The City of Covington is a destination community where citizens, businesses and civic leaders collaborate to preserve and foster a strong sense of unity.

PLANNING COMMISSION AGENDA
December 21, 2017
6:30 PM

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 November 16, 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 – Action Required

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

NEW BUSINESS- No Action Required

ATTENDANCE VOTE

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

COMMENTS AND COMMUNICATIONS OF STAFF AND COMMISSIONERS

ADJOURN
Planning Commission Minutes

November 16, 2017 City Hall Council Chambers

CALL TO ORDER
The regular meeting of the Planning Commission was called to order at 6:35 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
Ann Mueller, Senior Planner
Kelly Thompson, Planning Commission Secretary

APPROVAL OF MINUTES AND AGENDA

C1. Commissioner Max moved and Commissioner Porter seconded to approve the November 2, 2017 minutes and meeting agenda for November 16, 2017. Motion carried 7-0.

CITIZEN COMMENTS - None

UNFINISHED BUSINESS

1. Final Discussion and Recommendation on the 2018 Work Program
Community Development Director, Richard Hart shared that staff has incorporated feedback from the Planning Commission provided at the November 2, 2017 meeting, adjusted some of the hours allocated to tasks, and the order of priorities.

A supplemental memo has been provided to the Planning Commission regarding two additional proposed work plan items.

The first item is a proposal to amend the code to provide bicycle amenities within multi-family developments. There is a lack of current park facilities close to the
Polaris apartments. The city is currently working to acquire more land for a future park on the southeast side of Wax Road (So-Co Park).

The second item proposes to amend the code to allow homeless encampments and over-night car camping as an approved land use with a temporary use permit for a term of 120 days. Smaller suburban communities are receiving requests to assist the homeless community. Under RCW 35.21.195, the city must approve this type of request, but may place conditions upon the approval related to public health and safety. Currently, a temporary use permit is valid for 60 days. St. John the Baptist Church intends to request a zoning code amendment to allow for a term of 120 days. Staff is preparing to process the code amendment.

Commissioner Ingram shared that he proposed the request for bicycle amenities within multi-family developments. Polaris has no safe place for children to ride their bikes which is essential to a healthy lifestyle.

Chair Dimmett asked about traffic calming measures specifically related to pedestrians crossing from Covington Community Park to the middle school.

Mr. Hart responded that traffic calming measures are addressed in the policies of the Transportation Element of the Comprehensive Plan. Traffic calming measures can also be reviewed within the zoning districts in the zoning code for any standards that could be placed on specific uses. The Public Works department has open houses and public hearings related to traffic improvement plans where input can be provided.

In response to Commissioner Ingram’s request to add bicycle facilities, Mr. Hart shared that providing a trail system on a private development has the potential to use a significant portion of land. Most communities provide amenities such as bike trails on a neighborhood basis through capital projects. The city recently adopted a park impact fee which will be used for land acquisition for future parks. When Lakepointe develops, the developer will tie into a regional trail system and build an on-site trail system. When the school district decides to sell the current Covington Elementary School property, there may be some additional development opportunity in the town center. Otherwise, there is not a lot of available land for new multi-family development. Mr. Hart also noted that there is an outdoor play area at the Polaris apartments. It may not be in the most advantageous location, but they do meet the current requirement for on-site recreation.

Ms. Mueller added that staff could look at the city’s policies on circulation and tot lots. This may be something we can look at with other jurisdiction’s policies as well.
Commissioner Ingram would like this topic added as a future work plan item.

Chair Dimmett requested that the cod change for the Temporary Use Permit related to car camping be raised to a higher priority because we have a pending application. She suggests adding this item as number 12 and reallocating hours from other task items.

Mr. Hart shared that staff will research other cities for ideas and language to incorporate as the draft code is written. Catholic Community Services will conduct background checks on the individual applicants for St. John the Baptist Church along with providing referrals to counseling and social services. He also explained that once the 120 day term is up, the applicant can re-apply for another 120 day term in the next calendar year.

In response to a question from Commissioner Caudle regarding the number of hours spent on code amendments, Mr. Hart responded that the hours allocated represent legal noticing, allowing the opportunity for public comment, SEPA noticing, appeal periods, the public hearing before the Planning Commission and the City Council.

Commissioner Caudle asked about the possibility of banning fireworks as many neighboring cities have related to item 19 of the future work plan items.

Mr. Hart responded the issue of fireworks is separate from the typical noise provisions in the Noise Ordinance. The city council has declined to outlaw fireworks. From a police issue, unless the police are on the property and see the person light the device, there is nothing they can do.

Commissioner Porter asked whether items 16 and 17 were critical? She would like to see mobile food vendors as a higher priority over cleaning up old code.

Mr. Hart responded that the reason that work item number 14 (Title 19 Definitions) is a priority, as they are used for every project, every day. Staff also spends a considerable amount of time on pre-application meetings under work plan item number 16. The medium priority items will save staff time in the long run and will be completed during down time between higher priorities.

Commissioner Ingram wants the code amendments related to bicycle facilities in multi-family developments moved up the list of priorities if an application is submitted. Ms. Mueller explained the applicant is vested to the code once an application is submitted.
Commissioner Ingram moved, Commissioner Max seconded to recommend the Community Development and Planning Commission Work Program Items for 2018, adding a new number 12 for Code Amendments to Temporary Use Permits related to Homeless Encampments and adding a new number 26 for Code Amendments relating Bicycle Amenities for Multi-Family Apartments to the City Council. Motion Carried 7-0.

PUBLIC HEARING - None

NEW BUSINESS - None

ATTENDANCE VOTE- None

PUBLIC COMMENTS - None

COMMENTS AND COMMUNICATIONS FROM STAFF AND COMMISSIONERS

Mr. Hart shared that we will have the regularly scheduled Planning Commission on December 21, 2017.

Commissioner Caudle thanked staff for efforts on the 2018 Work Program and the Comprehensive Plan.

Commissioner Porter shared that Saturday, November 18, 2017 there is coffee chat scheduled with the Covington Police Department regarding safety and fireworks from noon to 1:00 p.m. at the Covington Library.

ADJOURN

The November 16, 2017, Planning Commission Meeting adjourned at 7:37 p.m.

Respectfully submitted,

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Kelly Thompson, Planning Commission Secretary
City Staff has received a request from a local religious institution about increasing the time frame for temporary use permits from 60 days to 120 days, as they intend to submit a request for a homeless encampment for car camping in their parking lot early next year in 2018. The religious institution has also spoken to several city council members about this topic, and one council member has asked the city manager if our department would prepare a code amendment to increase the time for all temporary use permits. The religious institution has indicated that they need to have 120 days to make the temporary homeless facility work from a cost/benefit standpoint.

Many other communities in the Puget Sound Region that have temporary use permits for such uses have 90 or 120 days as their maximum limits for these types of temporary uses, so an increase in the duration would not be out of line with many other communities in the region.

Homeless encampments sponsored by religious institutions is also strictly governed by RCW 35.21.915. This provision in state law limits local government actions and the conditions they may impose on such temporary homeless encampments when proposed by religious institutions. Cities may not deny such requests or impose conditions other than those necessary to protect the public health and safety of the community. In addition, cities may not impose fees in excess of the actual costs associated with the review of required permits. Further, cities may not impose conditions that substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on their property. (See Attachment 1)

Staff is also including some additional background information that might be useful for the Commission to know as a part of this code amendment, although your evaluation should be done considering all types of temporary uses that might be allowed throughout the entire city under this zoning code section, and not just a homeless encampment for one specific religious organization. The religious institution in question intends to ask for 8-10 spaces for cars to park and be used for sleeping at night only. Cars will have to leave the church in the morning and then be allowed to return that night. Restrooms and hand washing facilities will be provided, and the church will provide trash collection and disposal and daily cleaning of the parking lot. Background checks will be provided for all individuals using the facility to ensure there are no outstanding warrants for any criminal activity for the homeless individuals they are sheltering. All cars must have current registration and be licensed for operation.

City staff believes the request for increasing the duration and frequency is reasonable and will still allow the city to control those factors of health and public safety prescribed in the state statutes. (See attachment 2)
RCW 35.21.915
Temporary encampments for the homeless—Hosting by religious organizations authorized—Prohibitions on local actions.

(1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A city or town may not enact an ordinance or regulation or take any other action that:
   (a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;
   (b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or
   (c) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

(3) For the purposes of this section, "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(4) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

[2010 c 175 § 3.]

NOTES:

Findings—Intent—Construction—Prior consent decrees and negotiated settlements for temporary encampments for the homeless not superseded—2010 c 175: See notes following RCW 36.01.290.
18.85.120 Temporary use permits – Duration and frequency.

Temporary use permits shall be limited in duration and frequency as follows:

(1) The temporary use permit shall be effective for no more than 480-360 days from the date of the first event;

(2) The temporary use shall not exceed a total of 60-120 days; provided, that this requirement applies only to the days that the event(s) actually take place;

(3) Temporary use permits for recreational vehicles shall not exceed the duration and frequency as outlined in CMC 18.50.190(4);

(4) The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

(5) A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period.
PLANNING COMMISSION NOTICE OF PUBLIC HEARING
THURSDAY, DECEMBER 21, 2017 – 6:30 PM

NOTICE IS HEREBY GIVEN that pursuant to Chapter 35A.63.220 of the Revised Code of Washington, the Covington Planning Commission will hold a public hearing for consideration of amendments to Covington Municipal Code (CMC): CMC 18.85.120 Temporary use permits – Duration and frequency. The Planning Commission’s public hearing will take place on Thursday December 21, 2017 at 6:30 p.m., to be held in the Council Chambers at Covington City Hall, 16720 S.E. 271st Street, Covington, WA. 98042

The purpose of this public hearing is for the Planning Commission to hold a public hearing to receive comments from the public, both written and oral, regarding the proposed amendments to CMC 18.85.120. Duration and frequency of temporary use permits. These amendments are a non-project proposal and will apply citywide.

A hard copy of the application material prepared for these amendments by city staff is available at City Hall.

All persons desiring to comment may do so in writing to Kelly Thompson, Planning Commission Clerk, at 16720 SE 271st Street, Suite 100, Covington, Washington, 98042 (please be sure to include your name and mailing address) or by testifying at the public hearing on December 21, 2017.

NOTICE IS FURTHER GIVEN that agenda information will be posted by the Friday prior to the above meeting at Covington City Hall, and on the city’s web site: http://www.covingtonwa.gov/city_departments/executive/cityclerk/councilminutes.php

For further information, please contact Richard Hart, Community Development Director at rhart@covingtonwa.gov or by phone at 253-480-2441.

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