



MEMORANDUM

TO: Planning Policy Commission
FROM: Minnie Dhaliwal, CPD Director
RE: Title 18 Update – Part 6, 18.508, 18.510, and 18.516 Accessory and Temporary Uses and Sustainable Micro-Infrastructure
DATE: August 11, 2022

Background

The Council Ad Hoc Committee's Title 18 Update Desired Goals and Outcome document identifies the following priority relevant to this topic:

Goal 8: *"Neighborhoods retain their charm and distinctive character, pattern, and setting that includes both built and natural environments.."*

Desired Outcome:

- Neighborhoods retain their charm and distinctive character, pattern, and setting that includes both built and natural environments.

Goal 13: *Modernize code and incorporate best practices.*

Desired Outcome:

- Create a well-organized, clear code that improves public access to information; provides tools that address community needs; and helps create the kinds of places the community expects.

The draft code for Accessory, Temporary Uses and Sustainable Micro-Infrastructure adapts and updates existing regulations in the Municipal Code.

The packet includes a summary of substantial changes in Attachment A, that focus on improvements to organization of code, process or implementation of direction from the Administration or the Commission; but are actions that do not warrant discussion with the Commission. The following Analysis section includes the additional information to help the Commission's discussion of the policy questions posed for this section of code.

Summary of Changes for Chapter 18.508 Accessory Uses and Structures, 18.510 Temporary Uses and Structures, and Chapter 18.516 Sustainable Micro-Infrastructure

The following summarizes the substantive changes made to develop the proposed **18.508 Accessory Uses and Structures, 18.510 Temporary Uses and Structures, and Chapter 18.516 Sustainable Micro-Infrastructure** chapter and the reasoning behind it. The changes are based on the gaps analysis, previous discussions with the Planning Policy Commission, a Staff evaluation of existing code and feedback from the City attorney’s office.

CHANGE	REASON
1. Intent sections updated for clarity.	Update improves City process and consistency
2. Redundant heliport standards related to approach/departure paths and surface dimensions were removed.	These regulations are heavily regulated by the FAA and is not necessary in the IMC.
3. Section 18.510.040, Temporary Retail Sales Standards is a combination of adapted IMC and new material (from peer city research) to add clarity for mobile retail uses.	Changed for clarity and improvement to City process for regulating retail uses, such as food trucks, with consistency and guidance on where and when the use is allowed.
4. Chapter 18.516 Sustainable Micro-Infrastructure was adapted from IMC 18.07.137 with minor updates for clarity and coordination with critical areas draft code.	Change part of code consolidation and simplification.
5. Standards that read as guidelines—for example, “should,” “encourage,” “consider” verbs—were integrated into code intent sections	Update to provide guidance, or were revised to be more specific in new code.
6. Standards that included less direct language for requirements—for example, “shall” or “shall not”—were replaced with “must” or “may not”	Revisions improve clarity of code.

Analysis

Policy Question for Planning Policy Commission

Question: Should the city consider longer time allowance for mobile retail, for example, food trucks?

The previous direction provided by the Commission was to provide clarity on this code language for these type of temporary uses. The draft code language for this policy question is listed below and the section in the table on mobile temporary uses is highlighted for readability.

18.510.030 Temporary Structures or Uses.

1. *Applicability. This section applies to temporary uses or structures, both as an accessory and non-accessory. Examples include: 1. An outdoor retail display as an accessory to an existing retail shop or use;*
2. *Seasonal stands, such as operations selling Christmas trees;*
3. *A mobile food truck, trailer, or cart, operating within a public right-of-way or on a private lot; and,*
4. *A temporary trailer or staging area for construction projects.*

The use must follow the time limits in Table 18.510.030.A, Table of Temporary Use Time Limits. A use that exceeds these time limits is considered a principal or permanent use and must receive the required approvals per the Tables of Permitted Uses, 18.402.

Table 18.510.030.A Table of Temporary Use Time Limits

Temporary Use	Duration (days)	Development Standards Reference
<i>Non-Accessory Retail Sales Examples: seasonal stands and pop-up retail</i>	60	18.510.040.B
<i>Accessory Retail Sales During Business Hours Examples: sidewalk displays, tent sales</i>	60	18.510.040.B; 18.510.040.F
Mobile Retail in the right-of-way Examples: food trucks	7	18.510.040.B; 18.510.040.D
Mobile Retail on private property Example: food trucks	60	18.510.040.B; 18.510.040.E

Previous Meetings

- December 9, 2021 – Planning Policy Commission: Procedures and Administration, ([Agenda/Minutes/Video](#))

Timeline

- August 11th, 2022 – Public Hearing: Title 18 – IMC 18.508 Accessory Uses, IMC 18.510 Temporary Uses, IMC 18.512 Wireless Communication Facilities, IMC 18.516 Sustainable Micro-Infrastructure, IMC 18.702 Through Block Passages, IMC 18.800 SEPA Rules, and IMC 18.810 Forested Hillside Preservation.
- November 2022 – Public Hearings: Consolidated Draft Title 18 Update

Attachments

- A. Summary of Public Comments

B. Summary of Public Comments

Date	Commentor Name	Topic	Comment	Response Notes
2/4/2022	Kristi Tripple	Zoning & Uses	A building is just a building without the socialable public realm and nearby amenities. We are encouraging the code and review be simplified for the following: food trucks, special event permits, pop-up uses and neighborhood activation, small footprint, temporary-uses, artist spaces, and other related topics. Where else can the city be creative towards facilitating the efficient use of space for activation?	The draft is attempting to make temporary uses and special events more easily available.