



City of Covington

Unmatched Quality of Life.

City of Covington

16720 SE 271st Street, Suite 100 • Covington, WA 98042 • (253) 638-1110 • Fax: (253) 638-1122

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

PLANNING COMMISSION AGENDA

February 16, 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 2, 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 – NONE

UNFINISHED BUSINESS - NONE

NEW BUSINESS

2. Discussion of 2012 Comprehensive Plan & Development Regulation Amendment Docket (See Attached Staff Memo and Attachments)
3. Update on Study of "Northern Gateway" Sub Area Plan, Annexation & UGA Addition for King County. (See Attached Staff Memo, Attachments & Maps)

ATTENDANCE VOTE

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

COMMENTS AND COMMUNICATIONS OF COMMISSIONERS AND STAFF

ADJOURN

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

Web Page: www.covingtonwa.gov

**CITY OF COVINGTON
Planning Commission Minutes**

February 2, 2012

City Hall Council Chambers

CALL TO ORDER

Chair Key called the regular meeting of the Planning Commission to order at 6:37 p.m.

MEMBERS PRESENT

Chair Daniel Key, Vice Chair Paul Max, Sonia Foss, Ed Holmes, Bill Judd and Alex White (late arrival).

MEMBERS ABSENT – Sean Smith

STAFF PRESENT

Richard Hart, Planning Manager
Salina Lyons, Senior Planner
Ann Mueller, Senior Planner
Kelly Thompson, Planning Commission Secretary

APPROVAL OF CONSENT AGENDA

- **1. Vice Chair moved and Commissioner Max seconded to approve the consent agenda and the minutes for December 15, 2011. Motion carried 5-0.**

CITIZEN COMMENTS – NONE

PUBLIC HEARING – NONE

UNFINISHED BUSINESS - NONE

NEW BUSINESS

2. Discussion of Multiple Family Tax Exemption Proposal Requested by City Council

Senior Planner, Ann Mueller introduced a memo providing an overview of a proposed Multifamily Tax Exemption Ordinance requested by the City Council.

The exemption would allow developers to apply for a property tax exemption 8 or 12 years when building multifamily housing. The tax exemption only applies to the improvement of the residential portion of a structure and would not include retail, office or other portions of a mixed use structure, nor would it include the land. According to state law, the structure must have a minimum of 4 dwelling

units. The tax exemption must be applied for prior to building permit issuance. The developer would have 3 years to complete the building (not including extensions).

Commissioner Holmes requested clarification on the 8 or 12 year exemption. Ms. Mueller explained that in order to qualify for the 12 year exemption, the structure must contain a minimum of 20% affordable housing.

The property must also reside within specific areas within the City. In the Town Center (TC) zone, staff recommends that the structure is a mixed use, multi-story building to receive the exemption. To encourage diversity of unit types, there must be varied size units. In the Mixed Housing Office (MHO) zone, the structure must also include diversity of unit types. The R-18 zone would be the best area to encourage affordable housing.

The property tax exemption would not necessarily benefit developer to build a condo. Logistically, it could become very challenging to provide the exemption for a condo due to changing eligibility of the individual owner. There is currently not a demand for condos in the City. In the past 14 years, there have not been any proposals for an owner-occupied condo within the City. One incentive for a condo developer is that the units are more marketable if the buyer was allowed the property tax exemption.

Commissioner Foss asked what neighboring cities are doing. Ms. Mueller responded that the City of Kent has an ordinance. Mr. Hart is not aware of any projects in neighboring cities that have actually received the exemption, which may be due to the depressed market.

The Commission reached a consensus that the cost benefit to implement the exemption to condos is not there at this time, but agreed that it could be revisited at a later date.

With regard to affordability requirements, the Commission may recommend a higher percentage of affordable units. The minimum number of units in the proposed ordinance is 20% to receive the 12 year exemption. The option of affordability requirements could be applied across the 3 target zones.

Commissioner Foss noted that the property in the TC zone is going to cost more per square foot than in other zones. Chair Key offered that the affordability requirement could be applied across all zones.

Ms. Mueller noted that the diversity of unit types in the MHO zone is unique to this proposed ordinance. Mr. Hart noted that the MHO zone already has several encumbrances including critical areas, flood plains and shorelines.

Noticing will be submitted next week for the public hearing before the City Council in late February.

3. Discussion of Wireless Communications Facilities

Ms. Mueller explained the existing code is out of date and references old King County codes. We do not get many requests for new wireless communication facilities. Ms. Mueller explained the different components associated with wireless facilities. She went on to explain the proposal is for repealing the existing code and adopting new code with current, more easy to understand language.

Current code does not allow wireless facilities in the Mineral (M) zone. The new proposed code changes this provision to allow them in the M zone. Ms. Mueller explained that the applicant would be required to demonstrate that they are proposing the facility with the lowest height possible. No towers would be allowed in the TC zone, however, they could be attached to a building in that zone. There are exemptions that allow for towers where a need has been demonstrated.

Commissioner Foss asked for clarification about the setback requirements. Ms. Lyons explained the current setback requirements. Staff indicated the Commission will hold a public hearing on the proposed wireless code changes on March 1, 2012.

The record is noted show that Alex White arrived at 7:50 pm.

ATTENDANCE VOTE

- **Commissioner Foss moved, Commissioner Max seconded to excuse Commissioner Smith's absence. Motion carried 6-0.**

PUBLIC COMMENT

Arts Commissioner, Jonathan Combs, 18430 SE 279th Place. The Arts Commission is motivated to explore funding for public art. There is currently no public art in Covington.

Ms. Lyons responded that there is a city resolution supporting public art, but there is not a formal code requirement. There is a residential density incentive where a developer who wants to maximize density would pay 1% of the total project cost. The Commission indicated they would be happy to support the incorporation of public art in any future discussions with the Council and Arts Commission where appropriate.

COMMENTS AND COMMUNICATIONS FROM STAFF

4. Ms. Lyons briefly summarized the Hearing Examiner Report provided by John Galt.

Mr. Hart reviewed the Planning Commission calendar over the next 4 months. He also informed the Planning Commission of a Land Use Training Boot Camp being sponsored by the Planning Association of Washington with Washington Cities Insurance Authority (WCIA) on February 29, 2012. He invited any interested Planning Commissioners to contact him if they would like to attend.

ADJOURN

The February 2, 2012 Planning Commission Meeting adjourned 8:16 at p.m.

Respectfully submitted,

Kelly Thompson, Planning Commission Secretary

Memo

To: Planning Commission Members

From: Richard Hart, Community Development Director
Ann Mueller, Senior Planner

CC: Salina Lyons, Senior Planner

Date: 02/09/2012

Re: 2012 Annual Docket Applications

Attached you will find the 2012 Annual Comprehensive Docket applications submitted as of the close of business on Thursday, February 9, 2012. The deadline to submit an amendment to the Comprehensive Plan this year is Monday, February 13. Any new Comprehensive Plan or Development Regulation Amendment applications submitted by the close of business on February 13th, will be provided to the Planning Commission at your meeting on February 16th.

2012 Docket Applications on File with the City

CPA 2012-01: A Planning Commission initiated amendment to policy DTP 2.4 of the Downtown Element to delete language that would allow stand alone residential structures in the Town Center (TC) Focus Area. Additional language is included to clarify that structures with multifamily units must be part of a multi-story, mixed-use structure with ground floor retail, restaurant and/or personal service uses. (Attachment 1)

DRA 2012-01: Amends regulatory language in the City's Zoning Code Chapter 18.31 Downtown Development and Design Standards, to implement the changes proposed in the Comprehensive Plan amendment application CPA 2012-01. This text change involves the addition of a new note to the Permitted Land Uses chart (CMC 18.31.080) as follows:

26. Multifamily residential dwellings in the TC zone shall be located in a minimum three-story, mixed-use structure. 60% or more of the ground floor abutting a street, public space, public plaza and/or public green space shall be occupied by one or more of the following permitted uses: retail, restaurant or personal services. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.

For consistency with the amended comprehensive plan policy, language will be deleted in the downtown zoning districts density and dimension standards chart (CMC 18.31.090 (1)) to clarify that stand alone residential structures are not permit in the Town Center. (Attachment 2)

CPA 2012-01: An amendment from staff to amend language in the Introduction Chapter of the Comprehensive Plan related to Criteria for Annexing Unincorporated Areas. Staff is recommending that we include a new Appendix T-3 with Annexation Criteria. This application also includes additional policies in the Land Use Element, Section 2.8.2 Urban Growth Area and Potential Annexation Areas to guide future annexation review. (Attachment 3- Actual text of proposed changes is being reviewed by the City attorney and will be emailed to Planning Commissioners on Monday, and a hard copy will be provided at the meeting on the 16th)



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

A-430

COMPREHENSIVE PLAN AMENDMENT APPLICATION

2012 Application Deadline: February 13, 2012

STAFF USE ONLY	Docket Number: <u>CPA 2012-02</u>	Application Date: <u>02/09/2012</u>
	<input checked="" type="checkbox"/> City-initiated <input type="checkbox"/> Privately-initiated	

APPLICANT Primary Contact Person

Name: Richard Hart

Address: City of Covington

City/State/Zip: 98042

Phone: 253-628-1110 Fax: _____

E-mail Address: _____

Signature: _____

AGENT Primary Contact Person

Name: Ann Mueller

Address: City of Covington

City/State/Zip: Covington, WA 98042

Phone: ext. 2224 Fax: _____

E-mail Address: _____

Signature: _____

PROPERTY OWNER

Name: Non-Site Specific: Proposed Comprehensive Plan text and policy amendments affecting various property owners within the City's UGA

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____

PROPERTY OWNER 2

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____

E-mail Address: _____

Signature: _____

TYPE OF COMPREHENSIVE PLAN AMENDMENT

This is a **site-specific** amendment proposal. Complete site-specific information below.

This is a **non-site-specific** amendment proposal. Complete area-wide/textual amendment information.

This amendment proposal involves changes to development regulation text and/or tables and/or changes to the zoning map. Complete a separate Application for Development Regulation and/or Zoning Map Amendment.

SITE-SPECIFIC AMENDMENTS

Give street address or, if vacant, indicate lot(s), block, and subdivision OR tax lot number, access street and nearest intersection. If proposal applies to several parcels, list the streets bounding the area.

ADDRESS(ES): (N/A)

ASSESSOR'S PARCEL NUMBER(S): _____ SITE AREA: _____

LEGAL DESCRIPTION(S): _____

PROPOSED CHANGE TO FUTURE LAND USE MAP DESIGNATION: FROM _____ (CURRENT) TO _____ (PROPOSED)

PROPOSED CHANGE TO OFFICIAL ZONING MAP DESIGNATION: FROM _____ (CURRENT) TO _____ (PROPOSED)

AREA-WIDE & TEXT AMENDMENTS

Chapter and section of comprehensive plan to be amended: Chapter 1.0 Introduction, Chapter 2.0 Land Use, Chapter 7.0 Environmental, Chapter 12 Economic Development

Indicate either conceptual or specific amendatory language. Please be as specific as possible to aid in the evaluation of your proposal. If specific changes are proposed, please indicate current language and proposed language.

Currently, Chapter 1 of the Comprehensive Plan contains a section 1.10 "Criteria for Annexing Unincorporated Areas." Staff is proposing amending this section to reference an Appendix with annexation criteria. This amendment will identify new and more relevant policies and criteria for Covington's City Council to use to evaluate any request received from land owners in the Urban Growth Area (UGA), to be annexed into the City. The aim is to provide clear expectations of what information and findings property owners must provide to be annexed into the city. Furthermore, this amendment will review existing policies in the Land Use, Environmental and Economic Development Elements to determine if they are sufficient or if there are gaps, and new polices are needed.

DESCRIBE HOW PROPOSAL MEETS DECISION CRITERIA

An amendment may be considered for placement on the final docket under any one of the following circumstances. Check the applicable box, and describe in detail how the proposed amendment complies with the criterion. Attach additional sheets as necessary.

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.

State law requires, or a decision of a court or administrative agency has directed such a change.

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

There is no specific criteria for evaluating annexation requests into the city.

DESCRIBE HOW PROPOSAL MEETS SELECTION / DECISION CRITERIA (CONT'D.)

If none of the three conditions on p.2 apply, then the proposed amendment must meet *all five* of the following criteria. Please answer the following questions, providing specific details and attaching additional sheets as necessary.

1. Explain how the proposed amendment is appropriately addressed through the comprehensive plan and how it would be a public benefit to the City of Covington (i.e. enhances the public health, safety, and welfare).

These proposed amendments will ensure that there are well thought-out criteria and policies to assist the City Council in their analysis of future requests by property owners to annex into the City of Covington.

2. Proposed amendments that are the same or substantially-similar to an amendment proposed during the last three amendment cycles are not eligible for consideration, except in certain cases due to geographic expansion by the City (see CMC 14.25.040(3)). Has the same or a substantially-similar amendment been proposed during the last three annual amendment cycles? No Yes

If yes, how has geographic expansion necessitated the proposed amendment?

3. Does the proposed amendment raise any policy or land-use issues that are more appropriately addressed by an ongoing work program approved by the City Council? No Yes

Please explain:

The proposed changes to identify and include text and policies that guide how the City Council evaluates requests for annexation will be addressed with new text language and potentially new policies in the Comprehensive Plan—this is included as part of the Planning Commission’s annual 2012 work program.

4. Explain how 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.

The last changes to the Comprehensive Plan had no text or policy amendments to address annexation issues.

DESCRIBE HOW PROPOSAL MEETS SELECTION / DECISION CRITERIA (CONT'D.)

5. Explain how the proposed amendment is consistent with:

(a) The vision, goals, and policies of the comprehensive plan, and other goals and policies of the City:

The proposed text and policy amendments will support the City's existing vision and goals to ensure there is orderly and well thought-out growth in the City.

(b) The Countywide Planning Policies, the Growth Management Act, State Environmental Policy Act (SEPA), the Washington Administrative Code, and other applicable state and federal laws.

The proposed changes will be consistent with the King County Countywide Planning Policies, the Growth Management Act, SEPA , and they are intended to ensure the orderly planning and development of land within the City's UGA so as to guide development in an orderly manner for the benefit of the City and its residents.

COSTS & BENEFITS / ADDITIONAL INFORMATION

1. Describe the effects of the proposed amendment in terms of costs and benefits to the public, both monetary and non-monetary.

The proposed text and policy amendments will provide direction to property owners in the UGA and the City Council on the criteria used for evaluating annexation request. The amendment will explain to potential applicants what criteria will be use and what information will be required for the City to make a determination on any amendments. Policies will require an analysis of the population and assessed valuation to determine if the area will be sufficient to allow the area to pay its fair share of the city providing required urban services.

2. Describe and/or attach any studies, research information, or further documentation that will support this proposal.

CERTIFICATION / SIGNATURE

I have reviewed the Comprehensive Plan Amendment Instruction Guide and Timeline, and certify that the information provided on this application is true and correct.

_____ Applicant's/Agent's Signature

_____ Date

Please note: If this is a site-specific amendment proposal, all affected property owners must complete, sign, and have notarized a Property Owner Declaration.



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

APPLICATION FOR DEVELOPMENT REGULATION AND/OR ZONING MAP AMENDMENT

STAFF USE ONLY	Docket Number: <u>DRA 2012-01</u> Application Date: <u>02/09/2012</u> <input checked="" type="checkbox"/> City-initiated <input type="checkbox"/> Privately-initiated
-----------------------	--

APPLICANT Primary Contact Person

Name: Covington Planning Commission

Address: Covington City Hall

City/State/Zip: Covington, WA 98042

Phone: _____ Fax: _____

E-mail Address: _____

Signature: _____

AGENT Primary Contact Person

Name: Ann Mueller, Senior Planner

Address: Covington City Hall

City/State/Zip: Covington, WA 98042

Phone: 253-638-1110 Ext 2224 Fax: _____

E-mail Address: amueller@covingtonwa.gov

Signature: _____

PROPERTY OWNER

Name: Non-Site Specific: Proposed text amend-
ment will affect property development in the Town Cen-
ter Focus Area.

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____

PROPERTY OWNER 2

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____

E-mail Address: _____

Signature: _____

TYPE OF AMENDMENT

This is a proposal to amend development regulation text or tables contained in the Covington Municipal Code. **Complete development regulation information below.**

This is a proposal to amend the City's zoning map. **Complete zoning amendment information below.**

DEVELOPMENT REGULATION AMENDMENT

Chapter and section of Covington Municipal Code to be amended: CMC 18.31.080

1. Is the proposed amendment a minor correction (i.e. one that does not result in any substantive change to the content or meaning of a development regulation, such as a correction to punctuation or numbering or a typographical or technical error)?

No Yes *If yes, amendment proposal is exempt from the notice and hearing requirements of Chapter 14.27 CMC and the Director may make a recommendation directly to the City Council.*

2. What are the reasons for requesting this change?

To ensure multi-family dwellings in the Town Center Focus Area are located in multi-story, mixed-use structures with ground floor retail, restaurant or personal services.

DEVELOPMENT REGULATION AMENDMENT (CONT'D.)

3. Provide either conceptual or specific amendatory language. Please be as specific as possible to aid in the evaluation of your proposal.

Add a new note to the table in 18.31.080 for Dwelling Unit, Multi-family” permitted in the TC zone.

26. Multifamily residential dwellings in the TC zone shall be located in a minimum three-story mixed use structure. 60% or more of the ground floor abutting a street, public space, public plaza and/or public green space shall be occupied by one or more of the following permitted uses: retail, restaurant or personal services. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.

ZONING MAP AMENDMENT

PROPOSED CHANGE TO ZONE DESIGNATION: FROM _____ (CURRENT) TO _____ (PROPOSED)

SURROUNDING ZONE DESIGNATIONS: EAST: _____ WEST: _____ NORTH: _____ SOUTH: _____

COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION: _____

CURRENT LAND USE: _____

If this is a site-specific zoning map amendment, complete the following property information. Give street address or, if vacant, indicate lot(s), block, and subdivision OR tax lot number, access street and nearest intersection. If proposal applies to several parcels, list the streets bounding the area.

ADDRESS(ES): _____

ASSESSOR'S PARCEL NUMBER(S): _____

SITE AREA: _____ sq. ft. / acres (circle one)

LEGAL DESCRIPTION(S): _____

DESCRIBE HOW PROPOSAL MEETS DECISION CRITERIA

1. Proposed amendments that are the same or substantially-similar to an amendment proposed during the last three years are not eligible for consideration, except in certain cases due to geographic expansion by the City (see CMC 14.25.040(3)). Has the same or a substantially-similar amendment been proposed during the last three years? No Yes

If yes, how has geographic expansion necessitated the proposed amendment?

DESCRIBE HOW PROPOSAL MEETS DECISION CRITERIA

2. Explain how the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan.
This code amendment is consistent with the vision, goals and policies of the Downtown Element of the Comprehensive Plan to ensure a vibrant and pedestrian friendly Town Center. This amendment is in conjunction with an amendment to the Comprehensive Plan associated with residential development in the Town Center focus area and will implement the policy change to require residential development in the Town Center to be located in a multi-story, mixed-use building with ground floor retail, restaurant and/or personal services uses.

3. Explain how 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.
The proposed code language is consistent with the City’s zoning ordinances and specifically the purpose and intent of the downtown development and design standards (CMC 18.31.010 (3))

4. Explain how circumstances have changed substantially since the establishment of the current development regulation, zoning map or district to warrant the proposed amendment.
Upon further reflection and consideration Covington’s Planning Commission has determined there is a benefit to requiring residential development in the Town Center Focus Area to be part of a mixed-use, multi-story structure with ground floor retail, restaurant or personal service uses to make sure the heart of downtown is pedestrian oriented, human in scale and economically healthy with mixed-use buildings and higher density residential housing. Without this amendment the opportunity may be lost if a large scale residential development is proposed without associated commercial and retail space to serve the needs of the residents and workers in the Covington.

5. Explain how the proposed zoning is consistent and compatible with the uses and zoning of surrounding property.
This amendment includes existing uses that are consistent with the uses currently allowed in the Town Center Focus area and is compatible with the uses in the surrounding areas.

6. Explain how the property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification.
This proposed amendment is for property located in the Town Center Focus Area and does not change any allowed uses but clarifies that residential development must be in a multi-story, mixed-use development with ground floor retail, restaurant or personal service uses.

7. Explain how adequate public services could be made available to serve the full range of proposed uses in that zone.
This proposed amendment does not add any new uses to the existing zoning and uses allowed in the TC Focus Area not additional public services would be required due to this code amendment.

COSTS & BENEFITS / ADDITIONAL INFORMATION

1. Describe the effects of the proposed amendment in terms of costs and benefits to the public, both monetary and non-monetary.

The proposed change to the mix of required development is to encourage commercial and retail uses on the ground floor that will result in a more pedestrian-friendly and active streetscape. It will strengthen the community's vision of the Town Center and align with true sustainable development patterns, which will be more cost effective and efficient in the long term.

2. Describe and/or attach any studies, research information, or further documentation that will support this proposal.

N/A

CERTIFICATION / SIGNATURE

I have reviewed the Development Regulation/Zoning Map Amendment Instruction Guide, and certify that the information provided on this application is true and correct.

Applicant's/Agent's Signature

Date

Please note: If this is a site-specific amendment proposal, all affected property owners must complete, sign, and have notarized a Property Owner Declaration.

Proposed Amendments 2012

Covington Municipal Code

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 ²⁶	P	P	P

Dwelling Unit, Single-Family Attached, Detached or Cottage Housing ²¹	NP	NP	NP	P ²
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				
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
Communication Facilities ¹⁶				
Antenna	P	P	P	P
Transmission Support Structure	C ¹⁷	C	P	NP

(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.
 - 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 – 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.
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.
- 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.

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))

26. Multifamily residential dwellings in the TC zone shall be located in a minimum three-story, mixed-use structure. 60% or more of the ground floor abutting a street, public space, public plaza and/or public green space shall be occupied by one or more of the following permitted uses: retail, restaurant or personal services. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.

18.31.090 Downtown zoning districts density and dimension standards.

(1) Table of Density and Dimension Standards, Downtown Zoning Districts.

Standards	Town Center (TC)	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO)	Exceptions and Notes
Maximum Building Height	75 feet	60 feet	55 feet	45 feet	Maximum height shall be 45 feet within 50 feet of any zone outside of the downtown zone. In the MHO district, the 35 feet maximum height shall also apply within 50 feet of another MHO property.
Maximum Residential Density (stand alone)	Unlimited	60 D.U./acre	48 D.U./acre	24 D.U./acre	For cottage housing, CMC 18.37.040 shall control. <u>Stand alone residential structures not permitted in the Town Center.</u>
Maximum Residential Density (if ground floor is commercial)	Unlimited	Unlimited	Unlimited	24 D.U./acre	
Minimum Residential	32 D.U./acre	24 D.U./acre	24 D.U./acre	12 D.U./acre	Residential use is not required in the downtown. For cottage housing, CMC 18.37.040 shall control.

Density					
Maximum Floor Area Ratio (FAR) with Bonus Features	4:1	3:1	3:1	2:1, 1.25:1 east of Wax Road	Refer to CMC 18.31.100 for bonus features.
Maximum Floor Area Ratio (FAR) without Bonus Features	1.5:1	1:1	1:1	1:1; .75:1 east of Wax Road	No minimum FAR. Development within the Jenkins Creek Corridor shall utilize low impact development (LID) techniques as adopted in CMC 13.25.020 .
Maximum Impervious Surface	80%	90%	80%	70%; 50% east of Wax Road and south of SE 272nd St.	Developments in the MHO located east of Wax Road and south of SE 272nd St., and cottage housing developments shall not exceed the 50% maximum impervious surface.
Minimum Lot Frontage Occupied by a Building	Type I Street – 80% Type II Street – 50% Type III Street – 50% Type IV Street – 40%	Type II Street – 50% Type IV Street – 40%	Type IV Street – 40%	None	A building shall be located within 5 feet of the back of sidewalk or on a public plaza. Where utility easements greater than 5 feet exist, the building shall be set back to the extent of the easement and this area shall be designed as an extension of the sidewalk and/or may be included as part of the public space requirement.
Minimum Setbacks within District	None	None	20 feet	10 feet	Except in the TC and MC districts, a minimum of 5 feet setback shall be provided from any public property other than a street.
Minimum Setbacks to Adjoining Downtown District	10 feet where adjoining the MHO District only	10 feet	N/A	10 feet	In districts other than the MHO, no setback shall be required for mixed use development or commercial building less than 50,000 square feet, with no significant outside storage or sales.
Minimum Setbacks to Zones Outside the Downtown Zone	0	20 feet	20 feet	20 feet	Refer to Design Standards Section B(1)(g) – Buffers and Transitions. No setback is required where a zone is separated from another zone by a street.

(2) Additional Density and Dimension Development Standards Referenced in This Title.

(a) CMC [18.30.060](#) through [18.30.090](#) for density measurement and calculation methods.

(b) CMC [18.30.130](#) through [18.30.200](#) for measurement of setbacks and allowed projections into the setbacks. (Ord. 10-10 § 1 (Exh. 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

A-430

COMPREHENSIVE PLAN AMENDMENT APPLICATION

2012 Application Deadline: February 13, 2012

STAFF USE ONLY	Docket Number: <u>CPA 2012-01</u>	Application Date: <u>02-09-2012</u>
	<input checked="" type="checkbox"/> City-initiated <input type="checkbox"/> Privately-initiated	

APPLICANT Primary Contact Person

Name: Covington Planning Commission

Address: Covington City Hall

City/State/Zip: Covington, WA 98042

Phone: _____ Fax: _____

E-mail Address: _____

Signature: _____

AGENT Primary Contact Person

Name: Ann Mueller, Senior Planner

Address: 16720 SE 271st Street • Suite 100

City/State/Zip: Covington, WA 98042

Phone: 253-638-1110 Fax: _____

E-mail Address: amueller@covingtonwa.gov

Signature: _____

PROPERTY OWNER

Name: N/A—Non Site Specific: Proposed Comprehensive Plan Down Town Element policy amendment will affect property in the Town Center Focus Area.

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____

PROPERTY OWNER 2

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____

E-mail Address: _____

Signature: _____

TYPE OF COMPREHENSIVE PLAN AMENDMENT

This is a **site-specific** amendment proposal. Complete site-specific information below.

This is a **non-site-specific** amendment proposal. Complete area-wide/textual amendment information.

This amendment proposal involves changes to development regulation text and/or tables and/or changes to the zoning map. Complete a separate Application for Development Regulation and/or Zoning Map Amendment.

SITE-SPECIFIC AMENDMENTS

Give street address or, if vacant, indicate lot(s), block, and subdivision OR tax lot number, access street and nearest intersection. If proposal applies to several parcels, list the streets bounding the area.

ADDRESS(ES): _____

ASSESSOR'S PARCEL NUMBER(S): _____ SITE AREA: _____

LEGAL DESCRIPTION(S): _____

PROPOSED CHANGE TO FUTURE LAND USE MAP DESIGNATION: FROM _____ (CURRENT) TO _____ (PROPOSED)

PROPOSED CHANGE TO OFFICIAL ZONING MAP DESIGNATION: FROM _____ (CURRENT) TO _____ (PROPOSED)

AREA-WIDE & TEXT AMENDMENTS

Chapter and section of comprehensive plan to be amended: 4.0 Downtown Element 4.5.2 Town Center Focus Area

Indicate either conceptual or specific amendatory language. Please be as specific as possible to aid in the evaluation of your proposal. If specific changes are proposed, please indicate current language and proposed language.

The proposed amendment to the Downtown Element consists of the following changes: DTP 2.4 Encourage residential uses in the Town Center Focus Area at more urban densities, greater than 24 units per acre, making efficient use of prime land, supporting transit friendly and pedestrian-oriented retail, and encouraging inclusion of residential uses in new mixed-use projects with ground floor retail, restaurant or personal services. as well as
~~supporting stand-alone multi-family housing developments.~~

DESCRIBE HOW PROPOSAL MEETS DECISION CRITERIA

An amendment may be considered for placement on the final docket under any one of the following circumstances. Check the applicable box, and describe in detail how the proposed amendment complies with the criterion. Attach additional sheets as necessary.

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.

State law requires, or a decision of a court or administrative agency has directed such a change.

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

DESCRIBE HOW PROPOSAL MEETS SELECTION / DECISION CRITERIA (CONT'D.)

If none of the three conditions on p.2 apply, then the proposed amendment must meet *all five* of the following criteria. Please answer the following questions, providing specific details and attaching additional sheets as necessary.

1. Explain how the proposed amendment is appropriately addressed through the comprehensive plan and how it would be a public benefit to the City of Covington (i.e. enhances the public health, safety, and welfare).

This proposal to direct multi-family development into mixed use, multi-storey structure in the Town Center Focus Area in the Downtown zone will ensure residential development is part of a diverse and vibrant mixed-use town center with a pedestrian scale and active streetscape in the heart of the downtown which fulfills the vision for the Town Center Focus Area.

2. Proposed amendments that are the same or substantially-similar to an amendment proposed during the last three amendment cycles are not eligible for consideration, except in certain cases due to geographic expansion by the City (see CMC 14.25.040(3)). Has the same or a substantially-similar amendment been proposed during the last three annual amendment cycles? No Yes

If yes, how has geographic expansion necessitated the proposed amendment?

N/A

3. Does the proposed amendment raise any policy or land-use issues that are more appropriately addressed by an ongoing work program approved by the City Council? No Yes

Please explain:

This is a Planning Commission initiated amendment to ensure that any future multi-family development in the Town Center focus area is part of a mixed- use multi-story structure with ground floor retail, restaurant or personal services.

4. Explain how 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.

The Downtown Element was last amended in 2009, since then the Town Center Focus Area has seen approval of a large single use structure for medical services. Upon further consideration and to help fulfill the vision of having a vibrant Town Center with mixed uses, active streetscapes, and ground floor commercial uses this amendment is proposed to ensure that any proposed multifamily development in the Town Center would be part of a mixed use, multi-story structure that requires ground floor retail, restaurant or personal services.

DESCRIBE HOW PROPOSAL MEETS SELECTION / DECISION CRITERIA (CONT'D.)

5. Explain how the proposed amendment is consistent with:

(a) The vision, goals, and policies of the comprehensive plan, and other goals and policies of the City:

This proposal is consistent with the vision of the TC being the heart of the downtown area. Goal DTG 2.0 is to implement a walkable, pedestrian scale mixed use-development pattern that emphasizes the public realm at the heart of the downtown. A mixed use, multi-story structure with multifamily and/or office above a ground floor with commercial uses will provide for a more pedestrian oriented streetscape and a variety of uses for residents and workers in Covington. This amendment will also require a development code change.

(b) The Countywide Planning Policies, the Growth Management Act, State Environmental Policy Act (SEPA), the Washington Administrative Code, and other applicable state and federal laws.

The proposed changes outlined above are consistent with Countywide Planning Policies, the Growth Management Act, SEPA and WAC for concentrated and sustainable growth and development. This Comprehensive Plan text amendment will also require a supplemental development regulation amendment.

COSTS & BENEFITS / ADDITIONAL INFORMATION

1. Describe the effects of the proposed amendment in terms of costs and benefits to the public, both monetary and non-monetary.

The proposed change to the mix of development is to encourage commercial and retail uses on the ground floor that will result in a more pedestrian -friendly and active streetscape, it will strengthen the vision of the community and align with true sustainable development patterns, which will be more cost effective and efficient in the long term.

2. Describe and/or attach any studies, research information, or further documentation that will support this proposal.

N/A

CERTIFICATION / SIGNATURE

I have reviewed the Comprehensive Plan Amendment Instruction Guide and Timeline, and certify that the information provided on this application is true and correct.

Applicant's/Agent's Signature

Date

Please note: If this is a site-specific amendment proposal, all affected property owners must complete, sign, and have notarized a Property Owner Declaration.

Proposed 2012 amendment

City of Covington Comprehensive Plan

DOWNTOWN ELEMENT

4.5 Goals and Policies

4.5.2 Town Center Focus Area

VISION: The Town Center Focus Area should be the central community-oriented heart of the downtown with public plazas and civic buildings, public spaces and landmarks, a mix of multi-story residential, office, service and retail uses; contain short block sizes on a rectangular grid system that are conducive to walking; focus around a traditional “Main Street” with sidewalk cafes and ground floor retail uses where Covington residents and visitors outside the community can come to shop, socialize, relax, and attend special community events; and be located south of SE 272nd St.

DTG 2.0 Use a new Town Center land use and zoning designation to proactively implement a walkable, pedestrian scale mixed-use development pattern that emphasizes the public realm at the heart of the downtown.

DTP 2.1 Apply the Town Center designation to a single area comprised of large parcels suitable for development or redevelopment that are central to downtown and accessible from highways and major arterials.

DTP 2.2 Allow one new large-format retail store to be built within the Town Center Focus Area. The City should adopt development regulations requiring this store to be located west of the proposed 171st Avenue SE, as projected. Any new large-format retail facility should be set back from the proposed 171st Avenue SE a sufficient distance to allow the future construction space for street-frontage, pedestrian-oriented retail, reasonable pedestrian connections, and complimentary uses along the proposed 171st Avenue SE. Access for service and delivery vehicles to the large-format retail facility should be prohibited from using the proposed 171st Avenue SE. There should be no curb cuts along the proposed 171st Avenue SE providing vehicular access of any kind to the large-format retail

facility (except for emergency vehicle access, if required by the Fire Marshall).

- DTP 2.3 The City should move forward with efforts to acquire property for a civic building and plaza space within the new Town Center Focus Area, that is consistent with the vision of the new Town Center Concept Plan, supports an interactive pedestrian-oriented Streetscape, and provides that unique, identifiable public gathering space with public business and community functions. The civic building and plaza space should support other potential future public investments such as a public parking facility, a transit center/park-and-ride facility, and a community center, and be adjacent to the pedestrian-oriented “Main Street”.*
- DTP 2.4 Encourage residential uses in the Town Center Focus Area at more urban densities, greater than 24 units per acre, making efficient use of prime land, supporting transit friendly and pedestrian-oriented retail, and encouraging inclusion of residential uses in new mixed-use projects with ground floor retail, restaurant and/or personal services.~~as well as supporting stand-alone multi-family housing developments.~~*
- DTP 2.5 Zoning and development regulations in the Town Center Focus Area should promote specific types and a mix of uses, building forms and public realm improvements described in the Town Center Vision statement, including retail, service, office, health care, and residential uses.*
- DTP 2.6 Provide incentives for innovative, affordable housing development and encourage workforce housing targeted for workers expected to fill retail and service jobs within the downtown.*
- DTP 2.7 Recognize Downtown as uniquely suited to supporting special-needs housing due to the convenience of nearby health services.*
- DTP 2.8 Encourage transit oriented development (TOD) where feasible, to locate within the Town Center Focus Area.*

Memo

To: **Planning Commission Members**

From: Richard Hart, Community Development Director

CC: Salina Lyons, Senior Planner; Ann Mueller, Senior Planner

Date: 02/09/2012

Re: Discussion of Northern Gateway Subarea Plan, UGA & Annexation Study

The Community Development Department staff has begun working on a scoping outline, timeline and phasing schedule for preparation of a subarea plan, Urban Growth Area (UGA) study and annexation analysis for the Northern Gateway area as directed by the City Council. We are providing this information to the Planning Commission to keep you up to date with our work and progress. The entire study area of 425 acres, called the "Northern Gateway", involves two major pieces of land:

- 1.) Approximately 225 acres in what is commonly known as the "Northern Notch", a peninsula of land in unincorporated King County surrounded on three sides by the City of Covington. It's identified as Potential Annexation Area 4 (PAA 4) in the Comprehensive Plan and is not part of the Urban Growth Area (UGA); and
- 2.) Approximately 200 acres owned by the Hawke family, 120 acres of which is within the city limits and leased to Lakeside Industries for a gravel operation. The remaining 80 acres is outside of the city limits, but within the City's UGA, and also identified as Potential Annexation Area 1 (PAA 1) in the Comprehensive Plan.

PAA-4

PAA 4, historically known as "the northern notch", consists of one major property corporation, BranBar LLC, who controls approximately 60 acres of that land. The remaining 165 acres consists of a variety of residential property owners on parcels that generally range from 2 to 30 acres in size, as well as several parcels owned by King County and the State of Washington. BranBar LLC has unsuccessfully petitioned King County on several occasions over the last decade to add portions of the "northern notch" to the UGA and change the King County designation from Rural to Urban. This step is required before any of the land can actually be annexed to the City of Covington.

PAA-1

PAA 1, 80 acres in size, is wholly owned by the Hawke family. The Hawkes have indicated a desire to annex their remaining 80 acres into the City and develop their entire 200 acres with a master planned development that would include a mix of residential, office and retail service uses.

Next steps

Staff is in the process of preparing the documentation to notice a Request for Proposal (RFP) that will be distributed by the end of February. The purpose of the RFP is to solicit proposals from planning consultants to assist the city in preparing a study that will include an economic analysis supporting the addition of the "northern notch" land to the UGA, an environmental analysis of the study area, and eventually a Subarea Plan. The ultimate goal is to determine if the site analysis justifies adding PAA 4 to the UGA, so it can eventually be annexed to the City of Covington. Staff will then submit a report to King County based upon the site analysis of the area outside of the UGA.

Agenda Item 3

Staff is providing the following material to the Planning Commission for information and discussion at this time as we proceed to the RFP:

- 1.) Council Blue Sheet of May 10, 2011 directing staff to begin study of the "Northern Gateway";
- 2.) Staff Proposed Outline, Scope & Timeline for Study of the Northern Gateway Subarea Plan, UGA and Annexation Analysis;
- 3.) Aerial Photo Map of Northern Gateway Study Area;
- 4.) Potential Annexation Areas Map (figure 2.2 from Comprehensive Plan);
- 5.) Letter to City of Covington from Anderson Baugh & Associates concerning Northern Notch Subarea Study (dated January 12, 2012); and
- 6.) Four Letters of Past Communications between BranBar (Anderson Baugh & Associates) and King County related to reclassification of the UGA and potential annexation.

Comprehensive Plan Docket

The City has developed a Comprehensive Plan Amendment Docket Item for this year to both amend and add several annexation policies in the Comprehensive Plan that will support good planning and annexation practices and analysis. Those policies will be applied to the "Northern Gateway" Study Area when annexation is timely in 2013.

Agenda Item 6

Covington City Council Meeting

Date: May 10, 2011

SUBJECT: ANALYSIS OF NORTHERN NOTCH ADDITION TO THE UGA & POTENTIAL COMP PLAN AMENDMENT

RECOMMENDED BY: Richard Hart, Community Development Director

ATTACHMENTS:

1. Future Potential Annexation Areas Map, Figure 2.2, in Covington Comprehensive Plan
2. Community Development/Planning Commission 2011 Work Plan

PREPARED BY: Richard Hart, Community Development Director

EXPLANATION:

A. Potential Annexation Areas and the Northern Notch

The city's current Land Use Element in Chapter 2 of the Comprehensive Plan identifies an area known as the "Northern Notch" or "The Jenkins Creek Notch" as Potential Annexation Area (PAA) #4. Figure 2.2 depicts the three PAA's in our Comprehensive Plan: PAA #1 - the Teresa Hawk property with approximately eighty acres east of the Lakeside Industries gravel operations at 256th and Highway 18; PAA #2 - the remaining land devoted to the Tahoma High School site adjacent to the city's Aquatic Center; and PAA #4 - the "Northern Notch" with approximately 250 acres, of which BranBar owns approximately eighty-five acres. PAA #3, the Covington Community Park site, was annexed into the city in 2008.

B. Proposed Request by Anderson Baugh/BranBar

Anderson Baugh & Associates ("Anderson Baugh") and BranBar, LLC ("BranBar") requested the following actions from the city during the city council's April 12, 2011, meeting:

- 1) Provide a letter of support to the King County Council for the addition of the Northern Notch to the Urban Growth Area (UGA) as part of King County's Comprehensive Plan Update. *[This action was completed April 14, 2011]*
- 2) Declare the request for a comprehensive plan amendment to include the Northern Notch as part of the city's UGA as an emergency, resulting in amending our Comprehensive Plan goals, policies, and maps this year.
- 3) Undertake a land use study and analysis (sub-area plan) and future zoning analysis for the Northern Notch this year to facilitate immediate annexation of the Anderson Baugh property.
- 4) Assist Anderson Baugh in processing the annexation of their specific property within the Northern Notch into the city for future development as mixed-use with retail.

Item #1 has been accomplished. Items 2-4 require substantial time and resources from city staff and necessary tasks are outlined later in this report. Item #4 actually cannot occur until 2012 after King County acts on the addition of the Northern Notch to the UGA.

C. Northern Notch Inclusion in the UGA

Upon the request of Anderson Baugh, and upon consent of the council, on April 14, 2011, the City Council submitted a letter to the King County Council to voice their support for the inclusion of the Northern Notch PAA into the UGA. Past practice has dictated that the county is the responsible agency for determining whether land designated as a PAA should be brought into the UGA. To date, King County has not included the Northern Notch PAA within the UGA.

If and when the county adds the Northern Notch into the UGA, the city is then allowed, at our discretion, to follow with any detailed analysis of the area for potential future land uses and proposed zoning. If the area is large, a sub-area plan is generally required to determine appropriate land use, infrastructure needs and costs, and zoning options, all through an extensive public process. This process also requires amendments to the city’s Comprehensive Plan to account for any new land use designations. Zoning amendments and a new zoning map then follow the adoption of the Comprehensive Plan amendments and provide for the prescribed zoning requirements.

Should King County place the PAA within the UGA, the city should heavily involve King County in the sub-area planning process. In addition to Anderson Baugh’s request, the city has had some contact with Teresa Hawk, the owner of the gravel pit leased to Lakeside Industries and the adjacent eighty acres. Their family desires to annex into the city their eighty acres that have already been designated as a PAA and are within the UGA. This might present an opportunity to study the potential development of the Hawk property along with the adjacent Northern Notch property.

D. Requested Comprehensive Plan Amendments

Anderson Baugh also requested that the city include a comprehensive plan amendment to adopt the Northern Notch as part of the city’s UGA, and accordingly amending the city’s comprehensive plan goals, policies, and maps. Covington Municipal Code (CMC) 14.25 prescribes an annual process for submitting, docketing, and processing of annual Comprehensive Plan Amendments (CPA’s) and Development Regulation Amendments (DRA’s) in accordance with the state Growth Management Act (GMA). That process begins in December for the following year and allows sixty (60) days for submission of CPAs and DRAs by both the city and any private property owners or citizens. The deadline for the 2011 Comprehensive Plan Amendment Docket was February 1, 2011. Prior to that date Anderson Baugh did not submit a CPA or DRA request, nor did they contact the city about the potential of submitting a CPA for the Northern Notch. There were no submittals by any other private individuals prior to the February 1, 2011 deadline. The intent of the deadline to submit CPAs and DRAs is to allow the city staff, planning

commission and council to analyze the docketed items, conduct adequate review, hold public hearings for public input, and evaluate all of the proposed amendments together for any cumulative impact in accordance with the GMA statutes.

Though the city council has not yet adopted the city's 2011 comprehensive plan amendments, the final docket of amendments has been approved by the council. The CMC is not expressly clear on the process for the addition of amendments to the docket after it has been finalized by council (staff will be updating the code to cure this ambiguity). However, even if using the CMC provision cited by Anderson Baugh, CMC 14.25.030(2) (a), stating that the community development director may declare that an emergency exists to allow for a derivation from the annual amendment process, I have determined that no such emergency exists. As the community development director I have reviewed the Northern Notch issue, Anderson Baugh's facts and presented request, the current policies in the Covington Comprehensive Plan, and the ability of Anderson Baugh to submit their request in 2012 without inhibiting the timeline of their goals for eventually annexing the Northern Notch into Covington to determine that no emergency exists to allow for an exception to an additional CPA to the final docket already passed by the council.

E. Options Available for Council

- 1) Direct city staff to consider the Anderson Baugh request during the 2013 PC Work Plan Analysis and the 2013 city budget process that begins in the fall of 2012.
- 2) Direct city staff to consider the Anderson Baugh request during the 2012 PC Work Plan Analysis and the 2012 city budget process that begins in the fall of 2011.
- 3) Direct city staff to shift and delay the 2011 work program priorities currently agreed upon with the planning commission which would involve the following: a) delaying existing work plan items; b) developing a detailed process and timeline to undertake a sub area plan for the Northern Notch; c) developing a future land use designation and zoning scheme for the Northern Notch; and d) setting a strategy and timeline for making the necessary comprehensive plan amendments in 2012 after King County acts on the UGA change request.
- 4) Direct city staff to meet with Anderson Baugh and King County to develop a multiple-year process and plan with specific tasks, milestones, timelines, needed resources and funding plan. This process and plan would include a collaborative public participation process and sub-area plan that culminates in developing new land use policies, proposed land uses, specific zoning regulations, and infrastructure plans that will be adopted through the city's annual comprehensive plan amendment docketing process. City staff would bring the multi-year process and plan to the city council for review and endorsement.

F. Costs and Implications of Options for City Council on Studying the Northern Notch

If the city council chooses to study the Northern Notch as part of the 2011 work plan, then the community development department's work plan and available funding for staff resources will need to be evaluated. Currently the council has determined that the priorities of the department are to implement the three state mandates, which include the shoreline master program, annual

comprehensive plan docketing process, code amendments such as required electric vehicle charging station regulations, and other tasks including improving the downtown infrastructure, development/building permit review and permit efficiency. These tasks were outlined at the study session with the planning commission and council, and staff indicated that with the current level of staffing, these items would actually exceed available staff hours in 2011. There is also the potential the state legislature will add another local government task to develop zoning regulations and standards for medical marijuana uses.

The community development department currently has six staff members including two planners (the Director and Senior Planner). The senior planner's function in long range policy issues accounts for only 20% of her time. Currently staff is working on large development projects such as MultiCare, Valley Medical, and several other commercial developments and projects currently under construction; therefore, the time available for the senior planner to devote to long range policy issues cannot possibly exceed 20%. Due to budget restraints, the community development department will not have a replacement available for the former Planning Manager until August or September of this year.

In addition to the work plan items, staff is assisting the Covington Economic Development Council with Destination Covington, and the directors are working on the Public Engagement Process. These items will also require substantial segments of time from the community development staff.

Overall, staff is concerned with the availability of resources and managing this future comprehensive plan amendment, public outreach, impact analysis, and creation of a sub-area plan for the Northern Notch as part of the 2011 work plan. The request would require the time of at least one community development staff person for 50% of their time over a twelve to eighteen month time period. In addition to staff time, the city council will need to provide funding for hiring a consultant to assist with an impact analysis and drafting the sub-area plan for the Northern Notch once undertaken. Estimates of the total costs for the consultant and city staff, plus costs of advertising, mailing and printing would be approximately \$55,000. It is not yet clear what the exact process and cost will be compared to the required application fees for such a request. Funding most likely will need to come from a combination of funds from the City of Covington, King County, & Anderson Baugh. Staffing an analysis of the Northern Notch area will probably involve at least two years of time, at a minimum.

The city's standard fee for annexation and petition request by a private citizen is \$12,451.00, plus \$615.00 per acre. A comprehensive plan amendment is \$3,717.00, plus pass-through consultant costs billed separately. The fee for the comprehensive plan amendment is collected at the time of application, and there is a non-refundable portion of \$500.00 dollars. No fees have been collected on this proposal as the request was initiated after the docket deadline. Any work done during the rest of this year would be at the expense of the city, as there is no mechanism for collecting additional fees.

ALTERNATIVES:

The four options outlined above provide the most reasonable alternatives available for future study of the Northern Notch and any subsequent and necessary amendments to the Covington Comprehensive Plan and Zoning Code resulting from adding the area to the UGA.

FISCAL IMPACT:

Any future study and costs have been outlined above under Costs and Implications of Options for City Council. These costs could be substantial and can't be precisely identified until further study of a "Northern Notch" Plan and Process.

CITY COUNCIL ACTION: Ordinance Resolution Motion Other

NO ACTION IS NECESSARY - DISCUSSION ITEM ONLY.

REVIEWED BY: City Manager
 City Attorney

Outline of Work Tasks for Covington’s Northern Gateway UGA Expansion Study

2012:

1. Develop Scoping Work Tasks for Covington’s Northern Gateway UGA Expansion/Potential Annexation Area (PAA) Study & Subarea Plan (PAA #4, may include PAA#1) for presentation to Council-*December & January*
2. Identify payment guarantee method from private party(s) for payment of consultant for UGA Expansion Study/ Subarea Plan (e.g. up-front lump-sum payment) -*December & January*
3. Write RFP with phased UGA expansion/Potential Annexation Study & Subarea Plan Tasks & Deliverables- *December & January*
4. Docket policy guidelines for study of PAA to guide development of Subarea Plans- *January & February*
5. Staff will develop the Public Participation Component of Subarea Plan for review with Planning Commission -*February*
6. Review RFP submittals & select consultant-*February & March*
7. Identify final study area. Council approval of consultant contract for UGA Expansion Study/Subarea Plan-*February & March*
8. Process any necessary Comprehensive Plan Policy amendments to guide criteria used by the City to analyze future annexations.-*March through October*
9. Manage and guide consultant in preparation of UGA Expansion/Potential Annexation Study (Phase I -Existing Conditions/Needs Assessment/ Infrastructure Review/ Market and Fiscal Analysis)- *March-June*
10. Evaluate consultant’s Site Analysis, findings, needs assessment and fiscal analysis to determine if the factors outlined by King County for evaluation of UGA amendments can be addressed- *June/July*
11. Host a community meeting to share the consultant’s findings and identified opportunities and constraints of future annexation of the study area. Follow up with community visioning component to guide development of the Subarea Plan supplemented with one-on-one interviews with key stockholders (i.e. land owners in the study area). *July/Aug*
12. Present consultant’s Phase I findings to PC/Council for review -*July/ Aug*
13. Manage & guide consultant in preparation of a Subarea Plan (Phase II) based on Phase I findings, Planning Commission and City Council direction and public input. *August-October*
14. Present findings (alternatives)of the preliminary Subarea Plan to Council for review-*October & November*
15. Prepare submission to King County in support of adding the Northern Gateway study area to the UGA consistent with the Subarea Plan-*November-December*.

2013:

1. Docket Comprehensive Plan amendments for policies developed as part of the Covington Northern Gateway Subarea Plan (*January-February*)
2. Develop new Zoning District designations & development standards as part of the Subarea Plan for inclusion in Covington’s Municipal Code for property within Northern Gateway study area -*January to March*
3. Prepare Zoning District Guidelines and Text Amendments-*February & April*
4. Monitor UGA changes at King County-*January through December*
5. Process Comprehensive Plan amendments, Zoning District changes & text amendments for Covington’s Northern Gateway-*February through November*
6. Develop Interlocal Agreement with King County (If that method is selected) to process annexation application for Covington’s Northern Gateway study area -*May & June*
7. Process Annexation Application for Northern Gateway -*End of 2013*
8. Hold Council Hearings on Annexation Application-*End of 2013*
9. Development Applications may be submitted within annexed areas approved by Covington City Council and the Washington State Boundary Review Board ¹- *End of 2013*

Phase 1 -Deliverables

Site Analysis of Study Area
 Existing Conditions
 Critical Area Study
 Infrastructure Review
 Market Component
 Fiscal Analysis of Annexation Opportunities and Constraints

**Planning Commission/Council Briefing
 Public meeting/ Visioning**

Phase 2 - Deliverables

Subarea Plan Preliminary Draft (potentially with Alternative scenarios)
 Design Concept & Land Use Plan
 Service Improvements
 Utilities
 Environmental Protection & Open Space

**Planning Commission Review of Draft Subarea Plan
 Public meeting on Draft Plan**

Subarea Plan Review Draft incorporating any direction from PC, CC based on public feedback

Development of Design Guidelines and Development Standards to implement the Subarea Plan

Phase 3

Finalize Subarea Plan
 SEPA Review
 Process Comp Plan & Zoning Code Amendments

¹ No development applications will be accepted by the City until the annexation is completed and development applications are adopted by the City Council. Planning Commission February 16, 2012 35 of 51

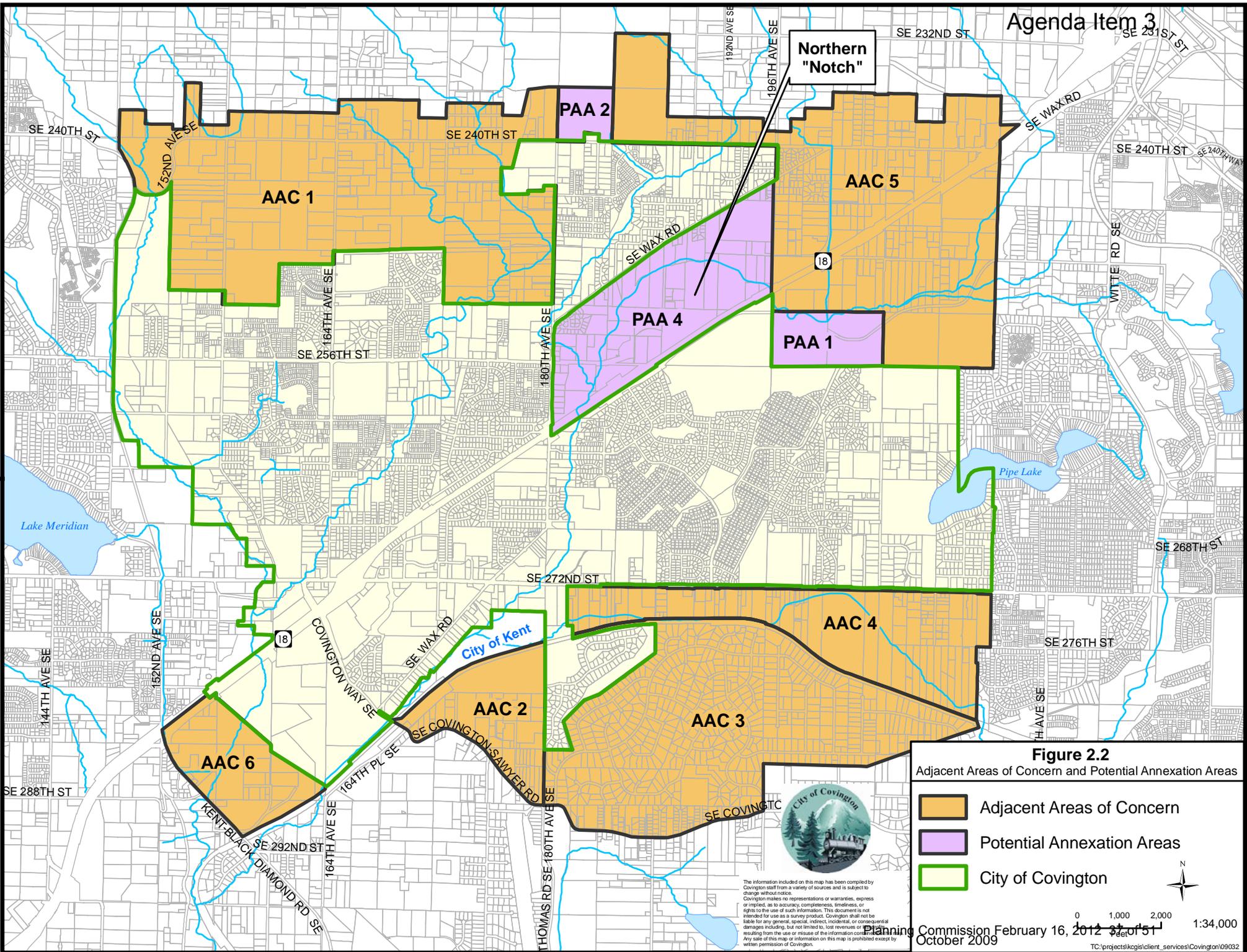


Figure 2.2

Adjacent Areas of Concern and Potential Annexation Areas

- Adjacent Areas of Concern
- Potential Annexation Areas
- City of Covington



The information included on this map has been compiled by Covington staff from a variety of sources and is subject to change without notice. Covington makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. Covington shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or other damages resulting from the use or misuse of the information contained herein. Any sale of this map or information on this map is prohibited except by written permission of Covington.

Planning Commission February 16, 2012 at 7:51
 October 2009

0 1,000 2,000
 1:34,000



Anderson, Baugh & Associates, LLC.
Professional Service Consultants
18215 72nd Ave S – Suite#127, Kent, WA 98032
P.O. Box 58792 Tukwila, WA 98138
Anderson.Baugh@Gmail.Com
425-656-7491

RECEIVED

JAN 17 2012

January 12, 2012

CITY OF COVINGTON

✓ Richard Hart, Community Development Director
Ann Mueller, Senior Planner
City of Covington
167 SE 271st St, # 100
Covington WA 98042

Re: Covington Northern Notch Subarea Study [CNNSS], 2012-2013

Dear Mr. Hart and Ms Mueller,

Our primary purpose today is to thank you for the recent meeting where in you detailed Covington’s proposal to study the Covington Northern Notch SubArea [CNNS] as a precursor to annexation of that area into the City at the behest of affected property owners. Having had the opportunity as agent [Anderson, Baugh & Associates, LLC] for the partnership [BranBar / H & C Enterprises, Inc., a Washington State Co-Tenancy] to review this proposal with them, they understand now and agree in the wisdom and logic of this approach for achieving the Co-Tenancy’s long held goal for commercial development on their property.

Although there had been an expressed desire to complete this process in 2012 and coordinating that result with King County’s 2012 Comprehensive Plan Update, it is now clear the City’s timeline for a comprehensive and community-wide planning effort is the best approach for all concerned. We know the City will do its best to move the process as swiftly as possible.

Coupling this planning study with King County’s Comprehensive Plan Update is still possible, we believe, if specific reference details to that end are resolved and captured under an Interlocal Agreement, [we have itemized below those detailed elements we feel should be included as a minimum].

Speaking as the Co-Tenancy’s agent, we whole heartedly accept the City’s proposal for studying the CNNS. We assume, that although the current work program we received from the City in December 2011 is comprehensive, we feel minor future interpretations and modifications should be possible when clarification becomes necessary. This is especially true for including a specific correlation between the CNNS study goals and previous King County correspondence received by the Co-Tenancy. Copies of that correspondence will be forward to you to insure that all of King County’s concerns regarding prerequisites to changing the CNNS to Urban

from Rural on their Comprehensive Plan have been addressed in this study. These "Essential Elements" are very important.

Further, we authorize the City to prepare and present us with a Developer Agreement concerning the proposed subarea work program. This document shall include developer responsibilities, including cost figures for the Co-Tenancy's proportionate share of work, and payment schedules. We understand from earlier discussions with you, the City intends to include areas Northeast of Hwy 18 in the study area. We assume the total study costs will be apportioned appropriately between property owners and developers with details illustrated clearly in the Developer Agreement.

A second purpose for this letter is to put the City on notice that [this request may be a redundant but covers a Code submittal requirement] pursuant to City of Covington's Municipal Code 14.25, we now seek before February 13, 2012 placement on the City's 2012 work program CNNS's [including properties owned by the Co-Tenancy] consideration for urban land use designations and zoning within the subarea. A separate application form (A-430), as specified by code, will be submitted on behalf of the Co-Tenancy before February 13, 2012, unless the City determines this letter to be sufficient for meeting all submittal code requirements. Please respond in writing or by email to this last point for the necessity of an additional application. This proposal includes also a request that the City negotiate an Interlocal Agreement with King County approving the conversion of the CNNS from Rural to Urban based on the City's pending planning study not withstanding that study would be adopted by the City.

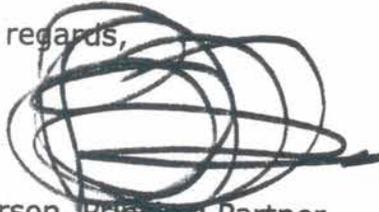
We assume as part of the CNNS study that the City will seek and execute an Interlocal Agreement with King County, [as noted above]. We believe this agreement should contain the following elements as a minimum:

- that King County accepts the CNNS study as the basis for meeting both the Growth Management Act and King County legal requirements for changing this area from Rural to Urban under the King County Comprehensive Plan;
- that King County supports Covington's efforts to annex, by request of individual property owners, parcels within the CNNS; and
- that if challenges arise from whatever source attempting to de-rail Covington's planning and annexation process for the CNNS, a cooperative effort will be joined by both King County and Covington to defend the integrity of the planning process.

While we accept and support the City's effort expressed in the CNNS study outline, we trust the City understands the Co-Tenancy's wishes to avoid any unnecessary delays in moving the study along to completion.

Again, thank you for understanding the importance of this planning request both for us and to Covington as well. We look forward to working with you, the community and the selected study consultant in the months ahead.

With warm regards,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Barry Anderson, Principal Partner
Anderson Baugh & Associates, LLC

cc: Dave Baugh
Brandon Anderson
BranBar/H & C, A Washington State Co-Tenancy

Attachments:

2012 - 2013 City Staff Outline of Work Tasks
January 12, 2012 Application for Comp Plan Amendment
November 14, 2011, John Starbard (KC DDES Dir) Letter
June 29, 2011 Docket Form, King County Comprehensive Plan
October 13, 2005 Stephanie Warden (KC DDES Dir) Letter
August 25, 2005 Larry Phillips (then Chair of the Metropolitan KC Council)



King County

**Department of Development
and Environmental Services**

900 Oakesdale Avenue Southwest
Renton, WA 98057-5212

206-296-6600 TTY 206-296-7217

November 14, 2011

Barry Anderson
Anderson, Baugh, and Associates
P.O. Box 58792
Tukwila, WA 98138-1792

Dear Mr. Anderson:

Thank you for participating in this year's docketing process. We appreciate hearing from you on your proposed change to the King County Comprehensive Plan (KCCP).

In your docket you proposed a change in the King County Comprehensive Plan land use designation from Rural to Urban for several parcels near the State Route 18 – SE 256th Street interchange in an area known as the Jenkins Creek Notch.. This proposal would require amending the Urban Growth Area (UGA) boundary to include these properties, and adding them to the Potential Annexation Area of the City of Covington.

The following King County Comprehensive Plan Policy R-203 and Countywide Planning Policies (CPP) apply to your request:

R-203 King County's Rural Area is considered to be permanent and shall not be redesignated to an Urban Growth Area until reviewed pursuant to the Growth Management Act (RCW 36.70A.130(3)) and Countywide Planning Policy FW-1

FW-1 STEP 8. The citizens and jurisdictions of King County are committed to maintaining a permanent Rural Area. The Growth Management Planning Council or its successor shall review all Urban Growth Areas ten years after the adoption and ratification of Phase II Amendments to the Countywide Planning Policies. The review shall be conducted utilizing monitoring reports and benchmark evaluation and be coordinated with evaluation and reporting requirements of state law. As a result of this review the Growth Management Planning Council or its successor may recommend to the Metropolitan King County Council amendments to the Urban Growth Area. Alternatively, King County may initiate consideration of Urban Growth Area amendments.

Barry Anderson
 November 14, 2011
 Page 2

Amendments shall be based on an evaluation of the following factors:

- the criteria in policies LU-26 and LU-27;
- the sufficiency of vacant, developable land and redevelopable land to meet projected needs;
- the actual and projected rate of development and land consumption by category of land use including both development on vacant land and redevelopment projects;
- the capacity of appropriate jurisdictions to provide infrastructure and service to the Urban Growth Areas;
- the actual and projected progress of jurisdictions in meeting their adopted 20-year goals and targets of number of households and employees per acre;
- the actual and projected rate of population and employment growth compared to adopted 20-year goals and target ranges, and compared to revised projections from the Washington State Office of Financial Management;
- the actual and projected trend of economic development and affordable housing indicators, as reported annually through the adopted monitoring and benchmarks program;
- indicators of environmental conditions, such as air quality, water quality, wildlife habitat, and others.

DP-16 Allow expansion of the Urban Growth Area only if at least one of the following criteria is met:

- a) A countywide analysis determines that the current Urban Growth Area is insufficient in size and additional land is needed to accommodate the housing and employment growth targets, including institutional and other non - residential uses, and there are no other reasonable measures, such as increasing density or rezoning existing urban land, that would avoid the need to expand the Urban Growth Area; or
- b) A proposed expansion of the Urban Growth Area is accompanied by dedication of permanent open space to the King County Open Space System, where the acreage of the proposed open space
 - 1) is at least four times the acreage of the land added to the Urban Growth Area;
 - 2) is contiguous with the Urban Growth Area with at least a portion of the dedicated open space surrounding the proposed Urban Growth Area
 - 3) Preserves high quality habitat, critical areas, or unique features that contribute to the band of permanent open space along the edge of the Urban Growth Area; or
- c) The area is currently a King County park being transferred to a city to be maintained as a park in perpetuity or is park land that has been owned by a city since 1994 and is less than thirty acres in size.

Barry Anderson
November 14, 2011
Page 3

Note – Countywide Planning Policy DP-16 was approved by the Growth Management Planning Council on September 21, 2011. This policy has not been acted on by the King County Council or ratified by the cities of King County.

The City of Covington has no documented shortfall of development capacity within existing city limits to accommodate their growth targets. For this reason, it has not been necessary to initiate reasonable measures to avoid the need to expand the UGA. This request is not consistent with the King County Comprehensive Plan Policy, the current Countywide Planning Policy cited above, and the GMPC-approved revised CPPs, which we expect will be ratified in 2012. Therefore, your docketed request is not supported by this Department.

I understand the City of Covington will be initiating a planning process to address your proposed land use change. My staff will review the results of this effort for consistency with the Growth Management Act, Vision 2040, the Countywide Planning Policies, and applicable King County Comprehensive Plan policies.

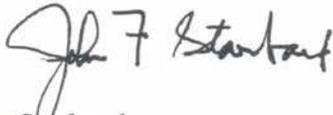
If you wish to pursue an urban land use designation despite the recommendation of this Department, you may file a Site Specific Land Use Amendment. The fee for this review is \$1,500.00. For information on this process, please visit our website at:
<http://www.kingcounty.gov/property/permits/codes/growth/CompPlan/amend.aspx#sitespecific>

Please be aware that Site Specific Land Use Amendments must be reviewed by the King County Hearing Examiner, who must hold a hearing and produce a written report to the King County Council. The Council could then consider the Examiner's recommendation in a subsequent update of the King County Comprehensive Plan.

In accordance with King County Code Title 20, a report of all docket items submitted to this Department by June 30, 2011 will be included in a report sent to the King County Council on December 1, 2011. If you have further questions or concerns, please contact Paul Reitenbach, Comprehensive Plan Manager, at 206-296-6705 or via email at Paul.Reitenbach@kingcounty.gov.

Again, thank you for participating in this year's docketing process.

Sincerely,



John Starbard
Director

cc: Lauren Smith, Land Use and Unincorporated Area Relations Manager,
Office of the King County Executive
Paul Reitenbach, Comprehensive Plan Manager, Director's Office, Department of
Development and Environmental Services (DDES)

ANDERSON, BAUGH & ASSOCIATES, LLC.
Professional Service Consultants
18215 72nd Ave S - Suite#127, Kent, WA 98032
P.O. Box 58792 Tukwila, WA 98138
Anderson.Baugh@gmail.Com
425-656-7491

June 29, 2011

TRANSMITTAL

Paul Reitenbach
Comprehensive Planning Manager
King County DDES
900 Oaksdale Avenue SW
Renton, Washington 98055-1219

RE: Interchange Center Property
Covington Notch
Docket Request

Paul Reitenbach,

Please find attached 2012 King County Docket Form [Comprehensive Plan] and two (2) page Docket Request Expanded Statement. We will, as studies, research and additional information become available through the year, continue to send KC DDES addendums, and updates.

Thank you in advance for the Staff's assistance with the Docket Process.

Anderson, Baugh & Associates, LLC.

Barry Anderson, Partner

RECEIVED
2011 JUN 30 PM 2:32
K.C.D.D.E.S.

KC Depts: Stamp Date Received



King County

Docket Form
King County Comprehensive Plan

RECEIVED
2011 JUN 30 PM 2:32
K.C.D.D.E.S.

DATE OF SUBMITTAL: June 30, 2011

NAME: Anderson, Baugh and Associates, LLC

ADDRESS: 18215 72nd Ave South, Suite #127, Kent, WA 98032

PHONE (please include area code): (206) 371-1378

KING COUNTY COUNCIL DISTRICT NO.: 9

TYPE (please check one): COMPREHENSIVE PLAN [X]
DEVELOPMENT REGULATION

DESCRIPTION OF DOCKETED ITEM:

Our proposal is to rezone approximately 60 acres, currently Rural "RA-5," to Urban "UR" to be completed in the 2012 King County Comprehensive plan 4-year cycle update. This proposal would require a move of the Urban Growth Boundary line.

Parcels to be included: 192206-9039, 192206-9014, 192206-9199, 192206-9200, 192206-9201
192206-9202, 192206-9203

HAND CARRY DELIVERED & USPS CERTIFIED MAIL # 70062760000316702829

*See Attached document for "Docket Request Expanded Statement."

ALL COMPLETED FORMS RECEIVED BY THE COUNTY WILL BE SENT TO THE DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES. SEE THE FOLLOWING PAGE FOR ADDITIONAL INFORMATION & MAILING ADDRESS. THIS DOCKET FORM CAN ALSO BE SUBMITTED ELECTRONICALLY BY VISITING THE KING COUNTY WEB SITE AT:
http://www.metrokc.gov/ddes/compplan/.

For Department Use only:
Docket No.
Response: Comprehensive Plan Amendment Required? Y/N
Preliminary Recommendation:

Interchange Property Docket Request

RECEIVED
 JUN 30 PM 2: 53
 K.C.D.D.E.S.

Change the current Comprehensive Plan designation of the subject property from Rural to Urban. Support for this request is based on the following new and changed circumstances since initial adoption of the Rural/Urban boundary:

1. Completion of SR-18/SE 256th Street freeway interchange - 2002
2. Adoption of comprehensive Critical Areas code KCC 21A.24 serving as resource protection and development limiting tool in specific cases (modern era) as opposed to the 80s approach of massive overkill at resource protection with Rural zoning rather than the specific methods used today.
3. General population and employment growth for Covington ten years ahead of forecast.
4. Covington's recognition that the Covington Notch (including the subject site) should be part of the City with a Planned Annexation Area #4 designation on the revised Covington Comprehensive Plan (2010).
5. Covington's commitment to conduct land use/zoning study of Covington Notch area (including subject site) beginning fall 2011 by utilizing planning commission review. The City on May 10, 2011 voted 7-0 to move beyond the City's current designation for the Covington Notch of Proposed Annexation Area 4, for a collaborative effort between the City, King County and the public to develop specific tasks, milestones, timelines. Anderson, Baugh & Associates, LLC will be requesting of the City a 2012 Comp Plan Amendment which will be submitted in the fourth quarter of 2011.
6. Because the required depth of detail necessary to show sufficiently the subject request as either consistent or inconsistent with existing King County Comprehensive Plan policies to allow for a plan change to urban is nearly impossible without public agency assistance, we hope King County will share in Covington's Comprehensive Plan study effort (item 5) before judging the final merits of this request. At the conclusion of Covington's study in 2012, all affected jurisdictions,

Covington, King County and Washington State should be in a better position to decide if the urban boundary should be modified as requested and by how much.. This is really the only practical approach for doing justice to the subject request. An added benefit to this approach would be the inclusive public involvement provided by Covington's lead agency role.

7. The Property Owners are committed to working with the City of Covington and KCDDDES to complete this 2012 Comp Plan Amendment.
8. Benefit to the public. As a result of the above noted conditions, the Covington Notch for all practical purposes currently portrays more urban features than rural; for example, high density neighborhoods, state hwy interchange, close proximity to urban services, bordered on three sides by City of Covington. Members of the City Council have commented that as the Northern Gateway to the City of Covington, the existing landscaping maintenance is a detraction to the City. The public would benefit by the City's maintenance and enhancement. The Public and City would benefit by the City's oversight to control development and zoning. And, the opportunity to expand jobs, retail services and parks and trails in the Jenkins Creek drainage.
9. Anderson, Baugh & Associates, LLC. will be adding supplemental addendums and updates throughout 2011 to more fully assist in expanding the understanding of this current docket request.



King County
Department of Development
and Environmental Services
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

October 13, 2005

Barry Anderson Jr.
BranBar LLC.
PO Box 7157
Covington, WA 98042

Dear Mr. Anderson:

Thank you for participating in this year's docketing process. We appreciate hearing from you on your proposed change to the King County Comprehensive Plan (KCCP).

In your docket you requested that property owned by BranBar LLC (parcel 1922069200) be designated Urban. In a telephone conversation with my staff, you indicated you are authorized to represent the BranBar parcel, but you would contact H and C Enterprises for authorization to represent several additional parcels under that ownership. An email reminder was also sent to you regarding the H and C parcels.

The following KCCP policy is applicable to your request:

R- 103 King County's Rural Area is considered to be permanent and shall not be redesignated to an Urban Growth Area until reviewed pursuant to the Growth Management Act (RCW 36.70A.130(3) and Countywide Planning Policy FW-1.

In 2003, King County and the cities within the county completed a detailed assessment of the development capacity within our Urban Growth Area, as envisioned by the Growth Management Act and the Countywide Planning Policies. This assessment, known as the "Buildable Lands Report," indicates there is sufficient development capacity within our Urban Growth Area to accommodate forecast growth for at least the next 10 years. Additionally, King County Code Chapter 20.18.030 specifies that annual updates of the KCCP should address issues that are technical in nature. Proposals to amend the Urban Growth Area are to be considered in the comprehensive updates of the KCCP, which occur every four years. The next comprehensive update of the KCCP will take place in 2008. For these reasons, there is no justification to redesignate your Rural property to Urban at this time.

Mr. Barry Anderson Jr.
October 13, 2005
Page 2

Your request to redesignate Rural land to Urban is therefore not consistent with the KCCP and not supported by this Department. If you wish to further pursue a land use redesignation for property you own, you may file a Site Specific Land Use Amendment. The fee for this review is \$1,500.00. For information on this process, please visit our website at: <http://www.metrokc.gov/ddes/compplan/amend.htm>.

Please be aware that Site Specific Land Use Amendments must be reviewed by the King County Hearing Examiner, who must hold a hearing and produce a written report by January 15, 2006. For this reason, I suggest filing this application by November 1, 2005, to allow sufficient time for review and processing.

King County Code Chapter 20.18.050 requires a docket request from the property owner to initiate a site-specific land use request. H and C Enterprises has not indicated you are authorized to represent them on a docket request for a land use redesignation for parcels 1922069014, -9199, -9201, -9202, and -9203. Therefore, those parcels will not be included in our 2005 report to the King County Council. H and C Enterprises may submit a docket request for their property by September 30, 2006 for consideration in the 2006 docket report.

In accordance with King County Code Title 20, a report of all docket items submitted to this Department by September 30, 2005, will be included in a report to be sent to the King County Council on December 1, 2005.

If you have further questions or concerns, please contact Paul Reitenbach, Senior Policy Analyst at 206-296-6705 or by email at paul.reitenbach@metrokc.gov.

Again, thank you for participating in this year's docketing process.

Sincerely,



Stephanie Warden
Director

cc: Paul Reitenbach, Senior Policy Analyst, Department of Development
and Environmental Services (DDES)

FROM : WCI

FAX NO. : 4256709132

AUG-30-2005 09:03

TRF PACIFIC

206 985 0102 P.03/04



LARRY PHILLIPS

Chair
Metropolitan King County Council

RECEIVED

AUG 29 2005

BUCK & GORDON

August 25, 2005

Brent Carson
Buck and Gordon LLP
2025 - 1st Avenue, Suite 500
Seattle, WA 98121RE: TRP Pacific LLC Request for Covington UGA Expansion

Dear Mr. Carson:

Thank you for inquiring about the possibility of an urban growth line amendment in 2006, affecting RA zoned lands in an unincorporated "notch" of land bounded on several sides by the City of Covington. I understand you met with staff members from the King County Council and King County Prosecuting Attorney's Office to provide information about your client's interest and proposal.

Unfortunately, I cannot support your request at this time. There is code authority under KCC 20.18.030.C to consider a revision to the urban growth line before the next major King County Comprehensive Plan (KCCP) update in 2008, if an actual need for additional commercial land is clearly demonstrated. However, I do not believe you have clearly demonstrated such an actual need. I offer the following points to explain my decision:

Development Activity Map

- ✧ A 900-job shortage was cited in the 2003 Covington Comprehensive Plan. The significant level of development activity in the Covington commercial area during 2004 may have taken care of that shortage.

Brent Carson
August 25, 2005
Page 2

Possible City of Covington Steps to Address this Issue

- ✧ Possibility that the City of Covington can address this issue within existing commercial land located within its current boundaries.
- ✧ Potential for Covington to expand the supply of commercial lands within current city boundaries.
- ✧ Potential to redevelop currently under-utilized commercial lands within current city boundaries.

Timeline for Action by Other Local Agencies

- ✧ It could take the entirety of 2006 for the City of Covington to approach the Growth Management Planning Council and complete a revision in the Countywide Planning Policies (CPPs).
- ✧ Some of the proposed commercial areas are located outside the boundary of the Soos Creek Sewer and Water District. A request to the District for a boundary change could take a significant amount of time to complete.

While I cannot support your request at this time, I believe that you have raised compelling questions for the future of the unincorporated "notch" bounded by the City of Covington. I look forward to the consideration of this matter as part of the 2008 Update of the KCCP.

Thank you again for contacting me on this important issue.

Sincerely,



Larry Phillips, Chair
Metropolitan King County Council

LP:rb

cc: Jay P. Derr, Buck & Gordon LLP
Scott White, Chief of Staff, King County Council
Shelley Sutton, Policy Staff Director, King County Council
Megan Smith, GMUAC Lead Staff, King County Council
Rick Bautista, Senior Legislative Analyst, King County Council
Darren Carnell, Senior Deputy Prosecutor, PAO
Steve Hobbs, Deputy Prosecutor, PAO