

ORDINANCE NO. 2026-952

AN ORDINANCE OF THE CITY OF MILL CREEK, WASHINGTON ADOPTING THE SOUTH TOWN CENTER SUBAREA PLAN; ADOPTING NEW CHAPTERS 17.08 AND 17.46 TO THE MILL CREEK MUNICIPAL CODE; AMENDING CHAPTERS 14.17, 17.02, 17.21, 17.22; DESIGNATING THE SOUTH TOWN CENTER SUBAREA PLAN AS A PLANNED ACTION; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the State Environmental Policy Act (“SEPA”) and implementing rules provide for the integration of environmental review with land use planning and project review through designation of planned actions by jurisdictions planning under the Growth Management Act (“GMA”); and

WHEREAS, in 2019 the City obtained a Washington State Department of Commerce (“Commerce”) grant and hired a consultant, Otak, Inc., to develop a land use and infrastructure plan for the Mill Creek Boulevard corridor; and

WHEREAS, in June 2022, work on the Mill Creek Boulevard Subarea Plan concluded, resulting in recommendations to be implemented as part of the 2024 Comprehensive Plan periodic update; and

WHEREAS, the City created the South Town Center Subarea and rezoned the subarea to TC – Town Center as part of the 2024 periodic update to implement the recommendations of the Mill Creek Boulevard Subarea Plan; and

WHEREAS, in May, 2025, the City hired a consultant, GGLO, to assist with the preparation of a subarea plan, environmental impact statement (“EIS”) and planned action ordinance for the South Town Center Subarea; and

WHEREAS, the project goals identified for the South Town Center Subarea Plan (“Subarea Plan”) are to 1) Extend and enhance Town Center, 2) Support long-term community and economic vitality, and 3) Align growth with infrastructure, mobility, and sustainability; and

WHEREAS, on October 3, 2025, the City issued a Determination of Significance for the Subarea Plan which identified three alternative subarea proposals for analysis including a no-action alternative and which solicited public feedback on the scope of the EIS during a 25-day comment period; and

WHEREAS, the City received no public comment on the scope of the EIS during the EIS scoping period at either the public hearing on October 7, 2025, or during the comment period; and

WHEREAS, on January 27, 2026, the City issued a Draft EIS for the Subarea Plan and solicited public feedback during a 45-day comment period; and

WHEREAS, the City received 29 written comment letters during the Draft EIS comment period, and three individuals provided comments during the Draft EIS public hearing on March 3, 2026; and

WHEREAS, on March 19, 2026, the Planning Commission adopted Resolution 2026-183 recommending the selection of Alternative 3A as the preferred alternative for the Subarea Plan in the EIS; and

WHEREAS, on March 24, 2026, the City Council adopted Resolution 2026-823 identifying Alternative 3A as the preferred alternative for the Subarea Plan in the EIS; and

WHEREAS, on July 17, 2026, the City issued a Final EIS for the Subarea Plan and there were no appeals; and

WHEREAS, the City conducted extensive community engagement for the Subarea Plan using multiple methods, including outreach at the Mill Creek Festival, town halls, stakeholder and property-owner discussions, volunteer board and commission workshops, online engagement and project website updates, direct business and tenant outreach, and email and social media communications, in addition to the formal public comment opportunities provided during the EIS process; and

WHEREAS, staff has prepared amendments (“Amendments”) to the Mill Creek Municipal Code updating Chapters 14.17, 17.02, 17.21, and 17.22 and creating two new chapters, 17.08 and 17.46, in order to implement the goals of the Subarea Plan by creating a new Urban Form Overlay District and Development Incentive Program; and

WHEREAS, on July 25, 2026, the Subarea Plan and associated Amendments were submitted to Commerce for review, as required by RCW 36.70A.106; and

WHEREAS, on July 27, 2026, the Planning Commission held a public hearing on the Subarea Plan and associated Amendments and solicited public testimony; and

WHEREAS, on July 27, 2026, the Planning Commission adopted Resolution 2026-184 recommending adoption of the Subarea Plan and associated Amendments; and

WHEREAS, the City Council finds that adoption of the Subarea Plan and associated Amendments is in the public interest, and will advance the public health, safety and welfare for the reasons set forth above, and is consistent with the Comprehensive Plan, the GMA, Chapter 17.38 MCMC, and other applicable state and federal laws; and

WHEREAS, the City Council therefore desires to adopt the Subarea Plan and associated Amendments as recommended by the Planning Commission in Resolution 2026-184; and

WHEREAS, in accordance with RCW 43.21C.440, the City desires to designate a planned action for the Subarea Plan; and

WHEREAS, as required by WAC 197-11-164, the planned action is for the purpose of implementing development identified in the Subarea Plan, has significant impacts adequately addressed in the EIS, is located within an urban growth area, and will not include essential public facilities; and

WHEREAS, the City's environmental policy in MCMC 18.04.070, provides for planned actions within the City; and

WHEREAS, Chapter 14.17 MCMC, as amended by the Amendments, establishes procedures to determine whether developments qualify as planned actions, establishes the procedure for reviewing and making decisions on planned actions, and authorizes the Subarea Plan as a planned action; and

WHEREAS, the Subarea Plan and associated Amendments will guide the allocation, form, and quality of desired development under the Planned Action;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Recitals. The recitals set forth in this ordinance are hereby incorporated as if fully set forth herein, and are adopted as findings of the City Council in support of this ordinance.

Section 2. South Town Center Subarea Plan Adopted. The City Council hereby adopts the South Town Center Subarea Plan, attached as **Exhibit A** and incorporated herein by this reference.

Section 3. Mill Creek Municipal Code Amended. Chapters 14.17, 17.02, 17.21, 17.22 MCMC are hereby amended as shown in **Exhibit B**, attached and incorporated herein.

Section 4. New Mill Creek Municipal Code Chapters Adopted. New Chapter 17.08, entitled “Urban Form Overlay District,” and new Chapter 17.46, entitled “Development Incentive Program,” as set forth in **Exhibit B** and incorporated herein by this reference, are hereby adopted and added to the Mill Creek Municipal Code.

Section 5. Planned Action Designated.

- A. The South Town Center Subarea, as defined in the Comprehensive Plan, is hereby designated a planned action pursuant to RCW 43.21C.440 and WAC 197-11-164 through 197-11-172.
- B. Development proposals within the South Town Center Subarea may qualify as planned actions if they meet all criteria in Chapter 14.17 MCMC.
- C. The types of development eligible for planned action treatment include those consistent with the land uses, densities, heights, and other development standards analyzed in the Final EIS and permitted under the Town Center zoning district and Urban Form Overlay District.
- D. Essential public facilities as defined in RCW 36.70A.200 are excluded from the planned action designation, consistent with WAC 197-11-164(1)(e).

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 7. Corrections. Upon approval of the city attorney, the city clerk or code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state or federal laws, rules or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 8. Publication and Summary. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

Section 9. Amendments Filed. The Subarea Plan and associated amendments and new chapters of the MCMC will be transmitted to Commerce within ten days of final adoption as required by RCW 36.70A.106(2) and (3)(a) and filed with the City Clerk’s office to be available for public inspection.

Section 10. Effective Date. This Ordinance will be in full force and effect five days after its passage and publication.

PASSED by the City Council this 1st day of September, 2026, by a vote of 5 yeas,
2 nays, and 0 abstaining.

CITY OF MILL CREEK

By S. Vignal
STEPHANIE VIGNAL, MAYOR

Attest:

By L. Holmes
LEAH HOLMES, CITY CLERK

Approved as to form:

By _____
TERRY WEINER, CITY ATTORNEY

Date of publication: 9/4/2026
Effective Date: 9/11/2026

Chapter 14.17

PLANNED ACTIONS

Sections:

- 14.17.010 Purpose.
- 14.17.020 Findings related to the ~~((SR-527))~~ South Town Center subarea and planned action.
- 14.17.030 Application of this chapter.
- 14.17.040 Review procedures for proposed planned actions and implementing projects.
- 14.17.050 Substantive criteria for evaluating proposed planned actions.
- 14.17.060 Authorization of planned actions.
- 14.17.070 Procedures applicable to approved planned actions.
- 14.17.080 Promulgation of rules.
- 14.17.090 Environmental documents for ~~((SR-527))~~ South Town Center planned actions.

14.17.010 Purpose.

The purposes of this chapter are as follows:

- A. Establish a procedure to determine whether certain developments will qualify as planned actions consistent with this chapter, RCW ~~((43.21C.034))~~ 43.21C.440 and WAC 197-11-164 through 197-11-172.
- B. Establish the procedure for reviewing and making decisions on approved planned actions.
- C. Authorize the ~~((SR-527))~~ South Town Center subarea as a planned action.

14.17.020 Findings related to the ~~((SR 527))~~ South Town Center subarea and planned action.

After thorough review and consideration, the city council makes the following findings:

- A. The ~~((SR-527 subarea corridor plan ("subarea plan")))~~ South Town Center subarea plan and its accompanying ~~((draft and final supplemental))~~ environmental impact statement (~~((("SEIS"))~~ "EIS") have analyzed and addressed all of the probable environmental impacts associated with the land uses allowed by the city's development regulations and described in the subarea plan as to the ~~((SR-527))~~ South Town Center subarea.
- B. The analysis contained in the South Town Center subarea plan and ~~((SEIS))~~ EIS is adequate to identify the probable environmental impacts of developments allowed under the city's development regulations which were not previously analyzed in the comprehensive plan and its accompanying environmental documents.
- C. The mitigation measures identified in the ~~((environmental element of the subarea plan and SEIS))~~ EIS, together with the mitigation procedures in the city's development code, are adequate to identify and mitigate the probable environmental impacts of the land uses and developments considered in the South Town Center subarea plan and ~~((SEIS))~~ EIS.
- D. The expedited permit review procedure in this chapter is consistent with law, will be a benefit to the public, will protect the environment, and will enhance the city's economic development.
- E. The public interest will be served by implementing the expedited development review procedure set forth in this chapter.
- F. Public involvement and review of the South Town Center subarea plan and ~~((SEIS))~~ EIS have been extensive and meet the requirements of law, and have been sufficient to ensure that the subarea plan and SEIS bear a substantial relationship to the public interest, health, safety, and welfare.
- G. The land uses identified in the subarea plan for the ~~((SR-527))~~ South Town Center subarea are consistent with and will implement the comprehensive plan.
- H. The ~~((SR-527))~~ South Town Center subarea is hereby designated a planned action.

14.17.030 Application of this chapter.

A. Whenever a development is proposed in the ~~((SR-527))~~ South Town Center subarea which an applicant or the director believes may qualify as a planned action under this chapter, such proposed development shall be reviewed under the requirements of this chapter.

B. Any other planned action (besides the ~~((SR-527))~~ South Town Center subarea) shall also meet the requirements of this chapter, be approved by the director, and be designated as a planned action by resolution or ordinance of the city council before it shall be entitled to subsequent review and treatment as a planned action.

C. An “approved planned action” means a development that:

1. Has been reviewed in accordance with this chapter;
2. Has been found to be consistent with any applicable subarea plan, EIS, the comprehensive plan, and related environmental analyses;
3. Has had its significant environmental impacts adequately analyzed as part of an EIS prepared in conjunction with any qualifying action described in WAC 197-11-164;
4. Has had required and appropriate mitigation measures identified and applied to the project; and
5. Has been designated by ordinance or resolution of the city council as a planned action in accordance with WAC 197-11-168.

D. Developments that are not designated as planned actions pursuant to this chapter, or whose significant environmental impacts have not been addressed in a subarea plan and/or EIS, shall not qualify as planned actions, but may proceed through the standard development review process.

14.17.050 Substantive criteria for evaluating proposed planned actions.

Every planned action shall meet the following substantive criteria in order to qualify as a planned action under this chapter; provided, that the director shall require such additional information and shall consider such additional factors and criteria as ~~((he))~~ the director deems necessary to carry out the terms of this chapter:

A. The proposed development shall meet all of the requirements for planned actions under this chapter, RCW ~~((43.21C.034))~~ 43.21C.440, Chapter 36.70A RCW, and Chapter 197-11 WAC.

B. The proposed development shall be located within the boundaries of a subarea or other plan area which shall be less than the boundaries of the city itself.

C. The zoning designation of the property upon which the proposed development will be located shall be consistent with the designations analyzed in the subarea or other plan and EIS, and shall otherwise be permitted by and consistent with the development code.

D. The proposed development:

1. Shall comprise a specific land use or activity described in the subarea or other plan and EIS or comprise a use or activity allowed by the development code, and shall be within the range of land uses, environmental impacts, and mitigation measures identified in the subarea or other plan and EIS; and
2. Shall be determined by the director to be a use that implements the subarea or other plan and the comprehensive plan.

E. The significant environmental impacts of the proposed development:

1. Shall not exceed those described and analyzed in the subarea or other plan and EIS;
2. Shall have been adequately analyzed and addressed in the subarea or other plan and EIS; and

3. Shall have been or can be mitigated through the application of the mitigation measures described in the subarea or other plan and EIS.

F. The proposed development shall not be an essential public facility.

14.17.090 Environmental documents for ~~((SR-527))~~ South Town Center planned actions.

The ~~((SR-527))~~ South Town Center subarea plan and ~~((SEIS))~~ EIS, including all identified and/or potential mitigation measures, are hereby incorporated into this chapter and adopted by this reference as though set forth in full. The ~~((environmental element of the SR-527 subarea plan and SEIS))~~ EIS, together with the development code, shall provide the framework for the decision by the city to impose mitigation conditions on a planned action within the ~~((SR-527))~~ South Town Center subarea. Other environmental documents and studies listed in the ~~((SR-527))~~ South Town Center subarea plan and ~~((SEIS))~~ EIS may be used to assist in analyzing impacts and determining appropriate mitigation measures in accordance with this chapter.

Chapter 17.02

~~((ZONE))~~ ZONING DISTRICTS

Sections:

17.02.010	Purpose.
17.02.020	Residential zones established.
17.02.030	Commercial ~~((zones))~~ <u>mixed-use districts</u> established.
<u>17.02.035</u>	<u>Urban center districts established.</u>
17.02.040	Business and industrial zones established.
<u>17.02.045</u>	<u>Overlay districts established.</u>
17.02.050	Compliance required.
17.02.060	Areas designated.
17.02.070	~~((Zone))~~ <u>Zoning</u> district boundaries.
17.02.080	Interpretation of boundaries.
17.02.090	Limitations.

17.02.010 Purpose.

The purpose of this chapter includes, but is not limited to, the following:

A. To implement the comprehensive plan, including subarea plans, for the physical development of the city by regulating and providing for existing and planned uses as specified in the comprehensive plan.

B. To protect the character and the social and economic stability of residential, commercial, industrial and other land uses to allow appropriate uses of such land, to preserve property values, and to ensure the orderly and beneficial development of land and its uses by:

1. Reserving and retaining appropriate areas for each type of use;
2. Preventing encroachment into these areas by incompatible uses; and
3. Regulating the use of individual parcels of land to prevent unreasonable detrimental effects on nearby uses.

C. To preserve and enhance the aesthetic and natural features of the city by:

1. Establishing high standards of environmental protection;
2. Providing for design and environmental review of proposed actions and projects;
3. Providing open space and recreation assets consistent with the comprehensive plan; and
4. Preserving wooded areas, wherever possible, to ensure adequate habitat for fish and wildlife.

D. To establish a system of zoning districts that includes:

1. Primary districts that apply to all land within the city and establish use and development regulations; and
2. Overlay districts that may be applied in addition to a primary district to modify, supplement, or supersede certain regulations where unique circumstances, performance standards, or community objectives warrant additional requirements or flexibility.

17.02.030 Commercial ~~((zones))~~ mixed-use districts established.

Commercial ~~((zones))~~ mixed-use primary districts are established to provide for the sale of consumer goods and services appropriate to the area and scale of the community they serve and to ensure the compatibility with nearby land uses. ~~((Limited residential may be permitted in some commercial zones))~~ Residential uses are also allowed

when integrated into mixed-use developments to generate a local customer base for nearby businesses and promote convenient, accessible, and sustainable land use patterns. The commercial ~~((zones))~~ mixed-use districts are:

A. CB: Community Business.

B. NB: Neighborhood Business.

~~((C. TC: Town Center.~~

~~D. EGUV: East Gateway Urban Village.))~~

17.02.035 Urban center districts established.

Urban center primary districts are established to provide compact, mixed-use, pedestrian-oriented districts that support higher-intensity residential, commercial, institutional, and public uses. These districts are located in areas with strong arterial and transit access and are intended to create active urban communities, promote walkability, and reduce vehicle trips through a concentration of complementary uses. The urban center districts are:

A. TC: Town Center.

B. EGUV: East Gateway Urban Village.

17.02.045 Overlay districts established.

Overlay districts are established to address special circumstances, community objectives, or area-specific conditions that warrant regulations different from, or in addition to, those of the underlying primary district. Overlay districts are applied to designated geographic areas and modify, supplement, or supersede certain development standards, permitted uses, or administrative processes. The following overlay district is established:

A. UFO Urban Form Overlay.

17.02.050 Compliance required.

A. All uses and structures shall conform to the special requirements of the ~~((zone))~~ primary district and any applicable overlay districts within which they are located, the other requirements of this title, and the comprehensive plan.

B. In the event that uses not specifically mentioned in this title due to advancing technology or any other reason arise, the following shall apply:

1. The director of community development may permit such use to be established following the applicant's showing that the use conforms to the designated uses of the district where it is to be located, and that it is consistent with the purposes of the ~~((zone))~~ zoning district and the comprehensive plan.

2. The director may only classify such use as a secondary or conditional use and shall prepare a written determination of all such classifications. Notice of the determination shall be provided to adjacent property owners and shall be subject to the provisions of MCMC 14.07.020.

C. Where more than one part of this title applies to the same proposed use or development or elements thereof, all applicable provisions ~~((shall))~~ apply. In the case of an explicit conflict, requirements of an applicable overlay district take precedence; otherwise the more restrictive requirement ~~((shall apply))~~ applies.

D. All land uses and development authorized by this title shall comply with all other regulations and/or requirements of this title and any other local, state or federal agency that has jurisdiction over land uses and development. Where a difference exists between this title and other public regulations, the more restrictive requirements shall apply.

17.02.060 Areas designated.

~~((All land within the city of Mill Creek shall be included in a zone district.))~~ All land within the city of Mill Creek must be included in exactly one primary district. Land may also be included within one or more overlay districts.

17.02.070 ~~((Zone))~~ Zoning district boundaries.

The location of the various ~~((zone districts))~~ zoning districts are shown on the official zoning map of the city of Mill Creek, which is part of this title.

17.02.080 Interpretation of boundaries.

~~((Zone district))~~ Zoning district boundaries indicated on the zoning map ~~((shall be))~~ are interpreted as follows:

- A. Where boundaries are indicated along streets, the boundaries ~~((shall be))~~ are the centerline of the street.
- B. Where boundaries are indicated along established lot lines, the boundary ~~((shall be))~~ is the lot line.
- C. Where boundaries are indicated as following lines of ordinary high water, or government meander line, said lines ~~((shall be))~~ are considered to be the boundary line. If these lines should change, the ~~((zone))~~ zoning district boundaries ~~((shall be considered to))~~ move with them.
- D. Upon vacation of a street, the ~~((zone))~~ zoning district boundaries of abutting properties ~~((shall be))~~ are extended to the dividing line of the vacated street unless by law the property boundaries do not follow the centerline, in which case the ~~((zone))~~ zoning district boundaries ~~((shall be))~~ are extended to the new property boundary.
- E. All lands annexed to the city shall be pre-zoned pursuant to RCW 35A.14.330 to be consistent with the land use map of the comprehensive plan.
- F. In other cases where a ~~((zone))~~ zoning district boundary is not indicated to follow a property line or public right-of-way, the boundary line is as drawn, based upon the scale shown on the zoning map.

Chapter 17.08

URBAN FORM OVERLAY DISTRICT

Sections:

<u>17.08.010</u>	<u>Applicability.</u>
<u>17.08.020</u>	<u>Active commercial corridors.</u>
<u>17.08.030</u>	<u>Middle housing.</u>
<u>17.08.040</u>	<u>Parking.</u>
<u>17.08.050</u>	<u>Setbacks.</u>
<u>17.08.060</u>	<u>Open space.</u>
<u>17.08.070</u>	<u>Massing and materials.</u>
<u>17.08.080</u>	<u>Ground floor frontages.</u>

17.08.010 Applicability.

The requirements of this chapter apply within the South Town Center subarea.

17.08.020 Active commercial corridors.

A. The following active commercial corridors are designated pursuant to MCMC 17.22.080:

1. Main Street; and
2. Mill Creek Boulevard.

B. Permitted uses in active commercial corridors must comply with MCMC 17.22.080.

17.08.030 Middle housing.

Middle housing must not exceed 20 percent of the total number of dwelling units within new subdivisions, short subdivisions, and binding site plans.

17.08.040 Parking.

A. Off-Street Parking Minimums. The off-street parking requirements in Table 17.08.040(A) apply unless Chapter 17.27 MCMC establishes a lower minimum, in which case the lower requirement applies.

<u>Table 17.08.040(A) Off-Street Parking</u>	
<u>Uses</u>	<u>Required Spaces</u>
<u>COMMERCIAL</u>	
<u>Commercial recreation and assembly</u>	<u>2 per 1,000 square feet</u>
<u>Food and beverages</u>	<u>4 per 1,000 square feet</u>
<u>General retail sales and services</u>	<u>3 per 1,000 square feet</u>
<u>Lodging</u>	<u>1 per sleeping unit</u>
<u>Offices</u>	<u>2 per 1,000 square feet</u>
<u>INSTITUTIONAL AND CIVIC</u>	
<u>Community services</u>	<u>2 per 1,000 square feet</u>
<u>RESIDENTIAL</u>	
<u>Multi-unit dwelling (0-1 Bedrooms)</u>	<u>1</u>
<u>Multi-unit dwelling (2+ Bedrooms)</u>	<u>1.25</u>

B. Surface Parking Maximum. Surface parking lots are limited to 100 parking spaces.

17.08.050 Setbacks.

<u>Table 17.08.050 Setbacks</u>		
<u>Setback</u>	<u>Minimum</u>	<u>Maximum</u>
<u>Front</u>	<u>0 feet</u>	<u>10 feet</u>
<u>Side and rear</u>	<u>0 feet</u>	<u>None</u>

17.08.060 Open space.

A. Minimum Open Space. All development must provide at least 100 square feet of open space per dwelling unit up to 25 percent of the total development site.

B. Alternative Open Spaces. Common areas such as indoor recreation and amenity spaces or elevated spaces such as rooftops, balconies, or stepbacks may be counted toward the minimum open space requirement when they are designed for active or passive resident use, are accessible to all building occupants, and remain available for such use during normal operating hours. Qualifying indoor or elevated spaces must provide functional, usable space comparable in quality to outdoor areas.

C. Restrictions.

1. Minimum Dimensions. Open spaces, excluding indoor and elevated open spaces, must have a minimum area of 800 square feet, and each side must be at least 15 feet.

2. Required landscaped areas and critical areas do not qualify as open space.

17.08.070 Massing and materials.

A. Articulation.

1. Primary Articulation. Building massing must incorporate major shifts in plane, upper-level setbacks, or distinct building volumes to break down long façades and reduce perceived bulk.

2. Secondary Articulation. Façades must incorporate balconies, bays, recesses, material changes, columns, storefront modules, or similar features that create depth and visual rhythm.

3. Minimum Articulation Spacing Intervals. To ensure consistent façade variation and avoid uninterrupted wall planes, articulation elements must be spaced at the following minimum intervals:

a. Primary articulation: 100 feet.

b. Secondary articulation: An average of 30 feet at regular 20-to-40-foot intervals.

B. Building Length.

1. Maximum: 180 feet measured along the primary façade plane above the ground floor.

C. Stepbacks. Stepbacks are required above the second or third story adjacent to active commercial corridors and may also be required in transition zones under subsection E of this section. A stepback is measured horizontally from the exterior wall plane of the story immediately below.

1. Minimum active commercial corridor stepback: 8 feet.

D. Transition Zones.

1. Applicability. Transition zone requirements apply to the portions of buildings that exceed the maximum height of the underlying primary district and are adjacent to any of the following:

a. SR 527;

b. 164th Street Southeast; and

c. The northern boundary of the South Town Center Subarea.

2. Transition Zone Options. Developments in transition zones must provide either a floor plate reduction or stepback meeting the following standards:

a. Floor Plate Reductions.

i. Maximum building massing width: 70 feet.

ii. Minimum separation between massing elements: 50 feet.

b. Stepbacks. Minimum transition zone stepback: 10 feet.

17.08.080 Ground floor frontages.

<u>Table 17.08.080 Ground Floor Frontage Standards</u>		
<u>Standards</u>	<u>Requirements</u>	<u>Additional Requirements</u>
<u>Frontage continuity</u>	<u>At least 70% of frontage occupied by building frontage along active commercial corridors</u>	
<u>Ground floor-to-floor height</u>	<u>Minimum: 18 feet</u>	<u>Applies only to nonresidential uses</u>
<u>Ground level transparency</u>	<u>Nonresidential minimum: 75%</u> <u>Residential minimum: 30%</u>	<u>Measured between two and eight feet above grade</u>
<u>Residential stoop elevation</u>	<u>Minimum: 18 inches above adjacent sidewalk grade</u>	<u>May be reduced at the discretion of the city engineer due to grading or accessible entry requirements</u>
<u>Maximum blank wall length</u>	<u>General: 30 feet</u> <u>Active commercial corridor: 20 feet</u>	<u>Blank walls must be interrupted by windows, entrances, material changes, public art, landscaping, or façade articulation</u>
<u>Maximum parking and service frontage</u>	<u>General: 60 feet</u> <u>Active commercial corridor: Not allowed</u>	<u>Must be screened with low walls and landscaping. Must be located midblock where feasible</u>
<u>Primary entry frequency</u>	<u>Entrance at least every 75 feet</u>	
<u>Overhead weather protection</u>	<u>General nonresidential: 50% of frontage</u> <u>Active commercial corridor: 75% of frontage</u> <u>Nonresidential public entries: 100% of frontage</u>	<u>Minimum width: 6 feet</u> <u>Minimum height above sidewalk: 8 feet</u>

Chapter 17.21

TC – TOWN CENTER

Sections:

- 17.21.010 Purpose.
- 17.21.020 Master development plan required.
- 17.21.030 Plan elements.
- 17.21.040 Principal uses.
- 17.21.045 Secondary uses.
- 17.21.050 Project design.
- 17.21.060 *Repealed.*
- 17.21.070 Maximum height.
- 17.21.080 Setbacks.
- 17.21.085 ~~((Streetscape and roadway buffer/cutting preserves))~~ Roadway buffers.
- 17.21.090 Major and minor modifications.
- 17.21.100 Recoupment of costs.
- 17.21.110 Open space and recreation facilities.

17.21.070 Maximum height.

~~((The maximum height shall be four stories not to exceed 50 feet, except for residential buildings, which shall be a maximum of five stories and 60 feet.))~~ The maximum building height is 60 feet.

17.21.085 ~~((Streetscape and roadway buffer/cutting preserves.))~~ Roadway buffers.

~~((Streetscape design and roadway buffer/cutting preserve tracts adjacent to arterial and collector streets shall be provided in accordance with the comprehensive plan, streetscape element. Roadway buffer/cutting preserves to be provided range from 35 feet from the right of way for nonresidential uses to 50 feet for residential uses adjacent to arterial streets.))~~ Roadway buffers with a minimum width of 15 feet are required adjacent to SR 527.

Chapter 17.22

GENERAL PROVISIONS AND STANDARDS

Sections:

- 17.22.010 Scope.
- 17.22.020 Landscaping.
- 17.22.030 Yard setbacks.
- 17.22.040 Fences and hedges.
- 17.22.050 Accessory buildings.
- 17.22.060 Required open space.
- 17.22.070 Outside storage, sales and displays.
- 17.22.080 Active commercial corridors.
- 17.22.090 Antennas.
- 17.22.100 Barrier-free access.
- 17.22.110 Undergrounding of utilities.
- 17.22.120 Comprehensive plan – Concurrency and consistency required.
- 17.22.130 Accessory dwelling units.
- 17.22.140 Marijuana.
- 17.22.150 Residential density.

17.22.080 Active commercial corridors.

A. Purpose. Active commercial corridors are designated streets or public areas where adjacent frontages are required to contain active commercial uses in order to support pedestrian activity, create a walkable environment, and promote economic vitality.

B. Active Commercial Uses. Active commercial uses include:

1. Commercial recreation and assembly;
2. Food and beverages;
3. Retail;
4. Personal services shops;
5. Lodging; and
6. Any other use consistent with the purpose of this section if approved by the director.

C. Frontage Standards. Active commercial uses are required for all lots adjacent to active commercial corridors as follows:

1. At least 70 percent of ground-floor building frontage abutting the corridor; and
2. The first 30 feet of ground-floor building frontage extending from each intersection corner along both the corridor and the intersecting street.

Chapter 17.46

DEVELOPMENT INCENTIVE PROGRAM

Sections:

- 17.46.010 Purpose.**
- 17.46.020 Public benefits.**
- 17.46.030 Available incentives.**
- 17.46.040 Compliance, monitoring, and revocation.**
- 17.46.050 Promulgation of rules.**
- 17.46.060 Height incentive.**

17.46.010 Purpose.

The purpose of this chapter is to establish a clear, consistent, and predictable framework for development incentives that support community goals and encourage high-quality, sustainable growth. This chapter identifies eligible areas, defines available incentive types, and outlines the standards, procedures, and public benefits required to obtain incentives. The intent is to align private development with adopted land use, housing, economic, and environmental objectives; promote efficient use of land and infrastructure; promote desirable urban form; and provide meaningful community outcomes such as affordable housing, public amenities, and environmental enhancements. These provisions are designed to offer flexibility, reduce barriers to development, and encourage investment while ensuring that all incentives are implemented in a transparent and equitable manner.

17.46.020 Public benefits.

This section identifies specific public benefits that may qualify a development for incentives under this chapter. These benefits support community goals related to economic vitality, housing choice, and homeownership opportunities. Eligible developments must demonstrate compliance with the standards below.

A. Active Frontages. A development may qualify by providing active frontage that supports walkability and economic vitality. To meet this standard, at least 70 percent of the ground-floor building frontage must be designed and constructed for nonresidential uses.

B. Family-Sized Dwelling Units. A development may qualify by providing family-sized dwelling units. To meet this standard, at least 30 percent of all dwelling units must contain three or more bedrooms.

C. For-Sale Dwelling Units. A development may qualify by providing a defined portion of dwelling units as for-sale housing in order to increase opportunities for homeownership. To meet this standard, at least 20 percent of all dwelling units must be constructed and sold as for-sale condominiums or other eligible ownership housing types in accordance with applicable state regulations.

17.46.030 Available incentives.

This section identifies the development incentives available to eligible developments within designated incentive areas. Incentives may be granted individually or in combination, subject to the criteria and limitations established in this chapter.

A. Height Incentive. Eligible developments may receive additional building height beyond the maximum allowed in the zoning district as provided in MCMC 17.46.060.

17.46.040 Compliance, monitoring, and revocation.

A. Maintenance of Public Benefits. Public benefits used to qualify a development for development incentives under this chapter must be maintained for the duration specified in the development approval, covenant, or land use permit. Unless otherwise stated, public benefits must be preserved for the life of the development.

B. Verification and Monitoring.

1. The city may require documentation, annual reporting, or other verification necessary to ensure continued compliance with the approved public benefit.

2. The city may conduct periodic inspections or audits to confirm compliance.

C. Revocation or Loss of Public Benefit. If a public benefit is removed, discontinued, or materially altered such that it no longer meets the standards of MCMC 17.46.020, the development is considered out of compliance with the conditions under which the incentive was granted.

D. Required Remedies. Upon revocation or loss of a public benefit, the property owner must remedy the deficiency through one or more of the following methods, as determined by the director:

1. Restoration of the public benefit to full compliance;
2. Provision of an alternative public benefit equal or greater in value, subject to approval by the director;
3. Payment of an in-lieu fee in an amount established by the city council reflecting the value of the incentive received; or
4. Enforcement actions under Chapter 14.13 MCMC as necessary to correct or remedy the deficiency.

E. Incentive Revocation.

1. If the deficiency is not remedied, the city may revoke the incentive and require compliance with the development standards applicable absent the incentive, to the extent legally and physically feasible.
2. Revocation may include restrictions on future permits, certificates of occupancy, or business licenses until compliance is restored.

F. Covenants. Developments receiving incentives must record a covenant or equivalent instrument approved by the director ensuring that required public benefits are maintained.

17.46.050 Promulgation of rules.

The director is authorized to promulgate rules and procedures necessary for the implementation of this chapter.

17.46.060 Height incentive.

A. Eligible Areas. The following areas are eligible for the height incentive:

1. South Town Center subarea.

B. Bonus Height. Developments providing one or more of the public benefits in MCMC 17.46.020 are eligible for a bonus height of up to 25 feet above the maximum height established in the underlying zoning district.