

ORDINANCE NO. 09-2021

AN ORDINANCE OF THE CITY OF COVINGTON, WASHINGTON, REPEALING ORDINANCE NO. 07-2021 AND ADOPTING REPLACEMENT INTERIM ZONING REGULATIONS RELATED TO PERMANENT SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, EMERGENCY HOUSING, AND EMERGENCY SHELTERS FOR A PERIOD OF SIX MONTHS IN RESPONSE TO HB 1220; AMENDING CMC 14.30.040, CMC 18.20.018, CMC 18.20.032, CMC 18.20.034, CMC 18.20.052, CMC 18.25.030, AND CMC 18.31.120; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; REQUIRING A PUBLIC HEARING; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Washington State Constitution at article 11, section 11 grants cities the police power authority to protect the public health, safety, and welfare. Pursuant to that authority, a city may regulate the use of property. Cities may regulate property for purposes such as abating nuisances, enforcing building and health codes, zoning and planning, and environmental protection; and

WHEREAS, the City of Covington (“City”), under the authority of RCW 35A.63.220 and RCW 36.70A.390, may impose interim regulations to be effective for a period of up to one year, and for six-month intervals thereafter; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City’s incorporated land; and

WHEREAS, earlier this year, the state legislature enacted HB 1220, which, after partial veto by Governor Inslee, became Chapter 254, Laws of 2021, and will take effect on July 25, 2021; and

WHEREAS, Section 3 of HB 1220 contains the following preemption of local zoning authority:

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit.; and

WHEREAS, HB 1220 allows code cities to impose reasonable occupancy, spacing, and intensity of use requirements on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety; and

WHEREAS, any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing or indoor emergency shelters necessary to accommodate the City's projected need for such housing and shelter; and

WHEREAS, the Covington City Council ("Council") would like to make certain changes to its development regulations on an interim basis to be consistent with state law and to give City staff and the planning commission time to make recommendations to Council to ensure compliance with HB 1220 on a permanent basis; and

WHEREAS, the Housing Element chapter of the City's Comprehensive Plan ("Comprehensive Plan") states as follows: "Homeless individuals and families will have access to transitional housing and emergency shelter"; and

WHEREAS, the Housing Element chapter of the City's Comprehensive Plan states as follows: "Participate in educational campaigns in the community that support low-income and special needs housing"; and

WHEREAS, the City needs additional time to examine and evaluate the effect of HB 1220 on the uses allowed in zones and the permit process.; and

WHEREAS, the interim regulations will: amend the Covington Municipal Code ("CMC") to make the definitions consistent with the requirements of HB 1220, add the newly defined definitions to the permitted use table, add the newly defined definitions to the permitted use table for the downtown zones, and identify the applicable decision types for these uses; and

WHEREAS, the City has not been provided with the data as described in section 2 of HB 1220(2)(a) by the Washington State Department of Commerce ("Department of Commerce") to develop a Housing Element of the Comprehensive Plan that ensures the vitality and character of established residential neighborhoods that:

Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including: (i) Units for moderate, low, very low, and extremely low-income households; and (ii) Emergency housing, emergency shelters, and permanent supportive housing; and

WHEREAS, the City communicated with the Department of Commerce on July 15, 2021 and requested the data as described in HB 1220; and

WHEREAS, the Department of Commerce indicated on July 15, 2021 that it does not have the data referenced in HB 1220, but is in the process of developing a Request for Proposals for a consultant to develop the data over the next year. The Department of Commerce will need to develop methodology first and expects to have draft data prepared in the summer of 2022; and

WHEREAS, due to the lack of data from the Department of Commerce, the Council finds that reasonable intensity, spacing, and occupancy requirements are necessary to protect the public health and must be based on data currently available to the City; and

WHEREAS, it is reasonable and necessary to utilize existing data until such time as the Department of Commerce provides the information regarding the City's projected housing needs identifying the number of housing units necessary to manage projected growth; and

WHEREAS, the 2019 Seattle/King County Point-In-Time Count of Persons Experiencing Homelessness identified 65 unsheltered individuals and 56 sheltered individuals in Southeast King County, within the cities of Black Diamond, Covington, Enumclaw, Maple Valley, and Unincorporated Areas; and

WHEREAS, the population of the cities grouped into the Southeast King County classification is approximately 68,000 people; and

WHEREAS, the City makes up 33 percent of the population of the cities listed in the Southeast King County classification; and

WHEREAS, based on an assumed number of unsheltered individuals in Southeast King County at 80 individuals, and the proportional share of population, 33 percent, the proportional share of unsheltered individuals the City would need to provide services for is 26 individuals, thus providing sufficient number of permanent supportive housing, transitional housing, indoor emergency housing or indoor emergency shelters necessary to accommodate the City's projected need for such housing and shelter; and

WHEREAS, data compiled for the 2020 Seattle/King County Point-In-Time Count of Persons Experiencing Homelessness indicates that people experiencing homelessness increased by five percent within King County; and

WHEREAS, these interim regulations will be reviewed by staff and the City of Covington Planning Commission, and may be revised to generate more allowances based on the number of housing units necessary to manage projected growth; and

WHEREAS, the reasonable occupancy, spacing, and intensity requirement set in these interim regulations are necessary to preserve the public health and safety because they provide for basic health requirements, do not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters, and are sufficient to accommodate the City's needs for such housing and shelter according to the existing data; and

WHEREAS, Council adopted interim zoning regulations under Ordinance No. 07-2021 related to permanent supportive housing, transitional housing, emergency housing, and emergency shelters for a period of six months in response to HB 1220; and

WHEREAS, Council adopted a new for based code zoning ordinance on August 10, 2021 updating codes related to development within the Downtown Zones, but did not address the use and allowance of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters; and

WHEREAS, the interim zoning regulations imposed under Ordinance No. 07-2021 were not included in the form based code ordinance because the scope of the project did not include the requirements of HB 1220, the public process for the adoption of the form based code did consider the requirements of HB 1220, and the timing of the City's grant to complete the form based code necessitated adoption necessitated passage without including the HB 1220 requirements; and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390, a public hearing shall be held within 60 days of the adoption of these interim land use regulations; and

WHEREAS, adoption of interim regulations is exempt from a threshold determination under the State Environmental Policy Act; and

WHEREAS, the Council finds that the repealing Ordinance No. 07-2021 and the adoption of these replacement interim land use regulations are necessary to ensure that the City develops in a manner that is consistent with the state law, the comprehensive plan, Council's goals, and public health and safety;

NOW, THEREFORE, the City Council of the City of Covington, Washington, do ordain as follows:

Section 1. Findings of Fact. The recitals set forth above and the information and staff findings (including the CMC 14.25.060 selection and decision criteria) provided in staff memo are hereby adopted as the Council's findings of fact. Council may, in its discretion, adopt additional findings of fact after the public hearing referenced below.

Section 2. Repeal and Replace. Ordinance No. 07-2021 is hereby repealed and replaced with this ordinance.

Section 3. Section 18.25.030 of the Covington Municipal Code is amended to read as set forth in Exhibit 1, which is attached hereto and incorporated by this reference.

Section 4. Section 18.31.120 of the Covington Municipal Code is amended to read as set forth in Exhibit 2, which is attached hereto and incorporated by this reference.

Section 5. Section 18.20.018 of the Covington Municipal Code is amended to read as set forth in Exhibit 3, which is attached hereto and incorporated by this reference.

Section 6. Section 18.20.032 of the Covington Municipal Code is amended to read as set forth in Exhibit 3, which is attached hereto and incorporated by this reference.

Section 7. Section 18.20.034 of the Covington Municipal Code is amended to read as set forth in Exhibit 3, which is attached hereto and incorporated by this reference.

Section 8. Section 18.20.052 of the Covington Municipal Code is amended to read as set forth in Exhibit 3, which is attached hereto and incorporated by this reference.

Section 9. Section 14.30.040 of the Covington Municipal Code is amended to read as set forth in Exhibit 4, which is attached hereto and incorporated by this reference.

Section 10. Effective Period of Interim Development Regulations. This ordinance shall be in effect for a period of six months from the effective date of this ordinance, unless earlier repealed, renewed, or modified by the City Council as provided by State law.

Section 11. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, Council shall hold a public hearing at a regularly scheduled Council meeting within 60 days of adoption of this ordinance to take public testimony and to consider adopting additional findings of fact.

Section 12. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or situation, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or situation. The City Council of the City of Covington hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clauses, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 13. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make any necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 14. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 15. Effective Date. This ordinance shall be in full effect five (5) days after passage and publication, as provided by law. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

Passed by the City Council of the City of Covington this 14th day of September 2021.

Signed in authentication of its passage this 15th day of September, 2021.

[Signature Page Follows]



Jeff Wagner, Mayor

EFFECTIVE: September 22, 2021
PUBLISHED: September 17, 2021

AUTHENTICATED:



for Joan Michaud, City Clerk Krista Bates, Deputy City Clerk

APPROVED AS TO FORM:

/s/ Mark Orthmann, as authorized by email on September 14, 2021
Mark Orthmann, City Attorney

Exhibit 1.

CMC 18.25.030 Residential Land Uses

18.25.030 Residential land uses.

A. Table.

Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE (1)	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I	
*	DWELLING UNITS, TYPES:										
*	Single detached (4)	P C2	P C2	P C2	P4 C2	P9					
	Duplex	P	P	P	P	P10	P3	P3			
*	Townhome/townhouse (2 to 4 units)	P	P	P	P	P10	P3	P3			
*	Multifamily/townhome/townhouse (4+ units)				P4	P	P3	P3	P		
*	Manufactured home park		C8		C8						
	GROUP RESIDENCES										
*	Community residential facility-I	C	C	C	C	C	P3	P3			
*	Community residential facility-II						C	C			
*	Senior citizen assisted housing	P	P	P	P	P	P3		P		
	ACCESSORY USES:										
*	Residential accessory uses	P6	P6,8	P6,8	P6,8	P6,8	P6				
*	Home occupation (5)	P	P	P	P	P	P		P		
	TEMPORARY LODGING										
*	Bed and breakfast guesthouse	P7	P7	P7	P7	P7	P	P			
*	Hotel					P			P		
	SUPPORTIVE HOUSING										
*	<u>Emergency shelter</u>					<u>P12</u>			<u>P12</u>		
*	<u>Emergency housing</u>					<u>P12</u>			<u>P12</u>		
*	<u>Permanent supportive housing</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>		
*	<u>Transitional housing</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>	<u>P11</u>		

Footnotes of Table A.

(1) Must be in accord with Chapter 18.35 CMC, Development Standards – Design Requirements.

(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) See Chapter 18.37 CMC, Development Standards and Design Requirements for Cottage Housing.
- (5) See CMC 18.80.100 for requirements associated with home occupations.
- (6) Accessory Dwelling Units.
 - (a) Only one accessory dwelling per primary single detached dwelling unit, accessory dwelling units shall not be allowed on the same property as a duplex;
 - (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;
 - (i) Must be in accord with Chapter 18.35 CMC.
- (7) Only as an accessory to the permanent residence of the operator, provided:
 - (a) 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) Individual electric vehicle charging stations for a single-family residence shall follow the Installation Guide for Charging Stations, prepared by Puget Sound Regional Council, and as amended.
- (9) Within the Lakepoint Urban Village¹ 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.

(11) Permanent supportive housing and transitional housing facilities are allowed subject to the following criteria:

- (a) Permanent supportive housing and transitional housing facilities are Type 1 decisions pursuant to CMC 14.30.040.
- (b) Permanent supportive housing and transitional housing facilities must be 24 hours a day facilities where rooms or units are assigned to specific residents for the duration of their stay.
- (c) On-site supervision must be provided at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed.
- (d) In residential general use type areas, residents must be referred off site by providers of housing and services for people experiencing homelessness. Direct intake of residents at the site is not allowed.
- (e) Trash receptacles must be provided in multiple locations throughout the facility and site. A regular trash patrol in the immediate vicinity of the site must be provided.
- (f) On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents and not available for drop in use by non-residents.
- (g) The organization managing and operating the facility must work with the City and adjacent residents and businesses to develop a Good Neighbor Agreement set of standards addressing items like noise, smoking areas, parking, security procedures, and litter prior to the start of operations.
- (h) The facility must be located within a half mile walking distance of a transit stop so that transit dependent residents are able to reach services and employment.
- (i) The organization managing and operating the facility must work with the City to develop a set of standards and expectations that residents must agree to follow prior to the start of operations (Code of Conduct).
- (j) To avoid a concentration of uses, facilities must be at least a half mile from any other permanent supportive housing or transitional housing facilities, calculated as a radius from the property lines of the site. This distance may be reduced if there is a barrier such as a freeway preventing access between the facilities and the path of travel between the facilities on public roads or trails is at least a half mile.
- (k) The maximum number of residents in a facility is limited to the general capacity of the building and the level of staffing to be provided.
- (l) The organization managing and operating the facility must develop coordination plans with the Police and Fire Departments including protocols for response to the facility and to facility residents throughout the City. If calls for law enforcement service exceed an agreed upon threshold in any given quarter, the organization managing and operating the facility will work with the City to reduce calls below the threshold level.
- (m) The organization managing and operating the facility must provide regular reports to the City on how it is meeting performance metrics such as placement into permanent housing or addiction treatment programs.
- (n) The organization managing and operating the facility must submit a parking plan acceptable to the City showing that it has adequate parking to meet the expected demand from residents, staff, service providers, and visitors. Residents may not park off-site and all vehicles must be operational.

(o) The possession or use of illegal drugs at a permanent supportive housing or transitional housing facility or the property occupied by the facility is prohibited.

(p) An operations plan must be provided that addresses the following elements to the satisfaction of the city:

(i) Roles and responsibilities of key staff;

(ii) Site/facility management, including a security and emergency plan;

(iii) Site/facility maintenance;

(iv) Occupancy policies, including resident responsibilities and a code of conduct that includes, at a minimum, a prohibition on the on-site use or sale of alcohol and illegal drugs and threatening or unsafe behavior. The sponsor and/or managing agency shall ensure that items deemed as weapons are stored in a safe location;

(v) Provision of human and social services, including staffing plan and outcome measures;

(vi) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and

(vii) Procedures for maintaining accurate and complete records.

(12) Emergency housing and emergency shelter facilities are allowed subject to the following criteria:

(a) Emergency housing and emergency shelter facilities are Type 2 decisions pursuant to CMC 14.30.040.

(b) Emergency housing and emergency shelter facilities must be 24 hours a day facilities where beds or rooms are assigned to specific residents for the duration of their stay.

(c) On-site supervision must be provided at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed

(d) An operations plan must be provided that addresses the following elements to the satisfaction of the City:

(i) Roles and responsibilities of key staff;

(ii) Site/facility management, including a security and emergency plan;

(iii) Site/facility maintenance;

(iv) Occupancy policies, including resident responsibilities and a code of conduct that includes, at a minimum, a prohibition on the on-site use or sale of alcohol and illegal drugs and threatening or unsafe behavior. The sponsor and/or managing agency shall ensure that items deemed as weapons are stored in a safe location;

(v) Provision of human and social services, including staffing plan and outcome measures;

(vi) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and

- (vii) Procedures for maintaining accurate and complete records.
- (e) On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of the facility and not available for drop in use by non-residents.
- (f) The organization managing and operating the emergency housing or emergency shelter facilities must work with the City and adjacent residents and businesses to develop a Good Neighbor Agreement set of standards addressing items like noise, smoking areas, parking, security procedures, and litter prior to the start of operations.
- (g) The emergency housing or emergency shelter facilities must be located within a half mile walking distance of a bus or rail transit stop so that transit dependent residents are able to reach services and employment.
- (h) The organization managing and operating the emergency housing or emergency shelter facilities must work with the city to develop a set of standards and expectations that residents must agree to follow prior to the start of operations (Code of Conduct).
- (i) To avoid a concentration of emergency housing or emergency shelter facilities, at the time of application, there shall be no other approved emergency housing or shelter facility located within a half mile of the proposed emergency housing or shelter facility site. For the purposes of this subsection, distance shall be measured in a straight line between the closest property line of the existing facility and the closest property line of the proposed facility. For purposes of this section, if the City receives applications for proposed facilities that are within a half mile of each other, the first complete application received by the City shall be given priority.
- (j) An emergency housing facility and an emergency shelter facility may not be permitted on the same lot simultaneously.
- (k) The organization managing and operating the emergency housing or emergency shelter facilities shall be responsible for the operation and maintenance of the facility itself, as well as the conduct of the residents of the facility on and in the immediate vicinity of the lot, to the maximum extent permitted by law, regardless of whether the organization contracts with a third party for the provision of any services related to the facility itself or its residents.
- (l) The possession or use of illegal drugs at an emergency housing or shelter facility or the property occupied by the facility is prohibited.
- (m) The organization managing and operating the emergency housing or emergency shelter facilities shall be responsible for the safety of residents of the facility, and shall establish a plan to remove individuals who present a threat to other residents or the property of other residents.
- (n) If provided, exterior lighting must be directed downward and glare must be contained within the facility site.
- (o) Trash receptacles must be provided in multiple locations throughout the facility and site. A regular trash patrol in the immediate vicinity of the site must be provided.
- (p) The organization managing and operating the emergency housing or emergency shelter facilities shall provide the City written documentation of the following:

- (i) A description of the proposed staffing and operational characteristics, including confirmation of sanitation and basic safety measures required for emergency shelters.
- (ii) A description of the proposed population to be served and code of conduct to be observed including conflict resolution steps.
- (iii) Criteria for rejection or removal of an individual seeking access to the facility.
- (iv) A plan for managing the exterior appearance of the proposed site including trash/litter.
- (v) A phone number, email, and point of contact at the site of the facility for the community to report concerns.
- (vi) A plan for addressing reported concerns and documenting resolution, and making this information publicly available.
- (vii) A proposed site plan showing compliance with all requirements set forth in the applicable sections of Title 18 of the Covington Municipal Code, and applicable fire and building codes set forth in Title 15 of the Covington Municipal Code.
- (viii) Emergency housing and shelter facilities must have two naloxone (Narcan) kits onsite, and staff must be trained in how to administer the naloxone.
- (ix) The possession of any of the weapons described in RCW 9.41.280(1) at an emergency housing or shelter facility or the property occupied by the facility is prohibited.
- (q) The maximum number of residents in a facility is limited to the general capacity of the building and the level of staffing to be provided, but in no case more than 30.
- (r) The organization managing and operating the emergency housing or emergency shelter facilities must develop coordination plans with the Police and Fire Departments including protocols for response to the facility and to facility residents throughout the City. If calls for law enforcement service exceed an agreed upon threshold in any given quarter, the facility operator will work with the City to reduce calls below the threshold level.
- (s) The organization managing and operating the emergency housing or emergency shelter facilities must provide regular reports to the City on how it is meeting performance metrics such as placement into permanent housing or addiction treatment programs.
- (t) The organization managing and operating the emergency housing or emergency shelter facilities must submit a parking plan acceptable to the City showing that it has adequate parking to meet the expected demand from residents, staff, service providers and visitors.
- (u) The organization managing and operating the emergency shelter facilities shall provide sanitation and basic safety measures including the following:

 - a. One portable or permanent toilet per 20 persons at a minimum, with a handwashing station at each toilet.
 - b. Rodent-proof litter receptacles and food storage containers.

- c. Two large first-aid kits that include emergency eye wash bottles.
- d. Secured area for dry supplies storage (blankets, clothing, food, first-aid).
- e. A kitchen area at least 20 feet from any sleeping areas, with handwashing and dishwashing stations stocked with soap.
- f. Cleaning supplies including work gloves, disposable gloves, trash grabber-tool, disinfectant, hand sanitizer, masks, buckets, paper towels, etc.
- g. Feminine hygiene products.
- h. Three- to four-foot-wide aisle between sleeping structures so as to be ADA compliant and accessible by emergency services personnel.

Exhibit 2.

CMC 18.31.120 Permitted Land Uses

18.31.120 Permitted land uses.

- (1) The primary use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered permanently established when that use will or has been in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of Chapter 18.85 CMC.
- (2) Explanation of permitted use table. The permitted use table in this chapter determines whether a use is allowed in a zone. The name of the zone is located on the vertical column and the use is located on the horizontal row of these tables.
 - (a) Permitted use (P).
If the letter “P” appears in the box at the intersection of the column and the row, the use is allowed subject to the review procedures specified in Chapter 14.30 CMC and the general requirements of the code.
 - (b) Conditional use (C)
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, conditional use fees as set forth in the current fee resolution, and the general requirements of the code.
 - (c) Use not permitted ().
Where no symbol appears in the box at the intersection of the column and the row, the use is not permitted in that zone, except for certain temporary uses.
 - (d) For uses containing a subscript letter (x), refer to the applicable condition in the “Additional Provisions” column to the right.
 - (e) For unlisted uses, the use is assumed to be unpermitted unless the applicant requests a permitted land use determination (see CMC 18.31.130).
 - (f) Additional provisions. The references, notes, and/or standards in the Additional Provisions column apply to all such permitted uses, except for those that apply to particular zones as noted in subsection (d) above.
 - (g) All applicable requirements shall govern a use whether or not they are cross-referenced in a section.

(3) Permitted use table.

See CMC 18.31.145 for special use conditions in the MHO zone.

Table 18.31.120 Uses permitted in Downtown zones.					
Use	TC	MC	GC	MHO	Additional Provisions
RESIDENTIAL					
Primary Uses					
Single-family detached				P	CMC 18.31.140(1) Subject to the density and dimension standards for the R-8 zone (CMC 18.30.030).
Duplex				P	CMC 18.31.140(1) Subject to the density and dimension standards for the R-8 zone (CMC 18.30.030).
Cottage housing				P	See Chapter 18.37 CMC for cottage housing standards
Townhouse	P	P		Px	x Subject to the density and dimension standards for the R-8 zone (CMC 18.30.030).

Table 18.31.120 Uses permitted in Downtown zones.					
Use	TC	MC	GC	MHO	Additional Provisions
Multifamily	P	P	P	P	
Senior citizen assisted housing	P	P	P	C	
Accessory Uses					
Accessory dwelling unit				P	Subject to limitations on Accessory Dwelling Units in CMC 18.25.030(A)(6)
Bed and breakfast guesthouse				P	
Home occupation	P _x	P _x	P _x	P _x	See CMC 18.80.100 for home occupation standards
<u>Supportive Housing</u>					
<u>Emergency shelter</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CMC 18.25.030, footnote (12)</u>
<u>Emergency housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CMC 18.25.030, footnote (12)</u>
<u>Permanent supportive housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CMC 18.25.030, footnote (11)</u>
<u>Transitional housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CMC 18.25.030, footnote (11)</u>
COMMERCIAL					
Adult entertainment business		P	P		See Chapter 5.20 CMC and CMC 18.25.040(2).
Animal care	P	P	P		CMC 18.31.140(12)
Business services	P _x	P	P	P _{x,y}	^x Operations shall be conducted entirely indoors ^y Use limited to 5,000sf gross
Car wash and automotive services		P	P		
Day care I	P	P	P	P _x	^x Permitted only as an accessory to a single-family detached unit.
Day care II	P	P	P	P	
Drive-through use		P	P		
Electric vehicle parking facility (primary use)		P	P		May not be located adjacent to 272nd Street.
Farmers' markets and public markets	P	P	P		CMC 18.85.125
Gambling and card rooms					
Gasoline stations and battery exchange stations		P	P		CMC 18.31.140(2) May not be located adjacent to 272nd Street.
Hotel	P	P	P	C	

Table 18.31.120					
Uses permitted in Downtown zones.					
Use	TC	MC	GC	MHO	Additional Provisions
Live/Work	P _X	P	P	P	Permitted “work” uses in Live/Work structures are uses permitted in the applicable zone. X CMC 18.31.140(13)
Marijuana retailer and retail outlets		P	P		CMC 18.33.050
Outdoor commercial			P		
Personal and beauty services	P	P	P	P	
Private parking lot or structure (primary use)					
Professional office	P	P	P	P	
Retail trade and services As listed below and based on net floor area (NFA)/individual use:					CMC 18.31.140(9)
<5,000 sq. ft. NFA	P	P	P	P	
5,000—50,000 sq. ft. NFA	P	P	P		
>50,000 sq. ft. NFA	C	P	P		
Self-service storage		P _X	P _Y		CMC 18.31.140(11) X Allowed only west of Highway 18. Y Allowed only west of Covington Way.
Shooting ranges			P		CMC 18.31.140(10)
CULTURAL/RECREATION					
Theaters, performing arts center, and museums	P _X	P	P		X The development may not occupy more than one acre for the total of the site development, including any planned phases and/or expansions.
Meeting hall/other group assembly	P _X	P	P	C	X The development may not occupy more than one acre for the total of the site development, including any planned phases and/or expansions.
Physical fitness/recreation club	P/C	P	P	P	CMC 18.31.140(7)
Recreation, indoor	P/C	P	P	P	CMC 18.31.140(8)
Recreation, outdoor	C	P	P	P	
Religious facilities	C _X	P	P	C	X The development may not occupy more than one acre for the total of the site development, including any planned phases and/or expansions.
HEALTH SERVICES					

Table 18.31.120 Uses permitted in Downtown zones.					
Use	TC	MC	GC	MHO	Additional Provisions
Emergency care facility	C	P			CMC 18.31.140(3)
Hospital		P			
Medical office/outpatient clinic	P	P		P	CMC 18.31.140(5)
Nursing/personal care facility		P		C	
INDUSTRIAL/MANUFACTURING					
Artisan manufacturing	P _X	P _X	P _X	P _Y	x Limited to 3,500 square feet net floor area y Limited to 1,000 square feet net floor area
Asphalt plants					
Light industrial and light manufacturing			P		CMC 18.31.140(4)
GOVERNMENT/INSTITUTIONAL					
Essential public facilities			C		
Government services	P	P	P	P	
Transit stations and commuter parking	P _X	P _X	P	C	x Commuter parking is permitted only as structured parking when not created under a weekday shared parking arrangement.
Major utility facility	C _X	C	P	C	x The development may not occupy more than one acre for the total of the site development, including any planned phases and/or expansions.
Minor utility facility	P	P	P	P	CMC 18.31.140(6)
Schools: compulsory, vocational and higher education	C	P		C	
Maintenance yard			P		
Electrical substation			P		
Transfer station			P		
WIRELESS COMMUNICATION FACILITIES					
Antenna, collocation on an existing structure	P	P	P	P	Chapter 18.70 CMC
Wireless communication facility tower					

Exhibit 3.

Definitions

18.20.018 E definitions.

Earth station.

“Earth station” means a communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas.

Ecosystem.

“Ecosystem” means the complex of a community of organisms and its environment functioning as an ecological unit.

Effective radiated power.

“Effective radiated power” means the product of the antenna power input and the numerical antenna power gain.

Electric vehicle.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

Electric vehicle charging station.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

Electric vehicle infrastructure.

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Electric vehicle parking facility.

“Electric vehicle parking facility” means a standalone use designed and intended for the exclusive parking and charging of electric vehicles. When privately operated, it is often, but not always, associated with a specific vehicle brand or models. The term does not include electric vehicle parking spaces required by this code.

Electric vehicle parking space.

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle and which is installed with electric vehicle supply equipment (EVSE).

Electric vehicle supply equipment (EVSE).

“Electric vehicle supply equipment (EVSE)” means the hardware installed specifically for the purpose of transferring energy between the premises wiring and an electric vehicle. The hardware includes conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus.

Electrical substation.

“Electrical substation” means a site containing equipment for the conversion of high voltage electrical power transported through transmission lines into lower voltages transported through distribution lines and suitable for individual users.

Emergency.

“Emergency” means an occurrence during which there is imminent danger to the public health, safety and welfare, or that poses an imminent risk of property damage or personal injury or death as a result of a natural or human-made catastrophe, as determined by the Director.

Emergency care facility.

“Emergency care facility” means any facility providing 24-hour emergency medical care.

Emergency housing.

Defined by RCW 36.70A.030.

Emergency shelter.

Defined by RCW 36.70A.030.

Energy resource recovery facility.

“Energy resource recovery facility” means an establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste.

Engineer, civil, geotechnical and structural.

“Engineer, civil, geotechnical and structural” means:

- (1) “Civil engineer” means an engineer who is licensed as a professional engineer in the branch of civil engineering by the State of Washington under Chapter 18.43 RCW;
- (2) “Engineering geologist” means a licensed professional by the State of Washington meeting the requirements of Chapter 18.220 RCW; and
- (3) “Structural engineer” means an engineer who is licensed as a professional engineer in the branch of structural engineering by the State of Washington under Chapter 18.43 RCW.

Enhancement.

“Enhancement” means, for the purposes of critical area regulation, an action that improves the structure and functions of ecosystems and habitats associated with critical areas or their buffers. Enhancement results in a gain in some critical area function(s) but may also lead to a decline in other functions, but does not result in a gain in critical area extent.

Equipment, heavy.

“Equipment, heavy” means high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:

- (1) Carryalls;
- (2) Graders;
- (3) Loading and unloading devices;
- (4) Cranes;
- (5) Drag lines;
- (6) Trench diggers;
- (7) Tractors;
- (8) Augers;
- (9) Bulldozers;
- (10) Concrete mixers and conveyers;
- (11) Harvesters;
- (12) Combines; or
- (13) Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

Erosion.

“Erosion” means the wearing away of the ground surface as the result of the movement of wind, water or ice.

Erosion hazard area.

“Erosion hazard area” means an area underlain by soils that is subject to severe erosion when disturbed, including areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils. The soils subject to severe erosion include, but are not limited to, those classified as having a severe to very severe erosion hazard according to the United States Department of Agriculture Soil Conservation Service, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources such as any occurrence of river wash (“Rh”) and any of the following when the soils occur on slopes inclined at 15 percent or more:

- (1) The Alderwood gravelly sandy loam (“AgD”);
- (2) The Alderwood and Kitsap soils (“AkF”);
- (3) The Beausite gravelly sandy loam (“BeD” and “BeF”);
- (4) The Kitsap silt loam (“KpD”);
- (5) The Ovall gravelly loam (“OvD” and “OvF”);
- (6) The Ragnar fine sandy loam (“RaD”); and
- (7) The Ragnar-Indianola Association (“RdE”).

Essential public facility.

“Essential public facility” means a facility necessary to protect the public health, safety and welfare, including, but not limited to, a facility defined under the occupancy categories of “essential facilities,” “hazardous facilities,” “critical facilities” and “special occupancy structures” in the structural forces chapter or succeeding chapter in CMC Title 15. Critical facilities also include nursing and personal care facilities, schools, senior citizen assisted housing, public roadway bridges and sites that produce, use or store hazardous substances or hazardous waste, not including the temporary storage of consumer products containing hazardous substances or hazardous waste intended for household use or for retail sale on the site.

Evergreen.

“Evergreen” means a plant species with foliage that persists and remains green year-round.

Examiner.

“Examiner” means the Hearing Examiner as established by Chapter 2.25 CMC.

Expansion.

“Expansion” means the act or process of increasing the size, quantity or scope.

Extremely low-income household.

Defined by RCW 36.70A.030.

18.20.032 L definitions.**Landfill.**

“Landfill” means a disposal site or part of a site at which refuse is deposited.

Landscape water features.

“Landscape water features” means a pond, pool or fountain used as a decorative component of a development.

Landscaping.

“Landscaping” means live vegetative materials required for a development. Said materials provided along the boundaries of a development site is referred to as perimeter landscaping.

Landslide.

“Landslide” means episodic downslope movement of a mass including, but not limited to, soil, rock or snow.

Landslide hazard area.

“Landslide hazard area” means an area subject to severe risk of landslide, based on a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure hydrology, or other factors, and include, at a minimum, the following:

- (1) An area with a combination of:
 - (a) Slopes steeper than 15 percent of inclination;
 - (b) Impermeable soils, such as silt and clay, interbedded with granular soils, such as sand and gravel; and
 - (c) Springs or seasonal ground water seepage;
- (2) Areas of historic failures such as:
 - (a) An area that has shown movement during the Holocene epoch, which is from 10,000 years ago to the present, or that is underlain by mass wastage debris from that epoch;
 - (b) Those areas delineated by the United States Department of Agriculture Natural Resources Conservation Service as having a significant limitation for building site development;
 - (c) Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Washington Department of Natural Resources;
- (3) An area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action including stream channel migration zones;
- (4) An area that shows evidence of or is at risk from snow avalanches;
- (5) An area located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows, or catastrophic flooding, or deposition of stream-transported sediments;
- (6) Any area with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of bedrock. See also definition of Steep slope hazard areas;
- (7) Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking. See also definition of Steep slope hazard areas;
- (8) Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials.

Large format retail trade and services.

“Large format retail” means a retail establishment greater than 100,000 square feet for all structures that offers the sale of goods to the general public, including limited sales to wholesale customers. These uses typically require high parking to building floor area ratios and serve a regional market.

Letter of map amendment.

“Letter of map amendment” means an official determination by FEMA that a property has been inadvertently included in an area subject to inundation by the base flood as shown on a flood hazard boundary map or flood insurance rate map.

Letter of map revision.

“Letter of map revision” means a letter issued by FEMA to revise the flood hazard boundary map or flood insurance rate map and flood insurance study for a community to change base flood elevations, and floodplain and floodway boundary delineation.

Level of service (LOS), fire.

“Level of service (LOS), fire” means the standards adopted by the Regional Fire Authority for the delivery of fire and emergency medical response services, as set forth in the RFA’s adopted Standard of Cover and reflected in the capital facilities and equipment plan.

Level of service (LOS), traffic.

“Level of service (LOS), traffic” means a quantitative measure of traffic congestion identified by a declining letter scale (A-F) as calculated by the methodology contained in the 1985 Highway Capacity Manual Special Report 209, or current edition, or as calculated by another method approved by the Department of Community Development. LOS “A” indicates free flow of traffic with no delays while LOS “F” indicates jammed conditions or extensive delay. (Amended at request of department 2/08; Ord. 42-02 § 2 (21A.06.685))

Light equipment.

“Light equipment” means hand-held tools and construction equipment, such as chain saws, wheelbarrows and post-hole diggers.

Liner building.

“Liner building” means a building designed to obscure structured parking with permitted uses, generally shallow in depth.

Livestock.

“Livestock” means any domestic equines, sheep, goats, bovines, llamas, alpacas, emus, ostriches, and swine, or similar animals.

Livestock facility.

“Livestock facility” means an accessory building used to house livestock.

Livestock, large.

“Livestock, large” means livestock with a weight of 200 pounds or more.

Livestock sales.

“Livestock sales” means the sale of livestock, but not including auctions.

Livestock, small.

“Livestock, small” means livestock weighing less than 200 pounds.

Live-work.

“Live-work” means a dwelling unit within a multifamily dwelling or townhouse dwelling designed to accommodate a small commercial enterprise on the ground floor and a separated but interconnected residential unit above and/or behind.

Loading space.

“Loading space” means a space for the temporary parking of a vehicle while loading or unloading cargo or passengers.

Log storage.

“Log storage” means a facility for the open or enclosed storage of logs, which may include repair facilities for equipment used on-site or operations offices.

Lot.

“Lot” means a physically separate and distinct parcel of property, which has been created pursuant to CMC Title 17, Subdivisions.

Lot frontage.

“Lot frontage” means the shortest distance between the sides of the lot along the boundary abutting the street or private road.

Lot line, interior.

“Lot line, interior” means lot lines that delineate property boundaries along those portions of the property which do not abut a street.

Low impact development.

“Low impact development (LID)” is a stormwater management, site design, and engineering approach that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. Specific LID practices and standards are identified and referenced in Chapter 13.25 CMC and CMC Titles 12 and 18.

Low-income household.

Defined by RCW 36.70A.030.

18.20.034 M definitions.

Maintenance.

“Maintenance” means the usual acts to prevent a decline, lapse or cessation from a lawfully established condition without any expansion of or significant change from that originally established condition. Activities within landscaped areas within areas subject to native vegetation retention requirements may be considered “maintenance” only if they maintain or enhance the canopy and understory cover. “Maintenance” includes repair work but does not include replacement work. When maintenance is conducted specifically in accordance with the Regional Road Maintenance Endangered Species Act Program Guidelines, the definition of “maintenance” in the glossary of those guidelines supersedes the definition of “maintenance” in this section.

Maintenance yard.

“Maintenance yard” means a facility used as a base of operations for maintaining infrastructure, and usually includes fleet parking, equipment and vehicle shops, indoor and outdoor storage, and offices.

Manufactured home.

“Manufactured home” means a structure, transportable in one or more sections, that in the traveling mode is eight body feet or more in width or 32 body feet or more in length; or when erected on site, is 300 square feet or more in area; which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities; which contains plumbing, heating, air-conditioning and electrical systems; and shall include any structure that meets all the requirements of this section, or of Chapter 296-150M WAC, except the size requirements for which the manufacturer voluntarily complies with the standards and files the certification required by the Federal Department of Housing and Urban Development. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured home park.

“Manufactured home park” means a development with two or more improved pads or spaces designed to accommodate mobile homes.

Manufacturing, heavy.

“Manufacturing, heavy” means land uses characterized by larger size facilities engaged in the processing of raw materials or parts into finished products. Such facilities may have a higher degree of negative environmental impacts due to the processes employed and operations.

Manufacturing, light.

“Manufacturing, light” means land uses characterized by small size facilities where no heavy manufacturing or specialized industrial processes takes place. Typical light manufacturing activities include printing, material testing, and assembly components. Such facilities usually employ less than 100 persons.

Mapping partner.

“Mapping partner” means any organization or individual that is involved in the development and maintenance of a draft flood boundary work map, preliminary flood insurance rate map or flood insurance rate map.

Marijuana.

“Marijuana” shall have the meaning established pursuant to RCW 69.50.101(v), as currently adopted and hereafter amended.

Marijuana processor.

“Marijuana processor” shall have the meaning established pursuant to RCW 69.50.101(x), as currently adopted and hereafter amended.

Marijuana producer.

“Marijuana producer” shall have the meaning established pursuant to RCW 69.50.101(y), as currently adopted and hereafter amended.

Marijuana retail outlet.

“Marijuana retail outlet” shall have the meaning established pursuant to RCW 69.50.101(oo), as currently adopted and hereafter amended.

Marijuana retailer.

“Marijuana retailer” shall have the meaning established pursuant to RCW 69.50.101(bb), as currently adopted and hereafter amended.

Marijuana-infused products.

“Marijuana-infused products” shall have the meaning established pursuant to RCW 69.50.101(cc), as currently adopted and hereafter amended.

Marijuana, useable.

“Marijuana, useable” or “useable marijuana” shall have the meaning established pursuant to RCW 69.50.101(tt), as currently adopted and hereafter amended.

Marina.

“Marina” means an establishment providing docking, moorage space and related activities limited to the provisioning or minor repair of pleasure boats and yachts, and accessory facilities including, but not limited to:

- (1) Showers;
- (2) Toilets; and
- (3) Self-service laundries.

Market manager.

“Market manager” means one who oversees the general operations of a farmers’ or public market, which may include: acting as the applicant for a required temporary use permit; acting as the main contact with the City; ensuring compliance with State and municipal law and health regulations; overseeing the setup, operation, and closing of the market each day; recruiting vendors; collecting payment; and promoting the market.

Mass.

“Mass” means the physical volume or bulk of a solid body. The mass of a building is its three-dimensional form, bulkiness and relationship to exterior spaces. During the design process, massing is one of many aspects of form considered by an architect or designer and can be the result of both exterior and interior design considerations. Architectural massing can be used to identify a building entry, denote a stairway or simply create visual depth to soften the visual mass of the overall structure.

Material error.

“Material error” means substantive information upon which a permit decision is based that is submitted in error or is omitted at the time of permit application.

Maximum extent practical.

“Maximum extent practical” means the highest level of effectiveness that can be achieved through the use of best available science or technology. In determining what the “maximum extent practical is” the City shall consider, at a

minimum, the effectiveness, engineering feasibility, commercial availability, safety and cost of the measures. (Ord. 14-05 § 3)

Medical office.

“Medical office” means a facility that provides diagnosis and outpatient care on a routine basis but is unable to provide prolonged in-house medical or major surgical care. Medical clinics are included in this definition.

Microwave.

“Microwave” means electromagnetic waves with a frequency range of 300 megahertz (MHz) to 300 gigahertz (GHz).

Mitigation.

“Mitigation” means sequentially avoiding impacts, minimizing impacts and action taken to compensate for unavoidable adverse impacts to the environment resulting from a development activity or alteration. Mitigation, in the following sequential order of preference, is:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- (3) Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
- (4) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- (5) Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
- (6) Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

Mitigation bank.

“Mitigation bank” means a property that has been protected in perpetuity and approved by appropriate County, State and Federal agencies expressly for the purpose of providing compensatory mitigation in advance of authorized impacts through any combination of restoration, creation or enhancement of wetlands and, in exceptional circumstances, preservation of adjacent wetlands and wetland buffers or protection of other aquatic or wildlife resources.

Mitigation banking.

“Mitigation banking” means a system for providing compensatory mitigation in advance of authorized wetland impacts of development in City of Covington in which credits are generated through restoration, creation, and/or enhancement of wetlands, and in exceptional circumstances, preservation of adjacent wetlands, wetland buffers, and/or other aquatic resources.

Mixed-use.

“Mixed- use ” means a combination of residential and nonresidential uses within the same building or site as part of an integrated development project with functional interrelationships and coherent physical design.

Moderate-income household.

Defined by RCW 36.70A.030.

Modulation.

“Modulation” means stepping forward or backward a portion of the façade as a means to articulate or add visual interest to the façade.

Monitoring.

“Monitoring” means evaluating the impacts of development proposals on biologic, hydrologic and geologic systems and assessing the performance of required mitigation through the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features including, but not limited to, gathering baseline data.

Monuments, tombstones, and gravestones sales.

“Monuments, tombstones, and gravestones sales” means the retail sale of custom stonework products including only uses located in SIC Industry No. 5599 – Monuments, finished to custom order, tombstones and gravestones finished.

Motor vehicle and bicycle manufacturing.

“Motor vehicle and bicycle manufacturing” means fabricating or assembling complete passenger automobiles, trucks, commercial cars and buses, motorcycles, and bicycles, including only uses located in SIC Industry Group Nos.:

- (1) 371 – Motor vehicles and motor vehicle equipment; and
- (2) 375 – Motorcycles, bicycles, and parts.

Motor vehicle, boat and mobile home dealer.

“Motor vehicle, boat and mobile home dealer” means an establishment engaged in the retail sale of new and/or used automobiles, motor homes, motorcycles, trailers, boats or mobile homes, including only uses located in SIC Major Group and Industry Group Nos.:

- (1) 55 – Automotive dealers and gasoline service stations except:
 - (a) 553 – Auto and home supply stores;
 - (b) 554 – Gasoline service stations; and
- (2) Aircraft dealers found in 5599:
 - (a) 527 – Mobile home dealers; and
 - (b) Yacht brokers found in 7389.

Mulch.

“Mulch” means any material such as leaves, bark, straw left loose and applied to the soil surface to reduce evaporation.

Museum.

“Museum” means any establishment open to the public where works of art, scientific specimens, or other objects of permanent value are kept and displayed.

18.20.052 V definitions.**Vactor waste.**

“Vactor waste” means liquid or solid waste material collected from catch basins, retention/detention facilities or drainage pipes.

Vactor waste receiving facility.

“Vactor waste receiving facility” means a facility where vactor waste is brought for treatment and storage prior to final disposal.

Variance.

“Variance” means an adjustment in the application of standards of a zoning code to a particular property.

Vegetation.

“Vegetation” means any and all plant life growing at, below or above the soil surface.

Vertical building modulation.

“Vertical building modulation” means the stepping back or projecting forward vertical walls of a building face, within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure’s continuous exterior walls. Vertical building modulation may be used to meet the façade articulation standards in CMC 18.31.530.

Very low-income household

Defined by RCW 36.70A.030.

Vocational school.

“Vocational school” means establishments offering training in a skill or trade to be pursued as a career.

Exhibit 4.

CMC 14.30.010 Decision Types

Exhibit 4 CMC 14.30.010 Decision types

14.30.040 Decision types.¹

Type 1	Type 2	Type 3	Type 4
Building Permit (15.05) Grading Permit (14.60) Boundary Line Adjustment (17.40) Right-of-Way Use Permit (12.35) Design and Construction Standards Deviation (12.60) Clearing and Grading Design Deviation (14.60) Shoreline Exemption (16.05) Code Interpretation (14.30) Miscellaneous Administrative Decisions Minor Tree Removal (18.45) WCF Collocation on a Tower (18.70) Final Subdivision ⁴ (17.25) Final Short Subdivision (17.25) Permanent Supportive Housing (18.25, 18.31) Transitional Housing Facilities (18.25, 18.31)	Short Subdivision (Including Revisions and Alterations) (17.20) Design and Construction Standards Variance (12.60) Clearing and Grading Design Variance (14.60) Downtown Design Standard Departure (18.31) Downtown Permitted Use Determination (18.31) Temporary Use (18.85) Shoreline Substantial Development Permit ² (16.05) SEPA Threshold Determination ³ Commercial Site Development Permit (18.31 and 18.110) Re-use of Facilities (18.85) Critical Areas Reasonable Use Exceptions (18.65) Binding Site Plan (17.30) Major Tree Removal (18.45) Stormwater Manuals Variance (13.25) Wireless Communication Facilities Collocations (18.70) Emergency Housing (18.25, 18.31) Emergency Shelter (18.25, 18.31)	Shoreline Conditional Use ² (16.05) Shoreline Variance ² (16.05) Preliminary Subdivision (17.20) Plat Alterations (17.25) Preliminary Subdivision Revisions (17.20) Zoning Variance (18.125) Conditional Use Permits (18.125) New Wireless Communication Facility Towers and Height Modifications (18.70)	Shoreline Environment Redesignations (16.05) Plat or Short Plat Vacations (17.25) Street Vacations (12.55)

¹ If a conflict between this chart and the text of the CMC exists, the text of the CMC controls.

² See CMC 16.05.090(13), Appeals, for shoreline decisions and permits. Any Type 1 decision made by the Shoreline Administrator may be appealed to the Hearing Examiner. When applications for shoreline permits are combined with other permits requiring Type 3 or 4 land use decisions, the Examiner, not the Director, makes the decision. All shoreline permits, including shoreline substantial development permits, shoreline variances and conditional uses, and the upholding of a letter of exemption are appealable to the State Shorelines Hearings Board and not to the Hearing Examiner.

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

⁴ Final subdivisions are submitted to the Department for review and are approved by City Manager or by his or her designee.