

**ORDINANCE NO. 27-2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, AMENDING SELECT SECTIONS OF CHAPTERS 12.60, 12.110, 17.15, 17.40 18.20 AND 18.75 OF THE COVINGTON MUNICIPAL CODE, RELATING TO DESIGN AND CONSTRUCTION OF STREET AND STORMWATER FACILITIES AND CORRECTION OF TERMINOLOGY AND CROSS REFERENCES WITHIN THE CODE.**

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, Title 12 of the Covington Municipal Code provides regulations for administering the Covington Design and Construction Standards and Specifications, which were adopted in 2002 by Ordinance No. 44-02; and

WHEREAS, the Covington Design and Construction Standards and Specifications is being renamed the Covington Design and Construction Standards and will included standards relating to stormwater design and LID techniques adopted in Ordinance 26-2016; and

WHEREAS, City staff transmitted the proposed amendments to Chapters 12.60, 12.110, 17.15, 17.40 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 12.60, 12.110, 17.15, 17.40 18.20 and 18.75 of the CMC and forwarded a recommendation to the city council on October 20, 2016, to approve the proposed amendments as presented. No comments were received from the public; and

WHEREAS, the proposed amendments to Chapters 12.60, 12.110, 17.15, 17.40 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 12.60 Amend Chapter Name.** The title of Covington Municipal Code Chapter 12.60 is hereby amended as follows:

**Chapter 12.60 CITY OF COVINGTON DESIGN AND CONSTRUCTION STANDARDS. STREET STANDARDS\***

**Section 3. New Section 12.60.005 CMC Added.** A new section 12.60.005 of the Covington Municipal Code is added as follows:

**12.60.005 Purpose.**

(1) The city has adopted the design and construction standards in this chapter:

(a) To set forth specific, consistent design elements for developers and other private parties constructing or modifying street or right-of-way and stormwater facilities;

(b) To establish uniform criteria to guide the city’s construction or reconstruction of city streets and stormwater facilities.

(c) Support the city’s goals of achieving affordable housing, providing adequate facilities for development in an efficient manner, and complying with stormwater management and critical area policies, and to balance these goals with the general safety and mobility needs of the traveling public.

(d) Encourage the standardization of street design elements where necessary for consistency and to assure so far as practical that motoring, bicycling, and pedestrian public safety needs are met. Considerations include safety, convenience, pleasant appearance, proper drainage, and economical maintenance.

(2) The Design and Construction standards cannot provide for all situations. They are intended to assist but not to substitute for competent work by design professionals. It is expected that land surveyors, engineers, and architects will bring to each project the best of skills from their respective disciplines. These standards are also not intended to limit unreasonably any innovative or creative effort which could result in better quality, better cost savings, or both. Any proposed departure from the standards will be judged, however, on the likelihood that such variance will produce a compensating or comparable result.

**Section 4. Section 12.60.010 CMC Amended.** Section 12.60.010 of the Covington Municipal Code is hereby amended as follows:

**12.60.010 Adoption of Standards.**

(1) “City of Covington street standards” shall mean the “City of Covington Design and Construction Standards and Specifications,” 2002 Edition, and subsequent updates incorporated therein as Attachment A are hereby approved and adopted as the City of Covington standards for facilities, both public and private, public and private street design and construction. All development within the city of Covington must comply with the City of Covington Design and Construction Standards, as adopted and amended, as it pertains to street design, stormwater design and general construction requirements. The “City of Covington Design and Construction Standards” shall also be known and referred to as the “Standards”.

(2) Consistent with Council’s direction and intent in adopting these standards the Department of Public Works is hereby authorized to develop public rules and make minor changes to the drawings and add drawings in order to better implement the standards and as needed to stay current with changing design and construction technology and methods.

(3) As required by RCW 35A.12.140, one copy of the City of Covington Design and Construction Standards has been filed with the ordinance codified in this chapter in the office of the city clerk.

(4) If any part of the Design and Construction Standards is found invalid, all other parts shall remain in effect.

**Section 5. Section 12.60.020 CMC Repeal and Replace.** Section 12.60.020 of the Covington Municipal Code is hereby repealed and replaced as follows:

**12.60.020 Hierarchy of Terms.**

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.

**Section 6. CMC 12.60.030 Amended.** Section 12.60.030 of the Covington Municipal Code is hereby amended as follows:

**12.60.030 Applicability.**

(1) The standards apply to all newly constructed public and private ~~roadway-street~~ and stormwater features or modifications of existing facilities which are within the scope of reconstructions or capital improvement projects when so required by City of Covington or to the extent they are expressly referred to in project plans and specifications.

(2) These standards are not intended to apply to “resurfacing, restoration, and rehabilitation” projects as those terms are defined in the Local Agency Guidelines, Washington State Department of Transportation, as amended. However, the

Engineer may consider the standards as optional goals for resurfacing, restoration, and rehabilitation projects.

(3) The Design and Construction Standards are intended to be consistent with the Covington Municipal Code, adopted Comprehensive Plan, and other planning, public works and parks related studies on file with the city.

(4) In case of inconsistency or conflict between the Covington Municipal Code and the Design and Construction Standards, the most restrictive provision shall apply, unless otherwise determined by the Public Works Director.

(5) Failure to comply with these standards may result in denial of plan or development permit approval, revocation of prior approvals, and/or other penalties as provided in Chapter 1.30 CMC.

**Section 7. CMC 12.60.040 Repeal and Replace.** Section 12.60.040 of the Covington Municipal Code is hereby repealed and replaced as follows:

**12.60.040 Associated References**

The Design and Construction Standards as approved, supplemented and amended by the city engineer for specific design applications and in consultation with the city council on policy issues or broad citywide implications and are consistent with and support the provisions of CMC Title 12, Title 13, Title 14, Title 15, Title 16, Title 17 and Title 18. A complete list of associated references to adopted standards and manuals is provided in Chapter 1 of the Design and Construction Standards.

**Section 8. CMC 12.60.050 Amended.** Section 12.60.050 of the Covington Municipal Code is hereby amended as follows:

**12.60.050 Design Deviations and Design Variances.**

(1) Design Deviation and Variances from the requirements in the Design and Construction Standards Variancees from these standards may may be granted by the Public Works Director, or his assignee, Engineer pursuant to the process outlined in Chapter 1 of the Design and Construction Standards. upon evidence that such variances are in the public interest, and that requirements for safety, function, fire protection, appearance, and maintainability based upon sound engineering judgment are fully met. All requests for design deviation and variances are subject to a the fees as set forth in the current fee resolution.

(2) Design deviation and variances shall be approved prior to issuance of any construction permits for the project and reviewed as follows:

(a) A design deviation shall be processed as a Type 2 decision in accordance with Chapter 14.30 CMC.

(b) A design variance shall be processed as a Type 2 decision in accordance with Chapter 14.30 CMC.

~~(3) Appeals of a design deviation or variance shall be in accordance with Chapter 14.45 CMC. Variances must be approved prior to construction. Any variances from these standards which do not meet the International Fire Code will require concurrence by the City of Covington Fire Marshal~~

**Section 9. CMC 12.60.060 Repealed.** Section 12.60.020 of the Covington Municipal Code is hereby repealed.

**Section 10. CMC 12.110.020 Amended.** Section 12.110.020 of the Covington Municipal Code is hereby amended as follows:

~~(2) "Street standards" shall have the same meaning as the "City of Covington Design and Construction Standards and Specification, as adopted in Chapter 12.60 CMC," 2002 Edition and subsequent amendments, when used in this chapter. References and authorities cited in the "City of Covington Design and Construction Standards and Specification," 2002 Edition and subsequent amendments, shall also apply to this chapter.~~

**Section 11. CMC 17.15.160 Amended.** Section 17.15.160 of the Covington Municipal Code is hereby amended as follows:

**17.15.160 Minimum subdivision and short subdivision improvements.**

(1) Prior to final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans, except that the Director of Community Development may allow posting of a financial guarantee per this title and CMC Title 14, for that portion not completed, in the event that expiration of the plat or short plat is imminent or other extraordinary circumstances prevent the construction of such improvements.

(a) Drainage facilities and erosion control measures consistent with CMC Title 13.25, ~~Division II~~;

(b) Water mains and hydrant installed and fire flow available, as required;

(c) Roadways Streets graded to all lots within the subdivision or short subdivision and capable of providing access per the City of Covington design and constructions standards adopted in Chapter 12.60 CMC and specifications, current edition;

**Section 12. CMC 17.40.020 Amended.** Section 17.40.020 of the Covington Municipal Code is hereby amended as follows:

**17.40.020 Procedures and limitations of the boundary line adjustment process**  
Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures, limitations and requirements of CMC Title 12 and

the design and construction standards adopted in Chapter 12.60 CMC and specifications of the City of Covington:\*

**Section 13. CMC 18.75.060 Amended.** Section 18.75.060 of the Covington Municipal Code is hereby amended as follows:

**18.75.060 Adequate streets.**

(1) All new development shall be served by adequate roads~~streets~~. Streets are adequate if the development's traffic impacts on surrounding public roads~~streets~~ are acceptable under the level-of-service standards and the compliance procedures established in CMC Title 12.

(2) The renewal of permits or the issuance of a new permit for existing uses constitutes a new development proposal ~~only~~ if it will generate additional traffic above that currently generated by the use. Mitigation may be required under CMC Titles 12 and 19 to off-set level of service impacts as a result of additional traffic.

(3) A design deviation or design variance request from the requirements of the road cross section or CMC Title 12 and the Design and Construction -construction sStandards established by CMC Title 12, Streets, Sidewalks and Bridges, shall be reviewed as set forth in CMC 12.60.050 Chapter 12.60 CMC 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 14. CMC 18.75.070 Amended.** Section 18.75.070 of the Covington Municipal Code is hereby amended as follows:

**18.75.070 Adequate vehicular access.**

All new development shall be served by adequate vehicular access as follows:

(1) The property upon which the development proposed is to be located has direct access to:

(a) A public or private street that meets City design and construction standards as adopted in Chapter 12.60 CMC and specifications or is formally declared acceptable by the City Engineer; or

(b) The property has access to such a street over a private driveway approved by the City;

(2) The proposed circulation system of a proposed subdivision, short subdivision or binding site plan for a development proposal shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the Department and the City Engineer, and in accordance with the design and construction standards; and

(3) Every lot upon which one or more buildings are proposed to be erected or traffic-generating use is proposed to be established shall establish safe access as follows:

(a) Safe passage from the street right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the City design and construction standards and specifications set forth in Chapter 18.31 CMC, as applicable, and Chapter 18.50 CMC;

(b) Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services in accordance with adopted City design and construction standards ~~and specifications~~ (e.g., fire protection, emergency medical service, mail delivery, ~~or~~ trash collection, etc.); and

(c) Direct access from the street right-of-way, driveway, alley or other means of ingress/egress approved by the City of Covington, to all required off-street parking spaces on the premises.

**Section 15. CMC 18.75.070 Amended.** Section 18.75.070 of the Covington Municipal Code is hereby amended as follows:

**18.110.050 Application of development standards.**

(1) An application for site development permit shall be reviewed pursuant, but not limited, to this section, Chapter 43.21C RCW, SEPA, as implemented by Chapter 197-11 WAC; Chapter 13.25 CMC, Surface and Stormwater; Chapter 12.60 CMC, City of Covington Street Standards; design and construction standards ~~and specifications~~, Chapter ~~15.05~~ 14.60 CMC, clearing and grading; Chapter 15.20 CMC, Fire Code; Chapter 16.10 CMC, state environmental policy act ~~procedures~~; CMC Title 18, Zoning; Chapter 16.05 CMC, Shoreline Management Plan; administrative rules; City tree ordinance; City approved utility plans; and compliance with Chapter 18.31 CMC

**Section 16. 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.

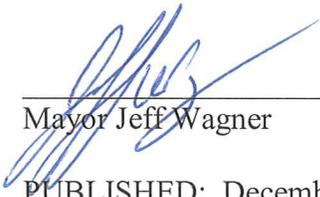
**Section 17. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law 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 18. 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 19. 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 13<sup>th</sup> day of December, 2016, and  
signed in authentication of its passage.**



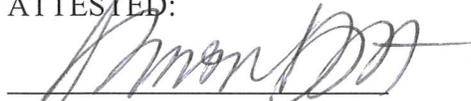
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Mayor Jeff Wagner

PUBLISHED: December 16, 2016

EFFECTIVE: December 21, 2016

ATTESTED:



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Sharon Scott, City Clerk

APPROVED AS TO FORM ONLY:



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Sara Springer, City Attorney