PLANNING COMMISSION AGENDA
August 3, 2017
6:30 PM

CALL TO ORDER

ROLL CALL
Chair Bill Judd, Vice Chair Chele Dimmett, Jennifer Gilbert-Smith, Jonathan Ingram, & Paul Max

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

C1. Minutes from July 20, 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 – No action Required

1. Presentation by Sam Pace, Seattle/King County Board of Realtors

PUBLIC HEARING – Action Required

2. Park Impact Fees and Amendments to Covington Municipal Code

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

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) 480-2400
Web Page: www.covingtonwa.gov
CALL TO ORDER
The regular meeting of the Planning Commission was called to order at 6:35 p.m. by Chair Judd

MEMBERS PRESENT
Chele Dimmett, Jennifer Gilbert-Smith, Jonathan Ingram, Bill Judd, Jim Langehough, and Paul Max

MEMBERS ABSENT
The record is noted that Commissioner White has resigned.

STAFF PRESENT
Brian Bykonen, Associate Planner and Code Enforcement Officer
Mary Gardocki, Parks Project Manager
Richard Hart, Community Development Director
Salina Lyons, Principal Planner
Ann Mueller, Senior Planner
Ethan Newton, Parks and Recreation Director
Kelly Thompson, Planning Commission Secretary

APPROVAL OF MINUTES AND AGENDA
- C1. Commissioner Ingram moved and Commissioner Gilbert-Smith seconded to approve the corrected July 6, 2017 minutes and meeting agenda for July 20, 2017. Motion carried 6-0.

CITIZEN COMMENTS
Sam Pace, representing 6300 members of the Seattle/King County Realtors Association, provided a transmittal letter explaining some of the realtors concerns on sign codes related to homes for sale at the last Planning Commission meeting. He also provided a white paper related to the Reed v. Town of Gilbert Supreme Court decision in 2015. They sought out the best attorney to assist local governments in sign code preparation. He provided two documents and various Covington home sales transactions and looked at the directions and maps to determine how many signs would be needed for a broker’s open house. The roundabouts are problematic because he does not want to clutter them with signs.
Mary Pat Minaglia, who manages 67 brokers at John L. Scott in Covington, indicated it’s important for their clients to be directed to the property. Real estate values are going up and houses are selling more quickly. It would be a detriment to their agents to not have open house signs. They see people coming to an open house, and most times it’s by signage. The City of Everett allows such signage, as opposed to Mountlake Terrace right next door, which does not allow signs, and the houses sell faster in Everett.

Michael Cranston, resident of Maple Valley, agent for John L. Scott, stated that open house signage has special importance and special constitutional protections. Every house they sell is at a different location. The location of the transaction moves every time.

Bill Allison, John L. Scott agent, indicated it will take longer to sell a house without real estate signs. Many times, home sales are urgent, and most homeowners do not want to be in the position of paying two mortgages, so the timeliness of the sale is very important. The use of temporary A-frame signs during an open house makes a big difference in how quickly a home sells.

Aaron Stafford, John L. Scott agent, stated GPS can be wrong. Please let us have temporary open house signs to get clients to view homes for sale as quickly as possible.

**UNFINISHED BUSINESS**

1. **Discussion of Sign Code**

Community Development Director, Richard Hart recapped the existing interim sign code, adopted by the city council, which prohibits all commercial signs in the public right-of-way. Non-commercial signs are allowed in the right-of-way. When the council adopted the interim sign code, they wanted to limit the proliferation of signs in the right-of-way.

Commissioner Max shared that the documentation that Mr. Pace provided is compelling. At this point, he would be an advocate for having the open house signage allowed in the right-of-way.

Mr. Hart said that the Realtors have provided research along with their values and opinions. Staff will provide you with options to consider before prior to making a decision. We hope to provide you more information in August. A Public Hearing will then be held, most likely in September.

Chair Judd added that looking at the original court case, it’s an unintended consequence to impact real estate signs.
The city’s attorney will be reviewing all the information provided and give the Commission an analysis on the whole sign code issue next month.

Commissioner Ingram does not like to see carved out categories for certain types of signs.

Commissioner Langehough wants to know how other cities are implementing the sign code.

Commissioner Gilbert-Smith asked about the variety of options to be provided to the Commission and how the terms ending for the two Planning Commission members will impact this issue and decision. The new Planning Commission members will be appointed in September. Mr. Hart indicated numerous options will be provided. He stated he typically meets with Planning Commission applicants and briefs them on the current agenda topics. So, the new Planning Commission members should be informed on the sign code issues. He has also provided them with the Commission packets on the subject.

**PUBLIC HEARING - None**

**NEW BUSINESS**

2. Discussion of Park Impact Fees

Principal Planner, Salina Lyons introduced Mary Gardocki, Parks Project Manager and Ethan Newton, Parks and Recreation Director.

The Park Impact Fee has been on our work plan since 2013. The Parks Department has adopted the Parks, Recreation and Open Space (PROS) plan and undertook the impact fee study. In order to implement this plan, the code needs to be amended. Under Covington Municipal Code (CMC) 18.35, a developer has to provide land, usually undesirable land, and does not pay into the larger park needs. CMC 18.122 is also proposed to be repealed.

Impact fees are a one-time payment, paid by developer, for capital cost of park facilities.

Ms. Gardocki shared the Parks Department’s Guiding Principles. She reviewed the factors of the growth forecast, cost per dwelling, and impact fee rate. They evaluated the current level of service ratio. She reviewed the cost per unit as broken down by community parks, neighborhood parks, and trails. She identified the units for growth to meet the needs of the community.

Ms. Lyons added that the impact fee is based on land costs.
Ms. Gardocki broke down the cost per person. The city has to supplement that fee from other funding sources. Using the growth rate, the city has the potential to amass $1,800,000. The Public Hearing is currently scheduled for August 3, 2017, and it will be heard by the City Council for review and discussion on August 22, 2017.

Impact fees are collected at the time of building permit issuance. The fees proposed are generally lower than other local cities. Staff will provide a chart of comparative fees to other jurisdictions.

Regarding multi-family units, they typically provide a recreation area, in addition to utilizing regional public parks. Bio-swales cannot be used as credit toward impact fees.

**ATTENDANCE VOTE - None**

**PUBLIC COMMENTS**

Sam Pace of the Seattle/King County Board of Realtors indicated that Mukilteo has changed their regulations to allow these types of open house signs in the ROW. Medina also now allows them. GPS has dead spots. Mr. Hart commented about using permits for such signs, and it is not cost effective, as evidenced in the City of Kent. Each Realtor affiliate maintains a business license. The Realtors Association will always help local governments with enforcement. The 9th Circuit Court of Appeals has given some protection to real estate signs. Cities must build a case for their sign codes to provide the courts with a record of their decisions.

**COMMENTS AND COMMUNICATIONS FROM STAFF AND COMMISSIONERS**

Ms. Lyons indicated the city is slated to issue a Notice to Proceed and building permits to Chick-Fil-A on August 2, 2017.

Mr. Hart asked how many Commissioners will be present on August 3, 2017 for the Public Hearing and meeting. Five Commissioners responded they will be attending. Commissioner Langehough stated tonight will be his last meeting, as he has a new job in Vancouver.

Ms. Gardocki indicated the ground breaking ceremony for the Covington Community Park, Phase 2, as well as the demo of the Allmond property for SoCo Park on Wax Road will be taking place next month.
Chair Judd thanked Commissioner White and Commissioner Langehough for their excellent service on the Commission for many years.

**ADJOURN**
The July 20, 2017, Planning Commission Meeting adjourned at 8:06 p.m.

Respectfully submitted,

______________________________
Kelly Thompson, Planning Commission Secretary
Memo

To: City of Covington Planning Commission
From: Salina Lyons, Principal Planner
CC: Richard Hart, Community Development Director
Ann Mueller, Senior Planner
Krista Bates, Permit/Planning Technician
Ethan Newton, Director of Parks and Recreation
Mary Gardocki, Parks Project Manager

Date: August 3, 2017
Re: Proposed Park Impact Fees- Public Hearing

At the June 20, 2017, Planning Commission Meeting, city staff provided an overview of RCW 82.02. regarding the collection and authority of cities to collect Impact Fees. Parks Project Manager, Mary Gardocki gave a PowerPoint presentation regarding the Park Impact Fee Study and associated park impact fee.

**Park Impact Fees- Fee Study & Code Amendments**

Parks and Recreation Department adopted the Parks, Recreation and Open Space (PROS) plan through Resolution No. 2016-03 on March 8, 2016. The PROS Plan is a six-year guide and strategic plan for managing and enhancing park, trail and recreation services in Covington. A copy of the PROS plan is available on the city’s Parks and Recreation Department’s website.

The PROS plan identified a capital facilities plan and asset inventory which was the foundational data used to develop the Park Impact Fee Study completed October 29, 2015. *(Attachment 1).* The costs associated with implementing the capital facilities are used to determine the impact fee.

Park Impact Fees would be based only on the the cost of new land and related costs required to meet the adopted Level of Service (LOS) as Covington continues to grow. The fee does not include the cost of improving the land. The adopted LOS is contained in the PROS plan, incorporated in the Rate Study for Park Land Impact Fee, and adopted by reference in the city’s Comprehensive Plan.

Based on the PROS 2015-2020 Capital Facilities Plan in the Rate Study for Park Land Impact Fee, the Park Impact Fee per Dwelling Unit fee is as follows:
Comparable Cities
The Planning Commission requested that the city provide a list of comparable cities and their park impact fee. Attachment 2 shows a list of the cities and their park impact fee. This information was collected by Association of Washington Cities (AWC) in 2010. While this data is seven years old it does show that the majorities of cities collect park impact fees.

Zoning Code Amendments (Attachments 3 & 4)
This is a city-initiated code amendment consistent with CMC 14.27 Development Regulations and Zoning Map Amendments. Tonight, the Planning Commission is holding the required public hearing on the attached amendments, to consider the amendments and any public comments, and to forward a recommendation to the City Council as to whether each proposed amendment meets the criteria in CMC 14.27.040.

CMC 14.27.040 Decision criteria.
The City Council’s approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

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

Staff Finding: The purpose of these amendments to our code is to comply with the Growth Management Act (GMA) and authority provided under State law that permits cities to collect impact fees against new development project to help pay for new or expanded public facilities that will directly address the increased demand created by that development.

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

Staff Finding: The collection of park impact fees will apply to new residential and multifamily development constructed within the City of Covington.

(3) Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;
**Staff Finding:** Not Applicable. There is no proposed zoning map amendment proposed.

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

**Staff Finding:** Not Applicable. There is no proposed zoning map amendment proposed.

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

**Staff Finding:** These proposed park impact fee code amendments will apply city-wide.

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

**Staff Findings:** These proposed amendments have not been proposed or reviewed by the City in the last three years.

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

**Staff Findings:** Not Applicable.

**Required Notice to Commerce.**
On June 27, 2017, pursuant to state law and CMC 14.27.050(4), the city has provided the Washington State Department of Commerce the proposed code amendment more than 60-days prior to the expected date of final City Council action. On June 27, 2017, the Washington State Department of Commerce granted a 14-day expedited review. No comments were received from agencies with jurisdiction.

**SEPA**
A SEPA determination of nonsignificance was issued on June 23, 2017, with a legal notice placed in the Covington Reporter, posted at city hall, and on the city’s website. Copies were also provided to the SEPA register, Muckleshoot Indian Tribe, and Ecology. No comments were received.

**Planning Commission Hearing**
This is a legislative action, the public hearing before the Planning Commission is scheduled for August 3, 2017, for review and recommendation to the City Council. Consistent with CMC 14.30.060, the Planning Commission public hearing was published in the Covington Reporter on
July 14, 2017, more than 14 days prior to the public hearing. Notice was also posted on the city’s website and at city hall.

**Action**

**Recommended motion:** Move to recommend to the City Council to adopt a new section, Chapter 19.60 Park Impact Fees and other associated amendments to Titles 18 & 19 related to the implementation of a park impact fee collection program.

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

**Attachments:**

1. Rate Study for Park Land Impact Fee
2. 2010 Comparable Cities- Park Impact Fee Survey
3. Draft Impact Fee Code- Title 18 & 19 Associated Amendments
RATE STUDY

FOR

PARK LAND
IMPACT FEE

FOR

CITY OF COVINGTON, WASHINGTON

October 29, 2015
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EXECUTIVE SUMMARY

The purpose of this study is to establish the rates for impact fees for park land in the City of Covington, Washington as authorized by RCW¹ 82.02.050 – 100. This study describes the methodology that is used to develop the fees, presents the formulas, variables and data that are the basis for the fees, and documents the calculation of the park land impact fee.

Impact Fee Rates
The rate for park land impact fees are $3,922 per single family dwelling unit, and $2,760 per multi-family dwelling unit.

Definition and Rationale of Impact Fees
Impact fees are charges paid by new development to reimburse local governments for the capital cost of public facilities that are needed to serve new development and the people who occupy the new development². New development is synonymous with “growth.”

Local governments charge impact fees on either of two bases. First, as a matter of policy and legislative discretion, they may want new development to pay the cost of its share of new public facilities because that portion of the facilities would not be needed except to serve the new development. In this case, the new development is required to pay for the cost of its share of new public facilities³.

¹ Revised Code of Washington (RCW) is the state law of the State of Washington.
² Throughout this study the term “developer” is used as a shorthand expression to describe anyone who is obligated to pay impact fees, including builders, owners or developers.
³ RCW 82.02.050(2) prohibits impact fees that charge 100% of the cost, but does not specify how much less than 100%, leaving that determination to local governments.
On the other hand, local governments may use other sources of revenue to pay for the new public facilities that are needed to serve new development. If, however, such revenues are not sufficient to cover the entire costs of new facilities necessitated by new development, the new development may be required to pay an impact fee in an amount equal to the difference between the total cost and the other sources of revenue.

There are many kinds of "public facilities" that are needed by new development, including parks, recreation and open space; streets and roads; fire protection facilities; schools; and water and sewer facilities. This study is for park land in the City of Covington, Washington.

**Impact Fees are Different Than Other Types of Developer Contributions**

The impact fees that are described in this study do not include any other forms of developer contributions or exactions, such as mitigation or voluntary payments authorized by SEPA (the State Environmental Policy Act, RCW 43.21C); system development charges for water and sewer authorized for utilities (RCW 35.92 for municipalities, 56.16 for sewer districts, and 57.08 for water districts); local improvement districts or other special assessment districts; linkage fees; or land donations or fees in lieu of land.

There are several important differences between impact fees and SEPA mitigations. Three aspects of impact fees that are particularly noteworthy are: 1) the ability to charge for the cost of public facilities that are "system improvements" (i.e., that provide service to the community at large) as opposed to "project improvements" (which are "on-site" and provide service for a particular development); 2) the ability to charge small-scale development their proportionate share, whereas SEPA exempts small developments;
and 3) the predictability and simplicity of impact fee rate schedules compared to the cost, time and uncertain outcome of SEPA reviews conducted on a case-by-case basis.

**ORGANIZATION OF THE STUDY**

This study contains two chapters and three appendices:

Chapter 1 summarizes the statutory requirements for developing impact fees, and describes how the study of Covington’s park land impact fee complies with the law.

Chapter 2 documents calculation of the park land impact fee, including descriptions of seven formulas, each variable used in the formulas, and the data used in each formula.

Appendix A presents the inventory of Covington’s existing park land and trails.

Appendix B contains the analysis of the need for park land.

Appendix C is a copy of the Capital Facilities Plan for future park acquisition and development.
1. STATUTORY REQUIREMENTS AND THIS STUDY

This chapter summarizes the significant statutory requirements pertaining to the calculation of impact fees in the State of Washington, and describes how this study of Covington’s park land impact fees complies with the statutory requirements. Each synopsis of a statutory requirement includes citations to the Revised Code of Washington as an aid to readers who wish to review the exact language of the statutes.

TYPES OF PUBLIC FACILITIES

RCW 82.02.050(2) and (4), and RCW 82.02.090(7)

Four types of public facilities can be the subject of impact fees: 1) public streets and roads; 2) publicly owned parks, open space and recreation facilities; 3) school facilities; and 4) fire protection facilities.

This Study

This study contains impact fees for land for parks and trails. In general, local governments that are authorized to charge impact fees are responsible for specific public facilities for which they may charge such fees. The City of Covington is legally and financially responsible for the park land it owns within its jurisdiction.

TYPES OF IMPROVEMENTS

RCW 82.02.050(3)(a) and RCW 82.02.090(5) and (9)

Impact fees can be spent on "system improvements" (which are typically outside the development and "designed to provide service to service areas within the community at large"). Impact fees cannot be used for "project improvements" (which are typically provided by the developer on-site within the development or adjacent to the
development, and "designed to provide service for a development project, and that are necessary for the use and convenience of the occupants or users of the project").

This Study
The park land impact fees in this study are calculated for system improvements that are listed in the Capital Facilities Plan (CFP) (see Appendix C). No project improvements are included in this study.

BENEFIT TO DEVELOPMENT

RCW 82.02.050(3)(a) and (c)
Impact fees must be limited to system improvements that are reasonably related to, and which will benefit new development.

This Study
There are many ways to fulfill the requirement that impact fees be "reasonably related" to the development's need for public facilities, including personal use and use by others in the family or business enterprise (direct benefit), use by persons or organizations who provide goods or services to the fee-paying property (indirect benefit), and geographical proximity (presumed benefit).

Impact fees for parks are charged to properties which need (i.e., benefit from) new parks. Parks are provided by the City of Covington to all kinds of property throughout the City regardless of the type of use of the property. Impact fees for park land, however, are only charged to residential development in the City because the dominant stream of benefits redounds to the occupants and owners of dwelling units. As a matter of policy, the City of Covington has decided not to charge park impact fees to non-residential properties. Impact fees for park land are calculated for all new residential development within the City of Covington.
The need for additional park land for new development is determined by using standards for levels of service for each type of park to calculate the quantity of land that is required. The required quantity is then compared to the existing inventory to determine the need for additional land. The analysis of needed park land must comply with the statutory requirements of identifying existing deficiencies, reserve capacity and new capacity requirements for facilities. An analysis of the need for additional park land is presented in Appendix B and summarized in Chapter 2.

In addition, a provision of Covington’s city code further ensures compliance with the requirement that expenditures be "reasonably related" to and benefit the development that paid the impact fee. All park land impact fee revenue is deposited to a separate account that can be used only for the specific projects in the Capital Facilities Plan that are the basis of this park land impact fee because their benefit has been demonstrated in determining the need for the projects and the portion of the cost of needed projects that are eligible for impact fees as described in this study (see Chapter 2, and Appendices B and C).

**PROPORTIONATE SHARE**

*RCW 82.02.050(3)(b) RCW 82.02.060(1) and RCW 82.02.090(6)*

Impact fees cannot exceed the development's proportionate share of system improvements that are reasonably related to the new development. The impact fee amount shall be based on a formula (or other method of calculating the fee) that determines the proportionate share.
This Study

There are four ways that this study complies with the proportionate share requirement.

First, the "proportionate share" requirement means that impact fees can be charged only for the portion of the cost of public facilities that is "reasonably related" to new development (as described above). As a result, impact fees cannot be charged to pay for the cost of reducing or eliminating deficiencies in existing facilities. Some impact fee studies use standards for park land that may result in existing deficiencies between the standards and the existing parks. This study for park land impact fees for Covington ensures that impact fees are not for existing deficiencies by using the ratio of existing park land to the current population as the basis for determining the need for park land and the amount of the impact fee. Ratios of existing land to current populations have no deficiencies, nor do they have any excess capacity.

Second, using the ratio of existing land to current population ensures that new development’s share is proportionate. The ratio “is what it is” for all of the current population, and new development is required to match it with the same proportionate share in order to maintain the same ratio as exists before the new development.

The third way in which Covington’s park land impact fee complies with the proportionate share requirement is by providing adjustments and credits to impact fees, as explained in the next section. These actions ensure that the amount of the impact fee does not exceed the proportionate share.
Fourth, this study uses seven formulas to calculate the proportionate share impact fee for park land in Covington.

**ADJUSTMENTS AND/OR CREDITS REDUCING IMPACT FEE AMOUNTS**

*RCW 82.02.050(1)(c) and (2), RCW 82.02.060(1)(b), and RCW 82.02.060(4)*

Impact fees rates must be adjusted to account for other revenues that the development pays (if such payments are earmarked for or proratable to particular system improvements). Impact fees may be credited for the value of dedicated land, improvements or construction provided by the developer (if such facilities are in the adopted CFP and are required as a condition of development approval).

**This Study**

The "adjustments" requirement reduces the impact fee to account for past and future payments of other revenues (if such payments are earmarked for, or proratable to, the system improvements that are needed to serve new growth). The impact fees calculated in this study include an adjustment that accounts for other revenue that is used by the City to pay for a portion of growth's proportionate share of costs. Chapter 4 includes an analysis of the other sources of revenue the City has to pay needed costs.

The "credit" requirement reduces impact fees of specific developers by the value of dedicated land, improvements or construction provided by the developer (if such facilities are in the adopted CFP and are required as a condition of development approval). This credit is in addition to the adjustment for other revenues described in the preceding paragraph.

The law does not prohibit a local government from establishing reasonable constraints on determining credits. For example, the location of dedicated land
and the quality and design of a donated public facility can be required to be acceptable to the local government, and meets local standards.

“Adjustments” are included in the calculation of the impact fee because the City can estimate the amount of other revenue it may receive for the same park projects that will be funded in part by impact fees. “Credits” are not included in the calculation of the impact fee rate in this study because it is not possible to predict which applicants will propose to contribute land. “Credits” are determined on a case-by-case basis when an applicant proposes to make such a contribution.

CAPITAL FACILITIES PLAN

*RCW 82.02.050(4), RCW 82.02.060(8), and RCW 82.02.070(2)*

Impact fees must be expended on public facilities in a capital facilities plan element (or used to reimburse the government for the unused capacity of existing facilities). The CFP must conform with the Growth Management Act of 1990, and must also identify existing deficiencies in facility capacity for current development, capacity of existing facilities available for new development, and additional facility capacity needed for new development, as required by RCW 82.02.050(4).

**This Study**

This study includes excerpts from the CFP for parks in Appendix C, and uses specific CFP projects to calculate the cost per acre (or mile of trail) that is one of the variables in the impact fee calculation.

Appendix B provides the required analysis that identifies existing deficiencies, capacity available for new development, and additional public facility capacity needed for new development. The analysis is based on levels of service ratios.
for each type of public facility. The results of Appendix B are summarized in Chapter 3.

**NEW VS. EXISTING FACILITIES**

*(RCW 82.02.060(1)(a)) and (RCW 82.02.060(8))*

Impact fees can be charged for new public facilities and/or to reimburse the government for the unused capacity of existing public facilities (subject to the proportionate share limitation described above).

**This Study**

This study bases the park land impact fee on new park land acquisitions in the CFP. As noted earlier, using the ratio of existing land to current population as the basis for the impact fee ensures that there is no existing deficiency, nor any surplus capacity. Therefore the park land that will serve new development will be provided by future acquisitions.

**SERVICE AREAS**

*RCW 82.02.060(7)*

Local governments must establish reasonable service areas (one area, or more than one, as determined to be reasonable by the local government).

**This Study**

Impact fees in some jurisdictions are collected and expended within service areas that are smaller than the jurisdiction that is collecting the fees. Impact fees are not required to use multiple service areas unless such “zones” are necessary to establish the relationship between the fee and the development. Park land impact fees are collected and expended in a single service area throughout the
boundaries of the City of Covington because of the compact configuration of the City and the accessibility of its park system to all residences.

OTHER STATUTORY REQUIREMENTS FOR ADMINISTERING IMPACT FEES

There are other statutory requirements that pertain to the administration of impact fees. Those requirements do not affect the calculation of the impact fee rate. The requirements are fulfilled in the City’s code, or administratively, as described below.

EXEMPTIONS FROM IMPACT FEES

RCW 82.02.060(2) and (3)

Local governments have the discretion to provide exemptions from impact fees for low-income housing and other "broad public purpose" development, but all such exemptions must be paid from public funds (other than impact fee accounts).

This Study

The City’s impact fee ordinance addresses the subject of exemptions. Exemptions do not affect the impact fee rates calculated in this study because of the statutory requirement that any exempted impact fee must be paid from other public funds. As a result, there is no increase in impact fee rates to make up for the exemption because there is no net loss to the impact fee account as a result of the exemption.

DEVELOPER OPTIONS

RCW 82.02.060(6), RCW 82.02.070(4) and (5), and RCW 82.02.080

Developers who are liable for impact fees can submit data and/or analysis to demonstrate that the impacts of the proposed development are less than the impacts
calculated in this rate study. Developers can pay impact fees under protest and appeal impact fee calculations. The developer can obtain a refund of the impact fees if the local government fails to expend the impact fee payments within 10 years, or terminates the impact fee requirement, or the developer does not proceed with the development (and creates no impacts).

This Study
All of these provisions are addressed in the City’s impact fee code, and none of them affect the calculation of impact fee rates in this study.

ACCOUNTING REQUIREMENTS

RCW 82.02.070(1)-(3)
The local government must separate the impact fees from other monies, expend the money on CFP projects within 10 years, and prepare annual reports of collections and expenditures.

This Study
These requirements are addressed by Covington’s impact fee code, and are not factors in the impact fee calculations in this study.

DATA SOURCES AND CALCULATION

Data Sources
The data in this study of impact fees for park land in the City of Covington, Washington was provided by the City of Covington unless a different source is specifically cited.
Data Rounding

The data in this study was prepared using computer spreadsheet software. In some tables in this study, there will be very small variations from the results that would be obtained using a calculator to compute the same data. The reason for these insignificant differences is that the spreadsheet software was allowed to calculate results to more places after the decimal than is reported in the tables of these reports. The calculation to extra places after the decimal increases the accuracy of the end results, but causes occasional differences due to rounding of data that appears in this study.
2. CALCULATION OF PARK LAND IMPACT FEE

This chapter documents the calculation of the park land impact fee for the City of Covington. The calculations are produced using seven formulas. Each formula is described, each variable used in each formula is explained, and the data and calculations are presented in a separate table for each formula.

1. Population

Impact fees are meant to have “growth pay for growth” so the first step in developing an impact fee is to quantify future growth in the City of Covington. The future population is calculated by adding the current population to the population growth for the next 6 years.

\[
\text{Current Population} \quad + \quad \text{Population Growth} \quad = \quad \text{Future Population}
\]

There are two variables that require explanation: 1-a, current population and 1-b, population growth from 2015 through 2020.

**Variable 1-a: Current Population**

The current population is the number of people who reside in Covington in 2014. The source for this is the State of Washington’s Office of Financial Management.

**Variable 1-b: Population Growth 2015-2020**

The estimate of additional population from 2015 through 2020 is a linear projection based on the average annual population growth during the last ten years (2004 – 2014).

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014 Current Population</td>
<td>18,480</td>
</tr>
<tr>
<td>Additional Growth (2015-2020)</td>
<td>1,209</td>
</tr>
<tr>
<td>Total as of 2020</td>
<td>19,689</td>
</tr>
</tbody>
</table>
2. Level of Service Ratio

Level of service ratios measure the average quantity of park land per 1,000 population. This is a common metric used in park planning and park impact fees. One of its uses is to estimate the quantity of park land that will be needed for future growth (which will be presented in formula 3, below).

The level of service ratio is calculated by dividing the existing acreage\(^4\) of each type of park by the current population.

\[
\text{Existing Acres of Parks} \div \text{Current Population} = \text{Current Level of Service Ratio}
\]

There is one new variable that requires explanation: 2-a, existing acres of parks.

**Variable 2-a: Existing Acres of Parks**

The acreage of each of Covington’s parks is listed in Appendix A – Inventory of Existing Parks. There are three categories of parks: community parks, neighborhood parks, and trails. Appendix A includes a total of the acreage for each category.

**Calculation of Level of Service Ratios**

The levels of service for park land for Covington’s impact fee are the ratios of existing park land per 1,000 current population for the year 2014. Table 2 lists each of the three types of parks, the existing acres from Appendix A, and the current population from Table 1.

The ratios are calculated in the final column of Table 2 by dividing the 2014 existing inventory by the 2014 current population, then multiplying the result times 1,000. The result is the current level of service ratio of each type of park for every 1,000 people in the Covington’s current population.

---

\(^4\) Covington’s park land acquisitions for community and neighborhood parks will be measured in acres. However, acquisitions for trails will be measured in lineal miles. For simplicity in this study, the term “acres” includes “miles” when referring to trails.
Table 2 – Inventory and Level of Service Ratio

<table>
<thead>
<tr>
<th>Type</th>
<th>Measurement Units</th>
<th>Existing Acres</th>
<th>Current Population</th>
<th>Level of Service Ratio per 1,000 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Parks</td>
<td>acres</td>
<td>50.20</td>
<td>18,480</td>
<td>2.72</td>
</tr>
<tr>
<td>Neighborhood Parks</td>
<td>acres</td>
<td>92.52</td>
<td>18,480</td>
<td>5.01</td>
</tr>
<tr>
<td>Trails</td>
<td>lineal miles</td>
<td>3.84</td>
<td>18,480</td>
<td>0.21</td>
</tr>
</tbody>
</table>

3. Park Land Needs for Growth

The park land needed for growth is calculated in order to ensure that Covington plans to acquire enough land to provide new growth with the same level of service ratio that benefits the current population. The acres of park land needed for growth are calculated by multiplying the level of service ratio times the population growth from 2015 through 2020 (divided by 1,000).

\[
\text{Current Level of Service Ratio} \times \frac{\text{Population Growth 2015 – 2020}}{1,000} = \text{Park Acres Needed for Growth}
\]

There are no new variables in formula 3.

Calculation of Land Needs for Growth

Table 3 shows the calculation of land needed for growth\(^5\). The current level of service ratios are from Table 2, and the population growth is from Table 1. The last two columns show the number of additional acres needed for growth, and the number of acres in Covington’s plans for future parks (the 2015-2020 Capital Facilities Plan).

The number of acres in the CFP must equal or exceed the number of acres needed for growth in order to provide at least the amount for which growth is paying impact fees. If

\(^5\) A different version of part of Table 3 is presented in Appendix B – Analysis of the Need for Park Land.
the CFP amounts are greater than the amount needed for growth, the City pays for the additional amounts, and growth pays only for the amount that it needs.

Table 3 – Park Land Needs for Growth

<table>
<thead>
<tr>
<th>Type</th>
<th>Measurement Units</th>
<th>Level of Service Ratio per 1,000 Population</th>
<th>Additional Growth 2015-2020</th>
<th>Additional Acres Needed for Growth 2015-2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Parks</td>
<td>acres</td>
<td>2.72</td>
<td>1,209</td>
<td>3.3</td>
</tr>
<tr>
<td>Neighborhood Parks</td>
<td>acres</td>
<td>5.01</td>
<td>1,209</td>
<td>6.1</td>
</tr>
<tr>
<td>Trails</td>
<td>lineal miles</td>
<td>0.21</td>
<td>1,209</td>
<td>0.3</td>
</tr>
</tbody>
</table>

4. Park Land Cost per Acre

The cost per acre of park land is the cost basis for the impact fee (in formula 5, below).

The cost per acre of park land is calculated by dividing the cost of proposed park acquisitions by the number of acres to be acquired.

\[
\text{Cost of Park Land Acquisitions} \div \text{Acres to be Acquired} = \text{Park Land Cost per Acre}
\]

There are two variables that require explanation: 4-a, cost of land acquisitions and 4-b, acres to be acquired.

**Variable 4-a: Cost of Park Land Acquisitions**

The park land impact fees are based on three different park types and each type has a different cost per acre. The costs are from the City’s plans for future parks listed in Appendix C. If more than one acquisition is planned for a type of park the total cost of all acquisitions is used in order to calculate the weighted average cost per acre.

**Variable 4-b: Acres to be Acquired**

The acres to be acquired are from the same projects listed in Appendix C. If more than one acquisition is planned for a type of park the total acres of all acquisitions is used in order to calculate the weighted average cost per acre.
**Calculation of Park Land Cost per Acre**

Calculations of park land costs per acre are presented in Table 4. The acquisition costs and acreage for each type of park are from Appendix C. The average cost per acre in the last column is the result of dividing the acquisition cost by the number of acres to be acquired. The variation among the costs per acre are consistent with real estate markets. Community parks are typically larger than neighborhood parks, and large parcels typically have lower costs per acre than smaller parcels. Trail costs are per mile, and cannot be compared to park costs per acre.

<table>
<thead>
<tr>
<th>Type</th>
<th>Measurement</th>
<th>Acquisition Cost</th>
<th>Acres to be Acquired</th>
<th>Average Cost per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Parks</td>
<td>acres</td>
<td>$2,010,000</td>
<td>20.00</td>
<td>$100,500</td>
</tr>
<tr>
<td>Neighborhood Parks</td>
<td>acres</td>
<td>2,330,000</td>
<td>7.65</td>
<td>304,575</td>
</tr>
<tr>
<td>Trails</td>
<td>lineal miles</td>
<td>65,300</td>
<td>2.00</td>
<td>32,650</td>
</tr>
</tbody>
</table>

5. Park Land Cost per Person

The cost of park land per person is needed for calculating the impact fee rate in formulas 6 and 7. The cost per person of future park land acquisition is calculated by multiplying the park land cost per acre times the level of service standard.

\[
\text{Park Land Cost per Acre} \times \text{Current Level of Service Ratio} = \text{Park Land Cost per Person}
\]

There are no new variables in formula 5.

**Calculation of Park Land Cost per Person**

Table 5 contains the calculations: each cost per acre (from Table 4) is multiplied by the corresponding level of service ratio from Table 2, with the result being the cost for 1,000 persons. That result is divided in the final column by 1,000 to establish the cost per person. The costs per person for the three types of park are then combined into a total...
dollar cost per person for all three types of parks in order to develop a total cost per person as the basis of the impact fee.

Table 5 – Park Land Cost per Person

<table>
<thead>
<tr>
<th>Type</th>
<th>Measurement</th>
<th>Total Cost per Acre or Mile</th>
<th>Level of Service Ratio per 1,000 Population</th>
<th>Cost per 1,000 Population</th>
<th>Cost per Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Parks</td>
<td>acres</td>
<td>$100,500</td>
<td>2.72</td>
<td>$273,360</td>
<td>$273</td>
</tr>
<tr>
<td>Neighborhood Parks</td>
<td>acres</td>
<td>304,575</td>
<td>5.01</td>
<td>1,525,922</td>
<td>1,526</td>
</tr>
<tr>
<td>Trails</td>
<td>lineal miles</td>
<td>32,650</td>
<td>0.21</td>
<td>6,857</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,806</td>
</tr>
</tbody>
</table>

6. Net Cost Per Person

The net cost per person is calculated by adjusting the park land cost per person to subtract the adjustment for other revenue.

\[
\text{Net Cost per Person} = \text{Park Land Cost per Person} - \text{Adjustment for Other Revenue}
\]

There is one new variable that requires explanation: 6-a, adjustment for other revenue.

**Variable 6-a: Adjustment for Other Revenue**

The revenue adjustment is a reduction of the cost per person to account for other revenues used by the City for park projects. The City’s CFP for all projects lists grant revenues totaling $7.2 million. These are estimates of future grants for all park projects, so there may be some variation between these estimates and the amounts and specific projects for which the City will receive grants. The most conservative approach is to assume that the total amount of all the grants ($7.2 million) may be available in the same proportion for land acquisition as for all other park projects. Therefore, dividing $7.2 million of potential grants by the total $36.8 million cost of all projects indicates that 19.57% of all projects may be funded by grants.
Calculation of Net Cost per Person

Table 6 begins with the cost per person from Table 5, then calculates 19.57% of the total cost as the amount of the adjustment for other revenue for park projects. Subtracting the $353 adjustment from the total $1,806 leaves a net cost of $1,453 per person.

Table 6 – Net Cost per Person

<table>
<thead>
<tr>
<th>Type</th>
<th>Cost per Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cost per Person</td>
<td>$1,806</td>
</tr>
<tr>
<td>Percent From Other Funding Sources</td>
<td>19.57%</td>
</tr>
<tr>
<td>Cost per Person From Other Funding</td>
<td>$353</td>
</tr>
<tr>
<td>Net Cost per Person</td>
<td>$1,453</td>
</tr>
</tbody>
</table>

7. Impact Fee Per Dwelling Unit

The impact fee per dwelling unit is calculated by multiplying the net cost per person times the number of persons per dwelling unit.

Net Cost per Person \( \times \) Persons per Dwelling Unit = Impact Fee per Dwelling Unit

There is one new variable that requires explanation: 7-a, persons per dwelling unit.

Variable 7-a: Persons per Dwelling Unit.

The number of persons per dwelling unit is the factor used to convert the cost of park land per person into the impact fee per dwelling unit. Covington determined the persons per dwelling unit using census and buildable lands data as well as school district data and provided that data for Table 7.
**Calculation of Impact Fee per Dwelling Unit**

In Table 7 (on the next page) the net cost per person (from formula 6) is multiplied by the average number of persons per dwelling unit to calculate the park land impact fee per dwelling unit.

**Table 7 – Impact Fee per Dwelling Unit**

<table>
<thead>
<tr>
<th>Type</th>
<th>Net Cost per Person</th>
<th>Average Persons per Dwelling Unit</th>
<th>Impact Fee per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling Units</td>
<td>$ 1,453</td>
<td>2.7</td>
<td>$ 3,922</td>
</tr>
<tr>
<td>Multi-Family Dwelling Units</td>
<td>1,453</td>
<td>1.9</td>
<td>2,760</td>
</tr>
</tbody>
</table>
APPENDIX A: INVENTORY OF EXISTING PARKS

The parks system in Covington presently consists of 50.20 acres of community parks, 107.64 acres of neighborhood parks, 110.48 acres of open space, and 3.84 miles of trails. The neighborhood parks inventory includes parks owned by Homeowners Associations (HOAs) because those parks serve the function of a neighborhood park for their association, therefore the City would not develop a City-owned neighborhood park in the same service area. Open space is not included in this park land impact fee because the City has a separate requirement for donation of critical areas that include natural areas. A complete inventory is listed in Table A.

Table A – Covington Parks and Trails (2014)

<table>
<thead>
<tr>
<th>Type and Name of Park</th>
<th>Total Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Parks</td>
<td></td>
</tr>
<tr>
<td>Jenkins Creek Park</td>
<td>20.30</td>
</tr>
<tr>
<td>Covington Community Park</td>
<td>29.90</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>50.20</strong></td>
</tr>
<tr>
<td>Neighborhood Parks</td>
<td></td>
</tr>
<tr>
<td>City Owned and Maintained</td>
<td></td>
</tr>
<tr>
<td>Evergreen Park</td>
<td>1.70</td>
</tr>
<tr>
<td>Crystal View Park</td>
<td>1.90</td>
</tr>
<tr>
<td>Friendship Park</td>
<td>0.60</td>
</tr>
<tr>
<td><strong>City Owned, Maintained by HOA</strong></td>
<td></td>
</tr>
<tr>
<td>Abotsford Estates Park</td>
<td>2.75</td>
</tr>
<tr>
<td>The Reserve</td>
<td>9.40</td>
</tr>
<tr>
<td>Tamarack</td>
<td>16.80</td>
</tr>
<tr>
<td>Channing</td>
<td>0.40</td>
</tr>
<tr>
<td><strong>HOA Owned and Maintained</strong></td>
<td></td>
</tr>
<tr>
<td>Coho Creek HOA</td>
<td>2.17</td>
</tr>
<tr>
<td>Crofton Heights HOA</td>
<td>4.61</td>
</tr>
<tr>
<td>Crofton Hills HOA</td>
<td>0.29</td>
</tr>
<tr>
<td>Pearl Jones HOA</td>
<td>1.07</td>
</tr>
<tr>
<td>Tamarack HOA</td>
<td>0.58</td>
</tr>
<tr>
<td>The Reserve HOA</td>
<td>9.43</td>
</tr>
<tr>
<td>Timber Hills HOA</td>
<td>1.85</td>
</tr>
<tr>
<td>Timberlane HOA</td>
<td>5.22</td>
</tr>
<tr>
<td>Winterwood Estates HOA</td>
<td>43.80</td>
</tr>
<tr>
<td>Aqua Vista at Pipe Lake HOA</td>
<td>0.75</td>
</tr>
<tr>
<td>Type and Name of Park</td>
<td>Total Acres</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Channing Park HOA</td>
<td>0.36</td>
</tr>
<tr>
<td>Cornerstone HOA</td>
<td>0.41</td>
</tr>
<tr>
<td>Glennwood HOA</td>
<td>0.31</td>
</tr>
<tr>
<td>Maple Creek HOA</td>
<td>0.13</td>
</tr>
<tr>
<td>Morgans Creek</td>
<td>0.07</td>
</tr>
<tr>
<td>N. Rainier Vista HOA</td>
<td>0.05</td>
</tr>
<tr>
<td>North Parke HOA</td>
<td>0.48</td>
</tr>
<tr>
<td>Parke Meadows HOA</td>
<td>0.45</td>
</tr>
<tr>
<td>Pearl Jones HOA</td>
<td>0.03</td>
</tr>
<tr>
<td>Pioneer Ridge (High Point) HOA</td>
<td>0.25</td>
</tr>
<tr>
<td>S. Rainier Vista HOA</td>
<td>1.08</td>
</tr>
<tr>
<td>Savana HOA</td>
<td>0.57</td>
</tr>
<tr>
<td>Wood Crest HOA</td>
<td>0.13</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>107.64</strong></td>
</tr>
</tbody>
</table>

**Trails**

<table>
<thead>
<tr>
<th>Type and Name of Park</th>
<th>Total Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Covington Community Park</td>
<td>1.50</td>
</tr>
<tr>
<td>Evergreen Park</td>
<td>0.07</td>
</tr>
<tr>
<td>Friendship Park</td>
<td>0.06</td>
</tr>
<tr>
<td>Jenkins Creek Park</td>
<td>0.95</td>
</tr>
<tr>
<td>Jenkins Creek Trail</td>
<td>0.22</td>
</tr>
<tr>
<td>Rainier Vista Park</td>
<td>0.78</td>
</tr>
<tr>
<td>Wingfield (Coho) Open Space</td>
<td>0.26</td>
</tr>
<tr>
<td><strong>TOTAL MILES</strong></td>
<td><strong>3.84</strong></td>
</tr>
</tbody>
</table>
APPENDIX B: ANALYSIS OF THE NEED FOR PARK LAND

RCW 82.02 requires impact fees to be based on the City's Capital Facilities Plan, and requires it to identify existing deficiencies in facility capacity for current development, capacity of existing facilities available for new development, and additional facility capacity needed for new development. The purpose of this appendix is to summarize existing deficiencies and reserves, and needs for additional capacity for new development (based on data provided in the City's comprehensive plan).

The need for parks is determined by multiplying the level of service ratio for each type of park times the population to calculate the quantity that is required. The population is from Table 1, and the level of service ratio of existing parks to current population is from Table 2.

The quantity required is then compared to the existing inventory to determine existing deficiencies, reserve capacity, and needed new park land. The inventory of existing parks is from Table A.

Table B shows the analysis of park land needs for the current population and for population growth from 2015 through 2020.

The data illustrate that the existing inventory of park land serves the current population, therefore there is no existing deficiency, and no reserve capacity of existing parks to serve future growth.

The increase in population during the next 6 years from 2015 through 2020 requires the addition of park land to accommodate the persons from dwelling units created by new development. Specifically, in the next 6 years the City of Covington will need an additional 3.28 acres of community parks, 7.04 acres of neighborhood parks, and 0.25
mile of trails. All of these needs are for population growth from new development from 2015 through 2020.

Table B – Analysis of Need for Park Land

<table>
<thead>
<tr>
<th>Component</th>
<th>Level of Service Ratio</th>
<th>2014 Current</th>
<th>Additional Growth (2015-2020)</th>
<th>Total as of 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Parks</td>
<td>2.72</td>
<td>18,480</td>
<td>1,209</td>
<td>19,689</td>
</tr>
<tr>
<td></td>
<td></td>
<td>50.20</td>
<td>3.28</td>
<td>53.48</td>
</tr>
<tr>
<td></td>
<td></td>
<td>50.20</td>
<td>0.00</td>
<td>50.20</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(3.28)</td>
<td>(3.28)</td>
</tr>
<tr>
<td>Neighborhood Parks</td>
<td>5.01</td>
<td>18,480</td>
<td>1,209</td>
<td>19,689</td>
</tr>
<tr>
<td></td>
<td></td>
<td>92.52</td>
<td>6.05</td>
<td>98.57</td>
</tr>
<tr>
<td></td>
<td></td>
<td>92.52</td>
<td>0.00</td>
<td>92.52</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(6.05)</td>
<td>(6.05)</td>
</tr>
<tr>
<td>Trails</td>
<td>0.21</td>
<td>18,480</td>
<td>1,209</td>
<td>19,689</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.84</td>
<td>0.25</td>
<td>4.09</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.84</td>
<td>0.00</td>
<td>3.84</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(0.25)</td>
<td>(0.25)</td>
</tr>
</tbody>
</table>

Sources:
Level of Service Ratio: Table 2
City Population: Table 1
Existing Inventory: Appendix A
APPENDIX C: CAPITAL FACILITIES PLAN - 2015-2020

RCW 82.02 requires impact fees to be based on the City's Capital Facilities Plan (CFP). Table C is an excerpt from Covington’s CFP for parks for the years 2015 – 2020. It lists projects for community parks, neighborhood parks and trails that involve acquisition of additional land. The list includes each project’s total cost and the land acquisition portion of each project (because that is the basis for the park land impact fee).

Table C – Capital Facilities Plan for Parks: 2015-2020 (Excerpt)

<table>
<thead>
<tr>
<th>Project</th>
<th>CFP #</th>
<th>CFP Budget</th>
<th>Land Acres</th>
<th>Land Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Park</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Park #3</td>
<td>1178</td>
<td>4,510,000</td>
<td>20.00</td>
<td>2,010,000</td>
</tr>
<tr>
<td>Sub-total</td>
<td></td>
<td>4,510,000</td>
<td>20.00</td>
<td>2,010,000</td>
</tr>
<tr>
<td>Neighborhood Park</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Covington (SoCo) Park</td>
<td>1019</td>
<td>5,523,599</td>
<td>5.65</td>
<td>1,830,000</td>
</tr>
<tr>
<td>Neighborhood Park #5</td>
<td>xxxx</td>
<td>500,000</td>
<td>2.00</td>
<td>500,000</td>
</tr>
<tr>
<td>Sub-total</td>
<td></td>
<td>6,023,599</td>
<td>7.65</td>
<td>2,330,000</td>
</tr>
<tr>
<td>Trails</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pipeline Trail North</td>
<td>1101</td>
<td>477,507</td>
<td>1.00</td>
<td>5,300</td>
</tr>
<tr>
<td>Jenkins Creek Trail</td>
<td>1110</td>
<td>80,000</td>
<td>1.00</td>
<td>60,000</td>
</tr>
<tr>
<td>Sub-total</td>
<td></td>
<td>557,507</td>
<td>2.00</td>
<td>65,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>11,091,106</td>
<td>4,405,300</td>
<td></td>
</tr>
</tbody>
</table>
## Agenda Item 2

### Attachment 2

<table>
<thead>
<tr>
<th>Park Impact Fees: Washington Cities</th>
<th></th>
<th>LEGEND: $ = proximity</th>
<th>$ = personnel comp</th>
<th>$ = extended personnel comp</th>
</tr>
</thead>
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Q/A Parks and Recreation/275 Administration, Planning & Development/Budget/IF/FWA Park IF Rates 809963 copy

WA Park Imp Fees 9-3-10

Planning Commission August 3, 2017
Page 39 of 92
Title 19 Amendment  
Adopt new Chapter 19.60 – Park Impact Fees  

Chapter 19.60  
PARK IMPACT FEE  

Sections:  
19.60.010 Purpose.  
19.60.020 Application  
19.60.030 Administrative guidelines  
19.60.040 Exemptions.  
19.60.050 Assessment of fees.  
19.60.060 Use of funds.  
19.60.070 Credits.  

19.60.010 Purpose.  

(1) The purposes of this chapter are to:  
(a) Establish the City of Covington as a service area for parks and recreation facilities;  

(b) Ensure that new growth and development pay a proportionate share of the cost of parks and recreation facilities needed to service and support new growth;  

(c) Implement the policies of the Parks and Recreation Element of the City of Covington Comprehensive Plan; and,  

(d) Provide funds, related to Parks and Recreation, as identified in the City of Covington Comprehensive Plan as necessary to meet additional growth.  

19.60.020 Application  
Except as otherwise provided for under this title, development activity in the city’s service area shall be charged a park impact fee pursuant to this chapter.  

19.60.030 Administrative guidelines  
The director shall be authorized to adopt internal guidelines for the administration of impact fees under this chapter.  

19.60.040 Exemptions.  
(1) Public school districts, as fee payer, shall be exempt from the assessment and collection of park impact fees under this chapter, as authorized by exemptions for a broad public purpose under RCW 82.02.060(2).  

19.60.050 Assessment of fees.
(1) Impact fees shall be assessed based on the city’s fee schedule, as updated by the city council, through resolution. The park impact fee shall be generated from the formula for calculating park impact fees as set forth in the Rate Study for Park Land Impact Fee Henderson, Young and Company, dated November 19, 2014, as amended (“Park Rate Study”) as may be amended from time to time and incorporates the rate study into this chapter by this reference. The rate study utilizes a methodology for calculating impact fees that fulfills all the requirements of RCW 82.02.060(1). A copy of the rate study shall be kept on file with the city clerk and is available for public review.

(2) Park Impact Fee Schedule:
   (a) Park impact fee schedule is generated from the formula for calculating impact fees set forth in the rate study adopted in subsection (1) of this section.
   (b) The park impact fee schedule is adopted by the city council through the fee resolution.

(3) Development activities that have received vesting rights, prior to the adoption of the impact fee rate by resolution of the city council, shall be required to mitigate for park impacts through a park fee-in-lieu, as assessed through an approved preliminary plat or by providing park space at the rate of 450 square feet per lot for single family residential for densities of four units per acre or more; or 100 square feet per dwelling unit for multifamily at a density of eight or more dwelling units per acre. A deficiency in adequate park facilities associated with development activities with vested rights shall be subject to payment of the park impact fee in place at the time of building permit issuance.

19.60.060 Use of funds.
(1) The City shall base continued authorization to collect and expend impact fees on revising its Comprehensive Plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:
   (a) Deficiencies in public facilities serving existing development and how existing deficiencies will be eliminated within a reasonable period of time;
   (b) Additional demands placed on existing public facilities by new development; and
   (c) Additional public facility improvements required to serve new development.

(2) Park impact fees collected for system improvements shall be used only in conformance with the most recent capital facilities plan element of the comprehensive plan adopted by the City Council.

(3) Park impact fees shall not be used to eliminate or reduce deficiencies in existing facilities serving existing development.
(4) Park impact fees shall not be used for maintenance or operation expenses.

(5) Park impact fees may be spent for public improvements for planned facilities, including, but not limited to planning, land acquisition, right-of-way acquisition, easement or access acquisition, construction, permitting, financing, engineering, architectural design, project management and any other expenses which are consistent with the most recent capital facilities plan element adopted by the City Council.

(6) Park impact fees may be used to recoup public improvement costs previously incurred by the City to the extent that new growth and development activity will be served by the previous acquisition; provided, such fee shall not be imposed to make up for any system improvement deficiencies.

19.60.070 Credits.
Requests for park impact fee credits shall be in accordance with CMC 18.35 and 19.20.090.
Title 18 & 19
Additional code amendments associated with Park Impact Fees.

Chapter 18.20
TECHNICAL TERMS AND LAND USE DEFINITIONS

New definition: 18.20.1XX Capital facilities plan, parks and recreation.
“Capital facilities, parks” means the facilities or improvements included in the most recent capital facilities plan element of a comprehensive plan adopted pursuant to Chapter 36.70A RCW, and such plan as subsequently amended and adopted by the City Council. Park and recreation facilities include those identified in the following documents, as amended:
(1) The Capital Facilities Element of the City of Covington Comprehensive Plan;
(2) The Parks and Recreation Element of the City of Covington Comprehensive Plan; and
(3) The Rate Study for Park Land Impact Fees.

Amend definition: 18.20.621 Impact fee.
“Impact fee” means a payment of money authorized by State law and this code to be imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development. Impact fees include, but are not limited to, transportation impact fees, park mitigation payment fees (fee-in-lieu of), park impact fees, fire impact fees and school impact fees. “Impact fees” do not include fees imposed to cover the costs of processing applications, inspecting and reviewing plans or other information required to be submitted for purpose of evaluation of an application, or inspecting or monitoring development activity.

Amend definition: 18.20.819 Open space.
“Open space” means areas left predominately in a natural state to create urban separators and greenbelts, sustain native ecosystems, connect and increase protective buffers for environmentally sensitive areas, critical areas, provide a visual contrast to continuous development, reinforce community identity and aesthetics, or provide links between important environmental or recreational resources. Open space functions as protection of natural resources and biodiversity, recreations spaces, support for economic development opportunities, developing of neighborhood gathering spaces, promotion of public health benefits; and civic and cultural infrastructure.[A1]

Replace definition: 18.20.835 Park and recreation facilities.
“Park and recreation facilities” means a site designed or developed for recreational use by the public, including those dedicated parklands, developed parks and associated improvements so designated in the Parks and Recreation element of the City’s comprehensive plan. “Park” means a site designed or developed for recreational use by the public including, but not limited to:
(1) Indoor facilities, such as:
   (a) Gymnasiums;
   (b) Swimming pools; or
(c) Activity centers;
(2) Outdoor facilities, such as:
   (a) Playfields;
   (b) Fishing areas;
   (c) Picnic and related outdoor activity areas; or
   (d) Approved campgrounds;
(3) Areas and trails for:
   (a) Hikers;
   (b) Equestrians;
   (c) Bicyclists; or
   (d) Off-road recreational vehicle users;
(4) Recreation space areas required under CMC 18.35.150;
(5) Play areas required under CMC 18.35.170; and
(6) Facilities for on-site maintenance. (Ord. 42-02 § 2 (21A.06.835))

Amend definition: 18.20.840 Park service area.
“Park service area” means a geographic area in which a defined set of park facilities provide service to development within the area. The entire area within the city limits is the park service area established by the Department, within which the dedications of land and fees received from new residential developments for the benefit of residents within such service area. (Ord. 42-02 § 2 (21A.06.840))

New definition: 18.20.9XX Proportionate share.
“Proportionate share” means that portion of the cost of public facility improvements and facilities that are reasonably related to the service demands and needs of new development.

New definition: 18.20.12XX System improvements.
“System improvements” means public facilities that are included in the City’s capital facilities plan and are designed to provide service to service areas within the City, in contrast to project improvements.

Chapter 19.20
IMPOSITION OF IMPACT FEES

19.20.090 Credits.
New Section (5)(e) Renumber following sections:
(5)(e) Any impact fee credits, pursuant to this section shall be deducted from the calculated impact fee and a new impact fee shall be assessed for the development. If an impact fee is owed by the applicant the outstanding fee may be distributed evenly per building permit, unless otherwise determined by the city.
Repeal and Replace Sections 18.35.150, 160, 170, 180, 190, 240 & 250
(Remove Park Fee-in-Lieu Program)

Chapter 18.35
DEVELOPMENT STANDARDS – DESIGN REQUIREMENTS

New Sections
18.35.150 Residential - On-site recreation requirements
18.35.160 Multifamily - On-site recreation facilities required
18.35.170 Dedication of parks and trails - Required by capital facilities plan
18.35.180 Private on-site recreation facilities - Minimum design standards
18.35.190 Request for impact fee credits - Park and trail facilities

18.35.150 Residential - On-site recreation requirements.
(1) Residential development that includes single family attached and detached dwelling units within the city’s service area shall mitigate for impacts the park and recreation service levels through payment of a park impact fee in accordance with CMC Title 19.

(2) If the applicant chooses to provide a park and recreation facility as part of the residential development the park and recreation facility shall meet the following minimum requirements:

(a) Park and recreation facilities should be provided at a rate of 200 square feet per lot.

(b) Park and recreation facilities shall meet minimum design standards pursuant to CMC 18.35.180.

(c) The applicant will not receive credit for any park and recreation facilities or dedication of land for a future park and recreation facility unless the space meets the criteria in CMC 18.35.190.

(3) Developments within the Lakepointe Urban Village Subarea as designated in the Future Land Use Map shall provide fully accessible recreation facility for leisure, play and sport activities as follows, or as otherwise determined by the director in accordance with the adopted subarea plan (Ordinance 02-2017) and planned action (Ordinance 04-2017):

(a) Residential subdivision at a density of four units an acre or more: 450 square feet per unit;

(b) Townhouses developed at a density of eight units or less per acre: 450 square feet per unit;

(c) Manufactured home park: 260 feet per unit;
(d) Multifamily dwelling units and townhouses developed at a density of greater than eight units per acre: 100 square feet per unit;

(e) Senior housing or other age-restricted facilities: 200 square feet per unit or as required by the funding agency, whichever is greater.

18.35.160 Multifamily - On-site recreation facility required.

(1) Multifamily development and mixed-use development with residential units, including senior housing or other age-restricted facilities, shall be required to provide private recreation facilities on-site pursuant to subsection (2) and mitigate for impacts to the city’s park and recreation service levels through payment of a park impact fee in accordance with CMC Title 19.

(2) Multifamily development shall provide 100 square feet per unit of private recreation facility. The private recreation facility shall meet the minimum design standards pursuant to CMC 18.35.180.

(3) Indoor recreation areas or rooftop areas may be credited toward the total recreation space requirement, if the director determines that the areas are located, designed and improved in a manner that provides recreational opportunities functionally equivalent to recreational activities provided outdoors or provides areas for social activities, multi-purpose entertainment and education areas.

18.35.170 Dedication of parks and trails - Required by capital facilities plan.

(1) Dedication of park and recreation facility and trails shall be provided by any development when such development is located within an area identified by the capital facilities plan as a park site or trail corridor.

(2) The area of the park and recreation facility and trail dedication shall be counted as part of the site for purposes of density and floor area calculations, unless otherwise exempt from density calculations in accordance with CMC 18.30.080.

(3) The residents of the development shall be provided, at a minimum pedestrian access to the park and recreation facility and trail.

(4) Residential and multifamily developments that propose to provide public park and trail facilities pursuant to this section shall be subject to an impact fee credit in accordance with CMC Title 19. An easement granted for future park and recreation and trail facilities shall not be subject to impact fee credits, unless the easement includes required facility improvements.

18.35.180 Private on-site recreation facilities - Minimum design standards.
(1) Private park and recreation facilities shall meet the minimum design standards:

(a) Be on the site of the proposed development;

(b) Be adjacent to and visible from main pedestrian path, sidewalk or near building entrances;

(c) Be of a grade and surface suitable for recreation; 75% of the site cannot exceed 2% grade, unless the topography results in enhanced critical areas or environmental protection.

(d) Be fully accessible and convenient to all residents within the development and in compliance with 2010 ADA Standards for Accessible Design and the 2004 Architectural Barriers Act, as amended.

(e) Be designed with amenities that encourage residents to the facility such as benches, trash receptacles, and paths leading from the main pedestrian path and to an internal walking path.

(f) Trails and paths shall be constructed per the City of Covington’s Design and Construction Standards adopted in Title 12. Trails located within critical area buffers shall be designed in accordance with Chapter18.65 CMC. Any modified private trail or path design shall be approved by the parks and recreation director prior to any preliminary land use approval.

(g) Private recreation facility, paths and trails shall be placed in a designated recreation facility tract. The tract shall be dedicated to the homeowner’s association or other organization. Maintenance of any recreation facility tract retained in private ownership should be audited regularly for safety and compliance with current standards. The homeowner’s association or other organization shall be responsible for all costs associated with the continued long-term maintenance of the recreation tract and facilities.

(h) Provide play equipment that meets, at a minimum, the Consumer Product Safety Standards for equipment, soft surfacing and comply with all applicable ADA accessibility standards, and incorporate play pieces that address ages 2-5 and 5-12. Prior to final approval of the development, the applicant will be required to provide the city a letter from a certified parks installer that the equipment was installed to industry standards.

(3) The city may require a financial guarantee for construction and maintenance of private recreation facilities and trails consistent with CMC Title 14.

18.35.190 Request for impact fee credits - Park and recreation and trail facilities.

(1) Residential and multifamily developments that propose to provide private park and recreation and trail facilities shall not receive a credit against the park impact fee, unless
otherwise determined by the Parks and Recreation Director, in accordance with this section, and CMC Title 19. Any request for a credit shall be submitted in accordance with CMC Title 19.

(2) The applicant may request a credit be applied to the park impact fee based on the installation of a private park and recreation facility, construction of a private trail, or the dedication of land for future park and recreation and trail facilities. The applicant shall be responsible for all cost associated with preparing data and analysis to determine if the private park and recreation or trail facilities provided on private land satisfies the applicant’s requirement to mitigate for park and recreation level of service deficiencies.

(3) The Parks and Recreation Director is responsible for making a final decision pertaining to a request for park impact fee credits. The applicant shall submit the following information, in addition the minimum requirements in Chapter 19.20 CMC, to be considered.

   (a) Supply and demand data that identifies proposed private park and recreation facility would better meet community needs for parks and recreation facilities than payment of park impact fees.

   (b) The location and design of the park and recreation facilities is consistent with comprehensive plan and any applicable park and recreation plans, as amended.

   (c) Site plan and supporting documents that shows the proposed private park and recreation facility meets the following minimum criteria:

      (i) The land and its development is an integral element of the comprehensive plan;

      (ii) The land is suitable for future active park and recreation facilities pursuant to the comprehensive plan;

      (iii) The land is a size and horizontal and vertical configuration necessary for the design of recreation facilities that meet the city’s park standards identified in the comprehensive plan;

      (iv) The land has public access via a public street;

      (v) The land is located near areas designated by the city for park, trail or recreation purposes;

      (vi) The land provides a link between city and/or other publicly owned recreation properties;
(d) The land shall be surveyed or adequately marked with survey monuments, or otherwise readily distinguishable from adjacent property;

(e) The land shall have no known physical problems associated with it, such as problems with drainage, erosion or flooding, or the presence of hazardous waste, which the director determines would cause inordinate demands on public resources for maintenance and operation;

(f) The land shall have no known on-site safety hazards. Substandard vehicular and pedestrian facilities shall be considered but shall not alone be used to disqualify a proposed site dedication;

(g) The director may require a developer to post financial guarantee consistent with Title 14 for the maintenance of any private park and recreation facility as a method of showing long term maintenance for a time as specified by the director.
To: Planning Commission

From: Ann Mueller, Senior Planner

Date: August 3, 2017

Re: Discussion of proposed staff amendments to Covington Municipal Code

Attachments:

1) Comparison of the City of Covington Landmark Preservation Code (CMC 18.47) and King County Code
2) Draft amendments to CMC Title 18 removing Mineral zoning districts and associated zoning regulations

At the August 3, 2017 Planning Commission meeting, staff will provide a preview of two code amendments for which the Commission will be holding a public hearing on August 17, 2017.

Amendments to CMC 18.47 Protection and Preservation of Landmarks, Landmark Sites and Districts

Among its 13 goals, Washington's Growth Management Act (GMA) includes a goal to "Identify and encourage the preservation of lands, sites, and structures that have historical, cultural, and archaeological significance." RCW 36.70A.020(13) Although the GMA does not require an historic preservation or cultural resources element in a comprehensive plan, cities and counties planning under the GMA must consider and incorporate the historic preservation goal.

The city’s current regulations for the protection and preservation of Landmarks, Landmark Sites and Districts appear to be those that were in place when the city was incorporated. Attachment 1 is a comparison of the language between Covington’s Municipal Code (CMC) Chapter 18.47 and King County Code (KKC) Chapter 20.62. For the most part it is the same.

Staff is proposing to amend CMC 18.47 to adopt King County Code for the process and criteria for the designation of Landmarks. Since Covington does not have staff trained in the review and treatment of historic properties, this proposal will designate the King County Landmarks Commission as the Land Marks Commission for the City of Covington, and King County staff will review nominations and applications to alter designated Landmarks in Covington. When a Covington building or site is up for designation, the City will designate a member to the King County Landmark Commission for their input on the review of those landmark nominations. The cost to review would be passed through to the applicant, so the proposal is revenue neutral to the City.

There are the 20 cities that currently participate in King County’s Regional Preservation Program and have appointed King County’s Landmarks Commission as their own: Auburn, Black Diamond, Burien, Carnation, Des Moines, Enumclaw, Issaquah, Kenmore, Kent, Kirkland, Maple Valley, Newcastle, North Bend, Redmond, Sammamish, Shoreline, Skykomish, Snoqualmie, Tukwila, and Woodinville. ILAs with the cities of Renton and Federal Way will be executed by the end of this year. You can read
more about King County’s Historic Preservation Program here:

Staff will also clarify in the proposed amendments that the designation process is OPTIONAL, so no building or site can be nominated without the property owner’s consent. The designation of property or buildings as Landmarks allows owners to take advantage of incentives to preserve heritage important to the city. Once designated, any proposed alternations to a Landmark would need review and approval from the Landmarks Commission.

CMC 18.47 will be amended to reflect the changes described, and a copy of the specific amendment language will be provided in the August 17th public hearing agenda packet. Currently there are no buildings or sites within the Covington city limits with Landmark designation. Most likely buildings eligible for designation in Covington would be historic barns. King County’s Historic Preservation Program has a “Barn Again Preservation Program” with a goal of providing funds for the stabilization and rehabilitation of historic barns and outbuildings that are historically associated with the working life of a farm.

Amendments to remove the Mineral Zoning District Designation and associated zoning regulations and development standards for the Mineral zone and mineral extraction activities.

The Covington 2015-2035 Comprehensive Plan removed the designation of Mineral Use on the Future Land Use Map (FLUM) where the former Lakeside gravel mine had historically operated and designated that area as the Lakepointe Urban Village Subarea on the FLUM. The former gravel mine has ceased operations and is undergoing reclamation with Department of Natural Resources oversight. There are no other properties within the city with mineral extraction operations, and none have been identified on the FLUM for Mineral Use. Therefore, staff is proposing to remove the Mineral Use zoning designation and any associated zoning regulations or development standards for the Mineral zone or mineral extraction activities from CMC Title 18. See attachment 2 for the draft amendments to the Covington Municipal Code. These amendments to CMC Title 18 will make the zoning code consistent with the City’s Comprehensive Plan.

Required Notice to Commerce.

Pursuant to state law and CMC 14.27.050(4), the city has provided the Washington State Department of Commerce a copy of the proposed code amendments more than 60-days prior to the expected date of final City Council action. City staff provided drafts of the propose code amendments to the Department of Commerce on July 17, 2017. Commerce then distributes the drafts to state agencies for review and comment.

SEPA

A SEPA determination of nonsignificance was issued for both proposed amendments on July 28, 2017, with a legal notice placed in the Covington Reporter, posted at city hall, and on the city’s website. Copies were also provided to the SEPA register, Muckleshoot Indian Tribe, and Department of Ecology.

Planning Commission Hearing

These amendments are legislative actions, and the public hearings before the Planning Commission are scheduled for August 17, 2017. They will take public testimony, review comments and make a final recommendation to the City Council. Consistent with CMC 14.30.060, notice of the Planning Commission public hearings was published in the Covington Reporter on July 28, 2017, more than 14-days prior to the scheduled public hearings. Notice was also posted on the city’s website and at city hall.
Attachment 1.
Chapter 18.47

PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS

Sections:

18.47.010      20.62.010   Findings and declaration of purpose.
18.47.020      20.62.020   Definitions.
18.47.030      20.62.030   Landmarks and Heritage commission created, membership and organization.
18.47.040      20.62.040   Designation criteria.
18.47.050      20.62.050   Nomination procedure.
18.47.060      20.62.060   Designation procedure.
18.47.080      20.62.080   Evaluation of economic impact.
18.47.090      20.62.090   Appeal procedure.
18.47.100      20.62.100   Funding.
18.47.110      20.62.110   Penalty for violation of Section 20.62.080.
18.47.120      20.62.120   Special valuation for historic properties.
18.47.130      20.62.130   Historic Resources review process.
18.47.140      20.62.140   Administrative rules.
18.47.150      20.62.150   Special valuation for historic properties.
18.47.160      20.62.160   Administrative rules.

20.62.010  Findings and declaration of purpose. The City of Covington/County council finds that:

(1)   A.  The protection, enhancement, perpetuation and use of buildings, sites, districts, structures and objects of historical, cultural, architectural, engineering, geographic, ethnic and archaeological significance located in the City of Covington/County and the collection, preservation, exhibition and interpretation of historic and prehistoric materials, artifacts, records and information pertaining to the heritage of the City of Covington/historic preservation and archaeological resource management are necessary in the interest of the prosperity, civic pride and general welfare of the people of Covington/County.

(2)   B.  Such cultural and historic resources are a significant part of the heritage, education and economic base of the City of Covington/County and the economic, cultural and aesthetic well-being of the City cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources.

(3)   C.  Present heritage and preservation programs and activities are inadequate for insuring present and future generations of Covington/County residents and visitors a genuine opportunity to appreciate and enjoy our heritage.

(4)   D.  The purposes of this chapter are to:

(a)   1.  Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the City's, County's, State's, County's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;

(b)   2.  Foster civic pride in the beauty and accomplishments of the past;

(c)  3.  Stabilize and improve the economic values and vitality of landmarks;

The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.
Comparison of Covington's CMC 18.47 and King County's KKC 20.62

(d) Protect and enhance the City's county's tourist industry by promoting heritage-related tourism;
(e) Promote the continued use, exhibition and interpretation of significant historical or archaeological sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of City of Covington;King County; (f) Promote and continue incentives for ownership and utilization of landmarks;
(g) Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;
(h) Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in the historic preservation, exhibition and interpretation of Covington's heritage; archaeological resource management; and
(i) Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. (Ord. 20-07 § 61;14482 § 68, 2002: Ord. 41-02 § 2 (20.62.010). Formerly 14.40.010)10474 § 1, 1992: Ord. 4828 § 1, 1980).

18.47

**20.62.020 Definitions.** The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.
B. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to an historically related complex, such as a courthouse and jail or a house and barn.
C. "Certificate of appropriateness" is written authorization issued by the commission or its designee permitting an alteration to a significant feature of a designated landmark.
D. "Commission" is the landmarks and Heritage commission created by this chapter.
E. "Community landmark" is an historic resource which has been designated pursuant to CMC 18.47.K.C.C. 20.62.040 but which may be altered or changed without application for or approval of a certificate of appropriateness.
F. "Council" is the City of Covington City Council.
G. "Designation report" is a report issued by the commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.
H. "Director" is the director of the CityKing County department of Covington Parks Department, permitting and environmental review or his or her designee.
I. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.
J. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures, and folklore, archaeology and historic preservation.
K. "Historic preservation officer" is the Director of the City of Covington Parks DepartmentKing County historic preservation officer or his or her designee.

The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.
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(13) "L. "Historic resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

(14) "M. "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in CMC 18.47K.C.C. 20.62.040(1). The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

(15) "N. "Incentives" are such compensation, rights or privileges or combination thereof, which the council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner or owners of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

(16) "O. "Interested person of record" is any individual, corporation, partnership or association, which notifies the commission or the council in writing of its interest in any matter before the commission.

(17) "P. "Landmark" is an historic resource designated as a landmark pursuant to CMC 18.47.060K.C.C. 20.62.070.

(18) "Q. "Nomination" is a proposal that an historic resource be designated a landmark.

(19) "R. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

(20) "S. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the commission in an historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices under this chapter.

(21) "T. "Person" is any individual, partnership, corporation, group or association.

(22) "U. "Person in charge" is the person or persons in possession of a landmark including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

(23) "V. "Preliminary determination" is a decision of the commission determining that an historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

(24) "W. "Significant feature" is any element of a landmark, which the commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.

(25) "X. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains an historical or archaeological value regardless of the value of any existing structures.

(26) "Y. "Structure" is any functional construction made usually for purposes other than creating human shelter. (Ord. 2007 § 61; 17635 § 1, 2013; Ord. 41-07 § 95, 2012; Ord. 14482 § 69, 2002; Ord. 11620 § 13, 1994; Ord. 10474 § 24, 1992; Ord. 4828 § 2, 1980).
20.62. (formerly 14.40.020)
18.47.030  Landmarks and Heritage Commission created – membership and organization.

(1)  A. There is created the City of Covington Landmarks and Heritage Commission ("Commission")King County landmarks commission which shall consist of nine regular members and special members selected as follows:

   (a)  1. Of the nine regular members of the commission at least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, landscape architecture, American studies, law, or other historic preservation related disciplines. The nine regular members of the commission shall be appointed by the City Councilcounty executive, subject to confirmation by the council, provided that no more than four members shall reside within any one municipal jurisdiction. All regular members shall have a demonstrated interest and competence in historic preservation.

   (b)  2. The City Councilcounty executive may solicit nominations for persons to serve as regular members of the commission from the Association of King County Historical Organizations, the American Institute of Architects, the (Seattle: Chapter), the Seattle King County Bar Association, the Seattle Master Builders, the chambers of commerce, and other professional and civic organizations familiar with historic preservation.

   (2)  3. One special member shall be appointed from each municipality within King County which has entered into an interlocal agreement with King County providing for the designation by the commission of landmarks within such municipality in accordance with the terms of such interlocal agreement and this chapter. Each such appointment shall be in accordance with the enabling ordinance adopted by such municipality.

B. Appointments of regular members, except as provided in subsection C of this section, shall be made for three members for a three-year term, three members for a two-year term, and three members for a one-year term. For purposes of the limitation on consecutive terms, an appointment for a one- or a two-year term shall be deemed an appointment for an unexpired term. Each regular member shall serve until his or her successor is duly appointed and confirmed. Appointments shall be effective on June 1st of each year. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Any member may be reappointed, but may not serve more than two consecutive three-year terms. A member shall be deemed to have served one full term if such member resigns at any time after appointment or if such member serves more than two years of an unexpired term. The members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or programs.

(2)  C. After May 4, 1992, the term of office of members becomes effective on the date the council confirms the appointment of commission members and the county executive shall appoint or reappoint three members for a three-year term, three members for a two-year term, and three members for a one-year term. For purposes of the limitation on consecutive terms in subsection B of this section an appointment for a one- or a two-year term shall be deemed an appointment for an unexpired term.

D. The chairmanChair shall be a member of the commission and shall be elected annually by the regular commission members. The commission shall adopt, in accordance with K.C.C., chapter 2.75.CMC98, rules and regulations, including procedures, consistent with this chapter. The members of the commission shall be governed by the City of CovingtonKing County Planning Commission August 3, 2017
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code of ethics as hereafter amended., K.C.C. chapter 3.04. The commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed with the Council Clerk as required by K.C.C. chapter 2.98.

E. A special member of the commission shall be a voting member solely on matters before the commission involving the designation of landmarks within the municipality from which such special member was appointed.

F. A majority of the current appointed and confirmed members of the commission shall constitute a quorum for the transaction of business. A special member shall count as part of a quorum for the vote on any matter involving the designation or control of landmarks within the municipality from which such special member was appointed. All official actions of the commission shall require a majority vote of the members present and eligible to vote on the action voted upon. No member shall be eligible to vote upon any matter required by this chapter to be determined after a hearing unless that member has attended the hearing or familiarized him or herself with the record.

G. The commission may from time to time establish one or more committees to further the policies of the commission, each with such powers as may be lawfully delegated to it by the commission.

H. The Director of the City of Covington Parks Department county executive shall provide staff support to the commission and shall assign a professionally qualified member of the Department’s staff county employee to serve as a full-time historic preservation officer. The Historic Preservation Officer shall be an employee of the Parks Department. Under the direction of the commission, the historic preservation officer shall be the custodian of the Commission’s records. The historic preservation officer or his or her designee shall conduct official correspondence, assist in organizing the commission, and organize and supervise the commission staff and the clerical and technical work of the commission to the extent required to administer this chapter.

I. The commission shall meet at least once each month for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the commission seven days before the scheduled monthly meeting, the chairman of the commission may cancel the meeting. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the action of the commission upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the historic preservation officer and shall be public records.

J. At all hearings before and meetings of the commission, all oral proceedings shall be electronically recorded. Such The proceedings may also be recorded stenographically by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part thereof of a hearing shall be furnished to any person upon request and payment of the reasonable expense thereof of the copy.

K. The commission is authorized, subject to the availability of funds for that purpose, to expend moneys to compensate experts, in whole or in part, to provide technical assistance to property owners in connection with requests for certificates of appropriateness upon a showing by the property owner that the need for such the technical assistance imposes an unreasonable financial hardship on such the property owner.

L. Commission records, maps, or other information identifying the location of archaeological sites and potential sites shall be exempt from public access disclosure as specified in
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**20.62.040 Designation criteria.**

(1) **A.** An historic resource may be designated as a City of Covington landmark if it is more than 40 years old or, in the case of a landmark district, contains resources that are more than 40 years old, and possesses integrity of location, design, setting, materials, workmanship, feeling or association, and any combination of the foregoing aspects of integrity, sufficient to convey its historic character, and:

(1) _____ 1. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or

(1) _____ 2. Is associated with the lives of persons significant in national, state or local history; or

(1) _____ 3. Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

(1) _____ 4. Has yielded, or may be likely to yield, information important in prehistory or history; or

(1) _____ 5. Is an outstanding work of a designer or builder who has made a substantial contribution to the art.

(2) **B.** An historic resource may be designated a community landmark because it is an easily identifiable visual feature of a neighborhood or the county and contributes to the distinctive quality or identity of such neighborhood or county or because of its association with significant historical events or historic themes, association with important or prominent persons in the community or county, or recognition by local citizens for substantial contribution to the neighborhood or community. An improvement or site qualifying for designation solely by virtue of satisfying criteria set out in this section shall be designated a community landmark and shall not be subject to the provisions of CMC 18.47.070.

(2) **C.** Cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 40 years shall not be considered eligible for designation. However, such a property shall be eligible for designation if they are:

(2) _____ 1. An integral part of districts that meet the criteria set out in subsection **A.** of this section, or if it is:

(2) _____ 2. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(2) _____ 3. A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

(2) _____ 4. A birthplace, grave or residence of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life;
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(⇒)______ 5. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
(⇒)______ 6. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner or as part of a restoration master plan, and when no other building or structure with the same association has survived; or
(⇒)______ 7. A property commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
(⇒)______ 8. A property achieving significance within the past forty years if it is of exceptional importance. (Ord. 20-07 § 61;17635 § 2, 2013: Ord. 41-02 § 2 (10474 § 4, 1992: Ord. 4828 § 4, 1980).

⇒ 20.62.040). Formerly 14.40.040)

18.47.050 Nomination procedure.

(⇒) A. Any person, including the historic preservation officer and any member of the commission, may nominate an historic resource for designation as a landmark or community landmark. The procedures set forth in this section and CMC 18.47.050 may be used to amend existing designations or to terminate an existing designation based on changes, which affect the applicability of the criteria for designation set forth in CMC 18.47.040. The nomination or designation of an historic resource as a landmark shall constitute nomination or designation of the land, which is occupied by the historic resource unless the nomination provides otherwise. Nominations shall be made on official nomination forms provided by the historic preservation officer, shall be filed with the historic preservation officer, and shall include all data required by the commission.

⇒ B. Upon receipt by the historic preservation officer of any nomination for designation, the officer shall review the nomination, consult with the person or persons submitting the nomination, and the owner, and prepare any amendments to or additional information on the nomination deemed necessary by the officer. The historic preservation officer may refuse to accept any nomination for which inadequate information is provided by the person or persons submitting the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as is necessary for consideration by the commission. The historic preservation officer may assume responsibility for gathering the required information or appoint an expert or experts to carry out this research in the interest of expediting the consideration.

⇒ C. When the historic preservation officer is satisfied that the nomination contains sufficient information and complies with the Commission’s regulations for nomination, the officer shall give notice in writing, certified mail/return receipt requested, to the owner of the property or object, to the person submitting the nomination and interested persons of record that a preliminary or a designation determination on the nomination will be made by the commission. The notice shall include:

⇒ 1. The date, time, and place of hearing;
⇒ 2. The address and description of the historic resource and the boundaries of the nominated resource;
⇒ 3. A statement that, upon a designation or upon a preliminary determination of significance, the certificate of appropriateness procedure set out in CMC 18.47.070 will apply;

The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.
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(4) 4. A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first obtaining a certificate of appropriateness from the commission, whether or not a building or other permit is required. A copy of the provisions of CMC 18.47.070 Section 20.62.080 shall be included with the notice;

(5) 5. A statement that all proceedings to review the action of the commission at the hearing on a preliminary determination or a designation will be based on the record made at such hearing and that no further right to present evidence on the issue of preliminary determination or designation is afforded pursuant to this chapter.

D. The historic preservation officer shall, after mailing the notice required herein, refer the nomination and all supporting information to the commission for consideration on the date specified in the notice. No nomination shall be considered by the commission less than thirty nor more than forty five calendar days after notice setting the hearing date has been mailed except where the historic preservation officer or members of the commission have reason to believe that immediate action is necessary to prevent destruction, demolition or defacing of an historic resource, in which case the notice setting the hearing shall so state. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.050). Formerly 14.40.050 18.47.060)

20.62.070 Designation procedure.

A. The commission may approve, deny, amend or terminate the designation of historic resource as a landmark or community landmark only after a public hearing. At the designation hearing the commission shall receive evidence and hear argument only on the issues of whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in CMC 18.47 K.C.C. 20.62.040 and merits designation as a landmark or community landmark; and the significant features of the landmark. The hearing may be continued from time to time at the discretion of the commission. In the event If the hearing is continued, the commission may make a preliminary determination of significance if the commission determines, based on the record before it that the historic resource is of significant value and likely to satisfy the criteria for designation in CMC 18.47 K.C.C. 20.62.040. The preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the commission makes a preliminary determination it shall specify the boundaries of the nominated resource, the significant features thereof and such other description of the historic resource, as it deems appropriate. Within five working days after the commission has made a preliminary determination, the historic preservation officer shall file a written notice of the action with the manager and mail copies of the notice, certified mail, return receipt requested, to the owner, the person submitting the nomination and interested persons of record. The notice shall include:

1. A copy of the Commission's preliminary determination; and

2. A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the commission, the certificate of appropriateness procedures in CMC 18.47.070 K.C.C. 20.62.080, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the commission shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the commission thereafter.

B. Whenever the commission approves the designation of historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the

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public meeting at which the decision is made, issue a written designation report, which shall include:

1. The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location;
2. The significant features and such other information concerning the historic resource as the commission deems appropriate;
3. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation in CMC 18.47.K.C.C. 20.62.040; and
4. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the commission in accordance with CMC 18.47.070.K.C.C. 20.62.080, a copy of which shall be included in the designation report. This subsection B.4. shall not apply to historic resources designated as community landmarks.

C. Whenever the commission rejects the nomination of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria in CMC 18.47.K.C.C. 20.62.040 have not been met. If a historic resource has been nominated as a landmark and the commission designates the historic resource as a community landmark, the designation shall be treated as a rejection of the nomination for City of CovingtonKing County landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renomining any historic resource rejected under this subsection as a City of CovingtonKing County landmark at a future time.

D. A copy of the Commission's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of record and the director within five working days after it is issued. If the commission rejects the nomination and it has made a preliminary determination of significance with respect to the nomination, it shall include in the notice to the director a statement that CMC 18.47.070.K.C.C. 20.62.080 no longer applies to the subject historic resources.

E. If the commission approves or amends a landmark designation, CMC 18.47.070.K.C.C. 20.62.080 shall apply as approved or amended. A copy of the Commission's designation report or designation amendment shall be recorded with the records and Licensing services division, or its successor agency, together with a legal description of the designated resource and notification that CMC 18.47.070.K.C.C. 20.62.080 and 18.47.11020.62.130 apply. If the commission terminates the designation of a historic resource, CMC 18.47.070.K.C.C. 20.62.080 shall no longer apply to the historic resource. (Ord. 20.07 § 61, 2007; Ord. 41.02 § 2(20.62.070), formerly 14482 § 71, 2002; Ord. 14176 § 4, 2001; Ord. 11620 § 14.40.060, 1994; Ord. 10474 § 6, 1992; Ord. 4828 § 7, 1980).

Certificate of appropriateness procedure.

A. At any time after a designation report and notice has been filed with the director and for a period of six months after notice of a preliminary determination of significance has been mailed to the owner and filed with the director, a certificate of appropriateness must be obtained from the commission before any alterations may be made to the significant features of the landmark identified in the preliminary determination report or thereafter in the designation report. The designation report shall supersede the preliminary determination report. This
requirement shall apply whether or not the proposed alteration also requires a building or other permit. The requirements of this section shall not apply to any historic resource located within incorporated cities or towns in City of Covington, King County, except as provided by applicable interlocal agreement.

B. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness. Repairs to or replacement of utility systems do not require a certificate of appropriateness, provided that such work does not alter an exterior significant feature.

C. There shall be three types of certificates of appropriateness, as follows:

1. Type I, for restorations and major repairs which utilize in-kind materials.
2. Type II, for alterations in appearance, replacement of historic materials and new construction.
3. Type III, for demolition, moving and excavation of archaeological sites.

In addition, the commission shall establish and adopt an appeals process concerning Type I decisions made by the historic preservation officer with respect to the applications for certificates of appropriateness.

The historic preservation officer may approve Type I certificates of appropriateness administratively without public hearing, subject to procedures adopted by the commission. Alternatively the historic preservation officer may refer applications for Type I certificates of appropriateness to the commission for decision. The commission shall adopt an appeals procedure concerning Type I decisions made by the historic preservation officer.

Type II and III certificates of appropriateness shall be decided by the commission and the following general procedures shall apply to such commission actions:

1. Application for a certificate of appropriateness shall be made by filing an application for such certificate with the historic preservation officer on forms provided by the commission.
2. If an application is made to the director for a permit for any action which affects a landmark, the director shall promptly refer such application to the historic preservation officer, and such application shall be deemed an application for a certificate of appropriateness if accompanied by the additional information required to apply for such certificate. The director may continue to process such permit application, but shall not issue any such permit until the time has expired for filing with the director the notice of denial of a certificate of appropriateness or a certificate of appropriateness has been issued pursuant to this chapter.
3. After the commission has commenced proceedings for the consideration of any application for a certificate of appropriateness by giving notice of a hearing pursuant to subsection 4 of this section, no other application for the same or a similar alteration may be made until such proceedings and all administrative appeals pursuant to this chapter have been concluded.
4. Within forty five calendar days after the filing of an application for a certificate of appropriateness with the commission or the referral of an application to the commission by the director except those decided administratively by the historic preservation officer pursuant to subsection 2 of this section, the commission shall hold a public hearing thereon. The historic preservation officer shall mail notice of the hearing to the owner, the applicant, if the applicant is not the owner, and parties of record at the designation proceedings, not less than ten calendar days before the date of the hearing. No hearing shall be required if the commission, the owner and the applicant, if the applicant is not the owner, agree in writing to a
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stipulated certificate approving the requested alterations thereof. This agreement shall be ratified by the commission in a public meeting and reflected in the commission meeting minutes. If the commission grants a certificate of appropriateness, such certificate shall be issued forthwith and the historic preservation officer shall promptly file a copy of such certificate with the director.

5. If the commission denies the application for a certificate of appropriateness, in whole or in part, it shall so notify the owner, the person submitting the application and interested persons of record setting forth the reasons why approval of the application is not warranted.

D. The commission shall adopt such other supplementary procedures consistent with Chapter K.C.C. 2.75 CMC as it determines are required to carry out the intent of this section. (Ord. 20-07 § 64-11620 § 15, 1994; Ord. 41-02 § 2410474 § 7, 1992; Ord. 4828 § 8, 1980).

- 20.62.080 Evaluation of economic impact.

A. At the public hearing on any application for a Type II or Type III certificate of appropriateness, or Type I if referred to the commission by the historic preservation officer, the commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark and there is no viable and reasonable alternative which would have less impact on the features of significance specified in the preliminary determination report or the designation report.

B. To prove the existence of a condition of unreasonable economic return, the applicant must establish and the commission must find, both of the following:

1. The landmark is incapable of earning a reasonable economic return without making the alterations proposed. This finding shall be made by considering and the applicant shall submit to the commission evidence establishing each of the following factors:

   a. The current level of economic return on the landmark as considered in relation to the following:

      (1) The amount paid for the landmark, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the landmark was purchased;

      (2) The annual gross and net income, if any, from the landmark for the previous five years; itemized operating and maintenance expenses for the previous five years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

      (3) The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the prior five years;

      (4) Real estate taxes for the previous four years and assessed value of the landmark according to the two most recent assessed valuations;

      (5) All appraisals obtained within the previous three years by the owner in connection with the purchase, financing or ownership of the landmark;

      (6) The fair market value of the landmark immediately prior to its designation and the fair market value of the landmark (in its protected status as a designated landmark) at the time the application is filed;

      (7) Form of ownership or operation of the landmark, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or both;
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(1) Any state or federal income tax returns on or relating to the landmark for the past two (2) years.

(2) The landmark is not marketable or able to be sold when listed for sale or lease. The sale price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents, shall be submitted by the property owner. The following also shall be considered:

(A) (1) Any real estate broker or firm engaged to sell or lease the landmark;

(B) (2) Reasonableness of the price or lease sought by the owner;

(C) (3) Any advertisements placed for the sale or lease of the landmark.

(iii) (c) The infeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:

(A) (1) A report from a licensed engineer or architect with experience in historic restoration or rehabilitation as to the structural soundness of the landmark and its suitability for restoration or rehabilitation;

(B) (2) Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alteration;

(C) (3) Estimated market value of the landmark in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use;

(D) (4) In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing landmark;

(E) (5) The infeasibility of new construction around, above, or below the historic resource.

(d) Potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs.

(2) The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence to complete the alteration.

(3) C. Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.

(4) D. Upon reasonable notice to the owner, the commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the landmark, the availability of incentives and the economic impacts of approval, denial or partial denial of a certificate of appropriateness.

E. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness. (Ord. 20.07 § 64;10474 § 8, 1992; Ord. 41.02 § 2 (20.62.100). Formerly 14.40.080)4828 § 10, 1980).

20.62.110 Appeal procedure.

(1) Any person aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may, within 35 calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness, appeal such decision in writing to the Council. The written notice of appeal shall be filed with the Historic Preservation Officer and the Clerk of the Council and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument. [file a statement of appeal, with the historic preservation

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*Reviser’s note: Added but not underlined in Ordinance 18230. See K.C.C. 1.24.075.

**20.62.120 Funding.**

**A.** The commission shall have the power to make and administer grants of funds received by it from private sources and from local, state and federal programs for purposes of:

1. Maintaining, purchasing or restoring historic resources located within City of CovingtonKing County which it deems significant pursuant to the goals, objectives and criteria set forth in this chapter if such historic resources have been nominated or designated as landmarks pursuant to this chapter or have been designated as landmarks by municipalities within City of CovingtonKing County or by the State of Washington, or are listed on the National Historic Landmarks Register the National Register of Historic Places; and

2. Developing and conducting programs relating to archaeology, cultural heritagehistoric preservation and technical assistance to heritage museums, heritage organizations and public agencies archaeological resource management. The commission shall establish rules and regulations consistent with K.C.C. chapter 2.75 CMC98 governing procedures for applying for and awarding of grant moneys pursuant to this section.

**B.** The commission may, at the request of the City of Covington Department of Parkshistoric preservation officer, review proposals submitted to that Department for funds made available for grants to be made by the Departmentcounty agencies to fund historic preservation and archaeological projects through the Housing and Community Development Act of 1974. (42 USC SectionU.S.C. Secs. 5301 et seq.) the State and Local Fiscal Assistance Act of 1972. (31 USC, SectionU.S.C. Secs. 1221 et seq., the Museum Assistance Program.) and other applicable local, state and federal funding programs. Upon review of such grant proposals, the commission shall may make recommendations to the Departmentcounty executive and county council concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters as the commission deems appropriate. The historic preservation officer shall keep the commission apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds. (Ord. 20-07 § 61;14482 § 72, 2002:  Ord. 41-02 § 2 (20.62.110). Formerly 14.40.100)10474 § 10, 1992:  Ord. 4828 § 12, 1980).

**20.62.130 Penalty for violation of CMC 18.47.070.**

Section 20.62.080. Any person violating or failing to comply with the provisions of CMC 18.47.070 or Section 20.62.080 of this chapter shall incur a civil penalty of up to $500.00five hundred dollars per day and each day’s violation or failure to comply shall constitute a separate
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offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violations or failure to comply is charged. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.130). Formerly 14.40.110) (Ord. 4828 § 13, 1980).

18.47.120

20.62.140  Special valuation for historic properties.

(1) A. There is hereby established and implemented a special valuation for historic properties as provided in chapter 221, 1986 Laws of Washington and Chapter 84.26 RCW.

(2) B. The City of Covington Landmarks and Heritage King County landmarks commission is hereby designated as the "Local Review Board" for the purposes related to chapter 221, 1986 Laws of Washington and Chapter 84.26 RCW, and is authorized to perform all functions required by chapter 221, 1986 Laws of Washington, Chapter 84.26 RCW, and chapter 254-20 WAC.

(3) C. All City of Covington King County landmarks designated and protected under authority of this chapter shall be eligible for special valuation as set forth in Chapter 221, 1986 Laws of Washington and in accordance with chapter 84.26 RCW. (Ord. 20-07 § 61; 14482 § 73, 2002; Ord. 41-02 § 2410474 § 12, 1992; Ord. 9237 §§ 1-3, 1989).

18.47.130  Historic Resources –- review process.

(1) The City of Covington A. King County shall not approve any development proposal or otherwise issue any authorization to alter, demolish, or relocate any historic resource identified in the City of Covington King County Historic Resource Inventory, pursuant to the requirements of this chapter. The standards contained in Chapter 18.30 CMK.C.C. 21A.12, Development Standards – Density and Dimensions, and Chapter 18.40 CMK.C.C. 21A.16, Development Standards – Landscaping and Water Use, shall be expanded, when necessary, to preserve the aesthetic, visual and historic integrity of the historic resource from the impacts of development on adjacent properties.

(2) B. Upon receipt of an application for a development proposal located on or adjacent to a historic resource listed in the City of Covington King County Historic Resource Inventory, the Community Development director shall follow the following procedure:

(a) 1. The development proposal application shall be circulated to the City of Covington King County historic preservation officer for comment on the impact of the project on historic resources and for recommendation on mitigation. This includes all permits for alterations to historic buildings, alteration to landscape elements, new construction on the same or abutting lots, or any other action requiring a permit which might affect the historic character of the resource. Information required for a complete permit application to be circulated to the historic preservation officer shall include:

(i) a. a vicinity map;

(ii) b. a site plan showing the location of all buildings, structures, and landscape features;

(iii) c. a brief description of the proposed project together with architectural drawings showing the existing condition of all buildings, structures, landscape features and any proposed alteration to them;

(iv) d. photographs of all buildings, structures, or landscape features on the site; and

(v) e. an environmental checklist, except where categorically exempt under City of Covington King County SEPA guidelines.
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(1) Upon request, the historic preservation officer shall provide information about available grant assistance and tax incentives for historic preservation. The officer may also provide the owner, developer, or other interested party with examples of comparable projects where historic resources have been restored or rehabilitated.

(2) In the event of a conflict between the development proposal and preservation of an historic resource, the historic preservation officer shall:

(a) suggest appropriate alternatives to the owner/developer which achieve the goals of historic preservation;

(b) recommend approval, or approval with conditions, to the director of the Community Development and environmental services; or

(c) propose that a resource be nominated for county landmark designation according to procedures established in this chapter, the landmarks preservation ordinance (K.C.C. 20.62).

(3) The Community Development director may continue to process the development proposal application, but shall not issue any development permits or issue a SEPA threshold determination until receiving a recommendation from the historic preservation officer. In no event shall review of the proposal by the historic preservation officer delay permit processing beyond any period required by law. Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to CMC 18.47.070K.C.C. 20.62.080.

(4) On known archaeological sites, before any disturbance of the site, including, but not limited to test boring, site clearing, construction, grading or revegetation, the State Office of Archaeology and Historic Preservation (OAHP), and the City of CovingtonKing County historic preservation officer, and appropriate Native American tribal organizations must be notified and state permits obtained, if required by law. The officer may require that a professional archaeological survey be conducted to identify site boundaries, resources and mitigation alternatives prior to any site disturbance and that a technical report be provided to the officer, OAHP and appropriate tribal organizations. The officer may approve, disapprove or require permits conditions, including professional archeological surveys, to mitigate adverse impacts to known archaeological sites.

(5) Upon receipt of an application for a development proposal which affects a City of CovingtonKing County landmark or an historic resource that has received a preliminary determination of significance as defined by CMC 18.47.020(22),K.C.C. 20.62.020V, the application circulated to the City of CovingtonKing County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to CMC 18.47.070K.C.C. 20.62.080 if accompanied by the additional information required to apply for such certificate. (Amended at request of department 2/08; Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.150), Formerly 14.40.130)11620 § 12, 1994).

18.47.140

20.62.160 Administrative rules. The director may promulgate administrative rules and regulations pursuant to K.C.C. 2.98, to implement the provisions and requirements of this chapter. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.160), Formerly 14.40.140)11620 § 16, 1994).
Attachment 2.
Chapter 18.10

AUTHORITY, PURPOSE, INTERPRETATION AND ADMINISTRATION

Sections:
18.10.010 Title.
18.10.020 Purpose.
18.10.030 Conformity with this title required.
18.10.040 Minimum requirements.
18.10.050 Interpretation – General.
18.10.060 Interpretation – Standard industrial classification.
18.10.070 Interpretation – Zoning maps.
18.10.080 Administration and review authority.
18.10.090 Classification of right-of-way.

18.10.080 Administration and review authority.
(1) The Hearing Examiner shall have authority to hold public hearings and make decisions and recommendations on subdivisions and other development proposals, and appeals, as set forth in Chapters 2.25, 14.30, 14.35, 14.40, and 14.45 CMC.

(2) The Director shall have the authority to grant, condition or deny applications for reasonable use permits, short plat applications, boundary line adjustments, and commercial site development permits, and permits for mineral extraction and processing, unless a public hearing is required as set forth in Chapter 14.30 CMC, in which case this authority shall be exercised by the Hearing Examiner.

(3) The Department shall have authority to grant, condition or deny commercial and residential building permits, grading and clearing permits, and temporary use permits in accordance with the procedures set forth in Chapter 14.30 CMC.

(4) Except for other agencies with authority to implement specific provisions of this title, the Department shall have the sole authority to issue official interpretations of this title. (Ord. 10-10 § 3 (Exh. C); Ord. 01-09 § 18; Ord. 42-02 § 2 (21A.02.090))
Chapter 18.15

ZONES, MAPS AND DESIGNATIONS

Sections:

18.15.010  Zones and map designations established.
18.15.020  Zone and map designation purpose.
18.15.030  Mineral zone.
18.15.040  Urban separator zone.
18.15.050  Urban residential zone.
18.15.060  Neighborhood commercial zone.
18.15.070  Community commercial zone.
18.15.080  Downtown zone.
18.15.090  Regional commercial mixed-use zone.
18.15.100  Industrial zone.
18.15.110  Repealed.
18.15.120  Repealed.
18.15.130  Repealed.
18.15.140  Zoning maps and boundaries.

18.15.010  Zones and map designations established.

In order to accomplish the purposes of this title, the following zoning designations and zoning map symbols are established:

<table>
<thead>
<tr>
<th>Zoning Designations</th>
<th>Map Symbol</th>
</tr>
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<tbody>
<tr>
<td>Mineral</td>
<td></td>
</tr>
<tr>
<td>Urban Separator</td>
<td>US (R-1)</td>
</tr>
<tr>
<td>Urban Residential</td>
<td>R (base density in dwellings per acre)</td>
</tr>
<tr>
<td>Neighborhood Commercial</td>
<td>NC</td>
</tr>
<tr>
<td>Mixed Residential</td>
<td>MR</td>
</tr>
<tr>
<td>Community Commercial</td>
<td>CC</td>
</tr>
<tr>
<td>Downtown Zone</td>
<td>DN (further specified by district)</td>
</tr>
<tr>
<td>Town Center District</td>
<td>TC</td>
</tr>
<tr>
<td>Mixed Commercial District</td>
<td>MC</td>
</tr>
<tr>
<td>General Commercial District</td>
<td>GC</td>
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<tr>
<td>Mixed Housing/Office District</td>
<td>MHO</td>
</tr>
<tr>
<td>Industrial</td>
<td>I</td>
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<tr>
<td>Regional Commercial Mixed-Use</td>
<td>RCMU</td>
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</tbody>
</table>

(Oнд. 03-14 § 1; ORD. 01-14 § 1 (Exh. A); ORD. 10-10 § 3 (Exh. C); ORD. 42-02 § 2 (21A.04.010))

18.15.020  Zone and map designation purpose.

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in the City. The purpose statements also shall guide
interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title. (Ord. 42-02 § 2 (21A.04.020))

18.15.030 Mineral zone.
(1) The purpose of the mineral zone (M) is to provide for continued extraction and processing of mineral and soil resources in an environmentally responsible manner by:

(a) Reserving known deposits of minerals and materials within areas as protection against premature development of the land for nonextractive purposes;

(b) Providing neighboring properties with notice of prospective extracting and processing activities; and

(c) Providing appropriate location and development standards for extraction and on-site processing to mitigate adverse impacts on the natural environment and on nearby properties.

(2) Use of this zone is appropriate for known deposits of minerals and materials on sites that are of sufficient size to mitigate the impacts of operation and that are served or capable of being served at the time of development by adequate roads and other public services, and for sites containing mineral extracting and processing operations that were established in compliance with land use regulations in effect at the time the use was established. (Ord. 42-02 § 2 (21A.04.050))
Chapter 18.25

PERMITTED USES

Sections:
18.25.010 Establishment of uses.
18.25.020 Interpretation of land use tables.
18.25.025 Land use tables within R, CC, NC and I zones.
18.25.030 Residential land uses.
18.25.040 Recreational/cultural land uses.
18.25.050 General services land uses.
18.25.060 Government/business services land uses.
18.25.070 Retail land uses.
18.25.080 Manufacturing land uses.
18.25.090 Resource land uses.
18.25.100 Regional land uses.
18.25.105 Repealed.
18.25.110 Applicability – Ordinance.

18.25.010 Establishment of uses.
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. (Ord. 42-02 § 2 (21A.08.010))

18.25.020 Interpretation of land use tables.
1. The land use tables in this chapter determine whether a use is allowed in a zone district. The zone district is located on the vertical column and the use is located on the horizontal row of these tables.

2. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.

3. 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.

4. 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.

5. If a number appears 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 development condition with the corresponding number immediately following the land use table.

6. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.

7. All applicable requirements shall govern a use whether or not they are cross-referenced in a section. (Ord. 10-10 § 3 (Exh. C); Ord. 20-07 § 114; Ord. 42-02 § 2 (21A.08.020))

18.25.025 Land use tables within R, CC, NC and I zones.
The land use tables set forth in CMC 18.25.030 through 18.25.100, inclusive, shall not apply to any property within any designated downtown zone. The permitted land use table for property located within any downtown zone is set forth in CMC 18.31.110. (Ord. 10-10 § 3 (Exh. C); Ord. 32-05 § 1)
18.25.030 Residential land uses.

A. Table.

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<th>SPECIFIC LAND USE</th>
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<td>Manufactured home park</td>
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<td>GROUP RESIDENCES</td>
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<td>ACCESSORY USES:</td>
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<td>Home occupation</td>
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<td>Hotel</td>
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B. Development Conditions.

(1) For all single-family preliminary plats of 20 lots or more, 18 percent of the units must be constructed as multiple-family dwelling units. The City will consider a reduction in the required number of multiple-family units if an agreement can be reached to assure the affordable housing income figures mandated by the comprehensive plan can be achieved. This condition shall not apply within the Lakepoint Urban Village subarea.

(2) Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in Condition No. 6.

(3) Only as part of a mixed-use/integrated development subject to the conditions of Chapter 18.35 CMC.

(4) Permitted only in the R-18 zone.

(5) Must be in accord with Chapter 18.35 CMC.

(6) Accessory Dwelling Units.

(a) Only one accessory dwelling per primary single detached dwelling unit;
The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.

(b) Only in the same building as the primary dwelling unit on an urban lot that is less than 10,000 square feet in area, on a rural lot that is less than the minimum lot size, or on a lot containing more than one primary dwelling;

(c) The primary dwelling unit or the accessory dwelling unit shall be owner-occupied;

(d) One of the dwelling units shall not exceed a floor area of 1,000 square feet except when one of the dwelling units is wholly contained within a basement or attic;

(e) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

(f) One additional off-street parking space shall be provided;

(g) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied;

(h) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the Department with the Records and Elections Division which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the Department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, either the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone; and

(i) Must be in accord with Chapter 18.35 CMC.

(7) Only as an accessory to the permanent residence of the operator, provided:

(a) Serving meals to paying guests shall be limited to breakfast; and

(b) The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the International Building Code for R-1 occupancies may accommodate up to 10 persons per night.

(8) On-street electric vehicle charging stations are not permitted in the R-1 through R-18 zones. Individual electric vehicle charging stations for a single-family residence shall follow the Installation Guide for Charging Stations, prepared by Puget Sound Regional Council, as amended.

(9) Within the Lakepoint Urban Village subarea, single-family detached residences shall not be allowed around or abutting the pond.

(10) Within the Lakepoint Urban Village subarea, townhouses shall not abut the pond except as part of a mixed-use development, unless otherwise separated from the pond by a public trail, park, green space or street. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 06-05 § 1; Ord. 23-04 § 10; Ord. 42-02 § 2 (21A.08.030))

**18.25.040 Recreational/cultural land uses.**

A. Table.

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<tr>
<th>Key</th>
<th>P - Permitted Use</th>
<th>C - Conditional Use</th>
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<td>PARK/RECREATION:</td>
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The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.
### Key

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<tr>
<td></td>
<td>* Park</td>
<td>P</td>
<td>P</td>
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<td>* Trails</td>
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</table>

#### AMUSEMENT/ENTERTAINMENT:

|        | * Adult entertainment businesses (2) | P |
|        | 793 Bowling center                  | P | P |
|        | * Golf facility                     | P3| P3 |
| 7999(4)(6) | Amusement and recreation services   | P5| P5 |
|        | * Commercial recreation             | C |
|        | * Physical fitness/ recreation clubs| P |
|        | * Theaters                          | P |

#### CULTURAL:

|        | 823 Library                        | C6| C5  | C6  | C5  | P  | P  | P  |
|        | 841 Museum                         | C | C   | C   | C   | P  | P  | P  |
|        | 842 Arboretum                      | P | P   | P   | P   | P  | P  | P  |

### B. Development Conditions.

1. Lighting for structures and fields shall be directed away from residential areas through the use of exterior full cut-off shields or through optics within the fixture.

2. Adult entertainment businesses shall be prohibited within 550 feet of any property zoned R or containing schools, licensed day care centers, public parks or trails, community centers, public libraries or churches. In addition, adult entertainment businesses shall not be located closer than 3,000 feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned R or that contain the uses identified in this subsection.

3. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. Ancillary facilities associated with a golf course are limited to practice putting greens, maintenance buildings and other structures housing administrative offices or activities that provide convenience services to players. These convenience services are limited to a pro shop, food services and dressing facilities and shall occupy a total of no more than 10,000 square feet.

4. Excluding amusement and recreational uses classified elsewhere in this chapter.

5. A conditional use permit is required unless the use is an accessory to a park or in a building listed on the National Register as a historic site or designated as a King County landmark subject to Chapter 18.47 CMC.
Covington Municipal Code
Chapter 18.25 PERMITTED USES

The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.

(6) The operation of an indoor shooting range, as defined in CMC 18.20.1080, is not permitted. Outdoor shooting
ranges are not permitted. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 01-12 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh.
C); Ord. 42-02 § 2 (21A.08.040))

18.25.050 General services land uses.
A. Table.

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<td>Cemetery, columbarium or mausoleum</td>
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HEALTH SERVICES:

| *     | Medical/dental office/outpatient clinic |    |    | P    | P    | P    | P  | P  | P  |      |   |
| 805   | Nursing and personal care facilities  |    |    | P    |      |      |    |    |    |      |   |
| 807   | Medical/dental lab                  |    |    | P    |      |      |    |    |    |      |   |
| 808 – 809 | Miscellaneous health       |    |    | P    |      |      |    |    |    |      |   |

EDUCATIONAL SERVICES:

| Schools: Elementary, middle/junior high, secondary or high school |    |    | P    | P    | P    | P  | | | | |

The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.
B. Development Conditions.

(1) Except SIC Industry No. 7534 – Tire retreading; see manufacturing permitted use table.

(2) Not abutting or taking access from SE 270th Place.

(3) A conditional use permit is required unless a columbarium is an accessory to a church.

(4) Only as an accessory to a cemetery.

(5) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

(6) Only as an accessory to residential use, and:
   
   (a) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and

   (b) Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.

(7) Permitted as an accessory use. See commercial/industrial accessory uses, CMC 18.25.060.

(8) Only as a re-use of a public school facility subject to Chapter 18.85 CMC, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, and:

   (a) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet;

   (b) Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

   (c) Direct access to a developed arterial street shall be required in any residential zone; and

   (d) Hours of operation may be restricted to assure compatibility with surrounding development.

(9) Permitted only in existing single-family structures.

(10) Limited to source-separated yard or organic waste processing facilities.

(11) Only if adjacent to an existing or proposed school.

(12) (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 solid wall and surfaced with concrete or other impervious material; and
(c) The provisions of Chapter 18.80 CMC relative to animal keeping are met.

(13) Limited to 3,000 square feet of gross floor area, unless located in a multi-story, mixed-use building in which case the limitation does not apply.

(14) Excluding banks.

(15) Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises. (Ord. 05-15 § 1 (Exh. A); Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.08.050))

18.25.060 Government/business services land uses.

A. Table.

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The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.
The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.

Key

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**ACCESSORY USES:**

| *     | Commercial/industrial accessory uses | 2 | P15 | P15 | P9.15 | P15 | P9.15 | P15 |

| *     | Off-street required parking lot | P | P | P | P | C | P | P |

B. Development Conditions.

1. Except self-service storage.

2. Except SIC Industry No. 8732 – Commercial economic, sociological, and educational research, see general business service/office.

3. A conditional use permit is not required if the use is:

   (a) A re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.85 CMC; or

   (b) An accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.

4. Excluding bulk gas storage tanks.

5. Subject to industrial criteria.

6. (a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

   (b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street;

   (c) No outdoor storage.

7. Limited to “storefront” police offices. Such offices shall not have:

   (a) Holding cells;

   (b) Suspect interview rooms (except in the NC zone); or

   (c) Long-term storage of stolen properties.

8. (a) Utility yards only on sites with utility district offices; or

   (b) Public agency yards are limited to material storage for road maintenance facilities.

9. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

10. Provided, that all material and/or equipment of any kind is stored in a fully enclosed building.

11. Permitted only in existing single-family structures.
(12) Not abutting or taking access from SE 270th Place.

(13) Limited to new commuter parking lots designed for 30 or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting; provided, that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the Department of Transportation.

(14) Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.

(15) Electric vehicle charging stations are permitted in accordance with CMC 18.50.170.

(16) Gasoline service stations and battery exchange stations are limited to the community commercial (CC) zone and subject to the following conditions:

- A gasoline service station shall be limited to four pumps and eight price gauges to service no more than eight vehicles.
- A battery exchange station shall provide a minimum of three stacking spaces.
- Stacking spaces and drive-through facilities shall be designed in accordance with CMC 18.50.080.
- 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.

(17) Limited to park-and-ride facilities associated with a public or private transit facility provider. Any such commuter parking lot shall not exceed 125 surface spaces. Parking stalls in excess of this amount shall be located within a parking structure.

(18) Limited to 3,000 square feet of gross floor area unless located in a multi-story, mixed-use building, in which case the limitation does not apply. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 08-07 § 1; Ord. 16-05 § 1; Ord. 08-05 § 1; Ord. 24-04 § 1; Ord. 42-02 § 2 (21A.08.060))

18.25.070 Retail land uses.

A. Table.

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<td>*</td>
<td>Book, stationery, video and art supply stores</td>
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<td>Hobby, toy, game shops</td>
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</table>

The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.
B. Development Conditions.

(1) Only hardware and garden materials stores shall be permitted; provided, that all material and/or equipment of any kind is stored in a fully enclosed building.

(2) Limited to a maximum of 3,000 square feet of gross floor area, unless located in a multi-story, mixed-use building, in which case the limitation does not apply.

(3) Reserved.

(4) Permitted only in existing single-family structures.

(5) Farmers’ and public markets are permitted. Temporary markets require a temporary use permit in accordance with CMC 18.85.125.

(6) Limited to a maximum of 8,000 square feet of gross floor area, and drive-through facilities are not permitted.

(7) Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 09-09 § 4; Ord. 06-06 § 1; Ord. 42-02 § 2 (21A.08.070))

18.25.080 Manufacturing land uses.
A. Table.

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The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.
## B. Development Conditions.

1. Except slaughterhouses.
2. Limited to photocopying and printing services offered to the general public.
3. Limited to 3,000 square feet of gross floor area unless located in a multi-story, mixed-use building, in which case the limitation does not apply. (Ord. 12-16 § 6; Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.08.080))

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The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.

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18.25.090 Resource land uses.

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<td>10, 12, 14</td>
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</table>

B. Development Conditions.
(1) May be further subject to Chapter 16.05 CMC, Shoreline Management Plan.
(2) Excluding housing for agricultural workers.
(3) Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operations.
(4) Only in conjunction with a mineral extraction site plan approved in accordance with Chapter 18.60 CMC.
(5) Only as accessory to a primary mineral extraction use, or as a continuation of a mineral processing use established prior to the effective date of or consistent with this title. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.08.090))

18.25.100 Regional land uses.

A. Table.

<table>
<thead>
<tr>
<th>SIC #</th>
<th>SPECIFIC LAND USE</th>
<th>M</th>
<th>US</th>
<th>R-4-8</th>
<th>R-12</th>
<th>R-18</th>
<th>MR</th>
<th>CC</th>
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<th>RCMU</th>
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The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.
Chapter 18.25 PERMITTED USES

The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.

### Key

- **P**– Permitted Use
- **C**– Conditional Use

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<tr>
<th>SIC #</th>
<th>SPECIFIC LAND USE</th>
<th>M</th>
<th>US</th>
<th>R4-8</th>
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<tr>
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<td>*</td>
<td>Public agency animal control facility</td>
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<td>Public agency training facility</td>
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<td>*</td>
<td>Nonhydroelectric generation facility</td>
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<td>Soil recycling facility</td>
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<td>Secure community transition facility (SCTS)</td>
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B. Development Conditions.

1. Shooting ranges, either indoor or outdoor, associated with educational programs are not permitted.
2. Limited to no more than three satellite dish antennas.
3. Limited to one satellite dish antenna.
4. Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. WCFs may be located (a) on any residential structure or undeveloped site in R-18, MHO, TC or GC zone districts; or (b) on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.), or in public rights-of-way in any residential zone district. Chapter 18.70 CMC, Wireless Communication Facilities, outlines the approval and review process. In the event of a conflict between the requirements of Chapter 18.70 CMC and the requirements of this chapter, Chapter 18.70 CMC shall govern.
5. Permitted as a re-use of a public school facility subject to Chapter 18.85 CMC. A conditional use permit is required if the use is a re-use of a surplus nonresidential facility subject to Chapter 18.85 CMC.
6. Limited to cogeneration facilities for on-site use only.
7. Conditional use permit required subject to meeting conditions for siting SCTFs in compliance with the requirements of Chapter 71.09 RCW and CMC 18.125.040. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 09-12 § 2 (Exh. B); Ord. 01-12 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 16-05 § 2; Ord. 42-02 § 2 (21A.08.100))

The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.
18.25.105 Permitted land uses.
Repealed by Ord. 10-10. (Ord. 09-17 § 2 (Exh. 1); Ord. 09-09 § 5; Ord. 05-09 § 1 (Exh. 1); Ord. 21-08 § 2)

18.25.110 Applicability – Ordinance.
Complete applications for segregation submitted prior to adoption of this code shall continue to be governed by those ordinances in effect on the date the complete application was submitted. (Ord. 42-02 § 2 (21A.08.900))

Code reviser’s note: “Hawk Property” was renamed “Lakepoint Urban Village” with the adoption of the Comprehensive Plan by Ordinance 02-16.

Code reviser’s note: “Hawk Property” was renamed “Lakepoint Urban Village” with the adoption of the Comprehensive Plan by Ordinance 02-16.
Chapter 18.60 DEVELOPMENT STANDARDS – MINERAL EXTRACTION

Sections:

18.60.010 Purpose.
18.60.020 Exemptions.
18.60.030 Extractive operations.
18.60.035 Repealed.
18.60.040 Nonconforming extractive operations.
18.60.050 Periodic review.
18.60.060 Site design standards.
18.60.070 Operating standards.
18.60.080 Reclamation.
18.60.090 Repealed.

18.60.010 Purpose.
The purpose of this chapter is to establish standards which minimize the impacts of grading and extractive operations upon surrounding properties by:

(1) Ensuring adequate review of operating aspects of extractive sites;

(2) Requiring periodic review of extractive and processing operations to ensure compliance with the most current operating standards. (Ord. 08-13 § 3 (Exh. A); Ord. 20-07 § 121; Ord. 42-02 § 2 (21A.22.010))

18.60.020 Exemptions.
The provisions of this chapter shall not apply to uses or activities specifically exempted in Chapter 18.45 CMC. (Ord. 08-13 § 3 (Exh. A); Ord. 42-02 § 2 (21A.22.020))

18.60.030 Extractive operations.
Extractive operations shall commence only after issuance of a grading permit pursuant to Chapter 14.60 CMC. (Ord. 08-13 § 3 (Exh. A); Ord. 20-07 § 122; Ord. 42-02 § 2 (21A.22.030))

18.60.035 Fees.
Repealed by Ord. 08-13. (Ord. 20-07 § 68; Ord. 43-02 § 2 (27.12.010). Formerly 14.60.010)

18.60.040 Nonconforming extractive operations.
To the extent determined feasible by the City, nonconforming extractive operations shall be brought into conformance with the operating standards of CMC 18.60.070. (Ord. 08-13 § 3 (Exh. A); Ord. 20-07 § 122; Ord. 42-02 § 2 (21A.22.040))

18.60.050 Periodic review.
Unless a more frequent review is required, periodic review of extractive and processing operations shall be provided as follows:

(1) All extractive operations shall be subject to a review of development and operating standards at five-year intervals.

(2) The periodic review shall be:

(a) Conducted by the Director or his/her designee pursuant to the review process outlined in CMC Title 14; and

(b) Used to determine that the site is operating consistent with the most current standards and to establish other conditions as necessary to mitigate identifiable environmental impacts.

(c) The cost of any review by the City shall be the responsibility of the operator of the extractive operation. (Ord. 08-13 § 3 (Exh. A); Ord. 42-02 § 2 (21A.22.050))

The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.
18.60.060 Site design standards.
Except as provided for nonconforming extractive operations in CMC 18.60.040, all extractive and processing operations shall at minimum comply with the following standards:

(1) The minimum site area of an extractive operation shall be 10 acres.

(2) Extractive operations on sites larger than 20 acres shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process.

(3) Fences and screening shall be:
   (a) Provided in a manner which screens the use from public view and discourages access to safety hazards which may arise on areas of the site where:
      (i) Active extracting, processing, stockpiling and loading of materials is occurring;
      (ii) Any unstable slope or any slope exceeding a grade of 40 percent is present, or
      (iii) Any settling pond or other storm water facility is present;
   (b) At least six feet in height above the grade measured at a point five feet from the outside of the fence;
   (c) Installed with lockable gates at all openings or entrances;
   (d) No more than four inches from the ground to fence bottom;
   (e) Maintained in good repair; and
   (f) Screening shall include the use of landscape material in accord with Chapter 18.40 CMC.

(4) Warning and trespass signs advising of the extractive operation shall be placed on the perimeter of the site adjacent to R zones at intervals no greater than 200 feet along any unfenced portion of the site where the items noted in subsection (3)(a)(i) through (iii) of this section are present.

(5) Structural setbacks from property lines shall be as follows:
   (a) Buildings or structures used in the processing of materials shall be no closer than:
      (i) One hundred feet from any R zoned property except that the setback may be reduced to 50 feet when the grade where such building or structure is proposed is 50 feet or greater below the grade of said R zoned property or
      (ii) Twenty feet from any other zoned property, except when adjacent to another extractive site; or
      (iii) Twenty-five feet from any public street;
   (b) Offices, scale facilities, equipment storage buildings and stockpiles shall not be closer than 20 feet from any property line except when adjacent to another extractive site;

(6) No clearing, grading or excavation, excluding that necessary for roadway or storm drainage facility construction, shall be permitted within 20 feet of any property line except along any portion of the perimeter adjacent to another extractive operation, provided, that such activities may be pursuant to an approved reclamation plan.

(7) Landscaping as required pursuant to Chapter 18.40 CMC shall be provided along any portion of the site perimeter where disturbances such as site clearing and grading, or mineral extraction or processing is performed, except where adjacent to another extractive operation; and

(8) Lighting shall.
The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.

Chapter 18.60 DEVELOPMENT STANDARDS — MINERAL EXTRACTION

18.60.070 Operating standards.
All operating standards shall be as specified in Chapter 18.45 CMC except:

(1) Noise levels produced by an extractive operation shall not exceed levels specified by the City of Covington noise ordinance, Chapter 8.20 CMC;

(2) Blasting shall be conducted:
   (a) Consistent with the methods specified in the Office of Surface Mining, 1987 Blasting Guidance Manual;
   (b) During daylight hours; and
   (c) According to a time schedule that:
      (i) Features regular or predictable times, except in the case of an emergency; and
      (ii) Is provided to residents within one-half mile of the site;

(3) Dust and smoke produced by extractive operations shall not substantially increase the existing levels of suspended particulate at the perimeter of the site and shall be controlled by watering of the site and equipment or other methods specified by the County;

(4) The applicant shall provide for measures to prevent transport of rocks, dirt and mud from trucks onto public roadways;

(5) Traffic control measures such as flagmen or warning signs as determined by the City shall be provided by the applicant during all hours of operation; and

(6) The applicant shall be responsible for cleaning of debris or repairing of damage to roadways caused by the operation. (Ord. 42-02 § 2 (21A.22.070))

18.60.080 Reclamation.
A reclamation plan approved pursuant to the requirements of RCW 78.44.090 shall be submitted prior to the effective date of a rezone approval. (Ord. 08-13 § 3 (Exh. A); Ord. 42-02 § 2 (21A.22.080))

18.60.090 Financial guarantees.
Repealed by Ord. 08-13; (Ord. 20-07 § 124; Ord. 42-02 § 2 (21A.22.090))
The Covington Municipal Code is current through Ordinance 05-17, passed June 13, 2017.