

ORDINANCE NO. 19-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, RELATING TO SEWER AND WATER SERVICE AMENDING SECTION 18.75.030 ADEQUATE SEWAGE DISPOSAL AND SECTION 18.75.040 ADEQUATE WATER SUPPLY OF THE COVINGTON MUNICIPAL CODE.

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

WHEREAS, Title 13 of the Covington Municipal Code (CMC) provides regulations for administering public utilities within the City; and

WHEREAS, the City of Covington does not provide water or sewer service within the City limits; and

WHEREAS, the City Council approved amendments to CMC Title 13 on September 26, 2017 with the adoption of Ordinance 12-2017 to update regulations within the City related to sewer and water service to new and existing development; and

WHEREAS, the proposed amendments to CMC 18.75.030 and CMC 18.75.040 are consistent with the goals, objectives, and policies of the City’s comprehensive plan; and

WHEREAS, the proposed amendments are consistent with and cross reference the regulations in Title 13; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments at their regularly scheduled meeting on November 2, 2017. No public comments were received and the Planning Commission voted to recommend that the City Council approve the proposed amendments; and

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

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

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

Section 2. Amendments. CMC Section 18.75.030 Adequate sewage disposal, is amended to read as follows:

All new development proposals shall be served by an adequate sewage system, including both collection and treatment facilities, consistent with CMC Title 13, as follows:

(1) A public sewage ~~disposal~~ system is adequate for a development proposal; provided, that:

(a) For the issuance of a building permit, preliminary plat or short plat approval or other land use approval, the site of the proposed development ~~is or~~ can be served by ~~an existing disposal~~ a sewage system consistent with CMC Title 13, ~~and the disposal system has been approved by the Department as being consistent with applicable State and local design and operating guidelines;~~

(b) For the issuance of a certificate of occupancy for a building or change of use permit, the approved public sewage ~~disposal~~ system as set forth in subsection (1)(a) of this section is installed to serve each building or lot;

(c) For recording a final plat, final short plat or binding site plan, the approved public sewage ~~disposal~~ system set forth in subsection (1)(a) of this section shall be installed to serve each lot respectively; ~~or a bond or similar security shall be deposited with the City of Covington for the future installation of an adequate sewage disposal system. The bond may be assigned to a utility to assure the construction of the facilities within two years of recording; and~~

(d) For a zone reclassification ~~or urban planned development permit~~, the timing of installation of required sewerage improvements shall be contained in the approving ordinance.

~~(2) A private individual sewage system is adequate, if an on-site sewage disposal system for each individual building or lot is installed to meet the requirements and standards of the Department of Public Health as to lot size, soils and system design prior to issuance of a certificate of occupancy for a building or change of use permit.~~

Section 3. Amendments. CMC Section 18.75.040 Adequate water supply, is amended to read as follows:

All new development proposals shall be served by ~~an adequate public or private~~ a water supply system as follows:

(1) A public water system is adequate for a development proposal; provided, that:

(a) For the issuance of a building permit, preliminary plat or short plat approval or other land use approval, the site of the proposed development can be served by a water system consistent with CMC Title 13. ~~the applicant must demonstrate that the existing water supply system available to serve the site:~~

~~(i) Complies with the applicable planning, operating and design requirements of Chapter 246-290 WAC; Chapters 12.60 and 12.65 CMC and CMC Title 15; coordinated water system plans; CMC Title 13 and other applicable provisions of the rules and regulations of the King County Board of Health; and any limitation or condition imposed by the City approved comprehensive plan of the water purveyor; and~~

~~(ii) The proposed improvements to an existing water system have been reviewed by the Department and determined to comply with the design standards and conditions specified in subsection (1)(a)(i) of this subsection; or~~

~~(iii) A proposed new water supply system has been reviewed by the Department and determined to comply with the design standards and conditions specified in subsection (1)(a)(1) of this subsection;~~

~~(b) Prior to issuance of a certificate of occupancy for a building or change of use permit, the approved public water system and any system improvements set forth in subsection (1)(a) of this section shall be installed to serve each building or lot respectively;~~

~~(c) For recording a final plat, final short plat or binding site plan, either the approved public water supply system or system improvements set forth in subsection (1)(a) of this section shall be installed to serve each lot, or a bond or similar security shall be deposited with the City of Covington and may be assigned to a purveyor to assure the construction of required water facilities in Group A systems as defined by Board of Health regulations, within two years of recording; and~~

~~(d) For a zone reclassification or urban planned development permit, the timing of installation of required water system improvements shall be included in the approving ordinance.~~

~~(2) An on-site, individual water system is adequate and the plat or short plat may receive preliminary and final approval, and a building or change of use permit may be issued:~~

~~(a) In an urban area if:~~

~~(i) The buildings or lots to be served are located outside of a City approved water purveyor service area; or~~

~~(ii) The water purveyor has indicated that service cannot be provided in compliance with the purveyor's approved comprehensive plan; and~~

~~(iii) The Seattle King County Department of Public Health has approved the proposed method of water supply in accordance with the applicable King County Board of Health rules and regulations and this section. The applicant shall provide appropriate information to demonstrate to the Department and the Seattle King County Department of Public Health that a private individual water system will be adequate. The Seattle King County Department of Public Health may require installation of private individual water systems prior to final approval of a plat or short plat where information is insufficient to show an adequate water supply can be made available.~~

Section 4. Savings. The enactment of this ordinance shall not affect any application, case, proceeding, appeal, or other matter currently pending administratively or judicially in any court or in any way modify any right or liability, civil or criminal, that may be in existence on the effective date of this ordinance.

Section 5. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Corrections. Upon approval of the city attorney, the city clerk and/or code codifier is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

Section 7. Effective Date. This ordinance shall be in full force and effect five (5) days after publication in the City's newspaper of record. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON,
WASHINGTON, at a regular meeting thereof on the 28th day of November 2017, and signed in authentication of its passage.



Mayor Jeff Wagner

PUBLISHED: December 1, 2017

EFFECTIVE: December 6, 2017

ATTESTED:



Sharon Scott, City Clerk

APPROVED AS TO FORM ONLY:



Kathy Hardy, City Attorney