



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

February 02, 2012

6:30 PM

CALL TO ORDER

ROLL CALL

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

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

1. Planning Commission Minutes for December 15, 2011

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 – NONE

UNFINISHED BUSINESS - NONE

NEW BUSINESS

2. Discussion of Multiple Family Tax Exemption Proposal Requested by City Council-**No Action Required.** This item is being brought to the Commission for information and discussion only. The Commission is encouraged to provide any suggestions or input that the staff would then pass on to the Council when they hold their public hearing on the proposed ordinance. (See Attached Staff Memo)
3. Discussion of Issues and Framework for Revisions to the Wireless Communication Facilities (WCF) regulations in the City Municipal Code. No **Action Required.** This item eventually will require a Commission public hearing and recommendation to the City Council. However, it is being brought to the Commission at this time only for discussion and direction. Staff will then prepare the specific code language to be included in a proposed ordinance for Commission public hearing, most likely in February. (See Attached Staff Memo)

ATTENDANCE VOTE

PUBLIC COMMENT: (Same rules apply as stated in the 1st CITIZEN COMMENTS)

4. Transmission of 2011 Summary Report from City Hearing Examiner, John Gault
(For information purposes only)

COMMENTS AND COMMUNICATIONS OF COMMISSIONERS AND STAFF

ADJOURN

*Any person requiring a disability accommodation should contact the City at least 24 hours in advance.
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Web Page: www.covingtonwa.gov

**CITY OF COVINGTON
Planning Commission Minutes**

December 15, 2011

City Hall Council Chambers

CALL TO ORDER

Chair Key called the regular meeting of the Planning Commission to order at 6:38 p.m.

MEMBERS PRESENT

Chair Daniel Key, Vice Chair Paul Max, Sonia Foss, Ed Holmes, Bill Judd, Sean Smith and Alex White.

MEMBERS ABSENT - None

STAFF PRESENT

Richard Hart, Director of Community Development
Salina Lyons, Senior Planner
Ann Mueller, Senior Planner
Kelly Thompson, Planning Commission Secretary

Chair Key introduced new Commissioner Ed Holmes. Commissioner Holmes has lived in Covington since the City incorporated. Both of his children graduated from Kentwood High School. He worked at Boeing for 35 years before retiring last year. The Planning Commission is grateful for his service.

APPROVAL OF CONSENT AGENDA

There was a motion that did not show the vote on Page 7 of the November 17, 2011 minutes. The minutes were corrected to show a vote of 5-0.

- **1. Vice Chair Max moved and Commissioner Smith seconded to approve the consent agenda, the minutes for November 3, 2011 and corrected minutes for November 17, 2011. Motion carried 7-0.**

CITIZEN COMMENTS – NONE

PUBLIC HEARING – NONE

UNFINISHED BUSINESS - NONE

NEW BUSINESS

2. Discussion of and Recommendation to Council for 2012 Planning Commission & Community Development Staff Work Program

Community Development Director, Richard Hart distributed a spreadsheet outlining the 2012 Work Program Tasks. Mr. Hart reviewed the tasks that are required by state law and the City Council priorities.

1. The annual Comprehensive Plan Docket is required by state law.
2. Analysis of code for opportunities to collect Park Impact Fees. That is an issue the Council would like the Planning Commission to address.
3. Shoreline Development Regulations were adopted in 2011, but there is one small task remaining. Staff will be developing code amendment language to incorporate within our zoning and development regulations.
4. The Northern Gateway Study is anticipated to take the greatest number of hours of the city staff next year. Staff will bring steps of this process to the Planning Commission. The sub-area planning work will be done by a consultant hired by the property owners.
5. Wireless Communications Zoning Code Amendments have been identified as a top priority by staff.
6. Revisions to the Street ROW Vacation Procedures have been identified as another top priority for staff.
7. Preliminary work for the 2013 Comprehensive Plan Update is a state requirement.

Chair Key asked about the 2013 Comprehensive Plan Update and what will be required of the Planning Commission. Mr. Hart stated that this is mandatory, but will not require work from the Planning Commission, only staff.

Chair Key also asked about the proportion of involvement that the Planning Commission will be contributing to the Work Plan Items. Mr. Hart indicated that the workload should be lighter than last year. There are a lot of tasks to accomplish regarding the Northern Gateway study and annexation. There are changes that must take place within the annexation policies of the Comprehensive Plan Policies.

Commissioner Foss asked about annexation of the Northern Gateway. Is it always this involved to annex a piece of property? Or is there something unique

about the Northern Gateway? Mr. Hart explained that the property is not currently within the Urban Growth Area. The City or a private property owner must petition the county to add the land to the UGA. This is a time consuming process that can take a few years.

Commissioner Holmes asked if there were more items that weren't included on the list of Work Plan Items. Mr. Hart explained that the zoning code had been adopted from the county and amended over the years. This created several conflicts throughout the code which also need to be amended. So there are always other code amendments needing attention.

Chair Key proposed that the Planning Commission sponsor an amendment to the Comprehensive Plan Docket to propose that the Town Center zone require street level store front retail.

Mr. Hart commented that the City's consultant recommended that mixed use structures in the TC zone have ground floor retail. He added that the 4 acre site containing the Valley Medical Emergency Department did not have this requirement. Within the remaining Town Center Zone, the City is trying to attract jobs, retail and residential. The policies are already in place to support mixed-use of this type, except for the specific requirement of ground floor retail.

- **Commissioner White moved and Commissioner Judd seconded to recommend inclusion on the docket an amendment to the development regulations to require ground floor retail in mixed use buildings in the Town Center zone. Motion carried 7-0.**

The Planning Commission went on to discuss the remaining potential sites for big box retail.

Commissioner White asked about the Kent School District potentially closing an elementary school. The City Council has directed the City Manager to work with the school district to obtain the first right of refusal for the Covington Elementary School site. The City is meeting with Kent School District on Jan 9, 2012, and this topic will be discussed with the School Board.

The Budget Priorities Advisory Committee (BPAC) is currently recruiting citizens to help the City decide how it should take action on services we have to provide, road maintenance, parks maintenance, and how to obtain capital funds and achieve vision in the town center.

Commissioner Judd asked how the Planning Commission did on the work plan tasks. A few minor code amendments are scheduled after the first of the year

that are carried over from 2011. We accomplished 95% of what we had set out to do during 2011.

There is a joint City Council/Planning Commission meeting on January 24, 2011. A one-hour study session will be held from 6:00-7:00 pm with the City Council and will present and discuss the proposed 2012 Planning Commission Work Program.

ATTENDANCE VOTE - NONE

PUBLIC COMMENT- NONE

COMMENTS AND COMMUNICATIONS FROM STAFF

The January 5, 2011 Planning Commission meeting is cancelled.

Community Development Director, Richard Hart thanked the Planning Commission for their service, patience, and well-reasoned and considerate thoughts.

Staff also reviewed the 2012 calendar of meetings and noted the Planning Commission will also address medical marijuana before the moratorium expires.

Commissioner Foss thanked staff for their hard work over the course of the year and added that Covington was at the top in the state of Washington for retail growth at 13.8%.

ADJOURN

The December 15, 2011 Planning Commission Meeting adjourned at 7:43 p.m.

Respectfully submitted,

Kelly Thompson, Planning Commission Secretary

Memo

To: Planning Commission Member
From: Richard Hart, Community Development Director
Ann Mueller, Senior Planner
Date: January 9, 2012
Re: Overview of proposed Multifamily Tax Exemption Ordinance

In August 2011, City Council asked staff to work on a multifamily property tax exemption ordinance that emphasizes mixed-use in the town center and affordable housing in the R-18 zone. Staff has reviewed existing multifamily tax exemption ordinances of several municipalities in King County, including Kent, Federal Way, Auburn, Kirkland, Bremerton and Renton.

Review and adoption of a multifamily property tax exemption ordinance is not a development regulation and will not be subject to review by the Planning Commission. Staff is providing the Planning Commission some background information on this proposal for discussion and input as we move forward, since the intent of the tax exemption is to incentivize multifamily development in certain downtown and adjacent multifamily zones within the city thereby shaping future development in Covington.

State Legislation

The state legislature enacted RCW 18.14 (New and rehabilitate multiple-unit dwelling in urban centers) in 1995 granting authority to a limited number of cities in the state for ten year tax exemptions on the improvement value of multifamily projects in specified areas within an urban center. In 2006, the legislature updated this RCW to allow more cities (with populations greater than 5,000) to implement these tax exemptions and provided more explicit incentives for affordable housing. Multifamily development that required at least 20% affordable units could receive a 12 year exemption.

Key provisions of RCW 84.14 include:

- Exemption is for either 8 or 12 years. A 12 year exemption must include 20% affordable housing units, the minimum threshold established by the State.
- Projects seeking approval under this program can be required by the authorizing jurisdiction to incorporate an additional public benefit into the development, beyond the scope of affordable housing.
- The tax exemption is only on the improvement value of the residential portion of a property. Property taxes are still paid on the land and on the improvement value of any non-residential uses.
- Multifamily housing that receives an exemption must be located in a specific area designated by the authorizing jurisdiction.

Purpose

The purpose of the Multifamily Residential Property Tax Exemption in Covington is to encourage the development of multifamily housing in the Town Center, and Mixed Housing/Office and R-18 zoning districts. If adopted this ordinance would allow property owners to apply for exemption from property taxes for eight or twelve years and could be applied to both apartments and condominium units.

Limits on Exemption

Currently, under consideration is applying the property tax exemption to residential apartments and condominiums with four or more dwelling units the Town Center (TC), Mixed Housing/Office (MHO) and multifamily residential (R-18) zoning districts within the City. The value of the land and the non-qualifying improvements does not qualify for the exemption.

Eligibility

An application may be submitted year-round but before building permits are issued. If a conditional tax exemption is approved, the project applicant is required to enter into a contract agreement with the City of Covington, establishing specific requirements for completion and acceptance of the project. If the owner sells the property after the tax exemption has been granted, the exemption stays with the property and is transferred to the new owner. Once the project is granted the conditional tax exemption, construction must be completed within 3 years.

The applicant must be the owner of the property and the property must be located within the TC, MHO, or R-18 zoning districts and provide the following public benefit requirements:

TC	<ul style="list-style-type: none"> • Must be a multi-story, mixed use structure as defined in CMC 18.31.080(4)(23)¹ • Must include a diversity of unit types and sizes.²
MHO	<ul style="list-style-type: none"> • Must include a diversity of unit types and sizes
R-18	<ul style="list-style-type: none"> • Must include affordable housing; at least 20% of the multifamily housing units must be rented or sold to low and moderate income households³

¹ Shall provide ground floor retail, restaurant, or personal services along 60 percent of the building façade.

² A min. of 50% of the total units shall vary in size from other units by at least 250 square feet or no more than 50% of the total planned units shall have the same number of bedrooms. In developments with 18 units or more; studios and 1 bedroom units shall not be greater than 60% of the total mix within each development.

³ As defined in RCW 84.14(i.e Low income household means an adjusted income at or below 80% of the median family income adjusted for family size for King County as reported by HUD. Moderate-income means an adjusted income more than eighty percent but is at or below 115% of the median family income adjusted for family size.)

King County 2011 Median Income Chart By Household Size*						
	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person
2011 Median Income	\$60,800	\$69,500	\$78,200	\$86,800	\$93,800	\$100,700
80% of Median Income	\$48,640	\$55,600	\$62,560	\$69,440	\$75,040	\$80,560
120% of Median Income	\$72,960	\$83,400	\$93,840	\$104,160	\$112,560	\$120,840
*Source: King County Comprehensive Plan Draft Tech Appendix B (10.28.11)						

Financial Implications

A property tax exemption adopted per RCW 84.14 exempts eligible multifamily improvement value from all ad valorem property taxation for the exempt period. This includes the City of Covington, State and other special district valuations that in 2011 totaled approximately \$13.13 dollars, per \$1,000 of assessed value; Covington's share is approximately \$1.36 per 1,000 of assessed value.

If granted a multifamily property tax exemption, the property taxes on the residential improvement value would be waived, while property taxes would continue to be paid on the land value and the improvement value of the non-residential portion of properties. Therefore, it is likely that the impact of implementing a tax exemption program will not result in a reduction in current property taxes paid by a property, but instead defers increases in property taxes. To the extent there is new ground floor commercial/office or other nonresidential use on a site in the Town Center, the City will capture the property tax revenue from those new uses. Also, as more development occurs, there is potential for some general increase in land values resulting from the new development over time. Thus, in most instances the City should not expect to see any decrease in property tax payments from property granted multifamily tax exemption status.

The main impact to the City will be the delay in realizing the payment of property taxes on the improvement value of the multifamily portion of the new development for either 8 or 12 years. However, the hope is this deferment of property taxes is offset by other factors such as by reducing property taxes, the project's feasibility is increased and developer risk reduced, thus helping to accelerate development in the TC, MHO and R-18 zoning districts. Furthermore, with new mixed use development in the Town Center, the city will realize other forms of revenue (e.g. sales tax, building permit fees) sooner than would otherwise occur.

Planning Commission Discussion

Staff's summary above includes several areas for further input and refinement:

- 1) What areas of Covington should multifamily tax exemption be focused?

Multifamily development that is granted a tax exemption shall be in designated areas of the city (Residential Target Areas) which must be located in an urban center. An urban center is defined in RCW 84.14 as a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain: (a) Several businesses establishments that may include but are not limited to shops, offices, banks, restaurants, government agencies; (b) adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and (c) a mixture of uses and activities that may include housing, recreation and cultural activities in association with either commercial or office or both. Designated Residential Target Areas do not have to be solely areas zoned as mixed use, it can include multifamily areas that are contiguous to mixed use zones.

Consistent with Council direction, staff is recommending the multifamily tax exemption target area be focused on the downtown zoning districts – TC & MHO and in R-18 the multifamily residential zone located north of the Mixed Commercial zone.

2) Should affordability requirements be applied?

For a rental project to be considered for the 12 year exemption, it must include at least 20% of the units affordable up to 100% of the King County median income; for an owner occupied unit, affordable up to 150% of the King County median income.⁴

Affordable housing is defined as residential housing units that are rented by a household whose monthly housing costs, including utilities, do not exceed thirty percent of the household's monthly income; or for ownership housing, is within the means of the low or moderate-income levels (e.g. affordable rent for a 1 person household making 100% of median income in King County would pay \$1,520 (assumes utilities are included); a 4 person household would pay \$2,170 in rent. Likewise, an affordable payment for a 1 person household making 150% of median income in King County would be \$1,900 a month for a condo; a 4 person household would pay 2,712 a month for a condo⁵.

3) Should tax exemptions be allowed for ownership housing (i.e. condos)?

RCW 84.14.020 allows ownership units to be targeted to higher income levels than rental units – up to 150% of median income.

In condominium developments, the benefit of the exemption is realized by the future homeowners and not the developers. Thus, the developer responsible for creating the affordable units does not directly benefit from the tax exemption. Furthermore, RCW 84.14 only requires that a minimum of 20% of the units meet affordability requirements, thus only some of the units in a project are affordable and the tax exempt benefit could be realized by homeowners who meet no income guidelines or do not contribute towards creating the affordable housing. To address these issues some jurisdictions (e.g. Seattle) only exempts affordable ownership units, while others (e.g. Kirkland, Mercer Island) only allows the multi-family tax exemption on development with rental units.

4) What public benefits should be required of the development in order for the property owner to earn a property tax exemption on any of the multifamily improvements?

Staff is recommending that in the TC, the development must be multi-story and mixed-use to qualify for tax exemption. In addition, provisions for diversity of housing type and size are being recommended for development in the TC to encourage family size units. The diversity of unit type and size is also being considered as a required public benefit for development in the MHO zone. In the R-18 zone, staff is recommending that provisions of affordable housing be provided; the requirement for housing diversity could also be applied in this zone as well.

⁴ RCW 84.14.020(1) (a) (ii) requires that for the 12 year exemption at least 20% of the units must be affordable as follows:

Low Income - Household income is at or below 80% of the HUD County Median adjusted for family size; or in a High Cost County (includes King County), 100% of the County Median Income.

Moderate Income - Household income is at or below 115% of the HUD County Median adjusted for family size; or in a High Cost County (includes King County), 150% of the County Median Income.

⁵ Based on data from King County Comprehensive Plan Draft Tech Appendix B (10.28.11). Which assumes for condo's an affordable housing payment (principle and interest only) is calculated at 25% of monthly income. Taxes, utilities and/or condo fees are estimated to account for an additional 5%.

Memo

To: Planning Commission Members

From: Richard Hart, Community Development Director

Ann Mueller, Senior Planner

Date: January 11, 2012

Re: Discussion of the repeal and replacement of CMC 18.70 Development Standards
– Communication Facilities

Background

Wireless infrastructure consists of three major components: antennas, support structures and equipment. Antennas are the transmitter arrays that communicate with mobile phones and other wireless devices. Support structures include towers, building rooftops, utility poles, electric transmission towers or other elevated structures upon which antennas are mounted. Equipment is typically located in cabinets or small buildings filled with electronic equipment, located above or underground, which power the antennas and allow them to communicate with one another. Of the various types of support structures, towers have historically been the most common, as well as the most visually prominent.

Local government regulation of wireless facilities was limited by the 1996 Telecommunications Act, which establishes conditions that zoning requirements must satisfy:

- Local zoning requirements may not prohibit wireless facilities or enact indefinite moratoriums, although their placement may be regulated.
- The local government must act on a request for installing or constructing a wireless facility within a reasonable period of time.
- A local government decision denying a request for installing or constructing a wireless facility must be based on substantial evidence, and be made in writing.
- If a wireless telecommunications facility meets technical emissions standards set by the Federal Communications Commission (FCC), it is presumed safe. The local government may not deny a request to construct a facility on grounds that its radio frequency emissions would be harmful to the environment or the health of residents if those emissions meet FCC standards.

- Local zoning requirements may not unreasonably discriminate between providers of functionally equivalent wireless services, although facilities with different physical characteristics or safety concerns may be treated differently.

Existing Standards

Upon incorporation, effective in 1997, Covington adopted the King County communications facility ordinance which pre-dated the 1996 Telecommunications Act. As a result, several sections of CMC Chapter 18.70 are no longer applicable to the permitting and regulating of wireless communication facilities. The FCC has set maximum permissible exposure limits for radio frequency transmitters. Furthermore prior to issuance of a building permit, wireless carriers are required to submit a report demonstrating compliance with FCC regulations.

Currently, Covington does not see a large volume of wireless communication facility applications. In 2010, one Type III permit was approved by the Hearing Examiner for collocation of a Clearwire antenna on an existing PSE transmission tower located within their 115kv easement. Previously, in 2006 a T-Mobile antenna was permitted to locate on that same transmission tower.

Next Steps

Staff is recommending that current Communication Facility development standards (CMC 18.70) be repealed and replaced with updated and reorganized language to address FCC regulations, incorporate current terminology for the wireless communication industry and to construct a more functional code section that is easier to understand and implement as new applications are submitted in the future.

Existing code language direct the location of antennas and towers away from residential areas, encourages collocation of antennas on existing transmission towers and utility poles, to minimize the overall number of new towers in the City and to use methods to minimize the negative visual impacts that could arise. Staff intends to keep these overarching goals in the new regulations. Staff is looking at an approach that will incorporate language that sets priorities for the type of wireless communication facilities preferred by the City.

Currently under discussion is directing wireless telecommunication carriers to first consider locating antennas on existing transmission towers¹ and existing wireless communication facility towers, next preferable would be co-location on a utility pole², followed by attaching to an existing building utilizing a concealed facility, next attaching to an existing building using a non-concealed facility and least preferable would be

¹ Transmission towers will be defined as any facility owned by Puget Sound Energy or any other electric utility that supports electrical lines which carry a voltage of at least 115kV.

² Utility poles will be defined as any facility owned by Puget Sound Energy or any other electric utility that supports electrical lines which carry a voltage of less than 115kV, or any Qwest facility which carries telephone lines.

constructing a new tower. Development standards will be included for each type of wireless communication facility to ensure the overall goals of the chapter are met.

The applicant will be responsible for demonstrating through engineering evidence that the more preferable sitting types were not feasible before moving to a less preferable sitting option. Again, the last possible siting option being a new tower or a height waiver request.

Land use applications in Covington are reviewed as one of 4 types of decisions; Type 1 are small scale projects while Type 4 applications require approval by the City Council. An example of a Type 1 decision is a building permit or boundary line adjustment and an example of a Type 4 is a final subdivision or street vacation.

Following are the major types of wireless facility siting options and initial recommendations for the type of Decision each should be reviewed under.

<p>Type 1</p> <p>Permitted outright but subject to administrative review to verify specific design and development standards have been met.</p>	<ul style="list-style-type: none"> • Co-Locating antennas on an electrical transmission tower. • Adding antennas to an existing wireless communication tower; provided the height of the tower is not increased. • Co-Locating antennas on a building that is in the GC, M or I zoning districts.
<p>Type 2</p> <p>An administrative review made after a Notice of Application has been posted on-site, distributed to agencies of interest and property owners within 500 feet of the site. The Type 2 decision process allows the Director to condition a project further ensure that the goals and polices of the City's code are met.</p>	<ul style="list-style-type: none"> • Co-Locating antennas on an utility pole. • Installing antennas on a non-single family residential building located within a commercial or residential zone.
<p>Type 3</p> <p>A hearing examiner decision after a public hearing based on a recommendation from the Director after a Notice of Application has been posted on-site, distributed to agencies of interest and property owners within 500 feet of the site. The hearing examiner can condition the project's approval.</p>	<ul style="list-style-type: none"> • Permission to construct a new wireless communications tower. • A height waiver request.

Staff is providing this initial overview of the purpose behind these proposed code revisions and seeking Planning Commission input on wireless facility placement and review in the City of Covington.

Discussion Topics:

- Areas where new towers should be discouraged or not-permitted?

Example: The current code permits communication facilities by Conditional Use Permit in the residential zones (R-4-8 & R-18) and the Community Commercial (CC) zone and requires that the facilities be co-located, The communication facilities are permitted outright in the Industrial (I) zone. The code currently does not permit Communication Facilities in the Urban Separator R-1 (US) or the Mineral (M) zoning districts (CMC 18.25.100).

Staff is recommending permitting such facilities in the M zone but not permitting them in the US(R-1) or within any critical area (except aquifer recharge areas and on existing transmission towers within an existing utility corridor). Are there other places in the City where such facilities should be discouraged from locating?

Communication facilities are permitted under the definition of Minor Utility Facility in the downtown zones. In the Town Center (TC) zone, transmission support structures must be mounted on existing buildings. For clarification, staff recommends clarifying that new towers not be permitted in the TC, but antennas could be installed on existing buildings using concealed mounting methods (e.g. located in an elevator tower, clock tower or similar rooftop appurtenances) or collocated on existing transmission towers.

- Types of Review?

Example: The current code allows co-location of an antenna on an existing utility pole within a right-of-way to be permitted outright unless located within a residential zone. Staff is recommending making co-location of an antenna on an electrical transmission tower a Type 1 decision and co-location on a utility pole a Type 2 Director decision in all zones.

- What should be the base height limits for any wireless communication facility?

The current code permits new towers as tall as 140 feet in the Industrial (I) zoning district and 60 feet tall in the Neighborhood Commercial (NC), Community Commercial (CC), Downtown zoning districts (this would include TC, Mixed Housing/Office (MHO), Mixed Commercial (MC), & General Commercial (GC)) and the following residential zoning districts R-4, R-6, R-8, & R-18. Requests to exceed these height limits require a conditional use permit.

Another approach staff is looking at is requiring the underlying zoning districts height limit be the maximum height allowed without a height waiver. Some exceptions could be granted for co-location on existing utility poles (e.g. height of a utility pole co-location is limited to 10 feet above the replaced utility pole, and

may not be greater than 50 feet in height in residential districts. In other zones where wireless is permitted, the height of the utility pole is limited to 50 feet or the minimum height standards of the underlying zoning, whichever is greater.) If they want to exceed these maximum heights they can apply for a height waiver; a type 3 decision before the Hearing examiner.

Staff anticipates taking Planning Commission feedback and preparing a draft of the new Wireless Communication Facility Code for discussion at a future Planning Commission meeting in February or March. At that time staff is also planning to forward that draft to wireless communication carriers who are known to have existing antennas or towers in the City.

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MEMORANDUM

To: Covington City Council
✓Covington Planning Commission

CC: Mayor Margaret Harto
Richard Hart, Community Development Director

From: John E. Galt, Hearing Examiner 

Date: January 5, 2012

Subject: Annual Report for 2011

The Covington Municipal Code provides for an annual report from the Hearing Examiner to the City Planning Commission and Council listing “a summary of the examiner’s decision[s] since the last report.” The report is also to review “the administration of the land use policies and regulatory ordinances, and any amendments to city ordinances or other policies or procedures which would improve the performance of the examiner process.”[CMC 2.25.110]

This Report covers my activities during 2011. The report is divided into two parts: Hearing Activity and Discussion of Issues. I would be pleased to meet with you in person to discuss these or other related matters at a time of mutual convenience.

Hearing Activity

Once again, last year continued to be a slow year for land development entitlement applications. This slowness affected not just Covington, but all of the Central Puget Sound region. Only four cases were assigned to me for hearing and decision during 2011 – three of which were for the same project (Valley Medical’s Emergency Department facility). In reality, then, I held only two hearings during the entire year. (See table; “OKw/c” means approve subject to conditions.)

The Valley Medical major tree clearing application was dismissed when the evidence presented during the hearing demonstrated that none of the trees on the site were healthy, thus none met the code definition of a significant tree and the permit requirement did not apply.

Discussion of Issues

None of the cases assigned to me presented any problems regarding policy or ordinance.

COVINGTON
HEARING EXAMINER DECISIONS: 2011

File Number	Applicant Name Project Name	Case Type Acreage No. of Lots	Decision Reconsideration Action	Decision Date Reconsideration Date
LU11-0006/2125	Valley medical Center <i>Emergency Department</i>	CUP 4.00	OKw/c	09/09/2011
LU11-0006/2125	Valley Medical Center <i>Emergency Department</i>	CSDP 4.00	OKw/c	09/09/2011
LU11-0007-2125	Valley Medical Center <i>Emergency Department</i>	Maj Tree CIng 4.00	Dismiss	09/09/2011
LU11-0012/2106	Tritec Homes, Inc. <i>Woodbridge Major Revision</i>	Pre Plt Rev 1.49 6.00	OKw/c	12/19/2011