

Revisions to Zoning Code and Development Code Administration

Revisions to Zoning code SMC Title 18

Recommended changes to Chapter 18.08, Definitions:

1. Remove:

18.08.377 Industrial park. An industrial park is a development on a tract of land containing industrial buildings and open space that is designed, constructed, and managed on a coordinated basis

2. Add:

18.08.502 Master Planned Development. A Master Planned Development (“MPD”) is an alternative form of development that provides a flexible method of developing land as described in Chapter 14.34 SMC.

3. Existing, no change needed.

18.08.509 Mixed use development. A mixed-use development is a development on a tract of land consisting of both commercial and residential uses.

Recommended changes to Chapter 18.12, Zoning Districts:

1.Remove:

18.12.060 Intent of the industrial zoning district. The specific intent of the industrial zoning district is as follows:

—The Industrial (I) zoning district is intended to provide for a wide spectrum of manufacturing, storage, processing, and similar industrial uses. Regulations relating to this district provide for the protection of adjacent residential and shoreline areas. (Ord. 1473 §3, 2011; Ord. 1403 §2(part), 2005; Ord. 1188 §1(part), 1996).

18.12.065 Permitted uses in the industrial zoning district. It is the intent of the industrial district to provide for the manufacturing, processing, warehousing, wholesale sales, storage of goods and reflect the intent of the comprehensive plan. The plan provides that industrial uses for which environmental impacts can be mitigated will be allowed. Permitted uses within this district shall be as described in the following table. Conditional uses require a conditional use permit.

Zone-District	Principal Uses	Secondary Uses	Conditional Uses
Industrial (I)	Manufacturing	Outside storage	Off-site hazardous waste treatment and storage facilities
	Wholesale sales	On-site hazardous waste treatment and storage facilities	Structures over 35 feet in height
	Warehousing	Parking facilities	Waste disposal/transfer facilities
	Marinas		

Personal storage
facilities

Night watchman's
quarters

Battery charging
stations

Battery exchange
stations

2. Add:

18.12.061 Intent of the Master Planned Development zoning district. The Master Planned Development district is intended to provide for creative, mixed commercial and residential development that provides opportunity for greater density, preservation of open space and protection of critical areas. No development is permitted on property zoned MPD unless it is done in accordance with the terms and conditions of a valid MPD permit consistent with this chapter and Chapter 14.34 SMC.

18.12.066 Permitted Uses in the Master Planned Development zoning district.

Uses identified as Principal Uses, Secondary Uses and Conditional Uses in the Residential R-7.2, R-9.6 and Multi-Family zoning districts and the Commercial General and Commercial Shoreline zoning districts are allowed as Principal Uses in the MPD zoning district.

3. Revise:

18.12.090 Official zoning map and interpretation of zoning district boundaries. The location of the various zoning districts are shown on the official zoning map of the town which shall bear the title, "Town of Steilacoom Zoning Map, 2004-2021" and shall

~~be identified by the signatures of the town clerk and town attorney.~~ The official zoning map is hereby adopted and made part of this title. It shall be on file in the office of the town clerk and maintained by the community development department. A copy of the official zoning map shall be on display in the Town of Steilacoom planning department. Zoning district boundaries indicated on the zoning map shall be interpreted as follows:

- (1) Where boundaries are indicated along streets or alleys, the boundary shall be the centerline of the street or alley.
- (2) Where boundaries are indicated along established lot lines, the boundary shall be the lot line.
- (3) Where boundaries are indicated on perennial watercourses, the boundary shall be the thread (center) of the stream.
- (4) Where boundaries are indicated on the shorelines of the town, the boundary shall extend to the seaward town limits.
- (5) Upon vacation of a street, the zoning district boundaries of abutting properties shall be extended to the centerline of the vacated street.
- (6) All lands annexed to the town without an annexation zoning designation shall be classified R-9.6.

Recommended changes to Chapter 18.16, General Use Standards:

1. Revise:

18.16.005 Purpose and intent. The purpose and intent of this chapter is to provide standards for implementing Comprehensive Plan goals and policies which relate to providing housing alternatives, allowing some non-residential uses within residential zones and retaining existing neighborhood character, provided, however, that this chapter shall not apply to residential or commercial uses in the Master Planned Development zoning district. General use standards within the MPD zone are governed by the MPD permit issued in accordance with Chapter 14.34, SMC.

18.16.010 Accessory buildings and structures.

(A) Purpose and Intent. The purpose of this section is allow accessory buildings and structures, and to provide standards for regulating the placement and use of such buildings and structures.

(B) Accessory Buildings. These include carports, garages, greenhouses, storage units and other small buildings customarily incidental and subordinate to a principal residential, commercial, industrial or public/quasi-public use.

(1) No accessory building shall be located in any street setback area. This prohibition shall not apply to or prevent the restoration or reconstruction or rehabilitation of any accessory building contributing to a historic site as identified by the State Office of Archaeology and Historic Preservation and currently situated on a primary or secondary site of historic significance Contributing Resource as identified in SMC 2.14.050.

(2) No accessory building shall be located closer than five (5) feet to any rear or side lot line.

(3) Accessory buildings located within 20 feet of a rear lot line shall not exceed twelve (12) feet in height if a flat roof. Pitched roofs shall not exceed twelve (12) feet in height measured half-way up any slope, and sixteen (16) feet in height at the peak.

(4) On residential lots with areas less than 14,000 square feet, no accessory building shall have a gross floor area greater than seven hundred fifty (750) square feet. The 750 square feet may be either on the first floor of a one story accessory building, or divided between both floors of a two story building.

(5) No accessory building housing livestock or for storage of malodorous substances shall be located within forty (40) feet of a lot line or principal building.

(6) Regulations concerning accessory buildings in the MPD zoning district are set forth in the MPD permit.

(C) Accessory Structures. These include decks less than thirty (30) inches in height, satellite dishes and antennae serving the principal use, patios, swimming pools, household composting facilities, recreational equipment and other structures customarily incidental and subordinate to a principal residential, commercial, industrial or public/quasi-public use.

(1) No accessory structure intended for permanent or semi-permanent attachment to the ground shall be located closer than five (5) feet to any rear or side lot line.

(2) No structure greater than eighteen (18) inches in height shall be allowed within a street setback, and in no case shall the structure be located closer than five (5) feet to a street lot line.

(3) Regulations concerning accessory structures in the MPD zoning district are set forth in the MPD permit.

18.16.160 Electric vehicle battery charging stations.

(A) Purpose. This purpose of this section is to regulate battery charging stations for electric vehicles in accordance with the provisions of RCW 35.63.126.

(B) Battery charging stations by zoning designation.

(1) In the Commercial General (CG) and Industrial (I) Master Planned Development (MPD) zones, battery charging stations, including rapid charging stations and battery exchange stations, are allowed principal uses.

(2) Battery charging stations are not marine related commerce, and therefore are not appropriate as a principal use in the Commercial Shoreline (CS) zone, however, battery charging stations are allowed as secondary uses.

(3) In the Public/Quasi-Public (P/QP) and Parks and Open Space (P/OS) zones, battery charging stations are allowed as secondary uses.

(C) The owner of any parking lot in the CG, CS, MPD, P/QP, and P/OS zones may designate parking spaces to be for the exclusive use of electric vehicle charging.

(1) Each charging station parking space should be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operation should be included if time limits or tow away provisions are to be enforced by the owner. Installation of way finding signs at the parking lot entrance and at appropriate places within the lot are also encouraged to effectively guide motorists to the charging stations spaces. Such signage is exempt from a sign permit under SMC 18.24.050 (3).

(2) Information on the charging station must identify voltage and amperage levels, time of use, fees and safety information.

(D) Nothing in this section shall prohibit the ability of an owner of a residential property to install, for the private use of the owner, the equipment necessary to charge a privately owned or leased electric vehicle, provided that the charging equipment is installed in accordance with all applicable building and electric codes. Commercial use of such residential charging equipment is prohibited.

Recommended changes to Chapter 18.20, Development and Design Standards:

1. Revise

18.20.010 Purpose. The purpose of this chapter is to establish general dimensional and use standards for development in the Town and to reflect the intent of the comprehensive plan. The plan encourages that new development be compatible with existing neighborhoods, that unique neighborhood characteristics be retained, that lot coverage and setbacks and similar regulations be developed, and that flexibility be included in regulations to address view concerns, **provided, however, that this chapter shall not apply to residential or commercial uses in the Master Planned Development zoning district. Development and design standards within the MPD zone are governed by the MPD permit issued in accordance with Chapter 14.34, SMC.**

18.20.020 Setback standards.

(a) Unless reduced for any of the reasons described below, minimum setbacks for principal buildings shall be maintained as provided by the setback requirements in the following table.

Principal Building Setback Requirements by Zoning District			
Zoning District	Setback, Street	Setback, Rear	Setback, Side
R-7.2, R-9.6, (for corner lots, see (f))	20 Feet	20 Feet	Total of 20 feet, no one side less than 5 feet
Multifamily	20 Feet	20 Feet	20 Feet
Commercial Districts	None	5 Feet	5 feet if property adjoins "R" district -

			otherwise none
Public/ Quasi-Public, and Parks/ Open Space and Industrial Districts	None	5 feet if property adjoins "R" district - otherwise none	5 feet if property adjoins "R" district - otherwise none
Master Planned Development (MPD) District	<u>As provided in the MPD permit</u>	<u>As provided in the MPD permit</u>	<u>As provided in the MPD permit</u>

(b) Upon approval of the Town Administrator, side and rear setback dimensions may be reduced up to fifty (50) percent. Any reduction shall be contingent on the verifiable evidence of one or more of the following lot conditions:

- (1) Topography
- (2) Irregular Lot Shape
- (3) Retention of Natural Vegetation
- (4) Fire Safety

(5) View consideration for any property owner other than the one for whom the setback reduction is requested.

(c) Upon approval of the Town Administrator, street setback dimensions for a new principal building may be reduced to the average street setback existing along the same side of the street and within the same block as the new building. In no case shall the street setback be reduced to within the sight distance triangle, or to less than 5 feet in residential or multi-family zones. The applicant shall submit surveyed drawings demonstrating the average street setback.

(d) No portion of any principal building or accessory structure over forty-two (42) inches above the finished grade shall extend into a required setback area except as provided in SMC 18.20.020(b). Eaves may extend up to four (4) feet into required setback area, but no closer than five (5) feet to any property line.

(e) All setback reductions must follow the public notice and administrative approval process outlined in SMC 14.20.020.

(f) Residential corner lots shall have two street setbacks of 20 feet each, one rear setback of 20 feet and one side setback of 5 feet.

(g) Setback and other requirements for accessory buildings and structures are set forth in SMC 18.16.010.

(h) All building setbacks within the MPD zoning district are determined by the MPD permit. Structures within the MPD zone must be a minimum of 20 feet from the external boundaries of the MPD zone.

18.20.030 Lot area, width, and coverage.

(a) Minimum lot area, minimum lot width, and maximum lot coverage for all lots are identified in the following table:

Lot Area, Lot Width and Lot Coverage			
Zone District	Min. Lot Area (square feet)	Min. Lot Width (linear feet)	Maximum Lot Coverage
R-7.2	7,200	60	30%
R-9.6	9,600	80	30%
Multifamily	7,200	60	50%
General Commercial	7,200	60	None
Shoreline Commercial	7,200	60	None
Public/Quasi- Public	None	None	None

Industrial	None	None	None
Master Planned Development	As provided in the MPD permit	As provided in the MPD permit	As provided in the MPD permit

(b) Lot width shall be measured midway between street and rear lot lines.

(c) Lot coverage shall be based on the combined total building footprint area of the principal building, decks greater than forty-two (42) inches in height, and any accessory buildings greater than forty-two (42) inches in height.

(d) Nonconforming situations that exceed existing lot coverage requirements may continue pursuant to SMC 18.16.030(B).

18.20.040 Height of structures.

(a) Residential, Commercial, Parks/Open Space, and Public-Quasi Public Land Use Zoning Districts. The maximum height of all buildings and other structures in residential, commercial, parks/open space and public-quasi public land use districts shall be twenty-six (26) feet. Accessory buildings located within 20 feet of a rear lot line shall not exceed twelve (12) feet in height if a flat roof or sixteen (16) feet in height at the peak of a pitched roof as set forth in SMC 18.16.010.

(b) **Industrial Land Use Zoning District. The maximum height of all buildings and other structures in the industrial land use district shall be thirty five (35) feet. Accessory buildings located within 20 feet of a rear lot line shall not exceed twelve (12) feet in height if a flat roof or sixteen (16) feet in height at the peak of a pitched roof as set forth in SMC 18.16.010. Master Planned Development Zoning District. The maximum height of all buildings and other structures within the MPD district are set forth in the MPD permit, provided that the maximum height for buildings within Tax Parcel 0220322024 shall not exceed 26 feet.**

(c) Exemptions and exceptions.

(1) Customary appurtenances to buildings such as mechanical equipment, chimneys, air conditioners, church spires and steeples may extend an additional ten (10) feet above the highest roof line. In no case shall these appurtenances adversely affect views or detract from the customary neighborhood character.

(2) Communications facilities permitted under SMC 18.22 may exceed the maximum height for the zone.

(3) Buildings in the ~~commercial and industrial zones~~ **Commercial General (CG) and Commercial Shoreline (CS) zoning districts** may exceed the maximum height if a conditional use permit specifically allowing the greater height is granted under SMC 18.28.020.

(4) Non-Town owned buildings in the public/quasi-public zone may exceed the maximum height if a conditional use permit specifically allowing the greater height is granted under SMC 18.28.020. Town-owned buildings may exceed the maximum height if a variance is granted under SMC 18.24.030. Town-owned buildings are not eligible for conditional use permits.

(d) Measuring Height. Height shall be measured from the vertical datum as defined by SMC 18.08.955.

(e) Special exception for residential structures. When the vertical datum of a lot in a residential zone is lower than the level of the highest fronting improved street by 10 feet or more, the owner of the lot may choose to use this exception. The owner shall declare the intent to use this exception prior to issuance of a building permit.

(1) The highest roof line of the structure shall not exceed sixteen (16) feet above the elevation of the highest fronting improved street. The measurement shall be made from the intersection of the fronting street centerline and the lot centerline.

18.20.070 Parking standards. This section provides standards for ensuring that adequate parking will be available to serve a wide range of land uses in the Town of Steilacoom.

(a) Applicability. Accommodation for adequate parking shall be provided for any of the following actions:

(1) A new building or facility is constructed;

(2) A principal building is relocated;

(3) The use or building is changed or expanded to the extent that the number of required parking spaces is increased by fifteen (15) percent.

(4) Standards for determining adequate parking for buildings and uses within the MPD zoning district are set forth in the MPD permit.

(b) Administration. Provision for adequate parking shall be administered through the "Parking Performance Guidelines" listed in SMC 18.20.070(c).

(1) Development proposals that meet these performance guidelines are in compliance.

(2) Development proposals that do not meet the performance guidelines may also be in compliance, if any of the following situations apply:

(A) It can be demonstrated in writing that there is an excess of available non-commercial, off-street or designated on-street, parking within 200 yards of the proposed use;

(B) The peak hours of operation are outside normal business hours, and it can be demonstrated in writing that adequate parking can be met from available spaces within two hundred (200) yards of the use.

(C) The Town Administrator finds that strict adherence to the performance guidelines will detrimentally affect the character of the Historic District or of primary and secondary historic properties.

(D) The Town Administrator finds that parking requirements can be reduced due to successful implementation of a commute trip reduction program.

(3) Adverse transportation impacts identified through State Environmental Policy Act review may require parking accommodation beyond the parking performance guidelines.

(4) Any uses not listed in the "Parking Performance Guidelines" set forth in SMC 18.20.070(c) shall be evaluated by the most similar listed use as determined by the Town of Steilacoom.

(c) Parking Performance Guidelines. The table at the end of this section lists guidelines for providing adequate off street parking by type of land use. In addition to the number of spaces listed by use, establishments with non-resident employees may be required to provide one (1) space per full-time equivalent (FTE).

(d) Special provisions for lots with existing buildings. Changes in use which require additional parking on lots with existing buildings shall, if practical, have off-street parking. If the change of use requires more spaces than can be accommodated with off-street parking, the Town may require mitigation in the form of on-street parking improvements.

(e) Parking Space Dimensions. Parking spaces shall be designed and constructed in compliance with the applicable standards found in the Uniform Building Code. In addition, the following provisions shall apply to all parking areas:

(1) Unless no other practicable alternative is available, vehicle accommodation areas (as defined in SMC 18.08.940) shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one (1) or two (2) dwelling units.

(2) Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(3) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights of way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(4) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

(5) Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall comply with subsection (1) of this section and shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

(f) Parking for Disabled Persons. The number, location, design and construction of parking spaces accessible to handicapped persons shall comply with applicable standards contained in the Americans with Disabilities Act (ADA).

(g) Loading and unloading areas. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from the development, a sufficient off-street loading and unloading space must be provided to accommodate the delivery or shipment operations in a safe and convenient manner.

PARKING PERFORMANCE GUIDELINES

Land Use Category	Number of Off Street Spaces
Single family residential	2 per dwelling unit
Duplex	2 per dwelling unit
Accessory dwelling unit	1 per dwelling unit (+ 2 for single family residence)

Multifamily	1 per bedroom (maximum of 2 per dwelling unit)
Boarding houses	1 per bedroom
Residential care facilities	3 per 5 adult beds (20% shall meet ADA standards)
Retail sales and service, consumer goods repair	1 per 300 square feet gross floor area
Office or professional use not related to goods, service and merchandise	1 per 400 square feet gross floor area
Eating, drinking establishments	1 per 100 square feet gross floor area

Marinas	1 per 3 boat moorage or storage spaces
Motor vehicle repair or sales	1 per 200 square feet gross floor area
Industrial uses	1 per FTE employee
Bed and breakfasts, guest houses	1 per guest room (+2 for single family residence)
Class II home occupations	1 per non-resident employee (+2 for single family residence)

Elementary and middle school	1 per FTE employee, plus 5 per classroom
High schools	1 per FTE employee, plus 5 per classroom
Religious institutions	1 per 4 seats in public portion of building
Primary public facilities	1 per 200 square feet gross floor area
Quasi-public facilities (such as museums, libraries and fraternal organizations)	1per 300 square feet gross floor area

18.22.060 Standards for new building-mounted base stations.

(A) Location. New base station wireless communication facilities may be located on buildings in the industrial MPD, commercial and public zones.

(B) Generally. Wireless communication facilities located on the roof or on the side of a building shall be grouped together, integrated to the maximum possible degree with the building design, placed toward the center of the roof and/or thoroughly screened from residential building views and from public views using radio frequency-transparent panels. Building-mounted wireless communication facilities shall be painted with non-reflective colors to match the existing surface where the antennas are mounted.

(C) Height. For buildings at, or which exceed, the height limit of the underlying zone, antennas shall be flush-mounted and no portion of the antenna may extend above the building on which it is mounted. For buildings below the height limit, antennas may be built to the maximum height of the zone provided they are screened consistent with the existing building in terms of color, architectural style and material. Flush-mounted antennas may encroach into a required setback or into the Town right-of-way if a right-of-way use agreement is established with the Town. Antennas shall not project into the right-of-way by more than two feet and shall provide a minimum clearance height of 20 feet over any pedestrian or vehicular right-of-way.

(D) Equipment Enclosure. Equipment enclosures for building-mounted wireless communication facilities shall be located within the building on which the facility is located. If an equipment enclosure within the building is reasonably unavailable, then an equipment enclosure may be incorporated into the roof design provided the enclosure meets the height requirement for the zone. If the equipment can be screened by placing the equipment below existing parapet walls, no additional screening is required. If screening is required, then the screening must be consistent with the existing building in terms of color, architectural style and material. Finally, if there is no other choice but to locate the equipment enclosure on the ground, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened by a sight-obscuring fence and vegetation.

(E) Feed Lines and Coaxial Cables. Feed lines and cables should be located below the parapet of the rooftop, if present. If the feed lines and cables are visible from a public right-of-way or adjacent property, they must be painted to match the color scheme of the building.

18.22.070 Standards for new structure-mounted base stations.

(A) Location. New structure-mounted base station wireless communication facilities may be located within public rights-of-way, and in industrial, the MPD, commercial and public zones.

(B) Generally. Wireless communication facilities located on structures other than buildings, such as utility poles, light poles, flag poles, transformers, and/or water tanks,

shall be designed and painted with non-reflective colors to blend with these structures and be mounted on them in an inconspicuous manner.

(C) Height.

(1) The maximum height of structure-mounted wireless communication facilities shall be the minimum necessary in order to achieve the coverage objective. This includes installation of facilities on structures built at or above the maximum height allowed in a specific zone, so long as the diameter of any portion of a wireless communication facility in excess of the allowed height does not exceed the shortest diameter of the structure at the point of attachment. The height and diameter of the existing structure prior to replacement or enhancement for the purposes of supporting wireless communication facilities shall be used to determine compliance with this subsection.

(2) Only one base station is permitted per structure.

(3) If installed on an electrical transmission or distribution pole, a maximum 15-foot vertical separation is required from the height of the existing power lines at the site (prior to any pole replacement) to the bottom of the antenna. This vertical separation is intended to allow wireless carriers to comply with the electrical utility's requirements for separation between their transmission lines and the carrier's antennas.

(D) Equipment Enclosure. Equipment enclosures shall be located underground unless there is no other feasible option but to locate the equipment enclosure above ground. The equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone.

(E) Feed Lines and Coaxial Cable. Feed lines and cables must be painted to closely match the color scheme of the structure which supports the antennas.

F. Only wireless communication providers with a valid right-of-way use agreement shall be eligible to apply for a right-of-way construction permit, which shall be required prior to installation of facilities within the Town right-of-way and be in addition to other permits specified in this chapter.

18.22.090 New and Replacement Wireless Communication Tower Standards.

(A) New wireless communication towers are not permitted within the Town unless the applicant has demonstrated that:

(1) Coverage Objective. There exists a gap in service and the proposed wireless communication tower will eliminate such gap in service; and

(2) Alternatives. No existing structure, building, or other feasible site or sites, or other alternative technologies not requiring a new tower in the Town, can accommodate the applicant's proposed wireless communication facility; and

(3) Least Intrusive. The proposed new wireless communication facility is designed and located to remove the gap in service in a manner that is, in consideration of the values, objectives and regulations set forth in this chapter, this title, and the comprehensive plan, the least intrusive upon the surrounding area.

(B) All wireless communication towers shall conform to the following site development standards:

(1) To the greatest extent possible, wireless communication towers shall be located where existing trees, existing structures and other existing site features camouflage these facilities.

(2) Existing mature vegetation should be retained to the greatest possible degree in order to help conceal the facility.

(3) Equipment Enclosure. The equipment must be enclosed and screened from view by a sight-obscuring fence and vegetation.

(4) Feed Lines and Coaxial Cables. Feed lines and cables must be painted to closely match the color scheme of the structure which supports the antennas.

(5) Guy wires and lattice style towers. No guy wires or lattice style towers shall be allowed. All wireless communication towers shall be self-supporting.

(C) Site preference standards. The following site preference standards shall apply to wireless communication towers. Proposed sites shall be evaluated for approval and use in the following order of preference:

(1) **Industrial zoned property Above the 200-foot contour elevation within the MPD zoning district;**

(2) Publicly owned properties, in the following order:

(a) Steilacoom High School;

(b) Town-owned properties above the 200 foot contour elevation, in no order of preference:

(1) Cherrydale Park – Old Military Road

(2) Well site near Cherrydale School – B Street

(3) Public Works site – Roe Street

(4) Roe Street Water Tanks – Roe Street

(5) Well site at Cormorant Drive and Union Avenue

(6) Utility Yard & Shop - Diggs Street

(7) Public Safety/Community Center – Worthington Street, subject to paragraph (3) below.

(c) Cherrydale Elementary School;

(d) Saltar's Point Elementary School;

(e) Town-owned properties below the 200 foot contour elevation in no order of preference:

(1) Cormorant Park

(2) Marietta Tract A

(3) Only one telecommunication tower shall be located at the Public Safety Building/Community Center properties. No more than four telecommunication antenna arrays shall be permitted on the existing tower at the Public Safety Building/Community Center properties.

(4) Towers proposed for Town-owned property shall include a lease of land sufficient to encompass the tower, equipment structures, fencing and landscaping. Terms of the lease shall be negotiated by the Town Administrator and approved, modified or rejected by the Council as part of the public hearing on the tower.

(5) Towers proposed for non-Town-owned property shall provide the Town with proof of permission to erect the tower on that site.

(D) Review Criteria. The Town Council shall review an application for new wireless communication towers as a conditional use permit under SMC 18.28.020. In addition to the criteria for a conditional use permit, the applicant for a new wireless communication tower shall demonstrate the following:

(1) That the wireless communication tower height is the minimum necessary in order to achieve the coverage objective; and

(2) That no existing wireless communication tower, structure or alternative site(s) is located within the geographic area that meet the applicant's engineering requirements to fulfill its coverage objective (regardless of the geographical boundaries of the Town).

(E) Building Setbacks and Exceptions.

(1) Wireless communication towers and equipment enclosures shall be placed no closer than 20 feet from any street. Towers and enclosures shall be setback from residential zones a distance equal to the height of the tower. Setbacks may be modified to better achieve the goal of this section of concealing such facilities from view under the provisions below.

(2) The Town Council may approve modifications to be made to setbacks when:

(a) An applicant for a wireless communication facility can demonstrate that placing the facility on certain portions of a property will provide better screening and aesthetic considerations than provided under the existing setback requirements; or

(b) The modification will aid in retaining open space and trees on the site; or

(c) The proposed location allows for the wireless communication facility to be located a greater distance from residentially zoned properties.

(3) This zoning setback modification cannot be used to waive or modify any setback required under the Town Building Code or Fire Code.

(4) A request for a setback exception shall be made at the time the initial application is submitted.

Recommended changes to Chapter 18.24, Signs

18.24.020 Permit required. No sign, unless such sign is exempt per SMC 18.24.050, shall be erected, reerected, constructed, altered, or repaired except as provided in this chapter, and a permit for same has been issued by the Town of Steilacoom.

(1) Signs within the MPD zoning district are governed according to the MPD permit issued in accordance with Chapter 14.34 SMC, and are exempt from this chapter.

18.24.050 Exempt signs. The following signs do not require a sign permit:

(1) Flags, symbols or crest of nations, states, cities or political, fraternal, religious or civic organizations unless the use is for advertising or commercial purposes.

(2) Decorations customarily and commonly associated with a national, local or religious holiday provided that such decorations shall not be displayed for more than sixty (60) days.

(3) Legal notices, identification, informational, directional, traffic, public safety or other signs erected or required by governmental authority under any law, statute or ordinance.

(4) Time or temperature signs not exceeding three (3) square feet.

(5) Non-illuminated window signs covering no more than fifty percent (50%) of the inside window area, including glass doors.

(6) Real estate signs meeting all the following standards shall be exempt:

(A) No larger than six (6) square feet in area;

(B) No more than one (1) sign per street frontage;

(C) No taller than seventy-two (72) inches in height;

(D) Located on the property for sale;

(7) In **commercial, industrial or public zones the CG, CS, P/QP and PROS zoning districts**, two (2) incidental signs, not more than three (3) square feet each, per adjoining thirty (30) feet of street frontage.

(8) Signs indicating lost or found items such as pets will be permitted. Such signs shall not exceed 8-1/2" by 11" in size and shall be posted for no more than fourteen (14) days. Such signs shall include the name and telephone number of the person posting the sign and the date the sign was posted.

(9) Town of Steilacoom maintained bulletin boards or informational kiosks used to advertise community events and the private sale of miscellaneous items not related to a business.

(10) In residential zones **the R-7.2, R-9.6 and MF zoning districts**, one (1) sign not more than three (3) square feet in area advertising the sale of miscellaneous items not related to a business or home occupation.

(11) Neon signs displaying "OPEN" and not exceeding two (2) square feet, may be installed on the interior side of the window and lighted during business hours only.

(12) On property owned by a governmental entity, advertising signs approved by the entity, so long as such signs are not visible from the public right of way.

18.24.060 Signs requiring permits in commercial **and industrial zoning districts.**

(a) Each individual business **in the CG and CS zoning districts** may have no more than thirty-two (32) square feet of signage requiring a permit per street frontage, except as provided by SMC 18.24.060(b) and 18.24.060(c). Signage found on outdoor vending machines visible from a street frontage shall be considered part of the total sign area.

(b) The amount of signage permitted for an individual business will be decreased to twenty-four (24) square feet if any signs for the business are internally illuminated, except for outdoor vending machines visible from a street frontage and as provided by SMC 18.24.060(c).

(c) Due to the significance of the display of gasoline prices, gasoline stations are allowed additional sign square footage for the sole purpose of displaying gasoline prices.

(1) In addition to the signage allowed in SMC 18.24.060(a) or 18.24.060(b), gasoline stations may have an additional two-sided thirty-six (36) square foot sign to display gasoline prices.

(2) The gasoline price sign may be internally illuminated during business hours only.

(d) Individual businesses may use any combination of the following types of signs: flush mounted wall signs, ground mount and pole signs, projecting signs, sandwich board signs, awnings, flags and canopies, or marquees as long as the total square footage of all signs requiring a permit do not exceed the applicable size requirements of SMC 18.24.060(a), 18.24.060(b), or 18.24.060(c).

(e) Awnings and canopies which by their design features are so conspicuously different from the building to which they are attached so as to direct attention to and to promote the sale of goods or services shall be considered signs in their entirety.

(f) Awnings and canopies which are not described by SMC 18.24.060(e) shall not be considered a sign, except for any area of the awning or canopy which displays the name of the business or other advertising copy.

(g) In addition to the individual business sign, a business complex may erect one (1) ground mount or pole sign identifying the name of the business complex and the occupants in the development, provided:

(1) No individual business of the complex has a pole sign.

(2) The portion of the sign identifying the name of the business complex is no larger than ten (10) square feet, and the portion of the sign identifying the name of the individual businesses is no larger than two (2) square feet per business.

(3) Information displayed for each individual business shall not exceed the business name and/or logo.

(h) During the construction or sale of a business, one (1) temporary development or real estate sign per street frontage may be installed, provided:

(1) The sign does not exceed thirty-two (32) square feet.

(2) The sign does not exceed seven (7) feet in height.

(3) The sign is removed after the construction or sale is completed. (Ord. 1188 §1(part), 1996).

Recommended changes to Chapter 18.30, Temporary Uses and Structures

18.30.020 Definitions. As used in this in this section, the following terms have the following meanings.

(A) Applicant shall mean the person that owns, rents, occupies, or controls the property and applies for a temporary use permit.

(B) Cargo Containers shall mean a standardized shipping container more than 20 feet in length, designed and used for intermodal freight transport.

(C) Major construction projects shall mean those residential developments of five or more homes, and commercial **or industrial** development of buildings larger than 4,000 square feet.

(D) Recreational vehicle, or RV, shall mean a vehicle that is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(E) Supplier shall mean the company or vendor which supplies a Temporary Storage Unit.

(F) Temporary Storage Unit shall mean a transportable unit 20 feet or less in length, designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis. Such unit shall not be considered an accessory structure as provided in Chapter 18.16 SMC.

(G) Tent shall mean a temporary human shelter made from stretched out fabric.

(H) Construction Debris Drop Box shall mean a container designed for the collection of demolition or other construction debris placed at a construction site.

18.30.030 Time Limits. All temporary uses and structures are subject to the provisions of the regulations contained in this Chapter. The following table indicates where each temporary structure is allowed in Town, and the number of days allowed, subject to the provisions and qualifications in each subsection. An "X" indicates that the particular temporary use or structure is not allowed in that zone. (Ord. 1550, 2017).

Table of Temporary Uses/Structures and Number of Days Allowed

Zoning District →	Commercial General Commercial Shoreline Industrial	Parks, Recreation and Open Space Public/Quasi-Public	R-7.2, R-9.6, and Multi-Family and MPD
Type of Temporary Use or Structure ↓			
Temporary Encampment (See 18.28.040)	X	90 days – limited to property owned by places of worship	X
Temporary Construction Buildings (18.30.050 A)	Removed within 30 days of completion	Removed within 30 days of completion	Removed within 30 days of completion
Temporary Real Estate Office (18.30.050 B)	X	X	Removed at end of 1 year following recording of plat
Temporary Housing Unit during Construction (18.30.050 C)	Removed within 30 days of final inspection or 1 year	Removed within 30 days of final inspection or 1 year	Removed within 30 days of final inspection or 1 year
Temporary Occupancy of RV, Travel Trailer or Tent (18.30.050 D)	X	X	14 days without permit 30 days with permit Once per 6 months
Temporary Storage Unit (18.30.060 A)	14 days	14 days	14 days
Temporary Storage in Cargo Containers (18.30.060 B)	180 days	X	X, in MPD zone, as allowed by MPD permit only
Construction Debris Drop Box (18.30.070)	Allowed during construction	Allowed during construction	Allowed during construction

18.30.060 Temporary Storage Units and Cargo Containers.

(A) Temporary Storage Units

(1) Zones allowed. Properly permitted temporary storage units are allowed within all zoning districts.

(2) Placement of Temporary Storage Units

(a) Temporary storage units shall be placed in the driveway or side yard in the R-7.2, R- 9.6 and MF zones. If the grade of the property does not allow a temporary storage unit to be placed in the driveway or side yard, the Town Administrator may grant permission to place the unit within the right-of-way. The

applicant must demonstrate that the grade of the property would not allow siting the temporary storage unit, and that placing the temporary storage unit in the right-of-way would not impede traffic or pedestrians.

(b) Placement of temporary storage units in the MPD zoning district is regulated by the MPD permit issued in accordance with Chapter 14.34 SMC.

(b) **(c)** Temporary storage units shall be placed in the rear or side yard in all other zones.

(3) Time restrictions

(a) The temporary storage unit may be located at one address for a maximum of fourteen (14) consecutive days, including the days of delivery and removal. An extension may be granted to the applicant by the Town Administrator, subject to conditions, for a reasonable additional time period in an amount not to exceed thirty (30) days.

(b) Each residential property is limited to a maximum of four (4) permits per calendar year, and a minimum of fifteen (15) days shall elapse between the end of one (1) permit period and the beginning of another.

(4) Condition of Temporary Storage Unit

The applicant, as well as the supplier, shall be responsible for ensuring that the temporary storage unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.

(5) Prohibited Uses of Temporary Storage Units

No temporary storage unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the temporary storage unit is located (i.e. used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the applicant, the Town may inspect the contents of any temporary storage unit at any reasonable time to ensure that it is not being used to store said materials.

(B) Cargo Containers

(1) Zones allowed. Cargo containers are allowed in the Commercial General, Commercial Shoreline **and Industrial** zones and are prohibited in the R-7.2, R-9.6, MF, P/QP and PROS zones. **Use of cargo containers within the MPD zone is subject to the MPD permit issued in accordance with Chapter 14.34 SMC.**

(2) Abatement of Existing Cargo Containers

Cargo containers existing in the R-7.2, R-9.6, MF, P/QP and PROS zones upon the effective date of this ordinance must be removed from the property no later than 90 days from the receipt of a notice from the Town Administrator advising the owner of the provisions of this ordinance.

(3) Allowed Uses in the Commercial **and Industrial** Zones

Cargo containers may be placed in the **Industrial**, Commercial General and Commercial Shoreline zones, when the following standards are complied with:

(a) Materials stored within cargo containers must be directly related to an approved commercial ~~and/or industrial~~ use on site;

(b) No storage of hazardous materials may take place within cargo containers;

(c) Cargo containers may not be used for personal or commercial storage uses unrelated to the commercial ~~or industrial~~ use;

(d) Cargo containers must be in compliance with bulk requirements of Development Regulations;

(e) Cargo containers may not encumber required parking, aisle or landscaping, and may not block Emergency Vehicle Access or established vehicle routes;

~~(f) No more than five cargo containers may be used for storage associated with industrial uses at a time;~~

~~(g) (f)~~ No more than two cargo containers may be used for storage associated with commercial uses at one time; and

~~(h) (g)~~ Cargo containers may not be on any site in excess of 180 days within any 12 month period.

Recommended changes to Chapter 18.36, Concurrency Review

18.36.020 Definitions.

(a) Adequate: At or above the level of service standards specified in the current adopted comprehensive plan.

(b) Applicant: A person or entity who has applied for a development permit, **or a development agreement pursuant to RCW 36.70B.170.**

(c) Available capacity: Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion or modification.

(d) Certificate of capacity: A document issued by the Community Development Department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

(e) Concurrency Facilities: Facilities for which concurrency is required in accordance with the provisions of this chapter. They are arterial streets, transit, water, power, sanitary sewer, solid waste-garbage, schools, solid waste-recycle/yard waste, storm water management, library, fire flow, fire/EMS/law enforcement and parks.

(f) Concurrency Test: The comparison of an applicant's impact on concurrency facilities to the capacity, including available and planned capacity, of the concurrency facilities.

(g) Development Permit: A land use **or** building permit, **or development agreement pursuant to RCW 36.70B.170.** Development permits are classified as exempt, final or preliminary. Exempt permits are set out in SMC 18.36.050.

(h) Development Permit, Final: A building permit **or development agreement pursuant to RCW 36.70B.170.**

(i) Development Permit, Preliminary: The following land use permits: conditional use permit, preliminary plat, rezone, shoreline substantial development/conditional use permit, short plat and site plan approval.

(j) Facility and Service Provider: The department, district, or agency responsible for providing the specific concurrency facility. Examples include, but are not limited to: the Town of Steilacoom, the Steilacoom Historical School District and Pierce Transit.

(k) Level of Service Standard: The level of service standard specified in the current adopted comprehensive plan.

(l) Planned Capacity: Capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted comprehensive plan capital facilities element and scheduled to be completed within six (6) years.

(m) Planned Capacity, Transportation Facilities: Capacity for transportation facilities, including arterial streets and transit, that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted comprehensive plan capital facilities element and financial commitment is in place to complete the improvements within six (6) years.

Recommended changes to Chapter 18.46, Marijuana Related Uses

18.48.030 Medical Cannabis Collective Gardens.

(a) Collective gardens as defined in SMC 18.48.010 are prohibited in the following zoning districts:

(1) All single-family and multi-family residential zones, including R-7.2, R-9.6 and MF.

(2) All commercial **and industrial** zones, including CG **and** CS **and I**.

(3) All public zones, including P/QP and P/OS.

(4) Any new zoning district established after January 10, 2014, **including MPD**.

(b) In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated under applicable provisions of this code or state law, including Chapter 9.12 SMC.

(c) Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any Town, state, or federal law or statute.

18.48.040 Marijuana Related Uses.

(a) The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the Town of Steilacoom is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the Town of Steilacoom and then only pursuant to a license issued by the State of Washington. The purposes of these provisions is solely to acknowledge the enactment by Washington voters of Initiative 502 and a state licensing procedure and to permit to, but only to, the extent required by state law marijuana producers, marijuana processors, and marijuana retailers to operate in designated zones in the Town.

(b) Marijuana producers, marijuana processors and marijuana retailers as defined in SMC 18.48.030 are prohibited in the following zoning districts:

(1) All single-family and multi-family residential zones, including R-7.2, R-9.6 and MF.

(2) All commercial **and industrial** zones, including CG **and** CS **and I**.

(3) All public zones, including P/QP and P/OS.

(4) Any new zoning district established after January 10, 2014, **including MPD.**

(c) In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated under applicable provisions of this code or state law, including Chapter 9.12 SMC.

(d) Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any Town, state, or federal law or statute.

Modifications and additions to Title 14, Development Code Administration

Chapter 14.08 Administration

14.08.030 Town Council. The Town Council shall review and act on the following:

(1) Recommendations of the Planning Commission and Town Administrator on legislative matters pertaining to SMC Chapter 2.14, and Titles 14 through 18.

(2) Recommendations of the Town Administrator on development proposals.

(3) Recommendations of the Preservation and Review Board to enter into a special tax valuation agreement.

(4) Appeal of administrative interpretations.

(5) Appeal of administrative approvals set forth in SMC 14.20.010 and 14.20.020.

(6) Appeal of Historic Preservation and Review Board decisions.

(7) Appeal of a state environmental policy act determination of significance under SMC Title 16.

(8) Shoreline Substantial Development Permits and Shoreline Conditional Use Permits pursuant to Chapter 16.08 SMC.

(9) Master Planned Development Permits pursuant to Chapter 14.34 SMC.

14.08.040 Planning Commission.

(a) The Planning Commission shall review, hold public hearings and make recommendations to the Town Council on the following legislative matters:

(1) Amendments to the Comprehensive Plan.

- (2) Amendments to the Building and Construction Code, SMC Title 15.
- (3) Amendments to the Environment Code, SMC Title 16.
- (4) Amendments to the Subdivision Code, SMC Title 17.
- (5) Amendments to the Zoning Code, SMC Title 18, except quasi-judicial small area rezones.
- (6) Other matters requested or remanded by the Town Council.

(b) The Planning Commission shall conduct informational workshops on the following applications:

- (1) Rezones, except area-wide legislative rezones.
- (2) Subdivisions and Planned Area Developments, except Short Subdivisions, as defined by SMC Title 17.
- (3) Conditional use permits, as defined by SMC Title 18.
- (4) Shoreline Substantial Development Permits and Shoreline Conditional Use Permits pursuant to Chapter 16.08 SMC.

(5) Master Planned Development Permits pursuant to Chapter 14.34 SMC.

~~(5)~~ (6) Other applications requested by the Town Council.

Proposed New Chapter 14.34 Master Planned Development Permits

14.34.010 Purpose

The purposes of this chapter are to:

1. Establish a public review process for projects located in the MPD zoning district;
2. Allow for innovative forms of development that encourage creative site layout and building design that is sensitive to the surrounding environment;
3. Conduct environmental review and mitigate significant adverse impacts as appropriate;
4. Promote economic development and job creation;
5. Allow for design and development of a mixed-use neighborhood with a combination of housing, employment and recreational opportunities; and
6. Implement the Town's Comprehensive Plan.

14.34.020 Permit Required

An approved Master Planned Development permit (MPD permit) and development agreement are required for any development in the MPD zoning district. No development may occur on property zoned MPD unless it is done so in accordance with the terms and conditions of an approved MPD permit.

14.34.030 Application requirements

Application for a MPD permit consists of filing a complete application with the Town Administrator, and paying the application fee. A complete application for a Master Planned Development permit (MPD permit) comprises:

1. A fully completed and signed development application;
2. A fully completed and signed environmental checklist;
3. A proposed site development agreement consisting of:
 - a. A project description and conceptual site plan drawn at a scale as determined by the Town Administrator that depicts:
 - i. Proposed open space and recreational facilities;
 - ii. Existing critical areas and their buffers along with the reports and surveys used to identify their existence and location;

- iii. Proposed locations on streets, trails, walking and biking paths; and
 - iv. Generalized location, types, acreage and intensity of proposed residential and non-residential developments.
- b. Proposed residential uses and densities;
 - c. Proposed commercial uses and intensities;
 - d. Development regulations including site design, bulk and/or building standards that encourage flexibility to achieve innovative design, protection of critical areas, and reasonable priced housing;
 - e. Capital facilities;
 - f. A projected phasing plan, if any;
4. Any supplemental information or special studies identified by the Town Administrator;
5. A title report produced within 30 days of the submission by a title company certifying:
- a. The legal description of the total parcel sought to be subdivided;
 - b. Those individuals or corporations holding an ownership interest and any security interest or other encumbrances affecting the title of the parcel.
 - c. Any lands to be dedicated shall be confirmed as being owned in fee title by the owner(s) signing the dedication certificate.
 - d. Any easements or restrictions affecting the property with a description of purpose and reference to the Auditor's file number and/or recording number.
 - e. If any lands are to be dedicated or conveyed to the Town, an extended coverage title policy may be required by the Town Administrator;
6. A scaled map showing the proposed development and other parcels within 500 feet of the proposed development;
7. A list containing the names and addresses of owners of all lands within 500 feet of any portion of the proposed development, certified to be accurate and complete by the applicant;
8. Two sets of stamped envelopes addressed to the owners of all lands within 500 feet of any portion of the proposed development; and
9. Payment of all applicable review fees.

14.34.040 Review and Approval Procedures

1. The Town Administrator, or designee, will review completed Master Planned Development Permit applications and issue the SEPA threshold determination in accordance with SMC 14.20.021
2. Following staff review, the Planning Commission will conduct an informational workshop in accordance with SMC 14.08.040 and SMC 14.20.030.
3. Upon receipt of the staff report, the Town Council will conduct a public hearing to consider the application, and render a decision in accordance with SMC 14.08.030 and SMC 14.20.040.
4. If the application is approved, the Council will issue a Master Planned Development Permit incorporating Council imposed conditions of approval. Additionally, the Council will authorize the Mayor to sign a Development Agreement on behalf of the Town.

14.34.050 Development Approval

1. Following approval of a Master Planned Development Permit, the applicant will incorporate the Permit's conditions of approval and SEPA mitigation measures into Development Agreement that meets the requirements of RCW 36.70B.170 for execution by the Town and applicants.
2. The applicant will record the Development Agreement, or a memorandum thereof, with the Pierce County Auditor.
3. The development Agreement is binding on all property owners in the MPD zoning designation, and on their successors.

14.34.060 Subsequent Permitting

Development of the Master Planned Development Area is governed by the substantive provisions of the Development Agreement, implemented through subdivisions, binding site plans, and other applicable permits and approvals in accordance with the procedures specified in the Development Agreement.

14.34.070 Amendments

1. Application. Property owners within the MPD zone may apply for an amendment to any element or provision in the approved Development Agreement.
2. Classification. Proposed amendments are either minor or major amendments. Minor amendments are those that:
 - a. Do not increase the total number of dwelling units;

- b. Do not increase the gross square footage of non-residential uses by more than 15%;
- c. Do not decrease the approved amount of open or recreational space; and
- d. Does not create a new or increase an identified significant adverse environmental impact.

Major amendments are all other proposed amendments.

3. Processing. Proposed minor amendments may be approved administratively by the Town Administrator subject to the process established in the Development Agreement. Proposed major amendments must be reviewed and approved by the same procedures for an MPD permit application.

Other relevant Town ordinances:

14.08.030 Definitions

(c) “Developer” means any person who proposes an action or seeks a permit regulated by SMC Chapter 2.14, and Titles 14 through 18.

(d) “Development” means any land use permit or action regulated by SMC Chapter 2.14, and Titles 14 through 18, including, but not limited to, subdivisions, rezones, conditional use permits or variances.

Chapter 14.20 Review and Approval Process

14.20.021 SEPA threshold decisions. The Town Administrator, as the designated responsible official, shall issue SEPA threshold decisions in accordance with the provisions of Chapter 16.04 SMC, Chapter 43.21C RCW, and Chapter 197-11 WAC.

14.20.030 Planning Commission review and informational workshops.

(a) Staff Report. The Town Administrator, or designee, shall prepare a staff report on the proposed matter summarizing the comments and recommendations of Town departments and affected agencies, and evaluating the development’s consistency with the Town’s codes and adopted plans. The staff report shall include findings, conclusions and a recommendation for disposition of the development application.

(b) Informational Workshop. The Planning Commission shall hold an informational workshop on development proposals for the purpose of informing the community of the nature of the proposal and providing staff with advice regarding the contents of the staff report. The informational workshop is not a public hearing and public testimony and comments shall not be taken at the workshop.

(c) Procedures for Informational Workshops. The chair shall open the informational workshop, and in general, observe the following sequence of events:

(1) Chair shall explain the procedures of the workshop and announce the date, place, and time for public testimony to be entered into the record.

(2) Staff shall make a presentation describing the proposal and summarizing the contents of the staff report described in SMC 14.20.030(a). Planning commission members may ask questions of the staff, and staff shall respond to member’s questions.

(3) Planning Commission members discuss the adequacy of the report and provide the staff with suggested changes or additions.

(4) Chair shall close the workshop.

14.20.040 Town council actions.

(a) Actions. Upon receiving a staff report or notice of any other matter requiring the council's attention per SMC Chapter 2.14 and Titles 14 through 18, the Council shall perform the following actions as appropriate:

- (1) Make a decision on a staff recommendation.
- (2) Hold a public hearing and make a decision on the following matters:
 - (i) Appeals of administrative interpretations.
 - (ii) Appeals of administrative approvals.
 - (iii) Appeals of determinations of significance.
- (iv) Development proposals and legislative matters per SMC 14.08.030.
 - (v) Other matters not prohibited by law.
- (3) Conduct a closed record appeal and make a decision on appeal of Preservation and Review Board decisions.

(b) Decisions. The Town Council shall make its decision by motion, resolution or ordinance as appropriate.

- (1) A Council decision shall include one of the following actions:
 - (i) Approve as recommended.
 - (ii) Approve with additional or modified conditions.
 - (iii) Modify, with or without the applicant's concurrence, provided that the modifications do not significantly:
 - (a) Enlarge the area or scope of the project.
 - (b) Increase the density or proposed building size.
 - (c) Increase adverse environmental impacts as determined by the SEPA responsible official.
 - (iv) Deny (reapplication or resubmittal is permitted).
 - (v) Deny with prejudice (reapplication or resubmittal is not allowed for one (1) year).
 - (vi) Remand for further proceedings and/or evidentiary hearing in accordance with SMC 14.20.090.
- (2) A Council decision following a closed record appeal shall include one of the following actions:
 - (i) Grant the appeal in whole or in part.
 - (ii) Deny the appeal in whole or in part.
 - (iii) Remand for further proceedings and/or evidentiary hearing in accordance with SMC 14.20.090.
 - (iv) Modify the decision.

State law references

RCW 36.70B.170

Development agreements—Authorized.

(1) A local government may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under chapter 36.70A RCW.

(2) RCW 36.70B.170 through 36.70B.190 and section 501, chapter 347, Laws of 1995 do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on July 23, 1995, or adopted under separate authority, that includes some or all of the development standards provided in subsection (3) of this section.

(3) For the purposes of this section, "development standards" includes, but is not limited to:

(a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

(b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

(c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;

(d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

(e) Affordable housing;

(f) Parks and open space preservation;

(g) Phasing;

(h) Review procedures and standards for implementing decisions;

(i) A build-out or vesting period for applicable standards; and

(j) Any other appropriate development requirement or procedure.

(4) The execution of a development agreement is a proper exercise of county and city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

RCW 36.70B.180

Development agreements—Effect.

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

RCW 36.70B.190

Development agreements—Recording—Parties and successors bound.

A development agreement shall be recorded with the real property records of the county in which the property is located. During the term of the development agreement, the agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.