districts, regional providers, or other local governments will be managed by the Town.

CF/U.Policy-3 The Town may negotiate with development proponents to determine which, if any, required new capital facilities will be dedicated to the Town and which, if any, will remain private. All planned capital facilities for Point Wells shall be coordinated with the Town's current service providers.

CF/U.Policy-4 All proposed electric and communication line extensions to the subarea shall be installed underground in public rights of way or utility easements. All underground utility installations outside of public rights of way shall be improved with appropriate landscaping.

CF/U.Policy-5. The Town will work with regional utility providers to ensure an appropriate level of service to Town residents. Major utility facilities shall be appropriately landscaped and where possible, screened from public views.

## **Transportation/Circulation Goal**

T/C.Goal-1 Vehicular access to and from Point Wells is of paramount concern. Upon application of a development proposal, transportation impacts are identified and fully mitigated. Richmond Beach Drive remains as a local access street to adjacent properties and the Richmond Beach neighborhood, with tasteful street improvements and pedestrian

accommodations. Any secondary access through Woodway is designed and constructed to address environmental constraints and impacts to neighbors, and to accommodate multi-modal uses, including pedestrian, emergency services, and vehicular access.

### **Transportation/Circulation Policies**

- T/C.Policy-1 Vehicular transportation access to the Upper Bluff will occur through the extension and termination of 238<sup>th</sup> Street S.W. and via a public street connected to 116<sup>th</sup> Avenue W. The streetscapes of both streets will be designed with narrow travel lanes, street-side landscaping, and separated pedestrian pathways. Any street lighting will adhere to the Town's Dark Sky policy.
- T/C.Policy-2 A transportation corridor study and mitigation plan for Point Wells should be prepared and funded by development applicants under the direction of the Town, with input, participation, and leadership, as appropriate, of Shoreline, Snohomish County, and WSDOT. The scope of the study and mitigation plan shall be prepared by each jurisdiction with an emphasis on identification of impacts and mitigating measures on transportation facilities, including the Woodway bridge, design improvements and associated costs, needed services, including design and financing for any multimodal solutions to improve mobility within the surrounding neighborhoods and communities.
- T/C.Policy-3 The needed improvements identified in the corridor study and mitigation plan should be constructed and operational concurrent with the occupancy of any approved phasing of the development.
- T/C.Policy-4 The maximum average daily traffic count on Richmond Beach Drive should not exceed 4,000 average daily trips. The allowable average daily trips should not reduce the Town's or Shoreline's respective level of service standards in effect at the time of development application.
- T/C.Policy-5 The development of any combination of residential and/or commercial uses that would generate 250 or more average daily trips from Point Wells will cause the provision of a general-purpose public access road within the Town that connects into Woodway's transportation network and provides a full second vehicular access point from Point Wells.
- T/C.Policy-6 The Town will coordinate with the City of Shoreline, the Richmond Beach Neighborhood, and affected property owners to ensure that transportation improvements related to the development within the

Woodway Urban Village zoning district are compatible with the existing adjacent residential neighborhoods.

### **Environmental Preservation/Protection Goal**

EP/P.Goal-1 Point Wells is a unique landform on Puget Sound with unique and sensitive environmental features that are identified and protected through federal, state, and local legislative edicts. The current site conditions and contamination is remediated and monitored to provide for a clean and safe environment for residents, visitors, flora, and fauna. Low-impact development techniques are incorporated into site development and the near shore environment is preserved consistent with the goals, policies, and regulations of the Town's Shoreline Master Program.

### **Environmental Preservation/Protection Policies**

EP/P.Policy-1 Conservation and preservation of natural resources shall be a major consideration in planning land developments throughout the subarea. The landslide hazard areas and wetlands situated in the Upper Bluff shall be designated by qualified professionals with buffers and building setbacks as regulated by the Town's environmental policies and regulations.

EP/P.Policy-2 The landslide hazard area associated with the Upper Bluff is an important environmental corridor and wildlife habitat. Future land development in the subarea shall prepare environmental studies for the corridor to ensure the long-term preservation of wildlife and associated habitat.

EP/P.Policy-3 Site restoration and clean-up of Point Wells will be managed by the State Department of Ecology, with participation and input by Snohomish County, each jurisdiction, and applicable service partners.

EP/P.Policy-4 Extensive environmental review, documentation and analysis will be managed by the Town and funded by the applicants' seeking entitlements. The scope of the environmental review will be determined by all jurisdictions and agencies affected by the proposal within the context of the State Environmental Policy Act (SEPA), including the impacts of sea level rise and climate change on the proposal.

EP/P.Policy-5 The proposed location of buildings, streets, infrastructure, and other physical site improvements set out in the master plan shall avoid impacts to the site's sensitive environmental constraints and features.

The development agreement will include provisions for monitoring of the site's environmental features including soil, groundwater, and sea level rise.

EP/P.Policy-6 Consistent with the goals, policies, and regulations of the Town's Shoreline Master Program, the site's near-shore environment shall be restored and enhanced to predevelopment conditions and incorporate public access and passive open space improvements.

EP/P.Policy-7 The redevelopment of Point Wells from the current industrial petroleum-related use to a future mixed-use urban village will require an extensive environmental clean up to ensure its suitability for residential and public use. The Town will coordinate with federal and state environmental agencies responsible for monitoring clean-up efforts to ensure that all hazardous material has been adequately mitigated consistent with the Washington State Model Toxic Control Act prior to any permit issuance by the Town.

EP/P.Policy-8 Site development and building construction shall adhere to the highest level of sustainability certification (US Green Building Council) for the design, construction, and operation of buildings, homes, and neighborhoods.

### **Governance Goal**

G.Goal-1 Planning for future development of Point Wells has been and will continue to be of interest to all three affected local jurisdictions - Snohomish County, Shoreline and Woodway. Pursuant to GMA, Vision 2050, and Countywide Planning Policies, Point Wells is annexed to Woodway and provided with municipal services. Woodway has coordinated all aspects of the proposed development with affected jurisdictions and agencies to assure each jurisdiction's respective interests are appropriately addressed.

### **Governance Policy**

G.Policy-1 The Town's institutional processes related to the planning, servicing, and administration of entitlements should be participatory, accountable, transparent, efficient, inclusive, and respect the rule of law.

### ***Future Subarea Plan Amendments***

The subarea plan is the official public policy of the Town that provides direction to public agencies and the general citizenry concerning the use, servicing, and conservation of

land within the geographic boundaries of the subarea. It has been prepared in accordance with the Washington State Growth Management Act, the Puget Sound Regional Council Growth Strategy as prescribed in *Vision 2050*, and the Snohomish County Countywide Planning Policies.

Consistent with state law and the Town's municipal code, the subarea plan and attendant development regulations will be reviewed and evaluated on occasion to ensure it is up to date and addresses current issues. When revisions to the plan are necessary, the Town will utilize the process set forth in the Woodway Municipal Code at Section 15.04 to entertain and process amendment requests.



## Chapter 14.41 Accessory Dwelling Units

### 14.41.010 Purpose

It is the purpose of this chapter to regulate the establishment of accessory dwelling units within or in conjunction with single-family dwellings while preserving the character of the Town's single-family neighborhoods. The primary purpose of this chapter shall be to permit establishment of additional living quarters within single-family residential neighborhoods to:

- A. Make it possible for adult children to provide care and support to a parent or other relatives in need of assistance; and/or
- B. Provide increased security and companionship for homeowners; and/or
- C. Provide the opportunity for homeowners to gain the extra income necessary to help meet the rising costs of home ownership; and/or
- D. Provide for the care of disabled persons within their own homes; and/or
- E. Provide for a more diverse and affordable housing stock.

### 14.41.020 Intent

A maximum of one accessory dwelling unit shall be permitted as subordinate to a new or existing residential use if the accessory dwelling unit and lot meet the requirements of this chapter.

### 14.41.030 Definitions

- A. "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit.
- B. "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit.
- C. "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit and is on the same property.
- D. "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

- E. "Gross floor area" means the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.
- F. "Major transit stop" for Woodway means: (1) a stop on a high capacity transportation system funded or expanded under the provisions of Chapter [81.104](#) RCW; (2) stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or (3) stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.
- G. "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.
- H. "Principal unit" means the single-family housing unit located on the same lot as an accessory dwelling unit.
- I. "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

#### 14.41.040 Lot Standards

Accessory dwelling units may be developed on lots within the R-87, R-84, R-14.5, Urban Restricted zone districts that are not encumbered by critical areas or related buffers. Detached ADUs are allowed on a portion of an encumbered lot that is outside of designated critical areas and/or related buffers and within the setbacks of the principle unit provided, that all other applicable zoning requirements are met.

#### 14.41.050 Subdivision

The accessory dwelling unit, or the land on which the accessory dwelling unit is located, shall not be subdivided from the land on which the principal dwelling unit is located.

#### 14.41.060 Size

An accessory dwelling unit shall not be less than 1,000 square feet of gross floor area in size and shall not have more than two bedrooms.

- A. An accessory dwelling units shall not exceed 24 feet in building height as measured consistent with WMC 14.08.020.

#### 14.41.070 Architectural design

The design of the accessory dwelling unit shall be consistent with the design of the principal dwelling unit and shall maintain the style, appearance and character of the main building, and shall use matching materials, colors, window style, and comparable roof appearance.

#### 14.41.080 Compliance with applicable codes

- A. The accessory dwelling unit shall comply with all standards for health and life safety as set forth in the International Building Code, International Residential Code, Uniform Plumbing Code, National Electrical Code, International Mechanical Code, International Fire Code, and Washington State Energy Code as each code is adopted by the Town; and any other applicable codes or regulations, except as provided in this chapter. The accessory dwelling unit shall comply with all zoning code provisions for single-family residences, including setbacks and lot coverage, except as provided in this chapter.
- B. Accessory Structure Height. The maximum height for an accessory structure shall be 24 feet in as measured consistent with WMC 14.08.020.
- C. Setback Exception. For lots that have a rear lot line that abuts an alley, a detached accessory dwelling unit may be sited up to the lot line that abuts the alley. The accessory dwelling unit shall comply with required side yard setbacks.
- D. Parking. One off-street stall parking is required for each accessory dwelling unit unless within one-half-mile walking distance of a major transit stop as defined in WMC 14.41.030.F.

#### 14.41.090 Sewer and water connections

- A. The owner of a lot is not required to reside in or occupy the ADU or another housing unit on the same lot.
- B. Sale of an accessory dwelling unit as a condominium is allowed consistent with the provisions of the Washington Condominium Act.

#### 14.41.100 Annual report

The Town Administrator, or designee, shall provide an annual report to the planning commission, which indicates the number of units established, the geographic distribution of the units, the average size of the units, the number and type of any complaints received, and any enforcement action taken.

#### 14.41.110 Application, Permit Issuance and Building Plan Review

- A. The property owner shall apply for an accessory dwelling unit permit with the Town's Permit Technician and shall pay the application fee as established by resolution.
- B. A permit for an accessory dwelling unit will be issued upon compliance with the provisions of this chapter. Once the accessory dwelling unit permit is issued, the applicant will need to apply for a city building permit, when applicable.

C. The Town's Building Official will review submitted building plans to insure adherence to the criteria of this chapter.

14.41.120 Enforcement

The city retains the right (with reasonable notice) to inspect the accessory dwelling unit for compliance with this chapter.

14.41.130 Variances

Variances to the chapter shall require variance approval as outlined in WMC 14.50.

DRAFT