



CITY COUNCIL SPECIAL MEETING AGENDA – 6:00 PM
CITY COUNCIL REGULAR MEETING AGENDA – APPROXIMATELY 7:00 PM

www.covingtonwa.gov

Tuesday, August 11, 2020
7:00 p.m.

Telephonically/Virtually
via Zoom Platform

Note: Council will interview applicants for City Council Position No. 6 at 6:00 p.m.

This City Council Special Meeting and City Council Regular Meeting will both be held telephonically and virtually to comply with Governor Inslee's Proclamation 20-28 (as amended and extended), which, among other things, suspended various requirements under the Open Public Meetings Act, Chapter 42.30 RCW, and prohibited public agencies from conducting meetings in person through September 1, 2020.

The City Council Special and Regular Meetings will be held telephonically and virtually as follows:

Join Online: <https://us02web.zoom.us/j/86968837571?pwd=NEtFS1kwZUNReTdHL2cvc01ZRjhidz09>
Passcode: Covington

Join by Telephone: 253-215-8782
Webinar ID: 869 6883 7571
Passcode: 740191846

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

ROLL CALL/PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMUNICATION

- Presentation on Interlocal Agreement with South King Housing and Homelessness Partners (Angela San Filippo, SKHHP)

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: July 28, 2020 Special Meeting–Study Session and July 28, 2020 Regular Meeting (Michaud)
- C-2. Vouchers (Parker)
- C-3. Ordinance Amending Chapter 16.15 CMC, Flood Damage Prevention (Harriman)
- C-4. Ordinance Amending Section 2.15.020 CMC, Planning Commission Membership (Bolli)

- C-5. Authorize the City Manager to Execute a Local Agency Agreement Supplement Number 4 with Washington State Department of Transportation and Amendment Number 2 with DCI Engineers for Additional Real Estate Services for the Covington Connector Project (CIP 1201) (Lindskov)

NEW BUSINESS

1. Consider Appointment to Council Position No. 6 (Council)
2. Consider Appointment to Human Services Commission (Council)
3. 2020 Second Quarter Financial Report (Parker)
4. Discuss Options for Establishing a Commission to Address Diversity, Equity, and Social Justice Issues (Bolli)

FUTURE AGENDA ITEMS

COUNCIL/STAFF COMMENTS

PUBLIC COMMENT See Guidelines on Public Comments 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).

Consent Agenda Item C-1

Covington City Council Meeting

Date: August 11, 2020

SUBJECT: APPROVAL OF MINUTES: JULY 28, 2020 CITY COUNCIL SPECIAL MEETING – STUDY SESSION MINUTES AND JULY 28, 2020 CITY COUNCIL REGULAR MEETING MINUTES

RECOMMENDED BY: Joan Michaud, City Clerk

ATTACHMENT(S): Proposed Minutes.

PREPARED BY: Joan Michaud, City Clerk

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

Councilmember _____ moves, Councilmember _____ seconds, to approve the July 28, 2020 City Council Special Meeting – Study Session Minutes and July 28, 2020 City Council Regular Meeting Minutes.

**City of Covington
City Council Special Meeting - Study Session
Tuesday, July 28, 2020**

NOTE: *This City Council special meeting was held telephonically and virtually to comply with Governor Inslee’s Proclamation 20-28 (as amended and extended), which, among other things, suspended various requirements under the Open Public Meetings Act, Chapter 42.30 RCW, and prohibited public agencies from conducting meetings in person through August 1, 2020.*

The Special Meeting - Study Session was called to order Tuesday, July 28, 2020, at 6:09 p.m., with Mayor Wagner presiding.

COUNCILMEMBERS PRESENT:

Jeff Wagner, Joe Cimaomo, Jennifer Harjehausen, Jared Koukal, Kristina Soltys, and Sean Smith.

STAFF PRESENT:

Regan Bolli, City Manager; Andrew McCurdy, Covington Police Chief; and Krista Bates, Executive Assistant/Deputy City Clerk.

Mayor Wagner called the study session to order.

ITEM FOR DISCUSSION:

1. Presentation from Preeti Shridhar, Deputy Public Affairs Administrator, City of Renton Re: Renton’s Efforts in Establishing Renton’s Mayor’s Inclusion Task Force.

Ms. Shridhar gave the presentation. Councilmembers and Mr. Bolli asked questions and provided comments, and Ms. Shradhar provided responses.

Mr. Bolli asked for a copy of the Task Force Equity Mission Statement, and Ms. Shridhar indicated she would provided that when it was approved by the Renton City Council.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:00 p.m.

Submitted by:

Joan Michaud
City Clerk

**City of Covington
Regular City Council Meeting Minutes
Tuesday, July 28, 2020**

NOTE: *This City Council meeting was held telephonically and virtually to comply with Governor Inslee's Proclamation 20-28 (as amended and extended), which, among other things, suspended various requirements under the Open Public Meetings Act, Chapter 42.30 RCW, and prohibited public agencies from conducting meetings in person through August 1, 2020.*

The Regular Meeting of the City Council of the City of Covington was called to order Tuesday, July 28, 2020, at 7:04 p.m., with Mayor Wagner presiding.

COUNCILMEMBERS PRESENT:

Jeff Wagner, Joe Cimaomo, Jennifer Harjehausen, Jared Koukal, Kristina Soltys, and Sean Smith.

STAFF PRESENT:

Regan Bolli, City Manager; Andrew McCurdy, Covington Police Chief; Ethan Newton, Parks & Recreation Director; Don Vondran, Public Works Director; Gina Estep, Community Development Director; Casey Parker, Finance Director; Mark Orthmann, City Attorney; Mayson Morrissey, Information Technology Manager (in person); and Krista Bates, Executive Assistant/Deputy City Clerk.

All attendees present via Zoom except as noted.

Mayor Wagner opened the meeting with the Pledge of Allegiance.

APPROVAL OF AGENDA:

The agenda was approved as presented.

PUBLIC COMMENT:

Mayor Wagner called for public comments from the public attending via Zoom.

The following person provided public comments: Elizabeth Porter.

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

EXECUTIVE SESSION:

- To Evaluate the Qualifications of Applications for Public Employment Pursuant to RCW 42.30.110(1)(g) from 7:08 p.m. to 7:37 p.m.

Mayor Wagner announced the council would go into Executive Session for approximately 30 minutes.

APPROVE CONSENT AGENDA:

C-1. Minutes: July 14, 2020 City Council Special (Interviews) & Regular Meeting Minutes.

C-2. Vouchers: Vouchers #41143 - #41185, including ACH payments in the amount of

\$374,507.54, dated July 17, 2020; and Paylocity Payroll Voucher #1012386102, plus employee direct deposits and wire transfers, in the amount of \$174,451.36, dated July 10, 2020.

ORDINANCE NO. 09-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON REPEALING COVINGTON MUNICIPAL CODE CHAPTER 2.70, ARTS COMMISSION; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

- C-3. Consider Ordinance Repealing Covington Municipal Code Chapter 2.70, Arts Commission and Consider Resolution Reinstating the Arts Commission with New Membership Rules.

ORDINANCE NO. 10-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON REPEALING COVINGTON MUNICIPAL CODE CHAPTER 2.40, HUMAN SERVICES COMMISSION; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

- C-4. Consider Ordinance Repealing Covington Municipal Code Chapter 2.40, Human Services Commission, and Consider Resolution Reinstating the Human Services Commission with New Membership Rules.

ORDINANCE NO. 11-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON REPEALING COVINGTON MUNICIPAL CODE CHAPTER 2.45, PARKS AND RECREATION COMMISSION; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

- C-5. Consider Ordinance Repealing Covington Municipal Code Chapter 2.45, Parks & Recreation Commission, and Consider Resolution Reinstating the Parks & Recreation Commission with New Membership Rules.

RESOLUTION NO. 2020-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, AMENDING RESOLUTION

NO. 2017-09 TO ALLOW MEMBER TERMS TO END UPON
GRADUATION FROM HIGH SCHOOL

- C-6. Consider Resolution Amending Youth Council Terms to End Upon Graduation from High School.
- C-7. Authorize City to Execute an Amendment to a Consultant Services Agreement with BERK Consulting for On-Call Planning Support Services.
- C-8. Ratify City Manager's Signature to Execute Amendment No. 2 to a Public Works Agreement for Construction Services to Install Security Fencing at the former Covington Elementary School for Temporary Use as COVID-19 Testing Facility and Emergency Operations Center.

The consent agenda was approved as presented.

REPORTS OF COMMISSIONS:

Art Commission – Chair Marita Ledesma gave the report.

Economic Development Council – No report.

Human Services Commission – Chair Debbie Jacobson gave the report.

Parks & Recreation Commission – Chair Laura Morrissey gave the report.

Planning Commission – Chair David Caudle gave the report.

Youth Council – No Report.

NEW BUSINESS:

- 1. Consider Appointment to Fill Vacancy on Council Position No. 6.

Council Action: Mayor Pro Tem Smith moved and Councilmember Koukal seconded to schedule interviews for the City Council Position 6 vacancy on August 11. Vote: 6-0. Motion carried.

Council Action: Councilmember Harjehausen moved and Mayor Pro Tem Smith seconded to schedule interviews with Marita Ledesma and Elizabeth Porter for the City Council Position 6 vacancy on August 11. Vote: 6-0. Motion carried.

- 2. Consider Council Appointment to Sound Cities Association Public Issues Committee.

Council Action: Councilmember Koukal moved and Mayor Pro Tem Smith seconded to appoint Councilmember Cimaomo as the primary member and Councilmember Soltys as the alternate member to Sound Cities Association's Public Issues Committee (PIC) for the remainder of 2020. Vote: 6-0. Motion carried.

- 3. Discuss Republic Services Rates Increase Request.

Mayor Wagner recused himself from this item. Mayor Wagner left the Zoom meeting and turned the meeting over to Mayor Pro Tem Smith.

Public Works Director Don Vondran gave the staff report on this item.

Councilmembers provided comments and asked questions. Mr. Vondran, Mr. Orthmann, and Mr. Bolli provided responses. Council requested a presentation from Republic Services. Mr. Vondran indicated he would contact them to set that up for a future meeting.

Council Action: Councilmember Harjehausen moved and Councilmember Koukal seconded to authorize the implementation of the B&O Tax increase of 0.25 percent along with the annual rate adjustment beginning January 1, 2021. Vote: 5-0. Motion carried.

Council Action: Councilmember Harjehausen moved and Councilmember Soltys seconded to allow Republic Services to extend the recycling processing charge until December 31, 2020. Vote: 4-1 (voting yes: Harjehausen, Koukal, Smith, and Soltys; voting no: Cimaomo). Motion carried.

Mayor Wagner returned to the Zoom meeting.

FUTURE AGENDA ITEMS:

Councilmembers reviewed future agenda items.

COUNCIL/STAFF COMMENTS:

Councilmembers and staff made comments.

There was Council consensus to add the Diversity and Inclusion Commission discussion item to the August 11 agenda.

There was Council consensus to add a discussion item regarding initiatives of King County Council regarding amendments to the Sheriff's Office to the September 8 meeting with possible action at the September 22 meeting.

PUBLIC COMMENT:

Mayor Wagner called for public comments from the public attending via Zoom.

The following person provided public comments: Elizabeth Porter.

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

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:11 p.m.

Joan Michaud
City Clerk

Consent Agenda Item C-2

Covington City Council Meeting

Date: August 11, 2020

SUBJECT: APPROVAL OF VOUCHERS

RECOMMENDED BY: Casey Parker, Finance Director

ATTACHMENT(S): (Provided under separate cover.) Vouchers: Vouchers #41186 - #41219, including ACH payments in the amount of \$754,721.44, dated July 31, 2020; and Paylocity Payroll Voucher #1012440974, plus employee direct deposits and wire transfers, in the amount of \$192,979.10, dated July 24, 2020.

PREPARED BY: Casey Parker, Finance Director

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

Councilmember _____ moves, Councilmember _____ seconds, to approve for payment Vouchers: Vouchers #41186 - #41219, including ACH payments in the amount of \$754,721.44, dated July 31, 2020; and Paylocity Payroll Voucher #1012440974, plus employee direct deposits and wire transfers, in the amount of \$192,979.10, dated July 24, 2020.

Consent Agenda Item C-3

Covington City Council Meeting

Date: August 11, 2020

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, AMENDING CHAPTER 16.15 CMC FLOOD DAMAGE PREVENTION.

RECOMMENDED BY: Covington Planning Commission
Gina Estep, Community Development Director

ATTACHMENT(S):

1. Proposed Ordinance
Exhibit A – Proposed amendments to Chapter 16.15 CMC Flood Damage Prevention
2. Presentation
3. 2020 Floodplain Map

PREPARED BY: Ryan Harriman, EMPA, AICP

EXPLANATION:

Periodic code reviews and updates allow an opportunity to review code effectiveness, and ensure the codes remain relevant, are consistent with best available science, and align with the community's vision.

The planning commission work plan for 2020 does not include an evaluation of Chapter 16.15 CMC; however, the city is mandated by the Federal Emergency Management Agency ("FEMA") to adopt the new floodplain maps and update the municipal code before August 19, 2020.

The City of Covington is reviewing the floodplain management elements of development regulations in Chapter 16.15 CMC. In response to the FEMA audit, the city must update this code to meet federal and state minimum floodplain management standards (Title 44 of the Code of Federal Regulations and Title 86 of the Revised Code of Washington).

City staff and FEMA completed an extensive evaluation of Chapter 16.15 CMC to ensure the City of Covington is complying with the requirements of the National Flood Insurance Program ("NFIP") and has provided the planning commission with the required code amendments. All evaluated sections of Chapter 16.15 CMC are identified in **Exhibit A** of the attached ordinance using underlines for revisions and strikethroughs for deletions.

PURPOSE:

The purpose of amending Chapter 16.15 CMC Flood Damage Prevention is to ensure continued compliance with the NFIP, FEMA, and the Washington State Department of Ecology. The following items were considered in developing the proposed amendments to ensure federal and state regulations are continued to be met by the City of Covington:

- The City of Covington’s Flood Damage Prevention regulations contained in Chapter 16.15 CMC are the flood hazard data and regulations provided to the city by FEMA and the Washington State Department of Ecology.
- FEMA identifies flood hazards nationwide and publishes and periodically updates flood hazard data in support of the NFIP.
- The NFIP is a Federal flood insurance program. If a city wants to participate in the NFIP the CMC must be consistent federal and state regulations. Currently the code is not consistent.
- Flood hazard data is provided to communities in the form of a Flood Insurance Rate Map (“FIRM”) and Flood Insurance Study (“FIS”) report, which typically are prepared in a countywide format. The city is adopting the new FIRMs as part of this amendment.
- The updated FIS and new FIRMs, effective August 19, 2020, will replace the current effective products. Flood insurance policies throughout King County are required by federal mandate to be amended based on these updated products.
- The identification of flood hazards serves many important purposes. Identifying flood hazards creates an awareness of the hazard, especially for those who live and work in floodprone areas.
- The FIRM and FIS report provide the city with the information needed for land use planning and to reduce flood risk to floodplain development and implement other health and safety requirements through codes and regulations.
- The city can also use the information for emergency management.
- Each time FEMA provides the city with additional flood hazard data, the city must adopt new floodplain management regulations or amend existing regulations to incorporate the new data and meet any additional requirements that result from any changes in the data, such as the designation of a regulatory floodway for the first time.
- The city’s floodplain management regulations must also meet any additional state requirements and be adopted through a process that complies with any procedural requirements established by the state for the adoption of ordinances or regulations.
- The proposed amendments are approved by FEMA and the Washington State Department of Ecology for compliance with the NFIP.
- The City must adopt the new regulations provided in the proposed amendments to avoid immediate suspension from the NFIP after August 19, 2020.

REGULATORY REQUIREMENTS:

SEPA Compliance (SEPA 20-04): A SEPA Threshold Determination of Nonsignificance was issued on June 11, 2020; with the comment period that ended on June 26, 2020. A legal public

notice was published in the Seattle Times on June 11, 2020, as well as posted on the city website and at city hall. No comments were received.

Public Notice, Public Comment, and Planning Commission Review: Per CMC 14.27.050 and CMC 14.27.060, Planning Commission Review, legal notice on these proposed amendments was published in the Seattle Times on June 11, 2020, as well as posted on the city's website and at city hall. No comments were received.

The planning commission met on June 4, 2020 to discuss the proposed amendments to Chapter 16.15 CMC, Flood Damage Prevention, and requested a public hearing be set for the July 16, 2020 planning commission meeting.

The planning commission held a public hearing on July 16, 2020. No comments were received. The planning commission voted unanimously to recommend to the city council approval of the amendments as set forth in **Exhibit A**.

Washington State Department of Commerce: Pursuant to CMC 14.27.050(4) and RCW 36.70A.106, the proposed amendments were transmitted to Washington State Department of Commerce on June 9, 2020. On July 2, 2020, the Washington State Department of Commerce granted expedited review. No comments were received.

DECISION CRITERIA:

The proposed amendments meet the criteria set forth in CMC 14.27.040, Decision Criteria. The planning commission recommendation and city council's approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

CMC 14.27.040 Decision criteria.

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

Staff Finding: Yes, the proposed code amendment complies with the Growth Management Act of Washington State and goals, objectives and policies of the city's comprehensive plan and other applicable laws.

(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 Finding: 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 Finding: 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 Finding: 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 Finding: 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 Finding: 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 Finding: Not Applicable – this is not a zoning map amendment.

OPTIONS:

1. Adopt the recommended proposed ordinance.
2. Recommend amendments to the proposed ordinance.
3. Return the issue to city staff for further study and analysis.

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

CITY COUNCIL ACTION: X Ordinance Resolution Motion Other

Councilmember _____ moves, Councilmember _____ seconds, to adopt an ordinance of the City of Covington, Washington, amending Chapter 16.15 CMC, Flood Damage Protection.

REVIEWED BY: City Manager
City Attorney
Finance Director

ATTACHMENT 1

ORDINANCE NO. 12-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, AMENDING CHAPTER 16.15 CMC FLOOD DAMAGE PREVENTION; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, the Washington State Constitution at article 11, section 11, grants cities the police power authority to protect the public health, safety, and welfare. Pursuant to that authority, a city may regulate the use of property. Cities may regulate property for purposes such as abating nuisances, enforcing building and health codes, zoning and planning, and environmental protection; and

WHEREAS, periodic code reviews and updates allow an opportunity to review code effectiveness, and ensure the codes remain relevant, are consistent with best available science, and align with the community’s vision; and

WHEREAS, the Planning Commission work plan for 2020 does not include an evaluation of Chapter 16.15 CMC, however, the City is mandated by the Federal Emergency Management Agency (“FEMA”) to adopt new floodplain maps and update the City’s code before August 19, 2020; and

WHEREAS, the City’s floodplain management regulations in Chapter 16.15 CMC are the flood hazard data and regulations provided to the City by FEMA; and

WHEREAS, FEMA identifies flood hazards nationwide and publishes and periodically updates flood hazard data in support of the National Flood Insurance Program (“NFIP”); and

WHEREAS, the NFIP is a federal flood insurance program and, if a City wants to participate in the NFIP the CMC must be consistent federal and state regulations; and

WHEREAS, the CMC is not currently consistent with those regulations; and

WHEREAS, Chapter 16.15 CMC was audited by FEMA and the State of Washington for compliance with the requirements of the NFIP; and

WHEREAS, in response to the FEMA audit, City staff drafted an amendment to Chapter 16.15 CMC to meet federal and state minimum floodplain management standards (Title 44 Code of Federal Regulations and Title 86 RCW); and

WHEREAS, City staff and FEMA completed an extensive evaluation of Chapter 16.45 CMC to ensure the City is complying with the requirements of the NFIP; and

WHEREAS, on April 30, 2020 the proposed amendments were approved by FEMA and the State for compliance with the NFIP; and

WHEREAS, flood hazard data is provided to communities in the form of a Flood Insurance Rate Map (“FIRM”) and Flood Insurance Study (“FIS”) report, which are typically prepared in a countywide format; and

WHEREAS, the City is adopting new FIRMs and a new FIS as part of this amendment; and

WHEREAS, the updated FIS and new FIRMs, effective August 19, 2020, will replace the current effective products; and

WHEREAS, flood insurance policies throughout King County are required by federal mandate to be amended based on these updated products; and

WHEREAS, the identification of flood hazards serves many important purposes and creates an awareness of the hazard, especially for those who live and work in floodprone areas; and

WHEREAS, the FIRM and FIS provide the City with the information needed for land use planning and to reduce flood risk to floodplain development and implement other health and safety requirements through codes and regulations; and

WHEREAS, the City can also use the information provided in the FIRMs and FIS for emergency management; and

WHEREAS, each time FEMA provides the City with additional flood hazard data, the City must adopt new floodplain management regulations or amend existing regulations to incorporate the new data and meet any additional requirements that result from any changes in the data, such as the designation of a regulatory floodway for the first time; and

WHEREAS, the City’s floodplain management regulations must also meet any additional State requirements and be adopted through a process that complies with any procedural requirements established by the state for the adoption of ordinances or regulations; and

WHEREAS, the City must adopt the new regulations provided in the proposed amendments to avoid immediate suspension from the NFIP after August 19, 2020; and

WHEREAS, the planning commission is responsible for the review of amendments to the City’s flood damage prevention code and making modification recommendations; and

WHEREAS, the planning commission is required to hold a noticed public hearing and make a recommendation to the city council as to whether the proposed amendments meet the decision criteria set forth in CMC 14.27.040; and

WHEREAS, on June 9, 2020, City staff transmitted a copy of the proposed code amendments to the Washington State Department of Commerce for expedited review and comment, pursuant to RCW 36.70A.106; and

WHEREAS, expedited review of the proposed code amendments was granted on July 2, 2020; and

WHEREAS, a legal notice of public hearing for the proposed amendments was published June 11, 2020 in the Seattle Times as well as posted on the City's website and at city hall; and

WHEREAS, pursuant to the State Environmental Policy Act ("SEPA") and Chapter 191-11 Washington Administrative Code ("WAC"), a Determination of Nonsignificance ("DNS") for non-project action was issued and noticed on June 11, 2020 for the proposed amendments; and

WHEREAS, pursuant to WAC 197-11-340(2), the City provided a 14-day comment period for the DNS issued on the proposed amendments with an appeal and comment period ending June 26, 2020; and

WHEREAS, the planning commission met on June 4, 2020 to discuss the current version of Chapter 16.15 CMC, reviewed the draft amendment, and directed staff to schedule the public hearing for July 16, 2020; and

WHEREAS, on July 16, 2020 the planning commission held a properly noticed public hearing on the proposed amendments; and

WHEREAS, the City received no public comments; and

WHEREAS, after the public hearing and review, the planning commission recommended that the city council adopt the amendments to Chapter 16.15 CMC as proposed; and

WHEREAS, the proposed amendments meet the decisional criteria set forth in CMC 14.27.040; and

WHEREAS, the city council, upon review of the facts and findings and recommendations of the 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 of Council of the City of Covington, Washington, do ordain as follows:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's findings of fact.

Section 2. Amendments to Chapter 16.15 CMC. Chapter 16.15 CMC, Flood Damage Prevention, is hereby amended as set forth in the attached Exhibit A, which is incorporated herein by this reference.

Section 3. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or situation, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or situation. The City Council of the City of Covington hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clauses, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 4. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make any necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This ordinance shall be in full effect five (5) days after passage and publication, as provided by law. 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 this 11th day of August 2020.

Signed in authentication of its passage this ___ day of _____, 2020.

Jeff Wagner, Mayor

EFFECTIVE: August 19, 2020
PUBLISHED: August 14, 2020

AUTHENTICATED:

Joan Michaud, City Clerk

APPROVED AS TO FORM:

Mark Orthmann, City Attorney

Chapter 16.15

FLOOD DAMAGE PREVENTION

Sections:

Article I. General Provisions

16.15.005 Statutory Authorization.

- 16.15.010 Purpose.
- 16.15.020 Methods for reducing flood loss.
- 16.15.030 Definitions.
- 16.15.040 Lands to which this chapter applies.
- 16.15.045 Flood hazard area components.
- 16.15.050 Adoption of report and flood insurance rate map.
- 16.15.055 Determining other protected areas.
- 16.15.057 Stormwater management.
- 16.15.060 Penalty for noncompliance.
- 16.15.070 Abrogation and greater restrictions.
- 16.15.080 Interpretation.
- 16.15.090 Warning and disclaimer.

Article II. Administration

- 16.15.100 Development permit required.
- 16.15.110 Application for development permit.
- 16.15.120 ~~Local administrator~~ Floodplain Administrator.
- 16.15.130 ~~Local administrator~~ Floodplain Administrator – Duties.
- 16.15.140 ~~Local administrator~~ Floodplain Administrator – Use of other base flood data.
- 16.15.150 ~~Local administrator~~ Floodplain Administrator – Information to be obtained.
- 16.15.160 ~~Local administrator~~ Floodplain Administrator – Alteration of watercourses.
- 16.15.170 ~~Local administrator~~ Floodplain Administrator – Interpretation of FIRM boundaries.
- 16.15.180 Variances and appeals.
- 16.15.190 Variances – Permissible conditions.
- 16.15.195 Exemptions.
- 16.15.197 Partial exemptions.

Article III. Flood Hazard Reduction – General Standards

- 16.15.200 Flood hazard reduction – Anchoring.
- 16.15.210 Flood hazard reduction – Construction materials and methods.
- 16.15.220 Flood hazard reduction – Utilities.
- 16.15.230 Flood hazard reduction – Subdivision proposals.
- 16.15.240 Flood hazard reduction – Review of building permits.
- 16.15.245 Flood hazard areas certification by surveyor.

Article IV. Flood Hazard Reduction – Specific Standards

- 16.15.250 Flood hazard reduction – Residential construction.

- 16.15.260 Flood hazard reduction – Nonresidential construction.
- 16.15.270 Flood hazard reduction – Manufactured homes.
- 16.15.280 Flood hazard reduction – Recreational vehicles.
- 16.15.285 AE and A1-30 Zones with base flood elevations but no floodways.
- 16.15.310 Critical facility.

Article V. Floodplain Protection – Specific Standards

- 16.15.315 Allowable development activities in all flood hazard area zones.
- 16.15.320 Floodplain and floodway fringe development standards and alterations.
- 16.15.330 Riparian buffer zone development standards and alterations.
- 16.15.340 Zero-rise and FEMA floodway development standards and alterations.
- 16.15.350 FEMA floodway development standards and alterations.
- 16.15.360 Channel migration zones – Development standards and alterations.

Article I. General Provisions

16.15.005 Statutory Authorization

The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Covington City Council, does ordain as follows.

16.15.010 Purpose.

(1) The flood hazard areas of the City are subject to periodic inundation resulting in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses ~~are~~ may be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) To protect human life and health;
- (b) To minimize the expenditure of public money and costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and typically undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future flood blight areas;

(g) To ensure that potential buyers are notified that property is in an area of special flood hazard;

(h) To ensure that those who occupy special flood hazard areas assume responsibility for their actions;

(i) To qualify the City of Covington for participation and to maintain eligibility for flood insurance and disaster relief through ~~in~~ the National Flood Insurance Program (NFIP);

(j) To maintain the quality of surface waters and protect the natural channel and floodplain processes and functions that provide habitat for threatened and endangered species; and

(k) To minimize loss of hydraulic, geomorphic, and ecological functions of natural watercourses and floodplains.

16.15.020 Methods for reducing flood loss.

In order to accomplish its purposes, this chapter sets forth methods and provisions for:

(1) Restricting or prohibiting development uses which ~~are~~ is dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion, flood heights or velocities;

(2) Requiring that development uses vulnerable to floods, ~~including facilities which serve such uses,~~ be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel flood water;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which unnaturally divert flood water or increase flood hazards in other areas.

16.15.030 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. If there is a conflict, the definitions in this section shall govern.

(1) "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

~~(12)~~ "Appeal" means a request for review of the interpretation of any provision of this chapter or a request for a variance therefrom.

~~(23)~~ "Area of special flood hazard" means the land in the floodplain within the City which is subject to a one percent or greater chance of flooding in any given year. This area's designation on flood insurance rate maps always includes the letter A or V.

~~(34)~~ "Base flood" means flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). The base flood is noted as the special flood hazard area designated on flood insurance rate maps as Zone "A" or "V" including AE, AO, AH, ~~A1-00, and VE.~~

(5) “Base flood elevation” means the elevation to which floodwater is anticipated to rise during the base flood.

(6) “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

(47) “Channel migration zone” or “CMZ” means those areas within the lateral extent of likely stream channel movement that are subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion, and shifts in the location of stream channels. “Channel migration zone” does not include areas that lie behind an arterial road, a public road serving as a sole access route, a State or Federal highway or a railroad. “Channel migration zone” may exclude areas that lie behind a lawfully established flood protection facility that is likely to be maintained by existing programs for public maintenance consistent with designation and classification criteria specified by public rule. When a natural geologic feature affects channel migration, the channel migration zone width will consider such natural constraints. The regulated channel migration zone includes the channel migration zone boundary and extends 50 feet landward in each direction from the stream.

(58) “Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

(69) “Development” or “development activity” means any manmade change to improved or unimproved real property, including but not limited to buildings or other structures or mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials, or removal of more than five percent of the natural vegetation located within the area of special flood hazard. This includes construction, repair, or replacement of culverts, pipes, bridges, levees, bank stabilization, docks, revetments, walls, bulkheads, driveways, or roads.

(10) “Director” means the Director of City of Covington Department of Community Development, or his or her designee. The term Director shall be interchangeable with the term Floodplain Administrator.

(711) “Elevated building,” for insurance purposes, means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

(812) “Existing manufactured home park or subdivision” means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

(913) “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

(1410) “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of inland or tidal waters; and/or (b) the unusual and rapid accumulation of surface water runoff from any source; (c) Mudslides (i.e., mudflows) that are

proximately caused by flooding as defined in (b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

It also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (a) of this definition.

(15) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

~~(16)~~(11) "Flood insurance study" means the current effective official report provided by FEMA that includes flood profiles, the flood insurance rate maps, and the water surface elevation of the base flood. see Flood Elevation Study.

(17) "Flood Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

(18) "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flood" or "flooding."

(19) "Floodplain administrator" means the Director or community official designated by this title to administer and enforce the floodplain management regulations.

(20) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

(21) "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(22) "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

~~(22)~~(23) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~ a designated height. Also referred to as "Regulatory Floodway."

(24) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

(25) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(26) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior or

(ii) Directly by the Secretary of the Interior in states without approved programs.

~~(28)~~¹³ "Lowest floor" means the lowest floor of the lowest enclosed area, including any basement. An unfinished or flood resistant enclosure which is usable solely for parking of vehicles, building access or storage, located in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of CMC 16.15.250(2).

(29) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

~~(14)~~³⁰ "Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

(31) "Mean sea level" means, for purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

~~(15)~~³² "New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation

adopted by a community and includes any subsequent improvements to such structures.~~means any structure for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.~~

(~~16~~33) “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of adopted floodplain management regulations.

(~~17~~34) “Recreational vehicle” means a vehicle:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(~~18~~35) “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement is within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any other work beyond the stage of excavation, or the placement of a manufactured home on a foundation. “Permanent construction” does not include land preparation, such as clearing, grading and filling or the installation of streets and/or walkways or excavation for a basement, footings, piers, or foundations or the erection of temporary forms or the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. With respect to a substantial improvement, the “actual start” of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(~~19~~36) “Structure” means a walled and roofed building permanently constructed in or on the ground, ~~or over water, excluding fences six feet or less, and~~ including a gas or liquid storage tank that is principally above ground as well as a manufactured home.

(~~20~~37) “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its predamaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(~~38~~21) “Substantial improvement” means any ~~repair, reconstruction,~~ rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure: ~~(a) before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. —or repair is— started; or (b) if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.—~~

The term does not, however, include: (a) any project to improve a structure to correct precited existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local enforcement official and which are the minimum necessary to assure safe living conditions; or (b) any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” ~~listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

~~(39)22~~ “Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(40) “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

~~(41)23~~ “Water dependent” means a structure for commerce or industry which is dependent on the water by reason of the intrinsic nature of its operations and cannot exist in any other location.

(42) “Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

~~(43)24~~ “Water typing” means a system for classifying water bodies according to their size and fish habitat characteristics. The Washington Department of Natural Resources’ Forest Practices Water Typing classification system is hereby adopted by reference. The system defines four water types:

- (a) Type “S” = Shoreline: Streams that are designated “shorelines of the State,” including marine shorelines.
- (b) Type “F” = Fish: Streams that are known to be used by fish or meet the physical criteria to be potentially used by fish.
- (c) Type “Np” = Nonfish Perennial streams.
- (d) Type “Ns” = Nonfish Seasonal streams.

16.15.040 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard located within the City limits.

16.15.045 Flood hazard area components.

(1) A flood hazard area consists of the following components:

- (a) Floodplain;
- (b) Floodway fringe;
- (c) Riparian buffer zone (RBZ);
- (d) Zero-rise floodway;
- (e) FEMA floodway; and

(f) Channel migration zone (CMZ).

These areas at times overlap. For the purpose of this chapter, the most restrictive development requirements shall apply. In addition, exceptions, if any, must apply to all the overlapping zones to be allowable and applicable.

16.15.050 Adoption of report and flood insurance rate map.

(1) The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County, Washington and incorporated areas," dated ~~March 30, 1998~~ August 19, 2020, as amended, with the accompanying flood insurance rate maps (FIRM), as amended, are hereby adopted by reference as though fully set forth herein. The flood insurance study is on file at Covington City Hall. The best available information for flood hazard area identification as outlined in CMC 16.15.140 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under said section.

(2) The Floodplain Administrator ~~Director~~ shall use the following for floodplain boundaries, regulatory floodway boundaries, and base flood elevations when determining a special flood hazard area:

(a) Flood insurance rate maps;

(b) Preliminary flood insurance rate maps, as long as the preliminary data is more restrictive than the effective FIRM;

(c) Letters of map amendment; and

(d) Letters of map revision; .

(3) When regulating development in special flood hazard areas mapped on the FIRM, the ~~Director~~ Floodplain Administrator shall determine the base flood elevation for existing conditions using the following sources:

(a) Flood insurance rate maps;

(b) Flood insurance studies;

(c) Preliminary flood insurance rate maps, as long as the preliminary data is more restrictive than the effective FIRM;

(d) Preliminary flood insurance studies, as long as the preliminary data is more restrictive than the effective FIS;

(e) Letters of map amendment;

(f) Letters of map revision;

(g) Historical flood hazard information, as long as the historical data is more restrictive than the effective FIS and FIRM;

(h) Flood studies prepared and approved by a recognized governmental agency, such as FEMA, the U.S. Army Corp of Engineers, Washington State, or King County; or

(i) Best available data, as determined by the Director, as long as the best available data is more restrictive than the effective FIS and FIRM.

16.15.055 Determining other protected areas.

(1) Channel migration zones (CMZ) are specified by public rule adopted by the Director. When channel migration zones have not been determined, they shall be the same as the Federal Emergency Management Agency (FEMA) floodway. Waters with no defined floodway or CMZ will be considered exempt from this protected area requirement. An applicant for a development proposal may submit a critical area report to the Department to determine channel migration zone boundaries on a specific property if there is an apparent discrepancy between the site-specific conditions and the adopted channel migration zone. The regulated CMZ includes the channel migration zone boundary and extends 50 feet landward in each direction from the stream.

(2) The riparian buffer zone (RBZ) is the area in the floodplain measured perpendicularly from the OHW line on each side of the watercourse landward. The stream type determines the distance. The RBZ does not extend past the floodplain boundary. The following water typing designations and distances shall be used to determine the applicable riparian buffer zone:

(a) Type S streams that are designated “shorelines of the State”: 250 feet from the OHW line.

(b) Type F streams (fish bearing) streams greater than five feet wide and marine shorelines: 200 feet from the OHW line.

(c) Type F streams less than five feet wide and lakes: 150 feet from the OHW line.

(d) Type N (nonsalmonid-bearing) perennial and seasonal streams with unstable slopes: 225 feet from the OHW line.

(e) All other Type N (nonsalmonid-bearing) perennial and seasonal streams: 150 feet from the OHW line.

16.15.057 Stormwater management.

(1) Stormwater management shall be provided for projects located within lands to which this chapter applies. Stormwater management facilities shall not be located within floodways or the CMZ. Stormwater management facilities may be located within special flood hazard areas or the RBZ, subject to approval by the City Engineer; provided, that the increase in the water surface elevation of the base flood does not exceed the limits of CMC 16.15.320(2).

(2) Stormwater management facilities shall be designed in accordance with ~~CMC~~ Title 13 CMC.

16.15.060 Penalty for noncompliance.

Unless a variance is properly granted, no structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and any other applicable regulations. Any violation of the provisions of this chapter by failure to comply with any of its requirements, including but not limited to violations of conditions and safeguards established in connection with conditions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall be guilty of a misdemeanor and upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case.

Nothing herein contained shall prevent the City from taking such other lawful action as deemed necessary to prevent or remedy any violation.

16.15.070 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and any other ordinance, easement, covenant or deed restriction conflict or overlap, the one which imposes the more stringent restrictions shall prevail.

16.15.080 Interpretation.

In the interpretation and application of this chapter all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

16.15.090 Warning and disclaimer.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. More extensive floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City, any officer or employee thereof or the Federal Insurance Administration for any flood damage that results from reliance on this chapter or any administrative decision lawfully made hereunder.

Article II. Administration

16.15.100 Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in CMC 16.15.050. The permit shall be for all structures, including manufactured homes, and for all development.

16.15.110 Application for development permit.

An application for a development permit shall be made on forms furnished by the ~~City administrator~~ Floodplain Administrator and will include such information as is required by the ~~local administrator~~ Floodplain Administrator, including but not limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. In addition, the following information shall be required from all applicants:

- (1) In relation to mean sea level, the proposed elevation of the lowest floor of all structures, including the basement;
- (2) In relation to mean sea level, the proposed elevation to which any nonresidential structure ~~has been~~ will be floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria set forth in CMC 16.15.260; and

(4) A description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.

16.15.120 ~~Local administrator~~ Floodplain Administrator.

The City Manager ~~Floodplain Administrator~~, or his or her designee, is hereby appointed to act as the ~~local administrator~~ Floodplain Administrator of this chapter and, to that end, shall administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

16.15.130 ~~Local administrator~~ Floodplain Administrator – Duties.

The duties of the ~~local administrator~~ Floodplain Administrator shall include, but are not limited to:

(1) Reviewing all development permits to determine whether the permit requirements of this chapter have been satisfied;

(2) Reviewing all development permits to determine whether all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required;

(3) Reviewing all development permits to ensure the site is reasonably safe from flooding; and

~~(4)~~ Reviewing all development permits to determine whether the proposed development is located in the floodway and, if so, ensuring that the encroachment provisions of CMC 16.15.350(2) are satisfied.

16.15.140 ~~Local administrator~~ Floodplain Administrator – Use of other base flood data.

In order to administer CMC 16.15.250 through 16.15.285 when base flood elevation data has not been provided in accordance with CMC 16.15.050, the ~~local administrator~~ Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State or other source.

16.15.150 ~~Local administrator~~ Floodplain Administrator – Information to be obtained.

(1) Where base flood elevation data is provided through the flood insurance study or as set forth in CMC 16.15.140, the ~~local administrator~~ Floodplain Administrator shall obtain and ~~record~~ maintain the actual elevation, in relation to mean sea level, of the lowest floor (including basement) of all new or substantially improved structures, and, in addition, shall record whether or not said structures contain basements.

(2) For all new or substantially improved floodproofed structures where base flood elevation is provided through the flood insurance study or is set forth in CMC 16.15.140, the ~~local administrator~~ Floodplain Administrator shall:

(a) ~~Verify and record~~ Obtain and maintain the actual elevation, in relation to mean sea level to which the structure was floodproofed; and

(b) Maintain the floodproofing certifications required in CMC 16.15.110(3).

(3) The ~~local administrator~~ Floodplain Administrator shall maintain for public inspection all records pertaining to and required by the provisions of this chapter. .

(4) The Floodplain Administer shall maintain for public inspection all records pertaining to Improvement and damage calculations.

(5) The Floodplain Administer shall maintain for public inspection all records pertaining to the certification required by CMC 16.15.350(2) (floodway encroachments).

16.15.160 ~~Local administrator~~Floodplain Administrator – Alteration of watercourses.

Whenever any watercourse is to be altered or relocated, the ~~Local administrator~~Floodplain Administrator shall:

(1) Notify adjacent communities and the Department of Ecology prior to any such alteration or relocation and submit evidence of such notification to the Federal Insurance Administrator; and

(2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. ~~Require that maintenance be provided for within the altered or relocated portion of said watercourse so that its flood carrying capacity is not diminished.~~

16.15.170 ~~Local administrator~~Floodplain Administrator – Interpretation of FIRM boundaries.

The ~~local administrator~~Floodplain Administrator shall make all necessary interpretations as to the exact location of the boundaries of any areas of special flood hazard. The FIRM boundary shall be the sole determinant for jurisdiction and application of this chapter.

(1) Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(2) The Floodplain Administrator shall notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

16.15.180 Variances and appeals.

(1) The Hearing Examiner shall hear and decide any appeal or request for a variance from the requirements of this chapter. Appeals and requests for variances shall be accompanied by a fee as set forth in the current fee resolution.

(2) The Hearing Examiner shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the ~~local administrator~~Floodplain Administrator in the enforcement or administration of this chapter. Appeals shall be heard in accordance with Chapter 14.45 CMC.

(3) Anyone aggrieved by the decision of the Hearing Examiner, or any taxpayer, may appeal such decision to the King County Superior Court, as provided in the Land Use Petition Act.

(4) In passing upon such appeals and variance requests, the Hearing Examiner shall consider all technical evaluations, all relevant factors and standards specified in other sections of this chapter, and, in addition:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the City;
- (e) The necessity of a waterfront location for the facility, if applicable;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
- (i) The safety of access to the property for ordinary and emergency vehicles in times of flood;
- (j) The expected height, velocity, duration, rate of rise and sediment transport of the flood water and the effects of wave action, if applicable, expected at the site; and
- (k) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(5) Upon due consideration of the factors set forth in subsection (4) of this section as well as the purposes of this chapter, the Hearing Examiner may, in his discretion, attach such conditions to the granting of any variance as he deems necessary to further the purposes of this chapter.

(6) The local administrator Floodplain Administrator shall maintain the records, including justification of their issuance, of all appeals and report any variances to the Federal Insurance Administrator ~~or~~ upon request.

16.15.190 Variances – Permissible conditions.

(1) As interpreted in the National Flood Insurance Program, a variance is based on the general zoning law principle that the variance pertains to a physical piece of property, is not personal in nature and does not pertain to the structure, its inhabitants or any economic or financial circumstances. A variance primarily pertains to small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(2) A variance may be issued for the reconstruction, rehabilitation or restoration of any historic structures ~~listed on the National Register of Historic Places or the State Inventory of Historic Places~~ without regard to the procedures set forth in this section, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) A variance shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would thereby result.

(4) A variance shall only be issued upon:

- (a) A showing of good and sufficient cause;
- (b) A determination that denial of the variance application would result in exceptional hardship to the applicant;
- (c) A determination that granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
- (d) A determination that, considering the flood hazard, the variance is the minimum necessary to afford relief.

(5) In very limited circumstances, a variance to allow a lesser degree of floodproofing than watertight or dry-floodproofing may be issued for a nonresidential building where it can be demonstrated that such action will have low damage potential, complies with all other variance criteria of this section, and otherwise complies with CMC 16.15.200 and 16.15.210.

(6) Any applicant to whom a variance is granted shall be afforded written notice over the signature of a community official that the issuance of a variance for a structure will be permitted to be built with a lowest floor elevation below the base flood elevation will result in increased premium flood insurance rates as high as \$25 for \$100 of insurance coverage and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation such construction increases risks to life and property.

16.15.195 Exemptions.

The following activities and developments are exempt from the provisions of this chapter. All exempted activities shall use reasonable methods to avoid potential impacts to special flood hazard areas. An exemption from this chapter is not an endorsement to degrade a special flood hazard area, ignore risk from natural hazards, or otherwise limit the ability of the ~~Director~~ Floodplain Administrator to identify and abate such actions that may cause degradation.

(1) Activities and development in response to emergencies that, in the opinion of the ~~Director~~ Floodplain Administrator, threaten public health, safety or welfare; or that pose an immediate risk of damage to property and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter. In the event a person determines that the need to take emergency action is so urgent that there is insufficient time for review by the Department, such emergency action may be taken immediately. The person undertaking such action shall notify the Department within one working day of the commencement of the emergency activity. The ~~Director~~ Floodplain Administrator will determine what, if any, mitigation shall be required to protect health, safety, welfare, and environment and to repair any resource damage. In such cases, permits shall be obtained retroactively.

(2) Operation, maintenance, or repair of existing public improvements, utilities, public roads, parks, trails, or drainage systems if the activity does not further alter or increase impact to, or encroach further within, the special flood hazard area and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair, and no new clearing of native vegetation beyond routine pruning.

(3) Normal maintenance and repair.

(4) Recreation, education, and scientific research activities that do not require grading, native vegetation clearing, or placement of structures.

(5) Site reconnaissance necessary for preparing land use or building permit applications. Any disturbance of the special flood hazard area shall be the minimum necessary to conduct the site reconnaissance and the area shall be restored to its previous condition immediately.

(6) Removal by hand of invasive and noxious vegetation. Removal by hand does not include using mechanical equipment or the use of herbicides.

(7) Normal maintenance and continuation of existing landscaping and gardens that were legally established prior to City incorporation. This exemption shall be documented by photographs, statements, and/or other evidence provided by the applicant. The use of herbicide is not permitted under this exemption in wetlands and streams or their buffers for the control of invasive vegetation.

(8) Excavation of cemetery graves in an established cemetery where the approval of the plots predates the City's participation in the NFIP or has an approved flood permit. Maintenance, operation, or repair of the cemetery graves as long as any such alteration does not involve the expansion of improvements.

16.15.197 Partial exemptions.

The following activities are partial exemptions to the provisions of this chapter and require written approval from the ~~Director~~Floodplain Administrator. The ~~Director~~Floodplain Administrator may require supporting documentation, prepared by a qualified professional, to demonstrate compliance with partial exemptions:

(1) Demolition of structures and impervious surfaces for restoration to pervious or landscaped areas, provided they are not a precursor to development. The applicant shall submit a temporary erosion and sedimentation control plan and apply for applicable demolition permit(s).

(2) Vegetation maintenance such as hazard tree removal, removal of nuisance vegetation, and limited pruning for view preservation. The applicant shall submit a vegetation maintenance plan prepared by a certified arborist or registered landscape architect that includes the following:

(a) A site plan at appropriate scale denoting the extent of the proposed vegetation maintenance activity;

(b) Tree and vegetation location, type, and caliper of each tree within the area subject to the proposed vegetation maintenance activity;

(c) Identification of methods of vegetation maintenance (limited to hand tools and hand powered tools);

(d) Location of private septic systems if applicable; and

(e) Proposed tree and/or vegetation replacement shown on the site plan.

Article III. Flood Hazard Reduction – General Standards

16.15.200 Flood hazard reduction – Anchoring.

In all areas of special flood hazard, the following standards for anchoring shall be complied with:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement and, in addition, shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, over-the-top or frame ties to ground anchors and additional techniques referred to in the Federal Emergency Management Agency's "Manufactured Home Installation in Flood Hazard Areas" guidebook.

16.15.210 Flood hazard reduction – Construction materials and methods.

In all areas of special flood hazard, the following standards for construction materials and methods shall be complied with:

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and

(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

16.15.220 Flood hazard reduction – Utilities.

In all areas of special flood hazard, the following standards pertaining to utilities shall be complied with:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system;

(2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood water into the systems and, in addition, discharge from the systems into flood water;

(3) All on-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding; and

(4) Water wells for potable water shall not be located in the floodway or channel migration zone.

16.15.230 Flood hazard reduction – ~~Subdivision~~ Development proposals.

In all areas of special flood hazard, the following standards pertaining to ~~subdivision~~ development proposals, including subdivisions and manufactured home parks or subdivisions, shall be complied with:

(1) ~~All subdivision proposals shall b~~ e consistent with the need to minimize flood damage;

(2) ~~All subdivision proposals shall h~~ ave public utilities and facilities such as sewer, gas, electrical and water systems located and constructed so as to minimize or eliminate flood damage;

(3) ~~All subdivision proposals shall h~~ ave adequate drainage provided to reduce exposure to flood damage; and

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, such data shall be generated for ~~subdivision~~ all development proposals greater than and other proposed developments which contain at least 50 lots or five acres, whichever is the lesser.

16.15.240 Flood hazard reduction – Review of building permits.

In all areas of special flood hazard, where elevation data is not available through the flood insurance study or from some other authoritative source pursuant to CMC 16.15.140, an application for a building permit shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and may include, but is not limited to, the use of historical data, high water marks, and photographs of past flooding, where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

16.15.245 Flood hazard areas certification by surveyor.

(1) For all new structures or substantial improvements in a flood hazard area, the applicant shall provide a FEMA elevation certificate completed by a professional land surveyor licensed by the State of Washington documenting:

(a) The actual as-built elevation of the lowest floor, including basement; and

(b) The actual as-built elevation to which the structure is dry floodproofed, if applicable. Floodproofing requires a separate certificate and is not recorded on the elevation certificate.

(2) The applicant shall submit a FEMA elevation certificate before the issuance of a certificate of occupancy or temporary certificate of occupancy, whichever occurs first. For unoccupied structures, the applicant shall submit the FEMA elevation certificate before the issuance of the final letter of completion or temporary letter of completion, whichever occurs first.

(3) The land surveyor shall indicate if the structure has a basement.

(4) The Department shall maintain the certifications required by this section for public inspection and for certification under the National Flood Insurance Program.

Article IV. Flood Hazard Reduction – Specific Standards

16.15.250 Flood hazard reduction – Residential construction.

In all areas of special flood hazard where base flood elevation data has been provided pursuant to CMC 16.15.050 or 16.15.140, the following provisions pertaining to residential construction shall be complied with:

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including any basement, elevated one foot or more above the base flood elevation; Mechanical equipment and utilities shall be waterproof or elevated at least one foot above the base flood elevation; and

(2) Fully enclosed areas below the lowest floor usable solely for parking, access or storage and that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (b) The bottom of all openings shall be no higher than one foot above grade; and
- (c) Openings may be equipped with screens, louvers or other coverings, or devices; provided, that they permit the automatic entry and exit of flood water.
- (d) A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exit of floodwaters.

(3) Construction of Below-Grade Crawlspace.

- (a) The interior grade of a crawlspace must not be more than two feet below the exterior lowest adjacent grade (LAG).
- (b) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point.
- (c) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
- (d) The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace.
See Technical Bulletin 11 for further information.

Caution:

Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation of the crawlspace soil at or above the Base Flood Elevation (BFE).

(4) All crawlspaces that have enclosed areas or floors below the BFE must be:

- (a) Designed and adequately anchored to resist flotation, collapse and later movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) Have openings that allow for the automatic entry and exit of floodwaters. The bottom of the flood opening can be no more than 1 foot above the lowest adjacent exterior grade and meet the requirements in CMC 16.15.250(2);
- (c) Constructed with materials resistant to flood damage, including foundation walls, joists, insulation or other materials that will be below BFE;
- (d) Located in areas where flood velocities do not exceed five feet per second; and
- (e) Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate with the system components during flood conditions.

(5) New construction and substantial improvement of any residential structure in an A zone for which a base flood elevation is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the highest adjacent grade.

16.15.260 Flood hazard reduction – Nonresidential construction.

~~In all areas of special flood hazard where base flood elevation data has been provided pursuant to CMC 16.15.050 or 16.15.140, the following provisions pertaining to nonresidential construction shall be complied with:~~ New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the requirements of subsection 1 or 2, below:

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements: ~~have the lowest floor, including basement, elevated one foot above the base flood elevation, or, alternatively, together with attendant utility and sanitary facilities, shall:~~

(a) In AE or other A zoned areas where the base flood elevation has been determined or can be reasonably obtained: have the lowest floor, including basement, elevated one foot or more above the base flood elevation, or as required by ASCE 24, whichever is greater.

(b) If located in an A zone for which a base flood elevation is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the highest adjacent grade.

(c) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following criteria:

(i) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exist of floodwaters.

(iv) An attached garage, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exit of floodwaters.

(2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

(a) Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection based on his/her development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the local administrator Floodplain Administrator as set forth in CMC 16.15.150(2).

(2) Nonresidential structures that are elevated and not floodproofed must meet the standards for space below the lowest floor set forth in CMC 16.15.250(2).

(3) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level, that is, a building floodproofed to the base flood level will be rated as one foot below.

16.15.270 Flood hazard reduction – Manufactured homes.

In all areas of special flood hazard where base flood elevation data has been provided pursuant to CMC 16.15.050 or 16.15.140, the following provisions pertaining to manufactured homes shall be complied with:

(1) Any manufactured home which is to be placed or substantially improved within Zones A and A1-30, ~~AH or AE~~ on the City's FIRM on sites which are: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and, in addition, securely anchored to an adequately anchored foundation system so as to resist flotation, collapse and lateral movement.

(2) Any manufactured home which is to be placed or substantially improved in an existing manufactured home park or subdivision located within Zones A and A1-30, ~~AH or AE~~ on the City's FIRM and which is not subject to the provisions of subsection (1) of this section shall be elevated so that: (a) the lowest floor of the manufactured home is elevated one foot above the base flood elevation; or (b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and, in addition, securely anchored to an adequately anchored foundation system so as to resist flotation, collapse, and lateral movement.

16.15.280 Flood hazard reduction – Recreational vehicles.

In all areas of special flood hazard, the following provisions pertaining to recreational vehicles shall apply:

~~(1) Meet the requirements of CMC 18.50.190;~~

(1) Be on site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use, on its wheels or jacking system and attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached addition(s); or

(3) Meet the requirements of CMC 16.15.270 and the elevation and anchoring requirements for manufactured homes.

16.15.285 ~~AE and A1-30~~ Zones with base flood elevations but no floodways.

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones ~~A1-30 and~~ AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

16.15.310 Critical facility.

To the extent possible, the construction of any new critical facility shall be located outside the limits of the special flood hazard area (100-year floodplain). Construction of any new critical facility shall be permissible within the special flood hazard area if no feasible alternative site is available. Any critical facility constructed within said area shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. To the extent possible, access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

Article V. Floodplain Protection – Specific Standards

16.15.315 Allowable development activities in all flood hazard area zones.

(1) The development activities identified below are allowed within all zones, subject to review under this code:

- (a) Maintenance, repair, or replacement of a dock or pier;
- (b) Construction of new slope stabilization or maintenance of existing slope stabilization provided fill, native vegetation clearing, and encroachment limits are addressed;
- (c) Clearing of nonnative, exotic or invasive vegetation by hand or other nonmechanical means;
- (d) Maintenance or repair of an existing bridge or culvert;
- (e) Replacement of a bridge or culvert, for public roads, subject to compliance with this section and for the purpose of betterment for flood control, stream habitat improvement, or fish passage;
- (f) Maintenance, repair, or replacement of an existing flood protection facility, provided there is no increase or betterment. Improved facilities would be evaluated as new;
- (g) Maintenance or repair of an outdoor public park facility or trail;
- (h) Habitat enhancement or restoration; and
- (i) Construction or expansion of stormwater or drainage conveyance systems.

16.15.320 Floodplain and floodway fringe development standards and alterations.

In addition to other requirements of this chapter, the following standards apply to development proposals and alterations on sites within the floodplain and floodway fringe:

(1) Development proposals and alterations shall not reduce the effective base flood storage volume of the floodplain. A development proposal shall provide compensatory storage if grading or other activity displaces any effective flood storage volume. Compensatory storage shall:

- (a) Provide equivalent volume at equivalent elevations to that being displaced;
- (b) Hydraulically connect to the source of flooding;
- (c) Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins on September 30th for that year; and
- (d) Occur on the site. The ~~Director~~ Floodplain Administrator may approve equivalent compensatory storage off the site if legal arrangements, acceptable to the Department, are made to assure that the effective compensatory storage volume will be preserved over time;

~~(2) In all areas of special flood hazard, the cumulative effect of any proposed development, combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point;~~

~~(23)~~ A registered professional engineer shall design and certify all elevated construction and submit the design to the City prior to construction;

~~(34)~~ Subdivisions, short subdivisions, and commercial development proposal binding site plans shall meet the following requirements:

- (a) New building lots shall include 5,000 square feet or more of buildable land outside the floodplain. Structures and other development shall be located in this area;
- (b) All utilities and facilities such as sewer, gas, electrical and water systems are consistent with this section;
- (c) A professional engineer shall identify base flood elevations in accordance with FEMA guidelines for all new lots;
- (d) A development proposal shall provide adequate drainage in accordance with the stormwater manuals adopted in ~~CMC~~-Title 13 CMC; and
- (e) The face of the recorded subdivision, short subdivision, or binding site plan shall include the following for all lots:
 - (i) Building setback areas restricting structures to designated buildable areas;
 - (ii) Base flood data and sources and flood hazard notes including, but not limited to, base flood elevations, required flood protection elevations, the boundaries of the floodplain and the zero-rise floodway, if determined; and channel migration zone boundaries, if determined; and
 - (iii) Include the following notice:

Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions.

(45) If an existing lot does not have sufficient buildable area outside of the floodplain (5,000 square feet), the following shall apply:

- (a) Structures must be located to the non-floodplain area to the extent practicable;
- (b) If the lot has no buildable area outside of the floodplain, all structures and development must be sited to have the least impact on the floodplain and riparian habitat;
- (c) All structures must be set back at least 15 feet from the RBZ and shall be sited as close to the 100-year floodplain boundary as possible;
- (d) Creation of new impervious surfaces shall not exceed 10 percent of the surface area of the portion of the lot in the floodplain unless mitigation is provided to make the impervious area ineffective;
- (e) Roads and access driveways to the site are not permitted in the floodplain, except if they are the sole and least impactful access to the site;
- (f) No new stream crossings over Type S, F, or Np streams are allowed to provide access to floodprone sites;

(56) New development or improvements to the following publicly owned infrastructure in the floodplain shall meet the following standards:

- (a) Public trails and nonmotorized travel ways shall be allowed in floodplains subject to the following:
 - (i) Trails are not allowed in CMZ or floodways;
 - (ii) Floodplain storage compensation requirements of subsection (1) of this section are met;
 - (iii) The facility is elevated above the base flood elevation, floodproofed, or signed for closure to protect public safety during flood events;
 - (iv) Low impact design measures are applied to the extent practicable to make the impervious surface ineffective;
 - (v) Removal of native vegetation is minimized and compliant with other City standards;
- (b) Public road improvements at stream crossings or in floodplains shall be allowed in all floodplain zones subject to the following:
 - (i) Encroachment into the floodway does not exceed existing conditions;
 - (ii) Fill and encroachment into the floodplain are minimized to the extent practicable;
 - (iii) Floodplain storage compensation requirements of subsection (1) of this section are met;

(c) Stormwater management facilities shall be allowed in all floodplain zones subject to the following:

- (i) Facilities are not allowed in the floodway or CMZ;
- (ii) Fill and encroachment into the floodplain are minimized to the extent practicable;
- (iii) Floodplain storage compensation requirements of subsection (1) of this section are met;
- (iv) Removal of native vegetation is minimized and compliant with other City standards;

(67) Public and private utilities shall meet the following standards:

(a) Dry-proof new and replacement utilities including, but not limited to, sewage treatment and storage facilities, to, or elevate above, the flood protection elevation;

(b) Locate new on-site sewage disposal systems outside the floodplain. When there is insufficient soil or area outside the floodplain, new on-site sewage disposal systems are allowed only in the floodway fringe. Locate on-site sewage disposal systems in the floodway fringe to avoid:

- (i) Impairment to the system during flooding;
- (ii) Contamination from the system during flooding;
- (iii) Design all new and replacement water supply systems to minimize or eliminate infiltration of flood waters into the system;
- (iv) Above-ground utility transmission lines, except for electric transmission lines, are allowed only for the transport of nonhazardous substances; and
- (v) Bury underground utility transmission lines transporting hazardous substances at a minimum depth of four feet below the maximum depth of scour for the base flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;

(78) Critical facilities are only allowed within the floodway fringe, when a feasible alternative site is not available and the following standards are met:

(a) Elevate the lowest floor to the 500-year floodplain elevation or three or more feet above the base flood elevation, whichever is higher;

(b) Dry floodproof and seal structures to ensure that hazardous substances are not displaced by or released into flood waters;

(c) Elevate access routes to or above the base flood elevation from the critical facility to the nearest maintained public street or roadway.

16.15.330 Riparian buffer zone development standards and alterations.

The following standards apply to development proposals and alterations on sites within the RBZ, subject to the exceptions provided in CMC 16.15.315 and 16.15.320(6) and (7):

(1) The following development is not permitted in the RBZ:

- (a) New structures, including accessory buildings and nonresidential structures;
 - (b) New impervious surfaces;
 - (c) Removal of native vegetation;
 - (d) Grading, clearing, filling, or other related land disturbing activity, other than for approved restoration work.
- (2) If an existing lot does not have sufficient buildable area outside of the RBZ (5,000 square feet), the following shall apply:
- (a) Structures must be located to the non-RBZ area to the extent practicable;
 - (b) If the lot has no buildable area outside of the RBZ, all structures and development must be sited to have the least impact on the floodplain and riparian habitat;
 - (c) Other site development and nonresidential structures are not permitted in the RBZ;
 - (d) Roads and access driveways to the site are not permitted in the RBZ, except if they are the sole and least impactful access to the site. No new stream crossings are allowed to provide access to floodprone sites.

16.15.340 Zero-rise and FEMA floodway development standards and alterations.

The following standards apply to development proposals and alterations on sites within the zero-rise and FEMA floodways:

- (1) The standards that apply to the zero-rise flood fringe also apply to the zero-rise floodway. The more restrictive standards apply where there is a conflict;
- (2) A development proposal shall not increase the base flood elevation except as follows:
 - (a) Revisions to the flood insurance rate map are approved by FEMA, in accordance with 44 CFR ~~70.65~~, to incorporate the increase in the base flood elevation; and
 - (b) Appropriate legal documents are prepared and recorded in which all property owners affected by the increased flood elevations consent to the impacts on their property;
- (3) If post and piling construction techniques are used, the following are presumed to produce no increase in base flood elevation and a critical areas report is not required to establish this fact:
 - (a) New residential structures outside the FEMA floodway on lots in existence before November 27, 1990, that contain less than 5,000 square feet of buildable land outside the zero-rise ~~or FEMA floodway if the total building footprint of all existing and proposed structures on the lot does not exceed 2,000 square feet;~~
 - (b) Substantial improvements of existing residential structures in the zero-rise floodway, but outside the FEMA floodway, if the footprint is not increased; or
 - (c) Substantial improvements of existing residential structures that meet the standards for new residential structures in Article III of this chapter;

- (4) When post or piling construction is not used, a critical areas report is required in accordance with CMC 16.15.110 demonstrating that the proposal will not increase the base flood elevation;
- (5) During the flood season from September 30th to May 1st the following are not allowed to be located in the zero-rise or FEMA floodway:
- (a) All temporary seasonal shelters, such as tents and recreational vehicles; and
 - (b) Staging or stockpiling of equipment, materials or substances that the ~~Director~~Floodplain Administrator determines may be hazardous to the public health, safety, or welfare;
- (6) New residential structures and substantial improvements to existing residential structures or any structure accessory to a residential use shall meet the following standards:
- (a) Locate the structures outside the zero-rise and FEMA floodway;
 - (b) Locate the structures only on lots in existence before November 27, 1990, that contain less than 5,000 square feet of buildable land outside the zero-rise ~~or FEMA floodway~~; and
 - (c) To the maximum extent practical, locate the structures the farthest distance from the channel, unless the applicant can demonstrate that an alternative location is less subject to risk;
- (7) Public and private utilities are only allowed if:
- (a) The ~~Director~~Floodplain Administrator determines that a feasible alternative site is not available;
 - (b) A waiver is granted by the Department of Public Health of Seattle-King County for new on-site sewage disposal facilities;
 - (c) The utilities are dry floodproofed to or elevated above the flood protection elevation;
 - (d) Above-ground utility transmission lines, except for electrical transmission lines, are only allowed for the transport of nonhazardous substances; and
 - (e) Underground utility transmission lines transporting hazardous substances are buried at a minimum depth of four feet below the maximum depth of scour for the base flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;
- (8) Critical facilities, except for those listed in subsection (9) of this section, are not allowed within the zero-rise or FEMA floodway; and
- (9) Structures and installations that are dependent upon the zero-rise floodway are allowed in the zero-rise floodway if the development proposal is approved by all agencies with jurisdiction and meet the development standards for the zero-rise floodway. These structures and installations may include, but are not limited to:
- (a) Dams or diversions for water supply, flood control, irrigation or fisheries enhancement;
 - (b) Flood damage reduction facilities, such as levees, revetments and pumping stations, provided:

(i) That the new structural flood hazard reduction measures are only allowed where demonstrated to be necessary;

(ii) Nonstructural methods are infeasible and mitigation is provided to achieve no net loss, such facilities must be located landward of associated wetlands and buffer areas except where no alternative exists;

(c) Stream bank stabilization structures only if a feasible alternative does not exist for protecting structures, public roadways, flood protection facilities or sole access routes. Bank stabilization projects must meet the standards of the stormwater manuals adopted in ~~CMC~~ Title 13 ~~CMC~~ and use bioengineering techniques to the maximum extent practical. An applicant may use alternative methods to the guidelines if the applicant demonstrates that the alternative methods provide equivalent or better structural stabilization, ecological and hydrological functions and salmonid habitat;

(d) Surface water conveyance facilities;

(e) Boat launches and related recreation structures;

(f) Bridge piers and bridge widening structures; provided, that the new abutments and piers are aligned with existing piers and abutments;

(g) Culvert replacements that upgraded to current fish passage standards; and

(h) Approved stream or wetland restoration projects including, but not limited to, fisheries enhancement projects.

16.15.350 FEMA floodway development standards and alterations.

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood water which carries debris, potential projectiles, and erosion potential, the following provisions shall apply to development proposals and alterations on sites within the FEMA floodway areas:

(1) The standards that apply to the zero-rise floodway also apply to the FEMA floodway. The more restrictive standards apply where there is a conflict;

(2) A development proposal shall not increase the base flood elevation. Encroachments, including but not limited to fill, new construction, substantial improvements and other development, are prohibited unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed with standard engineering practice that said encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

(3) New residential or nonresidential structures are prohibited within the FEMA floodway;

(4) Reconstruction of residential structures is prohibited within FEMA designated floodways, except for:
(a) repairs, reconstruction or improvements to a structure which do not increase the ground floor area;
and (b) repairs, reconstruction of residential structures or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either: (i) before the repair or reconstruction is started; or (ii) if the structure has been damaged and is being restored, before the damage occurred. Any project for improvement for a structure to correct existing violations of State or

local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimums necessary to assure safe living conditions or to be— structures identified as historic places may be excluded in the 50 percent.

(5) If subsection (4) of this section is satisfied, all new construction and substantial improvements in an area designated as a floodway shall comply with all the applicable flood hazard reduction provisions of CMC 16.15.200 through 16.15.310.

(6) If the footprint of the existing residential structure is not increased, substantial improvements of existing residential structures in the FEMA floodway meeting the requirements of this section are presumed to not increase the base flood elevation and do not require a critical areas report to establish this fact.

16.15.360 Channel migration zones – Development standards and alterations.

The following standards apply to development proposals and alterations on sites within CMZ that have been mapped and adopted by public rule:

(1) The following standards apply to development proposals and alterations within the regulated channel migration zone:

(a) Maintenance, repair or expansion of any use or structure is allowed if the existing structure's footprint is not expanded towards any source of channel migration hazard, unless the applicant can demonstrate that the location is the least subject to risk;

(b) New primary dwelling units, accessory dwelling units or accessory living quarters, and required infrastructure, are allowed if:

(i) The structure is located on a separate lot in existence on or before February 16, 1995;

(ii) A feasible alternative location outside of the regulated CMZ is not available on-site; and

(iii) To the maximum extent practical, the structure and supporting infrastructure is located the farthest distance from any source of channel migration hazard, unless the applicant can demonstrate that an alternative location is the least subject to risk;

(c) The subdivision of property is allowed within the portion of a regulated channel migration zone if:

(i) All lots contain 5,000 square feet or more of buildable land outside of the regulated CMZ;

(ii) Access to any lots does not cross the regulated CMZ; and

(iii) All infrastructure is located outside the regulated CMZ.



Proposed Code Amendments to Chapter 16.15 CMC: Flood Damage Prevention

City Council Meeting
August 11, 2020

City Council's Role Tonight



Zoning Code &
Development Regulations
Review and Approval



Shoreline Management or
Environmental Protection
Review and Approval



City Comprehensive Plan
Review and Approval



Project Timeline

DATE	ACTION
May 21, 2020	Planning Commission meeting and discussion about the current code and FEMA requirements to amend it. Staff to provide a draft code amendment based on the FEMA audit.
June 4, 2020	Planning Commission meeting to review and address concerns with proposed code amendments.
July 16, 2020	Public Hearing and recommendation to City Council.
August 11, 2020	City Council meeting and formal code adoption.

Work Plan

Periodic code reviews and updates allow an opportunity to review code effectiveness, and ensure the codes remain relevant, are consistent with best available science, and align with the community's vision.

The 2020 Work Plan does not include an evaluation of Chapter 16.15 CMC Flood Damage Protection, however, the City is mandated by FEMA to adopt the new floodplain maps and update the municipal code before August 19, 2020.



Purpose

- The City of Covington is reviewing the floodplain management elements of development regulations in Chapter 16.15 CMC. In response to the FEMA audit, the City must update this code to meet federal and state minimum floodplain management standards (Code of Federal Regulations (CFR) Title 44 and Revised Code of Washington (RCW) Title 86).
- The updated Flood Insurance Study, expected to be effective May 2020, and Flood Insurance Rate Maps will replace the current effective products. Flood insurance policies throughout King County are required by Federal mandate to be amended based on these updated products.
- Flooding is the No. 1 natural disaster in King County and the United States. Weather specialists are predicting “neutral weather” for our upcoming winter, but scientists also predict more intense and frequent storms in future years. We must be prepared to “expect the unexpected.”
- Floods are unpredictable and destructive. They can disrupt essential services and transportation; destroy major infrastructure and livelihoods; and in the worst cases, cause injuries and death.

Basis of Floodplain Management

- The basis of the City of Covington’s floodplain management regulations is the flood hazard data provided to the City by FEMA.
- FEMA identifies flood hazards nationwide and publishes and periodically updates flood hazard data in support of the National Flood Insurance Program (NFIP).
- Flood hazard data is provided to communities in the form of a FIRM and Flood Insurance Study (FIS) report, typically prepared in a countywide format.
- Please be aware that while an FIS report accompanies most FIRMs, it is not created for all flood studies.



Basis of Floodplain Management

- The identification of flood hazards serves many important purposes. Identifying flood hazards creates an awareness of the hazard, especially for those who live and work in floodprone areas.
- The FIRM and FIS report provide the City with the information needed for land use planning and to reduce flood risk to floodplain development and implement other health and safety requirements through codes and regulations.
- The City can also use the information for emergency management.



Basis of Floodplain Management

- Each time FEMA provides the City with additional flood hazard data, the City must adopt new floodplain management regulations or amend existing regulations to incorporate the new data and meet any additional requirements that result from any changes in the data, such as the designation of a regulatory floodway for the first time.
- The City's floodplain management regulations must also meet any additional State requirements and be adopted through a process that complies with any procedural requirements established by the State for the adoption of ordinances or regulations.



What if the City does nothing?

- New NFIP flood insurance policies and existing policies will not be renewed.
- Federal grants or loans for development will not be available in identified flood hazard areas under programs administered by Federal agencies such as the Department of Housing and Urban Development, the Environmental Protection Agency, and the Small Business Administration.
- Federal disaster assistance will not be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.
- Federal mortgage insurance or loan guarantees will not be provided in identified flood hazard areas such as those written by the Federal Housing Administration and the Department of Veteran Affairs.
- Federally insured or regulated lending institutions, such as banks and credit unions, are allowed to make conventional loans for insurable buildings in flood hazard areas of non-participating communities. However, the lender must notify applicants that the property is in a flood hazard area and that the property is not eligible for Federal disaster assistance. Some lenders may voluntarily choose not to make these loans.

What can residents do?

- Educate yourselves and learn about your flood risk. Know your flood risk where you live, work, recreate, or regularly travel.
- Turn around. Don't drown. Never walk, swim, or drive through flood waters. Just six inches of fast-moving water can knock you down, and one foot of moving water can sweep your vehicle away. More than half of all flood fatalities are vehicle-related.
- Obtain flood insurance. Standard homeowners and renters' policies exclude flood damage. Visit [floodsmart.gov](https://www.floodsmart.gov) to learn more and identify an insurance agent—don't wait, policies typically take 30 days to begin. Floods are unpredictable and destructive. They can disrupt essential services and transportation; destroy major infrastructure and livelihoods; and in the worst cases, cause injuries and death.
- Don't become complacent. Keep yourself and your loved ones safe and your property and valuables protected by preparing now.

Amendment Summary

The City Council is considering amendments to Chapter 16.15 CMC by:

- Updating the definitions section;
- Modernizing the code to comply with Federal and State regulations;
- Adopting new FIRMs for the City based on the new flood study;
- Complying with the Federal Mandate; and
- Avoiding sanctions and loss of flood insurance coverage.



The Five W's

- **Who will be subject to the proposed amendments?** All properties located within a designated floodzone or a floodprone area.
- **What is the purpose of the proposed amendments?** The purpose of the proposed amendments is to update this code to meet federal and state minimum floodplain management standards (Code of Federal Regulations (CFR) Title 44 and Revised Code of Washington (RCW) Title 86).
- **When will the proposed amendments go into effect?** The proposed amendments will go into effect once approved by the City Council.
- **Where can I get more information regarding the proposed amendments?** On the City of Covington website or requesting a copy of the proposed amendments.
- **Why is updating the code important?** Failure to update the code will lead to Federal sanctions against the City and residents who own property within floodprone areas.

Next Steps

Options for Consideration

Since the proposed amendments are based on a Federal and State mandate, any changes to the proposed amendments must first be approved by FEMA and the State. Changes may only be minimal at most.

Remember, the NFIP is a Federal insurance program and the City must adopt their regulations by **August 19, 2020** or be placed on immediate suspension. Therefore, your options are as follows:

1. Adopt the recommended proposed ordinance.
2. Recommend amendments to the proposed ordinance.
3. Return the issue to City staff for further analysis.

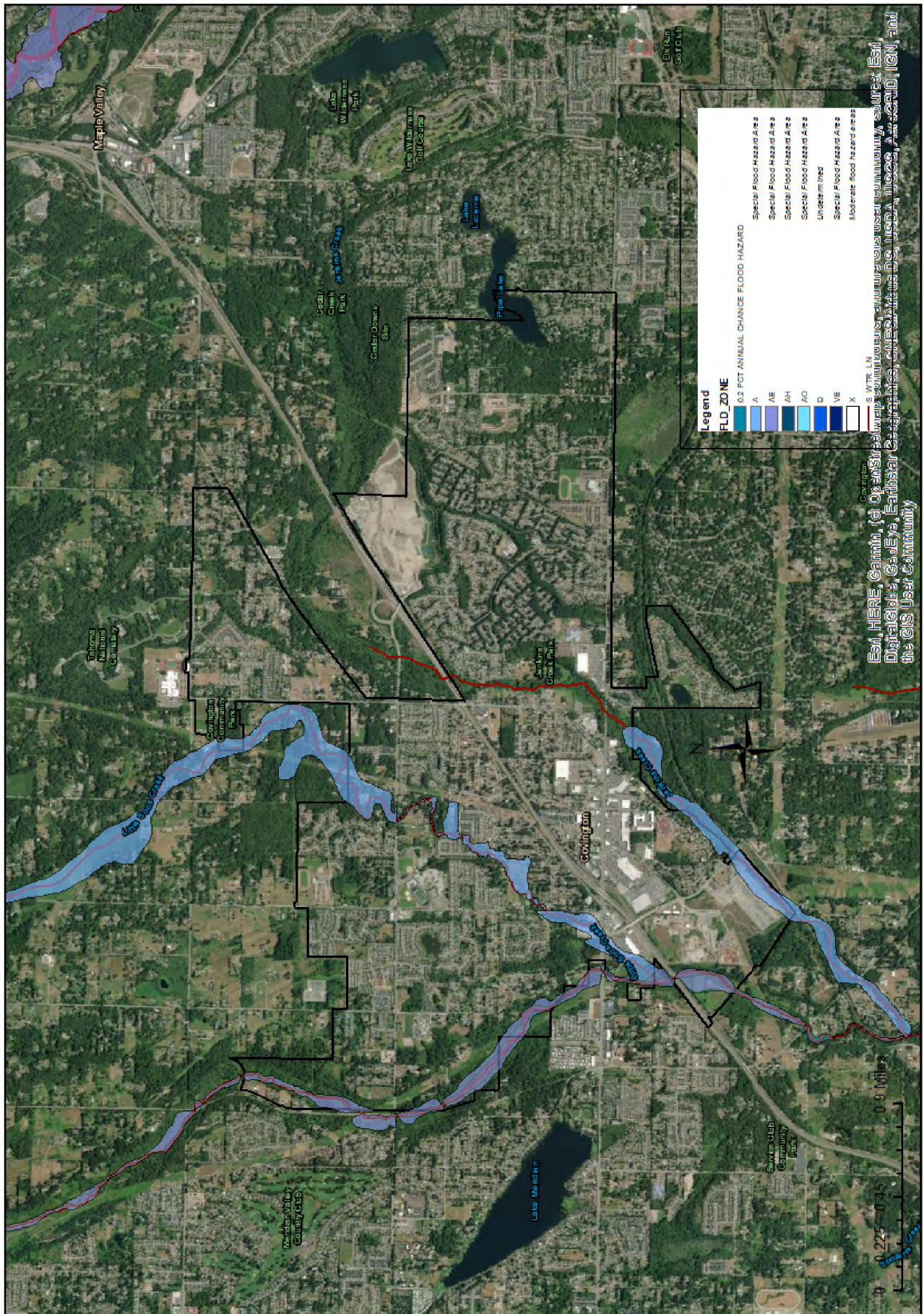


Recommendations

Staff recommends the City Council formally adopt the proposed amendments to Chapter 16.15 CMC Flood Damage Prevention and forwards a copy of the enacted ordinance to FEMA and to the Department of Ecology.



CITY OF COVINGTON - FLOOD ZONES



East, HERE, Gamin, (d) Op in St...
 Digital...
 the GIS User Community

Consent Agenda Item C-4

Covington City Council

Date: August 11, 2020

SUBJECT: CONSIDER ORDINANCE AMENDING COVINGTON MUNICIPAL CODE
CHAPTER 2.15.020, PLANNING COMMISSION MEMBERSHIP

RECOMMENDED BY: Regan Bolli, City Manager

ATTACHMENT(S):

1. Proposed Ordinance Amending Covington Municipal Code Chapter 2.15.020, Planning Commission Membership

PREPARED BY: Joan Michaud, City Clerk

EXPLANATION:

At the January 25, 2020, City Council Summit, council discussed various issues related to the city's advisory commissions. For example, there was consensus of the council to remove the requirement that one or two youth representatives serve on commissions and give the same considerations of youth applications as to adult applications. At the Summit there was also consensus to no longer make any distinctions between commission members who live within the city or within three miles of its boundaries.

State statutes authorize a number of advisory bodies for local government, but the statutes generally do not specify how the body is to be created. There are exceptions. The board of adjustment in a code city, the board of adjustment in a county, and a planning commission in a code city, are required to be created by ordinance. No uniform methodology has been adopted among Washington local governments for the creation of boards and commissions. Some legislative bodies create their permanent or standing advisory bodies by ordinance, others do it by resolution or a motion of the council.

Per City Council Policies and Procedures adopted by Resolution No. 2018-03 on March 13, 2018, 8.1.1, the city council may establish advisory bodies (including, but not limited to commissions, committees, boards, and tasks forces) by resolution or, if required by state statute, ordinance. The enacting resolution (or ordinance) will set forth the size of each advisory body, which will be related to its duties and responsibilities; the term of its members; a statement of its purpose and functions; and timelines, if relevant to the scope of work.

It is staff's recommendation to amend CMC Chapter 2.15.020, Planning Commission Membership to make the amendment to the commission that council agreed upon at the January 25, 2020 Summit. The attached proposed ordinance reflects this amendment.

ALTERNATIVES:

1. Provide alternate direction to staff.

FISCAL IMPACT: None

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

**Councilmember _____ moves, and Councilmember
_____ seconds, to approve an ordinance amending
Covington Municipal Code Section 2.15.020, Planning Commission
Membership.**

REVIEWED BY: City Manager, City Attorney, Finance Director

ORDINANCE NO. 13-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING COVINGTON MUNICIPAL CODE CHAPTER 2.15.020, PLANNING COMMISSION MEMBERSHIP; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 28-97 established Chapter 2.15 of the Covington Municipal Code (“CMC”), Planning Commission, on August 5, 1997; and

WHEREAS, Ordinance No. 25-01 amended Chapter 2.15 CMC on October 16, 2001; and

WHEREAS, Ordinance No. 23-02 further amended Chapter 2.15 CMC on August 13, 2002; and

WHEREAS, Ordinance No. 09-14 further amended Chapter 2.15 CMC on June 24, 2014; and

WHEREAS, at the City Council Summit on January 25, 2020, the city council agreed to no longer make any distinctions between commission members who live within the city or within three miles of its boundaries;

NOW, THEREFORE, the City Council of the City of Covington, Washington, do ordain as follows:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the city council’s findings of fact.

Section 2. Section 2.15.020 of the Covington Municipal Code is hereby amended as follows:

2.15.020 Membership.

(1) Qualifications. Members of the Planning Commission shall be selected from individuals who have an interest in environmental affairs, planning, land use, and residential and commercial development as evidenced by training, experience, interest or actions. An intent of the selection process shall be to evenly represent the areas of interest as stated herein. Membership in the Planning Commission shall ~~be limited to residents within the City; provided, however, at any given time the Commission may consist of seven members appointed by the City Council. Members must live within the City limits or within a three-mile radius of the City limits. a maximum of two members who reside outside the City, but within a three-mile radius of the City limits of Covington.~~

(2) Number of Members – Terms. The Planning Commission shall consist of seven members. To allow the staggering of terms for the initial Commission, positions shall be numbers one through seven through a random drawing. The initial terms of positions one, two and three shall be for two years. The initial terms of positions four, five, six and seven shall be four years. Subsequent terms

shall be for a term of four years. Terms shall commence on September 1st and end August 31st of the respective years. If a member is not appointed for a new term on September 1st, the incumbent member may continue to serve in that position until such later date when a member is appointed for a new term. The date a member is appointed to their term of office shall not affect the expiration date of that term. When a vacancy occurs on the Commission, the replacement member shall be appointed only for the remainder of the unexpired term.

(3) Appointment. Members of the Planning Commission shall be appointed by the City Council. Members shall be confirmed by a majority vote of the City Council. Commissioners shall be selected without respect to political affiliations and shall serve without compensation.

(4) Removal. Commission members may be removed by the City Council at any time pursuant to the Covington City Council Rules of Procedure, as amended from time to time. Failure to qualify as to residency within a three-mile radius of the City limits of Covington shall constitute a forfeiture of office. The decision of the City Council regarding membership on the Planning Commission shall be final and there shall be no appeal therefrom. Members finding themselves unable to attend regular meetings are expected to tender their resignation.

(5) Vacancies. Vacancies occurring other than through the expiration of terms shall be filled for the unexpired terms in the same manner as for appointments as provided in this chapter.

(6) Conflicts of Interest. Members of the Planning Commission shall fully comply with Chapter 42.23 RCW, Code of Ethics for Municipal Officers, Chapter 42.36 RCW, Appearance of Fairness, and such other rules and regulations as may be adopted from time to time by the City Council regulating the conduct of any person holding appointive office within the City. (Ord. 09-14 § 1; Ord. 25-01 § 1; Ord. 28-97 § 2)

Section 3. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or situation, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or situation. The City Council of the City of Covington hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clauses, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 4. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make any necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This ordinance shall be in full effect five (5) days after passage and publication, as provided by law. 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 this 11th day of August 2020.

Signed in authentication of its passage this ___ day of _____, 2020.

Jeff Wagner, Mayor

EFFECTIVE: August 19, 2020

PUBLISHED: August 14, 2020

AUTHENTICATED:

Joan Michaud, City Clerk

APPROVED AS TO FORM:

Mark Orthmann, City Attorney

Consent Agenda Item C-5

Covington City Council Meeting

Date: August 11, 2020

SUBJECT: AUTHORIZE THE CITY MANAGER TO EXECUTE A LOCAL AGENCY AGREEMENT SUPPLEMENT NUMBER 4 WITH WSDOT AND AMENDMENT NUMBER 2 WITH DCI ENGINEERS FOR ADDITIONAL REAL ESTATE SERVICES FOR THE COVINGTON CONNECTOR (CIP 1201) PROJECT.

RECOMMENDED BY: Don Vondran, Public Works Director

ATTACHMENT(S):

1. Washington State Department of Transportation – Local Agency Agreement Supplement Number 4
2. Amendment Number 2 with DCI Engineers

PREPARED BY: Bob Lindskov, City Engineer

EXPLANATION:

On June 12, 2018 the City Council authorized submittal of the Project Prospectus and Local Agency Agreement for the Covington Connector Project (CIP 1201). These documents are what obligated a portion of the \$24,000,000 in state funds to begin right-of-way acquisition. On July 10, 2018 the City Council authorized an agreement with DCI Engineers for real estate services on this project.

On September 10, 2019 council approved Supplement #1 for additional scope provided by DCI Engineer's real estate services for \$75,000. This brought the ROW consultant contract to \$382,650, all reimbursable with the Connecting Washington grant funds.

From February to present, DCI continued to work towards completing acquisition, while overrunning the contract maximum. Lakepointe has agreed to pay for cost overruns exceeding the supplemented contract amount of \$382,650. Staff proposes to amend the DCI contract with Supplement #2, pay DCI's invoices, and then invoice Lakepointe. This Supplement #2 adds an additional \$83,217.29 for negotiation and closings, condemnation, COVID adjustments, and re-designs. The new contract amount not to be exceeded is \$465,867.29.

There are two forms that need to be executed as part of the proposed supplement. The first is with WSDOT (Attachment 1) that identifies how the supplement is funded and the second is the amendment with DCI Engineers (Attachment 2) to conduct the work.

Staff is recommending that this agreement supplement and amendment be approved, and that the city continue to complete the acquisition of right-of-way for CIP 1201.

FISCAL IMPACT:

The additional scope of services we are requiring DCI Engineers to undertake adds and additional \$83,217.29. Lakepointe has agreed to reimburse the city for these additional expenses.

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

Councilmember _____ moves, Councilmember _____ seconds, to authorize the city manager to execute Local Agency Agreement Supplement Number 4 with WSDOT and Amendment Number 2 with DCI Engineers, in substantial form as that presented, in the amount of \$83,217.29 for real estate services for the Covington Connector (CIP 1201) Project.

REVIEWED BY: City Manager, City Attorney, Finance Director



**Supplement - Local Programs
State Funding Agreement**

Agency		Supplement Number
Project Number	Agreement Number	

This supplemental agreement is made and entered into
 All provisions in the AGREEMENT identified above remain in effect except as expressly modified by this supplement.
 The changes to the agreement are described as follows:

Project Description No Change

Name _____

Location _____

Description of Work No Change

Reason for Supplement

Type of Work	Estimate of Funding				
	(1) Previous Agreement/Suppl.	(2) Supplement	(3) Estimated Total Project Funds	(4) Estimated Agency Funds	(5) Estimated State Funds
PE a. Agency					
b. Other					
c. Other					
d. State					
e. Total PE Cost Estimate (a+b+c+d)					
RW f. Agency					
g. Other					
h. Other					
i. State					
j. Total R/W Cost Estimate (f+g+h+i)					
CN k. Contract					
l. Other					
m. Other					
n. Other					
o. Agency					
p. State					
q. Total CN Cost Estimate (k+l+m+n+o+p)					
r. Total Project Cost Estimate (e+j+q)					

AGENCY

STATE

BY: _____

BY: _____
Director, Local Programs

Title: _____

Date: _____

Date: _____

CITY OF COVINGTON
CONTRACT FOR SERVICES

Amendment #2

Between the City of Covington and DCI Engineers

That portion of Contract No. 059-2018 between the City of Covington and DCI Engineers entered into by the parties on the 10th day of July, 2018, is amended pursuant to Section 18 of said Agreement, as follows:

1. Scope of Services. Section 2 of the Agreement shall be amended to include the additional scope of services as described in the new Exhibit "B" attached hereto and incorporated herein by this reference.
2. Compensation. Section 4.1 of the Agreement shall be amended to include the additional services for an amount not to exceed \$83,217.29

All other provisions of the contract shall remain in full force and effect.

Dated this 11th day of August, 2020.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written above.

CITY OF COVINGTON

By: Regan Bolli
Its: City Manager

Attest:

Approved as to form:

Krista Bates, Deputy City Clerk

Mark Orthmann, City Attorney

DCI ENGINEERS



By: Roxanne Grimm RW Project Manager
Its: DCI Engineers
July 29th 2020

**Supplemental agreement for City of Covington
Covington Connector 204th and SR 516**

Staff

Roxanne Grimm – Project manager
Jennifer Oxrieder- ROW agent
Brynn Wilson-Relocation agent
Veredith Anderson- title agent

Relocation :

Relocation of 2 Personal Property only parcels \$5,500.00

Acquisition

Additional time needed to complete the negotiations and closings of 42 parcels.

Condemnation prep for City of Covington
E-signings and additional document package delivery due to Covid-19
Facilitation of escrow closings
Document prep for parcels that were redesigned
Final preparation of all parcels files for turn over to the City of Covington

\$72,717.29

Subconsultant Cost breakdowns

Appraisal from Jim Lingeman

3 appraisal updates due to redesigns \$5000.00

Total: \$83,217.29



Roxanne Grimm RW Project Manager
DCI Engineers
July 29th 2020

Agenda Item 1
Covington City Council Meeting
Date: August 11, 2020

SUBJECT: CONSIDER APPOINTMENT TO FILL COUNCIL POSITION NO. 6 VACANCY

RECOMMENDED BY: Regan Bolli, City Manager

ATTACHMENT(S): None

PREPARED BY: Krista Bates, Executive Assistant / Deputy City Clerk

EXPLANATION:

Due to the recent resignation of Councilmember Fran Hollums, Council Position No. 6 is now vacant. According to RCW 42.12.070(1): “[w]here one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.” RCW 42.12.070(4) states that “[i]f a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.”

Furthermore, RCW 42.12.070(6) states: “[a]s provided in chapter 29A.24 RCW, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.”

At the July 14, 2020 city council meeting, council approved an appointment process to include publishing the vacancy and requesting letters of interest due before 5:00 p.m. on Monday, July 20. Council received 8 letters of interest. Council then reviewed letters of interest and discussed qualifications of all candidates in executive session during the regular city council meeting on July 28, 2020 to. Following the executive session, during open public meeting, council selected two candidates to schedule interviews with for August 11: Marita Ledesma and Elizabeth Porter. Council is scheduled to hold a special meeting prior to tonight’s meeting to interview the two candidates.

Pursuant to Covington Council Rules of Procedure (“Rules”) Rule 3.4.5, nominations, voting, and selection of a person to fill the vacancy using the nomination and appointment process in Rule 3.2, which states as follows:

- The nomination and appointment process outlined in this subsection shall be used to fulfill [a vacant council position]. . . .
- Each councilmember may nominate one person for a given office. Nominations do not require a second vote.
- The councilmembers nominating and the nominees will have an opportunity to make public comment before voting commences.

- Voting shall commence in the order nominations were made. Councilmembers will be asked for a voice vote and a raise of hands. As soon as one of the nominees receives a majority vote of the entire city council (four votes), then the chair will declare him/her appointed. No votes will be taken on the remaining nominees.
- A tie vote results in a failed nomination and the chair will call for nominations again and repeat the process until a single nominee receives a majority vote of the entire city council.
- If none of the nominees receives a majority vote, the chair will call for nominations again and repeat the process until a single nominee receives a majority vote of the entire city council.

If council elects not to make an appointment tonight, they may decide to postpone discussions, make an appointment at a future meeting, and/or seek additional applicants.

ALTERNATIVES: Do not appoint a person to City Council Position 6 and provide direction to staff.

CITY COUNCIL ACTION: Ordinance Resolution Motion Other

Follow the nomination and selection process outlined in Council Rules 3.2 and 3.4.

REVIEWED BY: City Manager, City Attorney

Agenda Item 2
Covington City Council Meeting
Date: August 11, 2020

SUBJECT: CONSIDER APPOINTMENT TO THE HUMAN SERVICES COMMISSION

RECOMMENDED BY: Julie Johnston, Personnel & Human Services Planner

ATTACHMENTS: See application provided separately.

PREPARED BY: Joan Michaud, City Clerk

EXPLANATION:

The human services commission currently has one vacant position. On June 23, 2020 Sheila Harrison interviewed along with another candidate for a position on the commission. The other candidate was appointed to the adult position, and the youth position remained unfilled as Sheila Harrison is an adult.

At the July 28, 2020 city council meeting, the council voted to change the rules of several commissions, including the human services commission to no longer distinguish between youth and adult applicants or whether applicants resided inside Covington city limits or within the three-mile radius. Sheila Harrison expressed continued interest in serving on the human services commission and staff recommends that council consider her for the vacant position.

Note: The human services commission consists of seven members appointed by the city council. Members must live within the city limits or within a three-mile radius of the city limits. Each position shall have a term of office for three years. Terms shall commence on April 1 and expire on March 31 of the respective years.

ALTERNATIVES:

Not appoint at this time and direct staff to continue to advertise for additional applicants to be considered for the vacant position.

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

Councilmember _____ moves, Councilmember _____ seconds, to appoint _____ to fill position no. 5 on the human services commission with a term expiring March 31, 2023.

REVIEWED BY: Personnel & Human Services Planner
City Attorney
City Manager
Finance Director

Agenda Item 3
Covington City Council Meeting
Date: August 11, 2020

SUBJECT: 2020 SECOND QUARTER FINANCIAL REPORTS

RECOMMENDED BY: Casey Parker, Finance Director

ATTACHMENT(S):

1. 2020 Second Quarter Report
2. Quarterly Performance Reports by Fund

PREPARED BY:

Casey Parker, Finance Director

EXPLANATION:

It is the policy of the City and a requirement of state law (RCW 35A.34.240) to provide financial reports to the governing body on a quarterly basis.

ALTERNATIVES:

N/A

FISCAL IMPACT:

None.

CITY COUNCIL ACTION: Ordinance Resolution Motion Other

ASK QUESTIONS OF STAFF

REVIEWED BY: City Manager

June 30, 2020

2020 2nd Quarter



ATTACHMENT 1

2nd Quarter Summary

General Fund

- Total revenues, excluding transfers-in, were below budget estimates at 47% of budget.
- Total expenditures, excluding transfers-out, were below budget estimates at 38% of budget.

Street Fund

- Total revenues, excluding transfers-in, were below budget estimates at 46%.
- Total expenditures, excluding transfers-out, were below budget estimates at 37% of budget.

Development Services Fund

- Total revenues, excluding transfers-in, surpassed budget estimates at 68% of budget.
- Total expenditures, excluding transfers-out, were below budget estimates at 40% of budget.

SWM Fund

- Total revenues, excluding transfers-in, surpassed budget estimates at 54% of budget.
- Total expenditures, excluding transfers-out, were below budget estimates at 37% of budget.

On the horizon...

The steps that were taken early in pandemic, such as the spending and hiring freeze, and placing employees on standby have helped the City recoup a large amount of our first and second quarter losses. Moving forward, we will not have those same savings on expenditures as staff and programs start back up. City staff will continue to closely monitor both revenues and expenditures and update City Council as things develop.

- Casey Parker, Finance Director

Inside this issue:

Property Tax	2	Public Works	5
Real Estate Excise Tax	2	Development Services	5
Retail Sales and Use Tax	3	Parks, Aquatics, Recreation, and Athletics	5
Utility Tax	3	Cash and Investments	6
General Fund	4	Capital Investment Program	7

Property Tax

Property tax is collected by King County and distributed on a daily basis to all taxing agencies within the county. Since taxes are due on April 30 and October 31 each year, the major distributions are realized in early May and November.

Through 2nd quarter the city received \$1,496,418 or 52.8% of budget. Collections for 2nd quarter exceeded 2019 collections by 2.2%.

Property tax is the most stable source of revenue the city has. It is one leg of

2018	2019	2020
\$1,433,434	\$1,464,002	\$1,496,418

the “three legged” stool which the general fund relies on for revenue. The other two legs are sales tax and utility tax.

Property tax revenues are unrestricted. As such they may be used to pay for any need within the city. Currently, property taxes are allocated 100% to the general fund.

The 2019 levy for 2020 collection is \$2,906,222 and the levy rate is \$1.02/\$1,000 assessed value. The legal cap for property tax collections is \$2.10/\$1,000 assessed value.

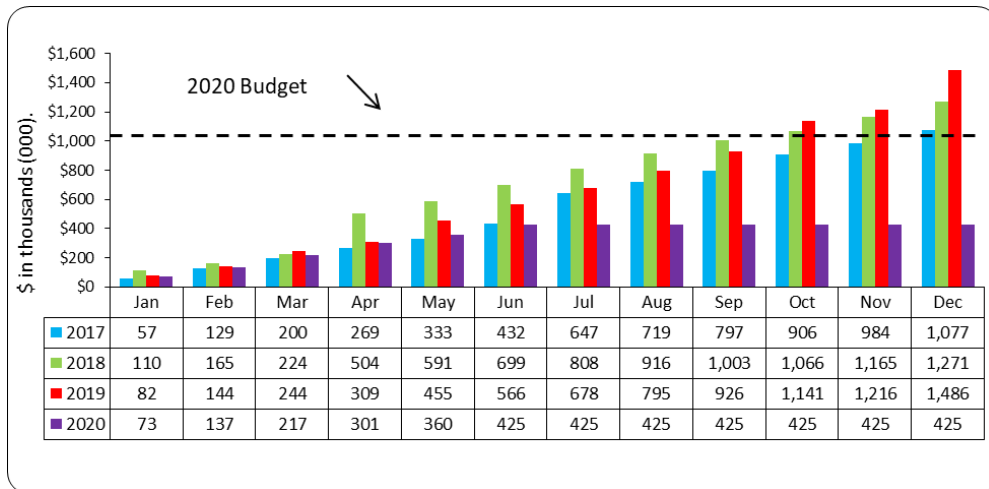
The city’s assessed valuation is \$2.8 billion—an increase of \$114.4 million or 4.2% over the previous year.

Real Estate Excise Tax (REET)

REET is a restricted revenue dedicated to paying debt service on the 2007 transportation bonds (through 2027) which paid for 168th Place SE/165th Place SE and loans from the Public Works Trust Fund (through 2024). This tax is levied by the city on all sales of real estate at the rate of one-half percent which is divided into two quarter percents.

Through 2nd quarter, collections are \$425,101 or 42.5% of the \$1,000,000 budget. This is \$140,634 or 24.8% lower than 2019.

There were 47 new home sales, 136 existing home sales, 3 commercial, and 6 lot sales through 2nd quarter.



Retail Sales & Use Tax

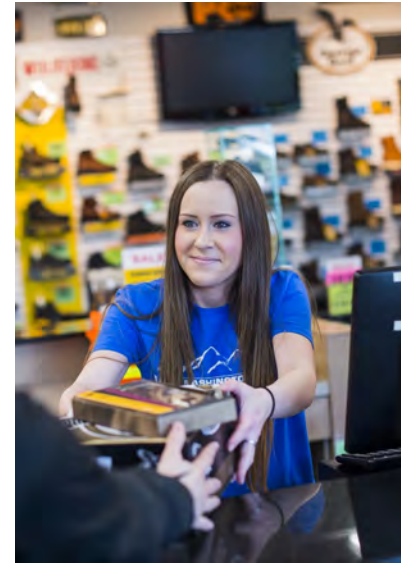
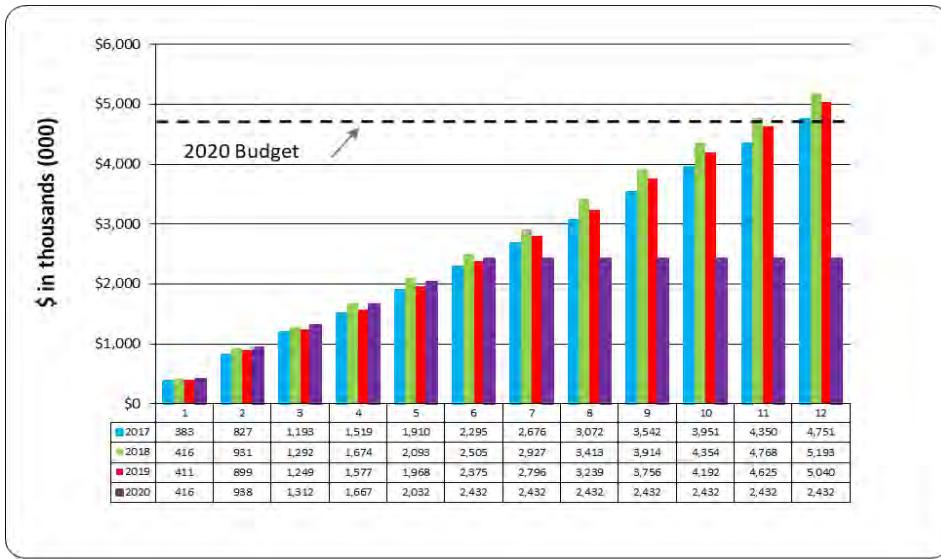
Sales and use tax is the largest revenue source available to the city.

The 2nd quarter is above 2019 levels by \$56,878 or 2.4%. Total collections are at \$2,432,201

or 49.9%. The budget for 2020 is \$4,875,000.

Comparing each category to the 2nd quarter of 2019 shows that: retail came in higher at 2.1%, construction at 19.6%, food ser-

VICES came in lower at -10.7% and all other categories were up 18.2%.



Utility Tax

The city imposes a utility tax on electrical energy, natural gas, brokered natural gas, and telephone at the rate of 6.0%. Solid waste, cable TV, and SWM are taxed at an 8.0% rate.

Utility tax supports the general fund, debt service and streets.

The 2nd quarter y/y is up by \$20,112 or 1.7%. Total collections are \$1,198,391 or 52.7% of budget.

Utility	2019	2020
Electricity	\$398,039	\$392,380
Natural Gas	187,475	209,301
Solid Waste	139,690	159,427
Cable	224,206	220,505
Telephone	140,715	118,300
SWM	<u>88,151</u>	<u>98,478</u>
Total	<u>\$1,178,279</u>	<u>\$1,198,391</u>

GENERAL FUND

Operating revenues are 46.9% of budget or \$6,456 million. This is a decrease of \$492,000 over 2019 or -7.1%. Sales, utility, and property tax collections are detailed on pages 2 and 3 and parks revenue is reviewed on page 5.

Total expenditures excluding transfers out are \$4,938.7 million.

This is an decrease in spending of \$452,500 or -8.4% over the same period last year.

Overall, 38% of the budget was spent.



GENERAL FUND DEPARTMENT BUDGET UPDATE

Department	YTD - 2019	% of Budget	YTD - 2020	% of Budget
City Council	\$136,515	64.3%	\$104,065	49.0%
Municipal Court	192,138	33.6%	155,661	24.3%
Executive	493,149	43.5%	445,384	38.9%
Finance	318,992	43.9%	260,085	38.6%
Legal	89,242	41.5%	96,916	43.5%
Human Resources	215,849	48.7%	204,848	46.1%
Central Services	465,737	55.7%	483,520	54.5%
Law Enforcement	1,873,028	40.3%	1,882,183	39.2%
Community Development	213,087	45.0%	180,642	36.5%
Parks Maintenance	236,515	44.4%	172,662	27.4%
Aquatics	650,713	42.1%	495,718	32.5%
Recreation & Cultural Arts	343,034	39.6%	233,862	28.5%
Parks	163,206	45.5%	211,255	43.9%
Disaster Recovery	-	-	11,891	-
Operating Transfers Out	<u>880,737</u>	72.2%	<u>285,466</u>	27.4%
TOTAL	<u>\$6,271,942</u>	45.5%	<u>\$5,224,158</u>	37.3%

PUBLIC WORKS

Public Works consists of street operations and surface water management (SWM).

Street operations is funded by franchise fees received from Comcast, and motor vehicle fuel excise taxes.

Comcast franchise fees are right at budget estimates at \$126,866 or 49.8% and are down 1.5% from 2019.

Total operating revenues are \$320,388 or 46.4% for the 2nd quarter.

Gas taxes are just below estimates at

44.5% or \$191,191 and are down 9.4% from 2019.

Total expenditures excluding transfers out are at 37% of budget or \$494,529.

Street operating revenues are less than operating expenditures by \$174,141. Operating transfers of \$254,572 from the general fund help offset that deficit.

SWM is primarily funded through drainage fees collected by King County and distributed to the city. The total levy for 2020 is \$2,936,931. Total operating revenues are at

53.9% or \$1,517,401.

Total expenditures excluding transfers out are at 37.5% of budget or \$1,042,772.

DEVELOPMENT SERVICES

Total revenue is at \$1,161,056 or 68.3% of budget. This is a 12.2% increase over 2019.

The number of permits for single family residences are at 27 compared to 52 in 2019. For all permit categories, there were 205 permits issued compared to 248 in

2019.

Operational expenditures came in at 40% or \$926,174.



AQUATICS, RECREATION and CULTURAL ARTS

Parks is divided into four divisions: aquatics, maintenance, recreation and cultural arts, and parks administration. Two divisions bring



in revenue: aquatics, and recreation and cultural arts.

Second quarter budget-to-actual aquatics revenue is \$81,374 or 10.5% of budget; and recreation and cultural arts is \$2,897 or 0.7% of budget. The City estimates that with registration and programs beginning in August that we will start to see modest increases to these revenues. Due to COVID-19, we estimate a loss of up to \$1 million in program

revenues.

Operating expenditures for Aquatics came in at \$495,718 or 32.5% of budget. Recreation and Cultural Arts came in at \$233,862 or 28.5% of budget.

CASH & INVESTMENTS

Cash and investments total \$29,199,540. This is an increase from June 2019 of \$1,289,783. The largest gainers are the General Fund, Development Services Fund, and Surface Water Management Fund. The CIP Fund decreased as money is being utilized to fund new capital projects.

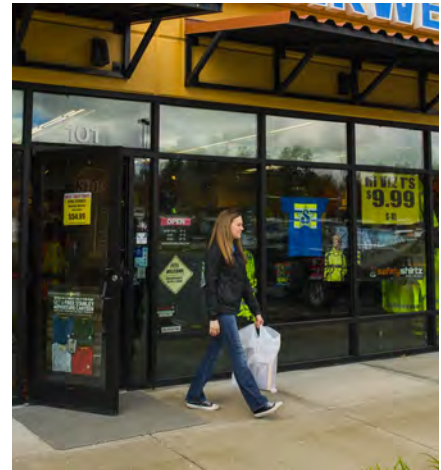
The Local Government Investment Pool (LGIP) earned 0.34% in June 2020. The City has \$20,397,240 invested with the LGIP (as of 2nd Qtr).

Investments outside the LGIP total

\$4,972,350 (market value). They are currently all US Government Agencies.

Cash on hand is kept at US Bank and various petty cash funds throughout the City. Investment securities are kept with US Bank Safekeeping.

The chart below reflects the amount of cash and investments allocated to each fund within the City. This is reconciled and updated on a monthly basis.



TOTAL GENERAL LEDGER CASH ACCOUNTS					
	INVESTMENTS	CASH	TOTAL	2019	Δ
GENERAL FUND	\$1,977,236.60	\$9,716,173.19	\$11,693,409.79	\$8,726,004.57	\$2,967,405.22
STREET FUND	-	410,985.78	410,985.78	238,265.18	\$172,720.60
CONTINGENCY FUND	400690.8	20,513.52	421,204.32	419,951.59	\$1,252.73
CUMULATIVE RESERVE FUND	1,537,328.70	29,522.91	1,566,851.61	1,502,560.02	\$64,291.59
REET 1st 1/4% FUND	-	256,376.06	256,376.06	163,764.27	\$92,611.79
REET 2nd 1/4% FUND	-	256,376.06	256,376.06	163,764.27	\$92,611.79
DEVELOPMENT SERVICES FUND	1,057,094.35	4,747,258.47	5,804,352.82	5,319,930.94	\$484,421.88
LID 99.01 Fund	-	-	-	29,076.77	(\$29,076.77)
CIP FUND	-	6,019,363.93	6,019,363.93	9,020,934.70	(\$3,001,570.77)
CUSTODIAL FUND	-	83,872.36	83,872.36	78,200.34	\$5,672.02
SWM FUND	-	1,333,978.35	1,333,978.35	1,039,006.23	\$294,972.12
UNEMPLOYMENT INSURANCE FUND	-	555,264.83	555,264.83	486,614.25	\$68,650.58
EQUIPMENT REPLACEMENT FUND	-	797,504.47	797,504.47	721,684.70	\$75,819.77
TOTAL ALL FUNDS	\$4,972,350.45	\$24,227,189.93	\$29,199,540.38	\$27,909,757.83	\$1,289,782.55

CAPITAL INVESTMENT PROGRAM

The city has collected \$111,525 in GMA mitigation fees, and \$59,938 in parks fees-in-lieu/park impact fees.

Please see the chart below for current CIP activity.

BOND WATCH

As of June 1, the balance of the 2016 Refunded Bonds is \$6,600,000. Payoff for these bonds is 11/1/2027. The next principal payment of \$755,000 will be 11/1/2020.

Project #	Project Description	YTD Revenues	YTD Expenditures
1145	SE 256th St Culvert	-	36,999
1201	204th Connector	1,266,265	1,418,730
1063	SR 516 Covington Way	37,126	66,431
	Town Center	-	115,671
	Public Art	10,140	12,943
1019	SoCo Park	104,145	741,570
1086	164th AV SE	15,325	192,238
1127	SR 516 Widening at Jenkins Creek	354,323	426,721

The Public Works Trust Fund Loan balance is \$859,583. The payoff for this loan is 6/1/2024. The next principal payment will be 6/1/2020 for \$214,896.



IMPACT FEES

The total balance of traffic impact fees at the end of June is \$4,236,554. These are collected throughout the year and distributed to projects as needed. Transportation impact fees are restricted and can only be used for public streets and roads. They must be used in conjunction with other funding sources but may not be used to correct existing deficiencies.

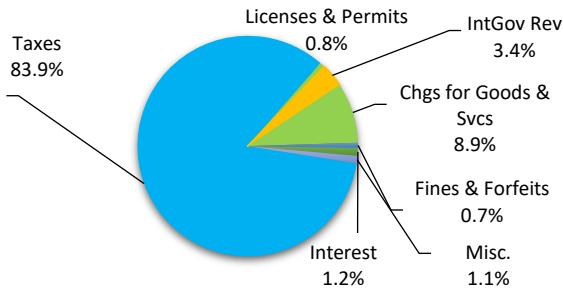
CITY OF COVINGTON FINANCE DEPARTMENT

Casey Parker — Finance Director
 Lindsay Hagen — Senior Accountant
 Staci Cles — Accountant I
 Shelley Wells — Accounting Technician

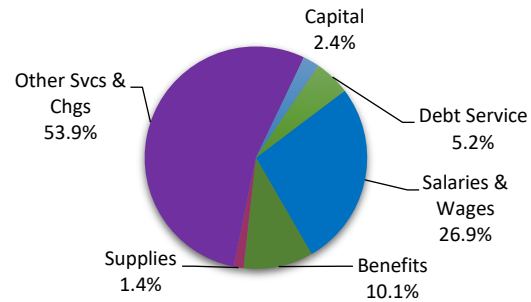
ATTACHMENT 2

City of Covington - Quarterly Performance Report - General Fund as of 6/30/2020

2020 Revenues by Category

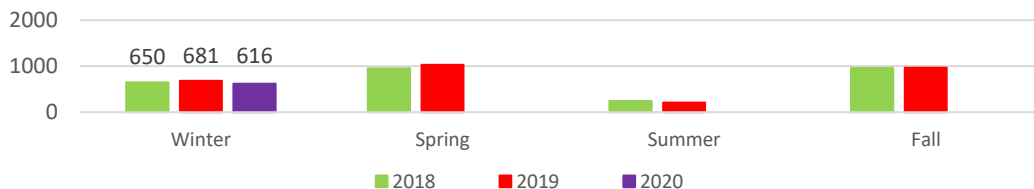


2020 Expenditures by Category

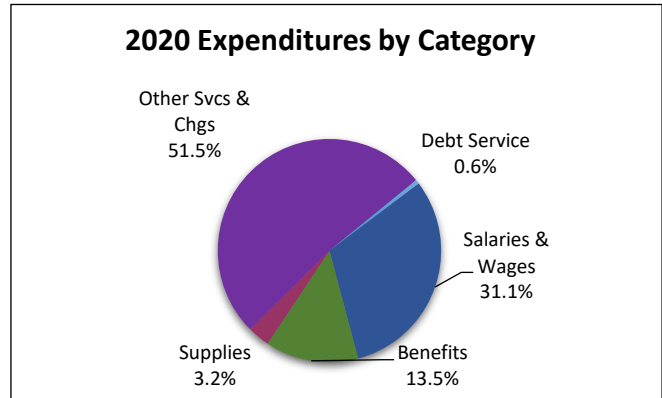
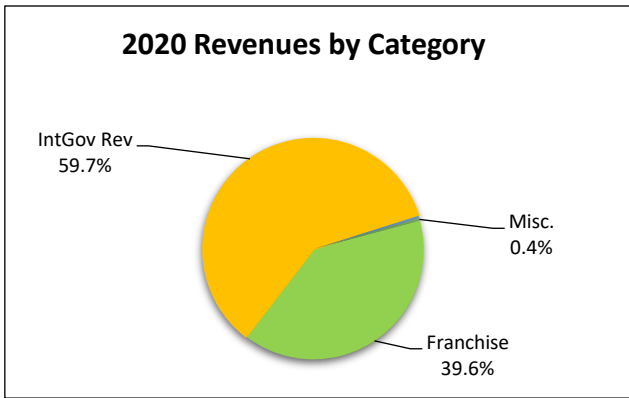


Rev & Exp - YTD	2020 Budget	2020 Actual	\$ Rem	% Coll/ Spent YTD	2019 Actual
Taxes	\$ 10,584.3	\$ 5,419.6	\$ 5,164.7	51.2%	\$ 5,316.5
Licenses & Permits	84.8	49.4	35.3	58.3%	42.4
Intergovernmental Revenues	643.2	220.8	422.4	34.3%	235.7
Charges for Goods & Svcs	2,016.5	573.4	1,443.0	28.4%	1,052.3
Fines & Forfeits	102.5	48.3	54.2	47.1%	48.7
Investment Interest	137.3	75.3	62.0	54.8%	158.0
Miscellaneous	188.4	69.2	119.2	36.7%	94.4
Total Operating Revenues	13,756.9	6,456.0	7,300.8	46.9%	6,948.0
Operating Transfer In	-	-	-	0.0%	-
Total Sources	\$ 13,756.9	\$ 6,456.0	\$ 7,300.8	46.9%	\$ 6,948.0
Salaries & Wages	\$ 3,660.5	\$ 1,330.2	\$ 2,330.4	36.3%	\$ 1,577.9
Benefits	1,235.5	500.1	735.4	40.5%	554.1
Supplies	302.5	70.9	231.6	23.4%	115.0
Other Services & Charges	7,224.6	2,660.8	4,563.8	36.8%	3,027.6
Intergovernmental	-	-	-	0.0%	-
Capital	109.1	117.8	(8.8)	108.0%	116.6
Debt Service	448.7	258.8	189.9	57.7%	-
Total Operating Expenses	12,981.0	4,938.7	8,042.3	38.0%	5,391.2
Other Financing Uses	1,040.7	285.5	755.2	27.4%	880.7
Total Uses	\$ 14,021.7	\$ 5,224.2	\$ 8,797.5	37.3%	\$ 6,271.9

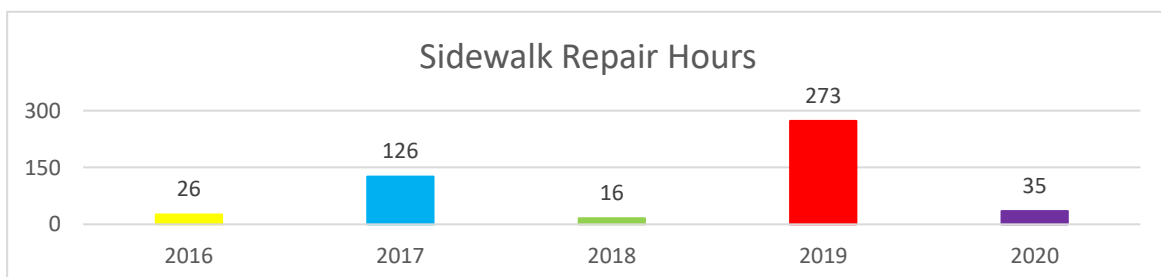
Athletic Program Registrations



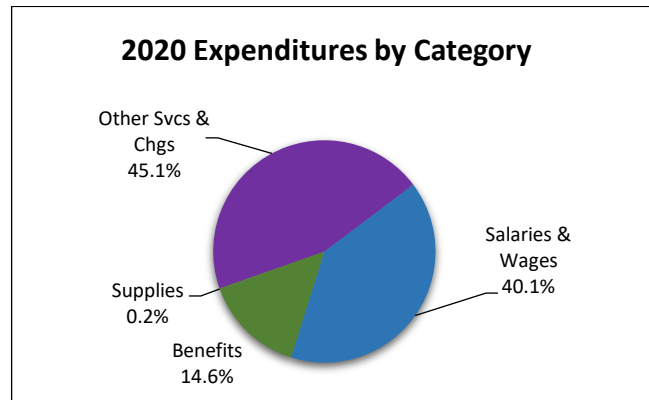
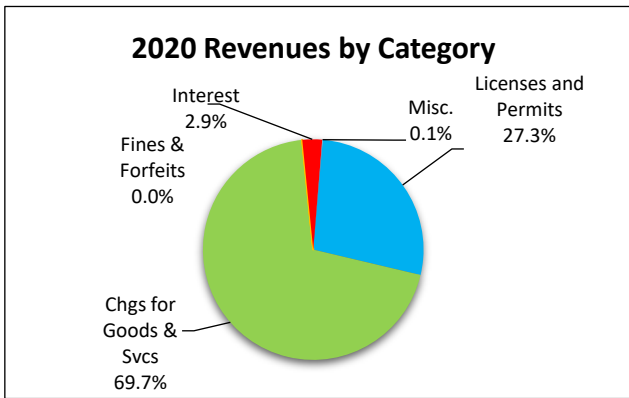
City of Covington - Quarterly Performance Report - Street Fund as of 6/30/2020



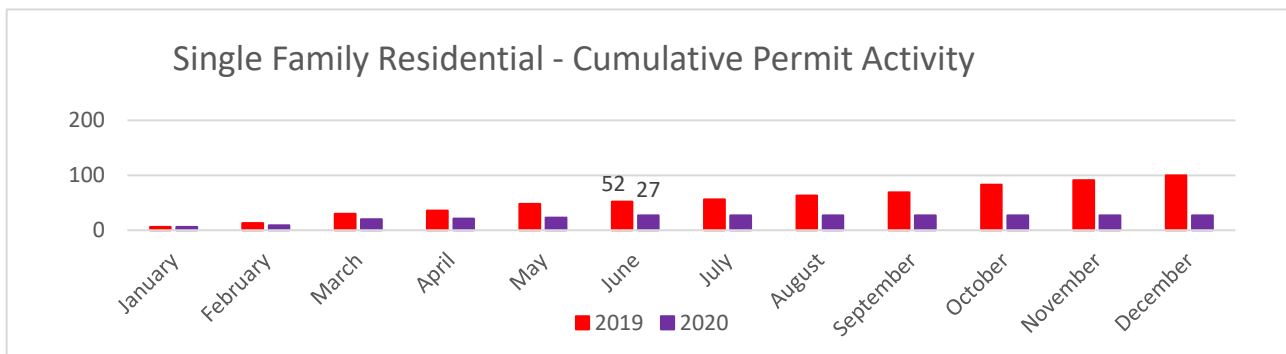
Rev & Exp - YTD	2020	2020	\$ Rem	% Coll/ Spent YTD	2019
	Budget	Actual			Actual
Motor Vehicle License Fee	\$ -	\$ -	\$ -	0.0%	\$ 173.7
Cable TV Franchise	255.0	126.9	128.1	49.8%	128.8
Intergovernmental Revenues	430.0	191.2	238.8	44.5%	210.9
Charges for Goods & Svcs	-	-	-	0.0%	7.9
Investment Interest	5.0	1.2	3.8	23.9%	2.3
Miscellaneous	-	1.1	(1.1)	0.0%	0.6
Total Operating Revenues	690.0	320.4	369.6	46.4%	524.2
Operating Transfer In	509.1	254.6	254.6	50.0%	561.2
Total Sources	\$ 1,199.1	\$ 575.0	\$ 624.2	47.9%	\$ 1,085.4
Salaries & Wages	\$ 370.0	\$ 154.0	\$ 216.0	41.6%	\$ 225.7
Benefits	145.5	66.8	78.8	45.9%	87.9
Supplies	62.5	16.0	46.5	25.6%	34.2
Other Services & Charges	748.7	254.9	493.8	34.0%	271.7
Capital	5.0	-	5.0	0.0%	1.5
Debt Service	5.2	2.9	2.3	56.4%	-
Total Operating Expenses	1,336.9	494.5	842.3	37.0%	621.0
Other Financing Uses	-	-	-	0.0%	400.5
Total Uses	\$ 1,336.9	\$ 494.5	\$ 842.3	37.0%	\$ 1,021.5



City of Covington - Quarterly Performance Report - Development Services Fund as of 6/30/2020

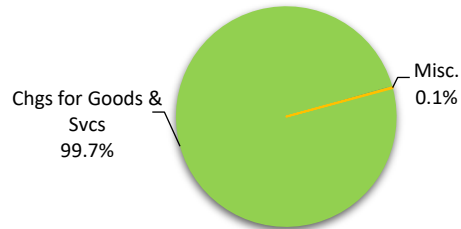


Rev & Exp - YTD	2020 Budget	2020 Actual	\$ Rem	% Coll/ Spent YTD	2019 Actual
Licenses and Permits	\$ 843.0	\$ 317.1	\$ 525.9	37.6%	\$ 527.8
Intergovernmental Revenues	80.0	-	80.0	0.0%	-
Charges for Goods & Svcs	702.2	808.9	(106.7)	115.2%	447.7
Fines & Forfeits	-	0.5	(0.5)	0.0%	0.1
Investment Interest	75.8	33.5	42.3	44.2%	59.3
Miscellaneous	-	1.0	(1.0)	0.0%	(0.5)
Total Operating Revenues	1,701.1	1,161.1	540.0	68.3%	1,034.4
Operating Transfer In	-	-	-	0.0%	-
Total Sources	\$ 1,701.1	\$ 1,161.1	\$ 540.0	68.3%	\$ 1,034.4
Salaries & Wages	\$ 911.1	\$ 371.8	\$ 539.3	40.8%	\$ 358.0
Benefits	318.2	134.8	183.4	42.4%	119.5
Supplies	12.7	1.9	10.9	14.6%	2.6
Other Services & Charges	1,073.4	417.7	655.6	38.9%	305.7
Total Operating Expenses	2,315.4	926.2	1,389.2	40.0%	785.8
Other Financing Uses	-	-	-	0.0%	-
Total Uses	\$ 2,315.4	\$ 926.2	\$ 1,389.2	40.0%	\$ 785.8

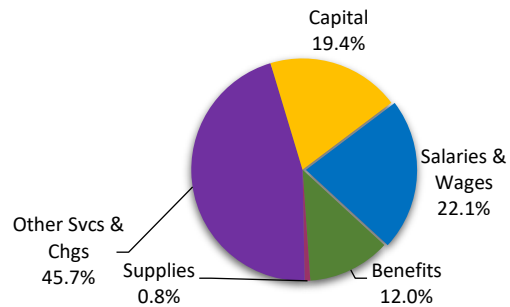


City of Covington - Quarterly Performance Report - SWM Fund as of 6/30/2020

2020 Revenues by Category

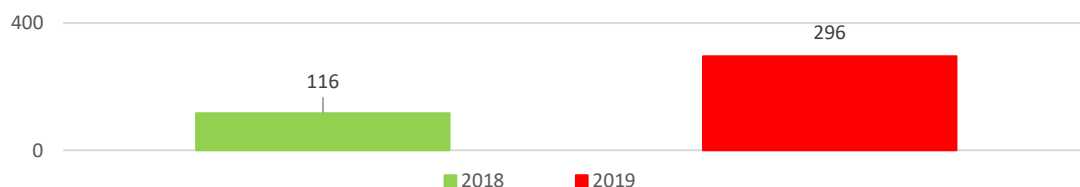


2020 Expenditures by Category



Rev & Exp - YTD	2020 Budget	2020 Actual	\$ Rem	% Coll/ Spent YTD	2019 Actual
Charges for Goods & Svcs	2,798.0	1,512.3	1,285.7	54.0%	1,375.0
Investment Interest	18.5	3.2	15.3	17.1%	8.9
Miscellaneous	-	2.0	(2.0)	0.0%	0.4
Grants	-	-	-	0.0%	1.4
Total Operating Revenues	2,816.5	1,517.4	1,299.1	53.9%	1,385.7
Operating Transfer In	-	-	-	0.0%	-
Total Sources	\$ 2,816.5	\$ 1,517.4	\$ 1,299.1	53.9%	\$ 1,385.7
Salaries & Wages	\$ 801.1	\$ 229.9	\$ 571.2	28.7%	\$ 314.4
Benefits	314.3	125.2	189.1	39.8%	137.0
Supplies	62.5	8.5	54.0	13.6%	26.4
Other Services & Charges	1,405.6	474.6	931.0	33.8%	382.4
Debt Service	6.9	3.1	3.8	44.8%	-
Capital	188.0	201.4	(13.4)	107.1%	7.8
Total Operating Expenses	2,778.5	1,042.8	1,735.7	37.5%	868.0
Other Financing Uses	-	-	-	0.0%	516.3
Total Uses	\$ 2,778.5	\$ 1,042.8	\$ 1,735.7	37.5%	\$ 1,384.3

Hours of Catch Basin Repair



Agenda Item 4
Covington City Council
Date: August 11, 2020

SUBJECT: DISCUSS OPTIONS FOR ESTABLISHING A CITY OF COVINGTON COMMISSION TO ADDRESS DIVERSITY, EQUITY, AND SOCIAL JUSTICE ISSUES.

RECOMMENDED BY: Regan Bolli, City Manager

ATTACHMENT(S): None

PREPARED BY: Krista Bates, Executive Assistant / Deputy City Clerk

EXPLANATION:

At the June 9, 2020, regular city council meeting, there was council consensus to request staff to bring an agenda item to a future meeting to discuss creation of a City of Covington multicultural diversity commission.

At the July 14, 2020 regular city council meeting, council discussed options for creating a commission to address diversity, equity, and social justice issues.

On July 28, 2020, council held a study session prior to the regular meeting which included a presentation and discussion with Preeti Shridhar, City of Renton Deputy Public Affairs Administrator about the City of Renton’s Mayor’s Inclusion Task Force.

In addition to these previous discussions, council could hold a study session to receive citizen input for establishing a commission to address these issues.

Once staff receives further council direction, a potential resolution may be brought to a future council meeting to create a new commission based on council’s preferences.

DISCUSSION:

1. What is the intended purpose of this commission?
Staff recommends that the intent of a diversity, equity, and inclusion commission would be to select a group of citizens who will help inform and fuel new citywide efforts to grow as a culturally competent organization and to broaden resident engagement. We could focus on diversity in the principles of equity, access, inclusion, opportunity, and cultural competence. These principles inform efforts underway to improve city policies, staffing and hiring, training, communications, services, and outreach.
2. What should this commission be named?
 - Staff recommends a name that is broader than simply “diversity commission.”
 - Recommended terms include “cultural, equity, social justice, inclusion,” etc.

Examples of commission/board names for other jurisdictions:

- Mayor’s Inclusion Task Force – City of Renton

- Equity and Social Justice Commission – City of Tukwila
 - Cultural Communities Board – City of Kent
 - Kent Cultural Diversity Initiative Group – City of Kent
3. How many members should serve on the commission?
 - Other city commissions each have seven members.
 - Consider increasing the number of members for this new commission to accommodate more members from diverse background.
 - Consider setting a minimum of seven members and setting a maximum number of members.
 4. What should the length of the terms be for commission members?
Staff recommends terms of two or more years for continuity of members and reducing the frequency of needing to recruit new members which increases staff time.
 5. What should the makeup of the commission look like?
Staff recommends seeking members from diverse backgrounds and experiences.
 6. City staff representative:
Staff will make a recommendation for a staff member for this commission.

ALTERNATIVES:

1. Establish a city task force which is typically a shorter-term.
2. Establish a council committee.
3. Provide direction to staff on other alternatives.

FISCAL IMPACT:

The main cost is the additional staff time required to work with a commission especially when first establishing the commission, vision, mission and work plan. This could be roughly 10-15 hours per month or up to a 0.25 FTE, which may eventually need to be backfilled. There are also minor costs for meeting materials that would be covered by the existing city budget.

CITY COUNCIL ACTION: ___Ordinance ___Resolution ___Motion X Other

FOR DISCUSSION PURPOSES. PROVIDE DIRECTION TO STAFF.

REVIEWED BY: City Manager, City Attorney

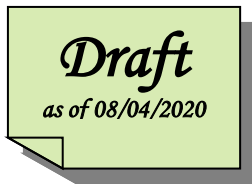
Covington City Council Meeting
Date: August 11, 2020

**DISCUSSION OF
FUTURE AGENDA ITEMS:**

7:00 p.m., Tuesday, August 25, 2020 Regular Meeting – **CANCELED**

7:00 p.m., Tuesday, September 8, 2020 Regular Meeting

(Draft Agenda Attached)



CITY COUNCIL REGULAR MEETING AGENDA

www.covingtonwa.gov

Tuesday, September 8, 2020
7:00 p.m.

City Council Chambers
16720 SE 271st Street, Suite 100, Covington

CALL CITY COUNCIL REGULAR MEETING TO ORDER

ROLL CALL/PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMUNICATION

- Covington Chamber of Commerce Quarterly Update – Jennifer Liggett

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: August 11, 2020 Special (Interviews) & Regular Meetings (Michaud)
- C-2. Vouchers (Parker)
- C-3. Authorize City Manager to Execute a Local Agency Agreement Supplement Number 11 with Washington State Department of Transportation and Supplement Number 4 with DCI Engineers for Additional Real Estate Services for the SR 516 – Jenkins Creek to 185th Project (CIP 1127) (Lindskov)
- C-4. Authorize City Manager to Execute an Agreement with Gray & Osborne for Design of SR 516 – 185th to 192nd (CIP 1128) (Lindskov)
- C-5. Authorize City Manager to Execute an Agreement with _____ for Demolition of the Old Covington Elementary School (Vondran)

NEW BUSINESS

- 1. Discuss Selection of Citizen and Honorary Citizen of the Year (Slate)
- 2. Discuss Initiatives of King County Council Regarding Amendments for Sheriff’s Office (Bolli)
- 3. Safety Plan Presentation (Lindskov)
- 4. Discuss Option to Opt Out of Interlocal Agreement with South King Housing and Homelessness Partners (SKHHP) (Johnston)

FUTURE AGENDA ITEMS

COUNCIL/STAFF COMMENTS

PUBLIC COMMENT See Guidelines on Public Comments 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).