

## **Chapter 19.01 PURPOSE AND APPLICATION**

Sections:

- 19.01.010 Purpose and background.**
- 19.01.020 How the design standards are applied.**
- 19.01.030 Interpretation.**
- 19.01.040 Design standards and guidelines applicability.**
- 19.01.050 Design standards and guidelines application requirements.**
- 19.01.060 General process for review of applications.**
- 19.01.070 Pre-application conference.**
- 19.01.080 Administrative review.**
- 19.01.090 Planning commission departures.**
- 19.01.100 Duration of approval.**

### **19.01.010 Purpose and background.**

The preparation of design standards were authorized by the town council after obtaining a grant from the Washington State Department of Community, Trade and Economic Development for this purpose. The standards herein are refined from a set of guidelines drafted together with the Eatonville community action plan and vision statement. While the action plan and vision statement were adopted in 2000, the guidelines never were codified.

Refinements integrated in the standards herein were based on coordination with an advisory committee, town staff, and the project consultant, and ultimately reviewed by the planning commission and approved by the town council.

These design standards are an important tool in implementing the town's vision. In light of limited funding for publicly initiated projects and forecasts for growth, these standards will be critical in shaping growth via private development for years to come. Overall, the standards intend to:

- Provide clear objectives for those embarking on the planning and design of projects in Eatonville.
- To strengthen Eatonville's small town character and historic heritage.
- Increase awareness of design considerations among the citizens of Eatonville.
- To maintain and enhance property values within Eatonville.

Finding the Right Balance of Predictability and Flexibility

The standards herein have been formulated to find the right balance of predictability and flexibility while ultimately meeting the community's design objectives. Applicants, staff, and community members seek predictability for a variety of reasons. Predictability is critical for developers in determining financial feasibility of projects. Staff and applicants need clarity in understanding the difference between requirements and recommendations. Furthermore, both applicants and community members always would like to know what types of development could happen next door.

Flexibility is sought by applicants for obvious reasons. One example, a particular site may warrant consideration of alternative site layouts that are not allowed under the standards.

Perhaps they'd like to reduce one standard but compensate by providing more open space or another site amenity. Flexibility is often sought by staff as well when they believe that alternative designs might better achieve the community's objectives.

While these two attributes are often at odds in regulations, these standards have been crafted to provide the right balance of both predictability and flexibility. First of all, the standards use clear language to help users know the difference between requirements and recommendations. Second, the standards utilize a toolbox technique whereby applicants can choose amongst several options to meet the standard. The toolbox format also allows applicants a good way to control costs. Third, the standards provide for exceptions and departures (see EMC [19.01.020](#)) where alternatives can be used provided they meet the intent of the standards. Photo examples, illustrations, and design element descriptions are used to help users understand the requirements and criteria for alternatives. (Ord. 2010-09 § 1, 2010).

#### **19.01.020 How the design standards are applied.**

Each chapter contains a list of "intent" statements followed by "standards." Specifically:

- A. Intent statements are overarching objectives. For example, one of the intent statements for the subsection on building location and orientation is to "create an active and safe pedestrian environment."
- B. Standards using words such as "shall," "must," "is/are required," or "is/are prohibited" signify required actions.
- C. Standards using words such as "should" or "is/are recommended" signify voluntary measures.
- D. Exceptions are provided for some standards. These specific "exceptions" allow alternative designs subject to administrative approval by the planning director.
- E. Departures are similar to exceptions, but they require review and approval by the planning commission (see EMC [19.01.090](#) for details).

These design standards and guidelines contain both specific standards that are easily quantifiable, while the guidelines provide a level of discretion in compliance. With respect to the guidelines, the applicant must demonstrate to the planning director, in writing, how the project meets the guideline and the intent section. (Ord. 2010-09 § 1, 2010).

**19.01.030 Interpretation.**

These standards shall serve as a supplement to EMC Title [18](#) (Zoning). Where there is a conflict between the standards herein and EMC Title [18](#), the design standards herein shall apply as they are crafted more specifically to the site/use type. (Ord. 2010-09 § 1, 2010).

**19.01.040 Design standards and guidelines applicability.**

The design standards and guidelines apply to all proposals to subdivide land under the provisions of EMC Title [17](#), and to all new development including proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building or other visible element of the facade of the structure or building or site, including, but not limited to, landscaping, parking lot layout, signs, outdoor furniture in public or commercial locations, outdoor lighting fixtures, fences, walls and roofing materials, all as described in this title.

Design approval is also required for all outdoor proposals which require a building permit, clearing and grading permit, or which are part of a project or development requiring a site plan, or conditional use permit. (Ord. 2010-09 § 1, 2010).

**19.01.050 Design standards and guidelines application requirements.**

A complete application for approval under the design standards and guidelines shall contain the following information:

A. Site Layout. A plan, drawn to scale no smaller than one inch equals 30 feet, showing the location and size of all structures, critical areas, required buffer areas, required yards, landscape areas, open spaces, common areas or plazas, walkways, retaining wall locations, stormwater retention facilities, and parking and vehicle maneuvering areas.

B. Significant Vegetation Plan. A significant vegetation plan which accurately identifies the species, size and location of all significant vegetation within the property subject to the application.

C. Tree Retention Plan. A landscape plan showing the species, size and location of all significant natural vegetation to be retained on the property.

D. Preliminary Site Section Drawings. Section drawings which illustrate existing and proposed grades.

E. Preliminary Grading Plan. A topographic map of the property, delineating contours, existing and proposed, at no greater than five-foot intervals. The plan shall indicate all proposed cuts, fills and retaining wall heights and include areas of disturbance necessary to construct all retaining walls, structures and impervious surfaces.

F. Preliminary Utilities Plan. A utilities plan showing the location and type of any utilities proposed in critical areas, critical area buffers and natural vegetation retention areas.

G. Paving Materials. A description of proposed pedestrian and vehicular paving materials, including proposed type (concrete, pavers, etc.), color, scoring and texture.

H. Elevation Drawings. Complete elevation drawings of all buildings showing dimensions and proposed materials including roofing, siding, windows and trim. Drawings shall include conceptual trim and cornice design, and roof pitch. If landscaping is proposed to soften or mitigate architectural modulation or details, additional elevation drawings showing proposed landscaping shall be provided.

I. Sign Plan. A sign plan showing the general location, type and size of signage on buildings.

J. Equipment Screening. A description of how all mechanical and utility equipment will be screened.

K. Color and Material Palette. A schematic color and material palette of the building's exterior siding, trim, cornice, windows and roofing. If planning commission review is requested (through the departure process), material and color samples shall be provided.

L. Fencing. The location and description of any proposed fencing.

M. Light Fixtures. A cutsheet showing typical parking and building lighting which includes pole height and mounting height. If proposed fixtures are near critical areas or natural vegetation retention areas, shielding shall be shown.

N. Accessories. The location of all outdoor furniture, trash receptacles and accessories.

O. Underlying Development Permit Application. If the design application relates to a development on the property, and development application (such as a building permit, conditional use permit, variance, preliminary plat, etc.) is required for the development, a complete application for the underlying development permit must be submitted concurrently.

P. Planning Commission Departures. A request for review for a departure by the planning commission shall include a written statement addressing the criteria for approval as set forth in EMC [19.01.090](#). (Ord. 2010-09 § 1, 2010).

**19.01.060 General process for review of applications.**

A. Administrative. All applications for approval under this title shall follow the administrative process set forth in EMC [19.01.080](#), if a departure is not requested.

B. Departures. All applications for approval under this title in which a departure is requested shall follow the planning commission meeting process set forth in EMC [19.01.090](#).

C. Timing of Submission of Applications. An application for approval under this title may not be submitted prior to the submission of the underlying permit application for a development on the same property (if an underlying permit is required for the development).

D. Vesting. A complete application for approval under this title does not vest to the land use controls in effect at the time the complete application is submitted. (Ord. 2010-09 § 1, 2010).

**19.01.070 Pre-application conference.**

All applicants may request an optional, pre-application conference before applying for any design or development permits. The goal of the meeting is to provide clear direction to the applicant early in the process regarding the application of the design standards and guidelines.

It also will provide an informal discussion of site-specific design issues and opportunities, and minimize the need for costly design changes late in the design phase. (Ord. 2010-09 § 1, 2010).

**19.01.080 Administrative review.**

All applications for approval under this title will be processed administratively, unless a departure is requested (and appropriate). The planning director (or his/her designee) shall process such applications as follows:

A. The planning director shall issue a notice of application (as required by EMC [18.09A.070](#)) for the application. After the application is determined complete under the procedures set forth in EMC [18.09A.060](#), the director shall determine whether the application conforms to the design standards and guidelines. The burden is on the applicant to demonstrate that the application conforms to the design standards and guidelines.

B. The director shall issue a decision on the application, approving the application if it conforms to the design standards and guidelines, and denying it if the application does not. If the application includes a

request for a departure, the director shall issue a recommendation on the application, and the planning commission shall issue a final decision.

C. The director shall issue a written decision or recommendation within 120 days of the town having issued the notice of complete application.

D. If the design application is stand-alone (does not relate to an underlying permit application for development on the same property), and does not include a request for a departure, the director's decision is final, and may be appealed to the town council. If the design application is stand-alone and includes a request for a departure, the director's recommendation is not appealable and the planning commission shall issue the final decision on the application, which may be appealed to the town council.

E. If the design decision relates to an underlying permit application for development on the same property, the director's decision shall be noted on the staff report for the underlying permit application. The hearing on the appeal shall be held during the hearing on the underlying permit application (if any appeal is required for such underlying permit application). The hearing body on such appeal shall be the body with jurisdiction over the underlying permit application. (Ord. 2010-09 § 1, 2010).

#### **19.01.090 Planning commission departures.**

An applicant may request a departure to the design standards and guidelines, as allowed in this title. The request must be submitted as part of the completed design application. The departure shall be processed as follows:

After the planning director issues a notice of application and determines whether the application is complete (see EMC [18.09A.060](#)), the planning director shall determine whether or not the request for a departure is appropriate. If the request is appropriate, he/she shall schedule a date for meeting on the application. This date shall be the earliest available planning commission meeting after the notice of application has been published.

A. The planning director shall issue his/her recommendation on the portion of the application that does not involve a departure, under the procedures set forth in EMC [19.01.080](#). The director's recommendation must issue at least five days prior to the planning commission's meeting on the departure and be included in the staff report.

B. The planning commission shall hold a public meeting on the departure and the planning director's recommendation.

1. If the design application is stand-alone (does not relate to an underlying permit application), the planning commission shall issue the final written decision on the application so that the final decision is issued within 120 days from the issuance of the notice of complete application. The planning commission may only amend or alter the planning director's decision if it would be inconsistent with the commission's decision on the departure. An appeal of the design decision may be filed with the town council.

2. If the design application is not stand-alone, the planning commission shall issue its decision at least five days prior to the open record public hearing on the underlying permit application. An appeal may be filed with the town council.

C. Criteria for Departure Approval. The planning commission may approve a design application with a departure, only if all of the following are satisfied:

1. The applicant must demonstrate that the criteria for approval as identified in this title as applicable to the specific departure are satisfied.

2. The departure proposed by the applicant represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying the design standards and guidelines.

3. Where an application does not relate to a preliminary plat, the planning commission shall not consider any deviation from any dimensional or numeric standards stated within the text of the design standards and guidelines, or zoning standards in EMC Title [18](#), unless an allowance for deviation to a dimensional or numeric standard is identified within the text of the code.

Approval to vary from these standards must otherwise be obtained through the variance process in EMC [18.09.040](#).

E. Planning Commission Meeting. The planning commission shall hold a public meeting on the design application as follows:

1. Notice.

a. Not less than 14 days prior to the meeting date, the planning director shall cause notice of the public meeting to be sent to property owners within 300 feet of the subject property and to others who have submitted comments and/or requested notice.

b. Notice of the public meeting shall be posted on the subject property not less than seven days prior to the meeting date.

c. Notice of the public meeting shall be published in the town's official newspaper not less than seven days prior to the meeting date.

d. The notice shall include the date of the meeting, the subject of the meeting, the property address, a map showing the location of the property, the applicant, a brief description of the application submitted to the town, and a statement informing the public that they may attend the meeting to provide input.

2. Applicant's Presentation. The applicant shall have an opportunity to make a presentation at the public meeting.

3. The staff shall have an opportunity to make a presentation at the public meeting.

4. The public shall be allowed to comment and provide input at the public meeting.

5. The planning commission shall deliberate on the application and presentations and comments, and shall make findings and conclusions on the application.

6. After the meeting, the staff shall draft the commission's findings and conclusions on the application, and present the same to the commission at their next regularly scheduled meeting for approval.

7. For all applications involving an underlying development permit, the commission's decision shall be presented to the hearing body on the underlying development permit with the staff report. The hearing body on the underlying development permit may make minor adjustments to the planning director's decision or the planning commission's decision if all of the following criteria are satisfied:

a. The minor adjustment does not substantially modify the decision of the planning director or planning commission;

b. The minor adjustment does not substantially modify the approved architecture, site layout, natural vegetation retention areas and grading; and

c. The minor adjustment represents a superior or equivalent design solution to what would otherwise be achieved by rigidly applying specific requirements; and

d. The minor adjustment meets the intent of the design standards and guidelines.



Notice of the decision on the minor adjustment shall be sent to all parties of record for the design decision and the decision on the underlying permit application. (Ord. 2018-14 § 2 (Exh. A), 2018; Ord. 2010-09 § 1, 2010).

**19.01.100 Duration of approval.**

Construction on projects that receive approval under this title must commence within 24 months from the date of final design approval, otherwise, the approval is null and void. (Ord. 2010-09 § 1, 2010).