



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

March 1, 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 February 16, 2012

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 –

2. Proposed Zoning Code Amendment on Wireless Communication Facilities (WCF's)
(See Attached Staff Memo and Attachments)

UNFINISHED BUSINESS –

3. Community Development Director's Recommendation to the Planning Commission on the Final Docket for 2012. (See Attached Staff Memo and Attachments)

NEW BUSINESS

4. Discussion and Possible Recommendations to City Council on Zoning Code Amendments for Wireless Communication Facilities (WCF's) (See Attached Staff Memo and Attachments)

ATTENDANCE VOTE

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

COMMENTS AND COMMUNICATIONS OF COMMISSIONERS AND STAFF (PC Meeting Calendar)

ADJOURN

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**CITY OF COVINGTON
Planning Commission Minutes**

February 16, 2012

City Hall Council Chambers

CALL TO ORDER

Chair Key called the regular meeting of the Planning Commission to order at 6:35 p.m.

MEMBERS PRESENT

Chair Daniel Key, Vice Chair Paul Max, Ed Holmes, Bill Judd and Alex White.

MEMBERS ABSENT

Sonia Foss and Sean Smith

STAFF PRESENT

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

APPROVAL OF CONSENT AGENDA

The February 2, 2012 minutes are corrected to reflect that Commissioner Judd moved and Vice Chair Max seconded the motion to approve the consent agenda and minutes.

- Ø **1. Vice Chair Max moved and Commissioner White seconded to approve the consent agenda and the corrected minutes for February 2, 2012. Motion carried 5-0.**

CITIZEN COMMENTS – NONE

PUBLIC HEARING – NONE

UNFINISHED BUSINESS - NONE

NEW BUSINESS

2. Discussion of the 2012 Comprehensive Plan & Development Regulation Amendment Docket

Senior Planner, Ann Mueller introduced a memo which outlines the 2012 Annual Comprehensive Plan Amendment Docket applications received to date. The deadline to submit an application was Monday, February 13, 2012. Three proposed amendments have been received. Chair Key clarified that the public application period is closed.

Ms. Mueller stated that the public comment period on the 3 proposed amendments is open until March 1, 2012. Any public comments received will be presented at the public hearing.

Commissioner White asked for clarification on the applicable zones regarding CPA 2012-01. Mr. Hart explained that the current regulations do not require ground floor retail in the Town Center (TC) zone. The City Council and the majority of the Planning Commission had supported the proposed changes to this regulation as recommended in the original Town Center Plan prepared by our consultant.

Commissioner Holmes asked if the proposed amendment regarding the Introduction Chapter of the Comprehensive Plan related to Criteria for Annexing Unincorporated areas (CPA 2012-02) was a result of an example from another city. Ms. Mueller responded that the amendment was proposed based on both internal staff suggestions as well as following examples from other cities that have recently gone through the annexation process.

Mr. Hart added that the proposed amendment is driven by the City Council's desire to look at the Northern Gateway area for potential annexation and what City staff sees as policy issues in the Comprehensive Plan.

3. Update on Study of "Northern Gateway" Sub Area Plan, Annexation & UGA Addition by King County

Mr. Hart introduced the memo to the Planning Commission that outlined the scope of work and timeline for the Northern Gateway annexation. He pointed out the sub-area plan study boundary which is comprised of the "notch," the gravel pit and two additional properties. Mr. Hart also brought attention to letters in the packet which provides some history on the attempted annexation of the notch by Bran Bar over the past decade.

Commissioner Holmes asked about the factors when the project did not move forward in 1997. Mr. Hart responded that there was some conflict as to where the Highway 18 interchange was to be located. There was not sufficient demand for additional vacant land in the City for development. There were also property owner's that did not want to be part of the City.

Chair Key asked about City owned parcels slated for park land and how they fit into this process. Mr. Hart responded that the first property of 40 acres furthest to the east of the gravel pit is owned by King County. The City owns the second parcel of 40 acres. Both are currently outside of the city. There was a conscious decision to not include these properties as part of the study. In the future, they would like to see these as part of the Urban Growth Area (UGA) and eventually as part of the City to incorporate portions of the proposed tri-city trail system.

The Planning Commission will be involved with annexation policies, discussion on public involvement, changes to any maps, land use classification and zoning districts.

Mr. Hart explained that the City intends to provide the county the final results of the initial inventory and analysis which includes the economics and infrastructure of the Subarea Plan by September of 2012. The hope is that the King County will make a decision by the end of the year on whether the Northern Gateway will be added to the UGA as the Subarea Plan continues in 2013.

Commissioner Holmes asked if 1000 hours is still a realistic amount of time to spend on this work plan item. Mr. Hart did not think anything would have to be sacrificed at this point and felt that 1000 hours was sufficient.

ATTENDANCE VOTE

- Ø **Commissioner Holmes moved and Commissioner White seconded to excuse Commissioner's Foss and Smith. Motion carried 5-0.**

PUBLIC COMMENT- None

COMMENTS AND COMMUNICATIONS FROM STAFF

Mr. Hart informed the Planning Commission that there is a Public Hearing on the Wireless Communication Facility Code during the next regularly scheduled Planning Commission meeting on March 1, 2012. There is also a public hearing at the City Council on the proposed Multi-Family Tax Exemption Ordinance on February 28, 2012.

Vice Chair Max requested a list of project updates which Ms. Lyons responded she will be working on in March.

ADJOURN

The February 16, 2012 Planning Commission Meeting adjourned 7:37 at p.m.

Respectfully submitted,

Kelly Thompson, Planning Commission Secretary

Memo

To: Planning Commission Members

From: Ann Mueller, Senior Planner

CC: Richard Hart, Community Development Director
Salina Lyons, Senior Planner

Date: March 1, 2012

Re: PUBLIC HEARING for Proposed Code Amendments on Wireless Communication Facility related regulations.

At the February 16, 2012, Planning Commission meeting, staff outlined the proposed direction of the new Wireless Communication Facility code and received questions and initial feedback from the Commissioners. As discussed previously the new revisions are intended to ensure Covington's Wireless Communication Facility development standards are consistent with the 1996 Telecommunications Act and easier to implement as new applications are submitted in the future. Attached is a draft of the Wireless Communication Facility code amendments that will replace the existing text in Covington Municipal Code 18.70. Also included are miscellaneous changes to other code sections such as new definitions and changes to the permitted uses chart.

As discussed the new Wireless Communication Facility code directs wireless telecommunication carriers where they should locate antennas in order of priority and preference, encourages co-location on existing structures to non-residential property and in non-residentially zoned districts, and states that the last option for consideration is construction of a new tower. The applicant is responsible for demonstrating through engineering evidence that the more preferable sitting types and locations were not feasible before moving to a less preferable sitting option.

On February 17, 2012, public notice of the proposed code amendments was published in the Covington Reporter, placed on the City website and posted at City Hall. A SEPA determination on Non-significance was issued on February 16, 2012 and a 60-day notice of the proposed change to the Zoning Code was sent to the Washington State Department of Commerce on the same day as required under GMA.

The Planning Commission will hold the public hearing on the proposed new Wireless Communication Facility development regulations at its March 1, 2012 meeting. The Planning Commission will hear any public testimony and then may discuss the proposed code amendments. After Planning Commission discussion they may direct staff to bring items back for further clarification and modification and make a final recommendation to the City Council, or continue review and discussion at a future meeting.

Applicable Decision Criteria for Review of Development Regulation Amendments

Following is the criteria (*in italics*) that the Planning Commission must use to determine if they will recommend the proposed code amendments to the City Council for their final review and decision.

(1) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan;

Staff Findings: The proposed amendments to the City's Wireless Communication Facilities development regulations are consistent with the goals, objectives and policies of Covington's Comprehensive Plan.

(2) The proposed amendment is consistent with the scope and purpose of the City's zoning ordinances and the description and purpose of the zone classification applied for;

Staff Findings: The proposed amendments are not-site specific and apply across all zones of the City. The amendments are consistent with the existing zoning code, and standards have been included to ensure that impacts from new wireless communication facilities are minimized.

(3) Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;

Staff Findings: N/A. The proposed amendments will not affect the current zoning map or zoning district designations.

(4) The proposed zoning is consistent and compatible with the uses and zoning of surrounding property;

Staff Findings: N/A. The proposed amendments do not affect the existing zoning of land in the City of Covington.

(5) The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification;

Staff Findings: N/A. The proposed amendments are not site-specific.

(6) The amendment is in compliance with the three-year limitation rule as specified in CMC 14.27.030(3); and

Staff Findings: Amendments to the City's Wireless Communication Facility have not been proposed or subject to review by the City in the past three years.

(7) Adequate public services could be made available to serve the full range of proposed uses in that zone.

Staff Findings: N/A. The proposed amendments will not change the zoning of any property in the City and will not create any increase demand for public services.

Recommendation

Recommended motion: Move to recommend to the City Council that the attached Wireless Communication Facility code amendments be adopted.

Alternative motion: Move to continue the Planning Commission's discussion and final recommendation to a future meeting date to allow staff to make recommended modifications for Planning Commission review.

CMC 18.20 TECHNICAL TERMS AND LAND USE DEFINITIONS

Sections

18.20.062 Ancillary Wireless Communication Facility

“Ancillary Wireless Communication Facilities” means any facilities, component, part, equipment, mounting hardware, feed lines, or appurtenance associated with, attached to, or a part of a tower, antenna, ancillary structures, or equipment enclosures, facilities equipment compound, and located within, above, or below the facilities equipment compound. Also includes any form of development associated with a wireless communications facility, including but not limited to foundations, concrete slabs on grade, guy anchors and transmission cable supports.

CMC 18.20. 067 Antenna(s) “Antenna” means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals. (Ord. 42-02 § 2 (21A.06.067))

“Antenna(s)” means any exterior system of electromagnetically- tuned wires, poles, rods, reflecting disks, or similar devices used to transmit or receive electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals between terrestrial and/or orbital based points, including without limitation: directional antennas (also known as “panel” antennas) which transmit and receive radio frequency signals in a specific directional pattern of less than 360 degrees; omni-directional antennas (also known as “whip” antennas) which transmit and receive radio frequency signals in a 360- degree radial pattern, but do not include antennas utilized specifically for television reception; and parabolic antennas (also known as “dish” antennas) which are bowl-shaped devices for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

16.20.066 Antenna(s) Array

“Antenna(s) Array” means one or more antennas and their associated ancillary facilities, which share a common attachment device, such as a mounting frame or mounting support.

16.20.068 Antenna(s), Flush Mounted

“Antennas, Flush Mounted” are antennas or antenna array attached directly to the face of the tower or building, such that no portion of the antenna extends above the height of the tower or building.

18.20.945 Radio frequency.

“Radio frequency” means the number of times the current from a given source of non-ionizing electromagnetic radiation changes from a maximum positive level through a maximum negative level and back to a maximum positive level in one second; measured in cycles per second or Hertz (Hz). (Ord. 42-02 § 2 (21A.06.945))

16.20.1166 Significant Gap in Service, Wireless Communications

“Significant Gap in Service, Wireless Communications” means a large geographic area within a service area(s) of the applicant in which a large number of applicant’s remote user subscribers are unable to connect or maintain a connection to the national telephone network through applicant’s wireless telecommunications network. A “dead spot” (defined as small areas within a service area where the field strength is lower than the minimum level for reliable service) does not constitute a significant gap in service.

18.20.1281 Tower, Electrical Transmission

“Tower, Electrical Transmission” means any facility owned an electric utility that supports electrical lines which carry a voltage of at least 115kV.

18.20.1282 Tower, Guy

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“Tower, Guy” means a tower that is supported with cable and ground anchors to secure and steady the tower.

18.20.1283 Tower, Lattice

“Tower, Lattice” means a tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas or similar antenna devices.

18.20.1283 Tower, Monopole

“Tower, Monopole” means a freestanding tower that is composed of a single shaft, usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground.

18.20.1284 Tower, Wireless Communication Facility

“Tower, Wireless Communication Facility” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers or monopoles. The term includes, without limitation, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

18.20.1284.5 Tower-Mounted Facilities

“Tower-Mounted Facilities” means a wireless communication facility that is mounted to a tower.

18.20.1351 Utility Pole

“Utility Pole” is any facility owned by an electric utility that supports electrical lines which carry a voltage of less than 115kV, or other public utility such as such as coaxial cables for cable and fibre optic cable for telephone lines.

18.20.1426 Wireless Communication Facility

“Wireless Communication Facility” means any tower, antenna, ancillary structure or facility, or related equipment or component thereof, which is used for the transmission of radio frequency signals through electromagnetic energy for the purpose of providing phone, internet, video, information services, specialized mobile radio, enhanced specialized mobile radio, paging, wireless digital data transmission, broadband, unlicensed spectrum services utilizing part 15 devices, and other similar services that currently exist or that may in the future be developed.

18.20.1427 Wireless Communication Facility, Building Mounted

“Wireless Communication Facility, Building Mounted” means a wireless communication facility that is attached to an existing commercial, industrial, residential, or institutional building.

18.20.1428 Wireless Communication Facility, Concealed Facility

“Wireless Communication Facility, Concealed Facility” means a wireless communication facility that is not readily identifiable as such, and is designed to be aesthetically and architecturally compatible with the existing building(s) on a site; or a wireless communications facility disguised, hidden or integrated with an existing structure that is not a monopole or tower; or a wireless communication facility that is placed within an existing or proposed structure or tower or mounted within trees, so as to be significantly screened from view or camouflaged to appear as a non-antenna structure or tower (i.e., tree, clock tower, flagpole with flag, church steeple).

18.20.1429 Wireless Communication Facility Equipment Enclosure

“Wireless Communication Facility Equipment Enclosure” means any structure above or below ground, including without limitation cabinets, shelters, pedestals and other devices or structures, that is used exclusively to contain radio or other equipment necessary for the transmission and/or reception of wireless communication signals including, without limitation, air conditioning units and generators.

18.20.1429 .1 Wireless Communication Facility Equipment Compound

“Wireless Communication Facility Equipment Compound” means an outdoor fenced area occupied by all the towers, antennas, ancillary structure(s), ancillary facilities and equipment enclosures, but excluding parking and access ways.

18.20.1429.2 Wireless Communication Facility, Feed Lines or Coaxial Cables

“Wireless Communication Facility, Feed Lines or Coaxial Cables” means cables used as the interconnection media between the transmission/ receiving base station and the antenna.

18.20.1429.3 Wireless Telecommunication Carrier

“Wireless Telecommunication Carrier” means any person or entity that directly or indirectly owns, controls, operates or manages any plant, equipment, structures or property within the City for the purpose of offering wireless telecommunication service within the City.

**Chapter 18.25
PERMITTED USES**

18.25.100 Regional land uses.

A. Table.

KEY								
P – Permitted Use								
C – Conditional Use								
SIC #	SPECIFIC LAND USE	M	US	R4-8	R-18	CC	NC	I
*	Jail				C	C		C
*	Work release facility				C	C		
*	Public agency animal control facility							P
*	Public agency training facility							C1
*	Nonhydroelectric generation facility	C6				C6		C
*	<u>Wireless Communication facility</u> ⁴	<u>P</u> <u>C</u>		<u>C4P</u> <u>C</u>	<u>C4P</u> <u>C</u>	<u>C4P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>
*	Earth station			C2	C2	P3		P
*	Energy resource recovery facility	C			C	C		C
*	Soil recycling facility	C						C
*	Transfer station	C			C	C		C
*	Wastewater treatment facility			C	C	C		C
*	Fairground							C
8422	Zoo/wildlife exhibit			C	C			C
7941	Stadium/arena							

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8221 – 8222	College/university (1)			P5		P5		P
*	Secure community transition facility (SCTS)	*						7

B. Development Conditions.

- (1) Shooting ranges, either indoor or outdoor, associated with educational programs are not permitted.
- (2) Limited to no more than three satellite dish antennas.
- (3) Limited to one satellite dish antenna.
- (4) ~~Limited to tower consolidations~~ Chapter [18.70 CMC](#), Wireless Communication Facilities, outlines the approval and review process. In the event of a conflict between the requirements of Chapter [18.70 CMC](#) and the requirements of this chapter, Chapter [18.70 CMC](#) shall govern.
- (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](#).
- (6) Limited to cogeneration facilities for on-site use only.
- (7) Conditional use permit required subject to meeting conditions for siting SCTFs in compliance with the requirements of Chapter 71.09 RCW and CMC [18.125.040](#). (Ord. 01-12 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 16-05 § 2; Ord. 42-02 § 2(21A.08.100))

18.30.210 Height – Exceptions to limits.

The following structures may be erected above the height limits of CMC [18.30.030](#) through [18.30.050](#):

- (1) Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and
- (2) Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, ~~communication transmission and receiving structures~~, utility line towers and poles, and similar structures. (Ord. 42-02 § 2 (21A.12.180))

**Chapter 18.31
DOWNTOWN DEVELOPMENT AND DESIGN STANDARDS**

18.31.080 Permitted land uses.

(1) The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained. The use is considered permanently established when that use will or has been in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of Chapter [18.85](#) CMC.

(2) Explanation of Permitted Use Table.

(a) The permitted use table in this chapter determines whether a use is allowed in a district. The name of the district is located on the vertical column and the use is located on the horizontal row of these tables.

(b) If the letters “NP” appear in the box at the intersection of the column and the row, the use is not permitted in that district, except for certain temporary uses.

(c) If the letter “P” appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in Chapter [14.30](#) CMC and the general requirements of the code.

(d) If the letter “C” appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in Chapter [14.30](#) CMC and conditional use fees as set forth in the current fee resolution, and the general requirements of the code.

(e) If a number appears next to a specific use or in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the permitted use conditions with the corresponding number in the code subsection immediately following the permitted use table.

(f) All applicable requirements shall govern a use whether or not they are cross-referenced in a section.

(3) Permitted Use Table.

Use Categories	Town Center (TC)²³	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO)¹
Residential				
Dwelling Unit, Accessory	NP	NP	NP	P ²
Dwelling Unit, Multifamily	P	P	P	P
Dwelling Unit, Single-Family Attached, Detached or Cottage Housing ²¹	NP	NP	NP	P ²

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Senior Citizen Assisted Housing	P	P	P	C
Commercial				
Adult Entertainment	NP	P ³	P ³	NP
Business Services ¹⁹	P ⁵	P	P	P ^{4,5}
Drive Through Use	NP	P	P	NP
Farmers' Markets and Public Markets ⁶	P	P	P	NP
Gambling and Card Rooms	NP	NP	NP	NP
Home Occupation and Live/Work	P	P	P	P
Outdoor Commercial	NP	NP	P	NP
Personal and Beauty Services ^{20,21}	P	P	P	P
Private Electric Vehicle Parking Facility (Primary Use)			P ^{5,24}	
Private Parking Facility (Primary Use)	NP	NP	NP	NP
Professional Office	P	P	P	P
Retail Trade and Services – 100,000 sq. ft. or less for all structures	P ⁵	P	P ¹⁰	P ^{4,5}
Retail Trade and Services – greater than 100,000 sq. ft. for all structures	C ^{5,9,18}	P	P ¹⁰	NP
Shooting Ranges ²⁵	NP	NP	P	NP
Storage/Self Storage	NP	P ⁵	P	NP
Temporary Lodging/Hotel	P	P	P	C ²²
Cultural/Recreation				
Cinema, Performing Arts and Museums	P	P	P	NP
Meeting Hall/Other Group Assembly	P	P	P	C
Recreation, Indoor or Outdoor	C	P	P	P
Religious	C ⁷	P	P	C
Health Services				
Emergency Care Facility	C ^{9,18}	P	NP	NP
Hospital	NP	P	NP	NP
Medical Office/Outpatient Clinic	P ⁸	P	NP	P
Nursing/Personal Care Facility	NP	P	NP	C
Industrial/Manufacturing				
Asphalt Plants	NP	NP	NP	NP
Light Industrial/Manufacturing	NP	NP	P ¹⁰	NP
Government/Institutional ¹¹				

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Essential Public Facilities	NP	NP	C	NP
Government Services	P	P	P	P ¹²
Major Utility Facility	C ¹⁴	C	P	C
Minor Utility Facility	P ¹⁵	P	P	P
Schools: Compulsory, Vocational and Higher Education	C ¹³	P	NP	C
<u>Wireless Communication Facilities</u> ¹⁶				
<u>Antenna, Co-location on an existing structure</u> ¹⁷	P	P	P	P
Transmission Support Structure <u>Wireless Communication Facility Tower</u>	<u>NP</u> ¹²	<u>NP</u>	<u>NP</u>	<u>NP</u>

(4) Permitted Use Conditions.

1. a. Unless the use can be accommodated within an existing structure, development and/or redevelopment in the Covington Firs and Covington Township subdivisions shall be a minimum of two acres;

b. Be contiguous to a non-single-family use of two acres or more to be eligible to redevelop to a new use; and

c. Successive development cannot isolate existing single-family residential lots less than two acres (as a group) between developments.

2. a. No new subdivision of land is permitted for single-family homes except for townhouses and cottage developments. The exception is a binding site plan for commercial uses.

b. New single-family homes are allowed on existing single-family lots.

c. An accessory dwelling unit is allowed as an accessory to a single-family detached unit subject to the development standards in CMC [18.25.030\(7\)](#).

3. Adult entertainment uses are prohibited within certain locations pursuant to the development standards provided in Chapter [5.20](#) CMC and CMC [18.25.040\(2\)](#).

4. This use is restricted to a maximum of 5,000 gross square feet within the MHO district.

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

6. Temporary farmers' and public markets shall be permitted in accordance with CMC [18.85.125](#).

7. The development shall not occupy more than one acre for the total of the site development, including any planned phases and/or expansions.

8. a. Buildings greater than four stories shall provide 80 percent of required parking within a structure. Structured parking shall not front onto 171st Ave SE.

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b. Medical office uses greater than two stories shall have a minimum of 60 percent ground floor retail trade and services and 40 percent business and professional services when fronting onto 171st Ave SE.

9. The development shall be located west of the proposed 171st Ave SE road alignment with frontage onto 168th PI SE or the planned SE 276th St. alignment.

10. All structures shall meet the required setbacks, landscaping and all other standards contained in this chapter. Equipment storage, manufacturing activities, and wrecked, dismantled and/or inoperative vehicles shall be enclosed in a structure or fully screened from public right-of-way, including SE 272nd St. and Covington Way with Type I landscaping in accordance with CMC [18.40.040](#).

11. Maintenance yards, substations and solid waste transfer stations are not permitted in the TC, MC, or MHO downtown zoning districts.

12. Transit stations and park and ride facilities, not including bus stops, shall be reviewed by a conditional use permit pursuant to CMC [18.125.040](#).

13. All schools for compulsory, vocational and higher education shall be located on the upper floors of a mixed use building that includes ground-floor commercial uses.

14. All facilities shall not occupy more than one acre of a site and the facility shall be screened with Type I landscaping in accordance with CMC [18.40.040](#).

15. Minor utility facilities, such as telecom, fiber optics, Internet and similar facilities, shall be located within a fully enclosed structure, unless otherwise determined by the Director.

16. Chapter [18.70](#) CMC, ~~Development Standards~~ Wireless Communication Facilities, outlines the approval and review process. In the event of a conflict between the requirements of Chapter [18.70](#) CMC and the requirements of this chapter, Chapter [18.70](#) CMC shall govern.

17. ~~All transmission support structures shall be mounted on a building. All antennas and ancillary wireless communciaion facilities shall be concealed facilities and mounted on an existing building or structure as provided for in CMC 18.70.~~

18. a. Emergency care facilities shall not occupy more than four acres for the total of the site development including any planned phases and/or expansions of the emergency care use;

b. Shall not exceed 50,000 square feet of total building square footage; and

c. Shall not exceed more than two stories or 35 feet whichever is greater.

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

a. A gasoline service station shall be limited to eight pumps and 16 price gauges to service no more than 16 vehicles.

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- b. A battery exchange station shall provide a minimum of three 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.
20. a. No burning of refuse or dead animals is allowed;
- b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and surfaced with concrete or other impervious material;
 - c. Subject to animal keeping provisions of Chapter [18.80](#) CMC;
 - d. Prior to issuance of a development permit, documentation shall be provided by a qualified acoustical consultant, for approval by the Community Development Director, verifying that the expected noise to be emanating from the site complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property;
 - e. Outside runs and other outside facilities for animals are not permitted;
 - f. Not permitted in any subdivision containing dwelling units; and
 - g. May only treat small animals on premises.
21. Day care I is allowed only as an accessory to a single-family detached unit.
22. Except bed and breakfasts, guesthouses are permitted outright and do not require a conditional use permit.
23. Mixed use structures greater than one story shall provide ground floor retail, restaurant, or personal services along 60 percent of the building facade. Permitted uses under the headings of cultural/recreation and governmental/institutional in subsection (3) of this section are exempt from this provision.
24. Parking facilities shall be fully screened from the public right-of-way with Type 1 landscaping in accordance with CMC [18.40.040](#).
25. a. The indoor shooting range, including its plans, rules, procedures, 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 an indoor shooting range shall be accompanied by a notarized letter 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.

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c. Outdoor shooting ranges are not permitted. (Ord. 04-12 § 1 (Exh. A); Ord. 01-12 § 1 (Exh. 1); Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 1 (Exh. A))

NEW Chapter 18.70
DEVELOPMENT STANDARDS – WIRELESS COMMUNICATION FACILITIES

Sections:

- 18.70.010 Purpose
- 18.70.020 Exemptions
- 18.70.030 Applicability, Review and Permits Required
- 18.70.050 Types of Permits – Priority – Preferences -Restrictions-
- 18.70.060 General Requirements.
- 18.70.070 Landscaping/Screening
- 18.70.080 Electrical Transmission Tower Co-Location- Specific Development Standards.
- 18.70.090 Adding Antennas to an Existing Wireless Communication Facility Tower -Specific Development Standards.
- 18.70.100 Utility Pole Co-location – Specific Development Standards
- 18.70.110 Building Mounted Concealed Facility – Specific Development Standards
- 18.70.120 Request to Use Non- Concealed Facilities Attached to a Building in Lieu of a Concealed Building Attachment
- 18.70.130 Non-concealed Building Mounted Specific Development Standards
- 18.70.140 Requests for New Towers
- 18.70.150 Towers-Specific Development Standards
- 18.70.160 Height Modification
- 18.70.170 Setback Modification
- 18.70.180 Expiration
- 18.70.190 Removal of Abandoned Wireless Communication Facilities

18.70.010 Purpose

The purpose of this chapter is to regulate the placement, construction and modification of wireless communication facilities in order to protect the health, safety and welfare of the public while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city of Covington. The purpose of this chapter will be achieved through adherence to the following objectives:

- (1) Encourage the location of wireless communication facilities in nonresidential areas; allow wireless communications facilities in residential areas when necessary to meet the functional requirements of the telecommunications industry;
- (2) Minimize the total number of wireless communication facilities throughout the community;
- (3) Protect residential areas and land uses from potential adverse impacts that wireless communication facilities might create, including but not limited to impacts on aesthetics, environmentally sensitive areas, historic resources, flight corridors, and health and safety of persons and property.
- (4) Require cooperation between competitors and, as a primary option, encourage the joint use of new and existing wireless communication facility sites and structures to the greatest extent possible, in order to reduce cumulative negative impact upon the City;
- (5) Allow wireless communication companies to use City property for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the City.

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- (6) Encourage providers of wireless communication facilities to locate these facilities in areas where the adverse impact on the community is minimal;
- (7) Ensure wireless communication facilities are configured in a way that minimizes the adverse visual impact of the wireless communication facilities, as viewed from different vantage points, through careful design landscape screening, minimal impact siting options and camouflaging techniques, and through assessment of technology, current location options, siting, future available locations, innovative siting techniques and siting possibilities beyond the jurisdictional boundaries of the City;
- (8) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;
- (9) Provide for the removal of wireless communication facilities that are abandoned or not longer inspected for safety concerns and Building Code compliance, and provide a mechanism for the City to cause these abandoned wireless communication facilities to be removed, to protect citizens from imminent harm and danger;
- (10) Avoid potential damage to adjacent properties from tower failure, through engineering, careful siting, and maintenance of wireless communication facilities;
- (11) Provide a means for public input on major wireless communication facility placement, construction and modification; and
- (12) Establish clear and nondiscriminatory local regulations concerning wireless telecommunications providers and services that are consistent with Federal and State laws and regulations pertaining to telecommunications providers.

18.70.020 Exemptions

The following are exempt from the provisions of this chapter:

- (1) Antennas and related equipment no more than 3 feet in height that are being stored, shipped or displayed for sale;
- (2) Radar systems for military and civilian communication and navigation;
- (3) Any wireless internet facility that is owned and operated by a Federal, State or local government;
- (4) Antennas for the receiving and sending of Licensed amateur (HAM) radio stations and citizen band stations, provided that the antennas meet the height requirements of the applicable zoning district, and are owned and operated by a Federally-licensed amateur radio station operator or are used exclusively for receive-only antennas. In order to reasonably accommodate licensed amateur radio operators as required by Federal Code of Regulations 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communication Commission of September 1985 and RCW 35A.21.260, a licensed amateur radio operator may locate a tower not to exceed the height requirements of the applicable zoning district,

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provided the following requirements are met for such towers located in a single family residentially-zoned district:

- a. The tower and any antennas located thereon shall not have any lights of any kind on it and shall not be illuminated either directly or indirectly by any artificial means;
 - b. The color of the tower and any antennas located thereon shall all be the same and such that it blends into the sky, to the extent allowed under the requirements set forth by the Federal Aviation Administration;
 - c. No signs shall be used in conjunction with the tower, except for one sign no larger than 8 ½ inches high and 11 inches wide, or as required by Federal regulations;
 - d. No advertising logo, trademark, figurine or other similar marking or lettering shall be placed on the tower or any wireless communication facilities mounted or otherwise attached thereto or any building used in conjunction therewith;
 - e. The tower shall be located a distance equal to or greater than its height from any existing residential structure located on adjacent parcels of property, including any attached accessory structures;
 - f. A tower shall be at least three-quarters of its height from any property line on the parcel of property on which it is located, unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that, in the event of collapse, it falls within itself, and in that event, it must be located at least one-third of its height from any property line;
 - g. Towers shall not be leased or rented to commercial users, and shall not otherwise be used for commercial purposes; and
 - h. All towers shall meet all applicable State and Federal statues, rules and regulations, including obtaining a building permit from the City if necessary.
- (5) An antenna that is designed to receive or send direct broadcast satellite service and/or broadband signals, or other means for providing internet service including direct-to-home satellite services, and that is 3 feet or less in diameter or diagonal measurement, and when the antenna is attached to the residence or business that is utilizing the service.
- (6) An antenna that is designed to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is 3 feet or less in diameter or diagonal measurement.
- (7) An antenna that is designed to receive television broadcast signals.
- (8) Routine maintenance or repair of wireless communication facilities, excluding structural work or changes in height or dimensions of antennas, towers or buildings; provided that the wireless communication facility received approval from the City of Covington or King County for the original placement, construction or

subsequent modification. Changing of antennas on wireless communication facilities is permitted, provided the new antennas have the same area or less of those removed. The total number of antennas must remain the same. Additional ground equipment shall be placed within an approved equipment enclosure, provided the height of the equipment does not extend above the screen fence.

- (9) Emergency communications equipment during a declared public emergency, when the equipment is owned and operated by an appropriate public agency. In the event a building permit is required for any emergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall occur within 30 days after the commencement of such emergency activities. The work performed must constitute a true emergency. Scheduled replacement or repair work does not constitute an emergency. In the event a building permit is required for nonemergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities.

18.70.030 Applicability, Review and Permits Required

The standards and process requirements of this chapter shall apply to the placement, construction or modification of all wireless communication facilities, except as specifically exempted in CMC 18.70.020.

- (1) No person may place, construct or modify a wireless communication facility subject to this Chapter without first having in place a permit issued in accordance with this Chapter. Except as otherwise provided herein, the requirements of this Chapter are in addition to the applicable requirements of CMC Title 18.
- (2) Any application submitted pursuant to this Chapter shall be reviewed and evaluated by the Director for all projects located on public or private property.
- (3) The applicant shall be responsible for obtaining any necessary local, state and federal permits and approvals for the project, and is responsible for complying with any conditions of approval placed on the application by local or other state or federal permits or approvals.
- (4) No provisions of this Chapter shall be interpreted to allow the installation of a wireless communication facility to reduce the minimum parking or landscaping on a site.
- (5) Wireless communication facilities that are governed under this Chapter shall not be eligible for variances under CMC 18.125.030 or Height – Exceptions to limits under CMC 18.30.210. Any request to deviate from this Chapter shall be based on the modifications set forth in this Chapter.
- (6) Independent Technical Review –The City may at its discretion contract with an independent engineering and technical review consultant to review the land use application. The applicant shall be responsible for actual costs charged by the consultant, in addition to any base fees and application fees set forth in the fee resolution. Based on the results of the independent technical review, the City may require changes or request additional information is provided to complete the application review. The technical review shall address the following:

- (a) The accuracy and completeness of submissions;
 - (b) The applicability of analysis techniques and methodologies;
 - (c) The validity of conclusions reached;
 - (d) The viability of other sites in the City for the use intended by the applicant; and
 - (e) Any specific engineering or technical issues designated by the City.
- (7) No alterations or changes shall be made to an approved wireless communications land use permit. Modifications which exceed the conditions of approval will require a new wireless communications land use permit and shall be reviewed based on the laws and rules in effect at the time of application. The Director has sole discretion to approve or deny any request for modifications to the land use approval.

18.70.050 Types of Permits – Priority – Preferences -Restrictions-

- (1) Applications will be reviewed based on the type of wireless communication facilities requested to be permitted. Each wireless communication facility requires a specific type of project review as provided for in the Table in CMC 18.70.080(2).
- (2) Table

<u>Type of Permit Required Based on Type of Wireless Communication Facility</u>			
	<u>Zoning</u>		
<u>Type of WC Facility</u>	<u>Residential</u>	<u>Commercial</u>	<u>Resource/Industrial</u>
	<u>R-4, R-6, R-8, R-18</u>	<u>CC, GC, NC, TC, MC, MHO</u>	<u>M, I</u>
<u>Transmission tower co-location</u>	<u>Type 1</u>	<u>Type 1</u>	<u>Type 1</u>
<u>Adding antennas to an existing tower</u>	<u>Type 1 ⁽¹⁾</u>	<u>Type 1 ⁽¹⁾</u>	<u>Type 1 ⁽¹⁾</u>
<u>Utility pole co-location</u>	<u>Type 2</u>	<u>Type 2</u>	<u>Type 2</u>
<u>Concealed building attached</u>	<u>Type 2 ⁽²⁾</u>	<u>Type 2 ⁽²⁾</u>	<u>Type 1</u>
<u>Non-concealed building attached.</u>	<u>Type 2</u>	<u>Type 2</u>	<u>Type 1</u>
<u>New tower or Height</u>	<u>Type 3 ⁽³⁾</u>	<u>Type 3 ⁽³⁾</u>	<u>Type 3 ⁽³⁾</u>

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<u>modification request.</u>			
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Notes:

(1) Provided that height of the tower does not increase and the square footage of the enclosure area does not increase. If the enclosure area is increase it shall be a Type 2 review.

(2) An applicant may request to install a non-concealed building attached facility under CMC section CMC 18.70.120.

(3) In the event of uncertainty on the type of wireless facility, the Director shall have the authority to determine how a proposed facility is incorporated into Table 18.70.050(2).

(3) Priorities. The priorities for the type of wireless communication facility shall be based upon their placement in section (2); most desirable facilities are located toward the top of the table and the least desirable facilities toward the bottom. An application for a wireless communication facility shall follow the hierarchy of provided in section (2) 18.70.050(2). For example, an applicant shall demonstrate, by engineering evidence, that using a transmission tower co-location is not feasible before moving to a utility pole co-location, and so forth, with the last possible siting option being a new tower or height modification request.

(4) Preferences. The City's preferences for locating new wireless communications facilities are as follows:

(a) Place antennas on existing structures, such as buildings, towers, water towers, or electrical transmission towers.

(b) Place wireless communication facilities in non-residentially-zoned districts and on non-residential property.

(c) Place wireless communication facilities on public property and on appropriate rights-of-way, provided that no obligation is created herein for the City to allow the use of City property or public right-of-way for this purpose. The placement of personal wireless communication facilities on City owned property and public right-of-way will be subject to other applicable sections of the Covington Municipal Code and review by other city departments. A wireless communication facility mounted to any City-owned property, utility pole, or other structure shall be removed if the City deems removal is necessary for the undergrounding of utilities, the sale, development, or redevelopment of City-owned property, or the demolition or alteration of a City-owned building or other structure. The wireless communication facility shall be removed at no expense to the City.

(5) Restrictions on Light Poles and Standards. Light poles and light standards located within the public rights-of-way are prohibited from use as a wireless communication facility or for the attachment of an antenna.

(6) Application Procedure. The applicant shall submit a completed application in a form established by the Director along with the initial application fee as set forth in the City's current fee resolution. The application shall contain such information as the director may deem necessary or useful, and shall include:

(a) Type 1-

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1. A written description outlining the proposed project and an evaluation of how the proposal meets the City's Code requirements;
 2. Plan sets prepared by a design professional that include a vicinity map, site map, architectural elevations, method of attachment, proposed screening, location of proposed antennas, and all other information which accurately depicts the proposed project and existing conditions or as otherwise determine necessary by the Director;
 3. Written statement from a radio frequency engineer that demonstrates that the facility meets Federal Communications Commission requirements for allowed radio frequency emissions;
 4. A vicinity map depicting the proposed extent of the service area;
 5. Critical areas study and proposed mitigation (if required);
 6. If an outdoor generator is proposed, a report prepared by an acoustical engineer demonstrating compliance with CMC Chapter 8.20 – Noise Control; and
 7. SEPA application (if required)
- (b) Type 2 – The applicant shall submit all of the information required for a Type 1 application, plus the following:
1. Photo simulations that depict the existing and proposed view of the proposed facility;
 2. Data sheet depicting the materials, textures and colors proposed for use;
 3. Landscaping plan prepared by a Washington State-licensed landscape architect(if required);
 4. Service coverage area map (RF Modeling);
 5. If the facility is located within a residential zone, a report from a radio frequency engineer explaining the need for the proposed wireless communication facility. Additionally, the applicant shall provide detailed discussions on why the wireless communication facility cannot be located within a commercial or industrial/resource zone; and
 6. Mailing labels for all property owners and tenants/residents within 500 feet of the subject property;
- (c) Type 3- The applicant shall submit all of the information required for Type 1 and Type 2 applications, plus the following:
1. All information required for new towers under CMC 18.70.080 and 18.70.090;
 2. All information required for a height modification or setback modification request under 18.70.160 and 18.70.170 respectively (if applicable).

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3. The radio frequency engineer report shall include a discussion of the information required under 18.70.080. The report shall also explain why a tower must be used instead of any of the other location options outlined in the table in CMC section 18.70.050(2);
4. Engineering Plans for the proposed tower, including a Letter of Certification by a licensed engineer that the proposed height and equipment comply with the requirements of this chapter;
5. Evidence that the tower has been designed to meet the minimum structural standards for wireless communication facilities for a minimum of three providers of voice, video or data transmission services, including that applicant and including a description of the number and types of antennas the tower can accommodate.
6. A graphic simulation showing the appearance of the proposed tower and ancillary structures and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the Director and applicant. All plans and photo simulations shall include the maximum build-out of the proposed facility; and
7. Evidence of compliance with Federal Aviation Administration standards for height and lighting and certificates of compliance from all affected agencies.

18.70.060 General Requirements.

The following shall apply to all wireless communication facilities regardless of the type of facility:

- (1) Noise – Any facility that requires a generator or other device which will create noise must demonstrate compliance with CMC Chapter 8.20 “Noise Control.” A noise report, prepared by an acoustical engineer shall be submitted with any application to construct and operate a wireless communication facility that will have a generator or similar device. The City may require that the report be reviewed by an independent technical expert at the expense of the applicant.
- (2) Business license requirement – Any person, corporation or entity that operates a wireless communication facility within the City shall have a valid business license issued annually by the City. Any person, corporation or other business entity which owns a tower is also required to obtain a business license on an annual basis.
- (3) Signage – Only safety signs or those mandated by other public agencies may be located on wireless communication facilities. No other types of signs are permitted on wireless communication facilities.
- (4) Parking - Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.
- (5) Finish – A tower shall either maintain a galvanized steel finish or, subject to the applicable standards of the FAA or FCC, be painted a neutral color so as to reduce its visual obtrusiveness.
- (6) Design – Wireless facilities shall be screened or camouflaged by employing the best available technology. The design of all antennas, towers, buildings and ancillary structures shall use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and built environment.

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- (7) Color – All antennas and ancillary wireless communication facilities located on buildings or structures other than towers shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.
- (8) Lighting - Towers shall not be artificially lighted unless required by the FAA, FCC or other applicable government authority. If lighting is required, the reviewing authority shall review the lighting alternatives and approve the design that would cause the least disturbance to the surround areas. No strobe lighting of any type is permitted on any tower.
- (9) Advertising – No advertising is permitted at wireless communication facility sites or on any ancillary structures or facilities equipment compound.
- (10) Ancillary Wireless Communication Facilities –All ancillary wireless communication facilities shall meet the underlying zoning district’s setbacks unless a zoning setback modification is granted pursuant to CMC 18.70.170.
- (11) Equipment Enclosures – If feasible, equipment enclosures shall be located within existing buildings or located underground. If some other placement is proposed the applicant shall demonstrate to the satisfaction of the City that it is not feasible to locate the equipment below ground. All equipment and cabinets that will be visible to the traveling public, workers or residents shall be as small and unobtrusive as is practicable and designed to blend in with existing surrounds. The applicant shall size any equipment enclosure and other facilities to minimize visual clutter. Each applicant shall be limited to an equipment enclosure of 360 square feet at each site. However, this size restriction shall not apply to enclosures located within an existing commercial, industrial, residential or institutional building.
- (12) Building Standards - Wireless communication support structures shall be constructed so as to meet or exceed the most recent Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled: “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures” (or equivalent), as it may be updated or amended. Prior to issuance of a building permit the Building Official shall be provided with an engineer’s certification that the support structure’s design meets or exceeds those standards.
- (13) Maintenance. Wireless communication carriers shall maintain their wireless communication facility in a good and safe condition. They shall preserve its original appearance and concealment, disguise, or camouflage elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping.
- (14) Critical Areas - Wireless communication facilities shall not be allowed in designated critical areas (except aquifer recharge areas) unless they are co-located on existing facilities.
- (15) Radio Frequency Emissions - The applicant shall demonstrate that the wireless communication facility will comply with the radio frequency emission standards adopted by the Federal Communications Commission (FCC).
- (16) State or federal requirements- All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards

and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

18.70.070 Landscaping/Screening

- (1) The visual impacts of wireless communication facilities shall be mitigated and softened through landscaping or other screening materials at the base of the tower, equipment compounds, equipment enclosures and ancillary structures, with the exception of wireless communication facilities located on transmission towers, or if the antenna is mounted flush on an existing building, or camouflaged as part of the building and ancillary equipment is housed inside an existing structure. The Director or Hearing Examiner, as appropriate, may reduce or waive the standards for those sides of the wireless communication facility that are not in public view, when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; in locations where large wooded lots and natural growth around the property perimeter may be sufficient buffer.
- (2) Landscaping shall be installed on the outside of fences associated with wireless communication facility equipment compounds and around equipment enclosures located at ground level. Existing vegetation shall be preserved to the maximum extent practicable and maybe used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:
 - a. Screening landscaping shall be placed around the perimeter of the equipment compound, except that a maximum 10- foot portion of the fence may remain without landscaping in order to provide access to the enclosure.
 - b. The landscaping area shall be Type 1 landscaping as defined in CMC 18.40.040(1)and a minimum of 8 feet in depth around the perimeter of the enclosure in all zoning districts; except in residential zoning districts Type II landscaping as defined in CMC 18.40.040 (2) maybe used and shall be a minimum of 10 feet in depth.
 - c. The applicant shall utilize evergreens that shall be a minimum of 6 feet tall at the time of planting; unless located in a transmission corridor where clearance requirements apply then landscaping that will be appropriate in size at maturity so as not to growth into the clear zone shall be planted.
- (3) The applicant shall replace any unhealthy or dead plant materials in conformance with the approved landscaping development proposal plan, and shall maintain all landscaping materials in a healthy growing condition for the life of the facility. Landscape areas shall be kept free of trash.

18.70.080 Electrical Transmission Tower Co-Location- Specific Development Standards.

The following requirements shall apply to co-location of antennas on existing electrical transmission tower(s)(as defined in CMC 18.20.1281):

- (1) Height- There is no height requirement for antennas that are co-located on electrical transmission towers.

- (2) Antenna aesthetics – There are no restrictions on the type of antennas co-located on the electrical transmission tower. The antennas must be painted to match the color of the electrical transmission tower.
- (3) Antenna intensity – There is no limit on the number of antennas that maybe co-located on an electrical transmission tower structure.
- (4) Feed lines and coaxial cables – Feed lines and coaxial cables shall be attached to one of the legs of the electrical transmission tower. The feed lines and cables must be painted to match the color of the electrical transmission tower.
- (5) Cabinet equipment – Cabinet equipment shall be located directly under the electrical transmission tower where the antennas are located or in a concealed location. If a wireless communication equipment compound is proposed it shall be fenced; the fence shall have a minimum height of 6 feet and a maximum height of 8 feet. Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located except as provided in CMC 18.35.210, Fences. The fence shall include slats, wood panels, or other materials to screen the equipment from view.
- (6) Setbacks – Since the wireless communication facility will be co-located on an existing electrical transmission tower, setbacks shall not apply.

18.70.090 Adding Antennas to an Existing Wireless Communication Facility Tower -Specific Development Standards.

The following requirements shall apply to adding antennas to existing wireless communication facility tower(s) (as defined in CMC 18.20.1284):

- (1) Height – The height must not exceed what was approved under the original application to construct the tower. If the proposed height shall exceed what was originally approved, approval as a Type 3 decision is required.
- (2) Antenna aesthetics - Antennas shall be painted to match the color scheme of the tower. Antenna mounts shall be flush-mounted onto the existing tower; unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network coverage objective.
- (3) Antenna intensity – There is no limit on the number of antennas that may be located on an existing tower.
- (4) Feed lines and coaxial cables – Feed lines and coaxial cables shall be located within the tower. Any exposed feed lines or coaxial cables (such as when extended out of the tower to connect to the antennas) must be painted to match the tower.
- (5) Equipment Enclosures – Any new cabinet or equipment shall be located within the equipment enclosure that was approved as part of the original application. If the applicant wishes to expand the equipment enclosure or compound from what was approved by the City or County under a previous application, the application shall seek a wireless communication facility (Type 2) application for only the equipment enclosure increase.
- (6) Setbacks – Setbacks shall not apply when an applicant installs new antennas on an existing tower and uses an existing equipment enclosure. If the equipment enclosure is increased it must meet setbacks for the underlying-zoning district and may not exceed the total area restrictions for equipment enclosures as set forth in CMC 18.70.060.

18.70.100 Utility Pole Co-location – Specific Development Standards

The following requirements shall apply to all wireless communication facilities co-located on a utility pole (as defined in CMC 18.20.1351):

- (1) Height – The 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 zones. Within all other zones, the height of the utility pole with co-location is limited to 50 feet or the height standards of the underlying zoning, whichever is greater.
- (2) Antenna aesthetics – The first preference for any co-location is to utilize flush-mounted antennas. If the utility pole co-location includes an antenna array, the array shall be flush mounted within six inches of the support structure, or contained in a canister that is a continuation of the diameter of the support structure, and the array shall be painted to match the support structure.
- (3) Replacement pole – An existing utility pole may be removed and replaced with a new utility support structure so long as the replacement structure is of similar color and material as the existing structure, and is located within 10 feet of the existing structure (measured from the center point of the existing structure to the center point of the replacement structure). The replaced utility pole must be used by the owner of the utility pole to support its utility lines. A replaced utility pole cannot be used to provide secondary functions to utility poles in the area. A replacement utility pole shall be designed such that coaxial cables and feedlines can be located within.
- (4) Pole aesthetics – The replaced utility pole must have the color and general appearance of the adjacent utility poles.
- (5) Coaxial cables and feedlines - Coax cables limited to 1/2 inch diameter may be attached directly to a utility pole. Coax cables greater than 1/2 inch must be placed within the utility pole. The size of the cables is the total size of all coax cables being utilized on the utility pole.
- (6) Pedestrian impact –The proposal shall not result in a significant change in the pedestrian environment or preclude the City from making pedestrian improvements. If a utility pole is being replaced, consideration must be made to improve the pedestrian environment if necessary.
- (7) Equipment Enclosures – Unless approved by the Director of Public Works, all equipment enclosures must be placed outside of the city right-of-way. Equipment enclosures should be located underground consistent with CMC 18.70.060(11).
- (8) Setbacks – Any portion of the wireless communication facilities located within City right-of-way is not required to meet setbacks if it is located underground. The City will evaluate setbacks on private property under the setbacks set forth in CMC 18.70.160.

18.70.110 Building Mounted Concealed Facility – Specific Development Standards

The following requirements shall apply to wireless communication facilities that are attached to an existing building and concealed from view:

- (1) Height – The proposed concealed wireless communication facility must meet the height requirement of the underlying zoning district. The antennas can be located in existing church spires, clock towers, chimneys, water towers, elevator towers, mechanical equipment room and other similar rooftop appurtenances usually required to be placed above the roof level and not intended for human

occupancy or the provision of additional floor area. Stand-alone antennas or towers shall not qualify as rooftop appurtenances.

- (2) Antennas aesthetics – The antennas must be concealed from view by blending with the architectural style of the building. This could include steeple-like structures and parapet walls. The screening must be made out of the same material and be the same color as the building. Antennas shall be painted to match the color scheme of the building(s).
- (3) Feed lines and coaxial cables – Feed lines and cables should be located below the parapet of the rooftop.
- (4) Cabinet Enclosure – If cabinet enclosure cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, then the proposed screening must be consistent with the existing building in terms of color, design, architectural style and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with 18.70.060.
- (5) Setbacks – The proposed wireless communication facilities must meet the setback of the applicable zoning category where the facility is to be located.

18.70.120 Request to Use Non- Concealed Facilities Attached to a Building in Lieu of a Concealed Building Attachment

The use of concealed building facilities shall have first priority in all residential and commercial zones. However, an applicant may request to construct a non-concealed building attached wireless communication facility in lieu of a concealed wireless communication facility. The Director will use the following criteria to determine whether to allow this request:

- (1) Due to the size of the building and the proposed location of the antennas, the visual impact of the exposed antennas will be minimal in relation to the building.
- (2) Cables are concealed from view and any visible cables are reduced in visibility by sheathing or painting to match the building where they are located.
- (3) Equipment enclosure is adequately screened from view.
- (4) Due to the style or design of the building the use of a concealed facility would reduce the visual appearance of the building.
- (5) The proposal meets the development standards of the following section CMC 18.70.130.

18.70.130 Non-concealed Building Mounted Specific Development Standards

The following requirements shall apply to wireless communication facilities that are attached to an existing building and not concealed from view:

- (1) Height – The proposed facility must meet the height requirement of the underlying zoning category. If the building where the facility is located is at or above the maximum height requirements, the non-concealed antennas are permitted to extend a maximum of 3 feet above the existing roof line.
- (2) Antenna aesthetics – The first preference for any proposed facility is to utilize flush-mounted antennas. Nonflush mounted antennas may be used when their visual impact will be negated by the

scale of the antennas to the building. "Shrouds" are not required unless they provide a better visual appearance than exposed antennas. Antennas shall be painted to match the color scheme of the building(s).

- (3) Feed lines and coaxial cables – Feed lines and cables should be located below the parapet of the rooftop. If the feed lines and cables must be visible they must be painted to match the color scheme of the building(s).
- (4) Equipment Enclosures – If cabinet equipment cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, then the proposed screening must be consistent with the existing building in terms of color, design, architectural style and material. If the equipment enclosure cannot be located within the building or on the roof and is located on the ground, the enclosure should be fenced with a 6-foot-tall fence. The fence shall include slats, wood panels, or other materials to screen the equipment from view.

18.70.140 Requests for New Towers

- (1) New towers are not permitted within the City unless the Hearing Examiner finds that the applicant has demonstrated by a preponderance of the evidence that:
 - (a) Coverage objective – There exists an actual (not theoretical) significant gap in service, and the proposed wireless communication facility will eliminate such significant gap in service; and
 - (b) Alternates – No existing tower, structure, other feasible site or other alternative technologies not requiring a new tower in the City, can accommodate the applicant's proposed wireless communication facility; and
 - (c) Least intrusive - The proposed new wireless communication facility is designed and located to remove the significant gap in service in a manner that is, in consideration of the goals, policies, objectives, standards and regulations set forth in this chapter, CMC Title 18, and the Comprehensive Plan, the least intrusive upon the surround area.
- (2) The Hearing Examiner is the reviewing body on the application to construct a new tower, and shall determine whether or not each of the above requirements are met. Examples of evidence the applicant shall provide demonstrating the foregoing requirements include, but are not limited to, the following:
 - (a) That the tower height is the minimum necessary in order to achieve the coverage objective;
 - (b) That no existing towers or structures or alternative sites are located within the geographic area required to meet the applicant's engineering requirements to meet its coverage objective (regardless of the geographical boundaries of the City);
 - (c) The existing towers or structures are not of a sufficient height or could not feasibly be extended to a sufficient height to meet the applicant's engineering requirements to meet its coverage objective;
 - (d) That the existing structures or towers do not have sufficient structural strength to support the applicant's proposed antenna and ancillary facilities;
 - (e) That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing structure would cause interference with the applicant's proposed antenna;

- (f) That an alternative technology that does not require the use of a new tower, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireless system, is unsuitable. Costs of alternative technology that exceed the new tower or antenna development shall not be presumed to render the technology unsuitable; and
- (g) The applicant demonstrates other limiting factors that render existing towers and structures or other sites or alternative technologies unsuitable.

(3) The Hearing Examiner, after holding a public hearing, shall approve, approve with conditions or deny the application, or remand the application back to staff for further investigation in a manner consistent with the Hearing Examiner's order.

18.70.150 Towers-Specific Development Standards

The following requirements shall apply to all wireless communication towers:

- (1) Height – Any proposed tower with antennas shall meet the height standards of the zoning district where the tower will be located. A height modification may be applied for under CMC Section 18.70.160.
- (2) Antenna and tower aesthetics – The applicant shall utilize a concealed facility as defined in CMC 18.20.1428. The choice of concealing the wireless communication facility must be consistent with the overall use of the site. For example, having a tower appear like a flagpole would not be consistent if there are no buildings on the site. If a flag or other wind device is attached to the pole, it must be appropriate in scale to the size and diameter of the tower.
- (3) Setbacks – The proposed wireless communication facilities must meet the setbacks of the underlying zoning district. If a setback modification is granted under CMC Section 18.70.170 with regards to height, the setback of the proposed wireless communication facilities will increase 2 feet for every foot in excess of the maximum permitted height in the zoning district.
- (4) Color - The color of the tower shall be based on the surrounding land uses and type of concealment proposed.
- (5) Feed lines and coaxial cables – All feed lines and coaxial cables must be located within the tower. Feed lines and cables connecting the tower to the equipment enclosure, which are not located within the wireless communication facility equipment compound, must be located underground.
- (6) Tower design - Any new tower constructed shall be designed to meet the minimum structural standards for future co-location of wireless communication facilities for a minimum of three providers (including the applicant) of voice, video or data transmission services.

18.70.160 Height Modification

- (1) Where the Hearing Examiner finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the height limitations of the underlying zoning district, or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve a height modification to the zoning code height limit; provided, that applicant demonstrates that the modification will meet the goals, policies, objectives, standards and requirements of this Chapter, CMC Title 18 and the Comprehensive Plan, and demonstrate the following:

- a. The granting of the height modification will not be detrimental to the public safety, health or welfare, or injurious to other property, and will promote the public interest; and
 - b. A particular and identifiable hardship exists or a specific circumstance warrants the granting of a modification. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:
 - i. Topography and other site features;
 - ii. Availability of alternative site locations;
 - iii. Geographic location of property; and
 - iv. Size/magnitude of the project being evaluated and availability of co-location.
- (2) In approving the height modification request, the Hearing Examiner may impose such conditions as it deems appropriate to substantially secure the goals, policies, objectives, standards and requirements of this Chapter, CMC Title 18 and the Comprehensive Plan.
- (3) A request for any such modification shall be submitted, in writing, by the applicant with the application for Hearing Examiner review. The applicant shall state fully the grounds for the modification and all of the facts relied upon by the applicant.

18.70.170 Setback Modification

- (1) Wireless communication facilities must meet setbacks of the underlying zoning district. In some circumstances, allowing modifications to setbacks may better achieve the purpose and objectives of this Chapter of concealing such facilities from view.
- (2) The Director or Hearing Examiner, depending on the type of application, may permit modifications to be made to setbacks when:
 - a. An applicant for a wireless communication facility can demonstrate that placing the facility on certain portions of a property within the setback, will provide better screening and aesthetic considerations than provided under the existing setback requirements; or
 - b. The modification will aid in retaining open space and trees on the site; or
 - c. The proposed location allows for the wireless communication facility to be located at greater distance from residentially-zoned properties.
- (3) Zoning setback modifications cannot be used to reduce any required setback required under the State Building Code or Fire Code.

18.70.180 Expiration

Any application to install or operate a wireless communication facility shall expire exactly one year from the date of issuance of the Director or Hearing Examiner's decision, unless significant progress has been made to construct the facility. The City may extend the expiration period by up to one additional year due to circumstances outside of the control of the applicant. However, the City shall not issue an extension if any revisions have occurred to the City's Zoning Code which would affect the wireless communication facility approved.

18.70.190 Removal of Abandoned Wireless Communication Facilities

Any antenna or tower that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing the application, for a continuous period of 12 months, shall be considered abandoned. The wireless telecommunication carrier of such antenna or tower and ancillary wireless communication facilities, shall remove same within 90 days of receipt of a notice for the City notifying the owner or operator of such abandonment. Whenever a facility is abandoned or ceases operation, the entire facility shall be removed, including but not limited to, all antennas, antenna supports, feeder lines, base stations, electronic equipment and the concrete pad upon which the structure is located. Failure to remove such abandoned facility shall result in declaring the antenna and/or tower a public nuisance. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower.

18.125.030 Variance

(1) Variance Authority. The Hearing Examiner shall have the authority to grant a variance from the terms of this title. The Hearing Examiner may impose conditions or restrictions on an existing or proposed use or structure in order to ensure that a requested variance will conform to the required findings below.

(2) Required Findings. The Hearing Examiner shall not grant a variance from the development standards of this title unless the Hearing Examiner finds that the variance request meets all of the following criteria and the Hearing Examiner makes written findings to that effect:

- (a) The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
- (b) The variance is necessary because of the unique size, shape, topography, or location of the subject property;
- (c) The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
- (d) The variance does not create health and safety hazards, is not materially detrimental to the public welfare or is not unduly injurious to property or improvements in the vicinity;
- (e) The variance does not relieve an applicant from any of the procedural provisions of this title;
- (f) The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;
- (g) The variance does not relieve an applicant from conditions established during prior permit review or from provisions enacted pursuant to Chapter [18.100](#) CMC, Property-Specific Development Standards/Special District Overlays;

(h) The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;

(i) The variance does not allow the creation of lots or densities that exceed the base residential density for the zone by more than 10 percent;

(j) The variance is the minimum necessary to grant relief to the applicant;

(k) The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and

(l) The variance does not relieve an applicant from any provisions of Chapter [18.65](#) CMC, Critical Areas, except for the required buffer widths and building setbacks set forth in CMC [18.65.200](#), [18.65.280](#), [18.65.310](#), [18.65.320](#), or [18.65.360](#).

(m) The variance is not eligible for wireless communication facilities that are governed under Chapter 18.70 CMC, Wireless Communication facilities.

(3) Granting of a Use Variance Is Not Authorized. The Hearing Examiner shall not grant a variance which establishes a use otherwise prohibited within a zoning district.

(4) Applications for variances under this section shall require payment of an application fee to cover the costs of review. Such fees shall be set forth in the current fee resolution. (Ord. 10-10 § 3 (Exh. C); Ord. 20-07 § 142; Ord. 42-02 § 2 (21A.44.030))

Chapter 14.30 PERMIT DECISION TYPES

14.30.040 Decision types.¹

Type 1	Type 2	Type 3	Type 4
Building Permit (15.05)	Short Plat (Including Revisions and Alterations) (17.20)	Preliminary Plat (17.20)	Final Subdivision ⁴ (17.25)
Grading Permit (18.60)	Design and Construction Standards Variance (12.60)	Plat Alterations (17.25)	Shoreline Environment
Boundary Line Adjustment (17.40)	Design Departure from the City of Covington Design Guidelines and Standards (18.31)	Preliminary Plat Revisions (17.20)	Redesignations (16.05)
Right-of-Way Use Permit (12.35)	Downtown Permitted Use Determination (18.31)	Zoning Variance (18.125)	Plat or Short Plat Vacations (17.25)
Design and Construction Standards Deviation (12.60)	Temporary Use (18.85)	Conditional Use Permits (18.125)	Street Vacations (12.55)
Shoreline Exemption (16.05)	Shoreline Substantial Development Permit ² (16.05)	New Wireless Communication Towers & Height Modifications (18.70)	
Code Interpretation (14.30)	SEPA Threshold		

<p>Miscellaneous Administrative Decisions Minor Tree Removal (18.45) WCF Co-location on a Transmission Tower or WCF Tower (18.70)</p>	<p>Determination³ Commercial Site Development Permit (18.31 and 18.110) Re-use of Facilities (18.85) Critical Areas Reasonable Use Exceptions (18.65) Binding Site Plan (17.30) Major Tree Removal (18.45) Stormwater Manuals Variance (13.25) (Wireless Communciation Facilities (CMC 18.70)</p>		
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¹ If a conflict between this chart and the text of the CMC exists, the text of the CMC controls.

²When applications for shoreline permits are combined with other permits requiring Type 3 or 4 land use decisions, the Examiner, not the Director, makes the decision. All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the Hearing Examiner.

³Appeal to Examiner is limited to the SEPA threshold determination. The decision on the Type 1 permit itself is appealable to Superior Court.

⁴Final subdivisions are submitted directly to the City Council for final decision without a recommendation by the Hearing Examiner.

(Ord. 10-10 § 3 (Exh. C); Ord. 13-09 § 17; Ord. 02-09 § 2)

Memo

To: **Planning Commission Members**
From: Richard Hart, Community Development Director
CC: Salina Lyons, Senior Planner; Ann Mueller, Senior Planner
Date: 02/23/2012
Re: Director's Recommendation for 2012 Annual Comprehensive Plan Amendment Docket

The Community Development Department staff has reviewed the submitted Comprehensive Plan and associated Development Regulation Amendments for 2012. They include:

- 1.) CPA 2012-01: Planning Commission initiated amendment to DTP Policy 2.4 in chapter 4, the Downtown Element, of the Comprehensive Plan, requiring ground floor retail, restaurant, and/or personal service uses as part of any new multi-story, multi-family residential or mixed-use developments in the Town Center (TC) Zone;
- 2.) DRA 2012-01: Planning Commission initiated amendments to the City's Zoning Code & Development Regulations, Chapter 18.31, implementing the policy language in CPA 2012-01 above, which also similarly requires ground floor retail, restaurant, and/or personal service uses within any multi-story, multi-family residential or mixed-use developments in the Town Center (TC) Zone; and
- 3.) CPA 2012-02: City Staff initiated amendment to Chapter 1, the Introduction Chapter, and new Appendix T-3 in the Comprehensive Plan relating to criteria for annexing unincorporated areas. Also included are changes and additions to the existing annexation policies in Chapter 2, the Land Use Element, and Section 2.8.2 Urban Growth Area and Potential Annexation Areas to guide future annexations.

Director's Recommendation on 2012 Comprehensive Plan Amendment Docket:

The Community Development Director recommends adoption of all three proposed amendments as part of the final 2012 Annual Comprehensive Plan Amendment Docket as submitted, with any appropriate Planning Commission amendments, to be forwarded to the city council for their consideration and approval as the official 2012 docket. If confirmed by the city council the 2012 Docket will be further reviewed and discussed at appropriate public hearings before the Planning Commission and the City Council.

The Planning Commission will hold a public hearing and take public testimony on the proposed amendments on or before April 19, 2012. After consideration of any public testimony and discussion, the Planning Commission will make a recommendation to the City Council on the 2012 Final Docket. As proposed, the 2012 annual docket is consistent with provisions of CMC Chapter 14.25 Comprehensive Plan Amendments and the requirements for docketing procedures stated therein. (See Attachment 1)

Chapter 14.25

COMPREHENSIVE PLAN AMENDMENTS

Sections:

- 14.25.010 Purpose.
- 14.25.020 Applicability.
- 14.25.030 Annual amendment schedule.
- 14.25.040 Application and docketing procedures.
- 14.25.050 Preliminary review – Determination of final docket.
- 14.25.060 Selection and decision criteria.
- 14.25.070 Staff report – SEPA review – Public comment – Transmission to CTED.
- 14.25.080 Final review and action.

14.25.010 Purpose.

The City of Covington comprehensive plan is a document which guides the nature and intensity of development in the City. An amendment to the comprehensive plan is a mechanism by which the City may periodically modify its land use, development or growth policies. This chapter establishes the procedures and criteria for amending the comprehensive plan, including provision for early and continuous opportunities for public participation in the amendment process. Comprehensive plan amendments are legislative decisions made by the City Council, and include public notice and public hearing requirements. (Ord. 24-08 § 2 (Exh. 1))

14.25.020 Applicability.

(1) The procedures and criteria of this chapter shall apply to:

- (a) Proposed changes to the text of the comprehensive plan, including, but not limited to, goals, policies, objectives, principles, and standards;
- (b) Proposed area-wide changes to the comprehensive plan future land use map;
- (c) Proposed site-specific changes to the comprehensive plan future land use map;
- (d) Proposed changes to development regulations and the official zoning map that are necessitated by a proposed comprehensive plan.

(2) Proposed changes to development regulations and the official zoning map that are not necessitated by a proposed comprehensive plan amendment are subject to the amendment process set forth in Chapter 14.27 CMC. (Ord. 24-08 § 2 (Exh. 1))

14.25.030 Annual amendment schedule.

(1) Annual Amendment Cycle – Concurrent Consideration. The comprehensive plan may be amended no more than once per year pursuant to the State of Washington Growth Management Act. Any contemplated amendments shall be considered concurrently so the cumulative effect of the various proposals can be ascertained. Proposed amendments may be considered at separate meetings or hearings, so long as the final action taken considers the cumulative effect of all the proposed amendments to the plan.

(2) Exceptions to Annual Cycle. Amendments may be considered more frequently than once per year in any of the following circumstances:

(a) Resolution of an emergency condition or situation. Council shall confirm the Director’s finding that such an emergency exists.

(b) Resolution of a decision by an administrative agency or court of competent jurisdiction.

(c) For any of the reasons specified in RCW 36.70A.130(2), as hereinafter amended.

(3) General Timeline. The annual amendment cycle shall consist of an application period of at least 60 days, a preliminary review period, and a final review period resulting in action by the City Council. The City shall establish a specific timeline and make that available to the public. (Ord. 24-08 § 2 (Exh. 1))

14.25.040 Application and docketing procedures.

(1) Who May Apply.

(a) Any person may apply for an area-wide map amendment or a text amendment to the comprehensive plan.

(b) A property owner or authorized agent of a property owner may apply for a site-specific amendment to the comprehensive plan.

(c) Any person or group may informally suggest a comprehensive plan amendment to the City Council and request their sponsorship for area-wide amendments. Agreement to sponsor such an amendment is at the discretion of the City Council.

(d) Amendment proposals submitted through the formal application process by private individuals or groups shall be deemed “privately initiated.” Privately initiated proposals shall not include those sponsored by the City Council.

(e) The City Council, Planning Commission, or Community Development Director may initiate consideration of an amendment to the com-

prehensive plan and submit it during the designated time period for applications. Such proposals shall be deemed "City-initiated."

(2) Application. Each year the City shall designate a period of no less than 60 days during which it will officially accept applications for proposed comprehensive plan amendments. At least 30 days prior to that period, the City will make information on the comprehensive plan amendment process available to the public through a variety of media. The City shall establish additional application procedures and make those available to the public.

(3) Three-Year Limitation. A specific property, policy topic or land use issue shall not be the subject of a comprehensive plan amendment proposal initiated by the public and reviewed by the City more frequently than once every three years, measured by three annual amendment cycles. When new property is added to a previously submitted, substantially similar amendment proposal due to geographic expansion by the City, the following shall apply:

(a) If the original proposal was not selected for the final docket, the new proposal is not subject to the three-year limitation.

(b) If the original proposal was selected for the final docket, but was not adopted pursuant to final City Council review and action, the new proposal is subject to the three-year limitation.

(4) Fees. Applications submitted by private individuals or groups are subject to fees as set forth in the current fee resolution. Proposals for which an applicant pays a fee that are rejected in the initial review shall be subject to refund as set forth in the current fee resolution. Applicants may also be responsible for fees related to environmental analysis and review (SEPA process) if these are required by the nature of the amendment. No fees shall apply to City-initiated amendment proposals.

(5) Docketing. The City shall compile and maintain a list, known as a "docket," of all City-initiated and privately initiated proposed comprehensive plan amendments. The list shall be organized as to amendment type and include a description of the amendment in nontechnical terms, as well as the name of the applicant and date of submission to the City. The preliminary docket shall be made available to the public for review and comment for at least 15 days prior to consideration by the Planning Commission. Written comments that are submitted by the end of the comment period shall be

added to the preliminary docket. The final docket will be determined as described in CMC 14.25.050. (Ord. 24-08 § 2 (Exh. 1))

14.25.050 Preliminary review – Determination of final docket.

(1) Staff Evaluation. The Community Development Director shall conduct a brief initial evaluation of all privately initiated proposed comprehensive plan amendments to ascertain whether the proposals meet the preliminary review criteria in CMC 14.25.060 and to assess the extent of review that would be required under the State Environmental Policy Act (SEPA). The Director shall make a recommendation to the Planning Commission as to which proposed amendments should be included in the final docket, along with any City-initiated proposed amendments.

(2) Joint Workshop. During each annual amendment cycle, the City Council and Planning Commission may, at the City Council's discretion, hold a noticed joint workshop to serve as an informational meeting between the two governmental bodies.

(3) Planning Commission Hearing. The Planning Commission shall hold a noticed public hearing on selection of proposed amendments for the final docket.

(4) City Council Decision. The City Council shall consider the Planning Commission's recommended final docket. Council may adopt the proposed final docket without a public hearing; however, in the event that a majority of the Council decides to add or subtract amendments, it shall first hold a public hearing. No additional amendments may be considered after Council adoption of the docket for that year, except as provided in CMC 14.25.030(2). (Ord. 24-08 § 2 (Exh. 1))

14.25.060 Selection and decision criteria.

Considering that the comprehensive plan was developed after significant study and public participation, the principles, goals, objectives, and policies contained therein shall be granted substantial weight when considering any proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant. The City Council's approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

(1) Proposed amendments that meet one of the following criteria may be included in the final docket:

(a) If the proposed amendment is site specific, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications.

(b) State law requires or a decision of a court or administrative agency has directed such a change.

(c) There exists an obvious technical error in the pertinent comprehensive plan provision.

(2) Proposed amendments that do not meet one of the criteria in subsection (1) of this section shall meet all of the following criteria:

(a) The amendment represents a matter appropriately addressed through the comprehensive plan, and the proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

(b) The amendment is in compliance with the three-year limitation rules as specified in CMC 14.25.040(3).

(c) The amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council.

(d) The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan map or text was amended. "Significantly changed conditions" are those resulting from unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent comprehensive plan map or text, where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole.

(e) The proposed amendment is consistent with the comprehensive plan and other goals and policies of the City, the Countywide planning policies, the Growth Management Act, other State or Federal law, and the Washington Administrative Code and other applicable law. (Ord. 24-08 § 2 (Exh. 1))

14.25.070 Staff report – SEPA review – Public comment – Transmission to CTED.

Following the City Council's adoption of the comprehensive plan amendment final docket, the Community Development Department shall complete the following:

(1) Staff Report. The Director shall prepare a staff report on the proposed amendments to be presented to the Planning Commission for final review and recommendation. The staff report should contain:

(a) Findings of fact;

(b) An evaluation as to how the amendments meet the prescribed criteria;

(c) A summary of public comment on the amendments;

(d) A description of any alternatives or proposed changes to the amendments; and

(e) Any development regulations or zoning map amendments prepared in order to implement the amendments.

(2) SEPA Review. The Director or SEPA official shall review the proposed amendments and determine if there is a need for a SEPA checklist and SEPA determination. Applicants will be notified if a SEPA review is required and will be responsible for any fees associated with SEPA analysis.

(3) Public Participation. The City shall provide notice and opportunity for public comment, as deemed appropriate given the nature of the proposed amendments and consistent with RCW 36.70A.140, as hereinafter amended.

(4) Transmission to CTED. The Director shall transmit the proposed amendments to the Department of Community, Trade and Economic Development at least 60 days prior to the expected date of final City Council action on the proposed amendment as consistent with Chapter 36.70A RCW, as hereinafter amended. (Ord. 24-08 § 2 (Exh. 1))

14.25.080 Final review and action.

(1) Planning Commission Hearing and Recommendation. All proposed amendments on the final docket shall first be considered by the Planning Commission, which shall make a recommendation to the City Council after holding at least one open record public hearing.

(2) City Council Action. The City Council shall consider the comprehensive plan amendments as recommended by the Planning Commission using the criteria established in CMC 14.25.060. If there are substantial changes to the proposed amendment after the public hearing by the Planning Commission, a second public hearing before City Council is required. If there are not substantial changes, City Council may choose whether or not to hold another public hearing. The City shall transmit a



CITY OF COVINGTON
 Community Development Department
 16720 SE 271st Street • Suite 100 • Covington, WA 98042
 Phone: 253-638-1110 • Fax: 253-638-1122
 www.ci.covington.wa.us

I-430

COMPREHENSIVE PLAN AMENDMENT INSTRUCTION GUIDE AND TIMELINE

2012 Application Deadline: February 13, 2012

This guide is intended to explain the comprehensive plan amendment process pursuant to City of Covington Municipal Code Chapter 14.25 and to provide guidance in completing an application for such an amendment. Also included in these instructions is the current year's timeline of specific dates and deadlines. Please direct any questions regarding this process to the Department of Community Development, at 253-638-1110 or via e-mail to amueller@covingtonwa.gov.

Purpose

The comprehensive plan is a document which guides the nature and intensity of development in the City of Covington. An amendment to the plan is a mechanism by which the city may periodically modify its land use, development, or growth policies to reinforce the role of the plan in guiding growth in our community. A comprehensive plan amendment may involve a related change in development regulations or the City's zoning map. Any proposal for a related development regulation or zoning map amendment should be included on the comprehensive plan amendment application and is subject to the same procedures and timeline.

Application Period

The City Council will consider comprehensive plan amendments on an annual basis only (except for emergencies and certain other exemptions), as required by the State Growth Management Act (GMA). Applications to initiate an amendment may be submitted only during the period specified in the current year's timeline, by the deadline indicated at the top of these instructions.

Note that proposals for changes to development regulations or the zoning map that do not require a comprehensive plan amendment follow the process outlined in Covington Municipal Code Chapter 14.27 and may be proposed at any time of the year.

Who May Apply?

Any person or entity (e.g., private citizens, groups, City departments, Planning Commission or City Council) may initiate a non site-specific amendment to the plan, i.e., a proposal to change the plan text language or a general modification of the City's future land use map. Only property owners or their authorized agents may initiate a site-specific amendment to the Plan.

An individual or group may seek sponsorship of a non site-specific comprehensive plan amendment from the City

Council if they feel that it has broad significance for the public good of the City. If the Council agrees to sponsor an amendment, the application fee is waived. A Council-sponsored amendment proposal must be submitted by the deadline date above.

Fee

Please refer to the City's current fee resolution for updated fees. Depending on the nature of the proposed amendment, a SEPA (environmental) checklist and additional applicable fee may be required before the application is considered by the Planning Commission.

Procedure

1. Application. To propose a comprehensive plan amendment, an individual should fill out the application form (available online and at City Hall), provide any required materials, and pay the application fee. A pre-application meeting with City staff is strongly encouraged prior to submittal of an application. The application must be submitted no later than 5 p.m. on the deadline date. Proposed amendments that are deemed complete become part of the preliminary "docket" (the list of proposed amendments to be considered).

2. Comment period. Within two weeks of the application deadline date, the City will solicit public comment on the preliminary docket by posting it on the City website and making it available at City Hall. The preliminary docket will include a description of each proposed amendment in non-technical terms. Interested citizens may submit comments or suggestions (supportive, opposing, clarifying) related to the proposed amendment. Comments or questions may be e-mailed to amueller@covingtonwa.gov or delivered to City Hall. Comments should be made within the two-week period as specified on the timeline.

3. Preliminary review and determination of final docket. The Community Development Director will briefly evaluate whether proposed amendments meet the selection/decision criteria below, and make a recommendation to the Planning Commission and City Council as to which proposals should be placed in the final docket. At its discretion, the City Council may hold a joint workshop with the Planning Commission to consider the recommendations. The Planning Commission will hold a public hearing and make a formal recommendation to the Council, and the City Council will thereafter decide which amendment proposals will be included in the final docket.

4. Final review and decision. The Community Development Department staff will prepare a staff report for all amendment proposals placed in the final docket. The Planning Commission will evaluate the proposed amendments, hold a public hearing, and make a recommendation to the City Council. The Council will consider the recommendation and make the final decision to approve, deny, or modify the proposed comprehensive plan amendments and any related development regulation amendments.

Selection/Decision Criteria

(1) Proposed amendments that meet one of the following criteria will be included on the preliminary docket for Planning Commission/Council consideration:

- (a) If the proposed amendment is site-specific, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications.
- (b) State law requires or a decision of a court or administrative agency has directed such a change.
- (c) There exists an obvious technical error in the pertinent comprehensive plan provision.

(2) Proposed amendments that do not meet one of the criteria in (1) must meet all of the following criteria in order to be placed in the preliminary docket:

- (a) The amendment represents a matter appropriately addressed through the comprehensive plan, and the proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the city.
- (b) The amendment is in compliance with the three-year limitation rules as specified in the Covington Municipal Code (14.25.040(3)).
- (c) The amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council.
- (d) The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan map or text was amended. "Significantly changed conditions" are those resulting from unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent comprehensive plan map or text; where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole.
- (e) The proposed amendment is consistent with the comprehensive plan and other goals and policies of the City, the King County Countywide Planning Policies, the Growth Management Act, other state

or federal law, the Washington Administrative Code and other applicable laws.

Completing the Application

Requests for amendments must be submitted by the deadline date on the application form provided by the Department. The applicant must provide all information requested on the application and answer with as much detail as possible as to how the proposal meets the selection/decision criteria.

A. Contact Information

Give the name and contact information of the applicant. If a lawyer or group is acting on behalf of or jointly with the applicant, complete agent contact information. Indicate the primary contact person. For site-specific amendments only, also complete contact information for property owner(s).

B. Amendment Type

Indicate whether the proposed amendment is site-specific (involving only one or two properties), or is area-wide or a change to the text of the comprehensive plan.

C. Site-Specific Amendments

Complete address, parcel, and legal descriptions for property. Indicate proposed change to land use map designation (and proposed change to zoning map if applicable).

D. Area-wide and Textual Amendments

Provide proposed language for a change to the text of the comprehensive plan (and to the text of development regulation(s) if applicable).

E. Section/Decision Criteria

Provide detailed information as to how the proposed amendments meet the selection/decision criteria.

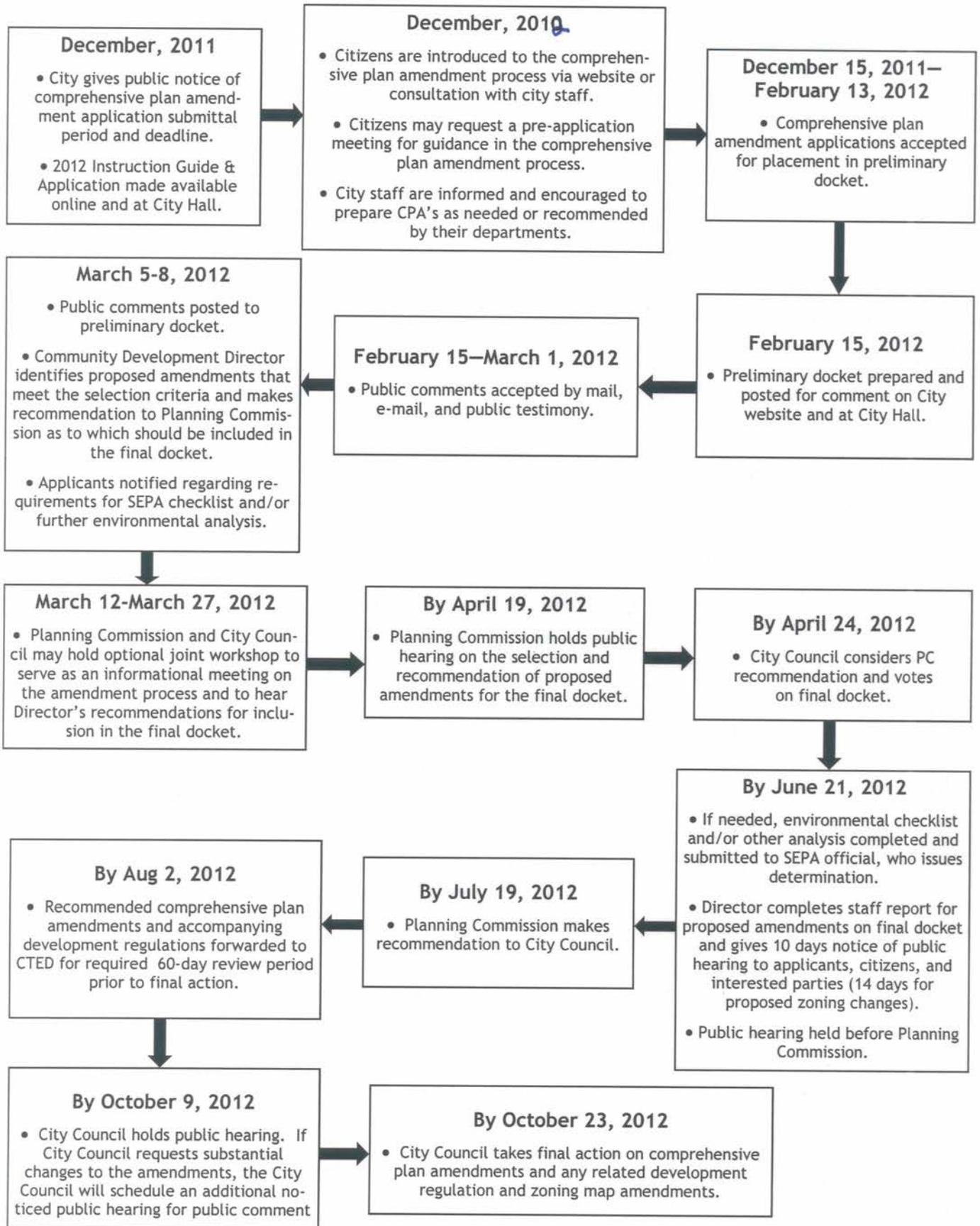
F. Costs and Benefits, Additional Information

Provide information on the costs and benefits to the public, both monetary and non-monetary, and describe any additional information that supports the proposed amendment.

G. Signature

The applicant or the applicant's agent must sign the application, indicating that these instructions have been read and that the information provided on the application is true and correct. Property owners applying for site-specific amendments must also sign and have notarized a Property Owner Declaration.

PROPOSED COMPREHENSIVE PLAN AMENDMENT TIMELINE



**Community Development Department
Planning Commission Schedule & Agenda Items
January - December 2012(1st & 2nd Quarters)**

Commission Meeting	Commission Agenda Item	Agenda Item Type	Staff
January 5, 2012	· Meeting Cancelled		
January 19, 2012 Meeting Cancelled (Snow & Ice)	· Discussion on Wireless Communication Facility Code Amendments · Discussion on Multi-Family Structure Tax Exemption Code Amendments	<i>New Business</i>	Richard & Ann
January 24, 2012 6:00 PM	· Joint Study Session with Council on 2012 Work Program Tasks	<i>Study Session</i>	Richard, Salina & Ann
February 2, 2012	· Discussion on Wireless Communication Facility (WCF) Code Amendments · Discussion on Multi-Family Structure Tax Exemption Code Amendments (Direction from Council)	<i>New Business</i>	Richard, Ann & Salina
February 16, 2012	· Discussion of 2012 Comprehensive Plan & Development Regulation Amendment Docket · Update on Study of “Northern Gateway” Sub Area Plan, Annexation & UGA Addition for King County	<i>New Business</i>	Richard, Ann & Salina
March 1, 2012	· Decision on Setting 2012 Annual Comprehensive Plan Amendment Docket · Public Hearing, Discussion & Decision on Wireless Communication Facility Code Amendment	<i>Public Hearing, New Business & Continued Business</i>	Richard & Ann
March 14	· Potentially Cancel PC Meeting		
April 5, 2012	· Public Hearing & Recommendation to Council on Final 2012 Comp Plan Amendment Annual Docket · Status Report on “Northern Gateway” Subarea Plan & Annexation Study · Discussion of Park Impact Fee Analysis (Council Direction)	<i>Public Hearing New Business and Continued Business</i>	Richard, Ann, Salina & Scott
April 19, 2012	· Potentially Cancel PC Meeting		
May 3, 2012	· Discussion of 2012 Comp Plan Docketed Items · Status Report on “Northern Gateway” Subarea Plan & Annexation Study	<i>Continued Business</i>	Richard, Ann & Salina
May 17, 2012 (If Necessary)	· Discussion of 2012 Comp Plan Docketed Items	<i>Continued Business</i>	Richard, Ann & Salina
June 7, 2012	· Discuss Options on Regulation of Medical Marijuana (moratorium ends in Aug 2012) · Public Hearing on Final 2012 Annual Comp Plan Amendment Docket	<i>Public Hearing & Old Business</i>	Richard, Sara & Ann
June 21, 2012	· Potentially Cancel PC Meeting		(Richard on

			Vacation)
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**Planning Commission Schedule & Agenda Items
July- December 2012 (3rd & 4th Quarters)**

<u>Commission Date</u>	<u>Commission Agenda Topics</u>	<u>Agenda Type</u>	<u>Staff Needed</u>
July 5, 2012	· <i>Meeting Cancelled</i>		
July 19, 2012	· Discussion, Final Action, & Recommendation to Council on 2011 Comp Plan Amendment Docket	<i>Continued Business</i>	Richard & Ann
August 2, 2012	·		
August 16, 2012	· Final Report on Consultant Recommendations for Northern Gateway Subarea Plan Analysis for UGA and Annexation	<i>Continued Business</i>	Richard & Ann
September 6, 2012	· Cancel PC Meeting		(Richard on Vacation)
September 20, 2012	·		
October 4, 2012	·		
October 18, 2012	·		
November 1, 2012	· Election of New Officers	<i>New Business</i>	
November 15, 2012	·		
December 6, 2012	· Discuss Options for 2013 PC, Staff and Council Work Program	<i>New Business</i>	
December 20, 2012	· Potentially Cancel PC Meeting		
TBD—2012	· Shoreline Development Regulations · Park Impact Fees Analysis · Covington Northern Gateway Subarea Plan (PAA 1 and PAA 4) · Misc. Zoning Code Amendments: Street Vacation Procedures, Wireless Communication Facility Regulations.	<i>Public Hearing & New Business</i>	