



16720 SE 271st Street, Suite 100 • Covington, WA 98042 • (253) 480-2400 • Fax: (253) 480-2401

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

PLANNING COMMISSION AGENDA

July 18, 2024

6:30 PM

In compliance with state law, this Planning Commission's regular meetings will be held in a hybrid format with in-person, telephonic, and virtual options for public viewing and participation.

This Planning Commission meeting will be held telephonically and virtually as follows:

Join In Person: Covington City Hall, Council Chambers, 16720 SE 271st Street, Covington, WA 98042

Join by computer: <https://us02web.zoom.us/j/86806796083>

Join by Telephone: +1 (253) 215-8782

Webinar ID: 868 0679 6083

CALL TO ORDER

ROLL CALL

Chair David Caudle, Vice-Chair Kenner Ahrendsen, Kathy Fosjord, Murray Williams, Chelsey Thorne, Steven Bossom, and Stephanie Hunziker.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF CONSENT AGENDA

1. June 20, 2024, Planning Commission Minutes

*CITIZEN COMMENTS - The Citizen Comment period provides 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 interest. If your interest is an Agenda Item, the Chair may suggest that your comments wait until that time. Citizen Comments are directed to the Planning Commission, not the audience or staff. Comments are not intended for conversation or debate. Citizen comments will be limited to four minutes for Citizen Comments. If you require more than the allotted time, your item will be placed on the next agenda. **Reminder – If you've dialed in for this meeting you must press *9 to raise your hand to speak.*

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.



PUBLIC HEARING AND RECOMMENDATION

1. Step Housing Code Update

NEW BUSINESS

1. Proposed Mobile Food Unit Code Amendment

OLD BUSINESS - NONE

ATTENDANCE VOTE

CITIZEN COMMENTS: (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*



Planning Commission Minutes

June 20, 2024,

Hybrid Meeting through Zoom/City
Hall Council Chambers

CALL TO ORDER

The meeting of the Planning Commission was called to order at 6:30 p.m. by Chair David Caudle.

MEMBERS PRESENT

Chair David Caudle, Vice-Chair Kenner Ahrendsen, Murray Williams, Kathy Fosjord, and Stephanie Hunziker

MEMBERS ABSENT

Chelsey Thorne and Steven Bossom

STAFF PRESENT

Salina Lyons, Community Development Director
Dafne Hernandez, Associate Planner

APPROVAL OF AGENDA

- **Commissioner Murray Williams moved, and Commissioner Kenner Ahrendsen seconded the motion to approve the agenda. The motion carried 5-0.**

APPROVAL OF CONSENT AGENDA

- **Commissioner Murray Williams moved, and Vice-Chair Kenner Ahrendsen seconded the motion to approve the May 16, 2024, Planning Commission minutes. The motion carried 5-0.**

CITIZEN COMMENTS – NONE

NEW BUSINESS

1. City staff gave an SKHHP introduction and overview, followed by a discussion by the Planning Commission.

OLD BUSINESS

1. City staff presented the STEP Housing Code update. Discussion by the Planning Commission followed.
2. City staff presented the compiled draft Comprehensive Plan updated to be submitted to the Puget Sound Regional Council (PSRC) and the Department of Commerce for their review, comments, and approval. Planning Commissioner Chair David Caudle

provided edits to the draft before the meeting. The commission provided no additional comments.

- **Commissioner Kathy Fosjord moved, and Commissioner Murray Williams seconded the motion to make a recommendation to submit the Draft Comprehensive Plan Update to the Puget Sound Regional Council (PSRC), the Department of Commerce, and the Covington City Council for their review and comments. The motion carried 5-0.**

ATTENDANCE VOTE

- **Commissioner Murray Williams moved, and Commissioner Stephanie Hunziker seconded the motion to approve Commissioner Chelsey Thorne's and Commissioner Steven Bossom's absence. The motion carried 5-0.**

CITIZENS COMMENTS - NONE

COMMENTS AND COMMUNICATIONS FROM STAFF AND COMMISSIONERS

ADJOURN

June 20, 2024, Planning Commission Meeting adjourned at approximately 7:50 p.m.

These minutes are intended to reflect the action taken during the Planning Commission meeting. The audio recording is available upon request.

Respectfully submitted,

Dafne Hernandez, Associate Planner



Memo

TO: Planning Commissioners
FROM: Dafne Hernandez, Associate Planner
CC: Salina Lyons, Community Development Director
DATE: July 11, 2024
RE: **Proposed Code Amendments in Compliance with HB 1220**
1. Proposed Housing Covington Municipal Code Updates

STEP Housing Code Update

In 2021, the Washington State Legislature passed HB 1220, amending the Growth Management Act (GMA) to update housing element requirements in comprehensive plans and related development regulations. HB 1220 mandates addressing various housing needs, including emergency shelters, transitional housing, emergency housing, and permanent supportive housing (PSH), collectively referred to as STEP housing by the Washington State Department of Commerce.

- STEP includes:
- Emergency shelters (S)
- Transitional housing (T)
- Emergency Housing (E)
- Permanent supporting housing (P)

The bill requires comprehensive plan housing elements and development codes to ensure sufficient land capacity for STEP housing and meet all economic segments' housing needs.

With the impending adoption of the 2024 Comprehensive Plan, zoning regulations to address STEP housing requirements need to be codified. The Puget Sound Regional Council (PSRC) and Commerce must verify that cities can meet the allocated growth targets based on Area Median Income (AMI) outlined in the Housing Element and Appendix (Housing Needs data). Demonstrating an intent to codify regulations supporting HB 1220 and AMI requirements is essential to meet these mandates.

HB 1220 Requirements

HB 1220 STEP housing requirements for comprehensive plan housing elements and related development codes are summarized below.

Comprehensive Plan Housing Elements (RCW 36.70A.070(2)):

- Ensure sufficient land capacity for permanent supportive housing, emergency housing, and emergency shelters.
- Make adequate provisions for meeting the existing and projected housing needs of all economic segments of the community.

Development Codes (RCW 35A.21.430):

- Transitional housing and permanent supportive housing must be allowed in any zones permitting residential dwelling units or hotels.
- Indoor emergency shelters and emergency housing must be allowed in zones permitting hotels, unless allowed in most zones within one mile of transit.
- Reasonable occupancy, spacing, and intensity of use requirements may be imposed to protect public health and safety, provided there is sufficient land capacity for STEP housing.

Replacing the Interim Ordinance

In 2021, the City of Covington adopted Interim Ordinance 07-2021 to comply with HB 1220, later replaced by Ordinance 09-2021. Anticipating the need for permanent code updates with the 2024 Comprehensive Plan, the City has been renewing the interim ordinance every six months.

Changes needed to be made to the interim Ordinance Code for compliance with HB 1220 include the following:

Land Capacity:

- BERK's analysis found that Covington's zoning and development regulations are sufficient for most growth targets but insufficient for PSH and emergency housing. Recommendations include removing spacing and occupancy restrictions to ensure sufficient capacity.

Adequate Provisions:

- BERK's assessment identified barriers to developing STEP housing types. Recommendations include updating development standards to regulate STEP housing similarly to other housing uses unless a clear public interest basis exists. The interim ordinance's unique requirements for STEP housing could increase development costs or discourage providers.

Proposed amendment LA24-0002

City staff is bringing forward the proposed code amendment, as shown in **Attachment 1**, to replace the interim ordinance and be adopted by the time the 2024 Comprehensive Plan is adopted.

CMC 14.27.040 Development Regulation Decision Criteria:

The Planning Commission's recommendation and City Council's approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria as outlined in [CMC 14.27.040](#):

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

Staff Findings: Yes, the proposed code amendment complies with the Growth Management Act of Washington State and the goals, objectives, and policies of the City's Comprehensive Plan and other applicable laws.

(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 Findings: Not Applicable – this is not a zoning map amendment.

(3) Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;

Staff Findings: Not Applicable – this is not a zoning map amendment.

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

Staff Findings: Not Applicable – this is not a zoning map amendment.

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

Staff Findings: Not Applicable – this is not a zoning map amendment.

(6) The amendment is in compliance with the three-year limitation rule as specified in CMC 14.27.030(3).

Staff Findings: Yes, the proposed amendment complies with the three-year limitation rule specified in CMC 14.27.030(3).

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

Staff Findings: Not Applicable – this is not a zoning map amendment.

Staff recommendation: Staff recommends the Planning Commission adopt the decision criteria and staff findings for CMC 14.27.040 outlined in this memo and advise the City Council to approve the proposed Municipal Code amendment as shown in **Attachment 1** of this staff report.

Planning Commission Action/ Motion:

Commissioner _____ moves, Commissioner _____ seconds, to adopt the decision criteria and staff findings for CMC 14.27.040 as provided in Section B of this staff report as the Planning Commission findings, and then make a recommendation to the City Council to adopt an ordinance of the City of Covington, Washington, pertaining to the proposed amendments in Attachment 1.

NEXT STEPS:

- Forward the Planning Commission's recommendation to the City Council for consideration and final decision.

Chapter 18.20

TECHNICAL TERMS AND LAND USE DEFINITIONS

Sections:

- 18.20.005** ~~Scope of chapter~~Chapter Guide.
- 18.20.010** A definitions.
- 18.20.016** D definitions.
- 18.20.018** E definitions.
- 18.20.024** H definitions.
- 18.20.032** L definitions.
- 18.20.034** M definitions.
- 18.20.040** P definitions.
- 18.20.044** R definitions.
- 18.20.046** S definitions.
- 18.20.048** T definitions.
- 18.20.052** V definitions.

18.20.005 ~~Scope of chapter~~Chapter Guide.

(1) This chapter contains definitions of technical and procedural terms used throughout the code and definitions of defines technical and procedural terms used in the code unless listed in the specific chapter. Words or phrases have the meaning set forth in this chapter unless the context indicates otherwise.

(2) Chapter 18.10 CMC for rules on interpretation of the code, including Rules on the interpretation of the code and use of these definitions are in Chapter 18.10.CMC.

(3) This chapter's definitions apply to land uses listed in tables in Chapter [18.25 CMC](#) and Chapter 18.31 CMC. The definitions in this chapter supplement the Standard Industrial Classification Manual (SIC).

(4) In instances where a definition refers to a state RCW or WAC definition, the definition stipulated by the state RCW or WAC holds precedence, as amended.

~~See Chapter 18.10 CMC for rules on interpretation of the code, including use of these definitions. Development standards are found in Chapters 18.30 through 18.95 CMC. (Ord. 08-21 § 4 (Exh. C); Ord. 05-15 § 1 (Exh. A); Ord. 42-02 § 2 (21A.06.005))~~

18.20.010 A definitions.

“Adult entertainment business” means an adult club, adult arcade or adult theater as those terms are defined in the adult entertainment licensing provisions in CMC Title 5.

[Affordable Housing. Defined by RCW 43.185B.010](#)

“Agricultural drainage” means any stream, ditch, tile system, pipe or culvert primarily used to drain fields for horticultural or livestock activities.

18.20.016 D definitions.

“Duplex” means a building containing two separate units with a common wall.

“Dwelling unit” means one or more rooms designed for occupancy by a single person, family, or unrelated persons living together ~~a person or family~~ for living and sleeping purposes, containing kitchen facilities, a restroom/bathing facility, and rooms with internal accessibility, for use solely by the dwelling’s occupants; dwelling units include but are not limited to bachelor, efficiency and studio apartments, factory-built housing and mobile homes.

“Dwelling unit, accessory” means a separate, complete dwelling unit attached to or contained within the structure of the primary dwelling, or contained within a separate structure that is accessory to the primary dwelling unit on the premises.

“Dwelling unit, multifamily” means a dwelling unit contained in a building consisting of three or more dwelling units, or one or more dwellings included in a structure with nonresidential uses. This definition does not include hotels and motels.

Dwelling Unit, Single-Family Attached. See “dwelling unit, townhouse” and “duplex.”

“Dwelling unit, single-family detached” means a detached building containing one dwelling unit.

Dwelling Unit, Townhouse. “Townhouse” means a single-family dwelling unit in a group of two or more attached units in which each unit extends from foundation to roof and with a yard or exterior access on at least two sides. Each townhouse shall be on a separate lot.

18.20.018 E definitions.

Emergency Housing. Defined by RCW 36.70A.030.

Emergency Shelter. Defined by RCW 36.70A.030.

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

[Extremely Low-Income Household. Defined by RCW 36.70A.030.](#)

(Ord. 08-21 § 4 (Exh. C); Ord. 06-17 § 5 (Exh. C); Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 14-05 §§ 2, 3; Ord. 42-02 §§ 2 (21A.06.375, 21A.06.380, 21A.06.390, 21A.06.392, 21A.06.395, 21A.06.400, 21A.06.405, 21A.06.410, 21A.06.415, 21A.06.420, 21A.06.425). Formerly 18.20.375 — 18.20.427)

18.20.032 L definitions.

“Low impact development (LID)” is a stormwater management, site design, and engineering approach that strives to mimic predisturbance 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.

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

18.20.040 P definitions.

Permanent Supportive Housing. Defined by RCW [36.70A.030](#).

18.20.044 R definitions.

“Reseller” means one who buys fruits, vegetables, herbs, nuts, honey, dairy products, eggs, poultry, mushrooms, meats, fish, flowers, nursery stock, and plants directly from the farmer that grew, produced, caught, or gathered the item, transports it to a market, and resells it directly to the consumer.

“Residence” means a building designed and/or used [for housing a single person, or persons living together, to house a single family](#). The definition of “residence” shall include trailers on an individual lot and multifamily and condominium units.

“Restoration” means, for purposes of critical areas regulation, an action that reestablishes the structure and functions of a critical area or any associated buffer that has been altered.

18.20.046 S definitions.

“Shelter, animal” means a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization or person devoted to the welfare, protection, and humane treatment of animals.

“Shelters for temporary placement” means housing units within ~~City of Covington that provide housing to persons on a temporary basis~~ [the City of Covington that provide temporary housing to persons](#) for a duration not to exceed four weeks.

“Shooting range” means a facility designed to provide a confined space for safe target practice with firearms, archery equipment, or other weapons whether open to the public, open only to

private membership, open to organizational training such as law enforcement, or any combination thereof.

18.20.048 T definitions.

“Transit station” means any structure or transit facility that is primarily used, as part of a transit system, for the purpose of loading, unloading, or transferring passengers from one mode of transportation to another.

Transitional Housing. Defined by RCW [84.36.043](#).

~~“Transitional housing facilities” means housing units within City of Covington owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self-sufficiency training, and human services counseling; the purpose of which is to help persons make the transition from homelessness to placement in permanent housing.~~

“Transmission line booster station” means an establishment containing equipment designed to increase voltage of electrical power transported through transmission and/or distribution lines to compensate for power loss due to resistance.

18.20.052 V definitions.

“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 facade articulation standards in CMC [18.31.530](#).

Very Low-Income Household. Defined by RCW [36.70A.030](#).

“Vocational school” means establishments offering training in a skill or trade to be pursued as a career. (Ord. 08-21 § 4 (Exh. C); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 §§ 2 (21A.06.1352, 21A.06.1353, 21A.06.1355, 21A.06.1360, 21A.06.1365). Formerly 18.20.1352 – 18.20.1365)

18.25.030 Residential land uses.

A. Table.

Key										
P – Permitted Use										
C – Conditional Use										
SI C #	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		

Key										
P – Permitted Use										
C – Conditional Use										
SI C #	SPECIFIC LAND USE (1)	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
*	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	
<u>Supportive Housing</u>										
* -	Emergency Housing					P12			P12	
* -	Emergency Shelter					P12			P12	

Key										
P – Permitted Use										
C – Conditional Use										
SI C #	SPECIFIC LAND USE (1)	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
* -	Permanent Supportive Housing	P11	P11	P11	P11	P11	P1 1	P1 1	P11	
* -	Temporary Housing	P11	P11	P11	P11	P11	P1 1	P1 1	P11	

Footnotes of Table A.

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

[\(a\) The number of permanent supportive housing units and transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property.](#)

[\(b\) Each unit of permanent supportive housing or transitional housing shall be limited to occupancy by individual occupant load per square foot regardless of occupants' relation.](#)

[\(c\) On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of permanent supportive housing and temporary housing facilities.](#)

[\(12\) Unless otherwise specified below, emergency housing and emergency shelters shall be regulated as per comparable requirements for hotels and motels.](#)

[\(a\) The number of emergency housing or emergency shelter units allowed on any given property shall be based on the capacity of the building.](#)

(b) On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of the facility.

(c) The organization managing and operating the emergency housing or emergency shelter facilities shall be responsible for the operation and maintenance of the facility itself, and the conduct of the residents of the facility, regardless of whether the organization contracts with a third party for the provision of any services related to the facility itself or its residents.

(d) 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.

(e) The organization managing and operating the emergency housing or emergency shelter facilities shall provide sanitation and basic safety measures including the following:

i. One portable or permanent toilet and handwashing station per 20 persons at a minimum.

ii. If on-site food preparation takes place, a kitchen area separated from sleeping areas with handwashing and dishwashing stations stocked with soap.

iii. Two large first-aid kits that include emergency eye wash bottles and naloxone (Narcan) kits.

iv. Cleaning supplies including gloves, trash grabber-tool, disinfectant, hand sanitizer, masks, buckets, paper towels, etc.

v. Feminine hygiene products.

(f) The organization managing and operating the emergency housing or emergency shelter facilities shall provide a plan to the City that includes the following information. This requirement does not apply to leased emergency housing, per RCW 36.130.020.

(i) Emergency contact;

(ii) Proposed population to be served;

(iii) Safety plan, including criteria for rejection or removal of an individual seeking access to the facility;

(iv) Confirmation of sanitation and basic safety measures required for emergency housing and emergency shelters;

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 [\(2\)\(d\)](#) of this section.

(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		P _x	^x Subject to the density and dimension standards for the R-8 zone (CMC 18.30.030).
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)

Use	TC	MC	GC	MHO	Additional Provisions
Bed and breakfast guesthouse				P	
Home occupation	P _x	P _x	P _x	P _x	See CMC 18.80.100 for home occupation standards
Supportive Housing					
Emergency Housing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	CMC 18.25.030, footnote (12)
Emergency Shelter	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	CMC 18.25.030, footnote (12)
Permanent Supportive Housing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	CMC 18.25.030, footnote (11)
Transitional Housing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	CMC 18.25.030, footnote (11)
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	

Use	TC	MC	GC	MHO	Additional Provisions
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	
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)					

Use	TC	MC	GC	MHO	Additional Provisions
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.

Use	TC	MC	GC	MHO	Additional Provisions
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					
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					

Use	TC	MC	GC	MHO	Additional Provisions
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					

Use	TC	MC	GC	MHO	Additional Provisions
Antenna, collocation on an existing structure	P	P	P	P	Chapter 18.70 CMC
Wireless communication facility tower					



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Memo

To: Planning Commission
From: Dafne Hernandez, Associate Planner
Date: July 11, 2024
RE: Agenda Item 2 – Mobile Food Unit – Code Amendment

1. Proposed Code Amendments - Covington Municipal Code 5.30 Redlines
2. Covington Zoning Map
3. Seattle Mobile Food Truck Process Example

This agenda item is to review the proposed code amendments to Covington’s Municipal Code Chapter 5.30 Mobile Food Units. The proposed changes aim to expand the permitted zones for mobile food units and introduce specific exemptions to enhance operational flexibility and encourage the growth of mobile food businesses within the city.

Current Mobile Food Unit Requirements

Mobile food units are regulated by Covington Municipal Code (CMC) [5.30 – Mobile Food Units](#), among other code sections, which generally require a Mobile Food Vendor Permit to be approved by the city before conducting business. CMC 5.30.050 provides the permitted zoning districts in which a mobile food unit can operate, which are limited to:

Downtown Zones:

- Mixed Commercial (MC)
- General Commercial (GC)
- Town Center (TC)

Lakepointe Zone:

- Regional Commercial Mixed-Use (RMCU)

Amendment Request/Council Direction

The current code restricts mobile food units to specific zones, preventing businesses in other commercial areas from hosting them. In May 2024, the City Council heard testimony from Sonia Foss, owner of Foss Market at the roundabout at 164th Ave SE and SE 256th Street in the Community Commercial (CC) zone. Ms. Foss requested that the city reconsider the permitted zones for mobile food units. She has space on her property currently occupied by a mobile food unit, which makes her non-compliant with the existing code and results in a code violation.

Given Foss Market's proximity to Kentwood High School and nearby neighborhoods, the site and the mobile food unit have become a popular neighborhood gathering spot. While the Planning Commission and City Council re-evaluate the zoning regulations for mobile food units, the city granted Foss Market a temporary use permit to continue operating the unit.

In response to Ms. Foss's testimony, the City Council unanimously directed staff to add this topic to the Planning Commission's 2024 work plan. The Council's directives include:

- Expanding the zones where mobile food units can operate, clarifying that the intent was not to restrict them from commercial zones within the city.
- Allowing mobile food units in neighborhoods on private property or within the right-of-way.

Proposed Amendments: Attachment 1

The proposed amendment will expand the permitted zones to include all zones within the City of Covington. By allowing mobile food units in these additional zones, the city aims to:

- Increase accessibility and convenience for residents and visitors.
- Provide more opportunities for mobile food businesses to thrive.
- Enhance the vibrancy and diversity of food options in different areas of the city.

In addition, the proposed amendments include exemptions to provide flexibility and support for mobile food units. Exemptions for mobile food units will include:

- Locations where mobile food units stop for less than six hours in any twenty-four-hour period.
- Mobile food units and other mobile vending units operated as part of a permitted special event approved by city staff.
- Mobile food units on private property, not on right-of-way or open to the public. (i.e. private party, event, wedding, etc.)
- Vendors such as dairy/food delivery and roving ice cream trucks.

Associated Mobile Food Unit Information and links.

- [Washington State Board of Health \(Food Truck Rules\)](#). This state-level application must be completed before submitting any permit request to the city, and its purpose is to comply with rules that provide safety standards for food served or sold to the public in Washington State.
- [Labor & Industries \(L&I\)](#): This state-level application must accompany the Board of Health application, and its purpose is to meet requirements from the Washington State Department of Labor and Industries (L&I) for a food truck ensures workplace and equipment safety, compliance with building codes, adherence to labor standards, and proper fire safety measures. These regulations help protect employees and the public by minimizing risks of accidents, ensuring structural integrity, and safeguarding workers' rights and well-being.
- City of Covington Mobile Food Unit application: This application is to review compliance with the adopted codes for mobile food units. Additional applications may be required depending on the nature of the food unit:
 - Business license
 - Right-of-way Use Permit (*currently being revised*)
 - Temporary Use Permit
 - Special Events Permit (*currently being developed*)

Questions for the Planning Commission:

1. Should the hours of operations to fall under an exemption be more restrictive?
 - a. Many cities limit the exemption to 4 hours.

- b. Staff proposes 6 hours. The intention is to accommodate privately initiated activities such as fun runs, HOA/neighborhood-led events, National Night Out, etc., or mobile food units that set up on specific sites during meal hours, often breakfast—lunch and lunch—dinner (i.e., near construction sites, high schools, businesses that don't serve food, etc.)
 - c. The 6 hours would not apply to the city-planned events; those events are exempt because they are permitted holistically under a separate permit (Temporary Use/Special Events)
2. Should the hours of operation be more explicit?
- a. Some jurisdictions restrict mobile food units' hours, such as 7:00 a.m. to 11:00 p.m.
 - b. Staff proposes to:
 - i. Remove the language stating that the mobile food unit operates on the same schedule as the adjacent business.
 - ii. Change the language to read, "Mobile Food Units shall not exceed 12 hours within a 24-hour period at any location." The intention is to leave it to the property owner and mobile food unit to determine ideal times of operations and whether the unit can be located before the business opens and after closing.

Staff Presentation: Planning Staff will present a slide deck summarizing the code amendments and the next steps. Staff will be available to discuss and collect questions.

Next steps:

- Incorporate Planning Commission Feedback, as applicable.
- Hold a Public Hearing with the Planning Commission to provide a recommendation to the City Council.
- Present recommendation of Code Amendment to the City Council for adoption.

Planning Commission Action:

- Review agenda materials and be prepared for discussion.
 - Feedback and discussion only.

Chapter 5.30 MOBILE FOOD UNITS

Sections:

- 5.30.010 Purpose.**
- 5.30.020 Definitions.**
- 5.30.025 Permitted zones and general regulations.**
- 5.30.026 Exemptions.**
- 5.30.030 ~~General regulations~~ Permit Requirements.**
- 5.30.035 General Site Requirements.**
- 5.30.040 Permit duration and fees.**
- ~~5.30.050 Permitted zones.~~**
- 5.30.060 License requirements.**
- 5.30.070 Hours of operation.**
- ~~5.30.080 Restrictions.~~**
- 5.30.090 Revocation of permit.**

5.30.010 Purpose.

The purpose of this chapter is to:

- (1) Provide an opportunity for mobile food units to conduct business within the City.
- (2) Promote entrepreneurship and small business development.
- (3) Provide regulations that protect the public health, safety, and welfare ~~_for operations associated with mobile food units~~ of operations associated with mobile food units in compliance with Washington State and local health regulations. (Ord. 05-19 § 1 (Exh. A))

5.30.020 Definitions.

Unless otherwise indicated by their context, certain words and phrases used in this chapter mean the following: Terms applicable to this chapter are also defined in Chapter 18.20 CMC. If there is a conflict, the definitions in this Chapter shall prevail.

(1) “Cart” ~~shall be defined as means~~ a mobile food unit that can be pushed by a single person to move between locations.

(2) “Department” means the Community Development Department unless otherwise explicitly stated.

(3) “Mobile food vendor” shall be defined as means a licensed and operable motor vehicle or trailer used to serve, vend, or provide ready to eat food or beverages for consumption from an approved and assigned fixed location.

(34) “Mobile food unit” ~~shall be defined as means~~ –a food service that can be easily moved from one location to another, such as a cart, trailer, or truck.

(45) “Occupied mobile food unit” ~~shall be defined as means~~ –a mobile food unit where workers will be inside of the unit, such as an enclosed truck or trailer.

(56) “Unoccupied mobile food unit” ~~shall be defined as means~~ a mobile food unit where the workers will be outside of the unit, such as a push cart or trailer. (Ord. 05-19 § 1 (Exh. A))

5.30.025 Permitted zones and general regulations

1) Mobile food units are permitted within all city zones, pursuant to the regulations in this chapter.

(2) A mobile food unit may operate on public property, within a public right of way, or within a public easement with applicable permit approvals, pursuant to this chapter.

(a) Mobile food units on public property, such as city parks, trails, and open spaces, will be reviewed and permitted on a case-by-case basis. Depending on the duration and purpose, a special event or temporary use permit may be required.

(b) Mobile food units on public right of way or within a public easement must obtain a right of way use permit pursuant to Chapter 12.35 CMC, unless authorized through a city-sponsored event.

(3) Mobile food units may operate on private property with written consent from the property owner and applicable permit approvals, pursuant to this chapter.

(4) Mobile food units shall comply with the Washington State Liquor and Cannabis Board.

(5) Using any portion of the vending unit as living or sleeping quarters is prohibited.

(6) Portable restrooms connected with a mobile food unit are not allowed on a site except for activities authorized by a special event or temporary use permit.

(7) The National Electrical Code and the International Fire Code shall regulate temporary power. If electrical cord covers are used, they must meet the slope requirements of ANSI A117.1 Section 303. (Ord. 05-19 § 1 (Exh. A))

(6) No person shall park or stand any vehicle upon any street or public right-of-way for a period exceeding 24 hours unless approved and permitted by the department. Vehicles parked for over 24 hours will be deemed a hazard or obstruction to traffic and may be impounded.

5.30.026 Exemptions.

The following are exempt from the provisions of this chapter unless located on public property, within public rights-of-way, or public easements:

(1) Locations where mobile food units stop for less than six hours in any twenty-four-hour period.

(2) Mobile food units and other mobile vending units operated as part of a permitted special event approved by the city.

(3) Vendors such as dairy/food delivery and roving ice cream trucks, provided they meet all relevant state and local health regulations.

(4) Private events where the mobile food unit is located off-street on private property and not open to the public.

5.30.030 General regulations Permit Requirements.

~~A mobile food unit permit shall be required except when associated with a City-sponsored special event. The following requirements shall apply~~ A mobile food unit permit is required unless exempted from this chapter. The department will not review any application until a complete application and applicable fees are submitted. The following minimum submittal requirements apply to mobile food permit applications:

- (1) A mobile food vendor or ~~his/her~~ their designee shall ~~fill out a complete~~ the applicable mobile food unit application ~~and by providing, at minimum, the provide the~~ following minimum information:
 - (a) A photograph of the vending unit, proposed signs pursuant to Chapter 18.55 CMC, and any equipment.
 - (b) A site plan, a simple sketch of the site layout, depicting the location of the vending unit on the property on which food will be offered for sale and the location of parking, tables, tents, signage, and canopies. Refer to section 5.30.035 for general site requirements.
 - (c) Provide a complete “Property Owner Consent” form signed by the ~~owner(s) of the private property or designated property manager that addresses property owner or designated property manager addressing~~ the following:
 - (i) The property owner shall be responsible for the mobile food unit’s compliance with the provisions of ~~this chapter with respect to the mobile food unit’s operation on the owner’s~~ their property.
 - (ii) A complete “Use of Restroom Agreement” form and a map showing the location of the restrooms in relation to the mobile food unit.
 - (d) Occupied mobile food units shall provide copies ~~from~~ all necessary licenses or permits issued by the Washington State Department of Labor and Industries (L&I). L&I inspection and seal of approval must be obtained and properly affixed to the outside of the vehicle prior to operation.
 - (e) Copies of all the necessary license or permits issued by the Public Health – Seattle and King County, verifying that the mobile food unit complies is in compliance with all associated rules and regulations.

(f) The proposed duration and hours of operation.

(g) A completed right-of-way use permit pursuant to Chapter 12.35 CMC if the location is proposed on public rights of way or easements.

5.30.035 General Site Requirements.

A mobile food unit may provide amenities for patrons, as authorized by the property owner, and subject to the following general site requirements.

(21) Tables/Tents/Canopies.

(a) The arrangement of tents/canopies shall meet all building and fire code requirements.

(b) One portable pop-up tent or umbrella that does not exceed 10 feet by 12 feet in size, or up to three tables with beach type umbrellas, may be used for cover for patrons.

(c) Cooking shall not take place under any tents. Liquefied Ppetroleum Ggas (LPG) tanks shall not be located under any tents.

(d) Umbrellas and canopies must be removed at the end of each day.

(32) Grease and Wastewater.

(a) A grease trap shall be installed and maintained on all mobile food preparation vehicles.

(b) Grease and wastewater shall be properly disposed of per adopted State and local health regulations and city stormwater regulations.

(34) Trash. All exterior trash receptacles not intended for customer use shall be screened from the public view and securely covered.

(45) Fire Marshal Review. The Fire Marshal review and approval is are –required when using LPG, charcoal, wood, or oil frying equipment is used.

(65) Signs. Signs associated with a mobile food unit shall comply with Chapter 18.55 CMC. Lights, awnings, and overhangs shall not obstruct the sidewalk and rights-of-way. (Ord. 05-19 § 1 (Exh. A))

(6) Department requests. The Director may specify additional information to be submitted if it is determined necessary for reviewing an application.

5.30.040 Permit duration and fees.

- (1) The mobile food unit permit shall be effective for one year from the date of permit issuance.
- (2) Persons applying for a mobile food unit permit must pay an application fee established by the City of Covington as set forth in the current fee resolution unless exempted by CMC [5.10.040\(2\)](#). (Ord. 05-19 § 1 (Exh. A))

~~5.30.050 Permitted zones.~~

~~Mobile food units shall only be permitted within the mixed commercial (MC), general commercial (GC), town center (TC), or regional commercial mixed use (RMCU) zones; provided, that all other conditions of approval are satisfied. Mobile food units may be permitted on City property, including City parks for concessions subject to City approval. (Ord. 05-19 § 1 (Exh. A))~~

5.30.060 License requirements.

- (1) A separate business license obtained from the City of Covington, as authorized under CMC Title [5](#), shall be required for each mobile food unit.
- (2) All mobile food unit licenses shall be prominently displayed upon all vehicles or locations from which a mobile food unit sells products, including but not limited to the State of Washington Department of Labor and Industries food truck/trailer sticker.
- (3) All mobile food units shall comply with all laws, rules, and regulations regarding food handling, ~~and a~~ All mobile food preparation vehicles used by food vendors shall comply with all applicable laws, rules, and regulations respecting such vehicles as established by Public Health – Seattle and King County, State, and local traffic laws, and the provisions of the Covington Municipal Code. (Ord. 05-19 § 1 (Exh. A))

5.30.070 Hours of operation.

- (1) Mobile food units may operate any day of the week.
- (2) ~~Operating hours shall be consistent with the site's primary business operating hours, ensuring bathroom facilities are always available. When located on a vacant lot, the hours shall be consistent with the general hours of adjacent business(es). Mobile Food Units shall not exceed 12 hours within a 24-hour period at any location.~~
- (3) ~~Vendors must assemble and disassemble their spaces during these hours approved operating hours unless the city authorizes otherwise under a separate permit.~~ (Ord. 05-19 § 1 (Exh. A))
- (4) ~~Mobile Food Units must comply with Chapter 8.20 CMC regarding noise control.~~

5.30.080 Restrictions.

- (1) ~~Mobile food units on public streets, parks, City-owned property and public rights-of-way shall not be permitted unless approved by the City for concessions or a special event, including a festival, sports tournament, or similar activity.~~
- (2) ~~Mobile food units shall comply with Washington State Liquor and Cannabis Board.~~
- (3) ~~The use of any portion of the vending unit as living or sleeping quarters is prohibited.~~
- (4) ~~Except for special events or activities authorized by a temporary use permit, no portable restrooms for use in connection with a mobile food unit shall be allowed on a site.~~
- (5) ~~Temporary power shall be regulated by the National Electrical Code and the International Fire Code. If electrical cord covers are used, they are required to meet the slope requirements of ANSI A117.1 Section 303.~~ (Ord. 05-19 § 1 (Exh. A))

5.30.090 Revocation of permit.

- (1) A mobile food unit permit issued pursuant to this section may be revoked, suspended, or denied either the issuance or renewal ~~of~~ if the City finds that:

- (a) The vendor has violated or failed to meet the terms of this ~~section-chapter, and all other applicable sections of the Covington Municipal Code or conditions of this permit~~ other applicable sections of the Covington Municipal Code, or the conditions of the permit; or
- (b) The mobile food unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the stand; or
- (c) Any required licenses have been suspended, revoked, or canceled.

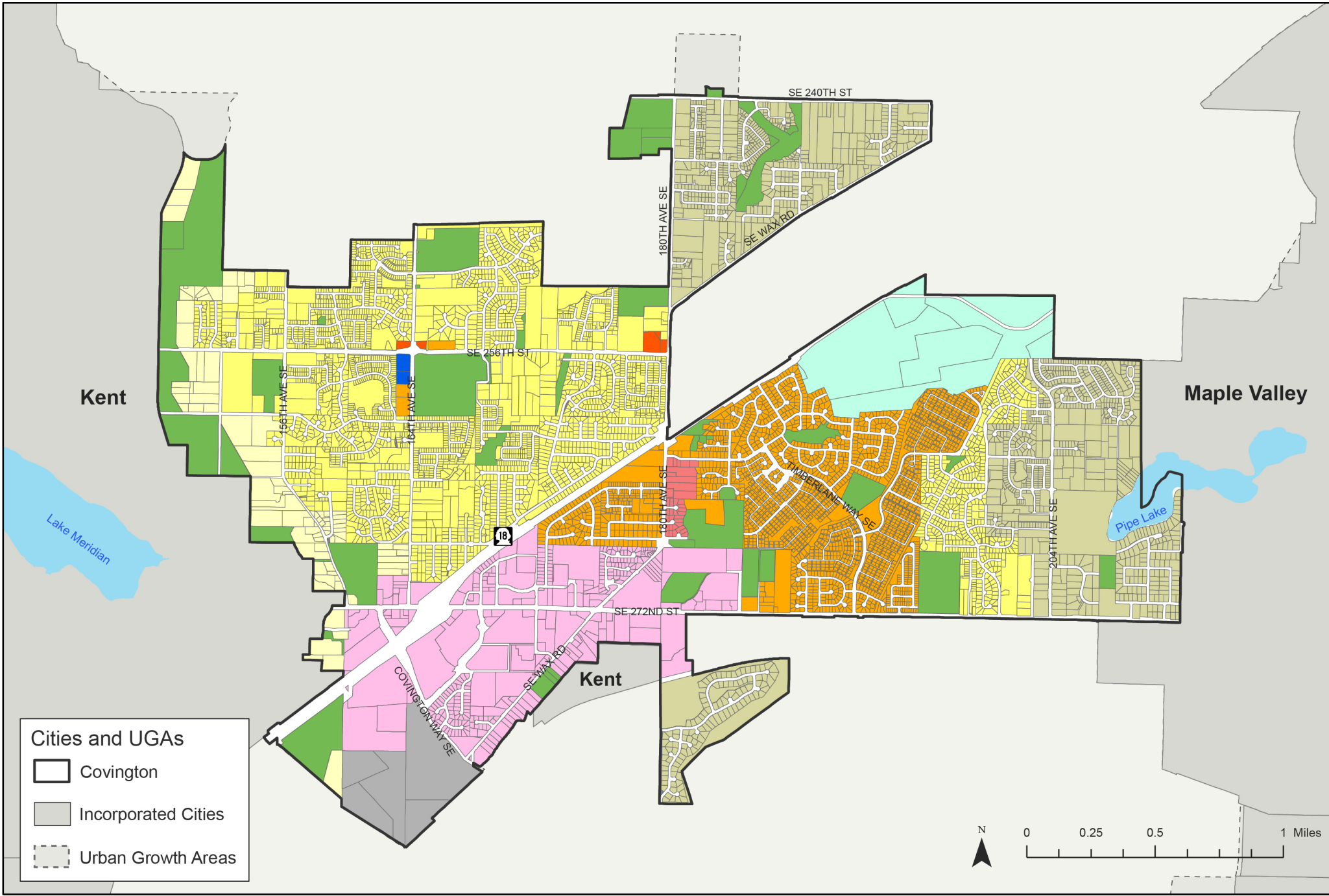
(2) A vendor or ~~his/her~~ their designee may appeal a revocation to the hearing examiner in accordance with Chapter [14.45](#) CMC. (Ord. 05-19 § 1 (Exh. A))

The Covington Municipal Code is current through Ordinance 11-24, passed June 11, 2024.

Disclaimer: The City Clerk's Office has the official version of the Covington Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.covingtonwa.gov](http://www.covingtonwa.gov)

[Hosted by General Code.](#)



Land Use Classifications

- | | | | |
|-----------------------------------|---------------------------------|----------------------|---|
| Low Density Residential 4du/ac | MultiFamily Residential 18du/ac | Community Commercial | Lakepointe Urban Village Subarea |
| Medium Denisty Residential 6du/ac | Urban Seperator 1du/ac | Downtown | Public Parks, Recreational Facilities & Schools |
| High Density Residential 8du/ac | Neighborhood Commercial | Industrial | |

Date: May 29, 2024
 Source: City of Covington;
 King County GIS Center

Mobile Food Vending in Seattle

1 Plan to Succeed

Formulate a Strong Business Plan

Today's Menu

- ▶ Concept & Menu
- ▶ Understand your mobile food unit needs:

Equipment	Unit Dimensions
Retrofitting	Government Approvals

- ▶ Business Structure, Financing & Insurance
- ▶ Marketing
- ▶ Commercial Kitchen Space

2 Location

Evaluate Potential Locations

- ▶ Public Right-of-Way
(street, sidewalk, public plaza)
- ▶ Private Property
- ▶ City Parks

3 Licensing

Register and Apply For Licenses

Today's Menu

- ▶ Register Business Structure
- ▶ Business Licenses (City and State)
- ▶ Federal Identification
- ▶ Liquor License (catering only)

4 Permitting

Get Your Permits in Order

Today's Menu

- ▶ Develop Your Floor Plan & Menu
- ▶ State Labor & Industries Approval
- ▶ Health Department Plan Review
- ▶ Open Flame Permit
- ▶ Vending Location Permits & Rules

5 Final Prep

Opening Up For Business

Today's Menu

- ▶ Hire & Train Employees
- ▶ Final Inspections & Approvals
- ▶ Set reminders for taxes, inspections, permit renewals