



CITY OF COVINGTON
CITY COUNCIL REGULAR MEETING AGENDA
www.covingtonwa.gov

Tuesday, September 26, 2017
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

- Safe Schools Week Proclamation – Week of October 15-21, 2017 (Israel Vela, Kent School District Chief School Operations and Academic Support Officer)
- Fire Prevention Week Proclamation – Week of October 8-14, 2017 (Jon Napier, Fire Marshal)

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. *

APPROVE CONSENT AGENDA

- C-1. Minutes: June 27, 2017 Special Meeting – Joint Study Session with Parks & Recreation Commission and June 27, 2017 Regular Meeting (Scott)
- C-2. Vouchers (Hendrickson)
- C-3. Pass Ordinance Amending Title 18 Zoning Code to Remove Mineral Zoning Designation and Amend Associated Development Regulations and Standards (Mueller)
- C-4. Approve Joint Covington/Maple Valley Street Sweeping Services Agreement with McDonough & Sons, Inc. (Vondran)
- C-5. Consider Rejecting All Bids for Timberlane-Jenkins Stormwater Retrofit Project CIP 1027A (Vondran)

REPORTS OF COMMISSIONS

- Human Services Chair Leslie Hamada: September 14 Site Visit
- Arts Chair Ed White: August 10 and September 14 meetings
- Parks & Recreation Chair Laura Morrissey: September 20 meeting
- Youth Council: August 15 and September 19 meetings
- Planning: September 7 and 21 meetings canceled; next meeting October 5
- Economic Development Council: August 24 meeting canceled; next meeting September 28

PUBLIC HEARINGS

- 1. Receive Public Testimony & Consider Ordinance Amending Covington Municipal Code Title 13 Sewer & Water Service (Vondran/Mueller)

2. Receive Public Testimony & Consider Ordinance Amending Covington Municipal Code Chapter 16.15 Flood Damage Prevention (Mueller)

NEW BUSINESS

3. Consider Ordinance Adding Covington Municipal Code Chapter 2.73 Landmarks and Heritage Commission; and Repealing and Replacing Chapter 18.47 Protection and Preservation of Landmarks, Landmark Sites and Districts; and Consider Resolution Authorizing Interlocal Agreement with King County for Landmark Designation and Preservation Services and Amending Fee Resolution (Mueller)
4. Discuss 2018 Legislative Agenda (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: September 27, 2017

SUBJECT: APPROVAL OF MINUTES: JUNE 27, 2017 CITY COUNCIL SPECIAL MEETING – JOINT STUDY SESSION WITH PARKS & RECREATION COMMISSION MINUTES AND JUNE 27, 2017 CITY COUNCIL REGULAR MEETING MINUTES

RECOMMENDED BY: Sharon G. Scott, City Clerk

ATTACHMENT(S): Proposed Minutes

PREPARED BY: Joan Michaud, Senior Deputy City Clerk

EXPLANATION:

ALTERNATIVES:

FISCAL IMPACT:

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

Councilmember _____ moves, Councilmember _____ seconds, to approve the June 27, 2017 City Council Special Meeting – Joint Study Session with Parks & Recreation Commission Minutes and June 27, 2017 City Council Regular Meeting Minutes.

**City of Covington
City Council Special Meeting
Joint Study Session with Parks & Recreation Commission Minutes
Tuesday, June 27, 2017**

The Special Meeting - Joint Study Session with the Parks & Recreation Commission was called to order in the City Council Chambers, 16720 SE 271st Street, Suite 100, Covington, Washington, Tuesday, June 27, 2017, at 6:05 p.m., with Mayor Pro Tem Smith presiding.

COUNCILMEMBERS PRESENT:

Joe Cimaomo, Margaret Harto, Mark Lanza (arrived @ 6:50 p.m.), Marlla Mhoon, and Sean Smith.

COUNCILMEMBERS ABSENT:

Jeff Wagner and Fran Hollums

PARKS & RECREATION COMMISSIONERS PRESENT:

Bryan Higgins, Laura Morrissey, Steve Pand, and Sheryl Ward.

PARKS & RECREATION COMMISSIONERS ABSENT:

Lisa Knapton and Zbigniew Tomalik.

CITY STAFF PRESENT:

Regan Bolli, City Manager; Don Vondran, Public Works Director; Ethan Newton, Parks & Recreation Director; Richard Hart, Community Development Director; and Sharon Scott, City Clerk/Executive Assistant.

Mayor Pro Tem Smith called the joint study session to order.

APPROVAL OF AGENDA:

Council Action: Councilmember Mhoon moved and Councilmember Cimaomo seconded to Approve the Agenda. Vote: 4-0. Motion carried.

ITEMS FOR DISCUSSION:

1. Parks & Recreation Update.

Parks & Recreation Commission Chair Laura Morrissey gave the report on this item, and a handout was provided to Council.

2. Covington Aquatic Center. Ms. Morrissey gave the report on this item. Councilmembers and commissioners agreed that the pool is aging and won't last long. Covington should investigate what other communities have done with their aging Forward Thrust pools and get an assessment on condition and options for the current facility.

Unapproved Draft – June 27, 2017 Special Meeting-Joint Study Session with Parks & Recreation
Commission Minutes

Submitted for Approval: September 26, 2017

3. Sustainable Parks System. Ms. Morrissey gave the report on this item.
4. Covington Community Park. Ms. Morrissey gave the report on this item.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:59 p.m.

Prepared by:

Submitted by:

Joan Michaud
Senior Deputy City Clerk

Sharon Scott
City Clerk

**City of Covington
Regular City Council Meeting Minutes
Tuesday, June 27, 2017**

The Regular Meeting of the City Council of the City of Covington was called to order in the City Council Chambers, 16720 SE 271st Street, Suite 100, Covington, Washington, Tuesday, June 27, 2017, at 7:05 p.m., with Mayor Pro Tem Smith presiding.

COUNCILMEMBERS PRESENT:

Joe Cimaomo, Margaret Harto, Mark Lanza, Marlla Mhoon, and Sean Smith.

COUNCILMEMBERS ABSENT:

Jeff Wagner and Fran Hollums.

Council Action: Councilmember Harto moved and Councilmember Cimaomo seconded to excuse Mayor Wagner and Councilmember Hollums. Vote: 5-0. Motion carried.

STAFF PRESENT:

Regan Bolli, City Manager; Andrew McCurdy, Covington Police Chief; Ethan Newton, Parks & Recreation Director; Don Vondran, Public Works Director; Richard Hart, Community Development Director; Rob Hendrickson, Finance Director; Kathy Hardy, City Attorney; Karla Slate, Communications & Marketing Manager; Ann Mueller, Senior Planner; Salina Lyons; Principal Planner; Krista Bates, Permit/Planning Technician; and Sharon Scott, City Clerk/Executive Assistant.

Mayor Pro Tem Smith opened the meeting with the Pledge of Allegiance.

APPROVAL OF AGENDA:

Council Action: Councilmember Mhoon moved and Councilmember Cimaomo seconded to approve the Agenda. Vote: 5-0. Motion carried.

PUBLIC COMMUNICATION:

- Les Burberry provided a Transportation Improvement Mobility Enterprise presentation.

PUBLIC COMMENT:

Mayor Pro Tem Smith called for public comments.

Denise Daniels, Covington resident, began to speak on her candidacy for the Kent School District Board. Mayor Pro Tem Smith advised her that RCW 42.17A.555 prohibits the use of public office or agency facilities in campaigns.

Paul Selland, Covington resident, spoke regarding fire extinguishers.

George Pearson, Covington resident, spoke regarding fireworks.

There being no further comments, Mayor Pro Tem Smith closed the public comment period.

APPROVE CONSENT AGENDA:

- C-1. Minutes: City Council April 11, 2017 Special & Regular Meeting Minutes and City Council May 9, 2017 Special Meeting – Joint Study Session with Covington Economic Development Council and Covington Chamber of Commerce Board Minutes.
- C-2. Vouchers: Vouchers #35905-35959, including ACH payments and electronic fund transfers in the amount of \$166,019.07, dated June 9, 2017; and Paylocity Payroll Vouchers #1007004068-#1007004081, Paylocity Payroll Vouchers #1007004084-#1007004084 inclusive, plus employee direct deposits and wire transfers, in the amount of \$196,737.76, dated June 16, 2017.
- C-3. Acceptance of the Shoulder Repair and Regrading Project.
- C-4. Authorize Deed of Right to Use Land for Public Outdoor Recreation Purposes in Association with SoCo Park.

Council Action: Councilmember Harto moved and Councilmember Cimaomo seconded to approve the Consent Agenda. Vote: 5-0. Motion carried.

REPORTS OF COMMISSIONS:

Human Services Commission – No report.

Arts Commission – Member Jennifer Harjehausen reported on the June 8 meeting.

Parks & Recreation Commission – Chair Laura Morrissey reported on the June 21 meeting.

Planning Commission – No report.

Economic Development Council – Co-Chair Krista Bates reported on the May 25 and June 22 meetings.

PUBLIC HEARING:

- 1. Receive Public Testimony and Consider Ordinance Amending Critical Areas Regulations, Flood Damage Prevention, and Shoreline Master Program References.

Senior Planner Ann Mueller gave the staff report on this item.

Mayor Pro Tem Smith called for public comments for the public hearing.

There being no comments, Mayor Pro Tem Smith closed the public comment period for the public hearing.

ORDINANCE NO. 06-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, RELATING TO ZONING, PLANNING, AND LAND USE, AND REPEALING CHAPTER 13.37 OF THE COVINGTON MUNICIPAL CODE REGARDING CRITICAL AREA RECHARGE AREAS; REPEALING AND REPLACING CHAPTER 18.65 OF THE COVINGTON ZONING CODE REGARDING CRITICAL AREAS; ALONG WITH ASSOCIATED AMENDMENTS TO CHAPTER 16.05 SHORELINE MANAGEMENT PLAN OF THE COVINGTON MUNICIPAL CODE, AND CHAPTER 16.15 FLOOD DAMAGE PREVENTION OF THE COVINGTON MUNICIPAL CODE, AND MINOR AMENDMENTS TO SELECT SECTIONS OF CHAPTERS 13.25, 14.60, 14.65, 17.15, 17.25, 17.40, 18.20, 18.25, 18.35, 18.45, 18.110. AND 18.125 OF THE COVINGTON MUNICIPAL CODE, TO IMPLEMENT CHAPTER 18.65 AND TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT.

Council Action: Council Member Harto moved and Councilmember Cimaomo seconded to adopt Ordinance No. 06-2017, in substantial form as presented in Attachment 1 of the Agenda Packet, updating Covington’s Critical Areas Regulations, Flood Damage Prevention Regulations, and Shoreline Master Program references. Vote: 5-0. Motion carried.

NEW BUSINESS:

2. Discuss Selection of Citizen and Honorary Citizen of the Year.

Communications & Marketing Manager Karla Slate gave the staff report on this item. Ms. Slate clarified that Greg Wingard’s nomination should be moved from Citizen of the Year to Honorary Citizen of the Year and that George Pearson’s nomination should be moved from Honorary Citizen of the Year to Citizen of the Year.

Council Action: Councilmember Harto moved and Councilmember Cimaomo seconded to nominate Karen Brown as Honorary Citizen of the Year.

Council Action: Councilmember Mhoon moved and Councilmember Lanza seconded to nominate Greg Wingard as Honorary Citizen of the Year.

Council Action: Councilmember Lanza moved and Councilmember Cimaomo seconded to nominate Laura Roth as Honorary Citizen of the Year.

Council Action: Vote: 5-0 to name Karen Brown as Covington’s Honorary Citizen of the Year. Motion carried.

Council Action: Councilmember Harto nominated Jason Morrison as Covington’s Citizen of the Year. Vote: 5-0. Motion carried.

3. Consider Resolution to Adopt the Proposed Six-Year 2018-2023 Transportation Improvement Program.

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

RESOLUTION NO. 2017-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, ADOPTING THE 2018-2023 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM

Council Action: Councilmember Cimaomo moved and Councilmember Mhoon seconded to pass Resolution No. 2017-05 adopting the City of Covington Six-Year (2018-2023) Transportation Program (TIP). Vote: 5-0. Motion carried.

FUTURE AGENDA ITEMS:

Councilmembers reviewed future agenda items.

COUNCIL/STAFF COMMENTS:

Councilmembers and staff made comments.

PUBLIC COMMENT:

Mayor Pro Tem Smith called for public comments.

There being no comments, Mayor Pro Tem Smith closed the public comment period.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:59 p.m.

Prepared by:

Submitted by:

Joan Michaud
Senior Deputy City Clerk

Sharon Scott
City Clerk

Consent Agenda Item C-2

Covington City Council Meeting

Date: September 26, 2017

SUBJECT: APPROVAL OF VOUCHERS

RECOMMENDED BY: Rob Hendrickson, Finance Director

ATTACHMENT(S): Vouchers: Vouchers #36363 - #36422, including ACH payments in the amount of \$511,856.57, dated September 15, 2017; Vouchers #36423 - #36423, including ACH payments in the amount of \$24,506.42, dated September 16, 2017; and Paylocity Payroll Vouchers #1007396141 - #1007396157 and #1007396161 through #1007396161 inclusive, plus employee direct deposits and wire transfers, in the amount of \$208,576.77, dated September 8, 2017.

PREPARED BY: Sharon Scott, City Clerk

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

Councilmember _____ moves, Councilmember _____ seconds, to approve for payment Vouchers: Vouchers #36363 - #36422, including ACH payments in the amount of \$511,856.57, dated September 15, 2017; Vouchers #36423 - #36423, including ACH payments in the amount of \$24,506.42, dated September 16, 2017; and Paylocity Payroll Vouchers #1007396141 - #1007396157 and #1007396161 through #1007396161 inclusive, plus employee direct deposits and wire transfers, in the amount of \$208,576.77, dated September 8, 2017.

Consent Agenda Item C-3

Covington City Council Meeting

Date: September 26, 2017

SUBJECT: AMENDING CMC TITLE 18 ZONING TO THE MINERAL ZONING DISTRICT DESIGNATION AND ASSOCIATED ZONING REGULATIONS AND DEVELOPMENT STANDARDS FOR THE MINERAL ZONE AND MINERAL EXTRACTION ACTIVITIES

RECOMMENDED BY: Planning Commission

ATTACHMENT(S):

1. Planning Commission August 17, 2017 staff memo on amendments related to Mineral designation
2. Proposed Ordinance to remove Mineral zoning designation and related regulations

PREPARED BY: Ann Mueller, Senior Planner

EXPLANATION:

On August 17, 2017, the Planning Commission held a public hearing on the proposal to remove the Mineral zoning designation and associated development standards and regulations in the Covington Municipal Code (CMC) Title 18 Zoning. There were no public comments and the Planning Commission voted 4-0 to recommend that the City Council approve the proposed Zoning Code amendments.

The Covington 2015-2035 Comprehensive Plan removed the designation of Mineral on the Future Land Use Map (FLUM) in the only location within the city where it was used -- the former Lakeside gravel mine site. That area was redesignated as the Lakepointe Urban Village Subarea on the FLUM. The former gravel mine has ceased operations and is undergoing reclamation with Department of Natural Resources oversight. There are no other properties within the city with mineral extraction operations, and none have been identified on the FLUM as Mineral. Therefore, staff proposes to remove the Mineral Use zoning designation and any associated zoning regulations or development standards for the Mineral zone or mineral extraction activities from CMC Title 18 for consistency with the city's Comprehensive Plan.

See attachment 1 for the August 17, 2017, staff memo to the Planning Commission on the proposed amendments, findings of fact, SEPA determination, and required notices.

Attachment 2 is the proposed Ordinance.

ALTERNATIVES:

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

FISCAL IMPACT:

No fiscal impact.

CITY COUNCIL ACTION: Ordinance Resolution Motion Other

Council member _____ moves, Council member _____ seconds, to adopt an Ordinance relating to the removal of the Mineral zoning designation from CMC Title 18 and associated regulations and standards, finding that the amendments are in accordance with the Covington Comprehensive Plan and CMC 14.27.040 Decision criteria for code amendments.

REVIEWED BY: City Manager; City Attorney.



City of Covington
16720 SE 271st St. Suite 100
Covington, WA 98042
City Hall – 253.480.2400
www.covingtonwa.gov

ATTACHMENT 1 *Memo*

To: Planning Commission

From: Ann Mueller, Senior Planner

Date: August 17, 2017

Re: Public Hearing on Zoning Code Amendments related to removing all references to Mineral zoning and associated development standards & regulations.

Attachments:

- 1) Ordinance Repealing the Mineral zoning district and associated development standards and regulations.**
-

At the Planning Commission's August 3, 2017, regularly schedule public meeting staff provided an overview of the proposal to remove the Mineral zoning designation and associated development standards and regulations to make the Covington Municipal Code (CMC) Title 19 consistent with the Comprehensive Plan.

This is a city-initiated code amendment consistent with CMC Chapter 14.27 Development Regulations and Zoning Map Amendments. Tonight, the Planning Commission is holding the required public hearing on the attached ordinance, to consider the amendments and any public comments, and to forward a recommendation to the City Council as to whether each proposed amendment meets the criteria in CMC Section 14.27.040.

Attachment #1 is a draft of the ordinance which contains the proposed amendments to remove the Mineral zoning designation and any associated zoning regulations or development standards for the Mineral zone or mineral extraction activities from CMC Title 18.

CMC 14.27.040 Decision criteria.

The City Council's approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

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

Staff Findings: The purpose of these amendments will make the city's zoning code consistent with the Covington Comprehensive Plan 2010-2035 which removed the designation of Mineral on the Future Land Use Map (FLUM) where the former Lakeside gravel mine had historically operated and designated that area as the Lakepointe Urban Village Subarea on the FLUM.

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

Staff Findings: The proposed amendments will remove language that is no longer needed or consistent with the city's long range planning. There are no other properties within the city with mineral extraction operations, and none have been identified on the FLUM for Mineral designation.

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

Staff Findings: Not Applicable. There is no proposed zoning map amendment proposed.

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

Staff Findings: Not Applicable. There is no proposed zoning map amendment proposed.

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

Staff Findings: These proposed amendments apply city-wide. There is no longer any property zoned Mineral within the City of Covington.

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

Staff Findings: These proposed amendments have not been proposed or reviewed by the City in the last three years.

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

Staff Findings: Not Applicable.

Procedural Requirements.

Required Notice to the State Department of Commerce.

Pursuant to state law and CMC Section 14.27.050(4), the city has provided the Washington State Department of Commerce a copy of the proposed code amendments more than 60-days prior to the expected date of final City Council action. City staff provided drafts of the propose code amendments to the Department of Commerce on July 17, 2017. Commerce then distributes the drafts to state agencies for review and comment. No comments have been received on these amendments.

SEPA

A SEPA determination of nonsignificance was issued for these proposed amendments on July 28, 2017, with a legal notice placed in the Covington Reporter, posted at city hall, and on the city’s website. Copies were also provided to the SEPA register, Muckleshoot Indian Tribe, and Department of Ecology.

Planning Commission Hearing

These amendments are a legislative action, and the public hearing before the Planning Commission are scheduled for August 17, 2017. The Commissioners will take public testimony, review comments and make a final recommendation to the City Council. Consistent with CMC 14.30.060, notice of this Planning Commission public hearing was published in the Covington Reporter on July 28, 2017, more than 14-days prior to the scheduled public hearing. Notice was also posted on the city’s website and at city hall.

Recommended Motion:

Move to recommend the City Council approve the proposed Zoning Code amendments to CMC Title 18, in substantial form as found in Attachment 1, finding that the amendments are in accordance with the Covington Comprehensive Plan and CMC 14.27.040 Decision criteria for code amendments.

Alternative Motion: Move to continue the public hearing on the proposed amendments to _____ and request staff _____.

ORDINANCE NO. 11- 2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING THE COVINGTON MUNICIPAL CODE TITLE 18 ZONING CODE TO REMOVE THE MINERAL ZONING DESIGNATION AND AMENDING ASSOCIATED DEVELOPMENT REGULATIONS AND STANDARDS ASSOCIATED WITH MINERAL USES.

WHEREAS, Chapter 35A.63 of the Revised Code of Washington (RCW) empowers the City of Covington to enact land use and zoning regulations including mineral extraction development standards; and

WHEREAS, city staff transmitted these proposed amendments to Covington’s Municipal Code Title 18 Zoning to the to the Washington State Department of Commerce on July 17, 2017, as required under RCW 36.70A.106, and has received no comments from state agencies; and

WHEREAS, the city’s SEPA Official conducted a SEPA review and issued a Determination of Non-Significance on July 28, 2017; and

WHEREAS, these amendments to Covington’s Zoning Code were discussed by Planning Commission at their August 3, 2017 meeting; and

WHEREAS, on August 17, 2017 the Planning Commission held a duly noticed public hearing and considered the amendments to the Zoning Code CMC Title 18 and forwarded a recommendation to approve to the City Council; and

WHEREAS, the proposed amendments are consistent with the goals, objectives, and policies of the City of Covington’s comprehensive plan; and

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

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

Section 1. CMC 18.10.080 Amended. Covington Municipal Code Section 18.10.080 is hereby amended as follows:

(2) The Director shall have the authority to grant, condition or deny applications for reasonable use permits, short plat applications, boundary line adjustments, and commercial site development permits, ~~and renewals of permits for mineral extraction and processing,~~ unless a public hearing is required as set forth in Chapter 14.30 CMC, in which case this authority shall be exercised by the Hearing Examiner.

Section 2. CMC 18.15.010 Amended. Covington Municipal Code Section 18.15.010 is hereby amended to delete “Mineral” zoning designation and “M” zoning map symbol from the table.

Section 3. CMC 18.15.030 Repealed in its entirety. Covington Municipal Code Section 18.15.030 is hereby repealed in its entirety.

Section 4. CMC 18.25.030 Amended. Covington Municipal Code Section 18.25.030 A. is hereby amended to delete the “M” symbol and column from Table A.

Section 5. CMC 18.25.040 Amended. Covington Municipal Code Section 18.25.040 A. is hereby amended to delete the “M” symbol and column from Table A.

Section 6. CMC 18.25.050 Amended. Covington Municipal Code Section 18.25.050 A. is hereby amended to delete the “M” symbol and column from Table A.

Section 7. CMC 18.25.060 Amended. Covington Municipal Code Section 18.25.060 is hereby amended as follows:

18.25.060 A. delete the “M” symbol and column from Table A.

18.25.060 B. Development Condition (5) is deleted in its entirety.

Section 8. CMC 18.25.070 Amended. Covington Municipal Code Section 18.25.070 A. is hereby amended to delete the “M” symbol and column from Table A.

Section 9. CMC 18.25.080 Amended. Covington Municipal Code Section 18.25.080 A is hereby amended as follows:

18.25.080 A. delete the “M” symbol and column from Table A.

18.25.080 A. add the following row to Table A

SIC #	Specific Land Use	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
<u>2951,</u> <u>3271,</u> <u>3273</u>	<u>Asphalt/concrete mixtures and block</u>									<u>P</u>

Section 10. CMC 18.25.090 Amended. Covington Municipal Code Section 18.25.090 is hereby amended as follows:

18.25.090 A. delete the “M” symbol and column from Table A. Delete in their entirety the row for the specific land uses of Mineral extraction and processing, and the row for Asphalt/concrete mixtures and block from Table A.

18.25.090 B. Development Conditions (3), (4), and (5) are deleted in their entirety.

Section 11. CMC 18.60 Repealed in its entirety. Covington Municipal Code Chapter 18.60 is hereby repealed in its entirety.

Section 12. CMC 18.110.010 Amended. Covington Municipal Code Section 18.110.010 (1) is hereby amended as follows:

(1) The purpose of this chapter is to establish a comprehensive site review process of proposed commercial, industrial, ~~mineral~~ or multifamily development, excluding single-family residences, resulting in a permit which can combine any or all of the following:

- (a) Site development requirements specified prior to building and/or grading permit applications.
- (b) Site review and application of rules and regulations generally applied to the whole site without regard to existing or proposed internal lot lines.
- (c) Site development coordination and project phasing occurring over a period of years.
- (d) Evaluation of commercial, industrial, ~~mineral~~ and multifamily zoned property for the creation or alteration of lots when reviewed concurrently with a binding site plan application.

Section 13. Severability. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

Section 14. Corrections. Upon approval of the city attorney, the city clerk and/or code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 15. Effective Date. This ordinance shall be in full force and effect five (5) days after publication in the city's newspaper of record. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, at a regular meeting thereof on the 26th day of September, 2017, and signed in authentication of its passage.

Mayor Jeff Wagner

ATTESTED:

Sharon Scott, City Clerk

PUBLISHED: September 29, 2017

EFFECTIVE: October 4, 2017

APPROVED AS TO FORM:

Kathy Hardy, City Attorney

Consent Agenda Item C-4

Covington City Council Meeting

Date: September 26, 2017

SUBJECT: AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR SERVICES WITH MCDONOUGH & SONS INC. FOR THE JOINT COVINGTON/MAPLE VALLEY STREET SWEEPING SERVICE.

RECOMMENDED BY: Don Vondran, Public Works Director

ATTACHMENT(S):

1. Agreement for Services with McDonough & Sons Inc. for Street Sweeping

PREPARED BY: Ross Junkin, Maintenance Supervisor

EXPLANATION:

The Public Works Department solicited bids for street sweeping services from all the sweeping companies identified on the Municipal Research and Services Center (MRSC) Small Works Roster. Four companies provided complete bids for the service. The lowest responsive bid is listed below.

Schedule A: City of Covington

Item No.	Items of Work	Bid Qty	Units	Unit Prices	Total Amount
A1	Downtown Streets	52	Each	455.00	23,6660.00
A2	Arterial Streets	25	Each	790.00	19,750.00
A3	Residential Streets	4	Each	3,100.00	12,400.00
A4	Emergency Response	1	Hour	65.00	N/A
A5	Special Event Sweeps	3	Hour	65.00	N/A
A6	Storm Clean-Up	1	Cubic Yard	40.00	N/A
Total					55,810.00
Sales Tax					4,799.66
Grand Total					60,609.66

Schedule B: City of Maple Valley

Item No.	Items of Work	Bid Qty	Units	Unit Prices	Total Amount
B1	Primary Streets	12	Each	2,100.00	25,200.00
B2	Local Streets	4	Each	4,500.00	18,000.00
B3	Emergency Response	1	Hour	65.00	N/A
B4	Special Event Sweeps	1	Hour	65.00	N/A
B5	Storm Clean-Up	1	Cubic Yard	40.00	N/A
Total					43,200.00
Sales Tax					3,715.20
Grand Total					46,915.20

Schedule A and Schedule B Grand Total 107,524.86

Staff requests the city council to award the 2017/18 Street Sweeping Agreement to the lowest, most qualified bidder, McDonough & Sons Inc., in the amount not to exceed \$121,450 to sweep the streets of Covington and Maple Valley as outlined in the agreement. The remaining funds will be used for discretionary items that include emergency cleaning after storms, callouts due to accidents, project specific cleanup, problem areas that need extra unplanned cleaning, street cleaning for community events (safety and aesthetic issues) and emergency spill cleanup in the street surfaces (oil, gasoline, diesel and other chemicals).

The City of Covington will administer this contract for Covington as well as Maple Valley. Reimbursement requests will be provided to the City of Maple Valley for the sweeping done within their borders as well as administrative costs associated with overseeing this contract.

Each city has a different schedule and frequency for sweeping their individual city which is outlined in the contract documents.

This contract calls for renewal each year for up to three years, provided the contractor meets performance standards and both parties agree to the renewal.

ALTERNATIVES:

1. Reject all bids and re-advertise the project for competitive bids later.

FISCAL IMPACT:

The Agreement for Services with McDonough & Sons Inc. for Street Sweeping will not exceed \$121,450.

The billing procedures in the Joint Interlocal Agreement with Maple Valley allow us to bill Maple Valley for their portion including administrative fees. Once we receive the payment that will be offset on the revenue side.

The 2017 Budget amount requested for this activity is \$121,450 (Surface Water Management Fund).

Total Bid Amount	\$107,525
Discretionary Items	<u>\$13,925</u>
Total	\$121,450

The level of sweeping continues to lower the city's vactoring costs, reduce citizen complaints and provide a well maintained aesthetic downtown area.

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

Councilmember _____ moves, Councilmember _____ seconds, to authorize the City Manager to execute an Agreement for Services with McDonough & Sons Inc. for Street Sweeping in an amount not to exceed \$121,450 and in substantial form as the proposed agreement.

REVIEWED BY: City Manager, City Attorney, Finance Director

**CITY OF COVINGTON
AGREEMENT FOR SERVICES**

ATTACHMENT 1

Between: City of Covington and McDonough & Sons Inc.
Project: Street Sweeping
Commencing: October 1, 2017
Terminating: September 30, 2018
Amount: Not to Exceed \$121,450

THIS AGREEMENT FOR SERVICES (“Agreement”) is entered into this 26th day of September, 2017, by and between the City of Covington (“City”), a Washington municipal corporation, and McDonough & Sons Inc. (“Contractor”), a corporation.

RECITALS:

A. The City, in partnership with the City of Maple Valley (“Maple Valley”), seeks the temporary services of a skilled independent contractor capable of working without direct supervision to perform street sweeping services on behalf of the citizens of Covington and Maple Valley; and

B. The City has taken the lead administrative role of requesting bids for said services and has selected the Contractor to perform said services; and

C. The Contractor has the requisite skill and experience necessary to provide said services; and

D. The purpose of this Agreement is to establish the terms and conditions under which the Contractor will perform said services.

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the City and the Contractor do hereby agree as follows:

1. **Engagement.** The City, acting pursuant to its vested authority, does hereby engage the Contractor and the Contractor does hereby agree to perform on behalf of the City the services more particularly described herein.

2. **Scope of Services.** Upon written authorization from the City to proceed, the Contractor shall perform the services described on both Exhibit “A” and Exhibit “B”, attached hereto and incorporated herein by this reference (“Services”), in a manner consistent with the accepted practices for similar services, performed to the City’s satisfaction, within the time period prescribed by the City and pursuant to the direction of the City Manager or his or her designee. In performing the Services, the Contractor shall comply with all federal, state and local laws and regulations, including, without limitation, all City codes, ordinances, resolutions, standards and policies, as now existing or hereafter adopted or amended, that may be applicable to its performance. To the extent required by law, the Contractor and all subcontractors shall pay no less than the prevailing wage rate to employees performing work under this Agreement and shall submit a

“Statement of Intent to Pay Prevailing Wages” and an “Affidavit of Wages Paid” in compliance with RCW 39.12.

3. Term of Agreement.

3.1 This Agreement shall be in full force and effect for a period commencing upon execution and ending upon the completion of the Services, but in any event no later than September 30, 2018, unless earlier terminated under the provisions of this Agreement. Time is of the essence in each and every term of this Agreement.

3.2. This Agreement may be renewed each September for the succeeding two (2) years (2018/2019 and 2019/2020) upon performance audit and approval by the City. The unit price of the Agreement shall be adjusted each year using the Seattle-Tacoma Consumer Price Index – Urban (CPI-W) rate starting with June of 2017 as the initial benchmark and the rate in June in subsequent years to be applied in October of that year.

4. Compensation and Method of Payment.

4.1 Compensation. In consideration of the Contractor performing the Services, the City agrees to pay the Contractor an amount not to exceed \$121,450.

4.2. Method of Payment. Payment for Services shall be made after the Services have been satisfactorily performed, a voucher or invoice is submitted in a form acceptable to the City within thirty (30) days of performance of the Services, and the same is approved by the appropriate City representative. Services for Covington and Maple Valley shall be invoiced separately to the City. Payment shall be made no later than ten (10) days after the City’s Council approval of the invoiced amount.

4.3 First Invoice. Prior to or along with the first invoice submitted, the Contractor shall return to the City a completed “Request for Taxpayer Identification Number and Certification”, also known as IRS Form W-9.

4.4 Contractor Responsible for Taxes. The Contractor shall be solely responsible for the payment of any taxes imposed by any lawful jurisdiction as a result of the performance and payment of this Agreement.

5. Warranty. The Contractor warrants that it has the requisite training, skill and experience necessary to provide the Services and is appropriately accredited and licensed by all applicable agencies and governmental entities, including but not limited to being registered to do business in the City of Covington by obtaining a City of Covington business license. The City of Maple Valley requires a Washington State business license. The Contractor shall be responsible for the professional quality, technical adequacy and accuracy, timely completion and coordination of all plans, designs, drawings, specifications, reports and other services prepared or performed pursuant to this Agreement. The Contractor shall perform its work in accordance with the requirements of this Agreement and pursuant to the standards of professional care, skill, diligence and competence as are normally exercised by other members and/or firms of the profession in good standing working under the same or similar conditions and circumstances and in similar communities as the services provided by the Contractor under this Agreement. The Contractor shall be responsible for the professional standards, performance and actions of all persons and firms performing work pursuant to this Agreement on behalf of

the Contractor. The City shall also have the right to deduct from payments to the Contractor any costs or damages incurred by the City, or which may be incurred by the City, as a result of the Contractor's failure to comply with the requirements of the Agreement or failure to meet the professional standard of care and skill, or both. The City's approval of plans, drawings, designs, specifications, reports and other products of the professional services rendered hereunder shall not in any way relieve the Contractor of responsibility for the technical adequacy or accuracy thereof. Neither the City's review, approval, acceptance of, and/or payment for any services shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

6. Ownership and Use of Documents. Any and all original and copies of records, reports, designs, files, documents, drawings, specifications, data or information, regardless of form or format, and all other materials prepared or produced by the Contractor in connection with the Services shall be the property of the City whether the project for which they were created is executed or not. At the termination or cancellation of this Agreement, any and all such records or information remaining in the possession of the Contractor shall be delivered to the City.

7. Independent Contractor. It is the intention and understanding of the City and the Contractor that the Contractor shall be an independent contractor and that the City shall be neither liable nor obligated to pay the Contractor sick leave, vacation pay or any other benefit of employment. The Contractor shall pay all income and other taxes due. Industrial or any other insurance that is purchased for the benefit of the City, regardless of whether such may provide a secondary or incidental benefit to the Contractor, shall not be deemed to convert this Agreement to an employment contract. The Contractor will be solely responsible for its acts and for the acts of its agents, employees, sub contractors or representatives during the performance of this Agreement. Nothing in this Agreement shall be considered to create the relation of employer and employee or principal and agent between the parties hereto. The Contractor shall have the sole judgment of the means, mode or manner of the actual performance of this Agreement. The Contractor, as an independent Contractor, assumes the entire responsibility for carrying out and accomplishing this Agreement.

8. Indemnification. To the maximum extent permitted by law, Contractor shall defend, indemnify and hold harmless the Cities of Covington and Maple Valley and all of its officials, employees, principals and agents from all claims, demands, suits, actions, and liability of any kind, including injuries to persons or damages to property, which arise out of, are connected with, or are due to any errors, omissions or negligent acts of Contractor, its employees, agents, volunteers or representatives in performance of this Agreement; provided, however, that if (and only if) the provisions of RCW 4.24.115 apply to the work and services under this Agreement and any such damages and injuries to persons or property are caused by or result from the concurrent negligence of Contractor, its employees, agents, volunteers or representatives and the City or its employees, agents, or representatives, the indemnification applies only to the extent of the negligence of Contractor, its employees, volunteers, agents, or representatives. In the event of any such claims, demands, suits, actions, and lawsuits, Contractor shall assume all costs of defense thereof, including administrative and legal fees incurred by the City, and of all resulting judgments that may be obtained against the City or any of its officers, principals, agents, or employees. If resulting there from, any lien is placed upon property of the City or any of its officers, principals, agents, or employees, Contractor shall at once cause the

same to be dissolved and discharged by giving bond or otherwise. Contractor specifically assumes potential liability for actions brought by Contractor's own employees against the City and for that purpose Contractor specifically waives, as respects the City only, any immunity under the Worker's Compensation Act, RCW Title 51; and Contractor recognizes that this waiver was the subject of mutual negotiation and specifically entered into pursuant to the provision of RCW 4.24.115, if applicable. In the event either party incurs attorney's fees, costs or other legal expenses to enforce the provisions of this section against the other party, all such fees, costs and expenses shall be recoverable by the prevailing party.

The provisions of this Section shall survive any expiration or termination of this Agreement.

9. Insurance. The Contractor shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of work hereunder by the Contractor, its agents, representatives or employees. Contractor's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the Cities of Covington's and Maple Valley's recourse to any remedy available at law or in equity. The Contractor shall at a minimum obtain and carry the following insurance in such forms and with such carriers who have a rating satisfactory to the City:

9.1 Workers' compensation and employer's liability insurance in amounts sufficient pursuant to the laws of the State of Washington;

9.2 Commercial general liability insurance covering liability arising from premises, operations, independent contractors, personal injury and advertising injury and written on ISO occurrence form CG 00 01 with combined single limits of liability not less than \$1,000,000 each occurrence, \$2,000,000 general aggregate for bodily injury, including personal injury or death, products liability and property damage.

9.3 Automobile liability insurance covering all owned, non-owned, hired and leased vehicles and written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage with combined single limits of liability not less than \$1,000,000 per accident for bodily injury, including personal injury or death and property damage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

The Cities of Covington and Maple Valley shall be named as additional insured on all such insurance policies, with the exception of workers' compensation coverage(s) if the Contractor participates in a state-run workers' comp program. The Contractor shall provide original certificates of insurance and a copy of the amendatory endorsement, concurrent with the execution of this Agreement, evidencing such coverage and, at City's request, furnish the City with copies of all insurance policies and with evidence of payment of premiums or fees of such policies. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII. All insurance policies shall contain a clause of endorsement providing that they may not be terminated or materially amended during the Term of this Agreement, except after thirty (30) days prior written notice to the City. If the Contractor's insurance policies are "claims made," the Contractor shall be required to maintain tail coverage for a minimum period of three (3) years from the date this

Agreement is actually terminated or upon project completion and acceptance by the City. The Contractor's failure to maintain such insurance policies shall be grounds for the City's immediate termination of this Agreement.

The provisions of this Section shall survive the expiration or termination of this Agreement with respect to any event occurring prior to such expiration or termination.

10. Books and Records. The Contractor agrees to maintain books, records, and documents which sufficiently and properly reflect all direct and indirect costs related to the performance of the Services and maintain such accounting procedures and practices as may be deemed necessary by the City to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject, at all reasonable times, to inspection, review or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

11. Termination.

11.1 Prior to the expiration of the Term, this Agreement may be terminated immediately, with or without cause, by the City. The Contractor may terminate this Agreement upon sixty (60) days notice to the City. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Contractor pursuant to this Agreement shall be submitted to the City within five (5) days of the date of termination.

11.2 In the event this Agreement is terminated or suspended, the Contractor shall be entitled to payment for all services satisfactorily performed and reimbursable expenses incurred to the date of termination.

11.3 This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation, default, or nonperformance of any provision of this Agreement. The remedies provided in this paragraph shall be in addition to any other remedy the City may have at law or in equity.

12. Discrimination. In all Contractor services, programs or activities, and all Contractor hiring and employment made possible by or resulting from this Agreement, there shall be no discrimination by the Contractor or by the Contractor's employees, agents, subcontractors or representatives against any person because of sex, age (except minimum age and retirement provisions), race, color, creed, national origin, marital status or the presence of any disability, including sensory, mental or physical handicaps, unless based upon a bona fide occupational qualification in relationship to hiring and employment. This requirement shall apply, but not be limited to the following: employment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor shall not violate any of the terms of Chapter 49.60 RCW, Title VII of the Civil Rights Act of 1964, the Americans With Disabilities Act, Section 504 of the Rehabilitation Act of 1973 or any other applicable federal, state or local law or regulation regarding non-discrimination. Any material violation of this provision shall be grounds for termination of this Agreement by the City and, in the case of the Contractor's breach, may result in ineligibility for further City agreements.

13. Assignment and Subcontract. The Contractor shall not assign or transfer any interest in this Agreement or subcontract any portion of the services contemplated hereunder without the prior written consent of the City.

14. Conflict of Interest. The Contractor represents to the City that it has no conflict of interest in performing any of the services described herein. It is recognized that the Contractor may or will be performing services during the Term for other parties; provided, however that such performance of other services shall not conflict with or interfere with the Contractor's ability to perform the Services. In the event that the Contractor is asked to perform services for a project with which it may have a conflict, the Contractor shall immediately disclose such potential conflict to the City. The Contractor agrees to resolve any actual conflicts of interest in favor of the City.

15. Non-appropriation of Funds. If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Contractor and shall not be obligated to make payments for services or amounts incurred after the end of the City's current fiscal period. This Agreement shall terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of this provision are effectuated.

16. Entire Agreement. This Agreement, including the exhibits attached hereto, constitutes the entire agreement between the parties with respect to the subject matter of this Agreement. There are no promises, terms, conditions or obligations other than those contained herein, and this Agreement shall supersede all previous communications, negotiations, representations or agreements, either verbal or written, between the parties hereto concerning the subject matter of this Agreement.

17. Amendment. This Agreement may not be modified or amended except by writing signed by all parties hereto.

18. No Waiver. Failure or delay of the City to declare any breach or default immediately upon occurrence shall not waive such breach or default. Failure of the City to declare one breach or default does not act as a waiver of the City's right to declare another breach or default.

19. Successors. Subject to the provisions of paragraph 13 above, this Agreement shall inure to the benefit of and be binding upon the parties, their respective heirs, executors, administrators, personal representatives, successors and assigns.

20. Severability. Each and every provision of this Agreement shall be deemed to be severable. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and the Agreement shall be construed in all respects as if such invalid or unenforceable provision were not a part of this Agreement.

21. Notices. All notices, payments and other communications hereunder shall be in writing and shall be deemed to have been duly given if personally delivered or mailed, by first class or certified mail, with postage prepaid,

if to the Contractor, to:

McDonough & Sons Inc.
P.O. Box 461
Ravensdale, WA 98051

or to such other person or place as the Contractor shall furnish to the City in writing; and

if to the City, to:

City of Covington
Attn: Operations & Maintenance Manager
16720 SE 271st Street, Suite100
Covington, WA 98042

or to such other person or place as the City shall furnish to the Contractor in writing.

Notices and payments shall be deemed given upon personal delivery or, if mailed, upon the earlier of actual receipt or three (3) business days after the date of mailing.

22. Governing Law; Venue. This Agreement shall be interpreted in accordance with the laws of the State of Washington. The venue for any cause of action arising out of this Agreement shall be King County, Washington.

23. Attorney's Fees. In the event of any default under this Agreement, the substantially defaulting party agrees to pay the substantially non-defaulting party's reasonable expenses which the latter incurs by reason thereof, including but not limited to reasonable attorney's fees, whether with respect to the investigation of such default or the determination of the application or the pursuit of remedies with respect thereto, or in legal proceedings, or otherwise. The term "legal proceedings" as used in this paragraph shall include all litigation, arbitration, administrative, bankruptcy and judicial proceedings, including appeals therefrom.

24. Survival of Representations. The representations and warranties of the City and the Contractor contained hereto shall survive indefinitely.

25. Independent Counsel. The Contractor acknowledges that the drafter of this Agreement is the City's legal representative to whom the Contractor does not look to for any legal counseling or legal advice with regard to this transaction. The Contractor further acknowledges that it has been advised to consult with independent legal counsel and has had an opportunity to do so. By signing this Agreement, the Contractor acknowledges that it has consulted with independent legal counsel of its choice or has knowingly waived the right to do so. There shall be no presumption of draftsmanship in favor of or implied against any party hereto.

26. Authority. Each individual executing this Agreement on behalf of the City and the Contractor represents and warrants that such individuals are duly authorized to execute and deliver this Agreement on behalf of the Contractor or the City.

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:

Sharon Scott, City Clerk

Kathy Hardy, City Attorney

MCDONOUGH & SONS INC.

By:
Its:

City of Covington
Small Public Works Roster
Street Sweeping

SCOPE OF SERVICES

The Contractor agrees to provide street sweeping services, curb to curb (or to edge of pavement), during this contract as follows (see Exhibit A1 for locations):

1. Downtown Streets
 - January – December (52) Once every week (nights)
 - Prior to Community Events (3) July, October, and December

2. Arterial Streets
 - January – April Once every other week
 - May – August Once per month
 - September – October Once every other week
 - November – December Weekly

3. Residential Streets
 - Sweep all 4 maintenance zones November, February, April, July (Quarterly)

4. Emergency Response
 - Storm cleanup which includes sweeping sand after snow and ice events and wind storm cleanup (must be cleaned within 30 days of end of event).
 - Callout response which includes accidents and/or spill cleanup (must be within 1 hour).
 - Response to specific requests as transmitted by the City.

5. Contractor will provide monthly verification of proper disposal of spoils with each invoice submitted

6. Contractor will notify the City of Covington Maintenance Supervisor in advance of work schedules.

7. Contractor will provide a weekly log to the City of Covington Maintenance Supervisor via email or fax indicating completed work.

Note: The contractor is responsible for proper disposals of all sweepings. No storage on City of Covington or City of Maple Valley property is available.

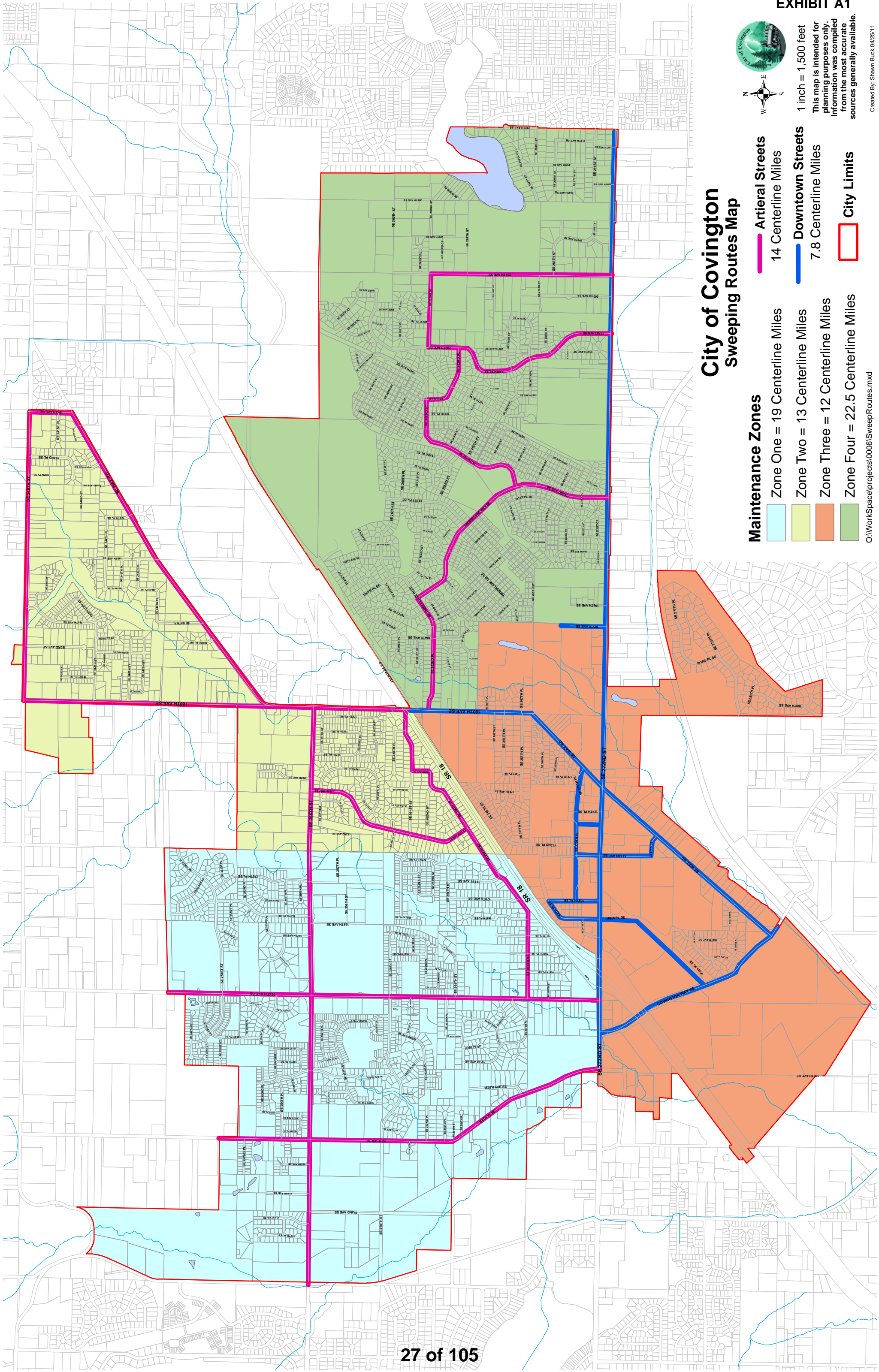


1 inch = 1,500 feet
This map is intended for planning purposes only. Information was compiled from the most accurate sources generally available.

Created By: Shawn Buck, 04/25/11

City of Covington Sweeping Routes Map

- Maintenance Zones**
 - Zone One = 19 Centerline Miles
 - Zone Two = 13 Centerline Miles
 - Zone Three = 12 Centerline Miles
 - Zone Four = 22.5 Centerline Miles
- Arterial Streets**
14 Centerline Miles
- Downtown Streets**
7.8 Centerline Miles
- City Limits**



City of Maple Valley
Small Public Works Roster
Street Sweeping

SCOPE OF SERVICES

The Contractor agrees to provide street sweeping services, curb to curb (or to edge of pavement), during this contract as follows (see Exhibit B1 and B2 for locations):

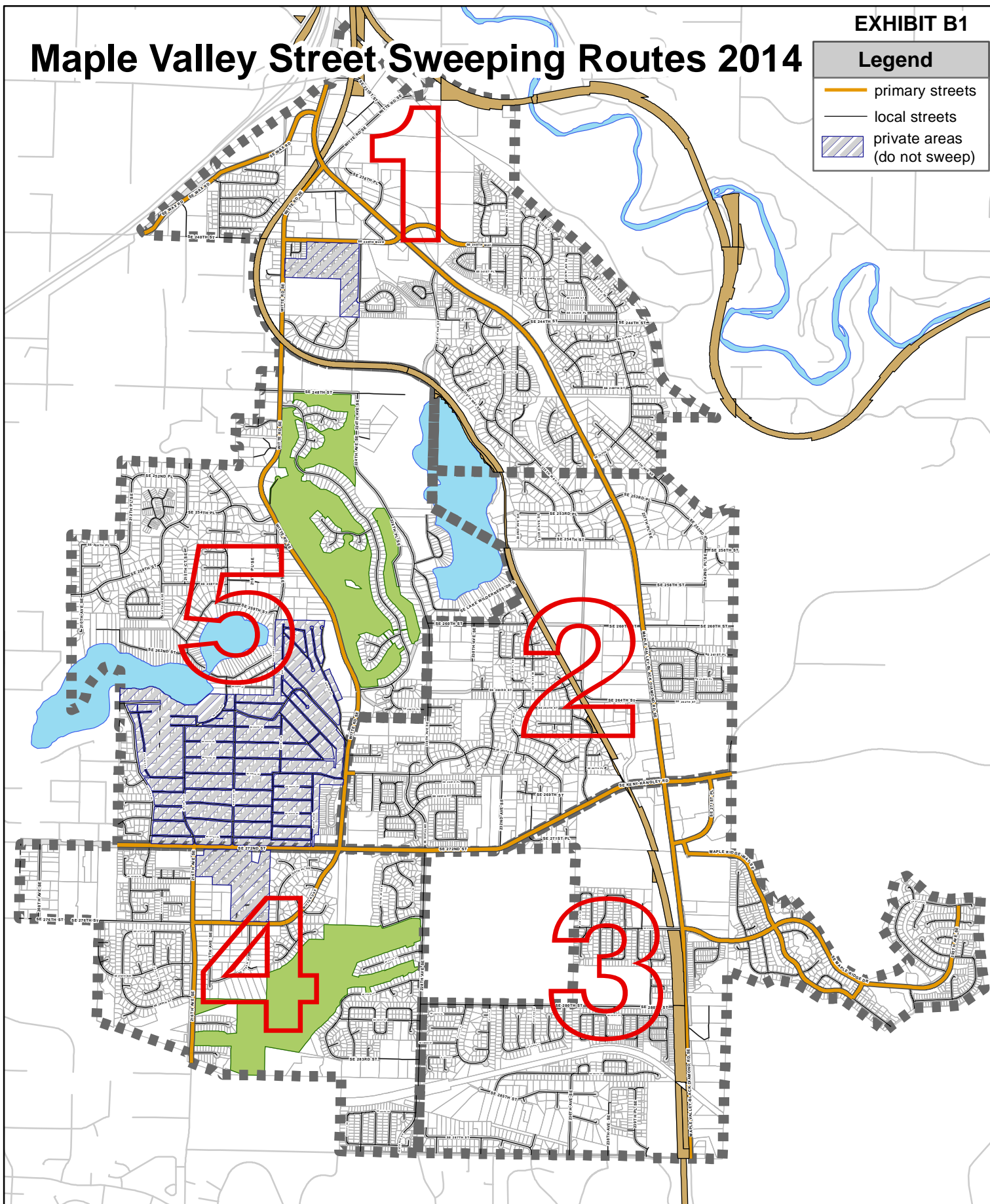
1. Primary Streets
 - Once per month
 - Prior to Community Events (1) June, MV Days (see Exhibit B2)
2. Local Streets
 - Quarterly
3. Emergency Response
 - Storm cleanup which includes sweeping sand after snow and ice events and wind storm cleanup (must be cleaned within 30 days of end of event).
 - Callout response which includes accidents and/or spill cleanup (must be within 1 hour).
 - Response to specific requests as transmitted by the City.
5. Contractor will provide monthly verification of proper disposal of spoils with each invoice submitted.
6. Contractor will notify the City of Covington Maintenance Supervisor in advance of work schedules.
7. Contractor will provide a weekly log to the City of Covington Maintenance Supervisor via email or fax indicating completed work.

Note: The contractor is responsible for proper disposals of all sweepings. No storage on City of Covington or City of Maple Valley property is available.

Maple Valley Street Sweeping Routes 2014

Legend

- primary streets
- local streets
- private areas (do not sweep)

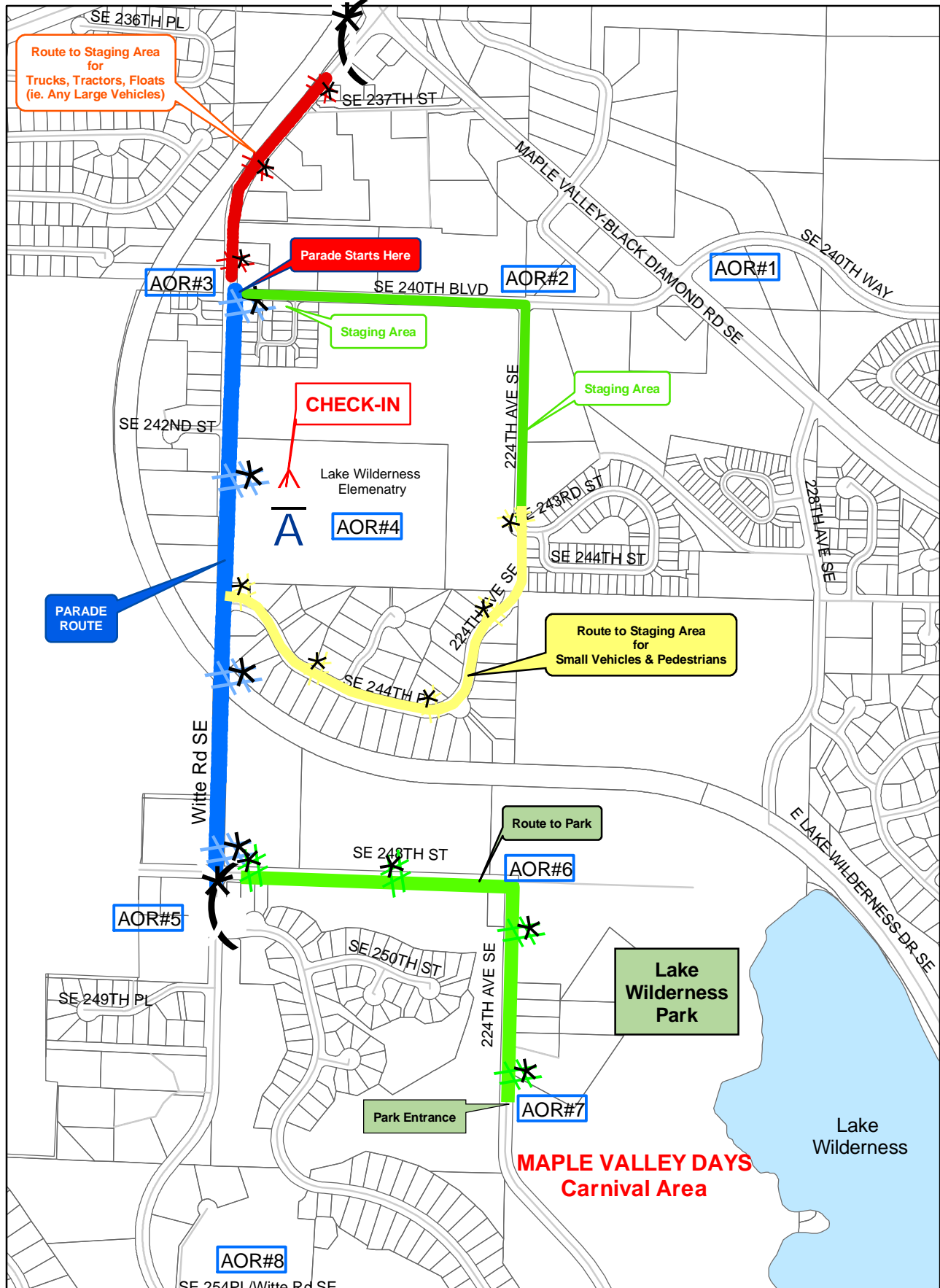


ZONE	LOCAL CENTERLINE MILES	LOCAL LANE MILES	PRIMARY CENTERLINE MILES	PRIMARY LANE MILES	TOTAL LANE MILES
1	13.3	26.8	5.31	10.62	37.22
2	12.72	25.44	4.58	9.17	34.61
3	12.22	24.45	5.58	11.16	35.81
4	9.95	19.9	2.78	5.55	25.45
5	21.85	43.7	2.74	5.48	48.44



Maple Valley Days Parade Route

EXHIBIT B2



Consent Agenda Item C-5

Covington City Council Meeting

Date: September 26, 2017

SUBJECT: CONSIDER REJECTING ALL BIDS FOR THE TIMBERLANE-JENKINS
STORMWATER RETROFIT PROJECT (CIP 1027A)

RECOMMENDED BY: Don Vondran, Public Works Director

ATTACHMENT(S):

1. Timberlane-Jenkins Stormwater LID Bid Tabs

PREPARED BY: Bob Lindskov, City Engineer

EXPLANATION:

On August 11, 2017, the city advertised a call for bids for the Timberlane-Jenkins Stormwater Retrofit Project (The "Project"). Bid opening for the Project occurred on August 31, 2017.

The Project was to retrofit stormwater facilities within the drainage easement areas within Timberlane Estates. The drainage easement in the plat is approximately 3,200 feet long and includes both piped and open-channel stormwater conveyance. At Site 1 there will be modifications to improve efficiency of collecting ground and surface waters in areas adjacent to an existing wet pond near Cedar Valley Elementary School at the intersection of SE 263rd Street and 193rd Place SE as shown on the plans. At Sites 2 and 3, two new bioretention facilities will be constructed located at the intersection of SE 256th Street and Timberlane Way SE and at the intersection of 188th Avenue SE and SE 268th Street, as shown on the plans. At Site 4 an infiltration trench will be installed between 188th Avenue SE and SE 268th Street, as shown on the plans.

At the bid opening on August 31st we received three bids.

- Northwest Cascade, Inc. \$455,490
- Rodarte Construction, Inc. \$468,636
- Road Construction Northwest \$801,634

The Engineer's estimate was \$296,456. Based on the low bid being significantly over the Engineer's estimate (more than 50%), staff recommends rejecting the bid. Staff intends to re-advertise in the spring.

This project is fully funded as part of the City's Stormwater Management Program.

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

Council member _____ moves, Council member _____ seconds, to reject all bids for the Timberlane-Jenkins Stormwater LID project.

REVIEWED BY: City Manager, Finance Director, City Attorney

BIDDER		ENGINEER'S ESTIMATE		NORTHWEST CASCADE, INC.		RODARTE CONSTRUCTION, INC.		ROAD CONSTRUCTION NORTHWEST, INC.		
BIDDER ADDRESS				10412 Johns Bananola Way E.		17 East Valley Hwy. E.		P.O. Box 2228		
				Puyallup, WA 98373		Auburn, WA 98092		Renton, WA 98056		
WASHINGTON STATE WORKMAN'S COMP. ACCT. NO.				265, 081-00		388, 601-00		044, 215-03		
WASHINGTON STATE CONTRACTOR'S REG. NUMBER				NORTHCI148BG		RODARI*225D9		RCNW*CN978L6		
BID BOND OR OTHER GOOD FAITH TOKEN				5% BID BOND		5% BID BOND		5% BID BOND		
NO.	ITEM	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Unexpected Site Changes	1 CALC	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
2	Survey	1 LS	\$3,000.00	\$3,000.00	\$6,500.00	\$6,500.00	\$6,500.00	\$6,500.00	\$10,000.00	\$10,000.00
3	SPCC Plan	1 LS	\$1,000.00	\$1,000.00	\$500.00	\$500.00	\$100.00	\$100.00	\$1,500.00	\$1,500.00
4	Mobilization, Cleanup and Demobilization	1 LS	\$25,000.00	\$25,000.00	\$36,300.00	\$36,300.00	\$30,000.00	\$30,000.00	\$65,000.00	\$65,000.00
5	Project Temporary Traffic Control	1 LS	\$2,500.00	\$2,500.00	\$17,000.00	\$17,000.00	\$18,000.00	\$18,000.00	\$25,000.00	\$25,000.00
6	Clearing and Grubbing	1 LS	\$5,000.00	\$5,000.00	\$33,000.00	\$33,000.00	\$25,000.00	\$25,000.00	\$50,000.00	\$50,000.00
7	Site Restoration	1 LS	\$7,000.00	\$7,000.00	\$1,700.00	\$1,700.00	\$2,000.00	\$2,000.00	\$15,000.00	\$15,000.00
8	Removal of Structure and Obstruction	1 LS	\$2,000.00	\$2,000.00	\$1,700.00	\$1,700.00	\$1,500.00	\$1,500.00	\$9,500.00	\$9,500.00
9	Locate Existing Utilities	1 LS	\$5,000.00	\$5,000.00	\$7,500.00	\$7,500.00	\$3,000.00	\$3,000.00	\$7,000.00	\$7,000.00
10	Crushed Surfacing Top Course	90 TN	\$30.00	\$2,700.00	\$135.00	\$12,150.00	\$55.00	\$4,950.00	\$55.00	\$4,950.00
11	Gravel Backfill for Drainage	490 TN	\$30.00	\$14,700.00	\$49.00	\$24,010.00	\$45.00	\$22,050.00	\$27.25	\$13,352.50
12	CPEP Perforated Storm Sewer Pipe, 12 In. Diam.	485 LF	\$60.00	\$29,100.00	\$57.00	\$27,645.00	\$55.00	\$26,675.00	\$240.00	\$116,400.00
13	CPEP Storm Sewer Pipe, 12 In. Diam. (Incl. Bedding)	8 LF	\$60.00	\$480.00	\$260.00	\$2,080.00	\$200.00	\$1,600.00	\$150.00	\$1,200.00
14	CPEP Perforated Storm Sewer Pipe, 18 In. Diam.	20 LF	\$80.00	\$1,600.00	\$148.00	\$2,960.00	\$200.00	\$4,000.00	\$200.00	\$4,000.00
15	CPEP Storm Sewer Pipe, 18 In. Diam. (Incl. Bedding)	250 LF	\$80.00	\$20,000.00	\$104.00	\$26,000.00	\$100.00	\$25,000.00	\$130.00	\$32,500.00
16	CPEP Storm Sewer Pipe, 36 In. Diam. (Incl. Bedding)	6 LF	\$200.00	\$1,200.00	\$1,475.00	\$8,850.00	\$1,100.00	\$6,600.00	\$2,000.00	\$12,000.00
17	Catch Basin, Type 1	1 EA	\$1,000.00	\$1,000.00	\$1,100.00	\$1,100.00	\$1,100.00	\$1,100.00	\$1,350.00	\$1,350.00
18	Catch Basin, Type 2, 48 In. Diam.	2 EA	\$3,000.00	\$6,000.00	\$2,700.00	\$5,400.00	\$2,500.00	\$5,000.00	\$4,800.00	\$9,600.00
19	Catch Basin, Type 2, 48 In. Diam. Dry Well	1 EA	\$3,500.00	\$3,500.00	\$4,550.00	\$4,550.00	\$4,500.00	\$4,500.00	\$6,500.00	\$6,500.00
20	Catch Basin, Type 2, 48 In. Diam. w/Vaned Grate	1 EA	\$4,000.00	\$4,000.00	\$2,600.00	\$2,600.00	\$2,700.00	\$2,700.00	\$4,800.00	\$4,800.00
21	Catch Basin, Type 2, 48 In. Diam. w/Weir	1 EA	\$6,000.00	\$6,000.00	\$7,600.00	\$7,600.00	\$7,500.00	\$7,500.00	\$25,000.00	\$25,000.00
22	Catch Basin, Type 2, 60 In. Diam.	1 EA	\$8,000.00	\$8,000.00	\$6,900.00	\$6,900.00	\$5,250.00	\$5,250.00	\$7,500.00	\$7,500.00
23	Connection to Existing System	2 EA	\$3,000.00	\$6,000.00	\$1,500.00	\$3,000.00	\$2,000.00	\$4,000.00	\$1,200.00	\$2,400.00
24	Modifications to Existing Structure	3 EA	\$500.00	\$1,500.00	\$625.00	\$1,875.00	\$800.00	\$2,400.00	\$1,500.00	\$4,500.00
25	Trench Excavation Safety Systems	1 LS	\$3,000.00	\$3,000.00	\$1,400.00	\$1,400.00	\$200.00	\$200.00	\$500.00	\$500.00
26	Erosion/Water Pollution Control	1 LS	\$10,000.00	\$10,000.00	\$21,000.00	\$21,000.00	\$6,000.00	\$6,000.00	\$25,000.00	\$25,000.00

DATE: 8/2017
 DRAWN: SC
 CHECKED: LN
 APPROVED: LN

CITY OF COVINGTON, WASHINGTON
 TIMBERLANE-JENKINS STORMWATER LID
 GRAY & OSBORNE #13599

GRAY & OSBORNE, INC.
 CONSULTING ENGINEERS

BIDDER				ENGINEER'S ESTIMATE		NORTHWEST CASCADE, INC.		RODARTE CONSTRUCTION, INC.		ROAD CONSTRUCTION NORTHWEST, INC.	
27	Seeding, Fertilizing and Mulching	300	SY	\$4.00	\$1,200.00	\$7.00	\$2,100.00	\$5.50	\$1,650.00	\$7.00	\$2,100.00
28	Bioretention Facilities	3,000	SY	\$30.00	\$90,000.00	\$47.00	\$141,000.00	\$68.00	\$204,000.00	\$90.00	\$270,000.00
29	Project Documentation	1	LS	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00	\$250.00	\$250.00	\$1,500.00	\$1,500.00
	Subtotal:				\$272,980.00		\$419,420.00		\$431,525.00		\$738,152.50
	Sales Tax @ 8.6%				\$23,476.28		\$36,070.12		\$37,111.15		\$63,481.12
	TOTAL CONSTRUCTION COST				\$296,456.28		\$455,490.12		\$468,636.15		\$801,633.62
Sealed bids were opened at the City of Covington, 16720 SE 271st Street, Suite 100, Covington, Washington 98042 on Thursday, August 31, 2017, at 10:00 a.m. (local time).											
I hereby certify that, to the best of my knowledge, the above tabulations are true and correct transcriptions of the unit prices and total amounts bid.											
LEIGH NELSON, P.E.											

CITY OF COVINGTON, WASHINGTON
TIMBERLANE-JENKINS STORMWATER LID
GRAY & OSBORNE #13599

DATE: 8/2017
DRAWN: SC
CHECKED: LN
APPROVED: LN

GRAY & OSBORNE, INC.
CONSULTING ENGINEERS

SUBJECT: PUBLIC HEARING AND CONSIDER ORDINANCE ON AMENDMENTS TO COVINGTON MUNICIPAL CODE TITLE 13 RELATED TO SEWER AND WATER SERVICE

RECOMMENDED BY: Salina Lyons, Principal Planner
Don Vondran, Public Works Director

ATTACHMENT(S):

1. Proposed Ordinance to amend Title 13 (Repealing Chapters 13.05, 13.10, & 13.45, adding a new Chapter 13.10 CMC, and amending CMC 13.45.10)

PREPARED BY: Ann Mueller, Senior Planner

EXPLANATION:

City staff is proposing amendments to Covington Municipal Code (CMC) Title 13 Public Utilities, specifically to repeal Chapter 13.05 Definitions, Chapter 13.10 Side Sewer Work, and Connection, and Chapter CMC 13.15 Sewer and Water Comprehensive Plans; and replace these with a new Chapter 13.10 Sewer and Water Service. Minor amendments are also proposed to CMC 13.45.10 Latecomer's Agreements to clarify that the city is not the appropriate agency to grant latecomers agreements related to water or sewer facilities.

Background

Amendments to the above chapters are being proposed by staff for the following reasons:

Old King County Language. Current code provisions in CMC 13.10 and 13.15 are based on King County language that has not been amended to account for the city's current process for ensuring that developments have proper sanitation and water facilities. As currently written, the code identifies the city as the purveyor of water and sewer facilities and places the burden to supply and make decision on connections with the city, specifically the Public Works Director. The city relies on Covington Water District and King County Water District #111 for water service and Soos Creek Water and Sewer District for sewer. Since these purveyors own and maintain these systems the city does not have authority in how they operate or provide utility services.

Adequacy of Public Facilities. The Growth Management Act (GMA) requires that adequate public facilities (water, sewer, transportation, schools, fire, etc.) are in place to serve new development as it occurs or within a specified period. Chapters 13.10 and 13.15 do not provide provisions or a process for evaluating development projects that do not have access to sewer and water facilities and puts the burden on the city to determine how the development will be serviced. It should be the developer's responsibility to work with the appropriate agencies, such as Public Health – Seattle & King County and the appropriate water and sewer districts operating within the city to ensure that adequate sewage service and water services are provided to

accommodate the development. As previously stated, the city is not the correct agency to make individual determinations on availability of water and sewer services.

Proposed Amendments

The proposed new Chapter 13.10 CMC provides guidance on water and sewer service within the city limits, and includes specific definitions (CMC 13.10.015), as well as requirements for when development proposals are required to connect to water and sewer and what exemptions are permitted. The new code language makes it clear that the City of Covington is not a water or sewer service provider; but references applicable state and county regulations and directs the reader to the sewer-water district who have plans, policies, and codes in place to implement and enforce when and how sewer and/or water service is provided to new and existing development in the city.

Public Notice

Notice of tonight’s public hearing before the City Council on these proposed amendments was published in the Covington Reporter, posted at City Hall, and on the city’s website on September 8, 2017.

ALTERNATIVES:

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

FISCAL IMPACT:

There is no fiscal impact from these proposed amendments

CITY COUNCIL ACTION: X Ordinance Resolution Motion Other

Council member _____ moves, Council member _____ seconds, to adopt an Ordinance in substantial form as found in Attachment 1 to amend Title 13 of the Covington Municipal Code related to water and sewer service within the City of Covington, finding that the amendments are in accordance with the Covington Comprehensive Plan.

REVIEWED BY: City Manager; City Attorney.

ORDINANCE NO. 12-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, REPEALING CHAPTERS 13.05, 13.10, AND 13.15; ADDING A NEW CHAPTER 13.10; AND AMENDING SECTION 13.45.010 OF THE COVINGTON MUNICIPAL CODE, RELATING TO SEWER AND WATER SERVICE.

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

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

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

WHEREAS, City staff transmitted drafts of the proposed amendments to staff at the Covington Water District, Soos Creek Water and Sewer District, and Public Health - Seattle & King County and received comments and suggestions to the draft that were incorporated in to the new Chapter 13.10 Sewer and Water Service.

WHEREAS, the proposed amendments to CMC Title 13 are consistent with the goals, objectives, and policies of the City’s comprehensive plan; and

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

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

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

Section 2. Repeals. The following Chapters are repealed:

Chapter 13.05 Definitions, is repealed.

Chapter 13.10 Side Sewer Work and Connections, is repealed.

Chapter 13.15 Sewer and Water Comprehensive Plans, is repealed.

Section 3. Additions. Chapter 13.10 Sewer and Water Service is added to read as follows:

Chapter 13.10

SEWER AND WATER SERVICE

Sections:

- 13.10.010 Purpose.
- 13.10.015 Definitions
- 13.10.040 Development proposals - sewer connections required.
- 13.10.045 Approved on-site sewage systems.
- 13.10.050 Development proposals - water connection required.
- 13.10.060 Certificates of water and sewer availability required.
- 13.10.070 Connection to public water and sewer-Right of Way Permit Required.
- 13.10.080 Use of the public sewers.
- 13.10.090 Protection from damage.

13.10.010 Purpose.

The purpose of this chapter is to:

- (1) Ensure that adequate public facilities for potable water and wastewater treatment are provided in an efficient and coordinated manner with applicable water-sewer district(s) Comprehensive Plans, as referenced or amended.
- (2) Provide information to assist in the review of development proposals.

13.10.015 Definitions

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows. Unless otherwise defined below the definitions in Chapter 18.20 CMC apply.

- (1) “Designated City Official” means the City employee(s) designated by the City Manager to be responsible for enforcing the terms of this chapter.
- (2) “Group A water system” means a public water system with 15 or more service connections, regardless of the number of people served, or a system serving an average of 25 or more people per day for 60 or more days within a calendar year, regardless of the number of service connections.
- (3) “Group B water system” means a public water system that is not a Group A water system, with less than 15 service connections and:
 - (a) Fewer than twenty-five people per day; or
 - (b) Twenty-five or more people per day for fewer than sixty days per year, provided the system does not serve one thousand or more people for two or more consecutive days.
- (4) “Public sewer” means any sewer or appurtenant facility other than a side sewer, either owned or operated by a water-sewer district within the jurisdiction of the City of Covington

and approved by or under permit from the Washington State Department of Ecology, the Washington State Department of Health, and/or a local health officer at Public Health - Seattle-King County.

- (5) "On-site sewage system" (OSS) means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component.
- (6) "Sewage" means liquid-carried waste discharged from the sanitary facilities of buildings occupied or used by people.
- (7) "Side sewer" means any sewer line used or installed by any person to conduct waste from any property to a public sewer.

13.10.040 Development proposals -- sewer connections required.

- (1) All development proposals, including but not limited to multi-family and single-family development proposals, commercial site plans, subdivisions and short-subdivisions within the City shall be served by public sewer facilities.
- (2) Exemptions from connecting to a public sewer system. The following are exempt from providing a sewer connection as follows. An exemption does not eliminate the requirement for the applicant to obtain approval from other agencies with jurisdiction.

- (a) Nonresidential developments that are located more than 300 feet from public sewer may be approved without connection to the public sewer system provided the following criteria are met prior to the issuance of the underlying land use decision associated with the development type:

- (i) The applicant has received approval for an on-site sewage system design from Public Health – Seattle & King County (PHSKC) in accordance with the codes of the King County Board of Health. Any approval and preliminary design for an on-site sewage system shall be submitted with the underlying land use application in accordance with the City's application completeness requirements; and

- (ii) Proposed on-site sewage systems shall be located on the same lot as the buildings they are designed to serve. An off-site sewage system may be considered if an easement is obtained and recorded against the subject properties and if the off-site system is designed in accordance with the determination of the King County Board of Health and PHSKC; and

- (iii) The applicant shall provide the City a certificate of future connection from the sewer district that certifies that an irrevocable agreement has been entered into with the sewer district requiring that the property shall be connected to public sewers upon availability of such sewers and that the property owner shall pay all costs of connection to the sewer and report the septic tank abandonment to the health officer on a form obtained from the PHSKC to the City and the PHSKC. The certificate of future connection shall stipulate that the applicant and the

applicant's successors in interest agree to participate in and not protest the formation of a utility local improvement district or local improvement district or sewer district project that is designed to provide public sewer services to the property. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for connection are fully paid to the sewer district. The applicant cannot receive any development permits for the site until said agreement is executed, unless otherwise determined by the sewer district and Designated City Official.

- (b) A new single-family home or an expansion or a remodel of a single-family home on a pre-existing lot is not required to connect to the public sewer system if the availability of such sewer connection is greater than 300 feet from the property and the applicant has obtained approval for an on-site sewage system design from PHSKC in accordance with the codes of the King County Board of Health. Any approval and preliminary design for an on-site sewage system shall be submitted with the building permit application in accordance with the City's application completeness requirements.
 - (c) A new Accessory Dwelling Unit (ADU) permitted pursuant to Chapter 18.25 CMC is allowed on lots with an approved on-site sewage system, provided approval from PHSKC demonstrates that the existing on-site sewage system has adequate capacity for the ADU. If the existing on-site sewage system is inadequate to accommodate the ADU, then the applicant should obtain approval for an upgraded on-site sewage system design from the PHSKC in accordance with the codes of the King County Board of Health. Any approval and preliminary design for an improved on-site sewage system, associated with an ADU, shall be submitted with the building permit application in accordance with the City's application completeness requirements.
 - (d) The development proposal does not require sewer service for its operations in accordance with Chapter 15.05 CMC International Codes Adoption and as determined by the PHSKC or sewer district.
 - (e) Repair, modification, or replacement of an existing on-site sewage system. If the on-site sewage system has failed and a new system conforming to the PHSKC cannot be designed and installed, then the applicant shall be required to connect to the public sewer system, unless otherwise determined by the sewer district.
- (3) If the applicant fails to obtain approval from PHSKC for the use of an on-site sewage system, then the applicant shall coordinate with the sewer district to provide an appropriate connection or other method of sewer disposal as determined by the sewer district.

13.10.045 Approved on-site sewage systems.

On-site sewage systems approved consistent with CMC 13.10.040 shall also meet the following:

- (1) Any proposed on-site sewage system shall not impact any stormwater facility pursuant to Chapter 13.25 CMC; and
- (2) No on-site sewage system shall be used that directly or indirectly discharges upon the surface of the ground or into any critical areas as defined in Chapter 18.65 CMC within the City; and

- (3) All on-site sewage systems shall be maintained in accordance with state and local codes and at the sole expense of the owner and occupant.

13.10.050 Development proposals - water connection required.

All development proposals, including but not limited to multi-family and single-family development proposals, commercial site plans, subdivisions and short-subdivisions within the City shall be served by the appropriate water district unless service cannot be provided in a timely and reasonable manner as provided in RCW 43.20.260, RCW 70.116.060 and the local water district's adopted policies and codes. Alternative water service should be permitted on an interim basis only, as follows:

- (1) For development proposals on existing individual lots, the Designated City Official may authorize interim water service from an existing Group B water system or the development of an individual well given the following findings:
 - (a) The applicant has submitted a certificate of water availability from the appropriate Group A water system that demonstrates to the satisfaction of the Designated City Official that the requirement to receive water service from the appropriate Group A water system cannot be provided in a timely and reasonable manner in accordance with RCW 43.20.260, RCW 70.116.060 (3)(b), and the local water district's adopted policies and codes; and
 - (b) The applicant has provided a certificate of future connection from the appropriate Group A water system that certifies an irrevocable agreement has been entered into with the appropriate existing Group A water system providing that the property shall be connected to the water system upon availability of such water service and that the property owner shall pay all costs of connection. This certificate shall state the applicant and his grantees agree to participate in and not protest the formation of a utility local improvement district or local improvement district or water district project that is designed to provide public water services to the property. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the connection is made to the public water system. The applicant cannot receive any development permits for the site until said agreement is executed, unless otherwise determined by the appropriate Group A water system and Designated City Official; and
 - (c) The applicant has provided documentation that a Group B water system is approved for use by PHSKC or the Washington State Department of Health and the property is included in the recorded water use agreement.
- (2) For subdivisions and short subdivisions, interim water service from a new or existing Group B water system may be approved as follows:
 - (a) The applicant has received approval from PHSKC or the Washington State Department of Health for the creation of a new Group B water system in accordance with the coordinated water system plan, or the property is included in the recorded water use agreement; and

- (b) The Designated City Official makes the following findings:
 - (i) The applicant has provided a certificate of future connection from the appropriate Group A water system that certifies an irrevocable agreement has been entered into with the district providing that the property shall be connected to the Group A water system upon availability of such water service and that the property owner shall pay all costs of connection. This certificate shall state the applicant and his/her grantees agree to participate in and not protest the formation of a utility local improvement district or local improvement district or water district project that is designed to provide public water service to the property. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for connection are fully paid to the district; and
 - (ii) A new Group B water system formed in the planning area of an existing water district as identified in a coordinated water system plan shall be operated through satellite system management; and
 - (iii) Any new Group B water system shall be built to the design standards of the appropriate Group A water system to which it will eventually be connected.
- (3) Either existing wells or Group B water systems, or both, may serve the lots that the systems are ultimately designed to serve and shall be managed in compliance with applicable codes.
- (4) Exemptions from connecting to a public water system. The following are exempt from providing a certificate of water availability and connecting to a public water system. An exemption does not eliminate the requirement for the applicant to obtain approval from other agencies with jurisdiction.
 - (a) Any expansion and remodeling of an existing structure that does not involve the drilling of a new well provided that the expansion or remodeling project does not place a higher demand on the appropriate Group A water system. A change in use or a change in the service line that increases demand on the Group A water system will need to be approved through the issuance of a certificate of water availability, pursuant to all applicable state and local laws and regulations and the local water district's adopted policies and codes.
 - (b) The development proposal does not require potable water service for its operations in accordance with Chapter 15.05 CMC International Codes Adoption and as determined by PHSKC.
- (5) If the applicant fails to obtain approval from the PHSKC for the use of an alternative water service, then the applicant shall coordinate with the appropriate water district to obtain an appropriate connection.

13.10.060 Certificates of water and sewer availability required.

The issuance of a certificate of water availability by a water district or sewer availability by a sewer district shall be submitted to the City at the time of the development proposal's application to document that adequate water and sewer service is available.

- (1) Water availability. Certificates of water availability shall document that the water district's service capability is adequate for the proposed development consistent with criteria or standards of the Washington State Department of Health, Washington State Department of Ecology, and PHSKC, or local water district as appropriate to the development. The City will not accept a certificate of water availability if information provided on the certificate is not complete or not consistent with CMC Title 13.
- (2) Sewer availability. Certificates of sewer availability shall document that the sewer district's service capability is adequate for the proposed development consistent with criteria or standards of the of the Washington State Department of Ecology and PHSKC, or local sewer district, as appropriate to the development. The City will not accept a certificate of sewer availability if information provided on the certificate is not complete or consistent with this CMC Title 13.
 - (a) The applicant is required to obtain certificates of sewer availability or other approval as determined by the sewer district to ensure that the applicant has met the requirements of CMC Title 13.
 - (b) Where a development has obtained approval for an on-site sewage system or other wastewater treatment method, if service is not provided by a local sewer district, PHSKC approval shall be submitted with the development application.

13.10.070 Connection to public water and sewer-Rights-of-Way Permit Required.

- (1) It is unlawful for any person to make any opening for the installation of public water or sewer within a public rights-of-way or other public place without complying with the provisions of this chapter.
- (2) Rights-of-Way Use permit requirement. A rights-of-way use permit is required for any use of the City rights-of-way in accordance with Chapter 12.35 CMC.
- (3) Financial Guarantee Required. The City may request a financial guarantee for any work within the City rights-of-way in accordance with Chapter 14.105 CMC.
- (4) Restoration. Excavating for the purpose of connecting to public water or sewer within any public rights-of-way or other public place shall be restored pursuant to Chapter 12.115 CMC.

13.10.080 Use of the public sewers.

- (1) It is unlawful for any person to discharge or cause to be discharged any of the following into any public sewer or into any side sewer discharging into any public sewer: subsoil, foundation, footing, window-well, door-well, yard, or unroofed basement floor drains, unpolluted industrial process water, roof drains or downspouts from areas exposed to rainfall or other precipitation, or surface or underground water from any source.
- (2) Use of the public sewer shall be in accordance with Chapter 13.25 CMC and other local and state regulations and requirements pertaining to surface and stormwater design and management.

13.10.090 Protection from damage.

It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the public sewer system or water system.

Section 4. Amendments. Section 13.45.010 Authority, is amended to read as follows:

The City Council is vested with the discretion to grant latecomer's agreements ~~which~~ that provide for the reimbursement of a pro rata portion of ~~water system, sanitary sewer system, stormwater drainage system,~~ and street improvement expenditures by developers. Reimbursement agreements relating to water or sewer facilities constructed by developers may be available from the applicable water-sewer district in accordance with Chapter 57.22 RCW.

Section 5. Savings. The enactment of this ordinance shall not affect any application, case, proceeding, appeal, or other matter currently pending administratively or judicially in any court or in any way modify any right or liability, civil or criminal, that may be in existence on the effective date of this ordinance.

Section 6. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Corrections. Upon approval of the city attorney, the city clerk and/or code codifier is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

Section 8. Effective Date. This ordinance shall be in full force and effect five (5) days after publication in the City's newspaper of record. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON,
WASHINGTON, at a regular meeting thereof on the 26th day of September, 2017, and signed in authentication of its passage.

Mayor Jeff Wagner

PUBLISHED: September 29, 2017

EFFECTIVE: October 4, 2017

ATTESTED:

Sharon Scott, City Clerk

APPROVED AS TO FORM ONLY:

Kathy Hardy, City Attorney

SUBJECT: PUBLIC HEARING AND CONSIDER ORDINANCE ADDING THREE DEFINITIONS TO CMC 16.15 FLOOD DAMAGE PREVENTION

RECOMMENDED BY: Ann Mueller, Senior Planner

ATTACHMENT(S):

1. Proposed Ordinance to include three definitions in CMC 16.15.030

PREPARED BY: Ann Mueller, Senior Planner

EXPLANATION:

On June 27, 2017, the City Council approved Ordinance 06-2017 which included amendments to Covington Municipal Code (CMC) 16.15 Flood Damage Prevention. These proposed amendments were provided to the Washington State Department of Commerce in December 2016 who shared the proposed edits with other state agencies. The city received comments on those amendments, including from staff at the Washington State Department of Ecology(Ecology). Those comments were incorporated into the proposed amendments adopted by the City Council.

On July 24, 2017, staff received a request from Ecology staff to incorporate into CMC 16.15 the definitions for “Flood Insurance Study,” “Floodway,” and “Recreation Vehicle” for consistency with the National Flood Insurance Program(NFIP).

Flood Insurance Study.

“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.

Floodway.

“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.

Recreational Vehicle.

“Recreational Vehicle” means a vehicle,

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

Attachment 1 is an Ordinance that will amend CMC 16.15.30 to include these three definitions to ensure the city remains compliant with the NFIP.

ALTERNATIVES:

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

FISCAL IMPACT:

None.

CITY COUNCIL ACTION: Ordinance Resolution Motion Other

**Council member _____ moves, Council member _____
seconds, to adopt an ordinance relating to Flood Damage Prevention
definitions.**

REVIEWED BY: City Manager; City Attorney.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, RELATING TO REGULATIONS IN CHAPTER 16.15 FLOOD DAMAGE PREVENTION OF THE COVINGTON MUNICIPAL CODE TO ADD THREE DEFINITIONS TO ENSURE CONTINUED COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) MINIMUM REQUIREMENTS.

WHEREAS, Title 16.15 of the Covington Municipal Code (CMC) provides regulations for protecting the city's flood hazard areas and regulating allowed uses within those areas; and

WHEREAS, on the 27th day of June, 2017, the City Council approved Ordinance 06-2017 adopting updates to CMC 16.15 Flood Damage Prevention to include Best Available Science and provide consistency with the National Flood Insurance Program; and

WHEREAS, City staff transmitted the proposed amendments to CMC Chapters 16.15 to the Washington State Department of Commerce in December 2016, as required under RCW 36.70A.106, and received comments from state agencies including the Washington State Department of Ecology (Ecology) which were incorporated into the amendments approved in Ord. 06-2017; and

WHEREAS, in preparing these amendments to CMC 16.15 the city used consultants who did extensive research on the standards and requirements for updating the amendments to those regulations for flood damage prevention in the city; and

WHEREAS, after approval by the City Council of Ord. 06-2017 city staff transmitted the approved amendments to the Washington State Department of Commerce on June 28, 2017 as required by law;

WHEREAS, on July 24, 2017, city staff received an email from Ecology's NFIP State Coordinator requesting the addition of three definitions for "Flood Insurance Study," "Floodway," and "Recreation Vehicle" to CMC 16.15 for consistency with the NFIP; and

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

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

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

Section 2. Amendments to Chapter 16.15. The following three definitions shall be added to CMC 16.15.30:

Flood Insurance Study.

“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.

Floodway.

“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.

Recreational Vehicle.

“Recreational Vehicle” means a vehicle,

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

Section 3. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Corrections. Upon approval of the city attorney, the city clerk and/or code codifier is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, at a regular meeting thereof on the 26th day of September, 2017, and signed in authentication of its passage.

Mayor Jeff Wagner

ATTESTED:

PUBLISHED: September 29, 2017

EFFECTIVE: October 4, 2017

Sharon Scott, City Clerk

APPROVED AS TO FORM ONLY:

Kathy Hardy, City Attorney

SUBJECT: CONSIDER ORDINANCE ADDING CHAPTER 2.73, LANDMARKS AND HERITAGE COMMISSION; AMENDING CHAPTER 18.47, PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS; AND CONSIDER RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT WITH KING COUNTY AND AMENDING FEE RESOLUTION

RECOMMENDED BY: Planning Commission

ATTACHMENT(S):

1. Aug. 17, 2017 Staff Memo to the Planning Commission
2. Proposed Ordinance adding Chapter 2.73 and amending Chapter 18.47 of the CMC
3. Proposed Resolution to authorized entering into an ILA with King County and amending the fee resolution.

PREPARED BY: Ann Mueller, Senior Planner

EXPLANATION:

On August 17, 2017, the Planning Commission held a public hearing on this proposal. There were no public comments and the Planning Commission voted 4-0 to recommend that the City Council approve the proposed amendments to the Covington Municipal Code and enter into an interlocal agreement with King County to provide historic preservation services. The Planning Commission also recommended that the city charge for the review of all Landmark applications.

Attachment 1 is the August 17, 2017 staff memo to the Planning Commission on the proposed amendments, decision criteria, findings of fact, SEPA determination, and required notices.

Among its 13 goals, Washington's Growth Management Act (GMA) includes a goal to "Identify and encourage the preservation of lands, sites, and structures that have historical, cultural, and archaeological significance." RCW 36.70A.020(13) Although the GMA does not require an historic preservation or cultural resources element in a comprehensive plan, cities and counties planning under the GMA must consider and incorporate the historic preservation goal.

The city's current regulations for the protection and preservation of Landmarks, Landmark Sites and Districts are those that were in place when the city was incorporated and are for the most part the same as King County code. Staff is proposing to amend CMC 18.47 to adopt King County Code for the process and criteria for the designation of Landmarks which is almost verbatim to the city's code language, and add a new Chapter to Title 2 related to the designation of a Landmarks Commission in the city.

King County offers the Regional Historic Preservation Program where it partners currently with 22 cities throughout the county to provide historic preservation services. This cooperative approach to preserving the region's history and character has many benefits, including:

- cost efficient delivery of professional services;
- preservation and enhancement of significant aspects of local history;
- access to incentives for property owners;
- access to local, state and federal funding sources for preservation;
- basis for tourism development programs; and
- enhancement of community character.

Services that would be provided by the County include landmark designation and protection, preparation of landmark nomination applications, survey and inventory of historic properties, developing design guidelines, archaeological review, and assisting with preservation planning or other preservation-related work. The services would only be provided when and if a participating city chooses to request the services. Services are provided through King County’s Historic Preservation Program (KCHPP), via an interlocal agreement between King County and the participating city. The cost of services provided is only charged when the participating city requests and authorizes them. Also, the participating city has the option to recover fees from any owner/applicant of a related historic property that may be subject to services provided as part of the program.

Attachment 2 is the proposed Ordinance, which includes two modifications to the County’s code:

- Require property owner(s)’ written consent prior to King County acceptance of a nomination request to designate individual properties as landmarks; and
- Require that any appeal be heard by the City’s Hearing Examiner.

Attachment 3 is the proposed Resolution authorizing the City Manager to enter into an Interlocal Agreement with King County to provide historic preservation services and to amend the current Fee Resolution to require applicants to cover the costs of services related to historic preservation services provided by KCHPP per the interlocal agreement.

ALTERNATIVES:

1. Recommend amendments to the proposed ordinance and/or resolution.
2. Return the issue to city staff for further study and analysis.

FISCAL IMPACT:

The proposal is revenue neutral as costs are proposed to be passed through to the applicant.

The city’s participation in King County’s Regional Historic Preservation program by adopting the proposed city-wide landmarks preservation ordinance and entering into an interlocal agreement with the county would allow property owners the opportunity to participate in the King County Special Valuation Program for rehabilitated historic properties and other funding opportunities.

One of the primary benefits of the program is that owners of designated landmark properties are eligible to apply for a variety of incentive programs including property tax reductions, brick-and-mortar grants, and technical assistance from qualified preservation professionals. These incentives are intended to promote preservation activities within communities, as well as encourage owners of potentially historic properties to improve them and thereby increase the economic viability of the rehabilitated properties and the neighborhoods in which they are located. City planners also have access to professional expertise for assistance with

archaeological issues, which could occur when a city is performing SEPA reviews for development projects.

CITY COUNCIL ACTION: X Ordinance X Resolution Motion Other

Council member _____ moves, Council member _____ seconds, to adopt an ordinance to add a new Covington Municipal Code Chapter 2.73 to create a Landmarks and Heritage Commission and to repeal and replace Covington Municipal Code Chapter 18.47, Protection and Preservation of Landmarks, Landmark Sites and Districts.

Council member _____ moves, Council member _____ seconds, to approve a resolution authorizing the City Manager to enter into an interlocal agreement with King County and to amend the current fee resolution to require the applicant to pay for any costs incurred by the city in the processing of an application for landmark status.

REVIEWED BY: City Manager; City Attorney.



City of Covington
16720 SE 271st St. Suite 100
Covington, WA 98042
City Hall – 253.480.2400
www.covingtonwa.gov

ATTACHMENT 1

Memo

To: Planning Commission

From: Ann Mueller, Senior Planner

Date: August 17, 2017

Re: Public Hearing on Code Amendments on the process and procedures for designating Landmarks, Landmark Sites and Districts

Attachments:

- 1) Ordinance amending the CMC related to designation of Landmarks, Landmark Sites and Districts**
- 2) King County Regional Historic Preservation Program handout**
- 3) King County Code Chapter 20.62 Protection and Preservation of Landmark Sites and Districts**
- 4) City of Covington – King County Interlocal Agreement for services.**

At the Planning Commission’s August 3, 2017, regularly schedule public meeting staff provided an overview of the proposal to amend current regulation for the protection and preservation of Landmark, Landmark Sites and Districts as provided for in Covington’s Municipal Code (CMC) Chapter 18.47.

This is a city-initiated code amendment consistent with CMC 14.27 Development Regulations and Zoning Map Amendments. Tonight, the Planning Commission is holding the required public hearing on the attached ordinance, to consider the amendments and any public comments, and to forward a recommendation to the City Council as to whether each proposed amendment meets the criteria in CMC 14.27.040.

Attachment #1 is a draft of the ordinance which contains the amendments proposing to amend CMC 18.47 and add a new CMC 2.73, to create a Landmarks and Heritage Commission and to adopt King County Code (KCC) for the process and criteria for the designation of Landmarks. Since Covington does not have staff trained in the review and treatment of historic properties, this proposal will designate the King County Landmarks Commission as the Landmarks Commission for the City of Covington, and King County staff will review nominations and applications to alter any designated Landmarks in Covington. When a Covington building or site is up for designation, the City will designate a member to the King County Landmark Commission for their input on the review of those landmark nominations.

Attachment #2 is a handout describing King County’s Regional Historic Preservation Program which Covington would be joining with these code amendments.

Attachment #3 is the full text of KCC 20.62 Protection and Preservation of Landmark Sites and Districts, the yellow highlighted text are the code sections that are specified for adoption in the draft Ordinance (Attachment 1). For example, KCC 20.62.040 is the designation criteria by which a building, site or district can be designated a Landmark, the proposed Ordinance specifies the adoption of KCC 20.62.041, Designation Criteria, except all references to “King County” are changed to read “City of Covington.” Likewise, KCC 20.62.050 nomination procedure is adopted in the proposed Ordinance, except that an additional requirement that all nominations must have the written consent of the property owners(s) is added.

Attachment #4 is a draft of the Interlocal Agreement (ILA) between King County and Covington for services associated with future Landmark designations with in the City of Covington. Note this draft of the ILA is being provided to the Commission for informational purposes only. The City Council will review and determine if

growing toward greatness.

they will enter into an ILA with King County on this matter based on the recommendation of staff and the city attorney.

CMC 14.27.040 Decision criteria.

The City Council's approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

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

Staff Findings: Yes, these amendments are consistent with the Covington Comprehensive Plan 2015-2035 and is supported by Land Use Element Policy 19.

Policy LU-19. Coordinate planning efforts with State agencies, King County, and neighboring cities to address shared areas of interest and concern such as transportation systems and concurrency, regional trails, health and human services, shorelines of the state, surface and groundwater systems, watersheds, and other topics.

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

Staff Findings: There is no proposed zoning map amendment. The proposed amendments are consistent with the City's zoning code.

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

Staff Findings: Not Applicable. There is no proposed zoning map amendment proposed.

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

Staff Findings: Not Applicable. There is no proposed zoning map amendment proposed.

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

Staff Findings: These proposed amendments apply city-wide. There are currently no properties with Landmark designation.

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

Staff Findings: These proposed amendments have not been proposed or reviewed by the City in the last three years.

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

Staff Findings: Not Applicable.

Procedural Requirements.

Required Notice to State Department of Commerce.

Pursuant to state law and CMC 14.27.050(4), the city has provided the Washington State Department of Commerce a copy of the proposed code amendments more than 60-days prior to the expected date of final City Council action. City staff provided drafts of the proposed code amendments to the Department of Commerce on July 17, 2017. Commerce then distributes the drafts to state agencies for review and comment. No comments have been received on these amendments.

SEPA

A SEPA determination of nonsignificance was issued for these proposed amendments on July 28, 2017, with a legal notice placed in the Covington Reporter, posted at city hall, and on the city's website. Copies were also provided to the SEPA register, Muckleshoot Indian Tribe, and Department of Ecology.

Planning Commission Hearing

These amendments are legislative actions, and the public hearing before the Planning Commission is scheduled for August 17, 2017. The Commission will take public testimony, review comments, and make a final recommendation to the City Council. Consistent with CMC 14.30.060, notice of the Planning Commission public hearing was published in the Covington Reporter on July 28, 2017, more than 14-days prior to the scheduled public hearing. Notice was also posted on the city’s website and at city hall.

Recommended Motion:

Move to recommend the City Council approve the proposed Zoning Code amendments to CMC Title 13 and CMC Chapter 18.47, in substantial form as found in Attachment 1, finding that the amendments are in accordance with the Covington Comprehensive Plan and CMC 14.27.040 Decision criteria for code amendments. The Planning Commission also recommends that the City charge a fee for the review of Landmark applications.

Alternative Motion: Move to continue the public hearing on the proposed amendments to _____ and request staff _____.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON RELATING LANDMARK DESIGNATION AND PROTECTION, ADDING COVINGTON MUNICIPAL CODE CHAPTER 2.73 CREATING A LANDMARKS AND HERITAGE COMMISSION, AND REPEALING AND REPLACING COVINGTON MUNICIPAL CODE CHAPTER 18.47 PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS.

WHEREAS, historic preservation fosters civic pride in the beauty and accomplishments of the past and improves the economic vitality of our communities; and

WHEREAS, the City of Covington desires to designate, protect, and enhance those sites, buildings, districts, structures and objects that reflect significant elements of its cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, and other history; and

WHEREAS, such cultural and historic resources are a significant part of the heritage, education and economic base of the City of Covington, and the economic, cultural and aesthetic well-being of the City cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources; and

WHEREAS, the purpose of this Ordinance is to:

- (a) Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the City's, County's, State's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;
- (b) Foster civic pride in the beauty and accomplishments of the past;
- (c) Stabilize and improve the economic values and vitality of landmarks;
- (d) Protect and enhance the City's tourist industry by promoting heritage-related tourism;
- (e) Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of City of Covington;
- (f) Promote and continue incentives for ownership and utilization of landmarks;
- (g) Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;
- (h) Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in the preservation, exhibition and interpretation of Covington's heritage;
- (i) Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter.

WHEREAS, the Covington Planning Commission held a public hearing on these amendments on August 17, 2017; and

WHEREAS, King County is able to provide landmark designation and protection services to the City; and

WHEREAS, the City has elected to contract with King County to provide such services; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection;

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

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

Section 2. Landmark Commission. Covington Municipal Code Chapter 2.73 Landmarks and Heritage Commission is hereby added to read as follows:

2.73.010 Landmarks and Heritage Commission– Membership and organization.

(1) The King County Landmarks Commission (“Commission”), established pursuant to King County Code (K.C.C.), Chapter 20.62, as amended, is hereby designated and empowered to act as the Landmarks and Heritage Commission for the City of Covington pursuant to the provisions of this Chapter. Membership and organization shall be as follows:

(a) The Special Member of the Commission, provided for in Section 20.62.030 of the King County Code, shall be appointed by the Covington City Council. Such special member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a three-year term. Such special member shall serve until his or her successor is duly appointed and confirmed. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Such special member may be reappointed, but may not serve more than two consecutive, three-year terms. Such special member shall be deemed to have served one full term if such special member resigns at any time after appointment or if such special member serves more than two years of an unexpired term. The special member of the Commission shall serve without compensation.

(b) The Commission shall file its rules and regulations, including procedures consistent with this CMC Chapter 18.47, with the City Clerk

Section 3. Repeal. The following sections of Covington Municipal Code are repealed

- 18.47.010 Findings and declaration of purpose.
- 18.47.030 Landmarks and Heritage Commission – Membership and organization.
- 18.47.040 Designation criteria.
- 18.47.050 Nomination procedure.
- 18.47.060 Designation procedure.
- 18.47.070 Certificate of appropriateness procedure.
- 18.47.080 Evaluation of economic impact.
- 18.47.090 Appeal procedure.
- 18.47.100 Funding.
- 18.47.110 Penalty for violation of CMC 18.47.070.
- 18.47.120 Special valuation for historic properties.

18.47.130 Historic resources – Review process.

18.47.140 Administrative rules.

Section 4. Protection and Preservation of Landmarks, Landmark sites and Districts.
Covington Municipal Code 18.47.010 Protection and Preservation of Landmarks, Landmark Sites and Districts, is hereby added to read as follows:

18.47.010 Protection and Preservation of Landmarks, Landmark Sites and Districts.

The following sections of King County Code Chapter 20.62 are adopted by reference, as amended below, for the protection and preservation of Landmarks, Landmark sites and Districts within the City of Covington:

(1) K.C.C. 20.62.020 – Definitions, except as follows:

(a) Paragraph H. is changed to read “Director” means the Director of the City of Covington Department of Community Development or their designee.

(b) Add paragraph: Z. “Council” is the City of Covington City Council.

(2) K.C.C. 20.62.040 - Designation Criteria, except all references to "King County" are changed to read “City of Covington.”

(3) K.C.C. 20.62.050 - Nomination Procedure, except that an additional requirement that all nominations must have the prior written consent of the property owner(s) is added.

(4) K.C.C. 20.62.070 - Designation Procedure, except all references to "King County" are changed to read “City of Covington.”

(5) K.C.C. 20.62.080 - Certificate of Appropriateness Procedure, except the last sentence of paragraph A thereof.

(6) K.C.C. 20.62.100 - Evaluation of Economic Impact.

(7) K.C.C. 20.62.110 - Appeal Procedure, except that appeals shall be filed with the City of Covington City Clerk for decision by the Covington Hearing Examiner.

(8) K.C.C. 20.62.130 - Penalty for Violation of Section 20.62.080 (CMC 18.47.010(5) above).

(9) K.C.C. 20.62.140 - Special Valuation for Historic Properties, except that the reference to King County in subsection C is changed to City of Covington.

(10) Development proposals and permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to CMC Section 18.47.010(5) above. Upon receipt of an application for a development proposal or permit which affects a City of Covington landmark or an historic resource that has received a preliminary determination of significance as defined in CMC Section 18.47.010(1) above, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to CMC Section 18.47.010(5) above if accompanied by the additional information required to apply for such certificate.

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

Section 6. Corrections. Upon approval of the city attorney, the city clerk and/or code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

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

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

Mayor Jeff Wagner

PUBLISHED:
EFFECTIVE:

ATTESTED:

Sharon Scott
City Clerk

APPROVED AS TO FORM:

Kathy Hardy
City Attorney



REGIONAL HISTORIC PRESERVATION PROGRAM

What is the Regional Historic Preservation Program? King County is partnering with cities throughout the county to provide historic preservation services. This cooperative approach to preserving our region's history and character has many benefits:

- cost efficient delivery of professional services
- preservation and enhancement of significant aspects of local history
- access to incentives for property owners
- access to state and federal funding sources for preservation
- basis for tourism development programs
- enhancement of community character

What are the services? Services include, but are not limited to: landmark designation and protection, preparation of landmark nomination applications, survey and inventory of historic properties, developing design guidelines, archaeological review, and assisting with preservation planning or other preservation-related work, all at the City's option.

Who provides the services? Services are provided through the County's Historic Preservation Program (HPP), located in the Department of Natural Resources and Parks, via an interlocal agreement between King County and the participating city.

What is the cost? The County is required by state law to receive full reimbursement for its services; however, grants from the State Department of Archaeology and Historic Preservation and other funders are available to defray some costs. Cities are billed quarterly for HPP staff time. The City must authorize all work before it begins.

What are the benefits? One of the primary benefits of the program is that owners of designated landmark properties are eligible to apply for a variety of incentive programs including property tax reductions, brick-and-mortar grants, and technical assistance from qualified preservation professionals. City planners also have access to professional expertise for assistance with archaeological issues.



King County

Historic Preservation Program, Department of Natural Resources and Parks
201 S. Jackson, Suite 700, Seattle, WA 98104 (206) 477-4528

How is the program implemented? Cities adopt a preservation ordinance modeled after the King County ordinance and enter into an interlocal agreement (service contract) with the County. When the agreement is in place the City appoints a special member to the King County Landmarks Commission, which acts on all landmark nominations that are forwarded from the City. The City may elect to conduct design review (review of proposed changes to landmark properties) itself or have King County provide the service. Meetings involving city properties are conducted in the city whenever possible.

To date, 22 cities participate in the Regional Preservation Program.

For more information contact:

Jennifer Meisner
Historic Preservation officer
jennifer.meisner@kingcounty.gov
(206) 477-0384



20.62 PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS

Sections:

- 20.62.010 Findings and declaration of purpose.
- 20.62.020 Definitions.
- 20.62.030 Landmarks commission created - membership and organization.
- 20.62.040 Designation criteria.
- 20.62.050 Nomination procedure.
- 20.62.070 Designation procedure.
- 20.62.080 Certificate of appropriateness procedure.
- 20.62.100 Evaluation of economic impact.
- 20.62.110 Appeal procedure.
- 20.62.120 Funding.
- 20.62.130 Penalty for violation of Section 20.62.080.
- 20.62.140 Special valuation for historic properties.
- 20.62.150 Historic Resources - review process.
- 20.62.160 Administrative rules.

20.62.010 Findings and declaration of purpose. The King County council finds that:

A. The protection, enhancement, perpetuation and use of buildings, sites, districts, structures and objects of historical, cultural, architectural, engineering, geographic, ethnic and archaeological significance located in King County, and the collection, preservation, exhibition and interpretation of historic and prehistoric materials, artifacts, records and information pertaining to historic preservation and archaeological resource management are necessary in the interest of the prosperity, civic pride and general welfare of the people of King County.

B. Such cultural and historic resources are a significant part of the heritage, education and economic base of King County, and the economic, cultural and aesthetic well-being of the county cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources.

C. Present heritage and preservation programs and activities are inadequate for insuring present and future generations of King County residents and visitors a genuine opportunity to appreciate and enjoy our heritage.

D. The purposes of this chapter are to:

1. Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the county's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;
2. Foster civic pride in the beauty and accomplishments of the past;
3. Stabilize and improve the economic values and vitality of landmarks;
4. Protect and enhance the county's tourist industry by promoting heritage-related tourism;
5. Promote the continued use, exhibition and interpretation of significant historical or archaeological sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of King County;
6. Promote and continue incentives for ownership and utilization of landmarks;

7. Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;

8. Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in historic preservation and archaeological resource management; and

9. Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. (Ord. 14482 § 68, 2002: Ord. 10474 § 1, 1992: Ord. 4828 § 1, 1980).

20.62.020 Definitions. The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.

B. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to an historically related complex, such as a courthouse and jail or a house and barn.

C. "Certificate of appropriateness" is written authorization issued by the commission or its designee permitting an alteration to a significant feature of a designated landmark.

D. "Commission" is the landmarks commission created by this chapter.

E. "Community landmark" is an historic resource which has been designated pursuant to K.C.C. 20.62.040 but which may be altered or changed without application for or approval of a certificate of appropriateness.

F. "Designation" is the act of the commission determining that an historic resource meets the criteria established by this chapter.

G. "Designation report" is a report issued by the commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.

H. "Director" is the director of the King County department of permitting and environmental review or his or her designee.

I. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

J. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures and folklore.

K. "Historic preservation officer" is the King County historic preservation officer or his or her designee.

L. "Historic resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

M. "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in K.C.C. 20.62.040.A. The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

N. "Incentives" are such compensation, rights or privileges or combination thereof, which the council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner or owners of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

O. "Interested person of record" is any individual, corporation, partnership or association which notifies the commission or the council in writing of its interest in any matter before the commission.

P. "Landmark" is an historic resource designated as a landmark pursuant to K.C.C. 20.62.070.

Q. "Nomination" is a proposal that an historic resource be designated a landmark.

R. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

S. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the commission in an historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices under this chapter.

T. "Person" is any individual, partnership, corporation, group or association.

U. "Person in charge" is the person or persons in possession of a landmark including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

V. "Preliminary determination" is a decision of the commission determining that an historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

W. "Significant feature" is any element of a landmark which the commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.

X. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains an historical or archaeological value regardless of the value of any existing structures.

Y. "Structure" is any functional construction made usually for purposes other than creating human shelter. (Ord. 17635 §, 1, 2013: Ord. 17420 § 95, 2012: Ord. 14482 § 69, 2002: Ord. 11620 § 13, 1994: Ord. 10474 § 2, 1992: Ord. 4828 § 2, 1980).

20.62.030 Landmarks commission created - membership and organization.

A. There is created the King County landmarks commission which shall consist of nine regular members and special members selected as follows:

1. Of the nine regular members of the commission at least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, landscape architecture, American studies, law, or other historic preservation related disciplines. The nine regular members of the commission shall be appointed by the county executive, subject to confirmation by the council, provided that no more than four members shall reside within any one municipal jurisdiction. All regular members shall have a demonstrated interest and competence in historic preservation.

2. The county executive may solicit nominations for persons to serve as regular members of the commission from the Association of King County Historical Organizations, the American Institute of Architects (Seattle Chapter), the Seattle King County Bar Association, the Seattle Master Builders, the chambers of commerce, and other professional and civic organizations familiar with historic preservation.

3. One special member shall be appointed from each municipality within King County which has entered into an interlocal agreement with King County providing for the designation by the commission of landmarks within such municipality in accordance with the terms of such interlocal agreement and this chapter. Each such appointment shall be in accordance with the enabling ordinance adopted by such municipality.

B. Appointments of regular members, except as provided in subsection C of this section, shall be made for a three-year term. Each regular member shall serve until his or her successor is duly appointed and confirmed. Appointments shall be effective on June 1st of each year. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Any member may be reappointed, but may not serve more than two consecutive three-year terms. A member shall be deemed to have served one full term if such member resigns at any time after appointment or if such member serves more than two years of an unexpired term. The members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or programs.

C. After May 4, 1992, the term of office of members becomes effective on the date the council confirms the appointment of commission members and the county executive shall appoint or reappoint three members for a three-year term, three members for a two-year term, and three members for a one-year term. For purposes

of the limitation on consecutive terms in subsection B of this section an appointment for a one-or a two-year term shall be deemed an appointment for an unexpired term.

D. The chair shall be a member of the commission and shall be elected annually by the regular commission members. The commission shall adopt, in accordance with K.C.C. chapter 2.98, rules and regulations, including procedures, consistent with this chapter. The members of the commission shall be governed by the King County code of ethics, K.C.C. chapter 3.04. The commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed as required by K.C.C. chapter 2.98.

E. A special member of the commission shall be a voting member solely on matters before the commission involving the designation of landmarks within the municipality from which such special member was appointed.

F. A majority of the current appointed and confirmed members of the commission shall constitute a quorum for the transaction of business. A special member shall count as part of a quorum for the vote on any matter involving the designation or control of landmarks within the municipality from which such special member was appointed. All official actions of the commission shall require a majority vote of the members present and eligible to vote on the action voted upon. No member shall be eligible to vote upon any matter required by this chapter to be determined after a hearing unless that member has attended the hearing or familiarized him or herself with the record.

G. The commission may from time to time establish one or more committees to further the policies of the commission, each with such powers as may be lawfully delegated to it by the commission.

H. The county executive shall provide staff support to the commission and shall assign a professionally qualified county employee to serve as a full-time historic preservation officer. Under the direction of the commission, the historic preservation officer shall be the custodian of the commission's records. The historic preservation officer or his or her designee shall conduct official correspondence, assist in organizing the commission and organize and supervise the commission staff and the clerical and technical work of the commission to the extent required to administer this chapter.

I. The commission shall meet at least once each month for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the commission seven days before the scheduled monthly meeting, the

chair of the commission may cancel the meeting. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the action of the commission upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the historic preservation officer and shall be public records.

J. At all hearings before and meetings of the commission, all oral proceedings shall be electronically recorded. The proceedings may also be recorded by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part of a hearing shall be furnished to any person upon request and payment of the reasonable expense of the copy.

K. The commission is authorized, subject to the availability of funds for that purpose, to expend moneys to compensate experts, in whole or in part, to provide technical assistance to property owners in connection with requests for certificates of appropriateness upon a showing by the property owner that the need for the technical assistance imposes an unreasonable financial hardship on the property owner.

L. Commission records, maps or other information identifying the location of archaeological sites and potential sites shall be exempt from public disclosure as specified in RCW 42.17.310 in order to avoid looting and depredation of the sites. (Ord. 14482 § 70, 2002: Ord. 10474 § 3, 1992: Ord. 10371 § 1, 1992: Ord. 4828 § 3, 1980).

20.62.040 Designation criteria.

A. An historic resource may be designated as a King County landmark if it is more than forty years old or, in the case of a landmark district, contains resources that are more than forty years old, and possesses integrity of location, design, setting, materials, workmanship, feeling, or association, or any combination of the foregoing aspects of integrity, sufficient to convey its historic character, and:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history;

2. Is associated with the lives of persons significant in national, state or local history;

3. Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction;

4. Has yielded, or may be likely to yield, information important in prehistory or history; or

5. Is an outstanding work of a designer or builder who has made a substantial contribution to the art.

B. An historic resource may be designated a community landmark because it is an easily identifiable visual feature of a neighborhood or the county and contributes to the distinctive quality or identity of such neighborhood or county or because of its association with significant historical events or historic themes, association with important or prominent persons in the community or county or recognition by local citizens for substantial contribution to the neighborhood or community. An improvement or site qualifying for designation solely by virtue of satisfying criteria set out in this section shall be designated a community landmark and shall not be subject to K.C.C. 20.62.080.

C. Cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past forty years shall not be considered eligible for designation. However, such a property shall be eligible for designation if they are:

1. An integral part of districts that meet the criteria set out in subsection A. of this section or if it is:

2. A religious property deriving primary significance from architectural or artistic distinction or historical importance;

3. A building or structure removed from its original location but that is significant primarily for its architectural value, or which is the surviving structure most importantly associated with a historic person or event;

4. A birthplace, grave or residence of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life;

5. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events;

6. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner or as part of a restoration master plan, and when no other building or structure with the same association has survived;

7. A property commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or

8. A property achieving significance within the past forty years if it is of exceptional importance. (Ord. 17635 § 2, 2013: Ord. 10474 § 4, 1992: Ord. 4828 § 4, 1980).

20.62.050 Nomination procedure.

A. Any person, including the historic preservation officer and any member of the commission, may nominate an historic resource for designation as a landmark or community landmark. The procedures set forth in Sections 20.62.050 and 20.62.080 may be used to amend existing designations or to terminate an existing designation based on changes which affect the applicability of the criteria for designation set forth in Section 20.62.040. The nomination or designation of an historic resource as a landmark shall constitute nomination or designation of the land which is occupied by the historic resource unless the nomination provides otherwise. Nominations shall be made on official nomination forms provided by the historic preservation officer, shall be filed with the historic preservation officer, and shall include all data required by the commission.

B. Upon receipt by the historic preservation officer of any nomination for designation, the officer shall review the nomination, consult with the person or persons submitting the nomination, and the owner, and prepare any amendments to or additional information on the nomination deemed necessary by the officer. The historic preservation officer may refuse to accept any nomination for which inadequate information is provided by the person or persons submitting the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as is necessary for consideration by the commission. The historic preservation officer may assume responsibility for gathering the required information or appoint an expert or experts to carry out this research in the interest of expediting the consideration.

C. When the historic preservation officer is satisfied that the nomination contains sufficient information and complies with the commission's regulations for nomination, the officer shall give notice in writing, certified mail/return receipt requested, to the owner of the property or object, to the person submitting the nomination and interested persons of record that a preliminary or a designation determination on the nomination will be made by the commission. The notice shall include:

1. The date, time, and place of hearing;
2. The address and description of the historic resource and the boundaries of the nominated resource;
3. A statement that, upon a designation or upon a preliminary determination of significance, the certificate of appropriateness procedure set out in Section 20.62.080 will apply;
4. A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first obtaining a certificate of appropriateness from the commission, whether or not a building or other permit is required. A copy of the provisions of Section 20.62.080 shall be included with the notice;
5. A statement that all proceedings to review the action of the commission at the hearing on a preliminary determination or a designation will be based on the record made at such hearing and that no further right to present evidence on the issue of preliminary determination or designation is afforded pursuant to this chapter.

D. The historic preservation officer shall, after mailing the notice required herein, refer the nomination and all supporting information to the commission for consideration on the date specified in the notice. No nomination shall be considered by the commission less than thirty nor more than forty five calendar days after notice setting the hearing date has been mailed except where the historic preservation officer or members of the commission have reason to believe that immediate action is necessary to prevent destruction, demolition or defacing of an historic resource, in which case the notice setting the hearing shall so state. (Ord. 10474 § 5, 1992; Ord. 4828 § 5, 1980).

20.62.070 Designation procedure.

A. The commission may approve, deny, amend or terminate the designation of a historic resource as a landmark or community landmark only after a public hearing. At the designation hearing the commission shall receive evidence and hear argument only on the issues of whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in K.C.C. 20.62.040 and merits designation as a landmark or community landmark; and the significant features of the landmark. The hearing may be continued from time to time at the discretion of the commission. If the hearing is continued, the commission may make a preliminary determination of significance if the commission determines, based on the record before it that the historic resource is of significant value and likely to satisfy the criteria for designation in K.C.C. 20.62.040. The preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the commission makes a preliminary determination it shall specify the boundaries of the nominated resource, the significant features thereof and such other description of the historic resource as it deems appropriate. Within five working days after the commission has made a preliminary determination, the historic preservation officer shall file a written notice of the action with the director and mail copies of the notice, certified mail, return receipt requested, to the owner, the person submitting the nomination and interested persons of record. The notice shall include:

1. A copy of the commission's preliminary determination; and
2. A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the commission, the certificate of appropriateness procedures in K.C.C. 20.62.080, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the commission shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the commission thereafter.

B. Whenever the commission approves the designation of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written designation report, which shall include:

1. The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location;
2. The significant features and such other information concerning the historic resource as the commission deems appropriate;

3. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation in K.C.C. 20.62.040; and

4. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the commission in accordance with K.C.C. 20.62.080, a copy of which shall be included in the designation report. This subsection B.4. shall not apply to historic resources designated as community landmarks.

C. Whenever the commission rejects the nomination of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria in K.C.C. 20.62.040 have not been met. If a historic resource has been nominated as a landmark and the commission designates the historic resource as a community landmark, the designation shall be treated as a rejection of the nomination for King County landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renominating any historic resource rejected under this subsection as a King County landmark at a future time.

D. A copy of the commission's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of record and the director within five working days after it is issued. If the commission rejects the nomination and it has made a preliminary determination of significance with respect to the nomination, it shall include in the notice to the director a statement that K.C.C. 20.62.080 no longer applies to the subject historic resources.

E. If the commission approves, or amends a landmark designation, K.C.C. 20.62.080 shall apply as approved or amended. A copy of the commission's designation report or designation amendment shall be recorded with the records and licensing services division, or its successor agency, together with a legal description of the designated resource and notification that K.C.C. 20.62.080 and 20.62.130 apply. If the commission terminates the designation of a historic resource, K.C.C. 20.62.080 shall no longer apply to the historic resource. (Ord. 15971 § 92, 2007: Ord. 14482 § 71, 2002: Ord. 14176 § 4, 2001: Ord. 11620 § 14, 1994: Ord. 10474 § 6, 1992: Ord. 4828 § 7, 1980).

20.62.080 Certificate of appropriateness procedure.

A. At any time after a designation report and notice has been filed with the director and for a period of six months after notice of a preliminary determination of significance has been mailed to the owner and filed with the director, a certificate of appropriateness must be obtained from the commission before any alterations may be made to the significant features of the landmark identified in the preliminary determination report or thereafter in the designation report. The designation report shall supersede the preliminary determination report. This requirement shall apply whether or not the proposed alteration also requires a building or other permit. The requirements of this section shall not apply to any historic resource located within incorporated cities or towns in King County, except as provided by applicable interlocal agreement.

B. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness. Repairs to or replacement of utility systems do not require a certificate of appropriateness provided that such work does not alter an exterior significant feature.

C. There shall be three types of certificates of appropriateness, as follows:

1. Type I, for restorations and major repairs which utilize in-kind materials.
2. Type II, for alterations in appearance, replacement of historic materials and new construction.
3. Type III, for demolition, moving and excavation of archaeological sites.

In addition, the commission shall establish and adopt an appeals process concerning Type I decisions made by the historic preservation officer with respect to the applications for certificates of appropriateness.

The historic preservation officer may approve Type I certificates of appropriateness administratively without public hearing, subject to procedures adopted by the commission. Alternatively the historic preservation officer may refer applications for Type I certificates of appropriateness to the commission for decision. The commission shall adopt an appeals procedure concerning Type I decisions made by the historic preservation officer.

Type II and III certificates of appropriateness shall be decided by the commission and the following general procedures shall apply to such commission actions:

1. Application for a certificate of appropriateness shall be made by filing an application for such certificate with the historic preservation officer on forms provided by the commission.

2. If an application is made to the director for a permit for any action which affects a landmark, the director shall promptly refer such application to the historic preservation officer, and such application shall be deemed an application for a certificate of appropriateness if accompanied by the additional information required to apply for such certificate. The director may continue to process such permit application, but shall not issue any such permit until the time has expired for filing with the director the notice of denial of a certificate of appropriateness or a certificate of appropriateness has been issued pursuant to this chapter.

3. After the commission has commenced proceedings for the consideration of any application for a certificate of appropriateness by giving notice of a hearing pursuant to subsection 3 of this section, no other application for the same or a similar alteration may be made until such proceedings and all administrative appeals therefrom pursuant to this chapter have been concluded.

4. Within forty five calendar days after the filing of an application for a certificate of appropriateness with the commission or the referral of an application to the commission by the director except those decided administratively by the historic preservation officer pursuant to subsection 2 of this section, the commission shall hold a public hearing thereon. The historic preservation officer shall mail notice of the hearing to the owner, the applicant, if the applicant is not the owner, and parties of record at the designation proceedings, not less than ten calendar days before the date of the hearing. No hearing shall be required if the commission, the owner and the applicant, if the applicant is not the owner, agree in writing to a stipulated certificate approving the requested alterations thereof. This agreement shall be ratified by the commission in a public meeting and reflected in the commission meeting minutes. If the commission grants a certificate of appropriateness, such certificate shall be issued forthwith and the historic preservation officer shall promptly file a copy of such certificate with the director.

5. If the commission denies the application for a certificate of appropriateness, in whole or in part, it shall so notify the owner, the person submitting the application and interested persons of record setting forth the reasons why approval of the application is not warranted.

D. The commission shall adopt such other supplementary procedures consistent with K.C.C. 2.98 as it determines are required to carry out the intent of this section. (Ord. 11620 § 15, 1994: Ord. 10474 § 7, 1992: Ord. 4828 § 8, 1980).

20.62.100 Evaluation of economic impact.

A. At the public hearing on any application for a Type II or Type III certificate of appropriateness, or Type I if referred to the commission by the historic preservation officer, the commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark and there is no viable and reasonable alternative which would have less impact on the features of significance specified in the preliminary determination report or the designation report.

B. To prove the existence of a condition of unreasonable economic return, the applicant must establish and the commission must find, both of the following:

1. The landmark is incapable of earning a reasonable economic return without making the alterations proposed. This finding shall be made by considering and the applicant shall submit to the commission evidence establishing each of the following factors:

a. The current level of economic return on the landmark as considered in relation to the following:

(1) The amount paid for the landmark, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the landmark was purchased;

(2) The annual gross and net income, if any, from the landmark for the previous five (5) years; itemized operating and maintenance expenses for the previous five (5) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(3) The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the prior five (5) years;

(4) Real estate taxes for the previous four (4) years and assessed value of the landmark according to the two (2) most recent assessed valuations;

(5) All appraisals obtained within the previous three (3) years by the owner in connection with the purchase, financing or ownership of the landmark;

(6) The fair market value of the landmark immediately prior to its designation and the fair market value of the landmark (in its protected status as a designated landmark) at the time the application is filed;

(7) Form of ownership or operation of the landmark, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or both;

(8) Any state or federal income tax returns on or relating to the landmark for the past two (2) years.

b. The landmark is not marketable or able to be sold when listed for sale or lease. The sale price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents shall be submitted by the property owner. The following also shall be considered:

(1) Any real estate broker or firm engaged to sell or lease the landmark;

(2) Reasonableness of the price or lease sought by the owner;

(3) Any advertisements placed for the sale or lease of the landmark.

c. The unfeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:

(1) A report from a licensed engineer or architect with experience in historic restoration or rehabilitation as to the structural soundness of the landmark and its suitability for restoration or rehabilitation;

(2) Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alteration;

(3) Estimated market value of the landmark in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use;

(4) In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing landmark;

(5) The unfeasibility of new construction around, above, or below the historic resource.

d. Potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs.

2. The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence to complete the alteration.

C. Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.

D. Upon reasonable notice to the owner, the commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the landmark, the availability of incentives and the economic impacts of approval, denial or partial denial of a certificate of appropriateness.

E. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness. (Ord. 10474 § 8, 1992: Ord. 4828 § 10, 1980).

20.62.110 Appeal procedure. Any person aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may [file a statement of appeal, with the historic preservation officer, in accordance with K.C.C.]* 20.22.080. (Ord. 18230 § 123, 2016: Ord. 10474 § 9, 1992: Ord. 4828 § 11, 1980).

***Reviser's note: Added but not underlined in Ordinance 18230. See K.C.C. 1.24.075.**

20.62.120 Funding.

A. The commission shall have the power to make and administer grants of funds received by it from private sources and from local, state and federal programs for purposes of:

1. Maintaining, purchasing or restoring historic resources located within King County which it deems significant pursuant to the goals, objectives and criteria set forth in this chapter if such historic resources have been nominated or designated as landmarks pursuant to this chapter or have been designated as landmarks by municipalities within King County or by the State of Washington, or are listed on the National Historic Landmarks Register, the National Register of Historic Places; and

2. Developing and conducting programs relating to historic preservation and archaeological resource management. The commission shall establish rules and regulations consistent with K.C.C. chapter 2.98 governing procedures for applying for and awarding of grant moneys pursuant to this section.

B. The commission may, at the request of the historic preservation officer, review proposals submitted by county agencies to fund historic preservation and archaeological projects through the Housing and Community Development Act of 1974 (42 U.S.C. Secs. 5301 et seq.), the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. Secs. 1221 et seq.) and other applicable local, state and federal funding programs. Upon review of such grant proposals, the commission may make recommendations to the county executive and county council concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters as the commission deems appropriate. The historic preservation officer shall keep the commission apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds. (Ord. 14482 § 72, 2002: Ord. 10474 § 10, 1992: Ord. 4828 § 12, 1980).

20.62.130 Penalty for violation of Section 20.62.080. Any person violating or failing to comply with the provisions of Section 20.62.080 of this chapter shall incur a civil penalty of up to five hundred dollars per day and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violations or failure to comply is charged. (Ord. 4828 § 13, 1980).

20.62.140 Special valuation for historic properties.

A. There is hereby established and implemented a special valuation for historic properties as provided in chapter 84.26 RCW.

B. The King County landmarks commission is hereby designated as the local review board for the purposes related to chapter 84.26 RCW, and is authorized to perform all functions required by chapter 84.16 RCW and chapter 254-20 WAC.

C. All King County landmarks designated and protected under this chapter shall be eligible for special valuation in accordance with chapter 84.26 RCW. (Ord. 14482 § 73, 2002: Ord. 10474 § 12, 1992: Ord. 9237 §§ 1-3, 1989).

20.62.150 Historic Resources - review process.

A. King County shall not approve any development proposal or otherwise issue any authorization to alter, demolish, or relocate any historic resource identified in the King County Historic Resource Inventory, pursuant to the requirements of this chapter. The standards contained in K.C.C. 21A.12, Development Standards - Density and Dimensions and K.C.C. 21A.16, Development Standards - Landscaping and Water Use shall be expanded, when necessary, to preserve the aesthetic, visual and historic integrity of the historic resource from the impacts of development on adjacent properties.

B. Upon receipt of an application for a development proposal located on or adjacent to a historic resource listed in the King County Historic Resource Inventory, the director shall follow the following procedure:

1. The development proposal application shall be circulated to the King County historic preservation officer for comment on the impact of the project on historic resources and for recommendation on mitigation. This includes all permits for alterations to historic buildings, alteration to landscape elements, new construction on the same or abutting lots, or any other action requiring a permit which might affect the historic character of the resource. Information required for a complete permit application to be circulated to the historic preservation officer shall include:

- a. a vicinity map;
- b. a site plan showing the location of all buildings, structures, and landscape features;

c. a brief description of the proposed project together with architectural drawings showing the existing condition of all buildings, structures, landscape features and any proposed alteration to them;

d. photographs of all buildings, structures, or landscape features on the site;
and

e. an environmental checklist, except where categorically exempt under King County SEPA guidelines.

2. Upon request, the historic preservation officer shall provide information about available grant assistance and tax incentives for historic preservation. The officer may also provide the owner, developer, or other interested party with examples of comparable projects where historic resources have been restored or rehabilitated.

3. In the event of a conflict between the development proposal and preservation of an historic resource, the historic preservation officer shall:

a. suggest appropriate alternatives to the owner/developer which achieve the goals of historic preservation;

b. recommend approval, or approval with conditions to the director of the department of development and environmental services; or

c. propose that a resource be nominated for county landmark designation according to procedures established in the landmarks preservation ordinance (K.C.C. 20.62).

4. The director may continue to process the development proposal application, but shall not issue any development permits or issue a SEPA threshold determination until receiving a recommendation from the historic preservation officer. In no event shall review of the proposal by the historic preservation officer delay permit processing beyond any period required by law. Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to K.C.C. 20.62.080.

5. On known archaeological sites, before any disturbance of the site, including, but not limited to test boring, site clearing, construction, grading or revegetation, the State Office of Archaeology and Historic Preservation (OAHP), and the King County historic preservation officer, and appropriate Native American tribal organizations must be notified and state permits obtained, if required by law. The officer may require that a professional archaeological survey be conducted to identify

site boundaries, resources and mitigation alternatives prior to any site disturbance and that a technical report be provided to the officer, OAHP and appropriate tribal organizations. The officer may approve, disapprove or require permits conditions, including professional archeological surveys, to mitigate adverse impacts to known archeological sites.

C. Upon receipt of an application for a development proposal which affects a King County landmark or an historic resource that has received a preliminary determination of significance as defined by K.C.C. 20.62.020V, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to K.C.C. 20.62.080 if accompanied by the additional information required to apply for such certificate. (Ord. 11620 § 12, 1994).

20.62.160 Administrative rules. The director may promulgate administrative rules and regulations pursuant to K.C.C. 2.98, to implement the provisions and requirements of this chapter. (Ord. 11620 § 16, 1994).

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH KING COUNTY FOR LANDMARK DESIGNATION AND PRESERVATION SERVICES

WHEREAS, the City was incorporated in 1997, and

WHEREAS, local governmental authority and jurisdiction with respect to the designation and protection of landmarks within the city limits resides with the City; and,

WHEREAS, the City desires to protect and preserve the historic buildings, structures, districts, sites, objects, and archaeological sites within the City for the benefit of present and future generations; and

WHEREAS, the County is able to provide landmark designation and protection services for the City; and

WHEREAS, the City has elected to contract with the County to provide such services; and

WHEREAS, the costs incurred by the City for the County review services should be offset by an application review fee; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection; and

WHEREAS, pursuant to R.C.W. 39.34, the Interlocal Cooperation Act, the parties are each authorized to enter into an agreement for cooperative action;

BE IT RESOLVED by the City Council of the City of Covington, King County, Washington, as follows:

Section 1. The City Manager is hereby authorized to enter into an interlocal agreement for Landmark Designation and Preservation services with King County in substantial form as Exhibit A(“Agreement”).

Section 2. The City’s Fee Resolution is hereby amended to provide that the costs incurred by the City for King County’s Landmark Designation and Preservation Program Services shall be paid by the applicant.

Section 3. If any provisions of this resolution, and/or the attached Agreement is determined to be or unenforceable for any reason, the remaining provisions of this resolution and/or the attached Agreement shall remain in force and affect.

PASSED in open and regular session on this __ day of _____ 2017.

Jeff Wagner, MAYOR

ATTESTED:

Sharon Scott, City Clerk

APPROVED AS TO FORM:

Kathy Hardy, City Attorney

Resolution Exhibit A DRAFT
INTERLOCAL AGREEMENT FOR LANDMARK SERVICES

**AN AGREEMENT BETWEEN KING COUNTY AND THE CITY OF COVINGTON
RELATING TO LANDMARK DESIGNATION AND PROTECTION SERVICES**

THIS IS AN AGREEMENT between King County, a home rule charter county and a political subdivision of the State of Washington, hereinafter referred to as the "County," and the City of Covington, a municipal corporation of the State of Washington, hereinafter referred to as the "City".

WHEREAS, the City is incorporated; and

WHEREAS, local governmental authority and jurisdiction with respect to the designation and protection of landmarks within the city limits resides with the City; and

WHEREAS, the City desires to protect and preserve the historic buildings, structures, districts, sites, objects, and archaeological sites within the city for the benefit of present and future generations; and

WHEREAS, the County is able to provide landmark designation and protection services for the City; and

WHEREAS, the City has elected to contract with the County to provide such services; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection; and

WHEREAS, pursuant to R.C.W. 39.34, the Interlocal Cooperation Act, the parties are each authorized to enter into an agreement for cooperative action;

NOW THEREFORE, the County and the City hereby agree:

1. Services. At the request of the City, the County shall provide landmark designation and protection services using the criteria and procedures adopted in King County Ordinance 10474, King County Code (K.C.C.), Chapter 20.62 within the City limits, to the extent that chapter is adopted by and as amended by the Covington Municipal Code.
2. City's Responsibilities
 - A. Adopt an ordinance establishing regulations and procedures for the designation of historic buildings, structures, objects, districts, sites, objects, and archaeological sites as landmarks and for the protection of landmarks. Regulations and procedures shall be

substantially the same as the regulations and procedures set forth in K.C.C. Chapter 20.62. The ordinance shall provide that the King County Landmarks Commission, with the addition of a special member, acting as the City of Covington Landmarks Commission (Commission) shall have the authority to designate and protect landmarks within the City limits in accordance with the City ordinance. The ordinance shall include:

- 1) Provision for the appointment of a special member to the Commission as provided by K.C.C. Chapter 20.62.030.
- 2) A provision that appeals from decisions of the Commission pertaining to real property within the City limits shall be taken to the City Hearing Examiner.
- 3) A provision for penalties for violation of the certificate of appropriateness procedures (K.C.C. Chapter 20.62.080).
- 4) A provision that the official responsible for the issuance of building and related permits shall promptly refer applications for permits which affect historic buildings, structures, objects, sites, districts, or archaeological sites to the King County Historic Preservation Officer (HPO) for review and comment. The responsible official shall seek and take into consideration the comments of the HPO regarding mitigation of any adverse effects affecting historic buildings, structures, objects, sites, districts or archaeological sites.

B. Appoint a Special Member to the Commission in accordance with the ordinance adopted by the City. Pursuant to K.C.C. Chapter 20.62 such Special Member shall be a voting member of the Commission on all matters relating to or affecting landmarks within the City, except review of applications to the Special Valuation Tax Program, and the Current Use Taxation Program.

C. Except as to Section 5, the services provided by the County pursuant to this agreement do not include legal services.

3. County Responsibilities

- A. Process all landmark nomination applications and conduct planning, training, and public information tasks necessary to support landmarking activities in the City. Such tasks shall be defined by mutual agreement of both parties on an annual basis.
- B. Process all Certificate of Appropriateness applications to alter, demolish, or move any significant feature of a landmark property within the City limits.
- C. Act as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, (R.C.W. 84.26 and WAC 254.20) for the special valuation of historic properties within the city limits.

D. Review and comment on applications for permits which affect historic buildings, structures, objects, sites, districts, and archaeological sites. Comments shall be forwarded to the City official responsible for the issuance of building and related permits.

4. Compensation

- A. Costs. The City shall reimburse the County fully for all costs incurred in providing services under this contract, including overhead and indirect administrative costs. Costs charged to the City may be reduced by special appropriations, grants, or other supplemental funds, by mutual agreement of both parties. The rate of reimbursement to the County for labor costs shall be revised annually.
- B. Billing. The County shall bill the City quarterly. The quarterly bill shall reflect actual costs plus the annual administrative overhead rate. Payments are due within 30 days of invoicing by the County.

5. Indemnification.

- A. The County shall indemnify and hold harmless the City and its officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them, in providing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the City, the County shall defend the same at its sole cost and expense; provided, that the City retains the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the City and its officers, agents, employees, or any of them, or jointly against the City and the County and their respective officers, agents and employees, or any of them, the County shall satisfy the same.
- B. In executing this agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, rules or regulations, policies or procedures. If any cause, claim, suit, actions or administrative proceeding is commenced regarding the enforceability and/or validity of any ordinance, rule or regulation of either party, said party shall defend the same at its sole expense and if judgment is entered or damages are awarded against said party, said party shall satisfy the same, including all chargeable costs and attorneys' fees.
- C. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, by reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them. In the event that any suit based upon such a claim, action, loss or damage is brought against the County, the City shall defend the same at its sole cost and expense; provided

that the County retains the right to participate in said suit if any principle of governmental or public laws is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, the City shall satisfy the same.

D. The City and the County acknowledge and agree that if such claims, actions, suits, liability, loss, costs, expenses and damages are caused by or result from the concurrent negligence of the City, its agents, employees, and/or officers and the County, its agents, employees, and/or officers, this Article shall be valid and enforceable only to the extent of the negligence of each party, its agents, employees and/or officers.

6. Interlocal Cooperation Act

A. Purpose. The purpose of this agreement is for the City of Covington and King County to partner to provide historic preservation services within the corporate boundaries of the City.

B. Administration. This agreement shall be administered for the County by the Director of the Department of Natural Resources and Parks, or the director’s designee, and for the City by the City Manager or his/her designee.

C. Budget and Financing. No special budget or funds are anticipated, nor will the parties jointly acquire, hold or dispose of real or personal property.

D. Duration. This agreement is effective beginning upon execution, and shall continue until terminated pursuant to the terms of this agreement.

E. This Agreement will be recorded by the County or otherwise be made public by it in conformance with the Interlocal Cooperation Act.

7. Termination. Either party may terminate this agreement by thirty (30) days written notice from one party to the other.

8. Amendments. This Agreement may be amended at any time by mutual written agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this agreement this _____ day of _____, 2017.

CITY OF COVINGTON

KING COUNTY

By: _____
Regan Bolli
City Manager

By: _____
Dow Constantine
King County Executive

Approved as to form:

By: _____
King County Prosecutor

ATTESTED:

Sharon Scott, City Clerk

APPROVED AS TO FORM:

Kathy Hardy, City Attorney

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON RELATING TO LANDMARK DESIGNATION AND PROTECTION, ADDING COVINGTON MUNICIPAL CODE CHAPTER 2.73 CREATING A LANDMARKS AND HERITAGE COMMISSION, AND REPEALING AND REPLACING COVINGTON MUNICIPAL CODE CHAPTER 18.47 PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS.

WHEREAS, historic preservation fosters civic pride in the beauty and accomplishments of the past and improves the economic vitality of our communities; and

WHEREAS, the City of Covington desires to designate, protect, and enhance those sites, buildings, districts, structures and objects that reflect significant elements of its cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, and other history; and

WHEREAS, such cultural and historic resources are a significant part of the heritage, education and economic base of the City of Covington, and the economic, cultural and aesthetic well-being of the City cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources; and

WHEREAS, the purpose of this Ordinance is to:

- (a) Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the City's, County's, State's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;
- (b) Foster civic pride in the beauty and accomplishments of the past;
- (c) Stabilize and improve the economic values and vitality of landmarks;
- (d) Protect and enhance the City's tourist industry by promoting heritage-related tourism;
- (e) Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of City of Covington;
- (f) Promote and continue incentives for ownership and utilization of landmarks;
- (g) Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;

(h) Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in the preservation, exhibition and interpretation of Covington’s heritage;

WHEREAS, the Covington Planning Commission held a public hearing on these amendments on August 17, 2017; and

WHEREAS, King County is able to provide landmark designation and protection services to the City; and

WHEREAS, the City has elected to contract with King County to provide such services; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection;

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

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

Section 2. Landmark Commission. Covington Municipal Code Chapter 2.73 Landmarks and Heritage Commission is hereby added to read as follows:

2.73.010 Landmarks and Heritage Commission– Membership and organization.

(1) The King County Landmarks Commission (“Commission”), established pursuant to King County Code (K.C.C.), Chapter 20.62, as amended, and including the Special Member described below, is hereby designated and empowered to act as the Landmarks and Heritage Commission for the City of Covington pursuant to the provisions of Chapter 20.62 K.C.C. and Chapter 18.47 Covington Municipal Code.

(a) The Special Member of the Commission, provided for in Section 20.62.030 of the King County Code, shall be appointed by the Covington City Council at such time that an application to nominate an historic resource for designation as a landmark or community landmark within the city limits is received by the City of Covington. Such special member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a three-year term. Such special member shall serve until his or her successor is duly appointed and confirmed. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Such special member may be reappointed, but may not serve more than two consecutive, three-year terms. Such special member shall be deemed to have served one full term if such special member resigns at any time after appointment or if such special member serves more than two years of an unexpired term. The special member of the Commission shall serve without compensation.

(b) The Commission shall file its rules and regulations, including procedures consistent with this CMC Chapter 18.47, with the City Clerk

Section 3. Repeal. The following sections of Covington Municipal Code are repealed

- 18.47.010 Findings and declaration of purpose.**
- 18.47.030 Landmarks and Heritage Commission – Membership and organization.**
- 18.47.040 Designation criteria.**
- 18.47.050 Nomination procedure.**
- 18.47.060 Designation procedure.**
- 18.47.070 Certificate of appropriateness procedure.**
- 18.47.080 Evaluation of economic impact.**
- 18.47.090 Appeal procedure.**
- 18.47.100 Funding.**
- 18.47.110 Penalty for violation of CMC 18.47.070.**
- 18.47.120 Special valuation for historic properties.**
- 18.47.130 Historic resources – Review process.**
- 18.47.140 Administrative rules.**

Section 4. Protection and Preservation of Landmarks, Landmark sites and Districts.
Covington Municipal Code 18.47.010 Protection and Preservation of Landmarks, Landmark Sites and Districts, is hereby added to read as follows:

18.47.010 Protection and Preservation of Landmarks, Landmark Sites and Districts.

The following sections of King County Code Chapter 20.62 are adopted by reference, as amended below, for the protection and preservation of Landmarks, Landmark sites and Districts within the City of Covington:

(1) K.C.C. 20.62.020 – Definitions, except as follows:

(a) Paragraph H. is changed to read “Director” means the Director of the City of Covington Department of Community Development or their designee.

(b) Add paragraph: Z. “Council” is the City of Covington City Council.

(2) K.C.C. 20.62.040 - Designation Criteria, except all references to "King County" are changed to read “City of Covington.”

(3) K.C.C. 20.62.050 - Nomination Procedure, except that an additional requirement that all nominations must have the prior written consent of the property owner(s) is added.

(4) K.C.C. 20.62.070 - Designation Procedure, except all references to "King County" are changed to read “City of Covington.”

(5) K.C.C. 20.62.080 - Certificate of Appropriateness Procedure, except the last sentence of paragraph A thereof.

(6) K.C.C. 20.62.100 - Evaluation of Economic Impact.

(7) K.C.C. 20.62.110 - Appeal Procedure, except that appeals shall be filed with the City of Covington City Clerk for decision by the Covington Hearing Examiner.

(8) K.C.C. 20.62.130 - Penalty for Violation of Section 20.62.080 (CMC 18.47.010(5) above).

(9) K.C.C. 20.62.140 - Special Valuation for Historic Properties, except that the reference to King County in subsection C is changed to City of Covington.

(10) Development proposals and permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to CMC Section 18.47.010(5) above. Upon receipt of an application for a development proposal or permit which affects a City of Covington landmark or an historic resource that has received a preliminary determination of significance as defined in CMC Section 18.47.010(1) above, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to CMC Section 18.47.010(5) above if accompanied by the additional information required to apply for such certificate.

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

Section 6. Corrections. Upon approval of the city attorney, the city clerk and/or code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, at a regular meeting thereof on the 26th day of September, 2017, and signed in authentication of its passage.

Mayor Jeff Wagner

PUBLISHED: September 29, 2017

EFFECTIVE: October 4, 2017

ATTESTED:

Sharon Scott
City Clerk

APPROVED AS TO FORM:

Kathy Hardy
City Attorney

ATTACHMENT 3

RESOLUTION NO. 2017-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH KING COUNTY FOR LANDMARK DESIGNATION AND PRESERVATION SERVICES

WHEREAS, the City of Covington (“City”) was incorporated in 1997, and

WHEREAS, local governmental authority and jurisdiction with respect to the designation and protection of landmarks within city limits resides with the City; and,

WHEREAS, the City desires to protect and preserve the historic buildings, structures, districts, sites, objects, and archaeological sites within the City for the benefit of present and future generations; and

WHEREAS, King County (“County”) is able to provide landmark designation and protection services for the City; and

WHEREAS, the City has elected to contract with the County to provide such services; and

WHEREAS, the costs incurred by the City for the County review services should be offset by an application review fee; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection; and

WHEREAS, pursuant to R.C.W. 39.34, the Interlocal Cooperation Act, the parties are each authorized to enter into an agreement for cooperative action; and

WHEREAS, the city council passed Ordinance No. 14-2017 at their regular council meeting on September 26, 2017, amending the Covington Municipal Code (CMC) to include a new Chapter 2.73 CMC creating a Landmarks and Heritage Commission, and repealing and replacing Chapter 18.47 CMC Protection and Preservation of Landmarks, Landmark Sites and Districts; and

WHEREAS, the City Council desires to amend the City’s current 2017 fee resolution to require that all costs incurred by the City for King County’s Landmark Designation and Preservation Program Services shall be paid by the applicant;

BE IT RESOLVED by the City Council of the City of Covington, King County, Washington, as follows:

Section 1. The City Manager is hereby authorized to enter into an interlocal agreement for Landmark Designation and Preservation services with King County in substantial form as attached Exhibit A (“Agreement”).

Section 2. The City’s Fee Resolution is hereby amended to provide that the costs incurred by the City for King County’s Landmark Designation and Preservation Program Services shall be paid by the applicant.

Section 3. If any provisions of this resolution is determined to be unenforceable for any reason, the remaining provisions of this resolution shall remain in force and affect.

PASSED in open and regular session on this *26th* day of September *2017*.

Jeff Wagner, MAYOR

ATTESTED:

Sharon Scott, City Clerk

APPROVED AS TO FORM:

Kathy Hardy, City Attorney

Resolution Exhibit A DRAFT
INTERLOCAL AGREEMENT FOR LANDMARK SERVICES

**AN AGREEMENT BETWEEN KING COUNTY AND THE CITY OF COVINGTON
RELATING TO LANDMARK DESIGNATION AND PROTECTION SERVICES**

THIS IS AN AGREEMENT between King County, a home rule charter county and a political subdivision of the State of Washington, hereinafter referred to as the "County," and the City of Covington, a municipal corporation of the State of Washington, hereinafter referred to as the "City".

WHEREAS, the City is incorporated; and

WHEREAS, local governmental authority and jurisdiction with respect to the designation and protection of landmarks within the city limits resides with the City; and

WHEREAS, the City desires to protect and preserve the historic buildings, structures, districts, sites, objects, and archaeological sites within the city for the benefit of present and future generations; and

WHEREAS, the County is able to provide landmark designation and protection services for the City; and

WHEREAS, the City has elected to contract with the County to provide such services; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection; and

WHEREAS, pursuant to R.C.W. 39.34, the Interlocal Cooperation Act, the parties are each authorized to enter into an agreement for cooperative action;

NOW THEREFORE, the County and the City hereby agree:

1. Services. At the request of the City, the County shall provide landmark designation and protection services using the criteria and procedures adopted in King County Ordinance 10474, King County Code (K.C.C.), Chapter 20.62 within the City limits, to the extent that chapter is adopted by and as amended by the Covington Municipal Code.
2. City's Responsibilities
 - A. Adopt an ordinance establishing regulations and procedures for the designation of historic buildings, structures, objects, districts, sites, objects, and archaeological sites as landmarks and for the protection of landmarks. Regulations and procedures shall be

substantially the same as the regulations and procedures set forth in K.C.C. Chapter 20.62. The ordinance shall provide that the King County Landmarks Commission, with the addition of a special member, acting as the City of Covington Landmarks Commission (Commission) shall have the authority to designate and protect landmarks within the City limits in accordance with the City ordinance. The ordinance shall include:

- 1) Provision for the appointment of a special member to the Commission as provided by K.C.C. Chapter 20.62.030.
- 2) A provision that appeals from decisions of the Commission pertaining to real property within the City limits shall be taken to the City Hearing Examiner.
- 3) A provision for penalties for violation of the certificate of appropriateness procedures (K.C.C. Chapter 20.62.080).
- 4) A provision that the official responsible for the issuance of building and related permits shall promptly refer applications for permits which affect historic buildings, structures, objects, sites, districts, or archaeological sites to the King County Historic Preservation Officer (HPO) for review and comment. The responsible official shall seek and take into consideration the comments of the HPO regarding mitigation of any adverse effects affecting historic buildings, structures, objects, sites, districts or archaeological sites.

B. Appoint a Special Member to the Commission in accordance with the ordinance adopted by the City. Pursuant to K.C.C. Chapter 20.62 such Special Member shall be a voting member of the Commission on all matters relating to or affecting landmarks within the City, except review of applications to the Special Valuation Tax Program, and the Current Use Taxation Program.

C. Except as to Section 5, the services provided by the County pursuant to this agreement do not include legal services.

3. County Responsibilities

- A. Process all landmark nomination applications and conduct planning, training, and public information tasks necessary to support landmarking activities in the City. Such tasks shall be defined by mutual agreement of both parties on an annual basis.
- B. Process all Certificate of Appropriateness applications to alter, demolish, or move any significant feature of a landmark property within the City limits.
- C. Act as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, (R.C.W. 84.26 and WAC 254.20) for the special valuation of historic properties within the city limits.

D. Review and comment on applications for permits which affect historic buildings, structures, objects, sites, districts, and archaeological sites. Comments shall be forwarded to the City official responsible for the issuance of building and related permits.

4. Compensation

A. Costs. The City shall reimburse the County fully for all costs incurred in providing services under this contract, including overhead and indirect administrative costs. Costs charged to the City may be reduced by special appropriations, grants, or other supplemental funds, by mutual agreement of both parties. The rate of reimbursement to the County for labor costs shall be revised annually.

B. Billing. The County shall bill the City quarterly. The quarterly bill shall reflect actual costs plus the annual administrative overhead rate. Payments are due within 30 days of invoicing by the County.

5. Indemnification.

A. The County shall indemnify and hold harmless the City and its officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them, in providing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the City, the County shall defend the same at its sole cost and expense; provided, that the City retains the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the City and its officers, agents, employees, or any of them, or jointly against the City and the County and their respective officers, agents and employees, or any of them, the County shall satisfy the same.

B. In executing this agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, rules or regulations, policies or procedures. If any cause, claim, suit, actions or administrative proceeding is commenced regarding the enforceability and/or validity of any ordinance, rule or regulation of either party, said party shall defend the same at its sole expense and if judgment is entered or damages are awarded against said party, said party shall satisfy the same, including all chargeable costs and attorneys' fees.

C. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, by reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them. In the event that any suit based upon such a claim, action, loss or damage is brought against the County, the City shall defend the same at its sole cost and expense; provided

that the County retains the right to participate in said suit if any principle of governmental or public laws is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, the City shall satisfy the same.

D. The City and the County acknowledge and agree that if such claims, actions, suits, liability, loss, costs, expenses and damages are caused by or result from the concurrent negligence of the City, its agents, employees, and/or officers and the County, its agents, employees, and/or officers, this Article shall be valid and enforceable only to the extent of the negligence of each party, its agents, employees and/or officers.

6. Interlocal Cooperation Act

A. Purpose. The purpose of this agreement is for the City of Covington and King County to partner to provide historic preservation services within the corporate boundaries of the City.

B. Administration. This agreement shall be administered for the County by the Director of the Department of Natural Resources and Parks, or the director's designee, and for the City by the City Manager or his/her designee.

C. Budget and Financing. No special budget or funds are anticipated, nor will the parties jointly acquire, hold or dispose of real or personal property.

D. Duration. This agreement is effective beginning upon execution, and shall continue until terminated pursuant to the terms of this agreement.

E. This Agreement will be recorded by the County or otherwise be made public by it in conformance with the Interlocal Cooperation Act.

7. Termination. Either party may terminate this agreement by thirty (30) days written notice from one party to the other.

8. Amendments. This Agreement may be amended at any time by mutual written agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this agreement this _____ day of _____, 2017.

CITY OF COVINGTON

KING COUNTY

By: _____
Regan Bolli
City Manager

By: _____
Dow Constantine
King County Executive

Approved as to form:

By: _____
King County Prosecutor

ATTESTED:

Sharon Scott, City Clerk

APPROVED AS TO FORM:

Kathy Hardy, City Attorney

Agenda Item 4
Covington City Council Meeting
Date: September 26, 2017

SUBJECT: 2018 LEGISLATIVE AGENDA

RECOMMENDED BY: Regan Bolli, City Manager

ATTACHMENT(S):

1. Possible 2018 legislative agenda items

PREPARED BY: Regan Bolli, City Manager

EXPLANATION:

The City Council adopts a legislative agenda every year. The attached legislative agenda items are revised from 2017 and include issues that have arisen. Furthermore, those issues that were resolved from 2017 have been removed.

Subsequent to this meeting staff will be meeting with our city's lobbyist to review council recommendations and priorities for the 2018 legislative session. Once finalized this will be brought back to council for final approval. Following approval, staff will review our 2018 Legislative Agenda with our 47th District Legislators and use the agenda in our lobbying efforts during the 2018 legislative session.

ALTERNATIVES:

FISCAL IMPACT: Staff time

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

Provide feedback and direction to staff.

REVIEWED BY: Leadership Team

City of Covington 2018 Legislative Priorities

- **Pass a Capital Budget that includes Funding for Covington’s Town Plaza**
The City of Covington respectfully requests funding to realize its vision of a thriving Town Center and a “sense of place” for the Covington Community and the greater southeast King County area. The City envisions a mixed-use development, with a town plaza, and new city hall. The City requests that the Legislature pass a 2017-19 Capital Budget that allocates \$820,000 to the Covington Town Plaza. The most recent proposed Capital Budget (released on 7/20/17) includes this funding allocation. This state funding as well as city generated funds will allow Covington to complete Phase 1 of the greater Town Center project.
- **Higher Education**
The City of Covington is thankful for the funding allocated in the 2017-19 Operating Budget to develop a student cohort in Covington, in coordination with Green River College. The City of Covington will be working closely with Green River College to ensure successful implementation of this initial step to bring higher education to the Covington community.
- **Transportation Funding**
The City of Covington is thankful for the funding allocated in the Connecting Washington funding package to widen SR 516 between Jenkins Creek and 185th and the Covington Connector. The City will monitor the implementation of the Connecting Washington package to ensure timely and efficient delivery of both projects.

Additionally, the City will continue lobbying for the widening of SR 516 from 185th to Four Corners, and support Maple Valley and Black Diamond in securing funding for SR 169. The City encourages the State Legislature to explore city funding options for ongoing transportation needs. For example, Covington supports councilmanic sales tax authority for Transportation Benefit Districts (TBD).

- **Park Funding**
The City of Covington is grateful for state investments in its parks. The City plans to continue working with the Washington Recreation and Parks Association to increase local park and recreation opportunities in the city. Additionally, the City plans to explore grant and other external sources of funding. In the future, the City hopes to continue its partnership with the state in funding a key project for the City, Phase 3 of SoCo Park.

The City supports the efforts of the Association of Washington Cities and Sound Cities Association.

2018 Legislative Policy Document

In addition to the City's 2018 adopted legislative priorities, the city has adopted the following policies. The policy document provides direction to city staff and the city lobbyist. These are issues that the city will monitor and support along with AWC and other stakeholders, but are secondary to the 2018 legislative priorities of the City.

- **Transportation:**
 - Walkways and Street Grant Policies – The City of Covington will explore and support legislative proposals to create new grant programs and/or amend existing grant programs to prioritize streets with high average daily traffic flow counts or state routes through city centers.
 - Councilmanic authority - The City of Covington supports additional revenue tools that provide councilmanic authority to fund local transportation.
 - I-90 and State Highway 18 Improvements - Collaboratively work with applicable jurisdictions to lobby for the widening of I-90 & Highway 18 in the next transportation package.
- **Property Tax:** The City of Covington supports lifting the 1% property tax ceiling to allow city revenues to increase with inflation/increasing costs.
- **State-Shared Revenues** – The City of Covington requests that as the Legislature continue to fully fund local-state shared revenues, and further asks that the legislature restore full funding to the liquor revolving account. The City supports legislation that restores liquor profit revenues to pre-2012 levels by removing the 2011 cap, and restoring the 50/50 revenue sharing relationship over multiple biennia and dedicating the revenue to public safety.
- **AWC & SCA Legislative Programs:** Support the Association of Washington Cities (AWC) and Sound Cities Association (SCA) legislative programs. Support other local government professional associations' legislative programs when consistent with the aforementioned programs.
- **Economic Development Funding:** Support constitutional amendments and/or legislation to create pure tax increment financing. Support funding for the Local Infrastructure Financing Tool (LIFT) and Local Revitalization Financing (LRF) programs. Support efforts to make LIFT and LRF simpler, more flexible, and user-friendly.
- **Joint Legislative Agenda:** The cities of Covington, Maple Valley, and Black Diamond will continue to advocate jointly for federal and state funding for State Route 169 and State Route 516 improvements and for transit alternatives in the three rapidly growing communities.
- **Unfunded Mandates:** Oppose unfunded and under-funded mandates on local government. Support funding for existing mandates including comprehensive plan

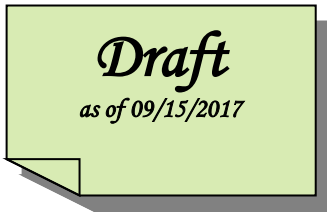
updates, Shoreline Management Act updates and National Pollution Discharge Elimination System (NPDES) requirements.

- **Local Control:** The City of Covington supports legislation that provides greater local control of city regulatory issues, particularly around fireworks, marijuana lounges, liquor establishments, etc.
- **Affordable Housing Tools:** The City of Covington supports additional local option funding tools for affordable housing. Additionally, the City joins housing advocates in requesting funding for the Housing Trust Fund, and increasing the document recording fee.
- **Stormwater & Culvert Funding:** The City of Covington has significant stormwater and culvert funding needs. The City requests funding for current and new grant programs for local stormwater and culvert projects.
- **Cost Savings**
The City of Covington will work with the Association of Washington Cities to advance legislation that brings cost savings to the city.

**DISCUSSION OF
FUTURE AGENDA TOPICS:**

7:00 p.m. Tuesday, October 10, 2017 Regular Meeting

(Draft Agenda Attached)



CITY OF COVINGTON
CITY COUNCIL REGULAR MEETING AGENDA
www.covingtonwa.gov

Tuesday, October 10, 2017
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

- Annual State of the County Report (Councilmember Reagan Dunn)

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. *

APPROVE CONSENT AGENDA

- C-1. Minutes: May 24, 2017 Special Meeting – Tri City Joint Meeting; July 11, 2017 Special & Regular Meeting; July 25, 2017 Special & Regular Meeting; August 22, 2017 Special and Regular Meeting; September 12, 2017 Special & Regular Meeting; and September 26, 2017 Regular Meeting (Scott)
- C-2. Vouchers (Hendrickson)

NEW BUSINESS

1. Discuss Safe Injection Sites (Bolli)
2. Surface Water Management Rate Study (Vondran)
3. Discuss Impacts of Covington Elementary School Uses (Hart)
4. City Manager Presents 2018 Budget Message (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).