

## **D#14 TIER 1 OR TIER 2 TEMPORARY USE PERMIT (TUP)**

*Revised April 22, 2009*

### **General Description**

This proposal would allow some Temporary Use Permits (TUP) to be permitted without public notification where historically, the City has required public notice. A tiered structure would be created, where notice is either provided or not based on criteria including impacts on the surrounding community, duration of use, and whether the use is allowed by the base zone or not. This change would allow some TUPs to go through a Type I permit review process with no required public notification where the permit can be issued over the counter. Other TUPs would go through a Type II permit review process with a minimum 14 day public notice period. Temporary uses are defined as a use of limited term and may be established under special circumstances. Such uses have included outdoor retail sales in store parking areas, storage trailers, and auto sales. For example, a Christmas tree lot must currently wait for a Letter of Complete Application and a minimum 14 day notice period. Under this proposal, the tree lot could be issued a permit over the counter.

### **Impact Analysis**

#### Effect on rate of growth, development, and conversion of land as envisioned in the Plan

Temporary uses do not have a significant impact on the effect of growth, development, and conversion of land as envisioned in the Comprehensive Plan. By nature, such uses are limited in duration and do not establish permanent structures or uses on property. This proposal only changes administrative procedures.

#### Effect on the City's capacity to provide adequate public facilities

This proposal is only changing administrative procedures. Temporary uses and structures will continue to be allowed as they have been and the City's capacity to provide adequate public facilities should not be affected.

#### Effect on the rate of population and employment growth

This proposal is only changing administrative procedures. Temporary uses and structures will continue to be allowed as they have been and the City's rate of population and employment growth should not be affected due to the proposal.

#### Whether Plan objectives are being met as specified or remain valid and desirable

"The Plan is a broad statement of community goals, objectives, and policies that directs the orderly and coordinated physical development of the City. Renton's Plan anticipates change and provides specific guidance for future legislative and administrative actions" (Introduction, I-1). "Basic to Renton's Vision is the concept that urban living provides both choice and balanced opportunities for residents; employment and housing, recreation and religion, goods and services, all available in the community" (Vision, II-3). These Comprehensive Plan statements are broad but provide the basic idea in allowing choice and balanced opportunities for many uses in the community, including temporary uses that provide goods and services such as event opportunities and seasonal sales lots such as Christmas trees.

#### Effect on general land values or housing costs

This is a procedural change that would continue to allow temporary uses. There are no expected impacts to general land values or housing costs.

#### Whether capital improvements or expenditures are being made or completed as expected

There are no capital improvements or expenditures associated with this proposal.

#### Consistency with GMA, the Plan, and citywide Planning Policies

This proposal is consistent with the statewide Growth Management Act and City Comprehensive Plan which call for sound planning including effective administration of current and future residential and nonresidential uses in Urban Growth Areas. The proposal provides for a more effective structure to administer temporary uses in the City.

#### Effect on critical areas and natural resource lands

This is a procedural change only. The effect of a temporary use or temporary structure on critical areas or natural resource lands would be considered as part of the decision to issue a permit when an application is reviewed.

#### Effect on other considerations

Included in the current Temporary Use Permit section (RMC 4-9-240), there are a number of uses listed to use as examples in creating a two tiered structure for TUPs and related public notice requirements. A form of this two tiered public notice process was created for the mobile food vendors, considered temporary uses, in December 2008 by Ordinance 5432 where such vendors in certain zones can receive a TUP over the counter and in other zones mobile food vendors require public notice. The uses, structures, and City-sponsored events that have been exempt from TUP requirements as listed in RMC 4-9-240 subsection B will continue to be exempt.

#### **Staff Recommendation**

Staff recommends that a tiered temporary use permit structure be established where some TUPs require public notification and others do not. Tier I uses would not require public notice and be reviewed under a Type I land use permit process as established in Renton Municipal Code 4-8-080H whereas Tier II uses would be reviewed under a Type II land use permit process, requiring a minimum public notification period. Public notification for a TUP signifies a mailing to all properties within 300 feet and that the notice of application is posted at the site. There are certain uses that staff believes require more administration and public notice than necessary. Below are examples of uses for each tier. Where a use is not listed, the Administrator or designee will determine which tier the use falls into. To determine which tier a use falls into, four factors will be evaluated. These factors are: consistency with the underlying zone, impact on surrounding uses, duration, and hours of operation. All projects are additionally evaluated by other criteria found in the Temporary Use code section. Most of the uses below in the tier categories are already listed in the Temporary Use section and would be consolidated into these tier categories. When SEPA (State Environmental Policy Act) is required, a different permit process is used to evaluate the project.

- Tier I (Public notice not required): Examples include activities allowed by the base zone, ancillary sales events, produce stands, mobile food vendors in the IL, IM, IH, CA, CV, and CD zones, auto sales events in the Automall, Christmas tree lots, and a temporary manufactured home for medical hardship.
- Tier II (Public notice required): Examples include activities limited or prohibited by the base zone, mobile food vendors not located in the IL, IM, CA, CV, and CD zones, and storage trailers. Other uses in this Tier II category include circuses, carnivals, fairs, or similar transient amusement or recreational activities. Also included are model homes, equaling the lesser of five homes or twenty percent (20%) of the total lots, when located within the subdivision or residential development to which they pertain.

### **Implementation Requirements**

Sections in Title IV of the City Code should be amended to reflect this proposal. These code sections are as follows: 4-2-060R Temporary Uses in the Zoning Use Table and related conditions; 4-8-080G Land Use Permit Procedures; 4-8-080H Type I and Type II Land Use Permits; and the 4-9-240 Temporary Use Permit section. A number of housekeeping amendments will be made as part of this proposal to create consistency between the Permit Procedures and Permit Review Processes sections, 4-8-080G and 4-8-080H respectively.

The following attachments reflect the above changes:

- Attachment A: 4-1-170 Land Use Review Fees
- Attachment B: 4-2-060R Temporary Uses, Zoning Use Table
- Attachment C: 4-8-080G Land Use Permit Procedures
- Attachment D: 4-8-080H Review Processes
- Attachment E: 4-9-240 Temporary Use Permits