



City of Covington

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City of Covington

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The City of Covington is a place where community, business, and civic leaders work together with citizens to preserve and foster a strong sense of community.

PLANNING COMMISSION AGENDA November 17, 2011

CALL TO ORDER

ROLL CALL

Chair Daniel Key, Vice Chair Paul Max, Jack Brooks, Sonia Foss, Bill Judd, Alex White & Sean Smith.

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

None

CITIZEN COMMENTS - *Note: The Citizen Comment period is to provide the opportunity for members of the audience to address the Commission on items either not on the agenda or not listed as a Public Hearing. The Chair will open this portion of the meeting and ask for a show of hands of those persons wishing to address the Commission. When recognized, please approach the podium, give your name and city of residence, and state the matter of your interest. If your interest is an Agenda Item, the Chair may suggest that your comments wait until that time. Citizen comments will be limited to four minutes for Citizen Comments and four minutes for Unfinished Business. If you require more than the allotted time, your item will be placed on the next agenda. If you anticipate, in advance, your comments taking longer than the allotted time, you are encouraged to contact the Planning Department ten days in advance of the meeting so that your item may be placed on the next available agenda.*

PUBLIC HEARING –

1. Public Hearing on zoning code amendments for electric vehicle charging stations.
2. Public Hearing on zoning code amendments permit indoor gun ranges in the General Commercial (GC) zone.
3. Public Hearing on zoning code amendments to permit Farmer's Markets in the Town Center (TC) zone, cross reference sign standards to CMC 18.31, create parking island standards in the downtown zones, and clarify exemptions for school impact and traffic impact fees.

UNFINISHED BUSINESS - NONE

Discussion, Decision, and recommendation to City Council on code amendments for electric vehicle charging stations, indoor gun ranges, and various zoning code amendments. (Attachments 1A and 1B)

NEW BUSINESS

None

ATTENDANCE VOTE

PUBLIC COMMENT

**COMMENTS AND COMMUNICATIONS OF COMMISSIONERS AND STAFF
ADJOURN**

*Any person requiring a disability accommodation should contact the City at least 24 hours in advance.
For TDD relay service please use the state's toll-free relay service (800) 833-6384 and ask the operator to dial (253) 638-1110*

Web Page: www.covingtonwa.gov

Memo

To: Planning Commission Members
From: Salina Lyons, Senior Planner;
CC: Richard Hart, Community Development Director
Date: November 9, 2011
Re: **Public Hearing on zoning code amendments for electric vehicle charging stations, regulations to permit indoor gun ranges in the General Commercial (GC) zone and other various code amendments associated with Farmer's Markets in the Town Center (TC) zone, cross reference sign standards, parking island standards in the downtown zones, and exemptions for school impact and traffic impact fees**

The Planning Commission will be holding three public hearings pertaining to electric vehicle charging stations, permitting indoor gun ranges and various amendments to the zoning code. I have provided you a brief overview of the above stated amendments. Copies of the proposed amendments are attached.

After the public hearing the planning commission may discuss the proposed amendments for electric vehicle charging stations, permitting indoor gun ranges, and various amendments to the zoning code. The Planning Commission may direct staff to bring the items back for further discussion and modifications, or make a recommendation to the City Council.

Electric Vehicle Charging Stations

Based on the requirements of the State regarding Electric Vehicle Charging Stations, staff is providing the final proposed code amendments for City Council consideration this year that would implement the mandated requirements for charging stations within the City. There are various sections of the Code that are affected by the amendments: Definition, Permitted Use, Downtown Zoning, Parking Standards, and SEPA review.

Indoor Gun Ranges

This code amendment was a directive by the City Council. They requested that the Planning Commission evaluate the location and zoning associated with indoor gun ranges. The code has an existing definition for "shooting ranges", which includes firearms, archery and other weapons. Staff recommends clarifying this definition to include facilities that are open to public, private and organizational training.

Staff recommends permitting shooting ranges as a separate land use with specific conditions. These conditions would limit shooting ranges to the General Commercial (GC) zone, require the facility to operate under NRA best practices, meet Federal, State, and local requirements for permitting, and prohibit outdoor shooting ranges.

Various Code Amendments

Farmers' and Public Markets

Farmers' and public markets are listed under outdoor commercial and limited to the GC zone (CMC 18.31.080). Staff recommends listing farmers' and public markets as a separate use in the land use table and permitting them outright in all downtown zones except the Mixed Housing and Office (MHO) zone.

Landscaping

Under the previous downtown design standards there was a requirement that parking islands be provided at intervals of 10 parking stalls. This design feature brakes up large parking lots and disperses landscaping throughout the project. In the current downtown design guidelines and standards this requirement was left out. Staff recommends amending the landscaping chapter (CMC 18.40.080) to include the requirement for parking islands and cross referencing it in CMC 18.31.130 – [Downtown] Landscaping Requirements.

Signage

The downtown zoning chapter has a section on signs, specifically signs located within the Town Center (TC) zone (CMC 18.31.140). The regulations for the downtown vary substantially from the regulations in CMC 18.55-Signs. Most developers and sign manufacturers reference the stand alone sign chapter when putting plans together for their clients. To reduce confusion and direct the users of the code to the applicable sections, staff recommends providing cross references from the freestanding and building mounted sign section in CMC 18.55.070 to the sign code section in CMC 18.31.

Transportation Impact and School Impact Fees

Staff is recommending that low income/moderate housing continue to be listed as an exemption to transportation impact fees; however, any requests for the exemptions or reductions will go before the City Council to determine if funds are available and can be allocated to the particular project. This will allow the City Council the ability to review the request and discuss the level of investment and economic impact of the particular exemption.

Staff recommends including language that the Community Development Director notify the school district when a fee waiver or reduction is requested to the school impact fees. This language is necessary to 1) Inform the district of possible loss of revenue that may have been slated in their budgetary projections, 2) Inform the district that they may need to adjust their funding sources to cover the cost of the exemption and, 3) Continue an open relationship with the district.

Draft Electric Vehicle Code Amendments

Chapter 18.20

TECHNICAL TERMS AND LAND USE DEFINITIONS

Sections:

[18.20.089.3 Battery charging station](#)

[18.20.089.9 Battery exchange station.](#)

[18.20.184.8 Charging levels.](#)

[18.20.385 Electric scooters and motorcycles.](#)

[18.20.385.3 Electric vehicle.](#)

[18.20.385.6 Electric vehicle charging station.](#)

[18.20.385.9 Electric vehicle charging station - restricted.](#)

[18.20.385.12 Electric vehicle charging station - public.](#)

[18.20.385.15 Electric vehicle infrastructure.](#)

[18.20.385.18 Electric vehicle parking space](#)

[18.20.947 Rapid charging station.](#)

18.20.015 Accessory use, commercial/industrial.

“Accessory use, commercial/industrial” means:

(1) A use that is subordinate and incidental to a commercial or industrial use, including, but not limited to the following uses:

- (a) Administrative offices;
- (b) Employee exercise facilities;
- (c) Employee food service facilities;
- (d) Incidental storage of raw materials and finished products sold or manufactured on-site;
- (e) Business owner or caretaker residence;
- (f) Cogeneration facilities;
- (g) Ground maintenance facilities; and
- [\(h\) Electric vehicle charging stations](#)

(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (Ord. 42-02 § 2 (21A.06.015))

18.20.020 Accessory use, residential.

“Accessory use, residential” means:

(1) A use, structure, or activity which is subordinate and incidental to a residence including, but not limited to, the following uses:

- (a) Accessory living quarters and dwellings;
- (b) Fallout/bomb shelters;
- (c) Keeping household pets;
- (d) On-site rental office;
- (e) Pools, private docks, piers;
- (f) Antennas for private telecommunication services;
- (g) Storage of yard maintenance equipment;
- (h) Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes; or
- (i) Greenhouses.

(j) Electric vehicle charging station

18.20.089.3 Battery charging station.

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

18.20.089.6 Battery exchange station.

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

18.20.184.8 Charging levels.

“Charging levels” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

- Level 1 is considered slow charging.
- Level 2 is considered medium charging.
- Level 3 is considered fast or rapid charging.

18.20.385 Electric scooters and motorcycles.

“Electric scooters and motorcycles” means any 2-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

18.20.385.3 Electric vehicle.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose.

“Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

18.20.385.6 Electric vehicle charging station.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

18.20.385.9 Electric vehicle charging station - restricted.

“Electric vehicle charging station - restricted” means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

18.20.385.12 Electric vehicle charging station - public.

“Electric vehicle charging station — public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

18.20.385.15 Electric vehicle infrastructure.

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

18.20.385.18 Electric vehicle parking space.

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

18.20.947 Rapid charging station.

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds

any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Chapter 18.25

PERMITTED USES

18.25.030 Residential land uses

A. Table

KEY									
P – Permitted Use									
C – Conditional Use									
SIC #	SPECIFIC LAND USE	M	US	R4-8	R-18	CC	NC	I	
ACCESSORY USES:									
*	Residential Accessory uses		P6	P6 ₈	P6 ₈	P6			

B. Development Conditions.

(8) On street electric vehicle charging stations are not permitted in the R1-R-18 zones. Individual electric vehicle charging stations for a single family residence shall follow the Installation Guide for Charging Stations, prepared by Puget Sound Regional Council, and as amended.

18.25.060 Government/business services land uses.

A. Table.

KEY									
P – Permitted Use									
C – Conditional Use									
SIC #	SPECIFIC LAND USE	M	US	R4-8	R-18	CC	NC	I	
BUSINESS SERVICES:									
	General Business Services					P10 ₁₆			
ACCESSORY USES:									

*	Commercial/industrial accessory uses	P			<u>P15</u>	<u>P9.15</u>	<u>P15</u>	<u>P15</u>
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B. Development Conditions.

(15) Electric vehicle charging stations are permitted in accordance with CMC 18.50.170.

(16) Gasoline service stations and battery exchange stations are limited to the community commercial (CC) zone and subject to the following conditions:

(a) A gasoline service station shall be limited to four pumps, eight price gauges to service no more than 8 vehicles.

(b) A battery exchange station shall provide a minimum of 3 stacking spaces.

(c) Stacking spaces and drive through facilities shall be designed in accordance with CMC 18.50.080.

(d) Any associated materials, equipment storage, outdoor storage tanks and battery exchange activities shall be within a fully enclosed structure, unless otherwise determined by the Director.

Chapter 18.31

DOWNTOWN DEVELOPMENT AND DESIGN STANDARDS

18.31.080 (3) Permitted Use Table.

Use Categories	Town Center (TC) ²³	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO) ¹
Commercial				
Business Services ¹⁹	P ⁵	P	P	P ^{4,5}
<u>Private Electric Vehicle Parking Facility (primary use)</u>			<u>P5, 24</u>	

5. Services and operations other than customer parking shall be fully contained within a structure.

19. ~~a-~~ Gasoline service stations and battery exchange stations are limited to the general commercial and mixed commercial districts and subject to the following conditions:- and

~~(a)~~ (a) A gasoline service station shall be limited to eight pumps, 16 price gauges to service no more than 16 vehicles. ~~and all associated materials and equipment shall be stored in a fully enclosed structure.~~

(b) A battery exchange station shall provide a minimum of 3 stacking spaces.

(c) Stacking spaces and drive through facilities shall be designed in accordance with CMC 18.50.080.

(d) Any associated materials, equipment storage, outdoor storage tanks and battery exchange activities shall be within a fully enclosed structure, unless otherwise determined by the Director.

24. Parking facilities shall be fully screened from the public right-of-way with Type 1 landscaping in accordance with CMC 18.40.040.

18.31.110 Parking, access and circulation standards.

(4) Minimum Parking Requirements Table.

Land Use	Minimum Parking Spaces Required
Commercial	
Gasoline service stations/ <u>Battery exchange station</u>	3 per facility plus 1 per 300 square feet of store
<u>Electric vehicle charging station</u>	
<u>All developments that require off-street parking shall be subject to the provisions of the electric vehicle charging stations requirements in CMC 18.50.160 through 18.50.180.</u>	

(11) Additional Parking Requirements and Parking Design Standards Referenced in This Title.

(a) CMC [18.50.050](#) through ~~18.50.150~~[18.50.180](#) for other applicable standards.

Chapter 18.50

DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

Sections:

18.50.160 Electric vehicle charging station requirements-Downtown zones.

18.50.170 Electric vehicle charging station requirements – R18, NC, CC and I zones

18.50.180 Electric vehicle charging station design requirements.

18.50.030 Computation of required off-street parking spaces.

(3) All developments that require off-street parking shall be subject to the provisions of the electric vehicle charging stations requirements in CMC 18.50.160 through 18.50.180.

18.50.160 Electric vehicle charging station requirements – Downtown zones.

This section applies to all electric vehicle charging stations located in off-street parking facilities or parking garages in the TC, MC, GC, and MHO zones.

(1) New Development located in the TC and GC zones shall provide one Level 2 or 3 electric vehicle charging station for every 100 vehicle parking spaces.

(2) New commercial development located in the MC and MHO zones shall provide one Level 2 or 3 electric vehicles charging station for every 50 vehicle parking spaces.

(3) Any new “Government Services” (CMC 18.31.080) shall provide a minimum of one Level 2 or 3 electric vehicle charging station regardless of the number of vehicle parking stalls required for the site. If the number of required off street vehicle parking stalls exceed the provisions of sections (1) and (2), then those regulations shall apply.

18.50.170 Electric vehicle charging station requirements- R-18, NC, CC, and I zones

This section applies to all electric vehicles charging stations located in off-street parking facilities or parking garages in the R-18, NC, CC and I zones.

(1) New development located in the R-18 zone shall provide one Level 2 or 3 electric vehicle charging station for every 30 vehicle parking stalls.

(2) New development located in the NC, CC and I zones shall provide one Level 2 or 3 electric vehicle charging station for every 50 vehicle parking stalls.

(3) Any new “Park”, (CMC 18.25.040) that is publicly owned and maintained and any new “Government Services”, (CMC 18.25.060) shall provide a minimum of one Level 2 or 3 electric vehicle charging station regardless of the number of vehicle parking stalls required for the site.

If the number of required off street vehicle parking stalls exceed the provisions of sections (1) and (2), then those regulations shall apply.

18.50.180 Electric vehicle charging station design standards

(1) An electric vehicle charging station may be included in the calculation for minimum required parking spaces as required in CMC 18.31.110.4 and CMC 18.50.030.

(2) The director may reduce or waive the requirement for the installation of electric vehicle charging stations if the applicant can demonstrate:

(a) That a shared parking facility provides access to an adjacent parking facility with a minimum of two existing electric vehicle charging station, or

(b) That the proposed parking facility is providing cross-access to an adjacent parking facilities with a minimum of two existing electric vehicle charging station, and

(c) The applicant has a contract for the shared use of the electric vehicle charging station between the property owners. The contract shall be recorded with King County Records and Elections as a deed restriction that cannot be modified, or revoked without approval by the Director.

(3) Where electric vehicle charging stations are required in parking lots or parking garages, assessable vehicle charging stations shall be provided.

(a) Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall connect to a barrier free accessible route of travel. It is not required to designate the charging station exclusively for the use of disabled persons.

(4) The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional location and design criteria are provided in recognition of the various parking lot layout options. Where provided, parking for electric vehicle charging purposes shall include the following:

(a) Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operation shall be included if time limits or tow away provisions are to be enforced. Refer to the 2009 Manual on Uniform Traffic Control Devices (MUTCD) for electric vehicle and parking signs, specifically D9-11b, D9-11bP, R7-2, and R7-108, and as amended.

(b.) Charging station equipment shall be maintained, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

(c) Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with ADA accessibility requirements.

(d). Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.

(e) Charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted, and shall contain a retraction device or a place to hang permanent cords and connectors sufficiently above the ground or paved surface.

(f) Except for parallel parking stalls, adequate equipment protection, such as wheel stops or concrete-filled steel bollards, shall be used. Curbing may be used in lieu of wheel stops or bollards, if equipment is set back a minimum of 24 inches from the face of the curb.

(5). Parking for electric vehicles should also consider the following:

(a). Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.

(b). Installation of directional signs at the parking lot entrance and at appropriate decision points to guide motorists to the charging station space(s). Refer to the 2009 Manual on Uniform Traffic Control Devices (MUTCD) for electric vehicle and directional signs, specifically D9-11b, D9-11bP and M6-1, and as amended.

(6) To allow for maintenance and notification, the owner of any private new electric vehicle infrastructure station that will be publically available shall be required to provide information on the station's geographic, location, date of installation, equipment type and model, and owner contact information.

(7) On-Street Electric Vehicle Charging Stations should consider the following:

(a). On-street electric vehicle charging stations are not permitted in the R1-R18 zones.

(b) On-street electric vehicle charging stations in the TC, MC, GC and MHO zone shall be installed at either end of designated on-street parking.

(c) Subsequent on-street electric vehicle charging stations should be installed adjacent to existing stations.

(d) Charging station equipment shall be installed in a well lit area, on a hard surface, near the front of the designated parking space and should provided a minimum of 24 inches clearance from the face of the curb and not impede on the required minimum ADA accessible route on the sidewalk.

Chapter 16.10

STATE ENVIRONMENTAL POLICY ACT

16.10.080 Categorical exemptions (threshold determinations).

This section contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS.

The City adopts the following provisions of the Washington Administrative Code by reference, as now existing or as hereafter amended:

WAC

197-11-300 Purpose

197-11-305 Categorical exemptions

197-11-310 Threshold determination required

197-11-315 Environmental checklist

197-11-330 Threshold determination process

197-11-335 Additional information

197-11-340 Determination of nonsignificance (DNS)

197-11-350 Mitigated DNS

197-11-355 Optional DNS process

197-11-360 Determination of significance (DS) – Initiation of scoping

197-11-390 Effect of threshold determination

The city adopts the following section of the Revised Code of Washington by reference, as supplemented in this chapter.

RCW

43.21C.410 Battery charging and exchange station installation

CHAPTER 18.20**TECHNICAL TERMS AND LAND USE DEFINITIONS**

18.20.827 Outdoor commercial.

“Outdoor commercial” means a commercial use where the majority of activity occurs outside a permanent structure. Outdoor commercial does not include “farmer’s markets” defined in CMC 18.20.451.5 or “public markets” as defined in CMC 18.20.940.5. (Ord. 10-10 § 3 (Exh. C))

18.20.1080 Shooting range.

“Shooting range” means a facility designed to provide a confined space for safe target practice with firearms, archery equipment, or other weapons whether open to the public, open only to private membership, open to organizational training such as law enforcement, or any combination thereof. (Ord. 42-02 § 2 (21A.06.1080))

18.20.966 Recreation, indoor.

“Recreation, indoor” means indoor skating rinks, bowling alleys, gymnasiums not accessory to an educational institution, racket clubs, sports arenas, pools and similar uses. “Recreation, indoor” does not include “shooting ranges” as defined in CMC 18.20.1080. (Ord. 10-10 § 3 (Exh. C))

18.20.967 Recreation, outdoor.

“Recreation, outdoor” means golf courses, tennis courts, athletic fields, pools, skate parks, and similar uses. “Recreation, outdoor” does not include “shooting ranges” as defined in CMC 18.20.1080.-(Ord. 10-10 § 3 (Exh. C))

CHAPTER 18.31
DOWNTOWN DEVELOPMENT AND DESIGN STANDARDS

18.31.080 Permitted Land Uses

(3) Permitted Use Table

	Town Center (TC)	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO) ₁
Use Categories				
Commercial				
Drive Through Use	NP	P	P	NP
<u>Farmers' and Public Markets ₆</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>
Gambling and Card Rooms	NP	NP	NP	NP
Home Occupation and Live/Work	P	P	P	P
<u>Shooting ranges ₂₃</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
Outdoor Commercial ₆	NP	NP	P	NP
Cultural/Recreation				
Recreation, Indoor or Outdoor	C	P	P	P

(4). Permitted Use Conditions.

6. Farmers' and public markets are permitted. Temporary farmers' and public markets shall permitted in accordance with Chapter 18.85.125 CMC.

23. a. The shooting range, its plans, rules, procedures and its management and staff shall comply with the applicable safety guidelines and provisions in the latest edition of "the Range Source Book" (National Rifle Association of America: Fairfax, Virginia) or its successor, as appropriate to the type of facility involved.

b. Any new development proposal and/or business license application for a shooting range shall be accompanied by a notarized certification by the shooting facility operator that the facility complies with Federal and State regulations, meets commonly accepted shooting facility safety and design practices, and will be operated in a manner that protects the safety of the general public.

c. Outdoor shooting ranges are not permitted in the TC, MC, GC and MHO zones.

18.31.130 Landscaping Requirements

(4) Additional landscaping requirements referenced in this Title.

(a) Chapter 18.40.100, 18.40.110, 18.40.130, 18.40.140, and 18.40.150 CMC for additional applicable standards.

(b) Chapter 18.40.080, Subsections (3) (4) (5) and (6) CMC for parking area landscaping requirements.

CHAPTER 18.40

DEVELOPMENT STANDARDS - LANDSCAPING

18.40.080 Landscaping – Surface parking areas.

(3) ~~Trees~~ Parking islands shall be provided and distributed throughout the parking area ~~at a rate of as follows:~~

(a) ~~One tree every 10 parking stalls; and~~ Parking islands shall be provided at intervals no greater than 10 parking spaces.

(b) ~~Parking islands shall be provided. Trees placed~~ at the end of every parking row;

CHAPTER 18.25

PERMITTED USES

18.25.040 Recreational/cultural land uses.

KEY

P – Permitted Use

C – Conditional Use

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-18	CC	NC	I
	AMUSEMENT/ ENTERTAINMENT:							
7999	Amusement and recreation services			P5				
(4) <u>(6)</u>								

B. Development Conditions

(4) Excluding amusement and recreational uses classified elsewhere in this chapter.

(5) A conditional use permit is required unless the use is an accessory to a park or in a building listed on the National Register as an historic site or designated as a King County landmark subject to Chapter 18.85 CMC.

(6) The operation of an indoor or outdoor shooting range, as defined in CMC 18.20.1080, is not permitted.

18.25.100 Regional land uses.**KEY****P – Permitted Use****C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-18	CC	NC	I
8221 – 8222	College/university (1)			P5		P5		P

B. Development Conditions

(1) ~~Except outdoor shooting~~ Shooting ranges associated with educational programs are not permitted.

(5) Permitted as a re-use of a public school facility subject to Chapter 18.85 CMC. A conditional use permit is required if the use is a re-use of a surplus nonresidential facility subject to Chapter 18.85 CMC.

CHAPTER 18.55**SIGNS****18.55.070 Signs in nonresidential zoning districts.**

(1) Freestanding Signs. All permit applications for freestanding signs will be designated as either a high profile, medium profile or low profile sign, based upon criteria regarding both the size and zoning designation of the development. The sign profile designation shall control the sign types, height, sign area and number of signs allowed, unless otherwise specified in CMC 18.31.140 for developments located within the Town Center zoning district.

(2) Building-Mounted Signs. All permit applications for building mounted signs within the Town Center zoning district shall comply with CMC 18.31.140 for sign height, sign area and number of signs.

CHAPTER 18.120**SCHOOL IMPACT FEES****18.120.080 Exemption or reduction for low or moderate income housing.**

(1) Low or moderate income housing projects being developed by public housing agencies or private nonprofit housing developers ~~shall~~ may be exempt from the payment of school impact

fees. The amount of the school impact fees not collected from low or moderate income household development shall be paid from the district's public funds other than impact fee accounts. The impact fees for these units shall be considered paid for by the district through its other funding sources, without the district actually transferring funds from its other funding sources into the impact fee account. The Department shall review all proposed developments of low or moderate income housing pursuant to criteria and procedures adopted by administrative rule and shall advise the Community Development Director as to whether the project qualifies for the exemption. The Community Development Director shall notify the district of all applications for exemptions and reductions and whether the project qualifies for the exemption. The Community Development Department shall review proposed developments of low or moderate income housing by such public or nonprofit developers pursuant to criteria and procedures adopted by administrative rule, and shall determine whether the project qualifies for the exemption.

(2) Private developers who dedicate residential units for occupancy by low or moderate income households may apply to the Department for reductions in school impact fees pursuant to ~~the criteria established for public housing agencies and private nonprofit housing developers pursuant to~~ subsection (1) of this section, ~~and subject to the provisions of subsection (1) of this section. The Department shall review proposed developments of low or moderate income housing by such private developers pursuant to criteria and procedures adopted by administrative rule, and shall advise the Community Development Department as to whether the project qualifies for the exemption.~~ If the Department recommends the exemption to the district, the calculated school impact fee for the development shall be reduced by an amount that is proportionate to the number of units in the development that satisfy the adopted criteria.

(3) Individual low or moderate income home purchasers (as defined pursuant to the City of Covington Comprehensive Housing Affordability Strategy (CHAS)) who are purchasing homes at prices within their eligibility limits based on standard lending criteria and meet other means tests established by rule by the Department are exempted from payment of the school impact fee; provided, that at such time as the property in question is transferred to another owner who does not qualify for the exemption, ~~at which time~~ the fee shall be due and payable upon the property transfer

(4) Any claim or request for an exemption under this section shall be made no later than the time of application for a building permit. If a building permit is not required for the development activity, the claim shall be made when the fee is tendered. Any claim not made when required by this section shall be deemed waived.

~~(5)~~ The Department is hereby instructed and authorized to adopt administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

- (a) Encourage the construction of housing for low or moderate income households by public housing agencies or private nonprofit housing developers participating in publicly sponsored or subsidized housing programs;

(b) Encourage the construction in private developments of housing units for low or moderate income households that are in addition to units required by another housing program or development condition;

(c) Ensure that housing that qualifies as low or moderate cost meets appropriate standards regarding household income, rent levels or sale prices, location, number of units and development size;

(d) Ensure that developers who obtain an exemption from or reduction of school impact fees will in fact build the proposed low or moderate cost housing and make it available to low or moderate income households for a minimum of (fifteen) 15 years; and

(e) Ensure that individual low or moderate income purchasers meet appropriate eligibility standards based on income and other financial means tests.

~~(65)~~ As a condition of receiving an exemption under ~~subsection (2) or (3) of~~ this section, the owner must execute and record a City-drafted lien, covenant, and/or other contractual provision against the property for a period of ten (10) years for individual owners, and fifteen (15) years for private developers, guaranteeing that the proposed development will continue to be used for low or moderate income housing. In the event that the housing unit(s) is no longer used for pattern of development or the use of the development is no longer for low or moderate income housing during the term of the provision herein, then the owner shall promptly pay the impact fee amount from which the housing unit(s) was exempted to the district. owner or any prior owner was exempt. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners and assigns.

CHAPTER 12.105

TRANSPORTATION IMPACT FEES

12.105.140 Exemptions from transportation impact fees.

(1) The following development activities are exempt from paying transportation impact fees because they do not have a measurable impact on the City's transportation facilities, or because the City has chosen to exempt them pursuant to RCW 82.02.060(2):

(a) Public school districts shall be exempted from payment of transportation impact fees.

(b) Existing Dwelling Unit. Any alteration, expansion, reconstruction, remodeling or replacement of existing single-family or multifamily dwelling units that does not result in the creation of additional dwelling units.

(c) Existing Nonresidential Building. Any alteration, reconstruction, remodeling or replacement of an existing nonresidential building that does not result in the generation of any new daily vehicle trips.

(d) Any accessory dwelling unit (ADU) permitted in accordance with applicable zoning regulations.

(2) In addition to the exemptions in subsection (1) of this section, the following mayshall be exempt from the requirement to pay impact fees:

(a) Low- or moderate-income housing projects developed or owned by public housing agencies or private nonprofit housing developers.

(b) Residential housing units dedicated for occupancy by low- or moderate-income households and whose rents or purchase prices are affordable to low- or moderate-income persons under the regulations of the U.S. Department of Housing and Urban Development or its successor.

(c) Individual low- or moderate-income dwelling units (as defined by King County's housing programs) to be purchased by households with prices within their eligibility limits based on standard lending criteria.

(3) The developer shall be responsible for providing documentation to the City that their project qualifies for an exemption as outlined in subsection (2) of this section.

(4) Any claim or request for an exemption under this section shall be made no later than the time of issuance of a building permit. Any claim not made when required by this section shall be deemed waived.

~~(5) The amount of the transportation impact fees not collected from low- or moderate-income household development shall be paid from public funds other than impact fee accounts. The determination to grant or deny an exemption shall be in the sole discretion of the City Council after consideration in an open public meeting of the public benefit of the specific project, the hardship to the project of the impact fee, the impacts of the project, the availability of public funding to pay the transportation impact fees payable on the project and other factors deemed relevant by the City Council. The City Council may also vote to exempt specific projects, or components thereof, within proposed development activities with broad public purposes from all or part of the required fees upon such conditions as the City Council deems appropriate. If an exemption is granted, the exempted transportation impact fee attributable to the development shall be paid from public funds other than impact fees or interest on impact fees.~~

~~(5) The Department is hereby authorized to adopt administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:~~

~~(a) Encourage the construction of housing for low- or moderate-income households by public housing agencies or private nonprofit housing developers participating in publicly sponsored or subsidized housing programs;~~

~~(b) Encourage the construction in private developments of housing units for low- or moderate-income households that are in addition to units required by another housing program or development condition;~~

~~(c) Ensure that housing that qualifies as low- or moderate-cost meets appropriate standards regarding household income, rent levels or sale prices, location, number of units, and development size; and~~

~~(d) Ensure that developers who obtain an exemption from or reduction of transportation impact fees pursuant to subsection (2) of this section will in fact build the proposed low- and moderate-cost housing and make it available to low-income households for a minimum of 15 years.~~

(6) As a condition of receiving an exemption under this section, the owner shall execute and record in King County's real property title records a City-drafted lien, covenant, or other contractual provision against the property that provides that the proposed housing unit or development will continue to be used for low- or moderate-income housing and remain

affordable to those households under the regulations of the U.S. Department of Housing and Urban Development. The term of this provision shall be ten (10) years for individual owners and fifteen (15) years for private and private nonprofit developers/builders. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners and assigns. In the event that the housing unit(s) is no longer used for low- or moderate-income housing during the term of the provision, then the owner shall promptly pay the amount of impact fees from which the housing unit(s) was exempted to the City.