



CITY OF SEATAC

PLANNING COMMISSION MEETING

City Council Chambers, SeaTac City Hall, 4800 S. 188th Street
September 16, 2014, 5:30 p.m.

MEETING AGENDA

- 1) Call to Order/Roll Call – 5:30 p.m.
- 2) Approve Minutes of September 2, 2014 Planning Commission Meetings (Exhibit A)
- 3) Public Comment: Public comment will be accepted on items not scheduled for a public hearing
- 4) Public Hearing on various amendments to the SeaTac Municipal Code, Title 15 (Zoning Code) (Exhibit B)
- 5) Open Public Meetings Act training (Exhibit C)
- 6) CED Director's Report
- 7) Planning Commission Comments (including suggestions for next meeting agenda)
- 8) Adjournment

The Planning Commission consists of five members appointed by the Mayor and confirmed by the City Council. The Commission primarily considers plans and regulations relating to the physical development of the city, plus other matters as assigned. The Commission is an advisory body to the City Council.

All Commission meetings are open to the public and comments are welcome. Please be sure to be recognized by the Chair prior to speaking.

**CITY OF SEATAC
PLANNING COMMISSION
Minutes of September 2, 2014
Regular Meeting**

Members Present: Joe Adamack, Roxie Chapin, Tom Danztler, Robert Scully, Jim Todd

Staff present: Steve Pilcher, Planning Manager; Mike Scarey, Senior Planner; Kate Kaehny, Senior Planner

1. Call to Order

Chairman Adamack called the meeting to order at 5:33 p.m.

2. Approve minutes of August 5, 2014 Meeting

Moved and seconded to approve the minutes as written. **Passed 5-0.**

3. Public Comment

None.

4. Briefing on Angle Lake Station Area Plan

Senior Planner Kate Kaehny briefly explained the information that was included in the Commission's packets. At this point, the Community Engagement Program report has been completed and submitted to the administrators of the Community Transformation Grant (CTG). The Pedestrian/Bicycle Connectivity Study, another CTG-funded portion of the project, is nearing completion and will be submitted within the week. Ms. Kaehny reviewed the timeline for the plan in light of progress being made. She noted that a draft of the Plan should be done by the end of September, with Commission review set to begin in October.

The Community Engagement activities form the basis for the direction the Plan will take. Ms. Kaehny noted that much of the input came from a questionnaire, as opposed to a survey, which implies statistical sampling, etc.

The Ped/Bike study is being formulated to rely upon the Draft Safe and Complete Streets Plan, which was endorsed by the City Council in 2012. Maps of proposed recommendations are included; these are intended to inform the Station Area Plan. Ms. Kaehny noted that the area has been divided into 6 "subareas," each with unique characteristics in terms of potential land use

and intensity of uses. The Commission noted that Angle Lake Park should be depicted as a park, rather than as an area where a certain type of development may occur.

The maps include suggested locations for future connections between streets, intended to increase non-motorized circulation in the area. Obtaining these routes would most likely occur as an “ask” as properties develop. Four east-west connections are depicted between 28th Ave. S. and International Blvd.

There are challenges with adding additional signalized intersections along International Blvd., which is designated as a highway of statewide significance. Even more problematic would be adding pedestrian-only signals. The State Department of Transportation has expressed some openness to adding one additional signalized intersection north of S. 200th, but obtaining more would be problematic.

Commission members suggested that the boundaries between the sub-areas should be “softened,” as opposed to being defined with definitive lines. They also suggested the maps should depict the intended connections and the trail along Angle Lake. There was then discussion about the liability that may result from pedestrian easements crossing private property.

Additional discussion concerned:

- a potential roundabout north of S. 200th, connecting 28th Ave. S. and International Blvd.
- strategies for working with private developers to get wider sidewalks along International Blvd. and other streets
- adding street trees
- shared streets/greenways
- impacts to developers
- priority ranking of projects

Ms. Kaehny explained the differences between various types of bicycle facilities. There was discussion of how to connect to a regional network.

The Commission also discussed the possibility of pedestrian overpasses and their costs vs. anticipated use.

Ms. Kaehny announced that the planned Feet First walking tour now appears to be scheduled for September 27th.

5. Briefing on Major Comprehensive Plan Update – Land Use Element

Senior Planner Mike Scarey reminded the Commission that several months ago, they had reviewed the Land Use Background Report, which is found in Volume 2 of the Plan. The current work involves the Land Use Element of the Plan, which includes goals and policies. The revised chapter also now includes the descriptions of the various land use categories that are depicted on the Plan map.

Mr. Scarey outlined the nature of the changes, noting there has been a significant re-organization of the element. Due to this, staff has yet to modify the Implementation Strategies tables. He then reviewed highlights of the recommended policy additions and modifications, including those to implement requirements of the Growth Management Act and those intended to respond to prior work done several years ago regarding food access and complete and healthy communities.

Commission members discussed the need to maintain flexibility for developers in terms of the use of their properties.

Mr. Scarey pointed out that although there is a mobile home park designation on the Plan map, none of the three mobile home parks found in the city are zoned as such. Given that, staff is suggesting there isn't a need to maintain this land use designation. New parks can be developed in the city; however, staff feels that given property values, the development of a new park is unlikely.

Commission member Dantzler advised that he had been granted some density bonuses at the time the park on his property was closed; he asked staff to check into this.

6. Director's Report

CED Director Joe Scorcio was on vacation. Planning Manager Steve Pilcher reported that the City Council decided to maintain the current zoning provision that effectively outlaws any aspect of the recreational marijuana industry from locating within SeaTac.

He also reported that staff is suggesting a briefing on the Open Public Meetings act occur at the next Commission meeting, as required by State law.

Finally, he noted that a hearing has been scheduled for the next meeting, concerning the various code amendments that have been previously discussed. Therefore, the next meeting will be in the Council Chambers.

7. Adjournment

Moved and seconded to adjourn. Motion passed 5-0. The meeting adjourned at 7:30 p.m.

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COMMUNITY & ECONOMIC DEVELOPMENT

PLANNING DIVISION STAFF REPORT

Date: September 10, 2014
To: Planning Commission
From: Steve Pilcher, AICP, Planning Manager
Subject: Miscellaneous code amendments

During the spring and summer, Planning staff brought forward a batch of potential amendments to the Zoning Code that are intended to better address issues related to: senior housing; home occupations; building façade landscaping; townhouse parking standards; and temporary construction staging yards/employee parking. These were discussed with the Planning Commission during its regular meetings of April 1 and April 15; June 17; and July 1, 2014.

State Review

As required by RCW 36.70A.106, the proposed amendments were transmitted to the Washington State Department of Commerce on July 11, 2014, to allow for review by State agencies. Commerce acknowledged receipt on July 14, 2014. No comments have been received from any agency of the State of Washington regarding these proposals.

SEPA Action

A Determination of Nonsignificance was issued on August 15, 2014, with a 14-day comment period. No comments were received. The SEPA appeal period expired on September 8, 2014 without an appeal being filed.

Public Notice

Notice of this public hearing was posted on the City's website and published in the Seattle Times on August 29, 2014.

Senior Housing and other housing-related issues

Currently, the Zoning Code contains a wide variety of definitions related to the various types of housing that may be found in the city. Many of these were slated for elimination or modification as part of the Major Zoning Code update process that began several years ago. Numerous amendments are proposed to reduce both the number and to provide greater clarity.

Also included in these amendments are series of changes focused on housing for senior citizens. These include defining different senior housing types (including "continuing care retirement community"). The various types of senior housing are proposed to be allowed at

greater densities than conventional housing, reflective of the lower level of land use and traffic impact associated with this segment of the population. Similarly, lower parking standards for senior housing are also included in the proposed changes.

Not all of the multifamily design standards may be appropriate for senior housing. The proposed amendments include elimination of the requirement to provide play space for children (SMC 15.19.520). An amendment to SMC 15.19.560 would allow assisted living facilities and retirement apartments the ability to provide a payment option in lieu of providing on-site recreational facilities. This would allow these projects to take advantage of nearby recreational opportunities, rather than providing limited use facilities on-site. Whether to do so would be a choice of the project developer.

As noted above, various other changes are proposed to the numerous definitions that deal with housing. These are intended to provide greater clarity and elimination of outdated definitions.

SUMMARY OF BASIC SENIOR HOUSING AMENDMENTS

USE	WHERE ALLOWED	DENSITY	PARKING REQUIRED
Assisted Living Facility*	UH, NB, CB, O/CM	2x maximum of zone; measured per room	0.25 per unit/room
Continuing Care Retirement Community*	UH, NB, CB, O/COM	Based upon mix of uses: 1.5x max. of zone for SF, 2X & retirement apts; 2X for assisted living; no limit for convalescent/nursing home beds	As per various housing types provided
Retirement Apartments*	UM, UH, NB, CB	1.5x maximum of zone; measured per unit ³	0.75 per unit ¹
*new definition/stds.			

1. Currently, the Zoning Code could allow low/moderate income senior housing to provide parking at a reduced rate of 0.8 stalls/unit. The existing standard for “senior citizen multi” is 1.25 stalls/unit. The term “Senior citizen multi” is not defined in the Zoning Code. The chart above proposes a reduction to 0.75 stalls/unit, whether market-rate or subsidized housing.
2. Currently, the Zoning Code allows for up to a 10% reduction in required parking for any residential use “with proof of viable HCT (high capacity transit) linkage/station, pursuant to the determination of the City Manager, or designee.” That could reduce retirement apartment parking in station areas to 0.67 stalls/unit.

Home Occupations

The proposed changes to the Home Occupation chapter (SMC 15.17) will provide defined standards instead of using terms such as “common” or “normal” to a residential area. The proposed changes also include a listing of uses or activities that will not be allowed as a home occupation. Finally, the Special Home Occupation Permit process is proposed to be an administrative procedure, subject to appeal to the Hearing Examiner, rather than automatically requiring a public hearing.

These changes are consistent with the treatment of home occupations in adjacent jurisdictions and are intended to provide greater clarity to the public and staff when considering these types of land use activities.

Landscaping along building facades

SMC 15.14 addresses landscaping requirements for new developments. Section 15.14.030 describes the various types (I - V) and a table found at 15.14.060 indicates how much and what type of landscaping is required in various situations. Currently, Type V Landscaping is described as “small-scale building façade landscaping,” yet is not required along building facades. Instead, the landscaping standards table either requires Type III or IV landscaping along building facades.

The proposed changes will require the use of Type V landscaping along building facades.

Parking for townhouse developments

The Zoning Code currently contains two different standards for townhouse parking. SMC 15.15.030 establishes a standard of 1.25 stalls per dwelling unit. Chapter 15.39, Design Standards for Townhouse and Duplex Development, establishes a standard of two (2) spaces per unit and an additional 0.25 spaces per unit for visitor parking (SMC 15.39.610). While SMC 15.39.010.A indicates that in the event of a conflict with any other portion of the code, the standards in the Townhouse chapter prevail, it is preferable to eliminate the conflict rather than rely upon this statement.

The proposed changes will amend SMC 15.15.030 to be consistent with Chapter 15.39.

Temporary construction staging yard

In a primarily developed environment like SeaTac, it is not uncommon for contractors to require off-site space to both stage their supplies and equipment and to provide parking for their employees. This is particularly critical when a developed site is either redeveloping or being modified.

Currently, the code does not specifically allow for staging yards. It does address parking needs (see SMC 15.20.048), but limits eligible sites to only religious uses or schools, neither which may always be viable.

The proposal will amend SMC 15.20.048 to allow construction staging and employee parking on sites within ¼ mile of the construction site, subject to the granting of a temporary use permit. Standards for development are included, as is a public notification standard. Parking for workers

may be allowed to occur within 1-1/2 miles at religious use or school facilities, per the current standard.

Staff recommendation

Staff recommends the Planning Commission consider public testimony, make any adjustments deemed necessary, and then forward to the City Council with a recommendation of adoption. -

PROPOSED AMENDMENTS TO
ZONING CODE

15.10.064 Assisted Living Facility

An establishment providing living quarters and a variety of limited personal care and supportive health care monitoring to individuals who may be unable to live independently due to infirmity of age, or physical or mental handicap, but who do not need the skilled nursing care of a convalescent center/nursing home. These establishments may consist of individual dwelling units or sleeping rooms, but also provide communal dining, recreational, laundry and other facilities.

15.10.080 Bed and Breakfast/Guesthouse

A dwelling unit within which bedrooms are available for paying transient guests. The number of guests is limited to no more than six (6) at any time. (Ord. 92-1041 § 1)

15.15.153 Continuing Care Retirement Community

A development that provides a mix of dwelling types, residential services and health care to people at least 55 years of age. These communities provide may provide a full continuum of housing and care, from independent living, to assisted living and through nursing care, in order to meet the aging person's growing need for supportive services and care.

15.10.155 Convalescent Center/Nursing Home

Any home, place or institution which operates or maintains Residential facilities offering twenty-four (24) hour skilled nursing care for three or more individuals patients who are recovering from an illness, or receiving care for chronic conditions, mental or physical disabilities, terminal illness, or alcohol or drug detoxification. Care may include in-patient administration of medicine, preparation of special diets, bedside nursing care, and treatment by a physician or psychiatrist.

Out-patient care is limited to prior patients only, and excludes any opiate substitution treatment.
(Ord. 03-1017 § 1; Ord. 99-1005 § 3; Ord. 92-1041 § 1)

15.10.191 Duplex, ~~Side-by-Side~~

A building containing two (2) dwelling units totally separated from each other by either an unpierced wall extending from basement to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall. (Ord. 08-1041 § 20).

15.10.192 Duplex, ~~Up-Down~~

~~A building containing two (2) dwelling units totally separated from each other by an unpierced ceiling and floor extending from exterior wall to exterior wall. (Ord. 08-1041 § 21).~~

15.10.200 Dwelling Unit, ~~Apartment~~

~~A building or part of a building, containing three (3) or more dwelling units. (Ord. 92-1041 § 1)~~

15.10.205 Dwelling Unit, ~~Efficiency~~

~~A dwelling unit containing only one (1) habitable room and not having a kitchen. (Ord. 92-1041 § 1)~~

15.10.200 Dwelling Unit, Caretaker/Manager

A dwelling unit attached to a non-residential building.

15.10.210 Dwelling Unit, ~~Manufactured Home~~

A detached building containing one (1) dwelling unit ~~for a family~~ permanently affixed on a foundation, constructed within HUD standards, as defined at 24 CFR Part 3280. (Ord. 97-1008 § 1; Ord. 92-1041 § 1)

~~15.10.220 Dwelling Unit, Senior Citizen Assisted~~

~~A building or part of a building containing two (2) or more dwelling units restricted to occupancy by senior citizens, and may include support services not limited to:~~

~~A. Food preparation;~~

~~B. Transportation; and~~

~~C. Medical supervision. (Ord. 92-1041 § 1)~~

15.10.225 Dwelling Unit, Single Detached

~~A detached building containing one (1) dwelling unit for a family. Such a building may be constructed on-site, or may be a manufactured home or modular home. (Ord. 97-1008 § 4; Ord. 92-1041 § 1)~~

A dwelling unit that is not attached to any other dwelling unit by any means.

15.10.255 Family

An individual or two (2) or more persons related by ~~blood~~ genetics, marriage, or adoption, or a group of not more than five (5) persons (~~excluding servants~~) who need not be related by ~~blood~~ genetics or marriage, living together in a dwelling unit. (Ord. 92-1041 § 1)

15.10.297 Habitable Space

~~Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas alone, are not considered habitable space. (Ord. 95-1016 § 35)~~

15.10.348 Hostel

A facility providing transient, overnight accommodations, typically characterized by low cost, shared use of a self-service kitchen, common areas, sleeping rooms and bathroom facilities.

15.10.350 Hotel/Motel/Lodging and Associated Uses

A facility consisting of four (4) or more guest rooms offering transient lodging accommodations, including inns, residence or extended stay hotels, other similar facilities, and all businesses subject to collection and payment of the tax levied by Chapter [67.28](#) RCW or City Code, that offer rental accommodations for periods of generally less than 30 days at a time. Associated uses may include additional services such as meeting rooms, restaurants, health spas, retail shops and beauty shops. (Ord. 00-1033 § 1; Ord. 92-1041 § 1)

15.10.410 Multi-Family Building

A building containing ~~two (2)~~ three (3) or more dwelling units that does not meet the definition of a duplex or townhouse. (Ord. 08-1041 § 3; Ord. 07-1019 § 2; Ord. 94-1006 § 4)

15.10.559 Retirement Apartments

A multifamily building or buildings, with occupancy restricted to at least one individual aged 55 or older per unit, which may contain communal recreational and dining facilities

~~15.10.606 Single Attached Dwelling Units~~

~~A single-family residential unit attached to a structure with a nonresidential use. (Ord. 94-1006 § 5)~~

15.12.020 Residential Uses

ZONES: UH – Urban High Density O/CM – Office/Commercial Medium
P – Park NB – Neighborhood Business BP – Business Park
MHP – Mobile Home Park CB – Community Business O/C/MU – Office/Commercial/MixedUse
UL – Urban Low Density ABC – Aviation Business Center T – Townhouse
UM – Urban Medium Density I – Industrial/Manufacturing

P – Permitted Use; C – Conditional Use Permit

USE #	LAND USE	ZONES												
		P	MHP	UL	UM	UH	NB	CB	ABC	I	O/CM	BP	O/C/MU	T
RESIDENTIAL USES														
001	Single Detached Dwelling Unit			P(1,7,9)	P(1,7,9, 13)	P*(13)								
001.1	Single Attached Dwelling Unit							P*	P*					
002	Duplex				P	P*								P
003	Townhouses				P	P*							P*	P*
004	Multi-Family				P	P*(10)	C	P*(8)	C*(8)		P*(8)		P*(12)	
005	Senior-Citizen Multi Assisted Living Facility			C	P	P*	C	P*	P*		P*		P*	
005.1	Continuing Care Retirement Community					P*	C	P*			P*		P*	
005.2	Retirement Apartments				P	P*	C	P*			P*		P*	
006	Manufactured/Modular Home	P(9)		P(9)	P(9)									
006.1	Mobile Home (nonHUD)	P(9)												

007	Bed and Breakfast/ Guesthouse			P(2)	P(2)	P*(2)	P(2)				C*		P*(2)	
008	Community Residential Facility I			P(3)	P(3)	P*(3)	P(3)	P*(3)	P*(3)				P*(3)	
008a	Community Residential Facility II					P*	C	P*	P*		P*		P (12)	
008b	Transitional Housing					C*(14)		P*(14)	P*(14)		C*(14)			
008c	Halfway House							C*(11)	C*(11)		C*(11)			
008d	Crisis Diversion Facility								C(15)	C(15)				
008e	Crisis Diversion Interim Facility								C(15)	C(15)				
009	Overnight Shelter							C*(11)	C*(11)		C*(11)			
010	Convalescent Center/ Nursing Home					P*	P	P*	P*		P*			
011	Mobile Home Park	P		C(4)	C(4)	C*(4)								
013	College Dormitory						C	P*	P*		P*	P*	P*(6)	
ACCESSORY USES														
018	Home Occupation	P		P	P(6)	P*(6)							P*(6)	P*(6)
019	Shed/Garage			P(5)	P(5)	P*(5)								P

* See Chapters [15.13](#) and [15.35](#) SMC for additional development standards.

(1) Accessory dwelling units permitted. See Chapter [15.37](#) SMC for standards.

(2) Standards for Bed and Breakfast:

- a. Number of guests limited to six (6), with no more than three (3) bedrooms;
- b. Parking area for three (3) nonresident vehicles, and screened;
- c. Proof of King County Health Department approval;
- d. Breakfast is only meal served for paying guest.

(3) Standards for Community Residential Facilities I:

- a. No more than five (5) nonsupport people, unless as modified pursuant to requirement (3)(e)**;

- b. No more than two (2) support people**;
- c. Any parking spaces in excess of two shall be screened and not visible from public streets;
- d. In UL zone, house shall be a single-family structure compatible with the surrounding area; in UM zone, house shall maintain residential character;
- e. Reasonable accommodation shall be made for persons with disabilities as required by State and Federal law. See SMC [15.12.018](#) for accommodation procedure.

** (a) and (b) do not apply to State-licensed adult family homes and foster family homes.

- (4) A park outside established or proposed mobile home park zone is permitted after approval through the CUP process.
- (5) Limited to one thousand (1,000) gsf and a twenty (20) foot height limit (highest point), except as allowed under SMC [15.13.105\(B\)](#).
- (6) See Chapter [15.17](#) SMC for standards and limitations.
- (7) Efficiency unit permitted within primary dwelling, not exceeding twenty-five percent (25%) of gross square feet of dwelling.
- (8) Ground floor uses must be retail, service, or commercial uses as described in SMC [15.13.107](#).
- (9) See Chapter [15.26](#) SMC for additional development standards.
- (10) For new development and redevelopment residential projects that are located in the UH-UCR zone, at least fifty percent (50%) of the building's ground floor shall be a retail, service, or commercial use as described in SMC [15.13.107](#).
- (11) As part of the CUP process a threshold determination will be made as to whether an essential public facility (EPF) siting process is needed. See SMC [15.22.035](#). These requirements shall not be construed to limit the appropriate use of schools and other facilities for emergency shelters in disaster situations.
- (12) Permitted only as part of a mixed use development, as described in SMC [15.35.620](#), and arranged on site as described in SMC [15.35.610](#).
- (13) Small lot single-family development allowed subject to design standards in SMC [15.19.760](#).
- (14) Must have adequate on-site and program management, and satisfactory written policies and procedures, including those describing tenant selection, assistance, denial or termination, and housing safety standards. Screening must not allow as residents persons who have been classified as Class III sexual offenders.
- (15) Subject to a conditional use permit (CUP) and essential public facility (EPF) siting process.

15.12.060 Retail/Commercial Uses

ZONES: UH – Urban High Density O/CM – Office/Commercial Medium

P – Park NB – Neighborhood Business BP – Business Park

MHP – Mobile Home Park CB – Community Business O/C/MU – Office/Commercial/Mixed Use

UL – Urban Low Density ABC – Aviation Business Center T – Townhouse

UM – Urban Medium Density I – Industrial/Manufacturing

P – Permitted Use; C – Conditional Use Permit

USE #	LAND USE	ZONES												
		P	MHP	UL	UM	UH	NB	CB	ABC	I	O/C M	BP	O/C/M U	T
RETAIL/COMMERCIAL USES														
100	Hostel				C	C	P	P	P		P	C	C	
101	Hotel/Motel and Associated Uses					C*	P	P*	P*		P*	C*	C*	
102	Forest Products						P(3)	P*(3)		C(1)	P*(6)			
103	Hardware/Garden Material						P	P*			P*(6)		P*(9)	
104	Department/Variety Store						P	P*	P*(2)		P*(6)		P*(9)	
105	Food Store					P*(8)	P	P*	P*(2)		P*(6)		P*(9)	
106	Agricultural Crop Sales (Farm Only)			P (12)			P	P*	P	P				
106.1	Produce Stand						P	P*	P*	P	C	C		
107	Auto/Boat Dealer							P*		P	C*(6)			

108	Auto Supply Store						P	P*		P	C*(6)		C*(9)	
109	Gasoline/Service Station						P	P*		P				
109.1	Mobile Refueling Operation	P(10)	P(10)	P(10)	P(10)	P(10)	P(10)	P(11)	P(11)	P(11)	P(10)	P(11)	P(10)	P(10)
109.2	Auto Repair						C	P		P				
109.3	Automotive Service Center						P	P	P	P				
110	Apparel/Accessory Store							P*	P*(2)		P*		P(9)	
111	Furniture Store							P*			P*		P(9)	
112	Fast Food/Restaurant					C*(2,4)	P (4)	P*	P*	P	P*(6)	P*(2)	P*(4,9)	
112.1	Retail Food Shop					P*(8)	P	P*	P*		P*	P*(2)	P*(9)	
112.2	Tavern						P(8)	P*			P*		C*	
113	Drug Store						P	P*	P*		P*(6)	P*(2)	P*(9)	
114	Liquor Store							P*			P*		C*	
115	Antique/Secondhand Store						P	P*			P*(6)		P*(9)	
116	Sporting Goods and Related Stores							P*	P*(2)		P*(6)		P*(9)	
117	Media Material					P*(7)	P	P*	P*(2)		P*		P*(9)	
118	Jewelry Store						P	P*	P*(2)		P*(6)		P*(9)	
119	Hobby/Toy Store						P	P*	P*(2)		P*(6)		P*(9)	
120	Photographic and Electronic Store						P	P*	P*(2)		P*(6)		P*(9)	

121	Fabric Store							P*	P*(2)		P*(6)		P*(9)		
122	Florist Shop					P*(7)	P	P*	P*(2)		P*(6)		P*(9)		
123	Pet Store							P*	P*(2)		P*(6)		P*(9)		
124	Wholesale/Bulk Store							C*	C*	P	C*(6)		P*(9)		
125	Beauty Salon					C*(8)	P	P*	P*		C*(6)		P*(9)		
125.1	Laundromat					P*(7)	P	P*	P*		P*		P*(9)		
125.2	Espresso Stand					P*(2)	P	P*	P*	P	P*	P*	P*(9)		
125.3	Comm. Marine Supply							C	P*		P		P*		
126	Other Retail Uses							C	P*	C*		P*		C	
127	Adult Entertainment								C*(5)	C*(5)	C(5)				
128	Electric Vehicle Infrastructure	P(15)	P(15)	P(15)	P(15)	P(14)	P	P	P	P	P	P	P(2)	P(2)	P(15)

* See Chapters [15.13](#) and [15.35](#) SMC for additional development standards.

- (1) Forest product related businesses shall provide the following:
 - a. Minimum of ten (10) acres;
 - b. Access to major arterial; and
 - c. Minimum thirty (30) foot buffers around the perimeter of property (Type II landscaping).
- (2) Accessory to primary use not to exceed twenty percent (20%) of primary use.
- (3) Temporary forest product sales related to holidays. Merchandise limited to Christmas trees, wreaths, herbs and associated decorations.
- (4) No fast food restaurants or drive-through facilities allowed.

- (5) See SMC [15.29.010](#).
- (6) Permitted as part of a mixed use development.
- (7) Small, resident-oriented uses only, as part of a residential mixed use project.
- (8) Small, resident-oriented uses only.
- (9) Permitted as part of a mixed use development, as described in SMC [15.35.610](#).
- (10) Permitted only to refuel heavy equipment at a construction site, subject to the criteria under SMC [15.13.103](#).
- (11) Subject to the criteria under SMC [15.13.102](#).
- (12) No permanent retail sales structures permitted. Retail sales allowed on a seasonal basis for no more than 90 days in a calendar year. Wholesale sales permitted year round only for products produced/grown on site.
- (13) Accessory to primary use not to exceed twenty percent (20%) of primary square footage.
- (14) Battery charging stations only, limited in use only to the tenants or customers of the development located on site.
- (15) Restricted electric vehicle charging stations only.

15.13.010 Standards Chart

The zone classifications as set forth in this chart have minimum setbacks, lot size, lot area and lot coverage that is related to each classification. The minimum lot areas for properties under the UL, UM or UH zone categories apply to the specific zone that is indicated on the Official Zoning Map by a suffix (for example, the minimum lot area is fifteen thousand (15,000) square feet for a UL-15,000 zone classification and seven thousand two hundred (7,200) square feet for a UL-7,200 zoning classification).

ZONE	MINIMUM LOT AREA (SQ. FT.)	FRONT YARD SETBACK (13)		MINIMUM SIDE YARD SETBACK (13)	MINIMUM REAR YARD SETBACK (13)	BUILDING LOT COVERAGE	MAXIMUM STRUCTURE HEIGHT	MINIMUM LOT WIDTH
		Minimum	Maximum					
P	N/A	–	–	10'	10'	N/A	N/A	N/A
AU	N/A	–	–	5'	5'	85% (7)	75' (10)	N/A
MHP	3 acres	–	–	5'	5'	N/A	N/A	N/A
UL (20)	15,000 9,600 7,200 5,000 (SDO)	20' (21) 15' (21)	–	5' (3)	15' (3)	35% (2)	30'	50'
UM	3,600/2,400 per unit on minimum 7,200 sf lot 3,000 (19)	20'	–	5' (3) 0 (16)	15' (3) 0 (16)	45% (2)	40' (15)	N/A
UH	1,800/900 per unit on minimum 7,200 sf lot 3,000 (19) UCR	10' (9)	10' (9)	5'	5'	75%/90% (2)(11)	55' (8)	N/A
NB	N/A	10'	–	5'	5'	65%	35'	N/A
CB (4)	N/A	0'/10' (9)	10' (9)	–	–	75% (2)	FAA/Fire	N/A

							Code STDS. (1)	
ABC (4)	N/A	–	–	–	–	75%, 85% (2)	FAA/Fire Code STDS. (1)	N/A
BP (4)	5 acres (12)	10'	–	5'	5'	75% (2)(5)	75'	N/A
O/CM (4)	N/A	0' (9)	10' (9)	5'	5'	75% (2)	45' (6)	N/A
O/C/MU	N/A	0' (17)	10' (9)	5'	5'	65%	35'(18)/45'	N/A
T	12-24 d.u./acre in City Center (14) 12-16 d.u./acre outside City Center (14)	0'/10' in City Center (16) 15' outside of City Center	–	0'/5' (16)	0'/10' (16)	55%	35' (15)	180' frontage along primary street
I	N/A	10'	–	5'	5'	85% (2)	75'	N/A

(1) Limited by FAA height limits and Fire Code.

(2) See Residential/Commercial Density Incentives (Chapter [15.24](#) SMC).

(3) Five (5) foot side yard setback for accessory structures in the UM-2,400, UM-3,600, UL-5,000, UL-7,200 and UL-9,600 zones. Five (5) foot rear yard setback for the first accessory structure in the UM-2,400, UM-3,600, UL-5,000, UL-7,200 and UL-9,600 zones. Fifteen (15) foot rear yard setback for any additional accessory structures in the UM-2,400, UM-3,600, UL-5,000, UL-7,200 and UL-9,600 zones. Fifteen (15) foot setback in the UL-15,000 zone.

(4) See SMC [15.13.110](#) or [15.13.111](#) for additional development standards.

(5) This standard applies to the maximum total impervious surface coverage of a site, and not to building lot coverage.

(6) If density incentives and bonuses are granted by the City, a maximum height of up to that permitted by the FAA and the Fire Code may be allowed.

(7) Eighty-five percent (85%) on property owned by the Port of Seattle only, thirty-five percent (35%) on all other properties.

(8) Except that UH-UCR zones shall be governed by the FAA/Fire Code standards.

(9) Except within the City Center, properties zoned UH-UCR, CB-C, O/CM and O/C/MU shall have zero (0) foot minimum and ten (10) foot maximum setbacks applied. Within the City Center as specified in SMC [15.35.030](#),

properties zoned UH-UCR, CB-C, O/CM and O/C/MU shall have twenty (20) foot maximum setbacks adjacent to International Boulevard, and ten (10) foot maximum setbacks adjacent to all other public or private City Center streets. Properties zoned UH-900, UH-1800, and CB shall have a ten (10) foot minimum setback applied, with no maximum setback. See SMC [15.13.110](#) for additional development standards, except within the City Center, in which Chapter [15.35](#) SMC shall apply.

- (10) Except that FAA/Fire Code standards shall govern the height of the airport terminal building, the airport terminal's main parking garage, and any building immediately adjacent to and east of the airport terminal's main parking garage.
- (11) Ninety percent (90%) building lot coverage standard applies only to properties zoned UH-UCR.
- (12) See SMC [15.13.111](#)(E) for lot size waiver requirements.
- (13) See SMC [15.31A.040](#) for setback standards specific to wireless telecommunications facilities.
- (14) Up to thirty percent (30%) increase in base density allowed with the incentives identified in SMC [15.35.730](#).
- (15) Up to forty (40) feet as specified in SMC [15.35.730](#).
- (16) May be zero (0) lot line with approved design providing property is not immediately adjacent to a UL zone.
- (17) Ten (10) foot setback if adjacent to a UL zone.
- (18) Applies to properties within the City Center area as specified in SMC [15.35.030](#) within sixty (60) feet of a UL or UM zone.
- (19) Three thousand (3,000) sf minimum lot size allowed for small lot single-family subject to SMC [15.19.760](#).

(SDO) Special District Overlay

- (20) Lots may be less than the required minimum lot size, subject to the criteria in SMC [15.13.020](#)(E).
- (21) Twenty (20) foot setback for the garage and a fifteen (15) foot setback for all other portions of the structure. This standard applies only to new single-family homes being constructed, and does not apply to additions to existing single-family homes. Additions to existing single-family homes shall be set back twenty (20) feet.
- (22) Assisted Living Facilities are permitted at twice (2X) the density of the zone, measured per room. Community Care Retirement Communities are permitted at twice (2X) the density of the zone, measured per unit or room.
- (23) Convalescent centers/nursing homes are exempt from density standards.
- (24) Retirement Apartments are permitted at one and one-half times (1.5X) the density of the zone, measured per unit.

15.14.060 Landscaping Standards for Residential, Accessory, Recreational/Cultural Uses

USE #	LAND USE	STREET FRONTAGE (Type/Width)	BUILDING FACADE IF > 30 FT. HIGH OR > 50 FT. WIDE (Type/Width)	SIDE/REAR YARDS (Type/Width)	SIDE/REAR BUFFER FOR NON-COMPATIBLE ZONES (Type/Width)	PARKING LOT LANDSCAPE STANDARDS APPLICABLE*
RESIDENTIAL USES						
001	Single-Family	–	–	–	–	–
001A	Single-Family Attached Dwelling Unit	–	–	–	–	–
002	Duplex	–	–	–	–	–
003	Townhouses	III/20 ft. ¹	IV/5 ft. <u>V/5 ft.</u>	III/10 ft.	II/15 ft. ¹	Yes (over 3 units)
004	Multi-Family	III/20 ft. ¹	IV/5 ft. <u>V/5 ft.</u>	III/5 ft.	I/15 ft.	Yes
005	Senior Citizen Multi Assisted Living Facility	III/20 ft.	IV/5 ft. <u>V/5 ft.</u>	III/5 ft.	I/15 ft.	Yes
005.1	<u>Continuing Care Retirement Community</u>	<u>III/10 ft.</u>	<u>V/5 ft.</u>	<u>III/5 ft.</u>	<u>I/5 ft.</u>	<u>Yes</u>
005.2	<u>Retirement Apartments</u>	<u>III/10 ft.</u>	<u>V/5 ft.</u>	<u>III/5 ft.</u>	<u>I/5 ft.</u>	<u>Yes</u>
006	Manufactured Home	–	–	–	–	–
006A	Mobile Home	–	–	–	–	–
007	Bed and Breakfast/Guesthouse	–	–	–	–	–
008	Community Residential Facility I	–	–	–	–	–
008a	Community Residential Facility II	II/20 ft.	IV/5 ft. <u>V/5 ft.</u>	III/5 ft.	I/15 ft.	Yes
008b	Transitional Housing	II/20 ft.	IV/5 ft. <u>V/5 ft.</u>	III/5 ft.	I/15 ft.	Yes

008c	Halfway House	II/20 ft.	IV/5 ft. <u>V/5 ft</u>	II/10 ft.	I/20 ft.	Yes
009	Overnight Shelter	II/20 ft.	IV/5 ft. <u>V/5 ft</u>	II/20 ft.	I/20 ft.	Yes
010	Convalescent Center/Nursing Home	II/20 ft.	IV/5 ft. <u>V/5 ft</u>	II/15 ft.	–	Yes
011	Mobile Home Park	II/20 ft.	–	I/20 ft.	–	–
013	College Dormitory	IV/10 ft.	–	IV/5 ft.	II/10 ft.	Yes
ACCESSORY USES						
018	Home Occupation	–	–	–	–	–
019	Shed/Garage	–	–	–	–	–
RECREATIONAL/CULTURAL USES						
022	Community Center	II/10 ft.	–	–	–	Yes
023	Golf Course	–	–	–	–	Yes
024	Theater	II/20 ft.	–	I/5 ft.	I/20 ft. (SF)	Yes
025	Drive-In Theater	IV/20 ft.	–	I/5 ft.	I/20 ft. (SF)	Yes
026	Stadium/Arena	IV/20 ft.	III/5 ft. <u>V/5 ft.</u>	II/5 ft.	I/20 ft. (SF)	Yes
027	Amusement Park	IV/20 ft.	III/5 ft. <u>V/5 ft</u>	II/5 ft.	I/20 ft. (SF)	Yes
028	Library	IV/10 ft.	–	III/5 ft.	–	Yes
029	Museum	IV/10 ft.	–	II/10 ft.	–	Yes
030	Conference/Convention Center	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	I/5 ft.	I/20 ft. (SF)	Yes
031	Cemetery	IV/20 ft.	–	–	–	–
032	Private/Public Stable	–	–	–	–	–
033	Park	–	–	–	–	–
034	Religious Use Facility	IV/10 ft.	–	–	I/10 ft.	Yes
035	Religious Use Facility, Accessory	IV/10 ft.	–	–	I/10 ft.	Yes
036	Recreational Center	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	IV/5 ft.	II/10 ft.	Yes

036.5	Health Club	IV/10 ft.	IV/5 ft. V/5 ft	III/5 ft.	I/10 ft.	Yes
037	Arcade (Games/Food)	IV/10 ft.	–	IV/5 ft.	II/10 ft.	Yes
038	Sports Club	IV/10 ft.	IV/5 ft. V/5 ft.	IV/5 ft.	II/10 ft.	Yes

* See SMC [15.14.090](#).

†Pursuant to the Design Standards for Multi-Family Housing, Chapter [15.19](#) SMC.

(SF) Adjacent to single-family zones (UL or UM) for buffering purposes. See SMC [15.14.057](#).

15.14.060 Landscaping Standards for General, Educational and Health Services Uses

USE #	LAND USE	STREET FRONTAGE (Type/Width)	BUILDING FACADE IF > 30 FT. HIGH OR > 50 FT. WIDE (Type/Width)	SIDE/REAR YARDS (Type/Width)	SIDE/REAR BUFFER FOR NON-COMPATIBLE ZONES (Type/Width)	PARKING LOT STANDARDS APPLICABLE*
GENERAL USES						
041	Wireless Communications Facility	II/10 ft. I/10 ft.**	–	II/5 ft. I/10 ft.**	II/10 ft. (RES./PARK)	–
042	Communications Facility	II/10 ft. I/10 ft.**	–	II/5 ft. I/10 ft.**	II/5 ft. I/10 ft.**	–
043	Dry Cleaner	IV/10 ft.	IV/5 ft. V/5 ft	III/5 ft.	II/20 ft. (SF)	Yes
046	Funeral Home/Crematory	IV/10 ft.	IV/5 ft. V/5 ft	II/5 ft.	I/20 ft. (SF)	Yes
047	Veterinary Clinic	IV/10 ft.	IV/5 ft. V/5 ft	III/5 ft.	–	–
048	Kennel	IV/10 ft.	IV/5 ft. V/5 ft	II/5 ft.	I/10 ft. (SF)	–
049	Day Care I	–	–	–	–	–
050	Day Care II	IV/10 ft.	IV/5 ft. V/5 ft	III/5 ft.	–	Yes

051	General Repair	II/10 ft.	IV/5 ft. <u>V/5 ft</u>	II/5 ft.	I/10 ft. (SF)	–
EDUCATIONAL USES						
055	Elementary – Jr. High	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	IV/5 ft.	–	Yes
056	High School	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	IV/10 ft.	–	Yes
057	Vocational School	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	IV/10 ft.	–	Yes
058	Specialized Instruction School	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	IV/10 ft.	–	Yes
059	College/University	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	IV/10 ft.	–	Yes
HEALTH SERVICES USES						
062	Office/Outpatient Clinic	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
064	Hospital	III/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
065	Medical/Dental Lab	III/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
066	Miscellaneous Health	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
067	Opiate Substitution Treatment Facility	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (RES)	Yes

* See SMC [15.14.090](#).

** Type II landscaping applies in high intensity zones. Type I landscaping applies in low intensity zones. See SMC [15.31A.040\(G\)](#).

(SF) Adjacent to single-family (UL or UM) zones for buffering purposes.

(RES./PARK) Adjacent to residential or park zones for buffering purposes.

(RES) Adjacent to single-family or multi-family zones (UL, UH-900/1800, or MHP) for buffering purposes. See SMC [15.14.057](#).

(Ord. 05-1014 § 4; Ord. 04-1010 § 9; Ord. 03-1017 § 5; Ord. 00-1037 § 5; Ord. 97-1013 § 24; Ord. 95-1016 § 21; Ord. 92-1041 § 1)

15.14.060 Landscaping Standards for Government/Office, Business Uses

USE #	LAND USE	STREET FRONTAGE (Type/Width)	BUILDING FACADE IF > 30 FT. HIGH OR > 50 FT. WIDE (Type/Width)	SIDE/REAR YARDS (Type/Width)	SIDE/REAR BUFFER FOR NON-COMPATIBLE ZONES (Type/Width)	PARKING LOT LANDSCAPE STANDARDS APPLICABLE*
GOVERNMENT/OFFICE						
071	Social Service Office	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
072	Public Agency Office	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
073	Public Agency Yard	III/20 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/20 ft. (SF)	Yes
074	Public Archives	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
075	Court	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
076	Police Facility	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
077	Fire Facility	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
079	Helipad/Airport Facility	I/10 ft.	–	I/10 ft.	I/20 ft. (RES)	–
080	Utility Use	III/10 ft.	IV/5 ft. <u>V/5 ft</u>	IV/10 ft.	II/10 ft. (SF)	Yes
081	Utility Substation	I/10 ft.	–	I/10 ft.	–	–
082	Financial Institution	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	IV/5 ft.	II/10 ft. (SF)	Yes
083	City Hall	IV/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/10 ft.	I/20 ft. (RES)	Yes
083.5	Secure Community Transition Facility**	I/10 ft.	IV/5 ft. <u>V/5 ft</u>	I/10 ft.	I/20 ft. (RES)	Yes
BUSINESS SERVICES						
084	Landscaping Business	II/10 ft.	IV/5 ft. <u>V/5 ft</u>	II/10 ft.	I/20 ft. (RES)	Yes
085	Butterfly/Moth Breeding	III/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	I/10 ft. (RES)	Yes

086	Construction/Trade	III/10 ft.	IV/5 ft. V/5 ft	II/5 ft.	I/10 ft. (RES)	–
087	Truck Terminal	II/10 ft.	IV/5 ft. V/5 ft	II/5 ft.	I/20 ft. (RES)	Yes
088	Airport Support Facility	IV/10 ft.	IV/5 ft. V/5 ft	II/5 ft.	I/20 ft. (RES)	Yes
089	Warehouse/Storage	II/10 ft.	IV/5 ft. V/5 ft	II/5 ft.	I/20 ft. (RES)	Yes
090	Professional Office	IV/10 ft.	IV/5 ft. V/5 ft	III/5 ft.	II/10 ft. (RES)	Yes
091	Heavy Equipment Rental	III/10 ft.	IV/5 ft. V/5 ft	III/5 ft.	I/10 ft. (RES)	Yes
092	Misc. Equipment Rental Facility	IV/10 ft.	IV/5 ft. V/5 ft	II/5 ft.	I/10 ft. (SF)	Yes
093	Auto Rental/Sales	IV/10 ft.	IV/5 ft. V/5 ft	II/10 ft.	I/20 ft. (RES)	Yes
094	Public/Private Parking	III/10 ft.	IV/5 ft. V/5 ft	II/10 ft.	II/20 ft. (RES)	Yes
095	Motor Freight Repair	II/10 ft.	IV/5 ft. V/5 ft	II/10 ft.	I/20 ft. (RES)	Yes
096	Heavy Equipment Repair	II/10 ft.	IV/5 ft. V/5 ft	II/5 ft.	II/20 ft. (RES)	Yes
097	R and D/Testing	III/10 ft.	IV/5 ft. V/5 ft	II/10 ft.	I/20 ft. (RES)	Yes
098	Commercial/Industrial Accessory Uses	II/10 ft.	IV/5 ft. V/5 ft	III/5 ft.	II/10 ft. (SF)	Yes

*See SMC [15.14.090](#).

**Requirements listed here are the minimum standards. Final landscape requirements shall be determined upon review of a site plan, based on CPTED and public safety principles, by the Director of Community and Economic Development in consultation with the Police Chief.

(SF) Adjacent to single-family zones (UL or UM) for buffering purposes. See SMC [15.14.057](#).

(RES) Adjacent to single-family or multi-family zones (UL, UH-900/1800, or MHP) for buffering purposes. See SMC [15.14.057](#).

(Ord. 11-1002 § 3; Ord. 05-1014 § 4; Ord. 02-1029 § 4; Ord. 00-1037 § 6; Ord. 00-1033 § 9; Ord. 98-1025 § 2; Ord. 95-1016 § 21; Ord. 92-1041 § 1)

USE #	LAND USE	STREET FRONTAGE (Type/Width)	BUILDING FACADE IF > 30 FT. HIGH OR > 50 FT. WIDE (Type/Width)	SIDE/REAR YARDS (Type/Width)	SIDE/REAR BUFFER FOR NON-COMPATIBLE ZONES (Type/Width)	PARKING LOT LANDSCAPE STANDARDS APPLICABLE*
RETAIL/COMMERCIAL USES						
100	Hostel	III/10 ft.	V/5 ft	III/5 ft.	1/20 ft. (SF)	Yes
101	Hotel/Motel and Associated Uses	III/10 ft.	IV/5 ft.-V/5 ft	III/5 ft.	1/20 ft. (SF)	Yes
102	Forest Products	II/10 ft.	IV/5 ft.-V/5 ft	I/5 ft.	I/10 ft. (RES)	Yes
103	Hardware/Garden Material	IV/10 ft.	IV/5 ft.-V/5 ft	III/5 ft.	II/10 ft. (RES)	Yes
104	Department/Variety Store	IV/10 ft.	IV/5 ft.-V/5 ft	III/5 ft.	II/10 ft. (RES)	Yes
105	Food Store	IV/10 ft.	IV/5 ft.-V/5 ft	III/5 ft.	II/10 ft. (RES)	Yes
106	Agricultural Crop Sales (Farm Only)	III/5 ft.	-	II/5 ft.***	II/10 ft. (RES)***	Yes***
106.1	Produce Stand	IV/5 ft.	-	IV/5 ft.	-	-
107	Auto/Boat Dealer	III/10 ft.	IV/5 ft.-V/5 ft	II/5 ft.	1/20 ft. (RES)	Yes
108	Auto Supply Store	III/10 ft.	IV/5 ft.-V/5 ft	III/5 ft.	1/10 ft. (RES)	Yes
109	Gasoline/Service Station	III/5 ft.	IV/5 ft.-V/5 ft	III/5 ft.	1/10 ft. (RES)**	Yes
109.2	Automobile Repair	II/10 ft.	IV/5 ft.-V/5 ft	II/5 ft.	1/20 ft. (SF)	Yes
109.3	Automobile Service Center	II/10 ft.	IV/5 ft.-V/5 ft	II/5 ft.	1/20 ft. (SF)	Yes
110	Apparel/Accessory Store	III/10 ft.	IV/5 ft.-V/5 ft	III/5 ft.	II/10 ft. (SF)	Yes
111	Furniture Store	IV/10 ft.	IV/5 ft.-V/5 ft	III/5 ft.	II/10 ft. (SF)	Yes
112	Fast Food/Restaurant	IV/10 ft.	IV/5 ft.-V/5 ft	III/5 ft.	1/10 ft. (RES)	Yes
112.1	Retail Food Shop	IV/10 ft.	IV/5 ft.-V/5 ft	III/5 ft.	II/10 ft. (SF)	Yes

112.2	Tavern	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
113	Drug Store	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
114	Liquor Store	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
115	Antique/Secondhand Store	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
116	Sporting Goods and Related Store	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
117	Media Material	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
118	Jewelry Store	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
119	Hobby/Toy Store	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
120	Photographic and Electronic Store	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
121	Fabric Store	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
122	Florist Shop	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
123	Pet Store	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
124	Wholesale/Bulk Store	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
125	Beauty Salon	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
125.1	Laundromat	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
125.3	Commercial Marine Supplies	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
126	Other Retail Uses	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	II/10 ft. (SF)	Yes
127	Adult Entertainment	IV/10 ft.	<u>IV/5 ft.-V/5 ft</u>	II/6 ft.	–	Yes
128	Electric Vehicle Infrastructure – Battery Exchange Station and Level 3 Rapid Charging Station Only (1)	III/5 ft.	<u>IV/5 ft.-V/5 ft</u>	III/5 ft.	I/10 ft. (RES)	Yes

*See SMC [15.14.090](#).

**See SMC [15.13.109](#).

*** Does not apply in the residential zone.

(SF) Adjacent to single-family (UL or UM) zones for buffering purposes. See SMC [15.14.057](#).

(RES) Adjacent to single-family or multi-family zones (UL, UH-900/1800, or MHP) for buffering purposes.

(1) Required for rapid charging station only if it is a primary use on the property.

(Ord. 10-1024 § 2; Ord. 05-1014 § 4; Ord. 04-1010 § 9; Ord. 00-1037 § 7; Ord. 00-1033 § 10; Ord. 95-1016 § 21; Ord. 94-1048 § 4; Ord. 92-1041 § 1)

15.14.060 Landscaping Standards for Manufacturing Uses

USE #	LAND USE	STREET FRONTAGE (Type/Width)	BUILDING FACADE IF > 30 FT. HIGH OR > 50 FT. WIDE (Type/Width)	SIDE/REAR YARDS (Type/Width)	SIDE/REAR BUFFER FOR NON-COMPATIBLE ZONES (Type/Width)	PARKING LOT LANDSCAPE STANDARDS APPLICABLE*
MANUFACTURING						
130	Food Processing	III/20 ft.	IV/5 ft. <u>V/5 ft</u>	II/5 ft.	I/20 ft. (RES)	Yes
131	Winery/Brewery	III/15 ft.	IV/5 ft. <u>V/5 ft</u>	II/5 ft.	I/20 ft. (RES)	Yes
132	Textile Mill	II/20 ft.	IV/5 ft. <u>V/5 ft</u>	II/5 ft.	I/20 ft. (RES)	Yes
133	Apparel/Textile Products	II/20 ft.	IV/5 ft. <u>V/5 ft</u>	II/5 ft.	I/20 ft. (RES)	Yes
134	Wood Products	II/20 ft.	IV/5 ft. <u>V/5 ft</u>	II/5 ft.	I/10 ft. (RES)	Yes
135	Furniture/Fixtures	III/15 ft.	IV/5 ft. <u>V/5 ft</u>	II/5 ft.	I/10 ft. (RES)	Yes
136	Paper Products	III/15 ft.	IV/5 ft. <u>V/5 ft</u>	II/5 ft.	I/10 ft. (RES)	Yes
137	Printing/Publishing	III/15 ft.	IV/5 ft. <u>V/5 ft</u>	II/5 ft.	I/10 ft. (RES)	Yes
138	Chemical/Petroleum Products	I/10 ft.	III/5 ft. <u>V/5 ft</u>	I/10 ft.	I/20 ft. (RES)	Yes
138.5	Biomedical Product Facility	III/15 ft.	IV/5 ft. <u>V/5 ft</u>	II/5 ft.	I/20 ft. (RES)	Yes
139	Rubber/Plastic/Leather/Mineral Products	I/10 ft.	III/5 ft. <u>V/5 ft</u>	I/10 ft.	I/20 ft. (RES)	Yes

140	Primary Metal Industry	I/10 ft.	III/5 ft. <u>V/5 ft</u>	I/10 ft.	I/20 ft. (RES)	Yes
141	Fabricated Metal Products	I/10 ft.	III/5 ft. <u>V/5 ft</u>	I/10 ft.	I/20 ft. (RES)	Yes
142	Commercial/Industrial Machinery	II/10 ft.	IV/5 ft. <u>V/5 ft</u>	II/10 ft.	I/20 ft. (RES)	Yes
143	Computer/Office Equipment	III/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (RES)	Yes
144	Electronic Assembly	III/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (RES)	Yes
145	Aerospace Equipment	III/10 ft.	IV/5 ft. <u>V/5 ft</u>	III/5 ft.	II/10 ft. (RES)	Yes
146	Misc. Light Manufacturing	III/10 ft.	IV/5 ft. <u>V/5 ft</u>	II/10 ft.	I/10 ft. (RES)	Yes
147	Tire Retreading	I/20 ft.	IV/5 ft. <u>V/5 ft</u>	I/10 ft.	I/20 ft. (RES)	Yes
148	Recycling Products	II/20 ft.	IV/5 ft. <u>V/5 ft</u>	I/5 ft.	I/10 ft. (RES)	Yes
149	Towing Operation	II/10 ft.	–	I/5 ft.	I/10 ft. (RES)	–
150	Auto Wrecking	II/10 ft.	–	I/5 ft.	I/10 ft. (RES)	–
151	Self-Service Storage	III/10 ft.	IV/5 ft. <u>V/5 ft</u>	II/5 ft.	I/10 ft. (RES)	–
152	Off-Site Hazardous Waste Treatment and Storage Facilities	II/10 ft.	IV/5 ft. <u>V/5 ft</u>	II/10 ft.	I/10 ft. (RES)	Yes
153	Batch Plant	I/20 ft.	IV/5 ft. <u>V/5 ft</u>	I/20 ft.	I/35 ft. (RES)	Yes

*See SMC [15.14.090](#).

(RES) Adjacent to single-family or multi-family zones (UL, UH-900/1800, or MHP) for buffering purposes. See SMC [15.14.057](#).

15.15.030 Parking Space Requirements for Residential Uses

USE #	LAND USE	MINIMUM SPACES REQUIRED
RESIDENTIAL USES		
001	Single-Family (Detached Unit)*	2 per dwelling unit
001A	Single Attached Dwelling Unit	2 per dwelling unit
002	Duplex*	1.25 per dwelling unit
003	Townhouses*	1.25 2 per dwelling unit, plus 0.25/unit for visitor parking
004	Multi-family*	
	Studio Unit	1 per dwelling unit
	1 Bedroom Unit	1.5 per dwelling unit
	2 – 3 Bedroom Unit	2 per dwelling unit
005	Senior Citizen Multi-Assisted Living Facility	1.25 per dwelling unit *** 0.25 per unit/room
005.1	Continuing Care Retirement Community	0.25 per assisted living unit/room; 0.75 per retirement apartment dwelling unit; 1/5 beds for convalescent/nursing care
005.2	Retirement Apartments	0.75 per dwelling unit
006	Manufactured Home	2 per dwelling unit
006A	Mobile Home	2 per dwelling unit
007	Bed and Breakfast/Guesthouse	1 per bedroom, plus 2 for residents
008	Community Residential Facility I	2 per dwelling unit
008a	Community Residential Facility II	**
008b	Transitional Housing	**
008c	Halfway House	**
009	Overnight Shelter	**
010	Convalescent Center/Nursing Home	1 per 5 beds

011	Mobile Home Park	2 per dwelling unit
013	College Dormitory	1.5 per bedroom
ACCESSORY USES		
018	Home Occupation	-
019	Shed/Garage	-

*These ratios may be reduced with proof of viable HCT linkage/station pursuant to the determination of the City Manager, or designee. The overall ratio may not be lowered more than ten percent (10%).

**Parking plan based on population served and projected needs should be submitted and approved by the City Manager, or designee.

~~***For low/moderate income senior housing, the ratios may be modified by a parking plan based on the projected need of the population served. Such plan must be approved by the City Manager or designee. Minimum ratio must be 0.8 parking space per unit.~~

(Ord. 01-1019 § 1; Ord. 01-1011 § 6; Ord. 00-1033 § 11; Ord. 99-1005 § 7; Ord. 95-1016 § 22; Ord. 95-1012 § 1; Ord. 92-1041 § 1)

15.15.030 Parking Space Requirements for Recreational/Cultural Uses

USE #	LAND USE	MINIMUM SPACES REQUIRED
RECREATION/CULTURAL USES		
022	Community Center	1 per 400 sf of building, plus 1 per employee
023	Golf Course	3 per hole, plus 1 per employee
024	Theater	1 per 3 fixed seats, plus 1 per employee
025	Drive-In Theater	-
026	Stadium/Arena	1 per 3 fixed seats, plus 1 per employee
027	Amusement Park	1 per 200 sf of area within enclosed buildings, plus 1 for every 3 persons that the outdoor facilities are designed to accommodate at maximum capacity

028	Library	1 per 200 sf of building
029	Museum	1 per 200 sf of building
030	Conference/Convention Center	1 per 3 fixed seats, plus 1 per 40 sf for assembly areas without fixed seats
031	Cemetery	1 per 40 sf of chapel area, plus 1 per employee
032	Private/Public Stable	1 per 2 stalls
033	Park	1 space for each 3 users at maximum utilization
034	Religious Use Facility	1 per 4 fixed seats, or 1 per 40 sf of gfa used for assembly purposes without fixed seats
035	Religious Use Facility, Accessory	1 per 500 gsf
036	Recreational Center	1 per 400 sf of building
036.5	Health Club	1 per 150 sf of leasable space
037	Arcade (Games/Food)	1 per 250 sf of building
038	Sports Club	1 per 100 sf of building plus 1 per 4 fixed seats if tournaments or competitions are held at the sports club. If tournaments or competitions are proposed, a traffic control plan, approved by the City, shall be submitted*
EXCEPTIONS		
	Bowling Center	5 per lane, plus 1 per employee
	Golf Driving Range	1 per tee, plus 1 per employee

*If bench or pew seating is used, each twenty-four (24) lineal inches of bench or pew seating shall be considered as a separate seat.

(Ord. 08-1001 § 4; Ord. 04-1010 § 10; Ord. 95-1016 § 22; Ord. 92-1041 § 1)

15.15.030 Parking Space Requirements for General, Educational and Health Services Uses

USE #	LAND USE	MINIMUM SPACES REQUIRED
GENERAL SERVICES USES		
042	Communications Facility	1 per 250 sf
043	Dry Cleaner	1 per 250 sf of building
046	Funeral Home/Crematory	1 per 40 sf of chapel area, plus 1 per employee
047	Veterinary Clinic	1 per 300 sf of building area
048	Kennel	1 space per 12 animal enclosures 1 space per 250 sf of retail sales area 2 spaces for a dwelling unit
049	Day Care I	2 per facility, plus 1 per employee
050	Day Care II	2 per facility (minimum), plus 1 per employee, and 1 load/unload space per every 10 children
051	General Repair	1 per 250 sf of building
EDUCATIONAL USES		
055	Elementary – Jr. High	1 per 50 students, 1 per faculty member
056	High School	1 per 35 students, 1 per faculty member
057	Vocational School	1 per employee, 1 per 10 students
058	Specialized Instruction School	1 per employee, 1 per 2 students
059	College/University	1 per employee, 0.7 per student
HEALTH SERVICES USES		
062	Office/Clinic (Outpatient)	1 per 275 sf of building
064	Hospital	1 per bed plus 5 per each 2 employees
065	Medical/Dental Lab	1 per 300 sf of building
066	Miscellaneous Health	1 per 300 sf of building
067	Opiate Substitution Treatment	1 per 275 sf of building, unless modified by a parking plan as part

	Facility	of the CUP-EPF process
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(Ord. 04-1010 § 10; Ord. 03-1017 § 6; Ord. 97-1009 § 5; Ord. 95-1016 § 22; Ord. 94-1006 § 13; Ord. 92-1041 § 1)

15.15.030 Parking Space Requirements for Government/Office, Business Uses

USE #	LAND USE	MINIMUM SPACES REQUIRED
GOVERNMENT/OFFICE USES		
071	Social Service Office	1 per 250 sf
072	Public Agency Office	1 per 250 sf
073	Public Agency Yard	1 per 200 sf, plus 1 per 1,000 sf of indoor storage or repair areas
074	Public Archives	1 per employee, plus 1 per 400 sf of waiting/review areas
075	Court	1 per employee, plus 1 per 40 sf of fixed seats or assembly areas
076	Police Facility	1 per employee, plus 1 per 100 sf of public office areas
077	Fire Facility	1 per employee, plus 1 per 100 sf of public office areas
079	Helipad/Airport and Facilities	Helipad: 4 per pad; Airport: 1 per 500 sf of building
080	Utility Use	1 per 250 sf
081	Utility Substation	1 per substation site
082	Financial Institution	1 per 250 sf, plus 5 stacking spaces
083	City Hall	1 space per 250 sf of office area plus 1 per 40 sf of fixed seats or assembly area if a municipal court use is located in City Hall
083.5	Secure Community Transition Facility	1 per employee, plus 0.5 per resident for visitor parking
BUSINESS SERVICES USES		
084	Landscaping	1 per 250 sf of office/storage area
085	Butterfly/Moth Breeding	1 per 250 sf of office/retail area
086	Construction/Trade	1 per 250 sf of office

087	Truck Terminal	1 per 250 sf of office or 1 per employee, whichever is greater
088	Airport Support Facility	1 per 250 sf
089	Warehouse/Storage	1 per 250 sf of office, plus 1 per 3,500 sf of storage areas
090	Professional Office	1 per 300 sf of office building
091	Heavy Equipment Rental	1 per 250 sf of building
092	Misc. Equipment Rental Facility	1 per 250 sf of building
093	Auto Rental/Sales	1 per 300 sf, plus 1 per employee plus a minimum 3,000 sf of display area
094	Public/Private Parking	1 per employee (designated)
095	Motor Freight Repair	1 per 300 sf of office, plus 1 per 1,000 sf of indoor repair areas
096	Heavy Equipment Repair	1 per 300 sf of office, plus 1 per 1,000 sf of indoor repair areas
097	R and D/Testing	1 per 300 sf
098	Commercial/Industrial Accessory Uses	1 per 300 sf

(Ord. 02-1029 § 5; Ord. 00-1033 § 12; Ord. 98-1025 § 3; Ord. 95-1016 § 22; Ord. 92-1041 § 1)

15.15.030 Parking Space Requirements for Retail/Commercial Uses

USE #	LAND USE	MINIMUM SPACES REQUIRED
RETAIL/COMMERCIAL USES		
100	Hostel	0.5 per bed
101	Hotel/Motel and Associated Uses	
	Basic Guest and Employee (no shuttle service)	.9 per bedroom
	Basic Guest and Employee (with shuttle service)	.75 per bedroom
	with restaurant/lounge/bar	1 per 150 gsf

	with banquet/meeting room	1 per 150 gsf
	Retail: 15,000 gsf or less	1 per 1,000 gsf
	Retail: greater than 15,000 gsf	1.5 per 1,000 gsf
102	Forest Products	1 per employee
103	Hardware/Garden Material	1 per 250 sf of leasable space
104	Department/Variety Store	1 per 250 sf of leasable space
105	Food Store	
	at least 15,000 sf	1 per 250 sf of leasable space
	less than 15,000 sf	3, plus 1 per 300 sf
106	Agricultural Crop Sales (Farm Only)	1 per 250 sf of leasable space
106.1	Produce Stand	1 per 250 sf of gross floor area, plus 1 per employee
107	Auto/Boat Dealer	1 per 300 sf of building, plus 1 per employee
108	Auto Supply Store	1 per 250 sf of leasable space
109	Gasoline/Service Station	
	without grocery store attached	1 per employee, plus 1 per service bay
	with grocery store attached	1 per employee, plus 1 per 200 sf of store area
109.2	Automobile Repair	2 spaces per service bay
109.3	Automotive Service Center	4 spaces, plus 6 stacking spaces
110	Apparel/Accessory Store	1 per 250 sf of leasable space
111	Furniture Store	1 per 300 sf of building
112	Fast Food/Restaurant	1 per 150 sf of leasable space (plus 5 stacking spaces with drive-through)
112.1	Retail Food Shop	1 per 250 sf of leasable space
112.2	Tavern	1 per 250 sf of leasable space
113	Drug Store	1 per 250 sf of leasable space
114	Liquor Store	1 per 250 sf of leasable space
115	Antique/Secondhand Store	1 per 250 sf of leasable space

116	Sporting Goods and Related Store	1 per 250 sf of leasable space
117	Media Material	1 per 250 sf of leasable space
118	Jewelry Store	1 per 250 sf of leasable space
119	Hobby/Toy Store	1 per 250 sf of leasable space
120	Photographic and Electronic Store	1 per 250 sf of leasable space
121	Fabric Store	1 per 250 sf of leasable space
122	Florist Shop	1 per 250 sf of leasable space
123	Pet Store	1 per 250 sf of leasable space
124	Wholesale/Bulk Store	1 per 250 sf of leasable space
125	Beauty Salon	1 per 200 sf of gross floor area
125.1	Laundromat	1 per 250 sf of leasable space
125.2	Espresso Stand	1 per 150 sf of gross floor area, plus 3 stacking spaces with drive-through
125.3	Commercial Marine Supply	1 per 1,000 sf of gross floor area, plus 1 space per employee
126	Other Retail Uses	1 per 250 sf of gross floor area
127	Adult Entertainment	
128	Electric Vehicle Infrastructure – Battery Exchange Station and Rapid Charging Station Only	1 per employee 0.65 spaces per rapid charging station space for customers waiting to use rapid charging station (Required only if the use is the primary use on the property)

(Ord. 10-1024 § 3; Ord. 04-1010 § 10; Ord. 00-1033 § 13; Ord. 95-1016 § 22; Ord. 93-1036 § 11; Ord. 92-1041 § 1)

15.15.030 Parking Space Requirements for Manufacturing Uses

USE #	LAND USE	MINIMUM SPACES REQUIRED
MANUFACTURING USES		
130	Food Processing	1 per employee, plus 1 per 500 sf of building
131	Winery/Brewery	1 per employee, plus 1 per 40 sf of tasting area
132	Textile Mill	1 per employee, plus 1 per 500 sf of building
133	Apparel/Textile Products	1 per employee, plus 1 per 500 sf of building
134	Wood Products	1 per employee, plus 1 per 500 sf of building
135	Furniture/Fixtures	1 per employee, plus 1 per 500 sf of building
136	Paper Products	1 per employee, plus 1 per 500 sf of building
137	Printing/Publishing	1 per employee, plus 1 per 500 sf of building
138	Chemical/Petroleum Products	1 per employee, plus 1 per 500 sf of building
138.5	Biomedical Product Facility	1 per 500 sf of gross floor area, plus 1 space per employee
139	Rubber/Plastic/Leather/Mineral Products	1 per employee, plus 1 per 500 sf of building
140	Primary Metal Industry	1 per employee, plus 1 per 500 sf of building
141	Fabricated Metal Products	1 per employee, plus 1 per 500 sf of building
142	Commercial/Industrial Machinery	1 per employee, plus 1 per 500 sf of building
143	Computer/Office Equipment	1 per employee, plus 1 per 500 sf of building
144	Electronic Assembly	1 per employee, plus 1 per 500 sf of building
145	Aerospace Equipment	1 per employee, plus 1 per 500 sf of building
146	Misc. Light Manufacturing	1 per employee, plus 1 per 500 sf of building
147	Tire Retreading	1 per employee, plus 1 per 500 sf of building
148	Recycling Products	1 per 1,000 sf or 1 per employee, whichever is greater

149	Towing Operation	1 per employee (designated)
150	Auto Wrecking	1 per employee (designated), plus 3 for customers
151	Self-Service Storage	1 per employee (designated), plus 3 for customers
152	Off-Site Hazardous Waste Treatment and Storage Facilities	1 per employee, plus 1 per 500 sf of building
153	Batch Plant	1 per employee, plus 1 per 500 sf of building

(Ord. 99-1003 § 3; Ord. 95-1016 § 22; Ord. 92-1041 § 1)

Chapter 15.17 HOME OCCUPATIONS

Sections:

- [15.17.010](#) Home Occupations as Permitted Uses
- [15.17.020](#) Regulation of Home Occupations
- [15.17.030](#) Sales Exempt from Regulation
- [15.17.040](#) Special Home Occupation Permits (SHOP)
- [15.17.050](#) Home Occupations Subject to Code Enforcement Action

15.17.010 Home Occupations as Permitted Uses

Home occupations shall be are permitted as an accessory residential use so that certain activities may be undertaken for gain or profit within a dwelling or a building accessory to a dwelling in a UL or UM zone, or any zone in which dwellings are present. The home occupation shall be conducted in such manner that the residence shall not differ from its residential character in either the use of colors, materials, construction, storage, lighting, signs or emissions of sounds, noise, vibrations or odors. (Ord. 92-1041 § 1)

15.17.020 Regulation of Home Occupations

Home occupations shall be required to have a business license pursuant to SMC 5.05 ~~Ordinance No. 90-1039 and amendment thereof~~, and shall then be permitted, providing that each such home occupation meets the following criteria:

- A. Is carried on exclusively by a member(s) of a family residing in the dwelling unit and no more than two (2) nonresident employees with approved on-site parking;
- B. Is clearly incidental and secondary to the use of the property for dwelling purposes with the floor area devoted to the home occupation not exceeding twenty-five percent (25%) of the living area of the dwelling unit (not to include the grounds, out-buildings, garage, unfinished basement, or other areas not prepared for normal dwelling purposes);
- C. Has no display or sign other than an unlighted display or sign no larger than two (2) square feet attached to an existing structure;

D. Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property;

E. Does not require truck delivery or pick-up not common to a residential dwelling (i.e., parcel service); delivery hours are restricted to the hours of 8:00 a.m. to 8:00 p.m.;

F. Does not involve installation and use of heavy equipment, large power tools, or power sources not common to a residential dwelling, or any other usage which creates a level of noise, vibration, smoke, dust, odors, heat or glare beyond that which is common to a residential area;

G. Does not create a level of parking demand beyond ~~that which is normal to a residential area~~ a maximum of two visitors at any given time and no more than 8 total two-way trips per day;

H. ~~Does not include automobile, truck or heavy equipment repair, body work or painting; nor parking or storage of heavy equipment including trucks over one ton load capacity, unless within a fully enclosed building; nor outside storage of used parts of vehicles and used machinery in an inoperable condition; nor outside storage of building materials such as lumber, plasterboard, pipe, paint or other construction materials unless being used to construct a specific structure on the premises, pursuant to City permits;~~

I. Does not involve production, generation, storage or use of hazardous waste, as defined by the State Department of Ecology;

J. I. Involves only sales which are an incidental use and which do not constitute regular retail sales on the premises. (Ord. 92-1041 § 1)

15.17.030 Sales Uses and Activities Exempt from Regulation

A. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses shall not be considered home occupations subject to regulation pursuant to SMC [15.17.020](#); provided, that any such use shall not be in existence for more than twenty (20) days in any one (1) calendar year, and shall not be in violation of any other chapter in this code, or City ordinance; and provided further, that any such garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale. (Ord. 92-1041 § 1)

B. Day care facilities, bed and breakfast operations and other similar uses otherwise allowed in residential homes are exempt from the provisions of this chapter.

15.17.035 Prohibited Activities

The following activities are determined to be incompatible with residential areas and shall not be allowed as home occupations:

- A. Automobile and motorcycle repair and body work (including painting);
- B. Automobile services, including detailing;
- C. Large appliance repair;
- D. Large or small engine repair;
- E. Commercial kennels or catteries;
- F. Commercial painting;
- G. Storage of building materials;
- H. Parking or storage of heavy equipment or vehicles;
- I. Religious facilities.
- J. Any use involving dispatch of employees from the property.

15.17.040 Special Home Occupation Permits (SHOP)

A. Special home occupation permits may be granted by the ~~City Hearing Examiner~~ City Manager or designee for any uses providing that not less than ~~eight~~ seven (7) of the ~~ten~~ nine (9) criteria set forth in SMC [15.17.020](#) shall be met, except that compliance with Criteria ~~(4 H)~~ thereof shall be required.

B. In considering applications for special home occupations permits, the ~~Hearing Examiner~~ City Manager or designee shall consider the nature and conditions of all adjacent uses and structures, and no such special home occupation permit (SHOP) shall be authorized by the ~~Hearing Examiner~~ City Manager or designee unless he finds that the authorization of the SHOP will:

1. Not be materially detrimental to the public welfare;
2. Not have adverse impact on adjacent properties in the zone or vicinity in which the subject property is located; and
3. Be consistent with the spirit and purpose of this chapter and code.

C. In authorizing a SHOP, the ~~Hearing Examiner~~ City Manager or designee may impose such requirements and conditions with respect to location, installation, construction, maintenance, operation and extent of open spaces in addition to those expressly set forth in this chapter and the code, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

D. In addition, the ~~Hearing Examiner~~ City Manager or designee may allow the applicant for a special home occupation permit a reasonable period of time, not to exceed one (1) year, in which to bring the home occupation into compliance with existing zoning regulations and the conditions imposed by the ~~Hearing Examiner~~ City Manager or designee.

E. ~~A public hearing shall be conducted on all applications for a SHOP. The hearing shall be held in the same manner as provided by appeals in SMC 15.22.065. (Ord. 92-1041 § 1) A A~~ SHOP shall be processed as a Type II permit per SMC 16.23A.

15.17.050 Home Occupations Subject to Code Enforcement Action

In addition to any and all rights of inspection, access and enforcement contained in Chapter 15.32 SMC, the City is authorized to enforce any and all provisions of this chapter. Any home occupation in existence at the time of adoption of this ordinance which has not been issued a City business license shall not be issued a license unless in conformance with the provisions herein.

15.19.500 Recreation and Open Space

Purpose: To provide for adequate recreation and open space areas for the residents of multiple-family dwellings, to separate such areas from automobile-oriented space, and to enhance the environmental quality of multiple-family residential districts. (Ord. 08-1042 § 1; Ord. 01-1031 § 1; Ord. 00-1002 § 2)

15.19.510 Minimum Area Required

Intent: Provide opportunities for both active recreation and outdoor areas for passive enjoyment of natural areas. Recreation and open space areas should include amenities ~~for all~~ appropriate for the ages of people likely to live in the residences and be located with regard to climate conditions and safety.

A. Each multi-family building or complex of five (5) or more units shall provide a minimum area of recreation and open space, as follows:

1. For developments located outside the designated City Center, ~~and S. 154th Street Station Area~~ and Interim Angle Lake Station Area :

Minimum Required

Unit Size	Open Space
2 bedroom or larger	200 square feet
1 bedroom	160 square feet
Studio	120 square feet

a. In all multi-family developments, at least fifty percent (50%) of the required recreation and open space must be usable outdoor multi-purpose space accessible by all residents as described in subsection (B) of this section.

b. Up to fifty percent (50%) of the required recreation and open space may be composed of indoor recreational space or outdoor single-purpose recreational facilities as described in subsection (C) of this section.

2.

A minimum of sixty (60) square feet per unit of outdoor space. One hundred percent (100%) of such space shall be allocated for outdoor multi-purpose open space accessible by all residents as described in subsection (B) of this section.

B. Multi-purpose Outdoor Recreation and Open Space. This requirement shall be satisfied through compliance with one (1) or more of the following elements:

1. Courtyards, plazas or multi-purpose green spaces which serve to organize the placement of buildings, as described in SMC [15.19.540](#);
2. Upper level common decks, patios, terraces, or roof gardens;
3. The square footage length and width of publicly accessible pedestrian-only corridors dedicated to passive recreation and separate from the public street system, including access links in sensitive area buffers.

C. Indoor Facilities and Outdoor Single-Purpose Facilities. This recreation and open space allowance, for properties outside the City Center and S. 154th Street Station Area, may be met through one (1) or more of the following:

1. Tennis/sports courts;
2. Swimming pools;
3. Designated exercise areas;
4. Game rooms;
5. Lounge areas with food preparation facilities; or
6. Other similar facilities. (Ord. 08-1042 § 1; Ord. 01-1031 § 1; Ord. 00-1002 § 2)

15.19.520 Play Space for Children

Intent: Provide for adequate, safely located play space for children. Safe locations are ones that are accessible without crossing circulation areas, and provide for observation by parents and

caretakers from the main use areas of nearby units, and from nearby seating and recreation areas. Retirement apartments and assisted living facilities are exempt from this section.

A. At least fifty percent (50%) of the required outdoor recreation and open space area required for units of two (2) or more bedrooms shall be laid out in a manner that makes it suitable and safe as play space for children. The children's play space shall contain a minimum of one (1) set of children's play equipment as approved by the Director of Community and Economic Development. Sitting or recreation areas for adults shall be located in close proximity.

B. At least fifty percent (50%) of any indoor facilities and outdoor single-purpose facilities required for units of two (2) or more bedrooms shall be appropriate for use by children of various ages. Exercise facilities in complexes containing two (2) or more bedroom units shall provide for adult exercise opportunities with the ability to watch children nearby.

C. Play space for children shall be centrally located, visible from the dwellings, and away from hazardous areas like garbage dumpsters, drainage facilities, streets, other vehicular travel ways, woods, and parking areas.

D. All units two (2) bedroom units or larger shall be oriented to provide visibility of children's play areas from a kitchen or main living room area. Alternatively, closed circuit TV monitoring of children's play areas shall be installed and access shall be provided by apartment management to tenants with children. (Ord. 11-1002 § 3; Ord. 08-1042 § 1; Ord. 01-1031 §§ 1, 5; Ord. 00-1002 § 2)

15.19.530 Location and Layout of Recreation and Open Space

Intent: Provide accessible, useable, safe, and maintainable recreation and open space. Open space areas should be oriented to sunlight and views, and provide attractive amenities such as paths, picnic areas, seating, active recreation facilities, and good lighting.

A. The location, layout, and proposed type of recreation space shall be subject to approval by the Director of Community and Economic Development, and shall conform to the following:

1. Open space areas shall be centrally located near a majority of units, accessible and usable to residents, and visible from surrounding dwelling units.

2. In developments greater than one hundred (100) units, outdoor recreation and open space area shall be divided into several smaller, usable areas located so as to be convenient and accessible to each building.
3. When the total required open space area is less than three thousand (3,000) square feet, the outdoor recreation and open space shall be one (1) continuous site, with a minimum width of twenty (20) feet.
4. If the total required area for multi-family recreation space is more than three thousand (3,000) square feet, the space may be divided into several usable indoor or outdoor sites, provided at least one (1) area is at least two thousand (2,000) square feet, and all others at least five hundred (500) square feet, with a minimum width of twenty (20) feet.
5. No driveways, parking or other vehicular uses can be located in the outdoor recreation or open space area.
6. Required front yard setback areas shall not count toward outdoor common recreation and open space.
7. A Type III landscaping buffer consisting of fencing and plant screening with a minimum width of five (5) feet shall separate the recreation space from public streets, parking areas, and driveways.
8. Decks, balconies and other similar appurtenances that do not have common access by all the complex residents shall not be counted towards the space requirements.
9. The square footage in required side and rear yards may be used to meet the recreation and open space requirements, except for the square footage in side and rear yards occupied by required Type I and II buffer landscaping for noncompatible uses. Side and rear yards must be developed as usable recreation or open space as specified in this chapter to count toward the requirement.
10. Other required landscaping (such as building facade landscaping and parking lot landscaping) and sensitive area buffers without common access links such as

pedestrian trails shall not be included toward the required recreation and open space requirement.

11. No required recreation or open space area shall have a slope greater than four percent (4%), unless the area has been developed with an enhanced accessibility system of ramps, stairs, terraces, trails, or other site improvements.

B. The space, layout, and proposed type of screening shall be subject to approval by the Director of Community and Economic Development. (Ord. 11-1002 § 3; Ord. 08-1042 § 1; Ord. 01-1031 § 1; Ord. 00-1002 § 2)

15.19.540 Courtyards and Plazas

Intent: Provide landscaped courtyard, plaza and rooftop garden areas that include adequate seating, and focal landscaping.

Courtyards and plaza areas complying with the following requirements may count toward required outdoor open space areas:

A. The courtyard/plaza dimension is a measurement of the usable open space between two (2) buildings or to a property line, with a minimum width of at least twenty (20) feet or equal to the height of the building, up to seventy-five (75) feet, as determined by the Director of Community and Economic Development.

B. Publicly accessible courtyards, plazas or multi-purpose green spaces shall link the open space elements with adjacent sidewalks, pedestrian paths, and/or bikeways.

C. Courtyard/plaza areas shall include a minimum of one (1) tree for each two hundred (200) square feet of required area. The plaza/focal area shall consist of at least fifty percent (50%) decorative paving, and include one (1) lineal foot of seating per each forty (40) square feet of required plaza area.

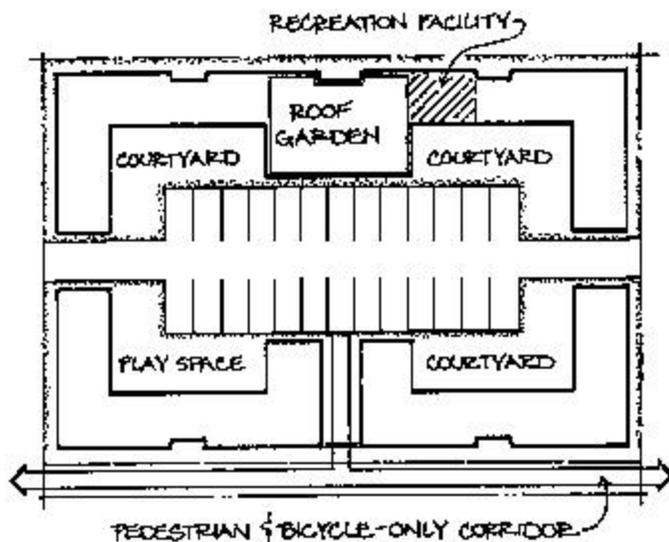


Figure 15.19.540
Sample arrangement of open space areas.

(Ord. 11-1002 § 3; Ord. 08-1042 § 1; Ord. 01-1031 § 1; Ord. 00-1002 § 2)

15.19.550 Maintenance

Intent: Ensure the maintenance of on-site open space and recreational facilities.

Failure to maintain open space and recreational facilities in a usable manner is a violation of this title. Prior to occupancy, a maintenance program for open space and recreational facilities shall be submitted and approved by the Community and Economic Development Department. The program shall be secured with a maintenance bond, or other suitable financial guarantee as approved by the City, for a period of three (3) years in an amount equal to the estimated cost of maintenance over three (3) years. (Ord. 11-1002 § 2; Ord. 08-1042 § 1; Ord. 01-1031 § 1; Ord. 00-1002 § 2)

15.19.560 Cash Contribution in Lieu of On-Site Recreational Facilities

Intent: Allow for the contribution to an existing or future City park in lieu of on-site recreational facilities in smaller developments.

A. For multiple-family developments containing less than twenty (20) dwellings and all assisted living facilities or retirement apartments, the Director of Community and Economic

Development may allow in-lieu payment to the City in an amount comparable to the cost of acquisition and installation of recreational facilities as would otherwise be required. Acceptance of such a voluntary contribution is discretionary on the part of the City, and shall be permitted only when the size of the development site and its projected population is too small to result in usable, high quality recreational facilities, and the improvement of City park facilities in the vicinity will be of greater benefit to the residents of the proposed dwellings. Such payments shall be placed in a fund to be used for capital improvements in existing neighborhood parks or for the development of new parks in the vicinity of the multiple-family dwelling development. The amount of such payment shall be determined by the Director of Community and Economic Development based on a recommendation of the Parks Department Director. The recommendation shall be based on either the actual cost or a reasonable prototype cost of providing park land with quality, durable recreational facilities as would otherwise be required to be provided on-site.

B. Multiple-family dwelling developments containing twenty (20) or more dwelling units (except for assisted living facilities or retirement apartments) shall provide the on-site recreation facilities required by this chapter. Multiple-family dwelling developments which are built in phases of less than twenty (20) dwelling units shall provide on-site recreation facilities for each phase or shall provide the total amount of recreation facilities required for the complete development in the first phase of construction. (Ord. 11-1002 § 3; Ord. 08-1042 § 1; Ord. 01-1031 § 1; Ord. 00-1002 § 2)

15.19.620 Senior Housing

Intent: Encourage the provision of senior housing within the community to allow for a variety of housing options to aging persons as their family size and housing needs change. This incentive is not applicable to projects whose sole purpose is ~~senior~~ housing intended for seniors (age 55 years or older) (i.e., adult family homes, assisted living facilities, continuing care retirement communities, retirement apartments, convalescent center/nursing homes, etc.)

Density Bonus: A twenty percent (20%) increase in the allowed number of units shall be permitted when a minimum of thirty-five percent (35%) of the units within the project are reserved as ~~senior citizen assisted dwellings as defined by SMC 15.10.220,~~ assisted living units or retirement apartments.

Height Bonus: A ten (10) foot increase in the maximum allowed height shall be permitted when a minimum of thirty-five percent (35%) of the units within the project are reserved as ~~senior citizen assisted dwellings as defined by SMC [15.10.220](#)~~ assisted living units or retirement apartments.

15.20.048 Temporary Off-Site Construction Staging and Parking for Construction Workers at Religious Use Facilities and School Facilities

The City Manager or designee may issue a temporary and revocable permit for off-site construction staging and construction worker parking subject to the following requirements and criteria:

- A. The off-site construction staging and parking is allowed only for the duration of the construction;
- B. The off-site construction staging and parking is located within one quarter mile of the construction site ~~one and one-half (1-1/2) miles of the construction site;~~
- C. A “traffic plan” shall be submitted. The plan shall illustrate the travel route(s) construction workers will use to access and depart the site. Travel routes to the site shall minimize traffic impacts to residential areas;
- D. The construction staging and parking surface shall, at a minimum, consist of gravel or other approved surface that will minimize erosion and provide for storm drainage controls;
- ~~D. For religious use facilities, if the routes the construction workers use to access and depart the site pass by a public/private school, the applicant shall stagger the hours of the arrival and departure from the site to minimize the conflicts between pedestrian and vehicular traffic of children arriving and departing the school site;~~
- E. If the off-site construction staging and parking is adjacent to a residential zone, the use of the property ~~for off-site parking~~ shall only be from ~~5:00~~ 7:00 a.m. to ~~6:00~~ 10:00 p.m., weekdays only. Additional days or hours of use may be authorized by the ~~Director of Community and Economic Development~~ City Manager or designee;
- F. The property is used only for construction staging and the parking of the personal vehicles used by the construction workers. ~~No heavy vehicles or equipment may be stored on the site;~~
- G. The City Manager or designee may authorize off-site construction worker parking only at religious use facilities or school facilities located within one and one-half (1-1/2) miles of the construction site. If a religious use facility is used and the routes construction workers use to

access and depart the site pass by a public or private school facility, the applicant shall stagger the hours of arrival and departure from the site to minimize the conflicts between pedestrian and vehicular traffic of students arriving and departing the school site. In addition, the ~~The~~ construction worker parking ~~does~~ shall not occupy parking spaces necessary for the primary use of the site during their normal operating hours;

i. Parking shall be on an existing paved surface. No additional off-street parking spaces may be created; and

ii. The site must be within one-quarter (1/4) mile of a “principal” or “minor” arterial.

~~J.H.~~ J.H. Adjacent property owners, as determined by the City Manager or designee ~~Director of Community and Economic Development~~, shall be notified of the proposed construction staging and /or construction worker parking prior to the decision to issue a temporary use permit. The cost of this notification shall be borne by the applicant.

~~K.I.~~ K.I. In the case where off-site construction staging and construction worker parking will be on a site for more than one (1) year, the applicant shall renew their TUP on an annual basis. (Ord. 11-1001 § 2)

Open Public Meetings Act

RCW 42.30



Prepared by Washington State Attorney General's Office

Last revised: April 2014



Washington's Open Public Meetings Act (OPMA)

- Passed in 1971
- Requires meetings to be open to the public, gavel to gavel
- RCW 42.30



Purpose

- “The people do not yield their sovereignty to the agencies which serve them.”
- “The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so they may retain control over the instruments they have created.”

~ *RCW 42.30.010*



Purpose (Cont.)

- Public commissions, boards, councils, etc. listed in OPMA are agencies of this state that exist to aid in the conduct of the people's business.
- Their actions are to be taken openly and deliberations conducted openly.

~ *RCW 42.30.010*

- Act is to be “liberally construed.”

~ *RCW 42.30.910*

- The purpose of the OPMA is to allow the public to view the “decisionmaking process.”

~ *Washington State Supreme Court*



Open Government Laws Like the OPMA are Often Called “Transparency Laws” or “Sunshine Laws”



This is because they “shine light” on government. U.S. Supreme Court Justice Louis Brandeis once famously said, “*Sunlight is the best disinfectant.*”



Transparency builds public confidence in government.

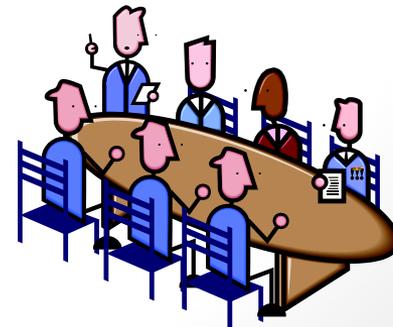
OPMA Applies To:

Multi-member public state and local agencies, such as boards and commissions, as follows:

- Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature.
- Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of Washington.
- Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies.
- Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

~ RCW 42.30.020

These are the “public agencies” subject to the OPMA.



OPMA Does Not Apply To:



- These entities:
 - Courts
 - Legislature
 - Agencies not defined as “public agency” in OPMA, such as agencies governed by a single individual
 - Private organizations
- These activities:
 - Licensing/permitting for businesses, occupations or professions or their disciplinary proceedings (or proceedings to receive a license for a sports activity, or to operate a mechanical device or motor vehicle)
 - Quasi-judicial matters
 - Matters governed by the Washington Administrative Procedure Act, RCW 34.05
 - Collective bargaining

~ RCW 42.30.020(1), RCW 42.30.140

Governing Body

- All meetings of the **governing body** of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in RCW 42.30.

~ *RCW 42.30.030*



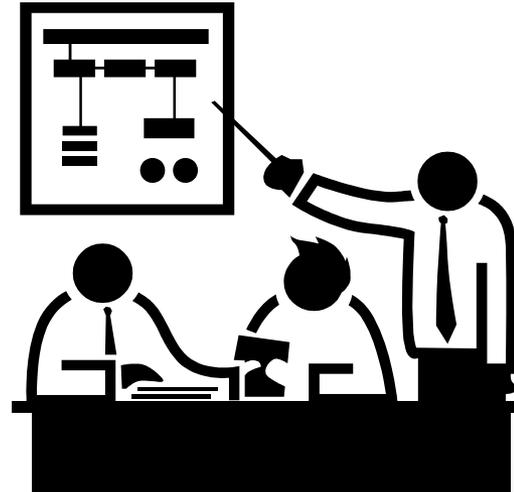
What is a Governing Body?

- The **multimember board or other policy or rule-making body**

OR

- Any **committee** of such public agency *when*:
 - the committee acts on behalf of the governing body,
 - conducts hearings, or
 - takes testimony or public comment

~ RCW 42.30.020



What is a Meeting?



- “**Meeting**” means meetings at which the public agency takes “**action**” ~ *RCW 42.30.020*
- Physical presence not required – can occur by phone or email



An exchange of e-mail could constitute a meeting if, for example, a quorum of the members participate in the e-mail exchange & discuss agency business. Simply receiving information without comment is not a meeting.

- Does not need to be titled “meeting” – OPMA also applies to “retreats,” “workshops,” “study sessions,” etc.
- No meeting occurs if the governing body lacks a quorum.

Action

- “**Action**” means the transaction of the official business of the public agency and includes but is not limited to:
 - Public testimony
 - All deliberations
 - Discussions
 - Considerations
 - Reviews
 - Evaluations
 - Final actions



The requirements of the OPMA are triggered whether or not “final” action is taken.

~ RCW 42.30.020

Final Action

- “**Final action**” is a collective positive or negative decision, or an actual vote, by a majority of the governing body, or by the “committee thereof”
- Must be taken in public, even if deliberations were in closed session
- Secret ballots are not allowed

~ *RCW 42.30.060, RCW 42.30.020*



Travel and Gathering

- A majority of the members of a governing body may travel together or gather for purposes other than a regular meeting or a special meeting, so long as no action is taken.
- Discussion or consideration of official business would be action, triggering the requirements of the OPMA.

~ *RCW 42.30.070*



“Regular” Meetings



- **“Regular meetings”** are recurring meetings held in accordance with a periodic schedule by ordinance, resolution, bylaws or other rule.
- A state public agency must:
 - Yearly, file with Code Reviser a schedule of regular meetings, including time and place
 - Publish changes to regular meeting schedule in state register at least 20 days prior to rescheduled date
- On June 12, 2014, new agenda notice requirements apply to regular meetings under OPMA (see next slide). (These requirements are in addition to those that may be applicable in other laws outside the OPMA for particular agencies.)

~ RCW 42.30.070, RCW 42.30.075; Chap. 61, 2014 Laws

“Regular” Meetings (Cont.)

- On June 12, 2014, new agenda notice requirements apply to regular meetings.
- Chapter 61, 2014 Laws (SHB 2105) amends the OPMA to require governing bodies to make the agenda of each regular meeting of the governing body available online no later than 24 hours in advance of the published start time of the meeting.



- The new law does not:
 - *Apply to agencies that do not have websites.*
 - *Apply to agencies that employ fewer than 10 full-time employees.*
 - Restrict agencies from later modifying an agenda.
 - Invalidate otherwise legal actions taken at a regular meeting where agenda was not posted 24 hours in advance.
 - Satisfy public notice requirements established under other laws.
 - Provide a basis to award attorneys fees or seek court order under OPMA if agenda is not posted in accordance with the new law.

“Special” Meetings



- A **“special meeting”** is a meeting that is not a regular meeting (not a regularly scheduled meeting).
- Called by presiding officer or majority of the members
- **Notice - timing: 24 hours before the special meeting, written notice must be:**
 - Given to each **member** of the governing body (unless waived)
 - Given to each **local newspaper of general circulation, radio, and TV station** which has a notice request on file
 - Posted on the **agency’s website** --- with certain exceptions in RCW 42.30.080(2)(b), if the agency (i) does not have a website, (ii) employs fewer than ten full-time equivalent employees; or (iii) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site
 - Prominently **displayed at the main entrance** of the agency’s principal location and the meeting site (if not that same location)

~ RCW 42.30.080

“Special” Meetings (Cont.)

- Notice - contents: The special meeting notice must specify:
 - Time
 - Place
 - Business to be transacted (agenda)
 - Final disposition shall not be taken on any other matter at such meeting

~ RCW 42.30.080



Emergency Special Meetings

- Notice is not required when special meeting called to deal with an emergency
 - Emergency involves injury or damage to persons or property or the likelihood of such injury or damage
 - Where time requirements of notice make notice impractical and increase likelihood of such injury or damage

~ *RCW 42.30.080(4)*



Public Attendance

- A public agency can't place conditions on public to attend meeting subject to OPMA:
 - For proceedings governed by OPMA, cannot require people to register their names or other information, complete a questionnaire, or otherwise fulfill any condition precedent to attendance

~ *RCW 42.30.040*



- Reasonable rules of conduct can be set
- Cameras and tape recorders are permitted unless disruptive
 - ~ *AGO 1998 No. 15*
- No “public comment” period required by OPMA

Interruptions and Disruptions

- The OPMA provides a procedure for dealing with situations where a meeting is being interrupted so the orderly conduct of the meeting is unfeasible, and order cannot be restored by removal of the disruptive persons.
- Meeting room can be cleared and meeting can continue, or meeting can be moved to another location, but final disposition can occur only on matters appearing on the agenda. More details set out in the OPMA.

~ RCW 42.30.050



DISRUPTION

Executive Session

- Part of a regular or special meeting that is closed to the public
- Limited to specific purposes set out in the OPMA
- Purpose of the executive session and the time it will end must be announced by the presiding officer before it begins; time may be extended by further announcement

~ *RCW 42.30.110*



Executive Sessions

Specified purposes set out in OPMA.

Includes, for example:



- National security
- Real estate
 - Site selection or acquisition of real estate
 - Lease or purchase
 - Public knowledge would likely increase price
 - Sale or lease
 - Public knowledge would likely decrease price
 - Final action selling or leasing public property must be take at open meeting
- Publicly bid contracts
 - Review negotiations on performance
 - Public knowledge would like increase costs
- Evaluate qualifications of applicant for public employment
- Meet with legal counsel regarding enforcement actions, litigation or potential litigation
- Other purposes listed in RCW 42.30.110

~ *RCW 42.30.110*

Executive Session to Discuss Agency Enforcement Actions, Litigation or Potential Litigation

- This executive session is not permitted just because legal counsel is present
- This executive session must address:
 - Agency enforcement action
 - Agency litigation or
 - Potential litigation

~ *RCW 42.30.110*



Executive Session to Discuss Agency Enforcement Actions, Litigation, or Potential Litigation: Three Requirements

- Legal counsel representing the agency is present
- Purpose is to discuss agency enforcement action, litigation or potential litigation to which the agency, governing body, or a member acting in official capacity is, or is likely to become, a party
- Public knowledge regarding discussion likely to result in an adverse legal or financial consequence to the agency

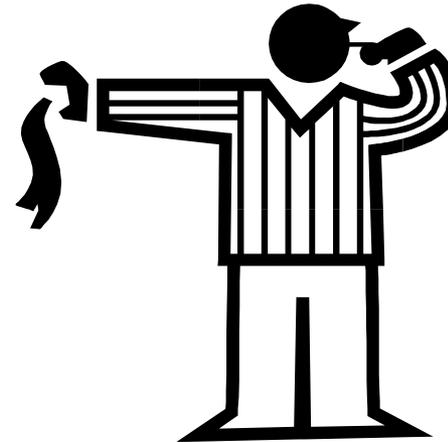
~ *RCW 42.30.110*



Penalties for Violating the OPMA

- A court can impose a \$100 civil penalty against each member (personal liability)
- Court will award costs and attorney fees to a successful party seeking the remedy
- Action taken at meeting can be declared null and void

~ *RCW 42.30.120; RCW 42.30.130; RCW 42.30.060*



Minutes – RCW 42.32.030

- Minutes of public meetings must be promptly recorded and open to public inspection
- Minutes of an executive session are not required
- No format specified in law

~ *RCW 42.32.030*



OPMA Training

- A new law effective July 1, 2014 amends the OPMA to require members of governing bodies to receive OPMA training. Chapter 66, 2014 Laws (ESB 5964) (“Open Government Trainings Act”). They can take training sooner than July 1. Refresher training occurs no later than every 4 years.
- Training can be taken online, in person, or by other means.



- Training resources, videos, and more information about the Act (a “Q & A”) are available on the Attorney General’s Office Open Government Training Web Page:

<http://www.atg.wa.gov/OpenGovernmentTraining.aspx>

OPMA Assistance

- The Washington State Attorney General's Office may provide information, technical assistance, and training on the OPMA. Contact Assistant Attorney General for Open Government.
- The Attorney General's Office may issue formal opinions about the OPMA for qualified requesters.
- The Attorney General's Office has helpful materials about the OPMA, and other open government topics and resources, on its website at www.atg.wa.gov.
- The Attorney General's Office Open Government Training Web Page with training resources, videos and other materials is at: <http://www.atg.wa.gov/OpenGovernmentTraining.aspx>

~ RCW 42.30.210



