

ORDINANCE NO. 26-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, AMENDING SELECT SECTIONS OF CHAPTERS 13.05, 13.25, 13.30, 18.20 AND 18.75 OF THE COVINGTON MUNICIPAL CODE, RELATING TO THE UPDATE OF THE LOW IMPACT DEVELOPMENT (LID) REQUIREMENTS OF THE CITY'S STORMWATER MANAGEMENT REGULATIONS TO COMPLY WITH THE REQUIREMENTS OF THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), WESTERN WASHINGTON PHASE II STORMWATER.

WHEREAS, Title 13 of the Covington Municipal Code (CMC) provides regulations for administering the City's storm and surface water programs; and

WHEREAS, this ordinance is intended to provide compliance with the National Pollution Discharge Elimination System (NPDES) Phase II Permit administered by the Washington State Department of Ecology (DOE) and in compliance with Federal Water Pollution Control Act Title 22 United States Code, Section 1251 et seq., Washington State Water Pollution Control Act RCW 90.48, and Washington Waste Discharge General Permit regulation WAC 173-226-130; and

WHEREAS, The City has operated under the Western Washington Phase II Stormwater Permit since it went into effect in 2007; and

WHEREAS, in 2012, DOE issued an updated Permit to be effective from August 1, 2013, through July 31, 2018. The updated Permit has built upon the requirements and programs developed under the original Permit and requires jurisdictions to revise their local development codes, rules, and standards, or other enforceable development documents, to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMPs) ("LID Updates"). These LID Updates must be implemented by December 31, 2016; and

WHEREAS, City staff transmitted the proposed amendments to Chapters 13.05, 13.25, 13.30 18.20 and 18.75 of the CMC to the Washington State Department of Commerce on October 20, 2016, as required under RCW 36.70A.106, and has received no comments from state agencies; and

WHEREAS, on October 6, 2016, the Covington Planning Commission held a duly noticed public hearing and considered and reviewed the proposed amendments to Chapters 13.05, 13.25, 13.30, 18.20 and 18.75 and forwarded a recommendation to the city council on October 20, 2016, to approve the proposed amendments. No comments were received from the public; and

WHEREAS, the City Council passed Ordinance 27-2016 in conjunction with this ordinance to adopt additional code amendments that implement and support stormwater LID BMPs; and

WHEREAS, the proposed amendments to Chapters 13.05, 13.25, 13.30, 18.20, and 18.75 of the CMC are consistent with the goals, objectives, and policies of the City's comprehensive plan; and

WHEREAS, the City Council of the City of Covington, upon review of the facts, findings, and recommendations of the Covington 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 13.05 CMC Amended. Chapter 13.05 of the Covington Municipal Code is hereby amended in the form as indicated by Exhibit 1 to this ordinance, attached hereto and incorporated by this reference.

Section 3. Section 13.25.020 CMC Amended. Section 13.25.020 of the Covington Municipal Code is hereby amended as follows:

(1) The following State and local regulations and guidelines pertaining to surface and stormwater design and management, and any subsequent amendments thereto, are adopted by reference, and shall be collectively referred to throughout this title as the "stormwater manuals":

(a) Washington State Department of Ecology Stormwater Management Manual for Western Washington ("Ecology Stormwater Manual");

(b) Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound;

(c) Washington State Department of Transportation Hydraulics Manual;

(d) City of Covington Design and Construction Standards, adopted by CMC 12.60; and

(e) The definitions, minimum requirements, adjustment, and variance criteria found in Appendix 1 of the NPDES Phase II Permit Western Washington

Phase II Municipal Stormwater Permit, except that the erosivity waiver is not adopted.

(2) Where there are differences between the Ecology Sstormwater Mmanual and Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit~~NPDES Phase II Permit~~, the most stringent criteria shall apply.

Section 4. New Section 13.25.025 Added. A new section 13.25.025 of the Covington Municipal Code is added as follows:

13.25.025 Definitions.

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows. Terms applicable to this chapter are defined in Chapter 18.20 CMC, adopted stormwater manuals and the Design and Construction Standards are applicable. If there is conflict, the definitions in the in the Design and Construction Standards shall govern.

(1) “AKART” means all known, available, and reasonable methods of prevention, control and treatment. AKART represents the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge.

(2) “Director” for the purpose of this chapter shall mean the Director of the Public Works Department or his/her designee unless otherwise explicitly designated.

(3) “Discharge” means to throw, drain, release, dump, spill, empty, emit or pour forth any matter, or cause or allow any matter to flow, run, or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted, or poured into any system regulated under this title.

(4) “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(5) “Hyperchlorinated” means water that contains more than 10 milligrams per liter of chlorine.

(6) “Illicit connection” means any manmade conveyance that is connected to the stormwater system without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the stormwater

system. Illicit connections for discharges to the sanitary sewer system are defined by the sewer district.

(7) “Illicit discharge” means any direct or indirect nonstormwater discharge to the stormwater drainage system that causes or contributes to a violation of State water quality, sediment quality, or groundwater quality standards including, but not limited to, sanitary sewer connections, industrial process water, interior floor drains, fuel islands, car washing, and gray water systems. Discharges from fire-fighting activities are not included in this definition. Illicit discharges for the sanitary sewer system are defined by the sewer district.

(8) “Minimum requirements” means the minimum requirements for stormwater management described in the adopted stormwater manuals.

(9) “Nonstormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

(10) “NPDES Phase II Permit” means the Western Washington Phase II Stormwater permit issued by the Washington State Department of Ecology in accordance with the National Pollution Discharge Elimination System as promulgated under the Clean Water Act.

(11) “Pervious surface” means a native vegetated surface converted to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing nonnative pervious surface that results in increased surface and stormwater runoff as defined in the adopted stormwater manuals.

(12) “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(13) “Redevelopment project” means a project that proposes one or more of the following modifications to a site that is already substantially developed (35 percent or more existing impervious surface coverage):

(a) The creation or addition of impervious surfaces;

(b) The expansion of a building footprint or addition or replacement of a structure;

(c) Structural development including construction, installation, or expansion of a building or other structure;

(d) Replacement of impervious surface that is not part of a routine maintenance activity;

(e) Land development activity; or

(f) Improvements to a previously developed site, regardless of existing impervious surface coverage, that cost \$100,000 or more.

(14) “Source control BMP” means a BMP intended to prevent contaminants from entering surface and stormwater or groundwater including the modification of processes to eliminate the production or use of contaminants. Source control BMPs may be either structural or nonstructural. Structural source control BMPs involve the construction of a physical structure on site or other type of physical modification to a site. An example of a structural source control BMP involves the modification or addition of managerial or behavioral practices. Nonstructural source control BMPs involve the modification of or addition of managerial or behavioral practices. An example of a nonstructural source control BMP is using less toxic alternatives to current products or sweeping parking lots.

(15) “Stormwater manuals” means the manuals, regulations, and standards adopted in CMC 13.25.020.

(16) “Stormwater Pollution Prevention Plan” or “SWPPP” means a document that describes the best management practices and activities to be implemented by the property owner to identify sources of pollution or contamination at a premises, and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(17) “Treatment BMP” means a BMP intended to remove contaminants once they are already contained in stormwater. Examples of treatment BMPs include but are not limited to oil/water separators, biofiltration swales, and wet settling facilities.

Section 5. Section 13.25.040 CMC Amended. Section 13.25.040 of the Covington Municipal Code is hereby amended as follows:

(1) Drainage review is required when any proposed project is subject to a City of Covington building or fill and grade permit, development permit or approval and:

(a) Would result in 2,000 square feet or more of new, replaced, or new plus replaced impervious surface; or

(b) Would involve 7,000 square feet or more of land-disturbing activity; or

(c) Would construct or modify a drainage pipe or ditch that is 12 inches or more in size or depth or receives surface and stormwater runoff from a drainage pipe or ditch that is 12 inches or more in size or depth; or

(d) Contains or is adjacent to a floodplain, stream, lake, wetland or closed depression, or a critical area as defined in Chapter 18.65 CMC excluding a volcanic hazard area; or

(e) Is located within a critical drainage area; or

(f) Is a redevelopment project proposing \$100,000 or more of improvements to a previously developed site.

(2) The drainage review for any proposed project will be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection (1) of this section, the Department of Community Development will determine which drainage reviews apply as specified in the stormwater manuals and Design and Construction Standards adopted in CMC Title 12.

(3) The drainage review for any proposed project within the downtown zone, subject to zoning regulations in CMC 18.31, shall implement additional stormwater management requirements outlined in CMC 18.31 and the Downtown Design Guidelines and Standards in addition to the regulations in this chapter. If a conflict exists, the more restrictive provision controls.

~~(43)~~ Fees for drainage plan review shall be subject to the fees as set forth in the specified in the current fee resolution.

Section 6. New Section 13.25.045 CMC Added. A new section 13.25.045 of the Covington Municipal Code is added as follows:

13.25.045 Drainage Design and Low Impact Development – Required

(1) All development proposals, shall conduct a Low Impact Development site analysis in accordance with the minimum requirements outlined in Chapter 7 of the Design and Construction Standards. The site analysis shall be submitted with a request for a preapplication meeting in accordance with Chapter 14. 35 CMC. Site analysis findings shall be a component of the development project submittal requirements.

(2) Projects that exceed the thresholds provided in CMC 13.25.040 shall submit a drainage report together with the required calculations, plans, and details. The

drainage report and supporting plan documents shall address the applicable minimum requirements and include the proposed BMPs to mitigate stormwater impacts.

(3) Projects that are below the threshold for submitting a drainage report but are above the threshold requiring stormwater review shall submit plans that document the proposed BMPs to mitigate stormwater impacts. The proposed BMPs shall address the applicable minimum requirements.

(4) Projects that propose \$100,000 or more of improvements to a previously developed site are subject to the minimum requirements for redevelopment projects. The Director of Public Works will determine the minimum requirements applicable to the project that shall be addressed in the drainage report.

(5) Stormwater generated on-site from all new impervious surfaces shall be managed through a combination of LID BMPs, in accordance with this chapter and the Design and Construction Standards, or other LID best management practices approved by the city through the design deviation process in CMC 13.25.050, unless site and soil conditions make LID infeasible as determined by the Public Works Director.

(6) If the Public Works Director determines that LID is not feasible due to site and soil conditions, the applicant shall evaluate LID alternatives provided in CMC 13.25.047.

(7) The following low impact development stormwater management BMPs are permitted outright and shall be designed in accordance with the adopted stormwater manuals.

(a) Bioretention areas. All bioretention areas shall be designed and constructed in accordance with the adopted stormwater manual. Bioretention areas shall be used instead of a conventional stormwater vault, or wet pond or permanent pool ponds.

(b) Amending construction site soils in accordance with Chapter 14.60 CMC.

(c) Permeable pavements not subject to vehicular use. Pervious surfacing for areas of a site that are typically impervious, not subject to vehicular use, shall be designed and constructed in accordance with the adopted stormwater manual and the manufacturer's recommendations.

(d). Disperse stormwater into a critical area, where outright permitted in accordance with Chapter 18.65 CMC. Stormwater dispersion shall comply with the design standards set forth in the Adopted stormwater manual and pursuant to city biologist approval.

Section 7. New Section 13.25.047 CMC Added. A new section 13.25.047 of the Covington Municipal Code is added as follows:

13.25.047 Low Impact Development - Optional

(1) Projects that propose the following low impact development BMPs shall be subject to the design deviation process in accordance with CMC 13.25.050. Any approved design deviation for the following shall be designed in accordance with the adopted stormwater manuals.

(a) Minimally invasive stormwater BMPs, such as, but not limited to, sediment traps, filter vaults and infiltration galleries, or other proprietary BMPs, as determined by the Director and based on a site analysis.

(b) Permeable pavements subject to vehicular use or within new or existing right-of-way.

(c) Vegetated roofs.

(d) Minimal excavation foundation systems.

(e) Roof rainwater collection systems that are within the minimum designation established by Washington State Department of Ecology;

(2) The city may require a three-year financial guarantee for performance for the use of optional low impact development stormwater facilities. The financial guarantee shall be posted in accordance with Chapter 14.105 CMC. This does not preclude the city from requiring the standard two-year maintenance financial guarantee in addition to the required performance financial guarantee.

(3) The city may require a maintenance program for the use of optional low impact development stormwater facilities that addresses the following:

(a) How all of the elements of the LID system will be maintained.

(b) The schedule for ongoing maintenance of all LID project facilities.

(c) The responsible party for ongoing maintenance of all LID project facilities.

Section 8. Section 13.25.050 CMC Repealed and Replaced. Section 13.25.050 of the Covington Municipal Code is hereby repealed in its entirety and replaced as follows:

13.25.050 Drainage review Design Deviations and Design Variances.

(1) Any applicant requesting to modify or deviate from any of the standards outlined in this chapter shall be subject to the design deviation and variance process as outlined in the Design and Construction Standards, as a Type 2 decision pursuant to the process established by Chapter 12.60 CMC.

(a) Additional information shall be submitted if required by the Director. The permit applicant shall be responsible for all costs associated with analyses, documentation and additional review time of the design deviation or variance, in accordance with the process established by the Director.

(b) Requests for a design deviation or variance from the minimum requirements may be considered for permits that have not yet expired; provided, that the design deviation or variance request is submitted a minimum of 90 calendar days prior to the permit expiration date. The 90-day requirement may be increased by the Director depending on the complexity of the design deviation or variance. The permit applicant is responsible for fully meeting the minimum requirements if the design deviation or variance is not approved prior to the permit expiration.

(c) Requests for a design deviation or variance from the minimum requirements will not be accepted within 90 days prior to the expiration date of the NPDES Phase II Permit.

(2) Any request for the following stormwater facilities shall be subject to a Type 3 variance land use decision in accordance with CMC 18.125. The applicant shall evaluate LID alternatives provided in CMC 13.25.047 and identify that soil and site conditions cannot accommodate LID BMPs prior to submitting a Type 3 variance request.

(a) Stormwater detention vault;

(b) Wet pond; or,

(c) Permanent pool ponds.

Section 9. Subsection 13.25.070(2) CMC Amended. Subsection 13.25.070(2) of the Covington Municipal Code is hereby amended as follows:

(2) All ~~master~~ drainage plans, ~~if required,~~ shall be submitted to the Department of Community Development for review in accordance with the stormwater manuals and in accordance with the underlying permit application requirements. ~~The A master drainage plan shall be submitted with any land use proposal that meets the thresholds in CMC 13.25.040. process should commence at the same time as the State Environmental Policy Act (SEPA) process.~~

Section 10. New Section 13.25.121 CMC Added. A new section 13.25.121 of the Covington Municipal Code is added as follows:

13.25.121 Connections or modifications to the existing stormwater system. Connections to or modifications of the stormwater system, including but not limited to modifying existing stormwater discharge patterns or constructing or relocating

facilities for the treatment, detention, or conveyance of stormwater, for the purpose of development, shall be allowed only if:

- (1) Prior to submitting a development proposal, for the use of an existing stormwater facility the applicant shall submit a formal request to the Public Works Director. The request should include an overview of existing conditions and proposed modifications to the stormwater facility.
- (2) All applicable requirements of this chapter, including upgrading the system to meet current stormwater design standards, including LID BMP's, to the maximum extent feasible, as determined by the Public Works Director, shall be met or alternative standards have been approved by the city as substantially equal.
- (3) The applicant shall be responsible for the cost of any system upgrades, including, feasibility and design assessment and construction. Any stormwater system modification shall be subject to the maintenance and bonding requirements in this chapter.

Section 11. New Section 13.30.010 CMC Added. A new section 13.30.010 of the Covington Municipal Code is added as follows:

13.30.010 Definitions.

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows. Unless otherwise defined in Chapter 18.20 CMC, the terms defined in the Design and Construction Standards are applicable. If there is conflict, the definitions in the in the Design and Construction Standards shall govern.

- (1) "Rate category" means the classification given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel.
- (2) "Surface and stormwater management services" means the services provided by the Public Works Department, including, but not limited to, basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and stormwater quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction.

Section 12. New Section 18.20.088 Added. A new section 18.20.088 of the Covington Municipal Code is added as follows:

18.20.088 Basin plan.

"Basin plan" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land

use management regulations adopted by ordinance for managing surface and stormwater within the basin.

Section 13. New Section 18.20.332.5 CMC Added. A new section 18.20.332.5 of the Covington Municipal Code is added as follows:

18.20.332.5 Drainage.

“Drainage” means the collection, conveyance, containment or discharge, or any combination thereof, of surface and stormwater runoff.

Section 14. Section 18.20.333 CMC Amended. Section 18.20.333 of the Covington Municipal Code is hereby amended as follows:

18.20.333 Drainage facility.

“Drainage facility” ~~See definition for Stormwater Management System. means a feature, constructed or engineered for the primary purpose of providing drainage, that collects, conveys, stores or treats surface water. A drainage facility may include, but is not limited to, a stream, pipeline, channel, ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment facility and erosion and sediment control facility.~~

Section 15. New Section 18.20.575.5 CMC Added. A new section 18.20.575.5 of the Covington Municipal Code is added as follows:

18.20.575.5 Groundwater.

“Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

Section 16. New Section CMC 18.20.632 Added. A new section 18.20.632 of the Covington Municipal Code is added as follows:

18.20.632 Improvement.

“Improvement” means a permanent, manmade, physical change to land or real property including, but not limited to, buildings, streets, driveways, sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, and landscaping.

Section 17. Section 18.20.732 CMC Amended. Section 18.20.732 of the Covington Municipal Code is hereby amended as follows:

18.20.732 Low impact development.

“Low impact development (LID)” is a stormwater management, site design, and engineering approach that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed

~~stormwater management practices that are integrated into a project design. Specific LID practices and standards are identified and referenced in Chapter 13.25 CMC and CMC Titles 12 and 18, with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized small-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Specific LID tools and standards are identified in the Low Impact Development Technical Guidance Manual for Puget Sound, or other equivalent manual adopted by the City.~~

Section 18. New Section 18.20.834 CMC Added. A new section 18.20.834 of the Covington Municipal Code is added as follows:

18.20.834 Parcel.

“Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the King County Assessor.

Section 19. New Section 18.20.875.5 CMC Added. A new section 18.20.875.5 of the Covington Municipal Code is added as follows:

18.20.875.5 Person.

“Person” means any individual, firm, association, co-partnership, corporation, governmental agency or political subdivision, whether acting by themselves or as a servant, agent or employee.

Section 20. New Section 18.20.899.3 CMC Added. A new section 18.20.899.3 of the Covington Municipal Code is added as follows:

18.20.899.3 Preapplication.

“Preapplication” means the meeting(s) or form(s) used by an applicant for a development permit to present initial project intentions to the Department of Community Development or its successor agency. “Preapplication” does not mean application.

Section 21. New Section 18.20.875.5 CMC Added. A new section 18.20.875.5 of the Covington Municipal Code is added as follows:

18.20.875.5 Premises.

“Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Section 22. New Section 18.20.999.5 CMC Added. A new section 18.20.999.5 of the Covington Municipal Code is added as follows:

18.20.999.5 Residence.

“Residence” means a building designed and/or used to house a single family. The definition of “residence” shall include trailers on an individual lot and multifamily and condominium units.

Section 23. Section 18.20.1013 CMC Amended. Section 18.20.1013 of the Covington Municipal Code is hereby amended as follows:

18.20.1013 Runoff.

“Runoff” “Runoff” means that portion of water originating from rainfall and other precipitation that flows over the surface or just below the surface from where it fell and is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow groundwater. ~~means water not absorbed by the soil in the landscape area to which it is applied.~~

Section 24. New Section 18.20.1068 CMC Added. A new section 18.20.1068 of the Covington Municipal Code is added as follows:

18.20.1068 Service area.

“Service area” means the incorporated areas of the City of Covington.

Section 25. New Section 18.20.1267.3 CMC Added. A new section 18.20.1267.3 of the Covington Municipal Code is added as follows:

18.20.1267.3 Stormwater.

“Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

Section 26. Section 18.20.975 CMC Repealed. Section 18.20.975 of the Covington Municipal Code is hereby repealed in its entirety.

Section 27. New Section 18.20.1232 CMC Added. A new section 18.20.333 of the Covington Municipal Code is hereby established as follows:

18.20.1232 Stormwater management facility.

“Stormwater management facility” means constructed facilities that collect, convey, treat, detain or retain stormwater runoff. Stormwater Management facilities may include, but are not limited to, such elements as concrete gutters, catch basins, manholes, storm pipe, ditches, swales, Low Impact Development Best Management Practices, water quality and flow control structures, and other facilities as approved by the city’s Stormwater Management Program.

Section 28. New Section 18.20.1233 CMC Added. A new section 18.20.1233 of the Covington Municipal Code is added as follows:

18.20.1233 Stormwater manuals.

“Stormwater manuals” means the manuals, regulations, and standards adopted in Title 13 CMC.

Section 29. New Section 18.20.1627 CMC Added. A new section 18.20.1627 of the Covington Municipal Code is added as follows:

18.20.1267.3 Surface water.

“Surface water” means all water naturally open to the atmosphere (rivers, lakes, reservoirs, streams, impoundments, seas, estuaries, etc.) and all springs, wells, or other collectors which are directly influenced by surface water.

Section 30. CMC 18.20.1267.5 Repealed in its entirety. Section 18.20.1267.5 of the Covington Municipal Code is hereby repealed in its entirety.

Section 31. New Section 18.20.1340 Added. A new section 18.20.1340 of the Covington Municipal Code is added as follows:

18.20.1340 Undeveloped parcel.

“Undeveloped parcel” means any parcel which has not been altered from its natural state by the construction, creation or addition of impervious surface.

Section 32. Section 18.75.050 CMC Amended. Section 18.75.050 of the Covington Municipal Code is hereby amended as follows:

18.75.050 Surface water management.

All new development shall be served by an adequate surface water management system as follows:

(1) The proposed system is adequate if the development proposal site is served by a surface water management system approved by the Department as being consistent with the design, operating and procedural requirements of the adopted stormwater management manuals and CMC Title 13;

~~(2) For a subdivision, zone reclassification or urban planned development, the phased installation of required surface water management improvements shall be stated in the approving ordinance. Such phasing may require that a bond or similar security be deposited with the City of Covington; and~~

~~(23) A design deviation or design variance request from the requirements of the stormwater manuals and CMC Title 13 shall be reviewed as set forth in CMC Title 13, CMC 12.60.050 and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 18.30 through 18.80 CMC.~~

Section 33. 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 34. 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 35. 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 36. Effective Date; Publication. 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.

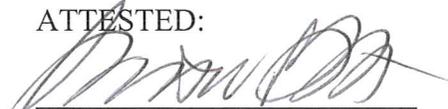
PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, at a regular meeting thereof on the 13th day of December, 2016, and signed in authentication of its passage.



Mayor Jeff Wagner

PUBLISHED: December 16, 2016
EFFECTIVE: December 21, 2016

ATTESTED:



Sharon Scott, City Clerk

APPROVED AS TO FORM ONLY:



Sara Springer, City Attorney

EXHIBIT 1

Chapter 13.05 DEFINITIONS

13.05.005 Scope.

The definitions in this chapter apply throughout this title unless the context clearly requires otherwise. Words, terms, expressions, abbreviations, and acronyms peculiar to the art or science of sewerage not herein defined shall have the respective meanings given in "Criteria for Sewage Works Design," published by the Washington State Department of Ecology. (Ord. 13-09 § 2 (Exh. 1))

13.05.010 AKART.

"AKART" means all known, available, and reasonable methods of prevention, control and treatment. AKART represents the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. (Ord. 13-09 § 2 (Exh. 1))

13.05.015 Applicant.

"Applicant" means a property owner or a public agency or public or private utility that owns a right of way or other easement or has been adjudicated the right to such an easement under RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval. (Ord. 13-09 § 2 (Exh. 1))

13.05.020 Basin plan.

"Basin plan" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management regulations adopted by ordinance for managing surface and stormwater within the basin. (Ord. 13-09 § 2 (Exh. 1))

13.05.025 Best management practices.

"Best management practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State. (Ord. 13-09 § 2 (Exh. 1))

13.05.030 CFR.

"CFR" means the Code of Federal Regulations. (Ord. 13-09 § 2 (Exh. 1))

13.05.035 Civil engineer.

"Civil engineer" means a person licensed and registered with the State of Washington as a professional engineer in civil engineering. (Ord. 13-09 § 2 (Exh. 1))

13.05.040 Class V well.

~~“Class V well” means a stormwater management facility that, under the UIC rule, is usually a shallow injection well that injects fluids above the uppermost groundwater aquifer. Class V wells must be registered by property owners with the Department of Ecology. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.045 Closed depression.

~~“Closed depression” means an area that is low-lying, has no or such a limited surface water outlet that the area acts as a retention basin, has greater than 5,000 square feet at overflow elevation, and that the primary loss of water volume from which is through evapotranspiration and discharge into the ground rather than surface flow. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.050 Commercial.

~~“Commercial” means premises used for or housing commercial or industrial concerns. For the purposes of this title, multifamily dwellings of two or more units, condominiums and manufactured home courts shall be included in this definition. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.055 Construct or modify.

~~“Construct or modify” means to install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch for purposes other than maintenance that either serves to concentrate previously unconcentrated surface and stormwater runoff or serves to increase, decrease or redirect the conveyance of surface and stormwater runoff. “Construct or modify” does not include installation or maintenance of a driveway culvert installed as part of a single family residential building permit; provided, that such driveway culvert is located within City right of way. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.060 Conveyance system.

~~“Conveyance system” means the drainage facilities and features, both natural and constructed, that collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, lakes and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, manholes, catchbasins, and flow control and water quality treatment facilities. (Ord. 13-09 § 2 (Exh. 1))~~

* * *

13.05.070 Department.

~~“Department” means either the Department of Community Development or the Department of Public Works, as specified herein. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.075 Design standards.

~~“Design standards” means the City of Covington Design and Construction Standards, and any subsequent amendments thereto. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.080 Developed parcel.

~~“Developed parcel” means any parcel altered from the natural state by the construction, creation, or addition of impervious surfaces. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.085 Development.

~~“Development” means any activity that requires a permit or approval, including, but not limited to, a building permit, grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned development, binding site plan, site development permit or right-of-way use permit. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.090 Director.

~~“Director” means either the Director of Community Development or the Director of Public Works, or his or her designee, as specified herein. (Ord. 13-09 § 2 (Exh. 1))~~

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13.05.100 Discharge.

~~“Discharge” means to throw, drain, release, dump, spill, empty, emit or pour forth any matter, or cause or allow any matter to flow, run, or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted, or poured into any system regulated under this title. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.105 Drainage.

~~“Drainage” means the collection, conveyance, containment or discharge, or any combination thereof, of surface and stormwater runoff. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.110 Drainage basin.

~~“Drainage basin” means a geographic and hydrologic subunit of a watershed. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.115 Drainage facility.

~~“Drainage facility” means a constructed or engineered feature that collects, conveys, stores or treats surface and stormwater runoff. Such facilities include, but are not limited to, a constructed or engineered stream, pipeline, channel, ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment~~

facility, erosion and sediment control facility or other structures or appurtenances that provide for drainage. (Ord. 13-09 § 2 (Exh. 1))

13.05.120 Drainage report.

“Drainage report” or “stormwater site plan” means the comprehensive report containing all of the technical information and analysis necessary for the City to evaluate a proposed new development or redevelopment project for compliance with the minimum requirements. (Ord. 13-09 § 2 (Exh. 1))

13.05.125 Drainage review.

“Drainage review” means an evaluation by the City of a proposed project’s compliance with the drainage requirements in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))

13.05.130 Erosion and sediment control.

“Erosion and sediment control” means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment laden water does not leave the site or enter into wetlands or aquatic areas. (Ord. 13-09 § 2 (Exh. 1))

13.05.135 Farm management plan.

“Farm management plan” means a comprehensive site specific plan developed by a farm owner in cooperation with the King County Conservation District, taking into consideration the land owner’s objectives while protecting water quality and related natural resources. (Ord. 13-09 § 2 (Exh. 1))

13.05.140 Financial guarantee.

“Financial guarantee” means a form of financial security posted to do one or more of the following: ensure timely and proper completion of improvements; ensure compliance with the City of Covington Municipal Code; or provide secured warranty of materials, workmanship of improvements and design. Financial guarantees include assignments of funds, cash deposit, surety bonds or other forms of financial security acceptable to the Director of the Department of Community Development or the Director of the Department of Public Works. Performance guarantees, maintenance guarantees and defect guarantees are considered subcategories of financial guarantees. (Ord. 13-09 § 2 (Exh. 1))

13.05.145 Flood hazard reduction plan.

“Flood hazard reduction plan” means a plan and all implementing programs, regulations and procedures including, but not limited to, capital projects, public education activities and enforcement programs for reduction of flood hazards and prepared in accordance with RCW 86.12.200. (Ord. 13-09 § 2 (Exh. 1))

13.05.150 Flow control best management practice.

~~“Flow control best management practice” means a method or design for dispersing, infiltrating or otherwise reducing or preventing development related increases in surface or stormwater runoff at, or near, the sources of those increases, including those methods and designs specified in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.155 Flow control facility.~~

~~“Flow control facility” means a drainage facility designed to mitigate the impacts of increased surface and stormwater runoff generated by site development in accordance with the drainage requirements in this title. A flow control facility is designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.160 Forest practices.~~

~~“Forest practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, as defined in Chapter 222-16 WAC. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.165 Fully dispersed runoff.~~

~~“Fully dispersed runoff” means runoff from an impervious surface that is dispersed, as specified in the stormwater manuals, through at least 100 feet of native vegetated surface on a slope of 15 percent or less before leaving the site or entering an existing on site drainage feature, such as a pipe, ditch, stream, river, pond, lake or wetland, if:~~

~~(1) The amount of impervious surface being fully dispersed does not exceed 15 percent of the area of native vegetated surface, excluding areas of native vegetated surface occupied by and within 50 feet of a septic drain field and drain field reserve area; and~~

~~(2) The Department determines the dispersion of runoff does not create erosion or flooding impacts. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.170 Groundwater.~~

~~“Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body. (Ord. 13-09 § 2 (Exh. 1))~~

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~~13.05.185 Hazardous materials.~~

~~“Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or~~

~~significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.190 Hyperchlorinated.~~

~~“Hyperchlorinated” means water that contains more than 10 milligrams per liter of chlorine. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.195 Hydraulically connected.~~

~~“Hydraulically connected” means connected through surface flow or water features such as wetlands or lakes.~~

~~“Impacting impervious surface” means that portion of the actual impervious surface from which runoff:~~

~~(1) Is not fully dispersed;~~

~~(2) Is not fully infiltrated according to the infiltration standards in the stormwater manuals; or~~

~~(3) Is not managed in an alternative manner approved by the Department that effectively mitigates all of the following downstream hydrologic impacts of the impervious surface; increased runoff peaks; frequencies; volumes and flashiness and decreased groundwater recharge. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.200 Illicit connection.~~

~~“Illicit connection” means any manmade conveyance that is connected to the stormwater system without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the stormwater system. Illicit connections for discharges to the sanitary sewer system are defined by the sewer district. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.205 Illicit discharge.~~

~~“Illicit discharge” means any direct or indirect nonstormwater discharge to the stormwater drainage system that causes or contributes to a violation of State water quality, sediment quality, or groundwater quality standards including, but not limited to, sanitary sewer connections, industrial process water, interior floor drains, fuel islands, car washing, and gray water systems. Discharges from fire fighting activities are not included in this definition. Illicit discharges for the sanitary sewer system are defined by the sewer district. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.210 Impervious surface.~~

~~“Impervious surface” means a hard surface area that: (1) prevents or greatly retards the entry of water into the soil mantle as under natural conditions prior to development; or (2) causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paved areas, or other surfaces that similarly impede the natural infiltration of surface and stormwater. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.215 Improvement.~~

~~“Improvement” means a permanent, manmade, physical change to land or real property including, but not limited to, buildings, streets, driveways, sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, and landscaping. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.220 Individual water system.

“Individual water system” means a water system serving only one single-family residence. (Ord. 13-09 § 2 (Exh. 1))

13.05.225 Industrial waste.

“Industrial waste” means any liquid, solid or gaseous substances, or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, trade or research, including the development, recovery or processing of natural resources. (Ord. 13-09 § 2 (Exh. 1))

~~13.05.230 Lake management plan.~~

~~“Lake management plan” means a plan describing the lake management recommendations and requirements adopted by public rule for managing water quality within individual lake basins. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.235 Land-disturbing activity.~~

~~“Land-disturbing activity” means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or the existing soil topography. Land-disturbing activity includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation and compaction. Land-disturbing activity does not include tilling conducted as part of agricultural practices, landscape maintenance or gardening. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.240 Low impact development.~~

~~“Low impact development” or “LID” means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and the use of on site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment~~

hydrologic functions. Low impact development shall be in accordance with the standards set forth in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))

13.05.245 Low impact stormwater facilities.

“Low impact stormwater facilities” means stormwater facilities approved and constructed in accordance with the stormwater manuals for low impact development projects. (Ord. 13-09 § 2 (Exh. 1))

13.05.250 Maintenance.

“Maintenance” means those usual activities taken to prevent a decline, lapse or cessation in the use of currently serviceable structures, facilities, equipment or systems, if there is no expansion of the structure, facilities, equipment or system and there are no significant hydrologic impacts. Maintenance includes the repair or replacement of nonfunctional facilities or the replacement of existing structures with different types of structures, if the repair or replacement is required by one or more environmental permits or to meet current engineering standards and the functioning characteristics of the original facility or structure are not changed. (Ord. 13-09 § 2 (Exh. 1))

13.05.255 Master drainage plan.

“Master drainage plan” means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and constructed drainage system, both on and off site. (Ord. 13-09 § 2 (Exh. 1))

13.05.260 Minimum requirements.

“Minimum requirements” means the minimum requirements for stormwater management described in the NPDES Phase II Permit. (Ord. 13-09 § 2 (Exh. 1))

13.05.265 Native vegetated surface.

“Native vegetated surface” means a surface in which the soil conditions, ground cover, and species of vegetation are like those of the original native condition for the site, as more specifically set forth in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))

13.05.270 Natural discharge location.

“Natural discharge location” means the location where runoff leaves the project site under existing site conditions as defined in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))

13.05.275 New impervious surface.

~~“New impervious surface” means the creation of a hard or compacted surface such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such as the paving of existing dirt or gravel. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.280 Nonstormwater discharge.~~

~~“Nonstormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.285 NPDES Phase II Permit.~~

~~“NPDES Phase II Permit” means the stormwater permit issued by the Washington State Department of Ecology in accordance with the National Pollution Discharge Elimination System as promulgated under the Clean Water Act. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.290 NRCS.~~

~~“NRCS” means the Natural Resource Conservation Service, formerly the Soil Conservation Service. The NRCS is a Federal agency within the United States Department of Agriculture. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.295 Open space.~~

~~“Open space” means a parcel, property, or portion thereof classified for current use taxation under, or for which the development rights have been sold to the City of Covington or King County. This definition includes lands which have been classified as open space, agricultural, or timberlands under criteria contained in the appropriate City or County code or Chapter 84.34 RCW. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.300 Parcel.~~

~~“Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the King County Assessor. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.305 Person.~~

~~“Person” means any individual, firm, association, co-partnership, corporation, governmental agency or political subdivision, whether acting by themselves or as a servant, agent or employee. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.310 Pervious surface.~~

~~“Pervious surface” means a native vegetated surface converted to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration~~

of existing nonnative pervious surface that results in increased surface and stormwater runoff as defined in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))

13.05.315 Pollutant.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. (Ord. 13-09 § 2 (Exh. 1))

13.05.320 Pollution-generating impervious surface.

“Pollution-generating impervious surface” means an impervious surface considered to be a significant source of pollutants in surface and stormwater runoff. Pollution-generating impervious surfaces include: (1) those surfaces subject to vehicular use or storage of erodible or leachable materials, wastes, or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall; (2) covered parking areas if runoff from uphill could regularly run through them or if rainfall could regularly blow in and wet the pavement surface; and (3) metal roofs, unless they are treated to prevent leaching. (Ord. 13-09 § 2 (Exh. 1))

13.05.325 Pollution-generating pervious surface.

“Pollution-generating pervious surface” means a nonimpervious surface considered to be a significant source of pollutants in surface and stormwater runoff. Pollution-generating pervious surfaces include surfaces subject to the use of pesticides and fertilizers, to the use or storage of erodible or leachable materials, wastes or chemicals or to the loss of soil. Examples of pollution-generating pervious surfaces include, but are not limited to, the lawn and landscaped areas of residential or commercial sites, golf courses, parks, sports fields, and grassed modular grid pavement installed in compliance with the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))

13.05.330 Preapplication.

“Preapplication” means the meeting(s) or form(s) used by an applicant for a development permit to present initial project intentions to the Department of Community Development or its successor agency. “Preapplication” does not mean application. (Ord. 13-09 § 2 (Exh. 1))

13.05.335 Premises.

"Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips. (Ord. 13-09 § 2 (Exh. 1))

13.05.340 Project.

"Project" means any proposed action to alter or develop a site that may also require drainage review. (Ord. 13-09 § 2 (Exh. 1))

13.05.345 Project site.

"Project site" means the portion of a site and any off-site areas subject to proposed project activities, alterations and improvements including those required by this title. (Ord. 13-09 § 2 (Exh. 1))

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13.05.360 Rate category.

"Rate category" means the classification given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel. (Ord. 13-09 § 2 (Exh. 1))

13.05.365 Redevelopment project.

"Redevelopment project" means a project that proposes one or more of the following modifications to a site that is already substantially developed (35 percent or more existing impervious surface coverage):

- (1) The creation or addition of impervious surfaces;
- (2) The expansion of a building footprint or addition or replacement of a structure;
- (3) Structural development including construction, installation, or expansion of a building or other structure;
- (4) Replacement of impervious surface that is not part of a routine maintenance activity;
- (5) Land development activity; or
- (6) Improvements to a previously developed site, regardless of existing impervious surface coverage, that cost \$100,000 or more. (Ord. 13-09 § 2 (Exh. 1))

13.05.370 Replaced impervious surface.

"Replaced impervious surface" means: (1) for structures, the removal and replacement of any exterior impervious surfaces or foundations; and (2) for other impervious surfaces, the removal down to bare soil or base course and replacement. (Ord. 13-09 § 2 (Exh. 1))

13.05.375 Residence.

~~“Residence” means a building designed and/or used to house a single family. The definition of “residence” shall include trailers on an individual lot and condominium units. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.380 Residential customer equivalent.

~~“Residential customer equivalent (RCE)” means each 900 cubic feet of water used or metered sewage flow shall be considered as one residential customer equivalent. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.385 Residential parcel.

~~“Residential parcel” means any parcel, which contains no more than three residences or three residential units, which are within a single structure, and is used primarily for residential purposes. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.390 Runoff.

~~“Runoff” means that portion of water originating from rainfall and other precipitation that flows over the surface or just below the surface from where it fell and is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow groundwater. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.395 Salmon conservation plan.

~~“Salmon conservation plan” means a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance, capital projects, public education activities and enforcement programs for conservation and recovery of salmon within a water resource inventory and are designated by the State under WAC 173-500-040. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.400 Service area.

~~“Service area” means the incorporated areas of the City of Covington. (Ord. 13-09 § 2 (Exh. 1))~~

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13.05.415 Site.

~~“Site” means a single parcel, or two or more contiguous parcels that are under common ownership or documented legal control, used as a single parcel for a proposed project for purposes of applying for authority from the City of Covington to carry out a proposed project. For projects located primarily within dedicated rights-of-way, “site” includes the entire width of right-of-way subject to improvements proposed by the project. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.420 Source control BMP.

~~“Source control BMP” means a BMP intended to prevent contaminants from entering surface and stormwater or groundwater including the modification of processes to eliminate the production or use of contaminants. Source control BMPs may be either structural or nonstructural. Structural source control BMPs involve the construction of a physical structure on site or other type of physical modification to a site. An example of a structural source control BMP involves the modification or addition of managerial or behavioral practices. Nonstructural source control BMPs involve the modification of or addition of managerial or behavioral practices. An example of a nonstructural source control BMP is using less toxic alternatives to current products or sweeping parking lots. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.425 Standard specifications.**~~

~~“Standard specifications” means the Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction, current edition, and any subsequent amendments. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.430 State waste discharge permit.**~~

~~“State waste discharge permit” means an authorization, license, or equivalent control document issued by the Washington State Department of Ecology in accordance with Chapter 173-216 WAC. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.435 Storm drainage system.**~~

~~“Storm drainage system” means publicly owned facilities, including the City’s municipal separate storm sewer system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and/or detention facilities, natural and human-made or altered drainage channels, reservoirs, or other drainage structures. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.440 Stormwater.**~~

~~“Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.445 Stormwater compliance plan.**~~

~~“Stormwater compliance plan” means a plan or study and all regulations and procedures that have been adopted by the City to implement the plan or study, including, but not limited to, capital projects, public education activities, and enforcement programs for managing stormwater quantity and quality discharged from the City’s municipal separate storm sewer system in compliance with the NPDES permit program. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.450 Stormwater management facilities.**~~

“Stormwater management facilities” or “stormwater facilities” means constructed facilities that collect, convey, treat, detain, or retain stormwater. Stormwater management facilities may include such elements as catch basins, manholes, pipes, LID BMPs, detention ponds, retention ponds, or other elements. Stormwater management facilities may be located on private parcels or on public easements or rights-of-way. Stormwater management facilities also include conveyance systems and drainage facilities as defined in this chapter. (Ord. 13-09 § 2 (Exh. 1))

13.05.455 Stormwater manuals.

“Stormwater manuals” means the manuals, regulations, and standards adopted in CMC 13.25.020. (Ord. 13-09 § 2 (Exh. 1))

13.05.460 Stormwater Pollution Prevention Plan (SWPPP).

“Stormwater Pollution Prevention Plan” or “SWPPP” means a document that describes the best management practices and activities to be implemented by the property owner to identify sources of pollution or contamination at a premises, and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable. (Ord. 13-09 § 2 (Exh. 1))

13.05.465 Subbasin.

“Subbasin” means a geographic area that drains to a stream or water body named and noted on common maps, and that is contained within a basin of the stream or water body. (Ord. 13-09 § 2 (Exh. 1))

13.05.470 Subsurface fluid distribution system.

“Subsurface fluid distribution system” means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground. (Ord. 13-09 § 2 (Exh. 1))

13.05.475 Surface and stormwater.

“Surface and stormwater” means water originating from rainfall and/or other precipitation or discharges from seeps or springs that is found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow groundwater. (Ord. 13-09 § 2 (Exh. 1))

13.05.480 Surface and stormwater management services.

“Surface and stormwater management services” means the services provided by the Public Works Department, including, but not limited to, basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and stormwater quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction. (Ord. 13-09 § 2 (Exh. 1))

13.05.485 Surface and stormwater management system.

~~“Surface and stormwater management system” means constructed stormwater facilities and any natural surface water drainage features that do any combination of collection, storing, controlling, treating or conveying surface and stormwater. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.490 Surface water.

~~“Surface water” means all water naturally open to the atmosphere (rivers, lakes, reservoirs, streams, impoundments, seas, estuaries, etc.) and all springs, wells, or other collectors which are directly influenced by surface water. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.495 Treatment BMP.

~~“Treatment BMP” means a BMP intended to remove contaminants once they are already contained in stormwater. Examples of treatment BMPs include but are not limited to oil/water separators, biofiltration swales, and wet settling facilities. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.510 Undeveloped parcel.

~~“Undeveloped parcel” means any parcel which has not been altered from its natural state by the construction, creation or addition of impervious surface. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.515 Variance.

~~“Variance” means a Department approved adjustment in the application of the requirements of the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.520 Water quality treatment facility.

~~“Water quality treatment facility” means a drainage facility designed to reduce pollutants once they are already contained in surface and stormwater runoff. A water quality treatment facility is the structural component of best management practices. When used singly or in combination, a water quality treatment facility reduces the potential for contamination of both surface and groundwater. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.525 Watershed.

~~“Watershed” means a geographic region within which water drains into a particular river, stream, or body of water. (Ord. 13-09 § 2 (Exh. 1))~~