CALL CITY COUNCIL REGULAR MEETING TO ORDER – approximately 7:00 p.m.

OATH OF OFFICE TO NEWLY APPOINTED COUNCILMEMBER

ROLL CALL/PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMUNICATION
- State of the County Briefing (King County Councilmember Reagan Dunn)
- Nat’l Water Safety Month Proclamation - May 2019 (Laura Morrissey, Parks & Rec Commission)
- Arbor Day Proclamation (Aaron Drake, Parks & Recreation Commission)
- Affordable Housing Week Proclamation – May 13-17, 2019 (Gina Estep, Community Development Director)

PUBLIC COMMENT Speakers will state their name, address, and organization. Comments are directed to the City Council, not the audience or staff. Comments are not intended for conversation or debate and are limited to no more than four minutes per speaker. Speakers may request additional time on a future agenda as time allows.

NOTICE to all participants: Pursuant to state law, RCW 42.17A.555, campaigning for any ballot measure or candidate in City Hall and/or during any portion of the council meeting, including the audience comment portion of the meeting, is PROHIBITED.

APPROVE CONSENT AGENDA
1. Minutes: March 26, 2019 Special & Regular Meetings (Scott)
2. Vouchers (Parker)

REPORTS OF COMMISSIONS
- Economic Development Council
- Parks & Recreation Commission
- Planning Commission
- Youth Council
- Human Services Commission
- Arts Commission
### PUBLIC HEARING

1. To Receive Testimony from the Public and Consider Ordinance Amending Covington Municipal Code Chapter 8.20 Noise Control and Chapter 14.60 Clearing and Grading Relating to Allowing a Method to Request Exemption to the Allowed Hours of Construction for Fill Activities Associated with a Reclamation Permit (Mueller)

### NEW BUSINESS

2. Consider Appointments to Youth Council (Council)

3. Consider Ordinance Amending Covington Municipal Code Title 5 to Add a New Chapter 5.30 Mobile Food Units (Estep)


### FUTURE AGENDA ITEMS

### COUNCIL/STAFF COMMENTS

### PUBLIC COMMENT
See guidelines above in first public comment section

### EXECUTIVE SESSION – if needed

### ADJOURN

Americans with Disabilities Act – reasonable accommodations provided upon request a minimum of 24 hours in advance (253-480-2400).
SUBJECT: APPROVAL OF MINUTES: MARCH 26, 2019 CITY COUNCIL SPECIAL MEETING – JOINT STUDY SESSION WITH YOUTH COUNCIL & MARCH 26, 2019 CITY COUNCIL SPECIAL MEETING (INTERVIEWS) & REGULAR MEETING MINUTES

RECOMMENDED BY: Sharon G. Scott, City Clerk

ATTACHMENT(S): Proposed Minutes

PREPARED BY: Joan Michaud, Senior Deputy City Clerk

EXPLANATION:

ALTERNATIVES:

FISCAL IMPACT:

CITY COUNCIL ACTION: _____Ordinance _____ Resolution  X  Motion ____ Other

Councilmember __________ moves, Councilmember __________ seconds, to approve the March 26, 2019 City Council Special Meeting – Joint Study Session with Youth Council & March 26, 2019 City Council Special Meeting (Interviews) & Regular Meeting Minutes.
The Special Meeting Joint Study Session with the Planning Commission was called to order in the City Council Chambers, 16720 SE 271st Street, Suite 100, Covington, Washington, Tuesday, March 26, 2019, at 6:05 p.m., with Mayor Wagner presiding.

COUNCILMEMBERS PRESENT:
Jeff Wagner, Joe Cimaomo, Margaret Harto, Fran Hollums, Marlla Mhoon, and Sean Smith.

YOUTH COUNCILMEMBERS PRESENT:
Youth Leaders Cameron McGinnis and Chele Dimmett, and members Alayna Galfo, Jack Harjehausen, Mia Stewart, Anna McLaughlin, Fayth Njenga, and Justin Bose.

YOUTH COUNCILMEMBERS ABSENT:
Ruby Kollasch and Taye Ansah.

STAFF PRESENT:
Regan Bolli, City Manager; Jaquelyn Ball, Recreational Specialist; Keith Drury, Desktop Support Technician; Matthew Keogh, Parks Planning and Development Manager; and Sharon Scott, City Clerk/Executive Assistant.

Mayor Wagner called the joint study session to order.

ITEMS FOR DISCUSSION:
1. Report on Youth Council Trip to Olympia.

City Councilmembers and Youth Councilmembers discussed these items.

ADJOURNMENT:
There being no further business, the meeting was adjourned at 6:55 p.m.
City of Covington
Special & Regular City Council Meeting Minutes
Tuesday, March 26, 2019

INTERVIEWS: The Council conducted an interview for the Parks & Recreation Commission from 5:40 to 6:00 p.m. Applicant interviewed: Thomas Russell. The applicant scheduled to interview at 5:20 p.m. was not present at the interview.

The Regular Meeting of the City Council of the City of Covington was called to order in the City Council Chambers, 16720 SE 271st Street, Suite 100, Covington, Washington, Tuesday, March 26, 2019, at 7:03 p.m., with Mayor Wagner presiding.

COUNCILMEMBERS PRESENT:
Jeff Wagner, Joe Cimaomo, Margaret Harto, Fran Hollums, Marlla Mhoon, and Sean Smith.

STAFF PRESENT:
Regan Bolli, City Manager; Don Vondran, Public Works Director; Rob Hendrickson, Finance Director; Kathy Hardy, City Attorney; Sergeant Megan Roberts; Matthew Keogh, Parks Planning and Development Manager; and Sharon Scott, City Clerk/Executive Assistant.

Mayor Wagner opened the meeting with the Pledge of Allegiance.

APPROVAL OF AGENDA:
The agenda was approved as presented.

PUBLIC COMMUNICATION:
• Mayor Wagner read the Sexual Assault Awareness Month Proclamation as the representative from King County Sexual Assault Resource Center was not in attendance to accept the proclamation.
• Covington Chamber of Commerce Chair Tom Keown and Past Chair Scott Beusch gave a presentation on the State of the Chamber.
• Council presented proclamations to Japanese exchange students and teachers from Abuno High School and Kitano High School in Osaka, Japan, in recognition of Tuesday, March 26, 2019, as International Student Exchange Day in Covington.
• Council recognized Retiring Finance Director Rob Hendrickson.

Council recessed from 7:30 to 7:52 p.m. for a brief reception to welcome the exchange students and teachers and honor Finance Director Rob Hendrickson.

PUBLIC COMMENT:
Mayor Wagner called for public comments.

Mary Pritchard, Covington resident, wished Rob Hendrickson well on his retirement.

Michael Ross, Covington resident, spoke in support of funding for I-90/SR 18 interchange.
Richard Hart, not a Covington resident, complimented Council on their public comment listening skills.

There being no further comments, Mayor Wagner closed the public comment period.

APPROVE CONSENT AGENDA:


C-2. Vouchers: Vouchers #38791 - #38856, including ACH payments in the amount of $136,410.09, dated March 15, 2019; and Paylocity Payroll Vouchers #1010086708 - #1010086718 inclusive, plus employee direct deposits and wire transfers, in the amount of $225,617.30, dated March 8, 2019.

C-3. Authorize City Manager to Execute an Amendment to Agreement with Freiheit & Ho Architects for Aquatic Center Fall Protect Project.

C-4. Resolution Authorizing City Manager to Execute an Addendum to the Interlocal Agreement between the City of Covington and Covington Water District Regarding the SE 256th Street Culvert Replacement and Widening Project (CIP 1145) and Authorize City Manager to Execute Supplement Number 1 with Gray & Osborne for the Design of the Water Improvements for the SE 256th Street Culvert Replacement and Widening Project.

RESOLUTION NO. 2019-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF COVINGTON AND COVINGTON WATER DISTRICT REGARDING THE SE 256TH STREET CULVERT REPLACEMENT AND WIDENING PROJECT.

C-5. Authorize City Manager to Execute an Amendment to Contract with The Watershed Company for the Periodic Review of the Shoreline Master Program.

C-6. Accept 2018 Overlay ADA-Compliant Curb Ramps Project.

C-7. Authorize the City Manager to Execute Three Task Orders with Gray & Osborne for 60% Design of Three Stormwater Projects.

C-8. Award Construction Contract for Covington Aquatic Center Pool Pump Replacement to Aquatic Specialty Services, Inc.
C-9. Authorize City Manager to Execute a Bill of Sale of Water System Infrastructure for Covington Community Park Phase 2 Project to Covington Water District.

The consent agenda was approved as presented.

**REPORTS OF COMMISSIONS:**
- **Economic Development Council** – Co-Chair Jared Koukal gave the report.
- **Parks & Recreation Commission** – Chair Laura Morrissey gave the report.
- **Planning Commission** – Chair David Caudle gave the report.
- **Youth Council** – Member Anna McLaughlin gave the report.
- **Human Services Commission** – Chair Leslie Hamada gave the report.
- **Arts Commission** – No report.

**NEW BUSINESS:**
1. Consider Appointment to Parks & Recreation Commission.

Councilmember Cimaomo recused himself from this item and left the Council Chambers.

**Council Action:** Councilmember Mhoon moved and Councilmember Harto seconded to appoint Tom Russell to fill Position No. 7 on the Parks & Recreation Commission with a term expiring January 31, 2022. Vote: 5-0. Motion carried.

Councilmember Cimaomo rejoined the meeting.

2. Consider Appointments of Representative and Alternate to South King Housing and Homelessness Partnership Executive Board.

City Manager Regan Bolli gave the staff report on this item.

Councilmembers asked questions, and Mr. Bolli provided responses.

**Council Action:** Councilmember Harto moved and Mayor Pro Tem Smith seconded to appoint Councilmember Mhoon as the representative and Councilmember Cimaomo as the alternate to the South King Housing and Homelessness Partnership Executive Board. Vote: 6-0. Motion carried.


Surface Water Management Program Coordinator Ben Parrish gave the staff report on this item.

Councilmembers provided comments and asked questions, and Mr. Parrish provided responses.

4. Discuss Funding Options for Traffic Relief at I-90 and SR 18 Interchange.
City Manager Regan Bolli gave the staff report on this item.

Councilmembers asked questions, and Mr. Bolli provided responses.

**Council Action:** Councilmember Cimaomo moved and Councilmember Harto seconded to appropriate $50,000 from the Council Contingency line item in the Council Budget for traffic relief at the I-90/SR 18 interchange.

**Council Action:** Councilmember Hollums moved and Mayor Pro Tem Smith seconded to amend the motion with a cap of $50,000. Vote: 6-0. Motion carried.

**Council Action:** Councilmember Cimaomo moved and Councilmember Harto moved to appropriate $50,000 from the Council Contingency line item in the Council Budget with a cap of $50,000 for traffic relief at the I-90/SR 18 interchange. Vote: 6-0. Motion carried.

**FUTURE AGENDA ITEMS:**
Councilmembers reviewed future agenda items.

**COUNCIL/STAFF COMMENTS:**
Councilmembers and staff made comments.

**PUBLIC COMMENT:**
Mayor Wagner called for public comments.

*Mary Pritchard, Covington resident,* thanked Council for contribution to funding the I-90/SR 18 project.

*Jared Koukal, Covington resident,* spoke on bullying in schools and suggested the city get involved with schools on awareness.

There being no further comments, Mayor Wagner closed the public comment period.

**ADJOURNMENT:**
There being no further business, the meeting was adjourned at 9:24 p.m.

Prepared by:          Submitted by:
________________________  _______________________
Joan Michaud          Sharon Scott
Senior Deputy City Clerk     City Clerk
SUBJECT: APPROVAL OF VOUCHERS

RECOMMENDED BY: Casey Parker, Finance Director

ATTACHMENT(S): (Provided under separate cover.) Vouchers: Vouchers #38910- #38990, including ACH payments in the amount of $164,931.79, dated April 12, 2019; and Paylocity Payroll Vouchers #1010217182 - #1010217194 inclusive, plus employee direct deposits and wire transfers, in the amount of $230,206.56, dated April 5, 2019.

PREPARED BY: Casey Parker, Finance Director

CITY COUNCIL ACTION: _______ Ordinance _______ Resolution _______ X____ Motion _______ Other

Councilmember _______ moves, Councilmember _______ seconds, to approve for payment Vouchers: Vouchers #38910- #38990, including ACH payments in the amount of $164,931.79, dated April 12, 2019; and Paylocity Payroll Vouchers #1010217182 - #1010217194 inclusive, plus employee direct deposits and wire transfers, in the amount of $230,206.56, dated April 5, 2019.
SUBJECT: PUBLIC HEARING AND CONSIDER ORDINANCE ON CODE AMENDMENTS (LA18-0005) TO CMC 8.20 NOISE CONTROL & CMC 14.60 CLEARING AND GRADING REGULATIONS TO ALLOW A WAIVER PROCESS FOR NIGHT-TIME FILL ACTIVITIES TO IMPLEMENT AN APPROVED DNR RECLAMATION PERMIT

RECOMMENDED BY: Covington Planning Commission

ATTACHMENT(S):
1. Privately-initiated Code Amendment Application LA18-0005 by Oakpointe
2. Proposed Ordinance
3. March 21, 2019 Planning Commission Meeting Minutes

PREPARED BY: Ann Mueller, Senior Planner

EXPLANATION:
The City Council is holding a public hearing on a privately-initiated code amendment application submitted by Oakpointe (LA18-0005) to amend the Covington Municipal Code (CMC) Chapter 8.20 Noise Control to allow an expansion of the type and location of construction activities that can apply for a waiver to allow limited construction activity to occur at night.

Under CMC 8.20.020(2)(i) creation of sounds from any construction activity is not allowed between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on weekends or Federal holidays pursuant to Covington Noise Control regulations. A waiver to those limits may be waived by the City in association with an approved building permit for work involving public utilities within the public right-of-way.

The requested amendment to CMC 8.20.020(2)(i) is shown as follows in blackline:

(i) The creation of sounds originating from any construction activity, including excavation and land clearing work, or erection, demolition, alteration, repair, or relocation of any building or structure, which uses tools such as, but not limited to, powered equipment, compressors, motorized or powered hand tools, hammers or equipment of a similar nature at any location which produces noise clearly audible from another location in a residential district or at a dwelling in any district, between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on Saturdays, Sundays or Federal holidays. Prohibitions on the above listed construction activities occurring between 8:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on weekends or Federal holidays may be waived or modified by the City Manager or his/her designee upon written request by a permit applicant, or the owner of the property, with an approved building permit for work involving public utilities within the public right-of-way or an approved Department of Natural Resources Reclamation Permit for work involving fill activities. The applicant shall outline in writing the length of the requested nighttime work, why it is necessary, the activities that will be undertaken in those expanded hours, and any mitigation methods proposed to minimize or eliminate noise impacts to nearby residential dwellings. If the request is approved, the City’s approval shall include the specific construction activities, dates and hours of operation, and any appropriate noise mitigation measures that must be met to
commence such activities during the approved dates and times. Upon approval by the City, the applicant shall notify all property owners within 300 feet of the property of the approved nighttime construction hours at least three days prior to commencement of the nighttime work by a notification method approved by the City. The City Manager or his/her designee may waive or modify the three-day notification requirement to affected property owners if the City Manager or his/her designee determines that a fire or life safety emergency exists that requires the work to be commenced prior to the end of the three-day notification period;

The code amendment application (Attachment 1) was submitted by Oakpointe to facilitate the completion of reclamation activities approved by DNR within the Lakepointe Urban Village Subarea. Allowing fill to be imported to the Lakepointe Subarea at night will help enable the timely completion of reclamation activities as approved under the Washington State Department of Natural Resources (DNR) Reclamation Permit for the former gravel mine. Upon further staff review and consideration of the requested code amendments to CMC 8.20, staff is recommending additional amendments to CMC 8.20.020(2)(i) as well as accompanying amendments to CMC 14.60 (Clearing and Grading Regulations), including Special Criteria for Fill Activity during Expanded Work Hours. See Attachment 2 for the full text of CMC 8.20 Noise Control and CMC 14.60 Clearing and Grading Regulations, with recommended amendments in track changes.

A SEPA Determination of Nonsignificance (SEPA18-03) was issued for these proposed amendments by the City’s SEPA Official on March 1, 2019, with a 14-day comment period that ended on March 15, 2019. Legal notice was published in the Covington Reporter on March 1, 2019, sent to the SEPA register, as well as posted on the City’s website and at City Hall.

Staff’s recommended amendments to CMC 8.20.020(2)(i) are intended to clarify the process to apply for an expanded work hour waiver from the City Manager and to clarify that the fill activities are limited to the unloading of fill material only and do not include movement, placement, or compaction of the fill material on site during the expanded hours and is limited to import of fill necessary to implement an approved and active DNR Reclamation Permit. Staff’s additional recommended amendments to CMC 14.60 requires expanded work hour applicants to demonstrate they are meeting Special Criteria (CMC 14.60.160(4)) for fill activities at night. The Special Criteria is proposed as a new amendment to CMC 14.60 Clearing and Grading – CMC 14.60160(4), those criteria require a noise assessment and identification of mitigation for impacts of the proposed nighttime fill, addressing noise, lighting, dust control, and requiring the designation of a required contact of the applicant that members of the public may contact during the expanded work hours to report complaints and violations.

On March 21, 2019, the Planning Commission held a public hearing and heard public testimony from the applicant and two members of the public before voting to recommended to the City Council approval of the proposed amendments to Covington Municipal Code Chapters: 8.20 Noise Control and 14.60 Clearing and Grading Regulations with the following changes to staff’s recommendations. (See Attachment 3 for the March 23, 2019 approved Planning Commission meeting minutes. See Attachment 2 (Exhibit B of the Ordinance) where the Planning Commission’s recommendations are highlighted below in yellow are incorporated into the full text of CMC 14.60):

1. Recommended that the City Council hold a 2nd public hearing on the requested amendments before making a final decision on the amendments to CMC 8.20 and 14.60.
2. Recommended that an additional word be added to 14.60.160(4)(a) “independent” as in “… prepared by a qualified independent noise consultant.”
3. Recommended that additional language added to 14.60.160(4)(a)(v) “The applicant shall implement noise reduction measures to the extent feasible to ensure compliance.”

See Attachment 3 for the approved Planning Commission meeting minutes for March 21, 2019. Although the Planning Commission makes a recommendation to the City Council, it is the City Council that has the final decision on any code amendment.

**CMC 14.27.040 Decision criteria.**
The City Council’s approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

1. The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan;
   **Staff Findings:** Yes, the proposed code amendments to CMC 8.20 to allow extended work hours to place fill associated with an approved DNR Reclamation Permit in combination with the special criteria proposed as amendments to CMC 14.60 are consistent with the City’s Comprehensive Plan.

2. The proposed amendment is consistent with the scope and purpose of the City’s zoning ordinances and the description and purpose of the zone classification applied for;
   **Staff Findings:** Not Applicable – this is not a zoning map amendment.

3. Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;
   **Staff Findings:** Not Applicable – this is not a zoning map amendment.

4. The proposed zoning is consistent and compatible with the uses and zoning of surrounding property;
   **Staff Findings:** Not Applicable – this is not a zoning map amendment.

5. The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification;
   **Staff Findings:** Not Applicable – this is not a zoning map amendment.

6. The amendment is in compliance with the three-year limitation rule as specified in CMC 14.27.030(3); and
   **Staff Findings:** Yes, this is the first request for these amendments to CMC 8.20 and CMC 14.60 to allow fill associated with a DNR Reclamation Permit to occur at night subject to specific criteria.

7. Adequate public services could be made available to serve the full range of proposed uses in that zone.
   **Staff Findings:** Not Applicable – this is not a zoning map amendment.
Notice of Public Hearings
Legal notice of the Planning Commission’s public hearing on these proposed amendments was published March 1, 2019 in the Covington Reporter as well as posted on the City’s website and at City Hall.

Legal notice of the City Council April 23, 2019 public hearing was published in the Covington Reporter on April 5, 2019 and posted on the City’s website and at City Hall.

This is a citywide code amendment; however, staff decided that because the former gravel mine within the Lakepointe Urban Village Subarea is the only location within the City with an approved and active DNR reclamation permit, we would mail a courtesy notice to all property owners located within 500 feet of the Lakepointe Urban Village Subarea the week of March 4, 2019 informing them of the Planning Commission’s public hearing on these amendments.

A second courtesy notice was mailed on April 5, 2019, informing property owners within 500 feet of the subarea of the City Council’s public hearing on these amendments.

ALTERNATIVES:
1. Recommend amendments to the proposed ordinance.
2. Return the issue to City staff for further study and analysis.

FISCAL IMPACT:
Staff time to review any request for a waiver of construction hours and the time to administer, monitor, and enforce any waiver that may be granted.

CITY COUNCIL ACTION:   X   Ordinance   ___Resolution   ___Motion   ___Other

Council member ____________ moves, Council member _________________ seconds, to adopt an Ordinance relating to code amendments to CMC 8.20 Noise Control and CMC 14.60 Clearing and Grading to allow a process by which a request may be made to the City to allow nighttime fill activities associated with an approved DNR Reclamation Permit, and adding associated fees to the 2019 City of Covington Fee Schedule.

REVIEWED BY:  City Manager; Community Development Director, Finance Director, City Attorney.
APPLICATION FOR DEVELOPMENT REGULATION AND/OR ZONING MAP AMENDMENT

STAFF USE ONLY

Docket Number: LA18-0005
Application Date: 1.30.18
○ City-initiated
✓ Privately-initiated

SEPA 18-03

APPLICANT

Check if Primary Contact Person □
Name: Oakpointe Land Covington, LLC
Address: 3025 112th Avenue NE, Suite 100
City, State, Zip: Bellevue, WA 98004
Phone Number: (425) 898-2100
Fax Number: (425) 898-2139
E-mail: clund@oakpointe.com
Signature

AGENT

Check if Primary Contact Person □
Name: Oakpointe LLC (Contact: Colin Lund)
Address: 3025 112th Avenue NE, Suite 100
City, State, Zip: Bellevue, WA 98004
Phone Number: (425) 898-2100
Fax Number: (425) 898-2139
E-mail: clund@oakpointe.com
Signature

PROPERTY OWNER 1

Check if Primary Contact Person □
Name: Hawk Family Properties Limited Partnership
Address: PO Box 1131
City, State, Zip: Ravensdale, WA 98051
Phone Number:
Fax Number:
E-mail: jimhawk62@hotmail.com
Signature

PROPERTY OWNER 2

Check if Primary Contact Person □
Name:
Address:
City, State, Zip:
Phone Number:
Fax Number:
E-mail:
Signature

TYPE OF AMENDMENT (Check all that apply)

☒ This is a proposal to amend development regulation text or tables contained in the Covington Municipal Code. Complete development regulation information on Page 2.

☐ This is a proposal to amend the City’s zoning map. Complete zoning map amendment information on Page 2.
DEVELOPMENT REGULATION AMENDMENT

Chapter(s) and section(s) of Covington Municipal Code to be amended:

CMC 8.20.020(2)(i)

1. Is the proposed amendment a minor correction (i.e. one that does not result in any substantive change to the content or meaning of a development regulation, such as a correction to punctuation or numbering, or a typographical or technical error)? ☑ Yes ☐ No

If yes, amendment proposal is exempt from the notice and hearing requirements of CMC 14.27 and the Director may make a recommendation directly to City Council.

2. What are the reasons for requesting this change?

Reclamation activities under Washington State Department Surface Mining Reclamation Permits typically require fill material to be completed. There are many scheduled nighttime-only excavation projects in the greater Seattle/Bellevue area that could bring fill material to the Lakepointe reclamation site if nighttime work were permitted. Providing the opportunity for nighttime work hours associated with site reclamation would substantially shorten the overall duration of on-site fill activity and expedite the implementation of the Sub Area plan.

3. Provide either conceptual or specific proposed amendatory language. Please be as specific as possible to aid in the evaluation of your proposal. If specific changes are requested, please indicate current language and proposed language. Attach additional sheets if necessary.

Proposed amendment to CMC 8.20.020(2)(i) shown in blackline on the attached.

ZONING MAP AMENDMENT

PROPOSED CHANGE TO ZONE DESIGNATION: FROM ________ (CURRENT) TO ________ (PROPOSED)

SURROUNDING ZONE DESIGNATIONS: EAST ________ WEST ________ NORTH ________ SOUTH ________

COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION: __________________________

CURRENT LAND USE: __________________________

If this is a site-specific zoning map amendment, complete the following property information. Give street address, or, if vacant, indicate lot(s), block, and subdivision OR tax lot number, access street, and nearest intersection. If proposal applies to several parcels, list the streets bounding the area.

ADDRESS(ES): __________________________

ASSESSOR’S PARCEL NUMBER(S): __________________________

SITE AREA: ________ square feet ☑ ________ acres ☑

LEGAL DESCRIPTION(S): __________________________
1. Proposed amendments that are the same or substantially-similar to an amendment proposed during the last three amendment cycles are not eligible for consideration, except in certain cases due to geographic expansion by the City (see CMC 14.27.030(3)). Has the same or a substantially-similar amendment been proposed in the last three amendment cycles? □ Yes □ No If yes, how has geographic expansion necessitated the proposed amendment?

Not applicable.

2. Explain how the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan.

In 2014, the City of Covington adopted the Hawk Property Subarea Plan (Ord. No. 01-14) to facilitate the transition of the Hawk Property from its former use as resource extraction to urban development. The Hawk Subarea Plan was then incorporated into the City's 2015-2035 Comprehensive Plan (Ord. No. 02-2016). The proposed code amendment will facilitate completion of reclamation activities within the Subarea thereby helping transform the land from its current condition, a former gravel mine and asphalt batch plant, into a well-planned urban village consistent with the policies set forth in the City's Comprehensive Plan.

3. Explain how the proposed amendment is consistent with the scope and purpose of the City's zoning ordinances and the description and purpose of the zone classification applied for.

As described below, the Lakepointe Urban Village Subarea was rezoned in 2016 from Mineral to R-6, R-12, MR and RCMU. The proposed amendment will help facilitate the completion of reclamation activities within the Subarea thereby allowing for redevelopment of the reclaimed land consistent with the new zoning.

4. Explain how circumstances have changed substantially since the establishment of the current development regulation, zoning map or district to warrant the proposed amendment.

The Noise Control Ordinance, CMC Ch. 8.20, was adopted prior to the City's adoption of the Hawk Property Subarea Plan or the rezone of the Lakepointe Urban Village Subarea from Mineral to R-6, R-12, MR and RCMU. Therefore, mineral uses, at that point in time, were in conformance with the City's existing zoning ordinances and there was no need to facilitate faster completion of associated reclamation activities. Mineral extraction is now a nonconforming use within the Subarea and allowing accelerated reclamation activities (nighttime fill) will bring the land into conformance with the Comp Plan faster.

5. Explain how the proposed zoning is consistent and compatible with the uses and zoning of surrounding property.

New zoning is not proposed in this application; however, the Lakepointe Urban Village Subarea is of a scale where fill material could be deposited in specific nighttime locations to minimize any additional noise that might reach adjacent residents. A majority of nighttime fill could be directed to the lower elevations of the existing gravel pits to further attenuate any ambient noise. The existing tree buffer along the sites south boundary further help mitigate potential noise associated with nighttime work hours. Additional mitigations measures would likely be incorporated into any approval for extended nighttime hours.
6. Explain how the property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification.

Not applicable.

7. Explain how adequate public services could be made available to serve the full range of proposed uses in that zone.

Not applicable.

COST & BENEFITS / ADDITIONAL INFORMATION

1. Describe the effects of the proposed amendment in terms of costs and benefits to the public, both monetary and non-monetary.

Benefits: As captured by the Subarea Plan adopted for the Lakepointe Urban Village, the City’s vision for the property is the creation of an urban village at Covington’s northern gateway that would provide regional shopping and employment opportunities for residents of Covington and neighboring communities, as well as new housing opportunities for the Covington community, as well as public recreational amenities. This code amendment would facilitate achievement of these public benefits faster.

Costs: Nighttime fill operations may create short-term noise impacts for surrounding properties; however, any future application for extended work hours would be subject to, noise mitigation conditions from City.

2. Describe and/or attach any studies, research information, or other documentation that will support this proposal.

Applicant’s agents have conducted many noise monitoring points around the Lakepointe Urban Village Subarea. Such information is available upon request and will be submitted with any future application for extended work hours for fill operations if this code amendment application is approved by the City of Covington.

CERTIFICATION / SIGNATURE

☐ I certify that the information provided in the application is true and correct to the best of my knowledge.

Signature of Applicant

Date: 12/1/17

Print form, sign, date, and return to Permit Services counter at City Hall with the required fee. If this is a site-specific amendment proposal, all affected property owners must complete, sign, and have notarized a Property Owner Declaration.
DEVELOPMENT REGULATION AMENDMENT

3. Proposed amendment to CMC 8.20.020(2)(i) shown in blackline below:

i) The creation of sounds originating from any construction activity, including excavation and land clearing work, or erection, demolition, alteration, repair, or relocation of any building or structure, which uses tools such as, but not limited to, powered equipment, compressors, motorized or powered hand tools, hammers or equipment of a similar nature at any location which produces noise clearly audible from another location in a residential district or at a dwelling in any district, between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on Saturdays, Sundays or Federal holidays. Prohibitions on the above listed construction activities occurring between 8:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on weekends or Federal holidays may be waived or modified by the City Manager or his/her designee upon written request by a permit applicant, or the owner of the property, with an approved building permit for work involving public utilities within the public right-of-way or an approved Department of Natural Resources Reclamation Permit for work involving fill activities. The applicant shall outline in writing the length of the requested nighttime work, why it is necessary, the activities that will be undertaken in those expanded hours, and any mitigation methods proposed to minimize or eliminate noise impacts to nearby residential dwellings. If the request is approved, the City’s approval shall include the specific construction activities, dates and hours of operation, and any appropriate noise mitigation measures that must be met to commence such activities during the approved dates and times. Upon approval by the City, the applicant shall notify all property owners within 300 feet of the property of the approved nighttime construction hours at least three days prior to commencement of the nighttime work by a notification method approved by the City. The City Manager or his/her designee may waive or modify the three-day notification requirement to affected property owners if the City Manager or his/her designee determines that a fire or life safety emergency exists that requires the work to be commenced prior to the end of the three-day notification period;
ORDINANCE NO. 04-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING CHAPTER 8.20 NOISE CONTROL AND CHAPTER 14.60 CLEARING AND GRADING OF THE CITY OF COVINGTON MUNICIPAL CODE; RELATING TO ALLOWING A METHOD TO REQUEST AN EXEMPTION TO THE ALLOWED HOURS OF CONSTRUCTION FOR FILL ACTIVITIES ASSOCIATED WITH A RECLAMATION PERMIT

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, Chapter 8.20 of the Covington Municipal Code (CMC) authorizes the City of Covington to control the level of noise pollution in a manner that promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment by declaring certain noise producing activities to be noise disturbances; and

WHEREAS, Chapter 14.60 of the CMC authorizes the City to enforce clearing and grading regulations to protect the public from adverse impacts due to grading activities and to produce a better end product for developing property; and

WHEREAS, this ordinance will allow amendments to Chapter 8.20 of the CMC to allow the City Manager or his/her designee to grant an exemption to the allowed hours of construction work for fill activities necessary to implement a Department of Natural Resources Reclamation Permit; and

WHEREAS, this ordinance will allow amendments to Chapter 14.60 of the CMC to add special criteria for proposed unloading of Fill during Expanded Work Hours; and

WHEREAS, adequate provisions are included in the proposed amendments to ensure that necessary mitigation measures can be applied to minimize impacts to adjacent residential dwellings and critical area habitat; and

WHEREAS, the Planning Commission held a properly noticed public hearing on March 21, 2019, to take public testimony on the proposed amendments, and the applicant and two members of the public spoke during the public comment portion and no written comments on the proposed amendments were submitted. A courtesy notice of the public hearing was also mailed to all property owners within 500 feet of the Lakepointe Urban Village Subarea notify them of the proposed amendments and Planning Commission public hearing; and

WHEREAS, the Covington City Council held a properly noticed public hearing on April 23, 2019 to receive public testimony on the proposed amendments; public notice was published in the newspaper, posted at City Hall, and on the City’s website. A courtesy notice of the City Council’s public hearing was also mailed to all property owners within 500 feet of the Lakepointe Urban Village Subarea to notify them of the proposed amendments and City Council’s public hearing; and
WHEREAS, the City Council, upon review of the facts and findings and recommendations of the Covington Planning Commission, and after review and information provided by City staff find that all applicable and substantive requirements of the law have been met, that adoption of this ordinance promotes the public health, safety, and general welfare of the community and the adoption of this ordinance serves the public interest.

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

Section 1. Chapter 8.20 Noise Control of the Covington Municipal Code, is hereby amended as set forth in the attached Exhibit A, incorporated herein by this reference.

Section 2. Chapter 14.60 Clearing and Grading of the Covington Municipal Code is hereby amended as set forth in the attached Exhibit B, incorporated herein by this reference.

Section 3. The 2019 City of Covington Fee Schedule is hereby amended to include fees for the costs incurred by the City to review a waiver application to allow expanded work hours for fill associated with an approved DNR permit, which fees shall be consistent with the fees charged for a waiver to allow work involving public utilities within the public right-of-way.

Section 4. This ordinance shall be in full force and effect five (5) days after publication. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

Section 5. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

Passed by the City Council on the 23rd day of April 2019.

Mayor Jeff Wagner

PUBLISHED: April 26, 2019
EFFECTIVE: May 1, 2019

ATTESTED:

Sharon Scott
City Clerk

APPROVED AS TO FORM:

Kathy Hardy
City Attorney
Chapter 8.20

NOISE CONTROL

Sections:
8.20.010 Purpose.
8.20.020 Public disturbance noises.
8.20.030 Violation – Penalty.

8.20.010 Purpose.
The purpose of this chapter is to minimize the exposure of citizens to the harmful physiological effects of excessive noise. The intent of the City Council is to control the level of noise pollution in a manner which promotes commerce, the use, value and enjoyment of property, sleep and repose and the quality of the environment by declaring certain noise producing activities to be noise disturbances. (Ord. 07-12 § 1 (Exh. A); Ord. 96-98 § 1)

8.20.020 Public disturbance noises.
(1) It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

(2) The following sources of sound shall be public disturbance noises:

(a) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except those from a police, fire or medical emergency vehicle, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;

(b) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;

(c) Yelling or shouting which is audible on the public streets or public grounds between the hours of 10:00 p.m. and 8:00 a.m. or at any time and place so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;

(d) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium which unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property, such as sounds from band sessions or social gatherings;

(e) The creation of sound from any motor vehicle audio sound system, such as a tape player, radio or compact disc player, operated at a volume so as to be audible at least 50 feet from the source;

(f) The creation of sound from any audio equipment, such as a tape player, radio or compact disc player, television, musical instrument, or similar device, whether portable or stationary, operated at a volume as to be audible at least 50 feet from the source;

(g) The creation of squealing, screeching or other similar sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger shall be exempt from this section;

(b) The creation of sounds originating from residential real property relating to temporary projects for the maintenance or repair of grounds and appurtenances, including but not limited to sounds from lawn mowers, powered hand tools, snow removal equipment and composters, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and between the hours of 10:00 p.m. and 9:00 a.m. on weekends;
(i) The creation of sounds originating from any construction activity, including excavation and land clearing work, or erection, demolition, alteration, repair, or relocation of any building or structure, which uses tools such as, but not limited to, powered equipment, compressors, motorized or powered hand tools, hammers or equipment of a similar nature at any location which produces noise clearly audible from another location in a residential district or at a dwelling in any district, between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on Saturdays, Sundays or Federal holidays. Prohibitions on the above listed construction activities occurring between 8:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on weekends or Federal holidays may be waived or modified (expanded work hours) only upon application and subject to approval by the City Manager or his/her designee by a permit applicant, or the owner of the property, with an approved building permit for work involving public utilities within the public right-of-way, or an approved Washington State Department of Natural Resources (DNR) Surface Mining Reclamation Permit limited to the unloading of fill on-site.

The application fee established in the Covington Fee Schedule shall be paid for review and potential issuance of an expanded work hours permit. The designated City official responsible for reviewing and issuing the permit may approve, deny, or condition the permit based on the approval criteria. Approval may only be for specific dates and times and under terms that the approving official deems appropriate under the circumstances. The City may require additional measures to control noise, vibration and light/glare, including but not limited to equipping construction vehicles with ambient-sensitive back-up alarms or muffling engine noise if the site conditions or the site’s proximity to residential zoned properties, residential uses, or critical areas warrants them. The application shall contain such information as deemed necessary by the designated city official, including:

(A) Expanded Work Hours Procedures and Approval Criteria. The applicant shall outline in writing the duration and hours of the requested nighttime work, why it is necessary, a detailed description of the activities that will be undertaken in those expanded hours, and any mitigation methods proposed to minimize or eliminate noise impacts to nearby residential dwellings and critical areas. Any proposed expanded work hours application for fill activity associated with an approved DNR Surface Mining Reclamation Permit shall demonstrate they meet the provisions of CMC 14.60.160 (4).

(B) Approval. If the request is approved, the City’s approval shall include the specific construction activities, dates and hours of operation, and any appropriate noise mitigation measures that must be met to commence such activities during the approved dates and times. Upon approval by the City, the applicant shall notify all property owners within 300 feet of the property of the approved nighttime construction hours at least three days prior to commencement of the nighttime work by a notification method approved by the City. The City Manager or his/her designee may waive or modify the three-day notification requirement to affected property owners if the City Manager or his/her designee determines that a fire or life safety emergency exists that requires the work to be commenced prior to the end of the three-day notification period.

(j) The creation of sounds from gas-powered motorized foot scooters between the hours of 9:00 p.m. and 7:00 a.m. or during any “hours of darkness” as that phrase is defined in RCW 46.04.200. For purposes of this section, the times of sunset and sunrise shall be those times designated in a newspaper of local circulation including the King County Journal, the Seattle Times or the Seattle Post-Intelligencer.

(3) The prohibitions set forth in this section shall not apply to a civic event or gathering approved in advance by the City Manager or his/her designee; and provided, that the City shall approve the activities and hours of operation for which the noise level shall be exempt. (Ord. 07-12 § 1 (Exh. A); Ord. 21-04 § 1; Ord. 27-01 § 1; Ord. 96-98 § 1)

8.20.030 Violation – Penalty.

(1) Any person who violates the provisions of this chapter shall be subject to a civil fine not to exceed $250.00 for the first offense. For second and subsequent offenses, the person shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed $1,000 or 90 days in jail, or both such fine and jail.
(2) Nothing contained in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 05-13 § 1; Ord. 07-12 § 1 (Exh. A); Ord. 96-98 § 1)
Chapter 14.60

CLEARING AND GRADING REGULATIONS

Sections:
14.60.010 Purpose.
14.60.020 Definitions.
14.60.030 Applicability.
14.60.040 Related codes and regulations.
14.60.050 Administration.
14.60.060 Hazards.
14.60.070 Design variances and deviations.
14.60.075 Clearing and grading fee.
14.60.080 Clearing and grading permit required.
14.60.100 Permit requirements.
14.60.110 Expiration of permits and applications.
14.60.120 Operating conditions and standards of performance.
14.60.130 Grading – Land development projects.
14.60.135 Grading – Individual lots.
14.60.140 Drainage.
14.60.150 Slopes.
14.60.160 Fill.
14.60.170 Rock and retaining walls.
14.60.190 Driveways – Design.
14.60.200 Inspections.
14.60.210 Final approval.
14.60.240 Enforcement, violations and penalties.

14.60.010 Purpose.
(1) This chapter is intended to regulate clearing, grading and earthwork construction, including cuts and fills, within the City of Covington, in order to protect public health, safety, welfare, and aesthetics by:

(a) Preventing damage to property and harm to persons caused by excavations and fills;

(b) Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of landforms;

(c) Protecting water quality from the adverse impacts associated with erosion and sedimentation;

(d) Minimizing the height, steepness, and number of graded slopes;

(e) Minimizing the amount of grading after a property is developed and prepared for building construction;

(f) Minimizing the height and number of rock and retaining walls;

(g) Protecting critical areas and associated buffers from adverse clearing and grading activities;

(h) Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;

(i) Establishing minimum access requirements to and around buildings for safety, security, maintenance, and general use and enjoyment of property;

(j) Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of clearing and grading operations; and

(k) Providing enforcement and penalties for the violation of this chapter.
(2) This chapter establishes the administrative procedure for issuance of permits, provides for approval of plans and 
inspection of clearing and grading operations, and provides for enforcement and penalties for the violation of this 
chapter. (Ord. 08-13 § 1 (Exh. A))

14.60.020 Definitions.
Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows. 
Unless otherwise defined in this chapter the definitions provided in Chapter 18.20 CMC shall be applicable.

(1) “Bench” means a relatively level step excavated or constructed into earth material on which fill is to be placed.

(2) “Best management practices (BMPs)” means the best available and reasonable physical, structural, managerial, 
or behavioral activities that, when used singly or in combination, eliminate or reduce the contamination of surface 
and/or ground waters.

(3) “Borrow” means earth material acquired from an off-site location for use in grading on a site.

(4) “Clearing and grading permit” means the written permission of the Director to the applicant to proceed with the 
act of clearing and grading within the provisions of this chapter. The clearing and grading permit includes the 
associated approved plans and any conditions of approval as well as the permit form itself.

(5) “Compaction” means the densification of a fill by mechanical means.

(6) “Earth material” means any rock, natural soil or fill, or any combination thereof.

(7) “Excavation” means the removal of earth material. The term “cut” can also be used to describe excavation.

(8) “Fill” means a deposit of earth material placed by mechanical or other means.

(9) “Infrastructure improvements” means streets, drainage facilities, utilities, and associated appurtenances typically 
constructed as part of a development project for the purposes of serving the development.

(10) “Key” means a compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

(11) “Modular block wall” means a wall constructed of manufactured modular wall units acting as a protective 
facing for an exposed soil face or as a gravity retaining wall.

(12) “Reinforced fill” or “reinforced soil” means soil fill designed by a geotechnical engineer which includes 
reinforcement consisting of metal or synthetic materials in bars, strips, grids, or sheets.

(13) “Retaining wall” means a wall designed to resist the lateral displacement of soil or other materials.

(14) “Rockery” or “rock wall” means one or more courses of large rocks stacked near vertical in front of an exposed 
soil face to protect the soil face from erosion and sloughing. A rockery or rock wall is not a retaining wall.

(15) “Site restoration” means the permanent restoration of lands modified under the provisions of this code, typically 
in the form of the establishment of vegetation and drainage facilities to control the rate and erosive force of 
stormwater runoff.

(16) “Terrace” means a relatively level step excavated or constructed in the face of a graded slope surface for 
drainage and maintenance purposes. (Ord. 08-13 § 1 (Exh. A))

14.60.030 Applicability.
The provisions of this chapter shall apply to any person developing, altering, clearing, or grading land, or 
constructing buildings in the City of Covington. (Ord. 08-13 § 1 (Exh. A))

14.60.040 Related codes and regulations.
(1) The requirements of this chapter are in addition to other City codes, standards, and regulations. Where conflicts 
exist between the provisions of this chapter and other codes and standards, the most restrictive shall apply.

The Covington Municipal Code is current through Ordinance 04-18, passed July 10, 2018.
(2) The applicant shall comply with this chapter, the City of Covington Design and Construction Standards, as adopted in Chapter 12.60 CMC, Appendix J of the International Building Code, as adopted in Chapter 15.05 CMC, Surface and Stormwater, as adopted in Chapter 13.25 CMC, CMC Titles 14 and 18, and equivalent standards approved by the Director.

(3) Requirements administered by other State and local agencies may also apply. The responsibility for determining the existence and application of other agency requirements rests solely with the applicant. (Ord. 08-13 § 1 (Exh. A))

14.60.050 Administration.

(1) The Director is authorized to develop and adopt administrative rules and procedures for the purposes of implementing and enforcing the provisions of this chapter.

(a) If clearing and grading, inconsistent with the purposes and requirements of this chapter, has occurred on a site, the City shall not accept or grant any development permits or approvals for the site unless the applicant adequately restores the site.

(2) The Director may impose conditions on permit approval as needed to mitigate identified project impacts and shall deny permit applications that are inconsistent with the provisions of this chapter.

(3) As a condition of any permit issued for activity covered by this chapter, the property owner shall be required to consent to entry upon the land by the Director or his/her designee at all reasonable times to inspect the same or to perform any duty imposed upon the Director by this chapter. If the land is occupied, the Director shall first present proper credentials and request entry. If the land is unoccupied, a reasonable effort shall be made to locate the owner or other persons at the site who are in apparent charge or control of the land and demand entry. If no person is located, the Director may enter said property and shall, with due diligence, make attempts to notify the owner, occupant, or other person having charge within a reasonable amount of time of the entry.

(4) Where the Director has reasonable grounds to believe that activities for which a permit is required by this chapter are being conducted without a permit on land within the City, the Director or his/her designee may seek to inspect the land and such activity. If the land is occupied, the Director shall first present proper credentials and request entry for inspection. If the land is unoccupied, a reasonable effort shall be made to locate the owner or other persons at the site who are in apparent charge or control of the land and request entry for inspection. If no person is located, or if entry is refused, the Director may request the assistance of the City Attorney, City Prosecutor, or Police Department regarding access. (Ord. 08-13 § 1 (Exh. A))

14.60.060 Hazards.

The Director has the authority to determine whether an existing site, as a result of clearing, grading, excavation, filling, or other similar activity, has become a hazard which may endanger property or adversely affect the safety, use, or stability of a public way or drainage channel. (Ord. 08-13 § 1 (Exh. A))

14.60.070 Design variances and deviations.

(1) A design deviation is a Type 1 decision and a design variance is a Type 2 decision, as established by CMC 14.30.040. Applicants requesting a variance from the requirements of this chapter shall provide justification for the variance in accordance with Chapter 18.125 CMC. Applicants requesting a deviation from the requirements of this chapter shall provide justification in accordance with the process outlined in the City’s Design and Construction Standards, adopted in Chapter 12.60 CMC. The Director, City Engineer, and/or their designee may impose conditions upon the granting of any clearing and grading design deviations or design variance.

(2) Applications for variances shall require payment of all application fees to cover the cost of the review. Such fees are set forth in the current fee resolution. (Ord. 08-13 § 1 (Exh. A))

14.60.075 Clearing and grading fee.

(1) Fees shall be collected to compensate the Department for the investigation, permit administration, plan review, and ongoing monitoring/inspection of grading and clearing permit applications consistent with the grading and/or clearing fees set forth in the current fee resolution.
(2) Fee Reductions. Grading permit fees for projects entirely completed within one year or for permits reviewed in conjunction with other land use permits may qualify for a fee reduction. The reduction is set forth in the current fee resolution.

(3) Work without a Permit. Whenever any work for which a grading or clearing permit is required by this chapter has been commenced without first obtaining a valid permit, the City may double the clearing and grading fee as set forth in the grading permit fee tables in the current fee resolution. This fee increase may be imposed in addition to any other enforcement procedures pursuant to this chapter.

(4) Additional Review Fees. In addition to the grading and clearing permit fees set forth in this section, other fees required by the Covington Municipal Code may be applicable to individual grading permit applications. Such fees include, but are not limited to, shoreline management, SEPA, and critical areas review fees. (Ord. 08-13 § 1 (Exh. A))

14.60.080 Clearing and grading permit required.

(1) A clearing and grading permit is required for all clearing and grading activities, unless the activity is exempt as follows:

(a) An on-site excavation for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation;

(b) Routine landscape maintenance or installation of landscaping improvements involving not more than 50 cubic yards in total of excavation and fill on a single parcel of property within a 12-month period; provided, that topsoil up to a depth of six inches, regardless of quantity, may be placed on single-family residential properties without requiring a permit, provided this activity is not conducted within a critical area or associated buffer;

(c) Maintenance of existing driveways or private access roads within their existing road prisms;

(d) Any clearing or grading within a publicly owned road right-of-way or easement, for which a right-of-way use permit has been granted by the City;

(e) Clearing or grading by a public agency for the following routine maintenance activities:

(i) Routine clearing within road right-of-way;

(ii) Pavement maintenance;

(iii) Normal grading of gravel shoulders;

(iv) Roadside ditch cleaning;

(v) Maintenance of culverts;

(vi) Maintenance of flood control or other approved surface water management facilities; and

(vii) Normal and routine maintenance of parks and trails;

(f) Cemetery graves;

(g) Excavation or fill less than three feet in vertical depth not involving more than 50 cubic yards of earth or other material on a single site;

(h) Clearing associated with tree and vegetation removal as exempt in CMC 18.45.050(3);

(i) Clearing or grading activities for the purposes of gathering information required by the City for application of a development proposal, such as:
(i) Hand clearing of vegetation for surveying;

(ii) Minimal clearing and grading as required to perform geotechnical exploration to characterize geologic formations and soils;

(iii) Minimal clearing and grading to install erosion and sedimentation control devices in accordance with an approved temporary erosion and sedimentation plan; and

(iv) Removal of trees outside of critical areas; provided, that trees to be removed are not located in an area designated to be preserved as part of an approved tree retention plan in general accordance with CMC 18.45.080; and provided, that a forest practices application is not required by the Washington State Department of Natural Resources.

(j) Approved and active Washington State Department of Natural Resources Surface Mining Reclamation Permits.

(2) All clearing and grading within critical areas and their associated buffers shall conform to the provisions of this chapter and Chapter 18.65 CMC.

(3) A clearing and grading permit may be issued as a component of a building permit, or other permit, rather than as a separate permit. The Director may require that single-family building permits and clearing and grading permits be combined.

(4) All clearing and grading activities within the City, regardless of whether a permit is required, shall meet the performance and restoration requirements of this chapter and shall include the use of best management practices to reduce erosion, protect water and air quality, and mitigate off-site impacts, such as noise, light, dust, etc. (Ord. 08-13 § 1 (Exh. A))

14.60.100 Permit requirements.

(1) Applications shall be on forms prescribed by the Director and shall include such information as deemed necessary by the Director to establish compliance with this section. A complete application shall include requirements as outlined in CMC 14.35.020 and this section, unless otherwise approved by the Director and as shown on the application form.

(a) A complete application on a form supplied by the department;

(b) Payment of any application fee set forth in the current fee resolution;

(c) Describe the work to be covered by the permit for which application is made;

(d) Indicate the estimated quantities of work involved (disturbed area in acres and cut and fill quantities in cubic yards);

(e) Be signed by the property owner or his/her authorized agent who shall be required to submit evidence to indicate such authority;

(f) Complete bond quantity worksheet, associated financial guarantees, and liability insurance as set forth in CMC 14.105.150 and 14.105.170; and

(g) Other information as may be required by the Director.

(2) Each application for a grading permit shall be accompanied by plans and specifications and other supporting data, as applicable. The plans and specifications shall be prepared and signed by a civil engineer registered to practice in the State of Washington. Plans and specifications for single-family residential construction shall not require preparation by a licensed engineer unless deemed necessary by the City Engineer.

(3) Plans shall be prepared in general accordance with Chapter 10 of the City’s Design and Construction Standards.
(a) Tree retention plan shall be prepared in accordance with CMC 18.45.080;

(b) A soils report shall be prepared by a licensed soils or geotechnical engineer and shall cover all portions of the project within the engineer’s expertise, including site history; geologic structures; surface conditions; subsurface conditions; recommendations for foundation support, site preparation, structural fill, slope stability, and mitigation; design parameters for retaining structures and structure backfill, surface and subsurface drainage, dewatering, excavation conditions, and hazards; seismic conditions, erosion, and sedimentation hazards and controls; use of on-site materials for structural fill and backfill; and pavement design. The soils or geotechnical engineer shall be retained as the engineer-of-record for the duration of the project; and

(c) If the clearing or grading is proposed to take place in or adjacent to a critical area as regulated in Chapter 18.65 CMC, provide information as required by that chapter.

(4) Issuing Clearing and Grading Permits.

(a) After an application has been filed and reviewed, the Director shall determine that the clearing and grading work complies with the other provisions of the municipal code or request that the application be corrected or amended to comply with this chapter.

(b) In granting a clearing and grading permit, the Director may require measures to mitigate the impacts of the clearing and grading work.

(c) No clearing and grading permit shall be issued until approved by Federal, State, and local agencies having jurisdiction by laws or regulations pertaining to the proposed work.

(d) Upon approval of the application and issuance of the clearing and grading permit, no work shall be done that is not provided for in the permit.

(e) The clearing and grading permits from the Director shall be required regardless of any other permits issued by any other department or governmental agency who may be interested in certain aspects of the proposed work. (Ord. 08-13 § 1 (Exh. A))

14.60.110 Expiration of permits and applications.

(1) An application for a clearing and grading permit may be canceled for inactivity if an applicant fails, without reasonable justification, to respond to the Department’s written request for revisions or corrections within 60 days of receipt of such request. The Director may extend the response period beyond 60 days if the applicant provides and adheres to a reasonable schedule for submitting the full revisions.

(2) Clearing and grading permits expire as follows:

(a) If a building permit is issued for the same site, the clearing and grading permit shall automatically expire or be extended when the building permit expires or is extended;

(b) If a building permit is not issued for the same site, the clearing and grading permit shall expire as follows:

(i) The permit shall expire if the authorized work has not begun within 180 days from the date of permit issuance, or if work is abandoned for over 60 consecutive days, unless an extension has been granted. The applicant shall be responsible for notifying the Director, in writing, if delays or unforeseen circumstances are impacting the start or continuation of the work.

(ii) If the authorized work is continually performed, the permit shall expire one year from the date of issuance, unless a different time frame is specified on the permit or an extension is granted. Up to two one-year extensions may be granted by the Director; provided, that conditions which were relevant to issuance of the permit have not changed substantially and no material detriment to the public welfare will result from the extension. The applicant shall be responsible for notifying the Director, in writing, if delays or unforeseen circumstances are impacting the completion of the work. An extension may be granted by the Director, provided the applicant provides the following:
A written request and applicable fee. The request should be submitted no later than 60 days prior to expiration of the permit;

(B) The applicant’s project engineer submits a signed statement certifying that they have reviewed the current physical conditions of the site and such conditions have not changed to a degree as to require a revision to the design of the site in order to remain consistent with the applicable standards and requirements which were in effect at the time of the original permit approval and the associated land use approval.

(3) When a permit is ready to be issued, the applicant shall be notified and must pick up the permit within 60 days of notification. If the permit is not picked up, it may be canceled by the Director and become null and void. If the permit is canceled, the Director shall notify the applicant by mail. (Ord. 08-13 § 1 (Exh. A))

14.60.120 Operating conditions and standards of performance.
All clearing and grading activities in the City shall conform to the City’s adopted regulations as set forth in the municipal code and the provisions of this section as follows:

(1) All standards under this chapter shall be consistent with the City’s adopted stormwater and reference manuals adopted in CMC 13.25.020, herein referred to as the “City’s stormwater manual.”

(2) The site shall be operated and maintained in a neat and orderly manner, free from junk, trash, or unnecessary debris.

(3) Prior to the start of clearing and grading operations, the applicant shall identify all proposed haul routes and access points to the site for review and approval by the City.

(4) The applicant must properly handle and dispose of other pollutants that are on site during construction so as to avoid possible health risks or environmental contamination. Direct and indirect discharge of pollutants to the drainage system, critical areas, wetlands, streams, or any other adjacent properties is prohibited. Storage of fuel or other hazardous substances on site is prohibited.

(a) All pollutants, including waste materials and demolition debris, that occur on site shall be handled and disposed of in a manner that does not cause contamination of stormwater.

(b) Cover, containment, and protection from vandalism shall be provided for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment. On-site fueling tanks shall include secondary containment.

(c) Maintenance, fueling, and repair of heavy equipment and vehicles shall be conducted using spill prevention and control measures. Contaminated surfaces shall be cleaned immediately following any spill incident.

(d) Wheel wash or tire bath wastewater shall be discharged to a separate on-site treatment system or to the sanitary sewer with local sewer district approval pursuant to State Department of Ecology standards, unless modified by the Director.

(e) Application of fertilizers and pesticides shall be conducted in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Manufacturers’ label requirements for application rates and procedures shall be followed.

(f) Best management practices shall be used to prevent or treat contamination of stormwater runoff by pH modifying sources. These sources include, but are not limited to: bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete pumping and mixer washout waters. Construction site operators shall adjust the pH of stormwater if necessary to prevent violations of water quality standards.

(g) Construction sites with significant concrete work shall adjust the pH of stormwater if necessary to prevent violations of water quality standards. Construction site operators shall obtain written approval from the State Department of Ecology prior to using chemical treatment other than CO2 or dry ice to adjust pH.
The applicant shall be responsible that the requirements found either in the City’s stormwater manual or outlined below are met for the following:

(a) Site containment;

(b) Installing sediment controls;

(c) Stabilizing disturbed areas;

(d) Stabilizing channels and outlets.

(6) Land disturbance activities shall not result in off-site physical damage, nor pose a danger or hazard to life or property. Such activities shall neither contribute to nor create landslides, accelerated soil creep, or settlement of soils.

(7) Dewatering Devices.

(a) Foundation, vault, and trench dewatering water that has similar characteristics to stormwater runoff at the site shall be discharged into a controlled conveyance system prior to discharge to a sediment pond. Channels must be stabilized according to the standards in the City’s stormwater manual.

(b) Clean, nonturbid dewatering water, such as well-point groundwater, can be discharged to systems tributary to State surface waters provided the dewatering flow does not cause erosion or flooding of receiving waters. These clean waters should not be routed through stormwater sediment ponds.

(c) Highly turbid or contaminated dewatering water shall be handled separately from stormwater.

(d) Other disposal options, depending on site constraints, may include:

   (i) Infiltration.

   (ii) Transport off site in a vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute State waters.

   (iii) On-site treatment using chemical treatment or other suitable treatment technologies.

   (iv) Sanitary sewer discharge with local sewer district approval.

   (v) Use of a sedimentation bag with outfall to a ditch or swale for small volumes of localized dewatering.

(8) Site-Specific Requirements. Additional site-specific requirements may be established after a site visit by the City. These requirements shall be based on specific site conditions and are limited to additional temporary erosion and sedimentation control and the mitigation of hazardous or potentially hazardous conditions that pose a threat off site or to habitat preservation. (Ord. 08-13 § 1 (Exh. A))

**14.60.130 Grading – Land development projects.**

(1) For all land development projects such as subdivisions, short subdivisions, and commercial site developments, the applicant shall, after being issued the proper permits, clear and grade the property and install infrastructure improvements. Final grades of lots shall be prepared in accordance with the provisions of this chapter. Individual lots shall be cleared and graded in accordance with CMC 14.60.135.

(2) Individual lots within a land development project shall be cleared and graded as part of the overall project’s mass grading and construction of infrastructure. The individual lots shall be graded to accept the expected buildings and driveways. All lots shall be designed and constructed with due regard to the natural topography.

(a) Walls and slopes proposed as a means of grade separation between lots shall be constructed as part of the mass grading phase of the project and shall be constructed entirely on the downhill lot.
The Covington Municipal Code is current through Ordinance 04-18, passed July 10, 2018.

14.60.135 Grading – Individual lots.

Individual lots may be cleared and graded with the following restrictions:

1. Excavation and fill will be allowed up to maximum depth of three feet, excluding the excavation required for the building foundations.

2. Grading across property boundaries will only be allowed if a separate clearing and grading permit is issued for the grading activity for all affected lots.

3. Any grading of the property and individual lots shall generally conform to the natural topography of the property and adjacent properties and all provisions of this chapter.

4. All building lots shall be graded and prepared such that all roof, yard, slope, driveway, and footing drains can be connected directly by gravity to the project’s drainage system. Discharge to an alternate location may be allowed only with prior approval of the City Engineer and appropriate easements from affected downstream property owners. (Ord. 08-13 § 1 (Exh. A))

14.60.140 Drainage.

Clearing and grading operations shall take all necessary precautions, through the use of best management practices (BMPs), to control drainage within the site and off site to avoid damage to adjoining properties and drainage facilities and prevent impacts to water quality as outlined in the City’s stormwater manual and Design and Construction Standards. (Ord. 08-13 § 1 (Exh. A))

14.60.150 Slopes.

Slopes shall be constructed with due regard for drainage, access, maintenance, impacts to adjacent property, and aesthetics. Constructed slopes shall comply with all applicable codes and standards and the following criteria:

1. Fill slopes shall be constructed no steeper than three horizontal to one vertical. Cut slopes may be constructed at a maximum slope of two horizontal to one vertical upon approval of the Director and recommendation of a geotechnical engineer for those areas lying outside the building envelope. In addition, the following standards shall apply to cut and fill slopes:

   a. Minimize clearing and grading on slopes 15 percent or greater. Clearing and grading on slopes shall meet any applicable critical areas standards set forth in Chapter 18.65 CMC.

   b. Slopes shall comply with the land use code restrictions applicable to slopes 40 percent or greater and to areas of colluvial or landslide deposit on slopes of 15 percent or greater.

   c. Do no clearing, excavation, stockpiling, or filling on the potential slide block of an unstable or potentially unstable slope unless it is demonstrated to the Director’s satisfaction that the activity would not increase the load, drainage, or erosion on the slope.

   d. Do no clearing, excavation, stockpiling, or filling on any unstable or potentially unstable areas (such as landslide deposits) unless it is demonstrated to the Director’s satisfaction that the activity would not increase the risk of damage to adjacent property or natural resources or injury to persons.

   e. Intercept any groundwater or surface water drainage encountered on a cut slope and discharge it at a location approved by the Director. Off-site stormwater (run-on) or groundwater shall be diverted away from slopes and undisturbed areas with interceptor dikes, pipes and/or swales. Off-site stormwater should be managed separately from stormwater generated on the site.

   f. Excavated material shall be placed on the uphill side of trenches, consistent with safety and space considerations.
(g) Check dams shall be placed at regular intervals within constructed channels.

(h) At the top of slopes, collect drainage in adequate pipe slope drains or armored channels to prevent erosion.

(2) Existing slopes shall not be over-steepened beyond the criteria in subsection (1) of this section by placing fill or by constructing a fill wall near the top of the slope.

(3) If building sites are prepared by constructing slopes near the property boundary, the slope shall be constructed in accordance with CMC 14.60.135.

(4) Drainage at the top and toe of any slope shall be appropriately collected and discharged.

   (a) The ground surface above a slope shall be graded to direct surface runoff to an appropriate collection point. Water shall not be allowed to discharge over the top of a slope.

   (b) Slopes shall not be constructed in a location or manner in which surface runoff and debris are permitted to drain onto an adjacent property.

   (c) Slopes shall be designed and protected to minimize erosion.

   (d) Terraces at least 10 feet in width shall be sloped away from the face of a slope and shall be established at not more than 25-foot vertical intervals to control surface drainage and debris. Swales or ditches on terraces shall have a maximum gradient of five percent.

   (e) The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary as determined by a geotechnical engineer for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion. The tops and toes of cut and fill slopes shall be set back from structures as far as is necessary as determined by a geotechnical engineer for adequacy of foundation support and to prevent damage as a result of water runoff or erosion. (Ord. 08-13 § 1 (Exh. A))

14.60.160 Fill.
All fill material shall be inspected and approved by the geotechnical engineer prior to the material arriving on site. All imported fill material received from other than a commercial borrow site shall be accompanied by a clean soil questionnaire stating that the material is free of hazardous wastes. Recycled concrete shall not be used.

(1) Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation and unsuitable soil and material such as concrete rubble, topsoil, tree stumps, and brush. Where slopes receiving fill are steeper than five horizontal to one vertical, the fill material shall be benched into sound bedrock.

(2) Fill Material. Fill shall be “clean” and free of contaminants pursuant to Chapters 173-204 and 173-340 WAC or fill shall be obtained from a Washington State Department of Ecology approved site. Only earth materials which have no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be used. All on-site materials used as fill on the site shall conform to the specifications identified in the approved soils report.

(3) Compaction. All fill material shall be compacted to a firm and unyielding condition to a density of 95 percent of maximum density per ASTM D-1557, modified proctor. (Ord. 08-13 § 1 (Exh. A))

(4) Special Criteria for Fill Activity during Expanded Work Hours. Any application to allow the unloading of fill material during expanded work hours as provided for in CMC 8.20 Noise Control must address the following:

   (a) Any proposed night-time unloading of fill material associated with an approved DNR Surface Mining Reclamation Permit shall be supported by a Noise Assessment, prepared by a qualified independent noise consultant, to evaluate and address potential noise impacts on surrounding residential uses and critical areas from that activity. The noise assessment should address at a minimum the following:

      (i) Provide a summary of all noise regulations that would apply to the potential nighttime fill activities (i.e. City, County, State).
(ii) Provide a detailed description of the activities the applicant plans to conduct during the expanded work hours including time of day, specific equipment to be used (model numbers and power level data), and specific noise abatement technologies to be used (model numbers and vendor guaranteed attenuation data).

(iii) Conduct baseline noise monitoring, for at least a 24-hour period, at sensitive receiver locations (residences, open areas where wildlife could be impacted, and any other locations of concern).

(iv) Conduct computer noise modeling (using CADnaA or other noise modeling software) to demonstrate quantitatively that the noise levels at sensitive receivers (residences and wildlife areas) will not exceed specified decibel limits during daytime and nighttime operations.

(v) CMC 8.20 (b) does not provide specific decibel limits; therefore, the noise assessment should refer to the Washington Administrative Code (WAC) 173-60-040 for maximum permissible environmental noise levels. The applicant shall implement noise reduction measures to the extent feasible to ensure compliance.

(b) Noise levels shall comply with WAC 173-60. The City may condition any expanded work hour permit approval to require the applicant to ensure that noise levels are monitored by a technician with the qualifications contained in WAC 173-58, or acceptable qualifications as determined by the City, using instruments that meet the qualifications of WAC 173-58, at the property boundaries. Noise monitoring reports shall be provided to the City at least weekly or more frequently if the City determines more frequent monitoring is necessary. If the noise levels exceed the levels permitted by WAC 173-60, the City may take any enforcement measures necessary to ensure compliance with WAC 173-60.

(c) Lighting. All lighting shall be limited to the lowest intensity that allows the permitted activity to be carried out in a safe manner. The lights shall be shielded and directed so that illumination affects only the premises of the site and does not result in glare outside of the permit site.

(d) Vehicle preparation. All vehicles leaving the site shall comply with RCW 46.61.655 (escape of load materials and cleaning of vehicles).

(e) Dust control. The applicant shall obtain all required preconstruction approval permits from the Puget Sound Clean Air Agency and shall comply with all of the requirements of the Puget Sound Clean Air Agency. In addition, the City may require methods of dust control, such as water trucks or sprinklers, that will mitigate the dust from the site.

(f) Contact. The applicant shall visibly post his or her name, address and phone number or the name, address, and phone number of a designated person whom the public can contact during the expanded work hours, to report complaints or violations. The applicant’s designated person must be available during the expanded work hours to answer the phone and if necessary visit the site to address any reported complaints or violations.

14.60.170 Rock and retaining walls.
Walls shall be designed and constructed with due regard for drainage, access, maintenance, impacts to adjacent property, and aesthetics. All walls shall be constructed in accordance with all applicable codes and standards and the following criteria:

(1) Rock walls may be used for erosion protection of cut or fill slopes. The primary function of a rock wall is to protect the slope face from soil erosion and sloughing.

(2) Any wall supporting a surcharge or an exposed wall height of greater than three feet shall require a separate building permit.

(3) All walls shall be provided with a wall drainage system. The wall drainage system shall discharge at an appropriate location:

(a) Wall drains shall be connected to the storm drainage stub provided for the lot, if possible.
(b) Wall drains shall not discharge onto an adjacent downhill property, unless downhill property is a vegetated area that has been set aside as permanent open space or critical area, with approval from the City.

(c) Wall drains shall not discharge onto a steep slope or area susceptible to erosion.

(d) The area above the wall shall be graded to channel water in a direction parallel to the face of the wall until the water can be collected in a pipe or drain, or discharged at an appropriate location.

(4) All walls parallel to a building shall be set back from the building a minimum of five feet. This setback applies to the horizontal space between the wall and the building as measured from the front face of a wall or the cut slope for a wall and the face of the building.

(5) Within the building setback, walls shall not exceed 30 inches in height as measured from the ground surface to the top of the wall.

(6) Walls existing at the time of the ordinance codified in this chapter, if constructed under a valid permit, may be repaired or replaced to their original height.

(7) Walls shall not support earth, other walls, or other structures on an adjacent property.

(8) Walls on a single-family lot may be no higher than four feet. The designer of walls shall also consider the fencing restriction on top of walls in general accordance with CMC 18.35.210.

(9) Walls shall not be located in separate tracts or public rights-of-way for the purposes of circumventing the provisions of this chapter.

(10) Walls shall not be stacked wherein a lower wall is supporting an upper wall, unless the lower wall is designed to do so. Minimum horizontal spacing between rock or retaining walls, as measured from face to face, shall be no less than the thickness of the lower wall plus the height of the lower wall.

(11) Cutting, filling, or constructing walls within storm, water, and sanitary sewer easements is prohibited, unless specific written approval from the utility owner is provided. It shall be the applicant’s responsibility to obtain said approval and to provide a copy to the City.

(12) When preparing a grading plan and designing a roadway, use of a retaining wall to support the roadway shall be considered only after other design options are exhausted. When a roadway must be supported by a retaining wall, the City may require additional building setbacks, easements, or other restrictions and provisions to allow proper maintenance of the wall.

(13) Walls shall not be located or constructed so as to impede travel on a public walkway.

(14) The area above the wall shall be designed and constructed to prevent surface water and debris from flowing over the top of the wall and to allow for access and maintenance to the area above the wall.

(15) The area between the wall and the building shall be graded no steeper than five percent, perpendicular to the face of the wall, for a distance of five feet, for that area located within five feet of the building.

(16) Walls shall not be used to break up a slope or to circumvent the definition of or the restrictions for steep slope hazard areas as described in Chapter 18.65 CMC.

(17) Walls constructed between lots shall be constructed entirely on the downhill side of the property line entirely on one lot, including the wall drainage system. (Ord. 06-17 § 5 (Exh. C); Ord. 08-13 § 1 (Exh. A))

14.60.190 Driveways – Design.
Lots shall be prepared to accept a driveway meeting all applicable design and dimension standards regarding width and slope. Where a lot fronts on a steep roadway, the driveway shall be narrowed and/or lengthened in order to meet the standards regarding driveway slope. Where increased driveway lengths are required, subdivisions and short plats
Covington Municipal Code
Chapter 14.60 CLEARING AND GRADING
REGULATIONS

shall contain a note on the face of the plat indicating those lots affected and to what degree the driveways are to be lengthened. (Ord. 08-13 § 1 (Exh. A))

14.60.200 Inspections.
(1) All projects with a clearing and grading permit are subject to City inspections to ensure compliance with the permit and that adequate control is being exercised by the contractor, civil engineer, and geotechnical engineer. The Director will specify the general stages of work when City inspection is required and may require inspection and testing by an approved testing agency, to be paid by the applicant.

(2) The applicant shall employ professionals to perform inspections of the site grading as follows:

(a) Geotechnical Engineer. The geotechnical engineer’s area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the adequacy of erosion control measures, the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, the stability of cut slopes with respect to geological matters, and the need for subdrains or other groundwater drainage devices. The geotechnical engineer shall perform on-site geotechnical testing and observation during implementation of drainage features and while site grading is underway. Records of the geotechnical observation and testing shall be provided to the City on a regular basis.

(b) Civil Engineer. The civil engineer’s area of responsibility shall include, but need not be limited to, the inspection of the site grading and construction of roads and drainage facilities to verify compliance with approved plans, evaluate the need for design changes based on field conditions, including submittal of revised plans to the City for review and approval, and providing accurate as-built drawings upon completion of the clearing and grading operations.

(c) Special Inspectors. The applicant shall employ professional inspectors in the area of special concrete work, seismic hazards, or other areas as required by the project and/or the Director. (Ord. 08-13 § 1 (Exh. A))

14.60.210 Final approval.
(1) The Director shall give final approval to the clearing and grading operations once all the work is completed per the permit. The following must be completed, as a minimum, prior to final approval:

(a) All clearing and grading must be complete;

(b) The site shall be permanently stabilized, temporary erosion control measures removed, and storm drainage control facilities constructed and operational;

(c) The site shall be in a neat and orderly manner, free from junk, trash, debris, equipment, stockpiles and other construction materials;

(d) All required reports, certification letters, as-built drawings, and other documents shall be submitted and approved by the City;

(e) The site shall be free of hazards; and

(f) All disputes regarding property damage caused by the clearing and grading operations shall be resolved to the satisfaction of the Director.

(2) The City shall not issue final approval for any development proposal or issue a certificate of occupancy or final building inspection for property that has not received final approval for the clearing and grading operations.

(3) Final Reports. Upon completion of the clearing and grading operations, the professionals having conducted inspections in their respective areas shall submit, in a form acceptable to the Director, final reports certifying that all portions of the project pertaining to their area of expertise have been constructed in accordance with the approved plans and specifications. The reports shall identify problems encountered, field changes, methods or designs utilized to correct deficiencies, and other information deemed necessary by the Director.
(a) Geotechnical Engineer. The geotechnical engineer shall submit a final soil grading report prepared by the geotechnical engineer, including locations and elevations of field density tests, summaries of field and laboratory tests, final description of the geology of the site including any new information disclosed during the grading and the effect of same, and other substantiating data and comments on any changes made during grading and their effect on the recommendation made in the approved geotechnical report. The geotechnical engineer shall provide certification as to the adequacy of the site for the intended use as affected by soil and geologic factors.

(b) Civil Engineer. The civil engineer shall submit an as-built grading plan, including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. The civil engineer shall provide certification that the work was done in accordance with the final approved grading plan. Upon completion of the work, a reproducible as-built drawing, stamped by the civil engineer of record, of the storage, conveyance, and discharge elements of the detention system and the newly constructed downstream components of the storm drainage system shall be required. The Director may require additional information in respect to any significant deviations from the approved plans, specifications, or reports.

(c) Special Inspectors. Special inspectors shall submit final reports describing original and final conditions, changes, and methods utilized to correct deficiencies or mitigate specific conditions. (Ord. 08-13 § 1 (Exh. A))

14.60.240 Enforcement, violations and penalties.
(1) Permit Suspension/Revocation. The Director may suspend work or revoke a clearing and grading permit, as appropriate, whenever:

(a) The work is not authorized by a valid permit;

(b) The applicant requests such revocation or suspension;

(c) The work does not proceed in accordance with the plans, as approved, or is not in compliance with the requirements of this chapter or other applicable City ordinances;

(d) Entry upon the property for the purposes of investigation or inspection has been denied;

(e) The applicant has made a misrepresentation of a material fact in applying for such permit;

(f) The progress of the work indicates that the plan is or will be inadequate to protect the public, the adjoining property, the street, critical areas, the drainage system, or other utilities, or the work endangers or will endanger the public, the adjoining property, the street, protected areas, the drainage system or other utilities;

(g) The required project security has expired or been expended to the point that it no longer provides assurance of completion of the project in compliance with the terms of the permit; or

(h) The permit has not been acted upon or extended within the time allowed pursuant to CMC 14.60.110.

(2) Except as otherwise provided in this chapter, any violation of any provision of this chapter constitutes a civil code violation subject to and enforced pursuant to the provisions of Chapter 1.30 CMC. (Ord. 08-13 § 1 (Exh. A))
Planning Commission Minutes

March 21, 2019 City Hall Council Chambers

CALL TO ORDER
The regular meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Caudle.

MEMBERS PRESENT
David Caudle, Chele Dimmett, Jennifer Gilbert-Smith, Elizabeth Porter, Jennifer Harjehausen, Jonathan Ingram and Murray Williams

MEMBERS ABSENT

STAFF PRESENT
Gina Estep, Community Development Director
Elana Zana, Attorney with Ogden Murphy Wallace
Ann Mueller, Senior Planner
Nelson Ogren, Development Review Engineer
Kelly Thompson, Planning Commission Secretary

APPROVAL OF AGENDA
➢ Commissioner Williams moved and Commissioner Dimmett seconded to approve the agenda. The motion carried 7-0.

APPROVAL OF MINUTES
➢ C1. Commissioner Williams moved, and Commissioner Porter seconded to approve the March 7, 2019 minutes. The motion carried 7-0.

CITIZEN COMMENTS - None

UNFINISHED BUSINESS — None

PUBLIC HEARING
1. Public Hearing on code amendments to CMC Title 18 Zoning Code to add a new Chapter CMC 18.70A and amending CMC 18.70 Wireless Communication Facilities related to the deployment of small wireless facilities within the city.

Chair Caudle opened the public hearing.

Community Development Director, Gina Estep introduced Elana Zana, consulting attorney from Ogden Murphy Wallace.
Public Comment:

Kari Marino from Verizon Wireless spoke in favor of the proposed code amendments.

There was no additional public comment.

Ms. Zana gave a brief overview of the proposed code amendments and included a summary of comments provided by carriers. She provided some additional photos of small cell wireless facilities.

Ms. Zana answered questions and provided clarification for the Planning Commission.

Chair Caudle closed the public hearing.


Ms. Zana added that she would be amending 18.70.095.6(a)(i) to read:

(i) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of section 64.09A of the Spectrum Act as part of the middle class tax relief and job creation act of 2012.

Commissioner Porter moved and Commissioner Williams seconded to forward a recommendation to the City Council to approve the proposed amendments to Covington Municipal Code Title 18 by adding a new Chapter 18.70A, amending Section 18.70.020, adding a new Section 18.70.095 and amending Chapter 18.20 concerning the deployment of small wireless facilities in substantial form as found in Attachment 1, 2, and 3 of the staff memorandum including additional verbiage of the Spectrum Act in 18.70.095.6.(a)(i). Motion carried 7-0.

Commissioner Williams moved and Commissioner Harjehausen seconded to recommend amending Covington Municipal Code Chapter 18.70 as a whole. Motion carried 7-0.
2. Public Hearing on code amendments to CMC 8.20 Noise Control and CMC 14.60 Clearing and Grading regulations to allow night-time fill associated with an approved DNR reclamation permit (LA18-0005).

Chair Caudle opened the public hearing.

Ann Mueller summarized the proposed code amendment and provided the staff report.

Public Comment:

Mike Porter, Covington resident – he is not opposed to the proposed code amendment but would like a benchmark for measuring noise be added.

Deann Fuller, Covington resident – she is concerned about the noise and trucks beeping at night.

Colin Lund, Oakpointe Development - he spoke in support of the proposed amendments to allow nighttime fill activities.

There was no additional public comment.

Chair Caudle closed the public hearing.

The Planning Commission continued the discussion with Mr. Ogren, Ms. Mueller and Ms. Estep providing responses.

Mr. Lund provided additional comments and clarification to the Planning Commission’s discussion.

➢ Commissioner Ingram moved Commissioner Williams seconded to forward a recommendation to the City Council to approve the proposed amendments to Covington Municipal Code Chapters: 8.20 Noise Control and 14.60 Clearing and Grading Regulations in substantial form; with the following amendments:

➢ Addition of “independent” to CMC 14.60.160.4(a)
(a) Any proposed night-time unloading of fill material associated with an approved DNR Surface Mining Reclamation Permit shall be supported by a Noise Assessment, prepared by a qualified independent noise consultant to evaluate and address potential noise impacts on surrounding residential uses and critical areas from that activity.
➢ The Planning Commission recommended the addition of the following sentence to CMC 14.60.160.4 (b):

The applicant shall implement noise reduction measures to the extent feasible to ensure compliance.

➢ The Planning Commission would like to include a recommendation that the City Council hold a Public Hearing on the proposed amendments to CMC 8.20 Noise Control and CMC 14.60 Clearing and Grading Regulations.

➢ **Motion carried 7-0.**

**NEW BUSINESS - None**

**ATTENDANCE VOTE – None**

**PUBLIC COMMENTS**
Deann Fuller, Covington resident – She requested a limit 45 decibels during any nighttime work activities to protect the wildlife in the Lakepointe development. She also expressed concern about the trees in the Lakepointe development.

**COMMENTS AND COMMUNICATIONS FROM STAFF AND COMMISSIONERS**
Ms. Estep introduced Dafne Hernandez, Community Development and Planning Intern. She has been working on a draft for Food Truck regulations that will be brought to the Planning Commission in the coming meetings.

**ADJOURN**
The March 7, 2019, Planning Commission Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Kelly Thompson, Planning Commission Secretary
SUBJECT: CONSIDER APPOINTMENTS TO YOUTH COUNCIL

RECOMMENDED BY: Regan Bolli, City Manager

ATTACHMENTS:
1. Resolution No. 2016-19 Creating Youth Council
2. Resolution No. 2017-09 Establishing a Set Number of Members
3. Applications provided separately.

PREPARED BY: Joan Michaud, Sr. Deputy City Clerk

EXPLANATION:
Council adopted Resolution No. 2016-19 creating a Youth Council on October 25, 2016 and amended that resolution on September 12, 2017 with Resolution No. 2017-09 to establish a set number of 15 members. The Youth Council currently consists of two adult leaders and eight youth members.

Positions 5 and 7 are currently vacant. Council interviewed two applicants on April 23, 2019. Resolution No. 2016-19 states youth shall serve one-year terms.

<table>
<thead>
<tr>
<th>Name of Applicant</th>
<th>School</th>
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<tbody>
<tr>
<td>Divneet Sraon</td>
<td>Kentwood</td>
</tr>
<tr>
<td>Samuel Muzzy</td>
<td>Kentlake</td>
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ALTERNATIVES:
Not appoint at this time and direct staff to continue to advertise for additional applicants to be considered for the Youth Council.

CITY COUNCIL ACTION: ___ Ordinance ___ Resolution ___ X ___ Motion ___ Other

Councilmember __________ moves, Councilmember __________
seconds, to appoint _______________ to fill Position No. 5 on the Youth Council with a term expiring April 30, 2019.

Councilmember __________ moves, Councilmember __________
seconds, to appoint _______________ to fill Position No. 7 on the Youth Council with a term expiring April 30, 2019.

REVIEWED BY: Recreation Specialist, City Manager
RESOLUTION NO. 2016-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, ESTABLISHING A YOUTH COUNCIL

WHEREAS, it is important and beneficial to all residents of the City of Covington (the “City”) to foster involvement of the community’s youth in the process of government and the ideals of public service; and

WHEREAS, it is desirable to expand the City’s connections to the community; and

WHEREAS, it is desirable to increase the number of volunteers who help the City achieve its goals; and

WHEREAS, it is important to obtain community input on key issues facing the City;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, hereby resolves as follows:

Section 1. Covington Youth Council Established. The Covington City Council hereby establishes the Covington Youth Council, which shall be referred to as the “Youth Council”. The city manager shall designate appropriate city staff to advise and provide administrative assistance to the Youth Council leaders and members.

Section 2. Purpose. The purpose of the Youth Council shall be as follows:

2.1. Involve youth in local government.

2.2. Increase volunteerism among youth in civic affairs.

2.3. Increase communication with youth in the Covington community.

2.4. Involve youth in planning youth activities for the Covington community.

2.5. Serve as an advisory body to the City Council on matters dealing with youth in the Covington community.

Section 3. Adult Leader Positions. The Youth Council shall be guided and mentored by at least two (2) non-voting adult leaders. The adult leader positions shall be appointed and fulfilled pursuant to the following:

3.1 Appointment. Notice of Vacancies. Unless otherwise directed by the council, the city clerk’s office shall advertise notice of vacant positions so that any interested and qualified individual may submit an application.
3.2 Applicant Interviews and Appointment. The city council will endeavor to interview all applicants for an available position; provided that the mayor and mayor pro tem may limit the number of applicants interviewed by the council as a whole when the gross number of applicants is so large as to be an undue burden on the council’s schedule.

- All interviews for available positions shall be scheduled at either a special or committee of the whole council meeting. For the purpose of any special or committee of the whole council meeting in which interviews are the only agenda item, the council may proceed with calling the meeting to order and conducting said interviews so long as three (3) or more council members are present.

- The council shall also interview applicants seeking reappointment for the same position, unless otherwise determined by a majority of the council.

- Appointments will be made during a regularly scheduled council meeting.

- Upon appointment, new appointees will receive a briefing by city staff regarding the duties and responsibilities of the members of the Covington Youth Council.

3.1. Appointment; Term. The City Council, by majority vote, shall appoint at least two (2) adult leaders to the Youth Council. Upon establishment of the Youth Council, all adult leader positions shall be initially appointed for a two-year term. Thereafter, upon the expiration or vacancy of an adult position, the City Council, by majority vote, shall appoint individuals to the adult leader positions in staggered-length terms to be determined by the City Council (e.g. one adult leader position assigned to a one-year term and the other adult leader position assigned to a two-year term; or, one adult leader position assigned to a two-year term and the other adult leader position assigned to a three-year term, etc.).

3.2. Removal. The City Council may remove an adult leader from their position at any time without reason upon a majority vote of the council.

Section 4. Youth Council Members. Voting members of the Youth Council shall be appointed and serve pursuant to the following:

4.1. Selection and Appointment. The city clerk’s office shall advertise notice of vacant positions so that any interested and qualified individual may submit an application. Applicants shall be interviewed by the City Council and the adult leaders. The City Council shall make the final decision on appointments.
4.2. **Member Criteria.** Youth Council members shall be between the ages of fifteen (15) and eighteen (18) at the time of selection and reside or attend school within the City of Covington or a 3-mile radius of the City of Covington city limits.

4.3. **Term.** Selected Youth Council members shall each serve for a term of one (1) year. There is no limit on the number of terms a Youth Council member may apply for and be appointed to.

4.4. **Removal.** The City Council, by majority vote, may remove a member of the Youth Council at any time without reason. The City Council may take such action only upon the recommendation of all adult leaders.

**Section 5. Organization and Rules.** The Youth Council shall recommend such rules for governing its procedures as it deems necessary or advisable to the City Council for approval and shall keep a record of its proceedings, which record shall be a public record. The Youth Council shall hold regular meetings at least once every two (2) months and, pursuant to Section 8.0 of the Covington City Council Policies and Procedures, shall comply with the requirements of the Open Public Meetings Act (RCW 42.30).

**ADOPTED** by the City Council of the City of Covington, Washington, in open and regular session this 25th day of October, 2016, and signed in authentication thereof.

![Signature]

JEFF WAGNER, MAYOR

ATTESTED:

![Signature]

Sharon Scott, City Clerk

 APPROVED AS TO FORM:

![Signature]

Sara Springer, City Attorney
RESOLUTION NO. 2017-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, AMENDING RESOLUTION NO. 2016-19, SECTION 4.3. TO ESTABLISH A SET NUMBER OF MEMBERS

WHEREAS, it is important and beneficial to all residents of the City of Covington (the "City") to foster involvement of the community’s youth in the process of government and the ideals of public service; and

WHEREAS, it is desirable to expand the City’s connections to the community; and

WHEREAS, it is desirable to increase the number of volunteers who help the City achieve its goals; and

WHEREAS, it is important to obtain community input on key issues facing the City;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, hereby resolves as follows:

Section 1. Covington Youth Council Established. The Covington City Council hereby establishes the Covington Youth Council, which shall be referred to as the “Youth Council”. The city manager shall designate appropriate city staff to advise and provide administrative assistance to the Youth Council leaders and members.

Section 2. Purpose. The purpose of the Youth Council shall be as follows:

2.1. Involve youth in local government.

2.2. Increase volunteerism among youth in civic affairs.

2.3. Increase communication with youth in the Covington community.

2.4. Involve youth in planning youth activities for the Covington community.

2.5. Serve as an advisory body to the City Council on matters dealing with youth in the Covington community.

Section 3. Adult Leader Positions. The Youth Council shall be guided and mentored by at least two (2) non-voting adult leaders. The adult leader positions shall be appointed and fulfilled pursuant to the following:
3.1 **Appointment; Notice of Vacancies.** Unless otherwise directed by the council, the city clerk’s office shall advertise notice of vacant positions so that any interested and qualified individual may submit an application.

3.2 **Applicant Interviews and Appointment.** The city council will endeavor to interview all applicants for an available position; provided that the mayor and mayor pro tem may limit the number of applicants interviewed by the council as a whole when the gross number of applicants is so large as to be an undue burden on the council’s schedule.

- All interviews for available positions shall be scheduled at either a special or committee of the whole council meeting. For the purpose of any special or committee of the whole council meeting in which interviews are the only agenda item, the council may proceed with calling the meeting to order and conducting said interviews so long as three (3) or more council members are present.

- The council shall also interview applicants seeking reappointment for the same position, unless otherwise determined by a majority of the council.

- Appointments will be made during a regularly scheduled council meeting.

- Upon appointment, new appointees will receive a briefing by city staff regarding the duties and responsibilities of the members of the Covington Youth Council.

3.1. **Appointment; Term.** The City Council, by majority vote, shall appoint at least two (2) adult leaders to the Youth Council. Upon establishment of the Youth Council, all adult leader positions shall be initially appointed for a two-year term. Thereafter, upon the expiration or vacancy of an adult position, the City Council, by majority vote, shall appoint individuals to the adult leader positions in staggered-length terms to be determined by the City Council (e.g. one adult leader position assigned to a one-year term and the other adult leader position assigned to a two-year term; or, one adult leader position assigned to a two-year term and the other adult leader position assigned to a three-year term, etc.).

3.2. **Removal.** The City Council may remove an adult leader from their position at any time without reason upon a majority vote of the council.

**Section 4. Youth Council Members.** Voting members of the Youth Council shall be appointed and serve pursuant to the following:

4.1. **Selection and Appointment.** The city clerk’s office shall advertise notice of vacant positions so that any interested and qualified individual may submit an application.
Applicants shall be interviewed by the City Council and the adult leaders. The City Council shall make the final decision on appointments.

4.2. Member Criteria. Youth Council members shall be between the ages of fifteen (15) and eighteen (18) at the time of selection and reside or attend school within the City of Covington or a 3-mile radius of the City of Covington city limits.

4.3. Number of Members - Terms. The Covington Youth Council shall consist of a maximum of 15 members. Selected Youth Council members shall each serve for a term of one (1) year. There is no limit on the number of terms a Youth Council member may apply for and be appointed to.

4.4. Removal. The City Council, by majority vote, may remove a member of the Youth Council at any time without reason. The City Council may take such action only upon the recommendation of all adult leaders.

Section 5. Organization and Rules. The Youth Council shall recommend such rules for governing its procedures as it deems necessary or advisable to the City Council for approval and shall keep a record of its proceedings, which record shall be a public record. The Youth Council shall hold regular meetings at least once every two (2) months and, pursuant to Section 8.0 of the Covington City Council Policies and Procedures, shall comply with the requirements of the Open Public Meetings Act (RCW 42.30).

ADOPTED by the City Council of the City of Covington, Washington, in open and regular session this 12th day of September 2017, and signed in authentication thereof.

JEFF WAGNER, MAYOR

ATTESTED:  
Sharon Scott, City Clerk

APPROVED AS TO FORM:  
Kathy Hardy, City Attorney
SUBJECT: APPROVAL OF AN ORDINANCE TO AMEND THE COVINGTON MUNICIPAL CODE TO INCLUDE A NEW CHAPTER 5.30 RELATED TO MOBILE FOOD UNITS.

RECOMMENDED BY: Covington Planning Commission

ATTACHMENT(S):
1. Ordinance No. 05-2019

PREPARED BY: Dafne Hernandez, Planning Intern
Ann Mueller, Senior Planner

EXPLANATION:
On April 4, 2019 the Covington Planning Commission held a properly noticed public hearing on the proposed code amendments to amend the Covington Municipal Code (CMC) Title 5 to add Chapter 5.30 Mobile Food Units, providing regulations for mobile food vendors.

Purpose of Proposed Amendments:
The purpose of these proposed amendment is as follows;
1. The proposed amendments to CMC Title 5, adding a new Chapter 5.30 Mobile Food Units are intended to allow and provide regulations associated with mobile food units within the following commercial zones; Mixed Commercial (MC), General Commercial (GC), Town Center (TC), or Regional Commercial Mixed Use (RMCU) Zones.
2. The proposed Code amendment will enable permitting of mobile food units in the City of Covington that conform to regulations protecting public health and safety.
3. Mobile food units contribute to a diversity of food options, lively streets, and vibrant pedestrian oriented commercial areas.
4. Mobile food units provide low-cost business opportunities to local entrepreneurs and encourage economic activity.
5. The proposed amendments will allow mobile food units the opportunity to locate and operate in the City of Covington and to contribute to the community’s character and quality of life.

No written comments on the proposed amendments were submitted to the City and no public testimony was provided at the Planning Commission’s public hearing. After deliberating the Planning Commission voted to recommend that the City Council approve the proposed amendments to the Covington Municipal Code (CMC) Title 5 to add Chapter 5.30 Mobile Food Units, with the following changes recommendation by the Planning Commission:

- CMC 5.30.020(2) “Mobile Food Vendor” shall be defined as a licensed and operable motor vehicle or trailer used to serve, vend, or provide ready to eat food
or nonalcoholic beverages for human consumption from an approved and
assigned fixed location.

- 5.30.070(2) Operating hours shall be consistent with the site’s primary business operating hours, ensuring bathroom facilities are always available. When located on a vacant lot, the operating hours shall be consistent with adjacent business(es)’ hours.

- Vendors must assemble and disassemble their spaces during these hours.

- CMC 5.30.080(2) Mobile food units shall not sell nor serve alcoholic beverages to comply with the WA State Liquor and Cannabis Board.

- CMC 5.30.080(5) Mobile food units shall not be located near electrical lines or extension cords overhead or on the ground in any location in which the public has access to. ADA compliant electrical cord covers may be used.

Upon further review by city staff of the Planning Commission’s recommended change to the wording of CMC 5.30.080(5) staff is recommending the following modifications to address this section as well as adding a new subsection (6) to be consistent with electrical and fire codes but still meeting the intent of the changes made by the Planning Commission to ensure accessibility as follows:

- CMC 5.30.080(5) Temporary power shall be regulated by the National Electrical Code and the International Fire Code. If electrical cord covers are used, they are required to meet the slope requirements of ANSI A117.1 section 303. Mobile food units shall not be located near electrical lines, extension cords overhead or on the ground in any location in which the public has access to. ADA compliant electrical cord covers may be used.

(Note ANSI A11.7 is a reference to standards for Accessible and Usable Buildings and Facilities which are consistent with ADA standards.)

See Attachment 1, Exhibit A for the full text of CMC Chapter 5.30, which incorporates staff and Planning Commissions recommendation for context.

**Legal Notice & SEPA Determination (SEPA19-01)**

A SEPA Determination of Nonsignificance (DNS) was issued on March 8, 2019, with a 14-day comment period that ended on March 22, 2019. Legal notice was published in the Covington Reporter on March 8, 2019, as well as posted on the city website and at City Hall. Legal notice of the Planning Commission’s public hearing on these proposed amendments was also published March 8, 2019 in the Covington Reporter as well as posted on the city’s website and at City Hall on March 8, 2019.
Planning Commission Review
The Planning Commission held their required public hearing on the proposal to include a new CMC Chapter 5.30 related to Mobile Food Units on April 4, 2019 and voted to recommend that the City Council approve the amendments as provided for in the attached Ordinance (Attachment 1).

CMC 14.27.040 Decision criteria.
The City Council’s approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

(1) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan;

Staff Findings: Yes, the proposed code amendments are expected to comply with the Growth Management Act of Washington State and goals and policies of the City’s Comprehensive Plan including but not limited to Economic Development Policy -5 “Provide for business attraction and diversification including entrepreneurship and small business development.”

(2) The proposed amendment is consistent with the scope and purpose of the City’s zoning ordinances and the description and purpose of the zone classification applied for;

Staff Findings: Not Applicable – this is not a zoning map amendment.

(3) Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;

Staff Findings: Not Applicable – this is not a zoning map amendment.

(4) The proposed zoning is consistent and compatible with the uses and zoning of surrounding property;

Staff Findings: Not Applicable – this is not a zoning map amendment.

(5) The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification;

Staff Findings: Not Applicable – this is not a zoning map amendment.

(6) The amendment is in compliance with the three-year limitation rule as specified in CMC 14.27.030(3); and

Staff Findings: Yes, this is the first request for these amendments.

(7) Adequate public services could be made available to serve the full range of proposed uses in that zone.

Staff Findings: Not Applicable – this is not a zoning map amendment.

ALTERNATIVES:
1. Recommend amendments to the proposed ordinance.
2. Return the issue to city staff for further study and analysis.

FISCAL IMPACT:
Staff time to respond to inquiries and administer and enforce the new regulations.

CITY COUNCIL ACTION:  

\[\text{X} \text{ Ordinance} \quad \text{Resolution} \quad \text{Motion} \quad \text{Other}\]

Council member ____________ moves, Council member _________________
seconds, to adopt an Ordinance amending Title 5 of the Covington
Municipal Code to include a new Chapter 5.30 Mobile Food Units.

REVIEWED BY:  Finance Director, City Manager; City Attorney.
ORDINANCE NO. 05-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING TITLE 5 OF THE COVINGTON MUNICIPAL CODE TO ADD A NEW CHAPTER 5.30 MOBILE FOOD UNITS.

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 proposed new Chapter 5.30 Mobile Food Units will provide regulations for mobile food vendors, including the appropriate siting and design of mobile food units in the City; and

WHEREAS, mobile food units contribute to a diversity of food options, lively streets, and a vibrant downtown; and

WHEREAS, this ordinance will enable permitting of mobile food units in the City of Covington that conform to regulations protecting public health and safety; and

WHEREAS, mobile food units provide low-cost business opportunities to local entrepreneurs and encourage economic activity; and

WHEREAS, mobile food units may seek opportunities to locate operations in the City of Covington and to contribute to the community’s character and quality of life; and

WHEREAS, on February 27, 2019, City Staff transmitted a copy of the proposed code amendments to the Washington State Department of Commerce for review and comment, pursuant to RCW 36.70A.106; and

WHEREAS, environmental review was conducted pursuant to SEPA and a Determination of Nonsignificance was issued on March 8, 2019; and

WHEREAS, the Planning Commission conducted a properly noticed public hearing regarding these proposed changes on April 4, 2019, after which it rendered a recommendation for approval; and

WHEREAS, the City Council, upon review of the facts and findings and recommendations of the Covington Planning Commission, and after review of information provided by City staff find that all applicable and substantive requirements of the law have been met, that adoption of this ordinance promotes the public health, safety, and general welfare of the community and the adoption of this ordinance serves the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:
Section 1. Covington Municipal Code Title 5, is hereby amended to include a new Chapter 5.30 Mobile Food Unit as set forth in the attached Exhibit A, incorporated herein by this reference.

Section 2. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Effective Date. This ordinance shall be in full force and effect five (5) days from passage and publication in accordance with law.

Passed by the City Council on the 23rd day of April 2019.

Mayor Jeff Wagner

ATTESTED:      PUBLISHED:  April 26, 2019
EFFECTIVE:  May 1, 2019

Sharon Scott, City Clerk

APPROVED AS TO FORM:

Kathy Hardy, City Attorney
CHAPTER 5.30
MOBILE FOOD UNITS

5.30.010 Purpose.
The purpose of this chapter is to:

(1) Provide an opportunity for mobile food units to conduct business within the City.

(2) Promote entrepreneurship and small business development.

(3) Provide regulations that protect the public health, safety, and welfare for operations associated with mobile food units.

5.30.020 Definitions.
(1) “Cart” shall be defined as a mobile food unit that can be pushed by a single person to move between locations.

(2) “Mobile Food Vendor” shall be defined as a licensed and operable motor vehicle or trailer used to serve, vend, or provide ready to eat food or beverages for consumption from an approved and assigned fixed location.

(3) “Mobile Food Unit” shall be defined as a food service that can be easily moved from one location to another, such as a cart, trailer, or truck.

(4) “Occupied Mobile Food Unit” shall be defined as a Mobile Food Unit where workers will be inside of the unit, such as an enclosed truck or trailer.

(5) “Unoccupied Mobile Food Unit” shall be defined as a Mobile Food Unit where the workers will be outside of the unit, such as a push cart or trailer.

5.30.030 General Regulations.
A mobile food unit permit shall be required except when associated with a city sponsored special event. The following requirements shall apply:

(1) A mobile food vendor or his/her designee shall fill out a complete application by providing, at minimum, the following information:
(a) A photograph of the vending unit, proposed signs, and any equipment.

(b) A site plan, a simple sketch of the site layout, depicting the location of the vending unit on the property on which food will be offered for sale and the location of parking, tables, tents, signage and canopies.

(c) Provide a complete “Property Owner Consent” form signed by the owner(s) of the private property or designated property manager that addresses the following:

   (i) The property owner shall be responsible for the mobile food unit’s compliance with the provisions of this chapter with respect to the mobile food unit’s operation on the owner’s property.

   (ii) A complete “Use of Restroom Agreement” form and a map showing the location of the restrooms in relation to the mobile food unit.

(d) Occupied mobile food units shall provide copies from all necessary licenses or permits issued by the Washington State Department of Labor (L&I). L&I inspection and seal of approval must be obtained and properly affixed to the outside of the vehicle prior to operation.

(e) Copies of all the necessary license or permits issued by the Public Health—Seattle & King County, verifying that the mobile food unit is in compliance with all associated rules and regulations.

(f) The proposed hours of operation.

(2) Tables/Tents/Canopies.

   (a) The arrangement of tents/canopies shall meet all building and fire code requirements.

   (b) One portable pop-up tent or umbrella that does not exceed ten (10) feet by twelve (12) feet in size, or up to three (3) tables with beach type umbrellas, may be used for cover for patrons. Cooking shall not take place under any tents. Liquified petroleum gas (LPG) tanks shall not be located under any tents. Umbrellas and canopies must be removed at the end of each day.

(3) Grease and Wastewater.

   (a) A grease trap shall be installed and maintained on all mobile food preparation vehicles.

   (b) Grease and wastewater shall be properly disposed of per adopted State and local health regulations.

(4) Trash.

   (a) All exterior trash receptacles not intended for customer use shall be screened from the public view and securely covered.

(5) Fire Marshal Review.

   (a) The Fire Marshal review and approval is required when LGP, charcoal, wood, or oil frying equipment is used.

(6) Signs.
(a) Signs associated with a mobile food unit shall comply with CMC 18.55.

5.30.040 Permit Duration and Fees.
(1) The mobile food unit permit shall be effective for one year from the date of permit issuance.

(2) Persons applying for a mobile food unit permit must pay an application fee established by the City of Covington as set forth in the current fee resolution unless exempted by CMC 5.10.040(2).

5.30.050 Permitted Zones.
Mobile food units shall only be permitted within the Mixed Commercial (MC), General Commercial (GC), Town Center (TC), or Regional Commercial Mixed Use (RMCU) Zones; provided, that all other conditions of approval are satisfied. Mobile food units may be permitted on city property, including city parks for concessions subject to city approval.

5.30.060 License requirements.
(1) A separate business license obtained from the City of Covington, as authorized under CMC Title 5, shall be required for each mobile food unit.

(2) All mobile food unit licenses shall be prominently displayed upon all vehicles or locations from which a mobile food unit sells products, including but not limited to the State of Washington Department of Labor and Industries Food Truck/Trailer sticker.

(3) All mobile food units shall comply with all laws, rules, and regulations regarding food handling, and all mobile food preparation vehicles used by food vendors shall comply with all applicable laws, rules, and regulations respecting such vehicles as established by Public Health – Seattle and King County, State and local traffic laws, and the provisions of the Covington Municipal Code.

5.30.070 Hours of Operation.
(1) Mobile food units may operate any day of the week.

(2) Operating hours shall be consistent with the site’s primary business operating hours, ensuring bathroom facilities are always available. When located on a vacant lot, the hours shall be consistent with the general hours of adjacent business(es).

Vendors must assemble and disassemble their spaces during these hours.

5.30.080 Restrictions.
(1) Mobile food units on public streets, parks, city owned property and public rights-of-way shall not be permitted unless approved by the city for concessions or a special event, including a festival, sports tournament, or similar activity.

(2) Mobile food units shall comply with Washington State Liquor and Cannabis Board.

(3) The use of any portion of the vending unit as living or sleeping quarters is prohibited.

(4) Except for special events or activities authorized by a temporary use permit, no portable restrooms for use in connection with a mobile food unit shall be allowed on a site.
(5) Temporary power shall be regulated by the National Electrical Code and the International Fire Code. If electrical cord covers are used, they are required to meet the slope requirements of ANSI A117.1 section 303.

5.30.090 Revocation of Permit
(1) A mobile food unit permit issued pursuant to this section may be revoked, suspended, or denied either the issuance or renewal of if the City finds that:

   (a) The vendor has violated or failed to meet the terms of this section and all other applicable sections of the Covington Municipal Code or conditions of this permit, or

   (b) The mobile food unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the stand, or

   (b) Any required licenses have been suspended, revoked, or canceled.

A vendor or his/her designee may appeal a revocation to the hearing examiner in accordance with Chapter 14.45 CMC.
Mobile Food Units
Mobile Food Units Process (Now)

• A City of Covington License is required
• Land Use Application
• Temporary Use Permit
  • The temporary use permit is only valid for 180 days
  • Of those 180 days, you may only operate the business 60 of those days (CMC 18.85.120)
Benefits in providing amended regulations

• Code amendment will enable permitting of mobile food units in the City of Covington that conform to regulations protecting public health and safety.

• Mobile food units contribute to a diversity of food options, lively streets, and a vibrant downtown.

• Mobile food units provide low-cost business opportunities to local entrepreneurs and encourage economic activity.

• The proposed amendments will allow mobile food units the opportunity to locate and operate in the City of Covington and to contribute to the community’s character and quality of life.
“Mobile Food Units”
“Cart”
“Truck”
“Trailer”
SUBJECT: APPROVAL OF AN ORDINANCE TO AMEND THE COVINGTON MUNICIPAL CODE (CMC) SECTION 18.31.080 PERMITTED USE TABLE FOR DOWNTOWN ZONING DISTRICTS BY ADDING A NEW USE “PHYSICAL FITNESS/RECREATION CLUB” AND AMENDING THE EXISTING USE “RECREATION, INDOOR OR OUTDOOR” AND ADDING AN ASSOCIATED FOOTNOTE TO THE TABLE, AS WELL AS AMENDMENTS TO CHAPTER 18.20 TECHNICAL TERMS AND LAND USE DEFINITIONS, SPECIFICALLY CMC 18.20.893 “PHYSICAL FITNESS/RECREATION CLUB” AND CMC 18.20.966 “RECREATION, INDOOR.”

RECOMMENDED BY: Covington Planning Commission

ATTACHMENT(S):
1. Full text of CMC 18.31.080 showing the proposed amendments to the CMC 18.31.080(3) Permitted Use Table and the new footnote #29 in CMC 18.31.080(4).
2. Ordinance No. 06-2019

PREPARED BY: Ann Mueller, Senior Planner

EXPLANATION:
On April 4, 2019 the Covington Planning Commission held a properly noticed public hearing on the proposed code amendments to CMC 18.31.080 and CMC 18.20 to include “physical fitness/recreation clubs” as a permitted use in the Downtown zoning districts and to amend the definitions of “Physical fitness/recreation club” and “Recreation, indoor.”

Purpose of Proposed Amendments:
The purpose of the proposed amendment is as follows;
1) Promote and allow appropriate scaled business development and small business entrepreneurialism within the Downtown zoning districts.
2) To eliminate the requirement for a Conditional Use Permit for fitness/recreation clubs and indoor recreational uses that will occupy existing tenant spaces. This approach will allow for more efficient and more cost-effective transition between uses of existing tenant spaces in the City’s TC zone. The Conditional Use Permit process is unnecessary for applicants locating in existing buildings and not triggering a site development permit.
3) To clarify the definitions of what are otherwise very similar definitions for “Physical Fitness/Recreation Club” and “Recreation, Indoor.” The amended definitions will provide needed clarity for all users of the Municipal Code when researching provisions related to these uses.
4) The issue was brought to the City’s attention when a fitness facility inquired about the process and permits necessary to locate within an existing tenant space at the Covington Square Shopping Center. This tenant space has been vacant for many years. Upon
reviewing the City’s related Municipal Code provisions, staff found the relevant code provisions did not accomplish the intended outcome for business development and pedestrian activity within the Downtown zoning districts. Therefore, staff determined it to be advantageous to address the issue in all Downtown zoning districts (i.e. Town Center, Mixed Commercial, General Commercial and Mixed Housing Office) and bring forth this proposed code amendment.

No written comments on these proposed amendments were submitted to the City and no public testimony was provided at the Planning Commission’s public hearing. After deliberating the Planning Commission voted to recommend that the City Council approve the proposed amendments to CMC Sections 18.31.080(3) Permitted Use Table, 18.31.080(4) Permitted Use Conditions, and amendments to two definitions CMC 18.20.893 Physical fitness/ recreation club and CMC 18.20.966 Recreation, indoor; with the following changes recommendation by the Planning Commission to CMC 18.31.080(4) (Planning Commission changes are highlighted in yellow below).

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See Attachment 1 for the full text of CMC 18.20.080 which incorporates staff and Planning Commission recommendations for context.

**Legal Notice & SEPA Determination (SEPA19-04)**
A SEPA Determination of Nonsignificance (DNS) was issued on March 8, 2019, with a 14-day comment period that ended on March 22, 2019. Legal notice was published in the Covington Reporter on March 8, 2019, as well as posted on the City website and at City Hall. Legal notice of the Planning Commission’s public hearing on these proposed amendments was also published March 8, 2019 in the Covington Reporter as well as posted on the city’s website and at City Hall.

**Planning Commission Review**
The Planning Commission held their required public hearing on the proposed amendments related to permitted land uses within the Downtown zoning districts on April 4, 2019 and made a recommendation to the City Council to approve the amendments as provided for in the Ordinance (Attachment 2).

**CMC 14.27.040 Decision criteria.**
The City Council’s approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:
The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan;

Staff Findings: Yes, the proposed code amendments are consistent with the city’s Comprehensive Plan including LU policy 27 and 28.

The Comprehensive Plan states that the Downtown and Town Center’s land use pattern should be a dense pedestrian-friendly core. The Downtown’s vision is to create a dynamic Town Center that includes retail, office, residential and communal gathering spaces, and provides for development-friendly zoning and transportation requirements. Fitness centers and indoor recreation provide consistent pedestrian use throughout the day.

The proposed amendment is consistent with the scope and purpose of the City’s zoning ordinances and the description and purpose of the zone classification applied for;

Staff Findings: Not Applicable – this is not a zoning map amendment.

Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;

Staff Findings: Not Applicable – this is not a zoning map amendment.

The proposed zoning is consistent and compatible with the uses and zoning of surrounding property;

Staff Findings: Not Applicable – this is not a zoning map amendment.

The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification;

Staff Findings: Not Applicable – this is not a zoning map amendment.

The amendment is in compliance with the three-year limitation rule as specified in CMC 14.27.030(3); and

Staff Findings: Yes, the proposed amendments have not been addressed within the three-year limitation timeframe as specified in CMC 14.27.030(3)

Adequate public services could be made available to serve the full range of proposed uses in that zone.

Staff Findings: Not Applicable – this is not a zoning map amendment.

ALTERNATIVES:
1. Recommend amendments to the proposed ordinance.
2. Return the issue to city staff for further study and analysis.

FISCAL IMPACT:
Staff time to review new land uses in the Downtown zoning districts and administer the new code provisions.
CITY COUNCIL ACTION:  X Ordinance ___Resolution ___Motion ___Other

Council member ____________ moves, Council member _________________ seconds, to adopt an Ordinance relating to code amendments to the Downtown Zoning District’s Permitted Uses Table and Conditions in CMC 18.31.080 and Land Use Definitions in CMC Chapter 18.20.

REVIEWED BY:  Finance Director, City Manager; City Attorney.
18.31.080 Permitted land uses.

(1) The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained. The use is considered permanently established when that use will or has been in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of Chapter 18.85 CMC.

(2) Explanation of Permitted Use Table.

(a) The permitted use table in this chapter determines whether a use is allowed in a district. The name of the district is located on the vertical column and the use is located on the horizontal row of these tables.

(b) If the letters “NP” appear in the box at the intersection of the column and the row, the use is not permitted in that district, except for certain temporary uses.

(c) If the letter “P” appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in Chapter 14.30 CMC and the general requirements of the code.

(d) If the letter “C” appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in Chapter 14.30 CMC and conditional use fees as set forth in the current fee resolution, and the general requirements of the code.

(e) If a number appears next to a specific use or in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the permitted use conditions with the corresponding number in the code subsection immediately following the permitted use table.

(f) All applicable requirements shall govern a use whether or not they are cross-referenced in a section.
(3) Permitted Use Table.

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Town Center (TC)</th>
<th>Mixed Commercial (MC)</th>
<th>General Commercial (GC)</th>
<th>Mixed Housing Office (MHO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling Unit, Accessory</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling Unit, Multifamily</td>
<td>P(^{26})</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling Unit, Single-Family Attached, Detached or Cottage Housing(^{21,27})</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P(^{2})</td>
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<tr>
<td>Senior Citizen Assisted Housing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Entertainment</td>
<td>NP</td>
<td>P(^{5})</td>
<td>P(^{1})</td>
<td>NP</td>
</tr>
<tr>
<td>Business Services(^{19})</td>
<td>P(^{5})</td>
<td>P</td>
<td>P</td>
<td>P(^{4,5})</td>
</tr>
<tr>
<td>Drive-Through Use</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Farmers’ Markets and Public Markets(^{6})</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Gambling and Card Rooms</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Home Occupation and Live/Work</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Veterinary Clinics (SIC 074), Animal Shelters, Kennels, and Catteries(^{20})</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Outdoor Commercial</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Personal and Beauty Services(^{21})</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Private Electric Vehicle Parking Facility (Primary Use)</td>
<td>P(^{5,24})</td>
<td>P</td>
<td>P(^{5,24})</td>
<td>P</td>
</tr>
<tr>
<td>Private Parking Facility (Primary Use)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Professional Office</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail Trade and Services – 100,000 sq. ft. or less for all structures</td>
<td>P(^{5})</td>
<td>P</td>
<td>P(^{10})</td>
<td>P(^{4,5})</td>
</tr>
<tr>
<td>Use Categories</td>
<td>Town Center (TC)(^{23})</td>
<td>Mixed Commercial (MC)</td>
<td>General Commercial (GC)</td>
<td>Mixed Housing Office (MHO)(^{1})</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------------------</td>
<td>-------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Retail Trade and Services – greater than 100,000 sq. ft. for all structures</td>
<td>C(^{5,9,18})</td>
<td>P</td>
<td>P(^{10})</td>
<td>NP</td>
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<tr>
<td>Shooting Ranges(^{25})</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
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<tr>
<td>Storage/Self Storage</td>
<td>NP</td>
<td>P(^{6})</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Temporary Lodging/Hotel</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C(^{22})</td>
</tr>
<tr>
<td>Marijuana Retailer and Retail Outlets(^{28})</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>NP</td>
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<tr>
<td><strong>Cultural/Recreation</strong></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Cinema, Performing Arts and Museums</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td><strong>Physical fitness/recreation club</strong></td>
<td>P/C(^{29})</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Meeting Hall/Other Group Assembly</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Recreation, Indoor or Outdoor</td>
<td>P/C(^{29})</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Recreation, Outdoor</strong></td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Religious</td>
<td>C(^{7})</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td><strong>Health Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Care Facility</td>
<td>C(^{9,18})</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
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<tr>
<td>Hospital</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Medical Office/Outpatient Clinic</td>
<td>P(^{6})</td>
<td>P</td>
<td>NP</td>
<td>P</td>
</tr>
<tr>
<td>Nursing/Personal Care Facility</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
<td>C</td>
</tr>
<tr>
<td><strong>Industrial/Manufacturing</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asphalt Plants</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Light Industrial/Manufacturing</td>
<td>NP</td>
<td>NP</td>
<td>P(^{10})</td>
<td>NP</td>
</tr>
<tr>
<td><strong>Government/Institutionary</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essential Public Facilities</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>NP</td>
</tr>
<tr>
<td>Use Categories</td>
<td>Town Center (TC)</td>
<td>Mixed Commercial (MC)</td>
<td>General Commercial (GC)</td>
<td>Mixed Housing Office (MHO)</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Government Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P(^1)</td>
</tr>
<tr>
<td>Major Utility Facility</td>
<td>C(^{14})</td>
<td>C</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Minor Utility Facility</td>
<td>P(^{15})</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Schools: Compulsory, Vocational and Higher Education</td>
<td>C(^{13})</td>
<td>P</td>
<td>NP</td>
<td>C</td>
</tr>
</tbody>
</table>

Wireless Communication Facilities\(^{16}\)

| Antenna, Collocation on an Existing Structure\(^{17}\)                      | P               | P                     | P                       | P                          |
| Wireless Communication Facility Tower                                        | NP              | NP                    | NP                      | NP                         |

(4) Permitted Use Conditions.

1. a. Unless the use can be accommodated within an existing structure, development and/or redevelopment in the Covington Firs and Covington Township subdivisions shall be a minimum of two acres;

b. Be contiguous to a non-single-family use of two acres or more to be eligible to redevelop to a new use; and

c. Successive development cannot isolate existing single-family residential lots less than two acres (as a group) between developments.

2. a. No new subdivision of land is permitted for single-family homes except for townhouses and cottage developments. The exception is a binding site plan for commercial uses.

b. New single-family homes are allowed on existing single-family lots.

c. An accessory dwelling unit is allowed as an accessory to a single-family detached unit subject to the development standards in CMC 18.25.030(7).

3. Adult entertainment uses are prohibited within certain locations pursuant to the development standards provided in Chapter 5.20 CMC and CMC 18.25.040(2).
4. This use is restricted to a maximum of 5,000 gross square feet within the MHO district.

5. Services and operations other than customer parking shall be fully contained within a structure.

6. Temporary farmers' and public markets shall be permitted in accordance with CMC 18.85.125.

7. The development shall not occupy more than one acre for the total of the site development, including any planned phases and/or expansions.

8. a. Buildings greater than four stories shall provide 80 percent of required parking within a structure. Structured parking shall not front onto 171st Ave. SE.

   b. Medical office uses greater than two stories shall have a minimum of 60 percent ground floor retail trade and services and 40 percent business and professional services when fronting onto 171st Ave. SE, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045.

9. The development shall be located west of the proposed 171st Ave. SE road alignment with frontage onto 168th Pl. SE or the planned SE 276th St. alignment.

10. All structures shall meet the required setbacks, landscaping and all other standards contained in this chapter. Equipment storage, manufacturing activities, and wrecked, dismantled and/or inoperative vehicles shall be enclosed in a structure or fully screened from public right-of-way, including SE 272nd St. and Covington Way with Type I landscaping in accordance with CMC 18.40.040.

11. Maintenance yards, substations and solid waste transfer stations are not permitted in the TC, MC, or MHO downtown zoning districts.

12. Transit stations and park and ride facilities, not including bus stops, shall be reviewed by a conditional use permit pursuant to CMC 18.125.040.

13. All schools for compulsory, vocational and higher education shall be located on the upper floors of a mixed-use building that includes ground floor commercial uses, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045.

14. All facilities shall not occupy more than one acre of a site and the facility shall be screened with Type I landscaping in accordance with CMC 18.40.040.

15. Minor utility facilities, such as telecom, fiber optics, Internet and similar facilities, shall be located within a fully enclosed structure, unless otherwise determined by the Director.
16. Chapter 18.70 CMC, Wireless Communication Facilities, outlines the approval and review process. In the event of a conflict between the requirements of Chapter 18.70 CMC and the requirements of this chapter, Chapter 18.70 CMC shall govern.

17. All antennas and ancillary wireless communication facilities shall be concealed facilities and mounted on an existing building or structure or placed underground as provided for in Chapter 18.70 CMC.

18. a. Emergency care facilities shall not occupy more than four acres for the total of the site development including any planned phases and/or expansions of the emergency care use;

   b. Shall not exceed 50,000 square feet of total building square footage; and

   c. Shall not exceed more than two stories or 35 feet whichever is greater.

19. Gasoline service stations and battery exchange stations are limited to the general commercial and mixed commercial districts and subject to the following conditions:

   a. A gasoline service station shall be limited to eight pumps and 16 price gauges to service no more than 16 vehicles.

   b. A battery exchange station shall provide a minimum of three stacking spaces.

   c. Stacking spaces and drive-through facilities shall be designed in accordance with CMC 18.50.080.

   d. Any associated materials, equipment storage, outdoor storage tanks and battery exchange activities shall be within a fully enclosed structure, unless otherwise determined by the Director.

20. a. No burning of refuse or dead animals is allowed;

   b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas shall be surrounded by an eight-foot-high solid wall and surfaced with concrete or other impervious material;

   c. Subject to animal keeping provisions of Chapter 18.80 CMC;

   d. Prior to issuance of a development permit, documentation shall be provided by a qualified acoustical consultant, for approval by the Community Development Director, verifying that the expected noise to be emanating from the site complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property;
e. Not permitted in any subdivision containing dwelling units; and

f. May only treat domestic animals on premises.

21. Day care I is allowed only as an accessory to a single-family detached unit.

22. Except bed and breakfasts, guesthouses are permitted outright and do not require a conditional use permit.

23. Mixed-use structures greater than one story shall provide ground floor retail, restaurant, or personal services along 60 percent of the building facade, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045. Permitted uses under the headings of cultural/recreation and governmental/institutional in subsection (3) of this section are exempt from this provision.

24. Parking facilities shall be fully screened from the public right-of-way with Type 1 landscaping in accordance with CMC 18.40.040.

25. a. The indoor shooting range, including its plans, rules, procedures, management and staff, shall comply with the applicable safety guidelines and provisions in the latest edition of “the Range Source Book” (National Rifle Association of America: Fairfax, Virginia) or its successor, as appropriate to the type of facility involved.

   b. Any new development proposal and/or business license application for an indoor shooting range shall be accompanied by a notarized letter by the shooting facility operator that the facility complies with Federal and State regulations, meets commonly accepted shooting facility safety and design practices, and will be operated in a manner that protects the safety of the general public.

   c. Outdoor shooting ranges are not permitted.

26. a. Multifamily residential dwellings in the TC zone shall be located in a minimum three-story mixed-use structure; and

   b. Sixty percent or more of the ground floor abutting a street, public space, public plaza and/or public green space shall be occupied by one or more of the following permitted uses: retail, restaurant or personal services, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.
27. New and existing single-family attached and detached dwellings within commercial zones shall abide by the density and dimension standards for the R-8 zone provided in CMC 18.30.030.

28. Subject to the applicable 1,000-foot and 500-foot sensitive use buffers outlined in CMC 18.33.050.

29. “Physical fitness/recreation clubs” and “Recreation, Indoor” facilities are permitted outright when located within an existing building or located within a new mixed-use development, otherwise a conditional use is required for a new standalone facility.
ORDINANCE NO. 06-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING COVINGTON MUNICIPAL CODE SECTION 18.31.080 RELATED TO PERMITTED LAND USES AND RELATED CONDITIONS IN THE DOWNTOWN ZONING DISTRICTS AND AMENDING LAND USE DEFINITIONS IN CMC CHAPTER 18.20 TECHNICAL TERMS AND LAND USE DEFINITIONS.

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, Chapter 18.31 of the Covington Municipal Code (CMC) authorizes the City of Covington to establish development and design standards for the districts within the City’s Downtown Zone; and

WHEREAS, CMC 18.31.080 Permitted land uses defines the allowed uses of property within the Downtown zones and includes CMC 18.31.080(3) a Permitted Use Table that lists the Use Categories by district within the Downtown zone and CMC 18.31.080(4) that identifies conditions added to specific uses in the Permitted Use Table; and

WHEREAS, this ordinance will amend CMC 18.31.080(3) to include a new use “Physical fitness/recreation club” and amends the existing land use category “Recreation, Indoor or Outdoor”; and

WHEREAS, this ordinance will allow amendments to Chapter 18.20 of the CMC to amend existing definitions CMC 18.20.893 “Physical fitness/recreation club” and CMC 18.20.966 “Recreation, indoor;” and

WHEREAS, Physical fitness/recreation club uses in the Downtown zoning districts will allow appropriate scaled business development and small business entrepreneurialism; and

WHEREAS, the Planning Commission held a properly noticed public hearing on April 4, 2019, to take public testimony on the proposed amendments; there was no public comment provided during the public hearing and no written comments on the proposed amendments were submitted to the City; and

WHEREAS, the City Council, upon review of the facts and findings and recommendations of the Covington Planning Commission, and after review of information provided by City staff find that all applicable and substantive requirements of the law have been met, that adoption of this ordinance promotes the public health, safety, and general welfare of the community and the adoption of this ordinance serves the public interest.
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 18.20 of the Covington Municipal Code, is hereby amended as follows:

CMC 18.20.893 Physical fitness/recreation club.

“Physical fitness/recreation club” means a small scale private facility, often with a specific physical fitness focus including uses such as, but not limited to: game courts, exercise equipment, gym, small group exercise rooms, indoor cycling, climbing, martial arts, personal training, dance, and yoga locker rooms, swimming pool, sauna, steam room, showers, and tanning salons. “Physical fitness/recreation club” does not include “shooting range” as defined in CMC 18.20.1080.

CMC 18.20.966 Recreation, indoor.

“Recreation, indoor” means a large scale indoor recreational use such as, but not limited to: skating rinks, bowling alleys, health clubs & fitness centers providing a wide variety of sport and fitness services, multi-court gymnasiums not accessory to an educational institution, multi-court racket clubs, sports arenas, large pools and similar uses. “Recreation, indoor” does not include “shooting range” as defined in CMC 18.20.1080.

Section 2. Section 18.31.080(3) Permitted Use Table of the Covington Municipal Code is hereby amended as follows:

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Town Center (TC)</th>
<th>Mixed Commercial (MC)</th>
<th>General Commercial (GC)</th>
<th>Mixed Housing Office (MHO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical fitness/recreation club</td>
<td>P/C^29</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreation, Indoor</td>
<td>P/C^29</td>
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<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreation, Outdoor</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Section 3. Section 18.31.080(4) Permitted Use Conditions of the Covington Municipal Code is hereby amended to include a new condition as follows:

29. “Physical fitness/recreation clubs” and “Recreation, Indoor” facilities are permitted outright when located within an existing building or located within a new mixed-use development; otherwise a conditional use is required for a new standalone facility.

Section 4. This ordinance shall be in full force and effect five (5) days after publication. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.
Section 5. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

Passed by the City Council on the 23rd day of April 2019.

_____________________________
Mayor Jeff Wagner

PUBLISHED: April 26, 2019
EFFECTIVE: May 1, 2019

ATTESTED:

__________________________
Sharon Scott
City Clerk

APPROVED AS TO FORM:

__________________________
Kathy Hardy
City Attorney
DISCUSSION OF FUTURE AGENDA ITEMS:

5:30 p.m., Tuesday, May 14, 2019 Special Meeting – Joint Study Session with Green River College

7:00 p.m., Tuesday, May 14, 2019 Regular Meeting

(Draft Agendas Attached)
CITY OF COVINGTON
SPECIAL MEETING AGENDA

CITY COUNCIL JOINT STUDY SESSION WITH GREEN RIVER COLLEGE – 5:30 P.M.
Council Chambers – 16720 SE 271st Street, Suite 100, Covington
www.covingtonwa.gov

Tuesday, May 14, 2019

GENERAL INFORMATION:
The study session is an informal meeting involving discussion between and among the City Council, Commissioners, and city staff regarding policy issues. Study sessions may involve presentations, feedback, brainstorming, etc., regarding further work to be done by the staff on key policy matters.

CALL CITY COUNCIL STUDY SESSION TO ORDER

ITEM(S) FOR DISCUSSION
1. Higher Education in Covington and How Green River College Can Best Meet the Higher Education Needs Here

ADJOURN

Americans with Disabilities Act – reasonable accommodations provided upon request a minimum of 24 hours in advance (253-480-2400).

*Note* A Regular Council meeting will follow at approximately 7:00 p.m.
CITY COUNCIL REGULAR MEETING AGENDA – APPROXIMATELY 7:00 P.M.
www.covingtonwa.gov

Tuesday, May 14, 2019
7:00 p.m.                                                                                                        City Council Chambers
16720 SE 271st Street, Suite 100, Covington

Note: A Joint Study Session with Green River College is scheduled from 5:30 to 7:00 p.m.

CALL CITY COUNCIL REGULAR MEETING TO ORDER – approximately 7:00 p.m.

ROLL CALL/PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMUNICATION
• National Public Works Week Proclamation – May ______, 2019 (Lindskov)

PUBLIC COMMENT Speakers will state their name, address, and organization. Comments are directed to the City Council, not the audience or staff. Comments are not intended for conversation or debate and are limited to no more than four minutes per speaker. Speakers may request additional time on a future agenda as time allows.

NOTICE to all participants: Pursuant to state law, RCW 42.17A.555, campaigning for any ballot measure or candidate in City Hall and/or during any portion of the council meeting, including the audience comment portion of the meeting, is PROHIBITED.

APPROVE CONSENT AGENDA
C-1. Minutes: April 9, 2019 Special & Regular Meetings and April 23, 2019 Special & Regular Meetings (Scott)
C-2. Vouchers (Parker)
C-3. Approve Periodic Update to Shoreline Master Program (Mueller)

PUBLIC HEARING
1. To Receive Testimony from the Public on Proposed 2020-2025 Transportation Improvement Program (Lindskov)

NEW BUSINESS
2. Appoint Voting Delegates for the 2019 Puget Sound Regional Council General Assembly (Council)

FUTURE AGENDA ITEMS

COUNCIL/STAFF COMMENTS

PUBLIC COMMENT See guidelines above in first public comment section

EXECUTIVE SESSION – if needed

ADJOURN
Americans with Disabilities Act – reasonable accommodations provided upon request a minimum of 24 hours in advance (253-480-2400).