

## How To Write a Unified Development Code Incorporating Regulatory Reform

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In Washington, permit processes piled up as layers of complexity. First zoning and subdivision processes, then SEPA, shoreline management, critical areas, design review, regulatory reform, concurrency, etc., like layers on a cake. Few jurisdictions have integrated them or the administrative provisions common to all, such as definitions, roles, enforcement, permit expiration, etc. Now's your chance!

First, define "development regulations" for your jurisdiction. Generally they should include those code titles administered by your building and planning departments but not those administered by public works. Next, carefully inventory all "permits" (i.e. separate and distinct approvals required for development) established by your development regulations. Minimize their number by deleting obsolete permits and consolidating where possible. Consolidate all permits pertaining to temporary activities under the term "temporary permits." Make design review a step in the underlying permit, not separate. The result is an irreducible list of permits.

Now analyze their process commonalities. Make a matrix with permits down the left side and "process applicabilities" along the top. By that I mean whether regulatory reform applies (it needn't apply to minor permits), whether SEPA applies, whether a public hearing is required, and whether there is a deciding body in addition to the hearing/recommending body. If a permit can be either-or, such as SEPA-exempt building permits and non-SEPA-exempt building permits, list them separately. Put Xs in the appropriate cells. Now, how many distinct pattern of Xs do you see in the various columns? That's how many "permit types" your jurisdiction has. Most find they have five or six. Type 1 is the simplest, to which neither regulatory reform nor SEPA applies. Type 5 or 6 is the most complicated.

Now write a permit process for each type that includes every step in all those "layers of complexity." Write it so their notices of application, SEPA, and public hearing are consolidated, along with their comment periods. This is tricky, but legal and doable. Incorporate regulatory reform's maximum time periods (28 days, 14 days, 120 days). Shoreline permits are odd ducks; make them Type 5s or whatever but give them "exceptions" as necessary.

Now write "provisions relevant to all permit types," including method of publication, 120-day clock-stopping rules, permit expiration, whether the director can approve minor changes to permits, etc. Newspaper publication of permit notices is neither cost-effective nor required by law. Notices to surrounding property-owners, signs on the site, and web-site notices should be your mainstays. Notices of decision don't require notices to surrounding property-owners. Put everything mentioned so far into a title called "Administration of Development Regulations." Add chapters for enforcement, appeals, etc.

Now specify for repeal all permit processes in the substantive titles such as zoning and subdivision. Only the basic establishment and issuance criteria of each permit should remain. Repeal your SEPA chapter except for those "fill-in-the-blank" decisions required by RCW and WAC, such as the identity of your Responsibility Official. Adopt WAC 197-11 by reference. Delete purely internal or unnecessary processing detail. Your UDC is done!

Warning: your UDC can't be copied from another jurisdiction. Your UDC must reflect the 1001 little choices your community has already made and doesn't want to change.