CALL TO ORDER

ROLL CALL
Chair Chele Dimmett, Vice Chair David Caudle, Jennifer Gilbert-Smith, Jonathan Ingram, Paul Max, Elizabeth Porter, & Murray Williams

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

C1. Minutes from December 21, 2017

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 your comments taking longer than the allotted time, you are encouraged to contact the Planning Department ten days in advance of the meeting so your item may be placed on the next available agenda.

UNFINISHED BUSINESS – None

PUBLIC HEARING – None

NEW BUSINESS- No Action Required

1. Discussion of Proposed Zoning Code Amendment to Reduce Setbacks in Mixed Housing and Office (MHO) Zone Along Wax Road [See staff memo and attachment 1]

ATTENDANCE VOTE

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

COMMENTS AND COMMUNICATIONS OF STAFF AND COMMISSIONERS

ADJOURN

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

December 21, 2017 City Hall Council Chambers

CALL TO ORDER
The regular meeting of the Planning Commission was called to order at 6:34 p.m. by Chair Dimmett.

MEMBERS PRESENT
Chele Dimmett, Jennifer Gilbert-Smith, Jonathan Ingram, Paul Max, David Caudle, Elizabeth Porter, and Murray Williams

MEMBERS ABSENT- None

STAFF PRESENT
Richard Hart, Community Development Director
Kelly Thompson, Planning Commission Secretary

APPROVAL OF MINUTES AND AGENDA
  C1. Commissioner Ingram moved and Commissioner Williams seconded to approve the corrected November 16, 2017 minutes and meeting agenda for December 21, 2017. Motion carried 7-0.

CITIZEN COMMENTS - None

UNFINISHED BUSINESS

PUBLIC HEARING

1. Zoning Code Amendment to CMC 18.85.120 Temporary Use Permits – Frequency and Duration

Chair Dimmett declared the public hearing open.

Community Development Director, Richard Hart, summarized the memorandum related to the proposed zoning code amendments to temporary use permits. He provided examples of events that are considered temporary uses requiring permits. He also shared that when researching other cities for the duration of their temporary use permits, they found that at 60 days, Covington is at the lower end of the range. Many cities allow a duration from 90 to 120 days.
The public hearing amendment applies to all temporary use permits. In the interest of transparency, Mr. Hart noted that the city has received an inquiry from a local church to allow car camping to serve the homeless that could be processed under this code change.

Federal laws also govern how the city would regulate such uses under the Religious Land Use and Institutional Persons Act (RLUIPA). Mr. Hart reviewed the types of conditions that a city can place on an encampment related to health and safety.

Commissioner Ingram asked how often a permit may be applied and whether a permit could be terminated for violating the conditions of the permit. Mr. Hart explained that the current permit is valid for 60 days within a 365-day period, and that a permit could potentially be suspended until a violation is corrected.

Mr. Hart stated that most of the temporary use permits the city issues are for a few days at a time. These tend to be short-term, seasonal events. Farmer’s markets tend to be longer in duration. The city receives only a few temporary use permit applications each year. If there are unintended consequences of extending the term of a temporary use permit, the City Council can remedy that action with future code amendments.

Chair Dimmett clarified that if the City Council approves the change to a term of 120 days, they could later change it back to a term of 60 days. Staff said “yes.”

Public Comment

Leslie Hamada, Covington resident and Chair of the Human Services Commission: She has volunteer experience at the Kent United Methodist Church running homeless car camping within a church parking lot. The City of Kent does not require a permit for this. There are rules and restrictions, and the good has far outweighed the bad. There are social services available to participants to help them get into jobs and housing. As part of the Human Services Master Plan, she feels that we should be looking at ways to do good in the community especially as it relates to homelessness. She wanted to be on the record that she has seen a lot of good come from this type of program. She lives and shops in this community and she has been thrilled to see how the program has worked in Kent. It would be a good time to see how it will work before the elementary school opens across the street. She wants to see the program done right and asks that the Planning Commission endorse extending the term of the temporary use permit to the City Council.

Tessie Alviz, Covington resident: She lives in the neighborhood next to the church. This is the first that they have heard about the proposed car camping for
homeless at the church. They would like more details about how this will work. They are concerned about public safety and sanitation.

Rose Kinsella, Administrator at St. John the Baptist Catholic Church: She appreciates the Planning Commission taking the time to review the inquiry from the church. Homelessness is a real situation and asks that they recommend to the City Council to approve the proposed change to the term of a temporary use permit to 120 days.

Nancy Huntington, Covington resident: She is in support of car camping at the church. She helped start a men’s homeless shelter over 25 years ago. She stated they would use 6-8 parking spots. The participants would be screened by Catholic Community Services. They are doing everything they can to ensure this program is a benefit to the church, the homeless, and the neighbors.

Norman Bailey, Auburn resident: The church plans to add surveillance cameras to help the neighbors feel safe. The program is desperately needed, and they know how well it has worked at the Kent United Methodist Church. He also likes the idea of starting the program before the elementary school opens. In the four year’s they have been operating in Kent, they have had no incidents. He asks that the Planning Commission recommend that the City Council approve extending the term of a temporary use permit to 120 days.

Mr. Hart addressed the public who had just learned about the church’s inquiry regarding car camping for homeless. The church has done outreach to the surrounding neighborhood and the city has responded to several inquiries from residences adjacent to the church.

Mr. Hart stated that the public hearing is to receive testimony regarding the duration that a temporary use permit is allowed. The public has expressed concern regarding the request for car camping. They are two different issues. Car camping would be permitted with conditions whether the term is 60 days or 120 days. The church’s request cannot be denied. However, the city could place conditions on the use related to public health and safety.

Chair Dimmert confirmed that the church could currently apply for a temporary use permit for 60 days for car camping for the homeless. Staff said “yes.”

Commissioner Ingram asked if granting a term of 120 days could be considered favoritism. Mr. Hart responded that no, because granting a term of 120 days does not apply to one use, but to all temporary uses in the community.

Commissioner Ingram would like to hear about other sites that allow car camping for the homeless. Mr. Hart responded that the City of Kent allows the use
A temporary use permit is not required, and they are not limited to a term in which they can operate. The Kent United Methodist Church has operated car camping successfully for four years.

Commissioner Ingram would also like information about crime statistics. Mr. Hart responded that any temporary use that comes in will have positive and negative impacts. Mr. Hart responded he is not able to provide any kind of specific crime statistics. His experience is related to homeless tent camping in Mercer Island, Kirkland, Bellevue, Seattle and Redmond over the past 20 years as a city planner in the State of Washington. His experience is that the homeless encampments have been well run. Background checks are conducted on the participants. There were no serious crime statistics to his knowledge. He has also spoken with the organizers of the Kent United Methodist Church car camping, and they have not reported problems related to an increase in crime attributed to the individual participants. There are federal and state laws that dictate that a city cannot deny a request for this type of use at religious institutions.

Kathy Morrow, Covington resident: She objects to car camping at the St. John the Baptist Catholic Church because the city does not have facilities or services for homeless, and she is concerned about the potential for increased crime.

Commissioner Ingram asked about what type of safeguards can the city place on temporary use permits. Mr. Hart responded that the city addresses fire and life safety issues including, but not limited to: anchoring of temporary structures/tents, emergency vehicle access, sanitation, public safety, and temporary power. The city conducts an inspection to ensure the use is set up according to the plan submitted with the application.

Commissioner Caudle confirmed if there were illegal activities as part of a temporary use, it becomes a matter of police response. Mr. Hart agreed.

Commissioner Ingram asked if rather than extending the term of a temporary use permit, could the city create a sub-section of the code related to car camping. Mr. Hart advised against this because that might be construed as passing a law to benefit only one entity or type of temporary use permit. The issue before the Planning Commission is a general provision for all temporary uses.

Chair Dimmett declared the public hearing closed.
Commissioner Caudle moved and Commissioner Williams seconded to recommend that the City Council approve the Zoning Code Amendment to Covington Municipal Code 18.85.120 Temporary Use Permits, Frequency and Duration to 120 days.

Commissioner Caudle feels that the duration of 120 days will best serve the community.

Commissioner Williams supports the duration of 120 days for all temporary uses, especially as it relates to the opportunity for farmer’s markets.

Commissioner Ingram questioned whether a term of 90 days would be appropriate. He asked what happens if the car camping continues after the temporary use permit expires. Mr. Hart responded that if the term of the permit is 120 days, and the applicant requested additional time, the request would be denied. The city would not violate its own code with a time extension.

Chair Dimmett does have some concerns about extending all temporary use permits to 120 days, but sees the positives. She would also be in favor of a 90-day term, but the motion on the table is 120 days.

The motion carries 6-0 with Commissioner Ingram abstaining.

NEW BUSINESS - None

ATTENDANCE VOTE- None

PUBLIC COMMENTS

Kathy Morrow, Covington resident: She is concerned that a homeless car camping at the church will increase the need for the police resources. Neighbors see someone in a hoodie running and the police get called. There is a school nearby. She wants there to be a home for everyone, but does not feel this is the place for it.

Norman Bailey, Auburn resident: He is a volunteer with the Kent United Methodist Church. He has spoken with Commander Rob Schull with the Kent Police Department and confirmed that there have been zero incidents in the four years of car camping at that church. They are going to take every step possible to ensure the safety of everyone involved.
COMMENTS AND COMMUNICATIONS FROM STAFF AND COMMISSIONERS

Mr. Hart shared that there is a joint study session with the City Council on Tuesday, January 23rd at 6:00 p.m. and asks the Planning Commission to try to attend. The regularly scheduled Planning Commission meetings in January are cancelled.

ADJOURN

The December 21, 2017, Planning Commission Meeting adjourned at 7:56 p.m.

Respectfully submitted,

_____________________________________________
Kelly Thompson, Planning Commission Secretary
To: Planning Commission  

From: Richard Hart, Community Development Director  

Date: February 15, 2018  

Re: Proposed Zoning Code Amendment for Reduction of Setbacks in the Mixed Housing & Office (MHO) Zoning District east of SE Wax Road CMC 18.31.090

City staff is currently reviewing a new mixed-use development proposal along SE Wax Road that faces challenges because of the 10-foot street setback requirements in the MHO Zoning District. The wide ROW dedication requirements for the eventual expansion of SE Wax Road and the critical area required buffers at the rear of the property along the east side of SE Wax Road between Covington Way SE and SE 272nd makes for a small buildable area for this lot. Many other similar properties on the east side of SE Wax Road, between Covington Way SE and SE 272nd Street, will face this same situation as they come up for redevelopment under our downtown zoning district regulations for the MHO zone.

When the city consolidated the former 13 downtown zoning districts into four less complicated districts in 2010, the street setback was increased to ten feet from zero feet (no street setback). While researching those changes staff can’t really determine why that change was made to the properties east of SE Wax Road. Two other commercial buildings in the area were constructed with no street setbacks before 2010. They are the Daniel Ross Salon and the Apex Office Center. The City’s 20-year Capital Improvement Plan (CIP) shows SE Wax Road being widened, and the CIP calls for an additional 20-40 feet to be acquired from the properties on the east side of SE Wax Road. This large ROW acquisition requirement, coupled with the large wetland and stream critical area and buffers at the back of these properties, along with the 10-foot front yard setback, causes large challenges to development, including maintaining enough buildable land area for a building footprint and required parking.

If the city is to encourage redevelopment of these parcels from older single-family homes to new multi-story mixed-use residential and office projects, staff recommends this street setback be reduced back to what it was several years ago-zero feet. This will be done by adding an exception in the table in CMC 18.31.090(1) next to the standard for minimum setback within District: “Except development located east of SE Wax Road in the MHO zoning district, the setback for non-single-family residential development from a street may be 0’ feet.” (See attachment 1) Otherwise, very little, if any, redevelopment may occur in this area. A reduction of street setbacks should not change the overall intent of the MHO zone in this area, and in fact, will support the desired goals of the downtown.

City staff believes this change in the street setback for the properties zoned MHO east of SE Wax Road will provide the incentives necessary to spur redevelopment of the older single-family homes along the east side of SE Wax Road, which supports the goals of our downtown in the Comprehensive Plan.
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.

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Town Center (TC)</th>
<th>Mixed Commercial (MC)</th>
<th>General Commercial (GC)</th>
<th>Mixed Housing Office (MHO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
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<td></td>
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<td></td>
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<tr>
<td>Dwelling Unit, Accessory</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P²</td>
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<tr>
<td>Dwelling Unit, Multifamily</td>
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<td>P</td>
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<td>P</td>
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<tr>
<td>Dwelling Unit, Single-Family Attached, Detached or Cottage Housing²¹²⁷</td>
<td>NP</td>
<td>NP</td>
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<td>P²</td>
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<tr>
<td>Senior Citizen Assisted Housing</td>
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<td>C</td>
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<tr>
<td>Commercial</td>
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<tr>
<td>Adult Entertainment</td>
<td>NP</td>
<td>P³</td>
<td>P³</td>
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<td>Business Services¹⁹</td>
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<td>P</td>
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<td>Drive-Through Use</td>
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<td>NP</td>
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<tr>
<td>Farmers’ Markets and Public Markets⁶</td>
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<td>P</td>
<td>P</td>
<td>NP</td>
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<tr>
<td>Gambling and Card Rooms</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
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<tr>
<td>Home Occupation and Live/Work</td>
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<td>Veterinary Clinics (SIC 074), Animal Shelters, Kennels, and Catteries²⁰</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
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<tr>
<td>Use Categories</td>
<td>Town Center (TC)</td>
<td>Mixed Commercial (MC)</td>
<td>General Commercial (GC)</td>
<td>Mixed Housing Office (MHO)</td>
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<td>--------------------------------------------------</td>
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</tr>
<tr>
<td>Outdoor Commercial</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
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<td>Personal and Beauty Services(^2)</td>
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<tr>
<td>Private Electric Vehicle Parking Facility (Primary Use)</td>
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<tr>
<td>Private Parking Facility (Primary Use)</td>
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<tr>
<td>Professional Office</td>
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<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail Trade and Services – 100,000 sq. ft. or less for all structures</td>
<td>P(^5)</td>
<td>P</td>
<td>P(^10)</td>
<td>P(^4,5)</td>
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<td>Retail Trade and Services – greater than 100,000 sq. ft. for all structures</td>
<td>C(^5,8,18)</td>
<td>P</td>
<td>P(^10)</td>
<td>NP</td>
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<tr>
<td>Shooting Ranges(^23)</td>
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<td>P</td>
<td>NP</td>
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<tr>
<td>Storage/Self Storage</td>
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<td>P(^8)</td>
<td>P</td>
<td>NP</td>
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<tr>
<td>Temporary Lodging/Hotel</td>
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<td>P</td>
<td>P</td>
<td>C(^22)</td>
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<tr>
<td>Marijuana Retailer and Retail Outlets(^28)</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>NP</td>
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<tr>
<td>Cultural/Recreation</td>
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<tr>
<td>Cinema, Performing Arts and Museums</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>Meeting Hall/Other Group Assembly</td>
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<td>C</td>
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<td>Recreation, Indoor or Outdoor</td>
<td>C</td>
<td>P</td>
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<tr>
<td>Religious</td>
<td>C(^7)</td>
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<tr>
<td>Health Services</td>
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<td></td>
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<tr>
<td>Emergency Care Facility</td>
<td>C(^6,18)</td>
<td>P</td>
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<tr>
<td>Hospital</td>
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<tr>
<td>Medical Office/Outpatient Clinic</td>
<td>P(^8)</td>
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<td>P</td>
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<tr>
<td>Nursing/Personal Care Facility</td>
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<td>C</td>
</tr>
<tr>
<td>Industrial/Manufacturing</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Asphalt Plants</td>
<td>NP</td>
<td>NP</td>
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<td>NP</td>
</tr>
<tr>
<td>Light Industrial/Manufacturing</td>
<td>NP</td>
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<td>P(^10)</td>
<td>NP</td>
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<tr>
<td>Government/Institutional(^11)</td>
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<tr>
<td>Essential Public Facilities</td>
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<tr>
<td>Government Services</td>
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<td>Major Utility Facility</td>
<td>C(^14)</td>
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<td>Minor Utility Facility</td>
<td>P(^15)</td>
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<td>Schools: Compulsory, Vocational and Higher Education</td>
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<tr>
<td>Wireless Communication Facilities(^16)</td>
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<tr>
<td>Antenna, Collocation on an Existing Structure(^17)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
Use Categories | Town Center (TC)| Mixed Commercial (MC) | General Commercial (GC) | Mixed Housing Office (MHO)
--- | --- | --- | --- | ---
Wireless Communication Facility Tower | NP | NP | NP | 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, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045.

9. The development shall be located west of the proposed 171st Ave. SE road alignment with frontage onto 168th Pl. 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, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045.

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, Wireless Communication Facilities, outlines the approval and review process. In the event of a conflict between the requirements of Chapter 18.70 CMC and the requirements of this chapter, Chapter 18.70 CMC shall govern.

17. All antennas and ancillary wireless communication facilities shall be concealed facilities and mounted on an existing building or structure or placed underground as provided for in Chapter 18.70 CMC.

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 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. Not permitted in any subdivision containing dwelling units; and

   f. May only treat domestic 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, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045. 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.

26. a. Multifamily residential dwellings in the TC zone shall be located in a minimum three-story mixed-use structure; and

   b. Sixty percent 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, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.

27. New and existing single-family attached and detached dwellings within commercial zones shall abide by the density and dimension standards for the R-8 zone provided in CMC 18.30.030.

28. Subject to the applicable 1,000-foot and 500-foot sensitive use buffers outlined in CMC 18.33.050. (Ord. 12-16 § 7; Ord. 03-16 § 1 (Exh. A); Ord. 05-15 § 1 (Exh. A); Ord. 06-13 § 2 (Exh. A); Ord. 14-12 § 2 (Exh. B); Ord. 09-12 § 2 (Exh. B); Ord. 04-12 § 1 (Exh. A); Ord. 01-12 § 1 (Exh. 1); Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 1 (Exh. A))

18.31.085 Permitted land use determination process.
(1) A use determination process shall be applied to any proposed use that does not clearly fit within the permitted use table in CMC 18.31.080(3) or contains multiple uses, e.g., retail and light manufacturing, processing or assembling, or an accessory use that is more than 25 percent of the floor area of the primary use.

(2) If the Director determines that a use determination process is required, the request for a use determination shall be submitted and a decision issued prior to submittal of the underlying land use application.

(3) If a land use application has been submitted, the Director shall issue a land use determination prior to the issuance of application completeness in accordance with CMC 14.35.030.

(4) The Director shall require information describing the use or uses on the site, their location and operational characteristics. The Director may approve, deny, or approve with conditions a land use determination within any downtown district based on all of the following criteria:

   a. The primary use is determined by the Director to be reasonably similar and related to one of the permitted use categories in a downtown district;

   b. The use is consistent with the district’s purpose statement and the comprehensive plan policies;

   c. The use can be accommodated in the existing structure in which it is proposed without requiring substantial modification to the form of the structure;
(d) The use does not have noxious impacts (excessive noise, odor, vibration, dust, etc.) on other nearby properties and uses; and

(e) The use will not result in significant transportation impacts that would not be mitigated by the required development standards.

(5) Applications for a land use determination shall be subject to review and approval procedures for a Type 2 land use decision process and shall be subject to fees as set forth in the current fee resolution. (Ord. 10-10 § 1 (Exh. A))

18.31.090 Downtown zoning districts density and dimension standards.

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

<table>
<thead>
<tr>
<th>Standards</th>
<th>Town Center (TC)</th>
<th>Mixed Commercial (MC)</th>
<th>General Commercial (GC)</th>
<th>Mixed Housing Office (MHO)</th>
<th>Exceptions and Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Height</td>
<td>75 feet</td>
<td>60 feet</td>
<td>55 feet</td>
<td>45 feet</td>
<td>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.</td>
</tr>
<tr>
<td>Maximum Residential Density (if ground floor is commercial)</td>
<td>Unlimited</td>
<td>Unlimited</td>
<td>Unlimited</td>
<td>24 D.U./acre</td>
<td>Residential use is not required in the downtown. For cottage housing, CMC 18.37.040 shall control.</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR) with Bonus Features</td>
<td>4:1</td>
<td>3:1</td>
<td>3:1</td>
<td>2:1, 1.25:1 east of Wax Road</td>
<td>No minimum FAR. Development within the Jenkins Creek Corridor shall utilize low impact development (LID) techniques as adopted in CMC 13.25.020.</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR) without Bonus Features</td>
<td>1.5:1</td>
<td>1:1</td>
<td>1:1</td>
<td>1:1, 1.75:1 east of Wax Road</td>
<td>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.</td>
</tr>
<tr>
<td>Maximum Impervious Surface</td>
<td>80%</td>
<td>90%</td>
<td>80%</td>
<td>70%; 50% east of Wax Road and south of SE 272nd St.</td>
<td>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.</td>
</tr>
<tr>
<td>Minimum Lot Frontage Occupied by a Building</td>
<td>Type I Street – 80%</td>
<td>Type II Street – 50%</td>
<td>Type IV Street – 40%</td>
<td>None</td>
<td>Except in the TC and MC districts, a minimum of 5 feet setback shall be provided from any public property other than a street. Except development located east of SE Wax Road in the MHO zoning district, the setback for non-single-family residential buildings from SE Wax Road may be 0’ feet.</td>
</tr>
<tr>
<td>Minimum Setbacks within District</td>
<td>None</td>
<td>None</td>
<td>20 feet</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>Minimum Setbacks from any public property other than a street</td>
<td>None</td>
<td>None</td>
<td>5 feet</td>
<td>5 feet</td>
<td></td>
</tr>
<tr>
<td>Standards</td>
<td>Minimum Setbacks to Adjoining Downtown District</td>
<td>Mixed Commercial (MC)</td>
<td>General Commercial (GC)</td>
<td>Mixed Housing Office (MHO)</td>
<td>Exceptions and Notes</td>
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<tr>
<td>Minimum Setbacks to Adjoining Downtown District</td>
<td>10 feet where adjoining the MHO District only</td>
<td>10 feet</td>
<td>N/A</td>
<td>10 feet</td>
<td>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.</td>
</tr>
<tr>
<td>Minimum Setbacks to Zones Outside the Downtown Zone</td>
<td>0</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>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.</td>
</tr>
</tbody>
</table>

(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. 14-12 § 2 (Exh. B); Ord. 10-10 § 1 (Exh. A))