

**ORDINANCE NO. 20-2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON REPEALING CHAPTER 18.100 OF THE COVINGTON MUNICIPAL CODE (CMC) RELATING TO PROPERTY SPECIFIC DEVELOPMENT STANDARDS AND SPECIAL OVERLAY DISTRICTS; PROVIDING FOR CORRECTIONS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Chapter 35A.63 of the Revised Code of Washington (RCW) empowers the City of Covington (the "City") to enact planning and environmental regulations; and

WHEREAS, the city council finds that Chapter 18.100 CMC, Property Specific Development Standards/Special Overlay Districts, is an unnecessary and obsolete provision from the originally adopted King County Code (KCC) adopted upon incorporation of the city; and

WHEREAS, the city council further finds that the city's comprehensive plan does not identify the need for special property-specific development standards or overlay districts to implement land use policies or environmental regulations and that the regulatory intent of Chapter 18.100 CMC is already captured by Chapter 18.68 CMC, Critical Area Regulations, and the city's Shoreline Master Program, which address groundwater, aquifer, erosion hazards, and urban stream protection; and Chapter 18.31 CMC, Downtown Development and Design Standards, which promotes economic development in the downtown zones; and

WHEREAS, the city council finds that repealing Chapter 18.100 CMC in its entirety is necessary to resolve inconsistencies within the CMC; and

WHEREAS, city staff transmitted the proposal to repeal Chapter 18.100 CMC regulations to the Washington State Department of Commerce on August 9, 2016, as required under RCW 36.70A.106, and has received no comments from state agencies; and

WHEREAS, the city's SEPA Official conducted a SEPA review and issued a Determination of Non-Significance on September 9, 2016, for the proposed repeal of Chapter 18.100 CMC; and

WHEREAS, on October 6, 2016, the planning commission held a duly noticed public hearing, considered the proposal to repeal Chapter 18.100 CMC, and forwarded a recommendation for approval to repeal to the city council on October 25, 2016; and

WHEREAS, the city council finds that the proposed repeal of Chapter 18.100 CMC is consistent with the goals, objectives, and policies of the city's comprehensive plan; and

WHEREAS, the city council, upon review of the facts, findings, and recommendations of the planning commission, and after reviewing information provided by city staff, find that all applicable and substantive requirements of the law have been met, that the adoption of this ordinance promotes the public health, safety, and general welfare of the community, and that the adoption of this ordinance serves the public interest.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON,  
KING COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact.** The “Whereas” provisions above shall constitute Findings of Fact and are incorporated by reference as if fully set forth herein.

**Section 2. Chapter 18.100 CMC Repealed.** Chapter 18.100 CMC is hereby repealed in its entirety.

**Section 3. Savings.** The enactment of this ordinance shall not affect any application, case, proceeding, appeal, or other matter currently pending administratively or judicially in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

**Section 4. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 5. Corrections.** Upon approval of the city attorney, the city clerk and/or code codifier is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

**Section 6. Effective Date.** This ordinance shall be in full force and effect five (5) days after publication in the city’s newspaper of record. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

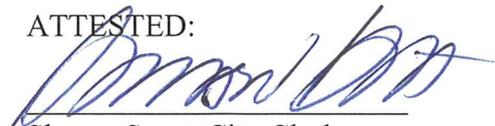
**PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON,  
WASHINGTON, at a regular meeting thereof on the 25<sup>th</sup> day of October, 2016, and signed  
in authentication of its passage.**

  
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Mayor Jeff Wagner

PUBLISHED: 10-28-2016

EFFECTIVE: 11-2-2016

ATTESTED:

  
\_\_\_\_\_  
Sharon Scott, City Clerk

APPROVED AS TO FORM ONLY:

  
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Sara Springer, City Attorney