



city of
covington
growing toward greatness

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The City of Covington is a destination community where citizens, businesses and civic leaders collaborate to preserve and foster a strong sense of unity.

PLANNING COMMISSION AGENDA

October 20 2016

6:30 PM

CALL TO ORDER

ROLL CALL

Chair Bill Judd, Vice Chair Paul Max, Chele Dimmett, Jennifer Gilbert-Smith, Jonathan Ingram, Jim Langehough, & Alex White

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

1. Minutes from October 6, 2016

CITIZEN COMMENTS - *Note: The Citizen Comment period is to provide the opportunity for members of the audience to address the Commission on items either not on the agenda or not listed as a Public Hearing. The Chair will open this portion of the meeting and ask for a show of hands of those persons wishing to address the Commission. When recognized, please approach the podium, give your name and city of residence, and state the matter of your interest. If your interest is an Agenda Item, the Chair may suggest that your comments wait until that time. Citizen comments will be limited to four minutes for Citizen Comments and four minutes for Unfinished Business. If you require more than the allotted time, your item will be placed on the next agenda. If you anticipate, in advance, your comments taking longer than the allotted time, you are encouraged to contact the Planning Department ten days in advance of the meeting so that your item may be placed on the next available agenda.*

UNFINISHED BUSINESS – None

PUBLIC HEARING – Action Required

2. Public Hearing on Amendments to Chapter 13.25 Surface and Stormwater, Chapter 12.60 Street Standards and other associated Amendments to Titles 12, 13, 17 & 18 related to stormwater design and implementation.

NEW BUSINESS – No Action Required

ATTENDANCE VOTE

PUBLIC COMMENT: (Same rules apply as stated in the 1st CITIZEN COMMENTS)

COMMENTS AND COMMUNICATIONS OF COMMISSIONERS AND STAFF

ADJOURN

*Any person requiring a disability accommodation should contact the City at least 24 hours in advance.
For TDD relay service please use the state's toll-free relay service (800) 833-6384 and ask the operator to dial (253) 480-2400*

Web Page: www.covingtonwa.gov

**CITY OF COVINGTON
Planning Commission Minutes**

October 6, 2016

City Hall Council Chambers

CALL TO ORDER

Vice Chair Max called the regular meeting of the Planning Commission to order at 6:39 p.m.

MEMBERS PRESENT

Chele Dimmett, Jennifer Gilbert-Smith, Jonathan Ingram, Jim Langehough, Paul Max and Alex White

MEMBERS ABSENT – Bill Judd

STAFF PRESENT

Richard Hart, Community Development Director
Salina Lyons, Principal Planner
Sara Springer, City Attorney (by phone)
Kelly Thompson, Planning Commission Secretary

Mr. Hart introduced the new Planning Commissioner, Jonathan Ingram.

APPROVAL OF MINUTES AND AGENDA

- **1. Commissioner Dimmett moved and Commissioner White seconded to approve the September 1, 2016 minutes and agenda. Motion carried 6-0.**

CITIZEN COMMENTS - None

UNFINISHED BUSINESS

2. Status & Review on Sign Code Revisions (Supreme Court Decision: Reed v. Gilbert)

Community Development Director, Richard Hart provided the Planning Commission an updated copy of the proposed Interim Sign Code. Mr. Hart reviewed the process that the Planning Commission will be following including public outreach and a public hearing.

The Planning Commissioners asked questions related to the maintenance of land following removal of a temporary sign, size of flags allowed, and enforcement of signs that are not in compliance.

Ms. Springer shared that more revisions and corrections will be made to the final draft of the Sign Code Revisions prior to adopting the interim regulations.

PUBLIC HEARING

3. Public Hearing on Amendments to CMC 16.10 State Environmental Policy Act policies and procedures, CMC 14.30 Permit Decision Types and CMC 14.45 Appeal Procedures.

Principal Planner, Salina Lyons provided background on the need for changes to the previously listed code sections.

Vice Chair Max opened the Public Hearing.

There was no public comment.

- **Commissioner Dimmett moved and Commissioner Ingram seconded to recommend to the City Council that they approve the proposed amendments to CMC 16.10 State Environmental Policy Act procedures and policies, CMC 14.30 Permit Decision Types regulations and CMC 14.45 Appeal Procedures. Motion carried 6-0.**

4. Public Hearing on Amendments to Repeal CMC 18.100 Property Specific Development Standards/Special Overlay Districts.

Vice Chair Max opened the Public Hearing.

Mr. Hart shared that staff found that CMC 18.100 is out of date and no longer applicable. Staff recommends repealing this code.

Elizabeth Porter, Covington resident, requested that if any of the codes being repealed will affect green space or the environment and that the Planning Commission consider the impacts of those before approving to remove the codes.

The Planning Commission asked questions of staff and received clarification.

- **Commissioner Dimmett moved and Commissioner White seconded to recommend the to the City Council that they approve the repeal of CMC Chapter 18.100 Property Specific**

Development Standards/Special Overlay Districts. Motion carried 6-0.

NEW BUSINESS - None

ATTENDANCE VOTE

- **Commissioner White moved and Commissioner Gilbert-Smith seconded to excuse the absence of Chair Judd. Motion carried 6-0.**

PUBLIC COMMENTS - None

COMMENTS AND COMMUNICATIONS FROM STAFF

Mr. Hart reviewed several acronyms that are commonly used in planning and land use. The next regularly scheduled Planning Commission meeting will be held on October 20, 2016.

ADJOURN

The October 6, 2016 Planning Commission Meeting adjourned at 8:08 p.m.

Respectfully submitted,

Kelly Thompson, Planning Commission Secretary



City of Covington
16720 SE 271st St. Suite 100
Covington, WA 98042

City Hall – 253.480.2400
www.covingtonwa.gov

Memo

To: Planning Commission

**From: Salina Lyons, Principal Planner
Ben Parrish, SWM Program Manager
Nelson Ogren, Development Review Engineer**

Date: October 10, 2016

Re: Public Hearing on Amendments to Chapter 13.25 Surface and Stormwater, Chapter 12.60 Street Standards and other associated Amendments to Titles 12, 13, 17 & 18 related to stormwater design and implementation.

Background

The Washington State Department of Ecology (DOE) National Pollution Discharge Elimination System (“NPDES”) Western Washington Phase II Stormwater (WWPIIS) Permit issued to the City of Covington requires cities to adopt the *2012 Stormwater Management Manual for Western Washington* (“2012 DOE Stormwater Manual”), and as amended in December 2014, and to amend appropriate sections of the Covington Municipal Code (“CMC”) to require Low Impact Development (“LID”) principles and Best Management Practices (“BMPs”) to be the preferred and commonly-used approach to site development. The adoption of the new manual and provisions to require LID BMPs must be completed by December 31, 2016.

The proposed code amendments remove barriers to LID implementation within the CMC and standards and make them a requirement of design. Specifically, the 2014 Manual requires all projects to complete an LID feasibility analysis and implement LID BMPs to the extent feasible. The primary LID principles and BMPs to be incorporated are: (1) Measures to minimize impervious surfaces; (2) Measures to minimize loss of native vegetation; and (3) Other measures to minimize stormwater runoff. Conventional stormwater management has led to large storm facilities in one location. The 2014 Manual will result in numerous but smaller facilities, which may look more natural. Installation of bioretention and infiltration systems will take precedence over the use of conventional systems.

Gap Analysis- 2016 Stormwater Updates

1. Comprehensive Plan and Goals. The city’s 2015-2035 Comprehensive Plan includes goals and policies on sustainability (Land Use), water resources (Natural Environment) and coordination and efficiency (Capital Facilities & Utilities) that support the implementation of LID BMPs for stormwater design.
2. 2012 Stormwater Management Manual for Western Washington. In 2009, the city hired Parametrix to perform a gap analysis of our stormwater code then and to propose code language that will bring us into compliance with Phase II of the NPDES permit. As a result of that analysis, the city adopted a new Stormwater Comprehensive Plan, adopted by reference in the City’s Comprehensive Plan (adopted 2015). At that time, the city also adopted the Department of Ecology Stormwater Manual and associated technical guidelines for stormwater management. A full list of the technical documents adopted is provided in CMC 13.25.020 and collectively defined as “Stormwater Manuals.” As written,

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the current code the city adopts any “subsequent amendments” and therefore the city has been applying the 2012 DOE stormwater manual since it was released in 2014.

3. LID Design. The city has been implementing LID design in most development projects since the DOE manual was adopted in 2009, through the use of the LID Technical Guidance Manual, adopted by reference in CMC 13.25.020 and encouraged in CMC 13.25.050. Most developers have found the benefit in the reduction of infrastructure costs and integrated design, so we’ve been seeing better stormwater design in our subdivision developments. That said, because the use of LID has not been mandatory, the city has little enforcement ability to require a developer to utilize LID Stormwater Design.

LID stormwater management has been a requirement for commercial development within the city since 2009 through the adoption of the city’s Downtown Design Guidelines and Standards (“Design Standards”) in CMC 18.31.

4. Stormwater and Site Development. The city has reviewed adopted codes to evaluate if additional amendments are necessary to support the relationship between stormwater and site development. The gap analysis in 2009 identified key codes that supported or needed further discussion. Over the last 5 years, the city has been working to implement those recommendations as follows:
 - a. Grading: The city adopted a grading ordinance (CMC 14.60) that requires development to incorporate topographic site features and retain and incorporate natural design features.
 - b. Native Vegetation: The city’s Tree Preservation Ordinance (CMC 18.45) has requirements for developments to retain existing tree stock through the use of easements and tracts. Any replacement of trees and landscaping shall be native to the Pacific Northwest. The code allows a reduction in the percentage of tree tract requirement if the tree tracts are located adjacent to and integrated with a stormwater facility. This is a benefit to the developers, as it allows tree retention requirements to be counted as BMPs for stormwater management.
 - c. Bulk and Dimension: The city’s density and dimensions (CMC 18.30.030) identify the required lots sizes and setbacks within residential zones. The city has a minimum lot size of 2,500 sq. ft. which allows developers to cluster lots to minimize the footprint of the development and allow for the conservation of trees and vegetation.

The city has a cottage housing ordinance (CMC 18.37), which also provides for clustering and alternative housing design. This ordinance has not been used by any developers since it was adopted in 2009; however, it is available and serves as tool, particularly for more critically encumbered lands.

The city’s downtown density and dimension standards (CMC 18.31.090) provide for flexible setbacks. Specific zones such as the Mixed Housing Office (MHO) zone have been identified as an area where LID BMPs shall be used. This requirement is an effort to protect and promote the health of Jenkins Creek.

- d. Parking: Downton parking standards (CMC 18.31.110) serve as a maximum as development cannot exceed more than 50% of the minimum parking standard. Establishing this standard of maximum parking ratios results in a reduction of pollution generating impervious surface and ensures that the develop is not providing more parking than needed, and that developers utilizes existing provisions for shared parking.

In addition to reduced parking ratios, the Design Standards require that parking lots be designed to diminish the amount of asphalt and allow for infiltration of run-off and offer shade to otherwise bare paved area.

- e. Critical Areas and Shoreline Management: The city's critical area regulations (CMC 18.65) are currently being updated to account for LID techniques and the integration of stormwater design in the outer buffer areas of wetlands. These regulations are expected to be adopted next year. However, the current regulations in CMC 18.65 provides flexibility for the developer to propose integrating their stormwater facility with the upper portions of a wetland buffer ONLY if they utilize LID design techniques. The city has some extremely successful downtown developments that have utilized this flexibility and integration of design.

- 5. Stormwater Maintenance Program: In general, the city's Maintenance Department manages stormwater facilities associated with subdivisions and public areas, such as parks and streets. Commercial developments are responsible for maintaining their own stormwater facilities through individual stormwater covenants. (CMC 18.25.110 & 120)

A stormwater covenant is a document that is recorded against the property and notes responsibility of the property owner. The city is authorized to inspect the system to ensure it is functioning as designed. In cases where it the system is not functioning, the city will work with the property owner to correct the issued. If the property owner refuses to correct the system, the city is authorized to make the correction and bill the property owner accordingly. Authority to require a Stormwater Covenant is provided in CMC 18.25.120.

Proposed Code Amendments

These proposed code changes result in a clear compliance with the Ecology WWPIIS Permit. The code changes and reorganization will provide better consistency for staff and applicants that are subject to the requirements of the permit.

- A. **CMC 13.25 SURFACE AND STORMWATER AMENDMENTS (Attachment 1)**
 - a. Require LID Site Analysis- CMC 13.25.045. An LID site analysis is an implementing recommendation from DOE. Developers currently perform some level of site feasibility prior to formal design. The LID site analysis will be required at the Pre-Application stage of a project and will require developers to consider LID stormwater design and techniques early in the design phase.
 - b. Requiring LID Design- CMC 13.25.045. The LID BMP's are listed that are permitted outright. These BMPs are were originally adopted in the 2009 ordinance as an alternative BMP for stormwater management. Under the new permit requirements, development shall utilize these LID BMPs in their designs.
 - c. Optional LID Design- CMC 13.25.040. Some LID features and facilities are not supported by staff as outlined in CMC 13.25.047. For example, pervious public roadways are not allowed due to a number of reasons including maintenance and safety issues. These optional LID BMPS can still be used by the developer; through the design deviation process which allows the city to provide additional conditions (maintenance, covenants, bonding) to ensure that the proposed BMPs preforms as designed.

- d. Design Deviations and Design Variances- CMC 13.25.050. This section is updated to reference the adopted deviation and variance process, as outlined in the Design and Construction Standards Chapter 1. This section also requires that any developer that proposes conventional stormwater design features, unless their site analysis shows LID design is not feasible, will be required to obtain a Land Use Variance from the Hearing Examiner as a Type 3 decision.
- e. Connection to Existing Stormwater Systems- CMC 13.25.121. When feasible, the city encourages developers to utilize existing underserved stormwater system off-site, in-lieu of constructing new facilities on-site. This may include a direct connection to the stormwater facility, or modifying the existing facility to accommodate additional stormwater. This provision provides a process by which the developer can request the use of a stormwater facility.

B. CMC 12.60 DESIGN AND CONSTRUCTION STANDARDS (Attachment 2)

- a. General Amendments: The city's Design and Construction Standards, adopted by reference in CMC 12.60, provide additional criteria and details pertaining to street and stormwater design. In essence, the CMC provides the "shalls" and the Design and Construction Standards outline the implementation requirements.

This chapter was updated to include a purpose statement, clarify the name of the document as adopted (Design and Construction Standards) and the relationship between the Standards and the code.

C. DESIGN AND CONSTRUCTION STANDARDS (ADOPTED BY REFERENCE IN CMC 12.60) (Attachment 3)

- a. The Design and Construction Standards are also proposed to be updated to further implement the requirement of the NPDES updates in the design of infrastructure.
 - i. Chapter 7- Drainage is amended and updated to be consistent with CMC 13.25

D. GENERAL CHAPTER UPDATES (Attachment 4)

- a. Additional amendments to Titles 12, 13, 17 & 18 are for the purpose of consistency with the proposed amendments to Chapters 13.25 and 12.60.

SEPA and Public Notice

The DNS will be issued on October 21, 2016 with a 14-day comment period that ends on November 4, 2016. A 60-day notice of the proposed change to the Zoning Code will be sent to the Washington State Department of Commerce on October 20, 2016. On October 7, 2016, public notice of this proposed code amendment was published in the Covington Reporter, placed on the City website and posted at City Hall.

Public Hearing

The Planning Commission will hold a public hearing on the proposal to repeal CMC 18.100 regulations at its October 20, 2016 regularly scheduled meeting. At the public hearing the Planning Commission will hear any public testimony and then may discuss the proposed code amendment. After the Planning Commission discussion, they may direct staff to bring back items for further clarification and modification, make a final recommendation to the City Council, or continue review and discussion at a future meeting.

Recommendation

Recommended motion: Move to recommend to the City Council Amendments to Chapter 13.25 Surface and Stormwater, Chapter 12.60 Street Standards and other associated Amendments to Titles 12, 13, 17 & 18 related to stormwater design and implementation.

Agenda Item 2

Alternative motion: Move to continue the Planning Commission's discussion and final recommendation to a future meeting date to allow staff to make recommended modifications for Planning Commission review.

Attachments:

1. CMC 13.25 Surface and Stormwater Amendments
2. CMC 12.60 Design and Construction Standards
3. Design and Construction Standards (Adopted by Reference In CMC 12.60)
4. General Chapter Updates



**CITY OF COVINGTON, WASHINGTON
PLANNING COMMISSION NOTICE OF PUBLIC HEARING
THURSDAY, OCTOBER 20, 2016 – 6:30 PM**

NOTICE IS HEREBY GIVEN that the Covington Planning Commission has scheduled a Public Hearing on Thursday, October 20, 2016, at 6:30 p.m. during the regular Planning Commission meeting at Covington City Hall Council Chambers, 16720 SE 271st Street, Covington.

The purpose of this public hearing is for the Planning Commission to receive comments from the public, both written and oral, regarding the proposed amendments to the stormwater Chapter CMC 18.25 that introduces new State mandated requirements for Low Impact Development (LID) and Best Management Practices (BMPs) in the design and construction of stormwater facilities.

All persons desiring to comment may do so in writing to the City Clerk, 16720 S.E. 271st Street, Suite 100, Covington, Washington 98042, or slyons@covingtonwa.gov, by Wednesday, October 19, 2016, at 5:00 p.m. or by appearing at the Public Hearing.

NOTICE IS FURTHER GIVEN that agenda information will be posted on Friday, October 14, 2016, at Covington City Hall, the Covington Library, and the City's web site: www.covingtonwa.gov.

Dated this 7th day of October, 2016.

Chapter 13.25
SURFACE AND STORMWATER

- 13.25.010 Purpose.
- 13.25.020 Surface and stormwater management regulations and guidelines adopted – Modifications.
- 13.25.025 Definitions
- 13.25.030 Scope.
- 13.25.040 Drainage review – When required – Type.
- 13.25.045 Drainage Design and Low Impact Development – Required
- 13.25.047 Low Impact Development - Optional
- 13.25.050 Drainage review ~~-- -Design Deviations and Design – Requirements~~–Variances.
- ~~13.25.060 Repealed.~~
- 13.25.070 Engineering plans.
- 13.25.080 Construction timing and final approval.
- ~~13.25.090 Repealed.~~
- 13.25.100 Liability insurance and financial guarantee requirements.
- 13.25.110 Stormwater management facilities accepted by the City of Covington for maintenance.
- 13.25.120 Stormwater management facilities not accepted by the City of Covington for maintenance.
- 13.25.121 Connections or modifications to the existing stormwater system
- 13.25.122 Illicit connections prohibited.
- 13.25.123 Illicit discharges prohibited – Exceptions.
- 13.25.124 Nonstormwater discharges prohibited unless conditions met.
- 13.25.125 Allowable discharges.
- 13.25.126 Activities prohibited at stormwater management facilities.
- 13.25.127 Stormwater pollution prevention.
- 13.25.130 Critical drainage and/or erosion hazards.
- 13.25.140 Administration.
- 13.25.150 Enforcement.
- 13.25.155 Criminal penalty.
- 13.25.156 Civil penalties.
- 13.25.160 Liberal construction.
- ~~13.25.170 Repealed.~~

13.25.010 Purpose.

The purpose of this chapter is:

- (1) To promote the public health, safety and welfare by providing for the comprehensive management of surface water and stormwater, and erosion control, especially that which preserves and utilizes the many values of the City’s natural drainage system including open space, fish and wildlife habitat, recreation, education and urban separation;
- (2) To reduce flooding, erosion, and sedimentation;
- (3) To prevent and mitigate habitat loss;

- (4) To enhance groundwater recharge;
- (5) To prevent water quality degradation through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance;
- (6) To protect the City’s surface and groundwater quality by providing minimum requirements for reducing and controlling the discharge of contaminants;
- (7) To avoid or reduce water quality degradation, prohibit the discharge of contaminants into surface, storm, and groundwater, and outline preventive measures to restrict contaminants from entering such waters;
- (8) To minimize or eliminate water quality degradation;
- (9) To preserve and enhance the suitability of waters for recreation, fishing, and other beneficial uses;
- (10) To preserve and enhance the aesthetic quality and biotic integrity of the water;
- (11) To comply with the National Pollution Discharge Elimination System permit program; and
- (12) To maintain economic viability while providing necessary environmental protection.

13.25.020 Surface and stormwater management regulations and guidelines adopted – Modifications.

(1) The following State and local regulations and guidelines pertaining to surface and stormwater design and management, and any subsequent amendments thereto, are adopted by reference, and shall be collectively referred to throughout this title as the “stormwater manuals”:

(a) Washington State Department of Ecology Stormwater Management Manual for Western Washington;

(b) Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound;

(c) Washington State Department of Transportation Hydraulics Manual;

(d) City of Covington Design and Construction Standards, adopted by CMC 12.60; and

(e) The definitions, minimum requirements, adjustment, and variance criteria found in Appendix 1 of the ~~NPDES Phase II Permit~~ Western Washington Phase II Municipal Stormwater Permit, except that the erosivity waiver is not adopted.

(2) Where there are differences between the Ecology stormwater manual and Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit~~NPDES Phase II Permit~~, the most stringent criteria shall apply.

(3) The adopted regulations and guidelines may be modified for projects located within specific areas for which a basin plan has been prepared, and which has been approved by the City and the Washington State Department of Ecology.

(4) Any additional documents and/or manuals formally adopted by rule, which implement the policies promulgated in this chapter, are governed by the City of Covington Municipal Code.

(5) Any inconsistencies will be controlled by the City of Covington Municipal Code.

13.25.025 Definitions.

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows. Unless otherwise defined in Chapter 18.20 CMC, the terms defined in the Design and Construction Standards are applicable. If there is conflict, the definitions in the in the Design and Construction Standards shall govern.~~Unless otherwise defined in this chapter the definitions provided in Chapter 18.20 CMC shall be applicable.~~

(1) “AKART” means all known, available, and reasonable methods of prevention, control and treatment. AKART represents the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge.

(2) “CFR” means the Code of Federal Regulations

(3) “Construct or modify” means to install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch for purposes other than maintenance that either serves to concentrate previously unconcentrated surface and stormwater runoff or serves to increase, decrease or redirect the conveyance of surface and stormwater runoff. “Construct or modify” does not include installation or maintenance of a driveway culvert installed as part of a single-family residential building permit; provided, that such driveway culvert is located within City right-of-way.

(4) “Director” for the purpose of this chapter shall mean the Director of the Public Works Department or his/her designee unless otherwise explicitly designated.

(5) “Discharge” means to throw, drain, release, dump, spill, empty, emit or pour forth any matter, or cause or allow any matter to flow, run, or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted, or poured into any system regulated under this title.

(6) “Drainage” means the collection, conveyance, containment or discharge, or any combination thereof, of surface and stormwater runoff.

(7) “Flow control best management practice” means a method or design for dispersing, infiltrating or otherwise reducing or preventing development-related increases in surface or stormwater runoff at, or near, the sources of those increases, including those methods and designs specified in the stormwater manuals.

(8) “Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

(9) “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(10) “Hyperchlorinated” means water that contains more than 10 milligrams per liter of chlorine.

(11) “Illicit connection” means any manmade conveyance that is connected to the stormwater system without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the stormwater system. Illicit connections for discharges to the sanitary sewer system are defined by the sewer district.

(12) “Illicit discharge” means any direct or indirect nonstormwater discharge to the stormwater drainage system that causes or contributes to a violation of State water quality, sediment quality, or groundwater quality standards including, but not limited to, sanitary sewer connections, industrial process water, interior floor drains, fuel islands, car washing, and gray water systems. Discharges from fire-fighting activities are not included in this definition. Illicit discharges for the sanitary sewer system are defined by the sewer district.

(13) “Minimum requirements” means the minimum requirements for stormwater management described in the NPDES Phase II Permit.

(14) “Native vegetated surface” means a surface in which the soil conditions, ground cover, and species of vegetation are like those of the original native condition for the site, as more specifically set forth in the stormwater manuals

(15) “New impervious surface” means the creation of a hard or compacted surface such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such as the paving of existing dirt or gravel.

(16) “Nonstormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

(17) “NPDES Phase II Permit” means the stormwater permit issued by the Washington State Department of Ecology in accordance with the National Pollution Discharge Elimination System as promulgated under the Clean Water Act.

(18) “Pervious surface” means a native vegetated surface converted to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing nonnative pervious surface that results in increased surface and stormwater runoff as defined in the stormwater manuals.

(19) “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(20) “Pollution-generating impervious surface” means an impervious surface considered to be a significant source of pollutants in surface and stormwater runoff. Pollution-generating impervious surfaces include: (1) those surfaces subject to vehicular use or storage of erodible or leachable materials, wastes, or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall; (2) covered parking areas if runoff from uphill could regularly run through them or if rainfall could regularly blow in and wet the pavement surface; and (3) metal roofs, unless they are treated to prevent leaching.

(21) “Pollution-generating pervious surface” means a nonimpervious surface considered to be a significant source of pollutants in surface and stormwater runoff. Pollution-generating pervious surfaces include surfaces subject to the use of pesticides and fertilizers, to the use or storage of erodible or leachable materials, wastes or chemicals or to the loss of soil. Examples of pollution-generating pervious surfaces include, but are not limited to, the lawn and landscaped areas of residential or commercial sites, golf courses, parks, sports fields, and grassed modular grid pavement installed in compliance with the stormwater manuals.

(22) “Redevelopment project” means a project that proposes one or more of the following modifications to a site that is already substantially developed (35 percent or more existing impervious surface coverage):

- a. The creation or addition of impervious surfaces;
- b. The expansion of a building footprint or addition or replacement of a structure;

c. Structural development including construction, installation, or expansion of a building or other structure;

d. Replacement of impervious surface that is not part of a routine maintenance activity;

e. Land development activity; or

f. Improvements to a previously developed site, regardless of existing impervious surface coverage, that cost \$100,000 or more.

(23) “Replaced impervious surface” means: (1) for structures, the removal and replacement of any exterior impervious surfaces or foundations; and (2) for other impervious surfaces, the removal down to bare soil or base course and replacement.

(24) “Source control BMP” means a BMP intended to prevent contaminants from entering surface and stormwater or groundwater including the modification of processes to eliminate the production or use of contaminants. Source control BMPs may be either structural or nonstructural. Structural source control BMPs involve the construction of a physical structure on site or other type of physical modification to a site. An example of a structural source control BMP involves the modification or addition of managerial or behavioral practices. Nonstructural source control BMPs involve the modification of or addition of managerial or behavioral practices. An example of a nonstructural source control BMP is using less toxic alternatives to current products or sweeping parking lots. (Ord. 13-09 § 2 (Exh. 1))

(25) “Stormwater manuals” means the manuals, regulations, and standards adopted in CMC 13.25.020. (Ord. 13-09 § 2 (Exh. 1))

(26) “Stormwater Pollution Prevention Plan” or “SWPPP” means a document that describes the best management practices and activities to be implemented by the property owner to identify sources of pollution or contamination at a premises, and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(27) “Subsurface fluid distribution system” means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground. (Ord. 13-09 § 2 (Exh. 1))

(28) “Treatment BMP” means a BMP intended to remove contaminants once they are already contained in stormwater. Examples of treatment BMPs include but are not limited to oil/water separators, biofiltration swales, and wet settling facilities. (Ord. 13-09 § 2 (Exh. 1))

~~—Low impact development (LID) is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. and Tit”~~

13.25.030 Scope.

Compliance with the standards in this chapter and the stormwater manuals does not necessarily mitigate all probable and significant environmental impacts to aquatic biota. Fishery resources and other living components of aquatic systems are affected by a complex set of factors. While employing a specific flow control standard may prevent stream channel erosion or instability, other factors affecting fish and other biotic resources (such as increases in stream flow velocities) are not directly addressed by the stormwater manuals. Thus, compliance with this manual should not be construed as mitigating all probable and significant stormwater impacts, and additional mitigation may be required to protect aquatic biota in streams and wetlands.

13.25.040 Drainage review – When required – Type.

(1) Drainage review is required when any proposed project is subject to a City of Covington building or fill and grade permit, development permit or approval and:

(a) Would result in 2,000 square feet or more of new, replaced, or new plus replaced impervious surface; or

(b) Would involve 7,000 square feet or more of land-disturbing activity; or

(c) Would construct or modify a drainage pipe or ditch that is 12 inches or more in size or depth or receives surface and stormwater runoff from a drainage pipe or ditch that is 12 inches or more in size or depth; or

(d) Contains or is adjacent to a floodplain, stream, lake, wetland or closed depression, or a critical area as defined in Chapter 18.65 CMC excluding a volcanic hazard area; or

(e) Is located within a critical drainage area; or

(f) Is a redevelopment project proposing \$100,000 or more of improvements to a previously developed site.

~~(2)~~ (2) The drainage review for any proposed project will be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection (1) of this section, the Department of Community Development will determine which drainage reviews apply as specified in the stormwater manuals and Design and Construction Standards adopted in CMC Title 12.

~~(3)~~ (3) The drainage review for any proposed project within the downtown zone, subject to zoning regulations in CMC 18.31, shall implement additional stormwater management requirements outlined in CMC 18.31 and the Downtown Design Guidelines and Standards in addition to the regulations in this chapter. If a conflict exists, the more restrictive provision controls.

~~(4)~~ (4) Fees for drainage ~~plan review~~ review shall be subject to the fees as set forth in the specified in the current fee resolution.

13.25.045 Drainage Design and Low Impact Development – Required

(1) All development proposals, shall conduct a Low Impact Development site analysis in accordance with the minimum requirements outlined in Chapter 7 of the Design and Construction Standards. Site assessment findings shall be a component of the project submittal requirements.

(2) Projects that exceed the thresholds provided in CMC 13.25.040 shall submit a drainage report together with the required calculations, plans, and details. The drainage report and supporting plan documents shall address the applicable minimum requirements and include the proposed BMPs to mitigate stormwater impacts.

(3) Projects that are below the threshold for submitting a drainage report but are above the threshold requiring stormwater review shall submit plans that document the proposed BMPs to mitigate stormwater impacts. The proposed BMPs shall address the applicable minimum requirements.

(4) Projects that propose \$100,000 or more of improvements to a previously developed site are subject to the minimum requirements for redevelopment projects. The Director of Public Works will determine the minimum requirements applicable to the project that shall be addressed in the drainage report.

(5) Stormwater generated on-site from all new impervious surfaces shall be managed through a combination of LID BMPs, in accordance with this chapter and the Design and Construction Standards, or any other LID best management practices approved by the city through the design deviation process in CMC 13.25.050, unless site and soil conditions make LID infeasible as determined by the Public Works Director.

(6) The following low impact development stormwater management BMPs are permitted outright and shall be designed in accordance with the adopted stormwater manuals.

(a) Bioretention areas. All bioretention areas shall be designed and constructed in accordance with the LID Technical Guidance Manual for Puget Sound (current edition). Bioretention areas shall be used instead of a conventional stormwater vault, or wet pond or permanent pool ponds.

(b) Amending construction site soils in accordance with Chapter 14.60 CMC.

(c) Permeable pavements not subject to vehicular use. Pervious surfacing for areas of a site that are typically impervious, not subject to vehicular use, shall be designed and constructed in accordance with the LID Technical Guidance Manual for Puget Sound (current edition) and the manufacturer's recommendations.

(d). Disperse stormwater into a critical area, where outright permitted in accordance with Chapter 18.65 CMC. Stormwater dispersion shall comply with the design standards set forth in the LID Technical Guidance Manual for Puget Sound (current edition) and pursuant to city biologist approval.

13.25.047 Low Impact Development - Optional

(1) Projects that propose the following low impact development BMPs shall be subject to the design deviation process in accordance with CMC 13.25.050. Any approved Design Deviation for the following shall be designed in accordance with the adopted stormwater manuals.

(a) Permeable pavements subject to vehicular use;

(b) Vegetated roofs;

(c) Minimal excavation foundation systems;

(d) Roof rainwater collection systems that are within the minimum designation established by Washington State Department of Ecology;

(2) The city may require a three-year financial guarantee for performance for the use of optional low impact development stormwater facilities. The financial guarantee shall be posted in accordance with Chapter 14.105 CMC. This does not preclude the city from requiring the standard two-year maintenance financial guarantee in addition to the required performance financial guarantee.

13.25.050 Drainage review –Requirements–Design Deviations -and Design Variances.

~~(1) Every permit or approval application with drainage review must meet the design and submittal requirements of the adopted stormwater manuals.~~

~~(2) Projects that exceed the thresholds shall submit a drainage report together with the required calculations, plans, and details. The drainage report and supporting documents shall address the applicable minimum requirements and include the proposed BMPs to mitigate stormwater impacts.~~

~~(3) Projects that are below the threshold for submitting a drainage report but are above the threshold requiring stormwater review shall submit plans that document the proposed BMPs to mitigate stormwater impacts. The proposed BMPs shall address the applicable minimum requirements.~~

~~(4) Projects that propose \$100,000 or more of improvements to a previously developed site are subject to the minimum requirements for redevelopment projects. The Director of Public Works will determine the minimum requirements applicable to the project that shall be addressed in the drainage report.~~

~~(5) The following low impact development stormwater management BMPs shall be designed in accordance with the adopted stormwater manuals and will not require a variance:~~

~~(a) Bioretention areas;~~

~~(b) Amending construction site soils; or~~

~~(c) Permeable pavements not subject to vehicular use.~~

~~(61) Any applicant proposing to modify a design requirement outlined in this chapter shall be subject to the design deviation process as outlined in the Design and Construction Standards, as a Type 2 land use decision in accordance with Chapter 14.30 CMC.~~

~~A variance~~

~~is required for projects that propose the following low impact development BMPs. Design shall be in accordance with the adopted stormwater manuals:~~

~~(a) Permeable pavements subject to vehicular use;~~

~~(b) Vegetated roofs;~~

~~(c) Minimal excavation foundation systems;~~

~~(d) Roof rainwater collection systems that are within the de minimis designation established by Washington State Department of Ecology;~~

~~(e) Reverse slope sidewalks; or~~

~~(f) Reduced roadway widths.~~

~~(2) Any applicant requesting to waive any of the standards outlined in this chapter shall be subject to the variance process as outlined in the Design and Construction Standards, as a Type 2 land use decision in accordance with Chapter 14.30 CMC.~~

~~(3) Any request for the following stormwater facilities shall be subject to a Type 3 variance land use decision in accordance with CMC 18.125, unless the site analysis shows Low Impact Development is infeasible, in accordance with CMC 13.25.045.~~

~~(a) Conventional stormwater vault;~~

~~(b) Wet pond; or,~~

~~(c) Permanent pool ponds.~~

~~(74) Applicants requesting a variance from the minimum requirements shall provide all necessary justification and supporting documentation in accordance with Appendix 1 of the NPDES Phase II Permit. Additional information shall be submitted if required by the Director. The permit applicant shall be responsible for all costs associated with analyses, documentation and additional review time of the variance, in accordance with the process established by the Director. A request for variance is a Type 2 decision pursuant to the process established by CMC 12.60.050.~~

(a) Requests for a variance from the minimum requirements may be considered for permits pending approval. The permit application review time will be extended by the City as required for the review.

(b) Requests for a variance from the minimum requirements may be considered for permits that have not yet expired; provided, that the variance request is submitted a minimum of 90 calendar days prior to the permit expiration date. The 90-day requirement may be increased by the Director depending on the complexity of the variance. The permit applicant is responsible for fully meeting the minimum requirements if the variance is not approved prior to the permit expiration.

(c) Requests for a variance from the minimum requirements will not be accepted within 90 days prior to the expiration date of the NPDES Phase II Permit.

~~**13.25.060 Critical drainage and/or erosion areas.**~~

~~Repealed by Ord. 13-09. (Amended at request of department 2/08; Ord. 37-02 § 2 (9.04.060))~~

13.25.070 Engineering plans.

(1) All engineering plans shall be submitted to the Department of Community Development for review in accordance with the stormwater manuals.

(2) All ~~master~~ drainage plans, if required, shall be submitted to the Department of Community Development for review in accordance with the stormwater manuals and in accordance with the underlying permit application requirements. ~~The A master drainage plan shall be submitted with any land use proposal that meets the thresholds in CMC 13.25.040. process should commence at the same time as the State Environmental Policy Act (SEPA) process review.~~

(3) The expiration time frames are as specified by the City for the permit application for which the plans were prepared.

(4) All plans shall be processed in accordance with the review procedures specified by the City for the permit application for which the plans were prepared.

13.25.080 Construction timing and final approval.

(1) No work related to permanent or temporary storm drainage control for a permitted development may proceed without the approval of the Director of Community Development.

(2) Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:

(a) Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan; and

(b) Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and approvals for the project are completed and the potential for on-site erosion has passed.

(3) Prior to the construction of any improvements or buildings on the site, or to final recording of a plat or short plat, those portions of the drainage facilities necessary to accommodate the control of surface and stormwater runoff discharging from the site shall be constructed and in operation, but, after receipt of a written request, the Development Review Engineer may authorize recording to minimize impacts that may result from construction during inappropriate times of the year. (Ord. 13-09 § 10 (Exh. 2); Amended at request of department 2/08; Ord. 37-02 § 2 (9.04.090))

~~**13.25.090 Liability insurance required.**~~

~~Repealed by Ord. 13-09. (Amended at request of department 2/08; Ord. 37-02 § 2 (9.04.100))~~

13.25.100 Liability insurance and financial guarantee requirements.

The Department of Community Development is authorized to require all applicants issued permits or approvals under the provisions of this title to maintain liability insurance and post financial guarantees pursuant to the requirements of Chapter 14.105 CMC. Financial guarantees for drainage improvements pursuant to this chapter shall be sufficient to cover the time and cost of any:

- (1) Monitoring required by approved plans and conditions;
- (2) Department review of monitoring results and reports; and
- (3) Corrective work on or off the project site which is necessary to provide drainage control consistent with approved plans and conditions, stabilize and restore disturbed areas and remove sources of any hazard associated with work which is in progress but is not completed.

13.25.110 Stormwater management facilities accepted by the City of Covington for maintenance.

- (1) The City is responsible for the maintenance, including performance and operation, of stormwater management facilities which have formally been accepted for maintenance by the Director.
- (2) The City may assume maintenance of privately maintained stormwater management facilities only if the following conditions have been met:
 - (a) All necessary easements or dedications entitling the City to properly maintain the drainage facility have been conveyed to the City;
 - (b) The Director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

- (i) Flooding;

- (ii) Downstream erosion;
 - (iii) Property damage due to improper function of the facility;
 - (iv) Safety hazard associated with the facility;
 - (v) Degradation of water quality or in-stream resources; or
 - (vi) Degradation to the general welfare of the community; and
- (c) The Director has declared in writing acceptance of maintenance responsibility by the City or subsequent service provider. Copies of this document will be kept on file in the Department or subsequent service provider.
- (3) The Director may terminate the Department's assumption of maintenance responsibilities in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
- (a) Flooding;
 - (b) Downstream erosion;
 - (c) Property damage due to improper function of the facility;
 - (d) Safety hazard associated with the facility;
 - (e) Degradation of water quality or in-stream resources; or
 - (f) Degradation to the general welfare of the community.

Copies of this document will be kept on file in the Department of Public Works.

(4) A stormwater management facility that does not meet the criteria of this section shall remain the responsibility of the applicant that is required to construct the facility and the persons holding title to the property for which the facility was required. (Ord. 13-09 § 10 (Exh. 2); Amended at request of department 2/08; Ord. 37-02 § 2 (9.04.115))

13.25.120 Stormwater management facilities not accepted by the City of Covington for maintenance.

(1) The person or persons holding title to the property and the applicant required to construct a stormwater management facility shall remain responsible for the facility's continual performance, operation and maintenance in accordance with the standards and requirements of the Department and shall remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a stormwater management facility which is:

- (a) Under a maintenance guarantee or defect guarantee;
 - (b) A private road conveyance system;
 - (c) Located within and serving only one single-family residential lot;
 - (d) Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
 - (e) Located within or associated with an administrative or formal subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
 - (f) Previously terminated for assumption of maintenance responsibilities by the Department;
 - (g) Not otherwise accepted by the City for maintenance.
- (2) Prior to the issuance of any of the permits and/or for any multifamily or commercial project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified by the Director. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the persons holding title to the property of a City of Covington determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed.
- (a) In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse the City of Covington for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the King County Records Division.
 - (b) The City of Covington may enforce the restrictions set forth in the declaration of covenant as specified by the Director.
- (3) Prior to the issuance of any of the permits and/or approvals for the project or the release of financial guarantees posted to guarantee satisfactory completion, the person or persons holding title to the subject property for which a stormwater management facility was required shall pay a fee established by the Director, or his or her designee, to reasonably compensate the City for costs relating to inspection of the facility to ensure that it has been constructed according to plan and applicable specifications and standards. Such fee shall be set forth in the current fee resolution.
- (4) The duties specified in this section with regard to payment of inspection fees and reimbursement of maintenance costs shall be enforced against the person or persons holding title to the property for which the stormwater management facility was required.

(5) Where not specifically defined in this section, the responsibility for performance, operation and maintenance of stormwater management facilities and conveyance systems, both natural and constructed, shall be determined on a case-by-case basis. (Ord. 13-09 § 10 (Exh. 2); Ord. 20-07 § 47; Ord. 37-02 § 2 (9.04.120))

13.25.121 Connections or modifications to the existing stormwater system.

Connections to or modifications of the stormwater system, including but not limited to modifying existing stormwater discharge patterns or constructing or relocating facilities for the treatment, detention, or conveyance of stormwater, for the purpose of development, shall be allowed only if:

(1). Prior written approval has been received from the city. Prior to submitting a development proposal, the applicant shall submit a formal request for the use of an existing stormwater facility; and

(2). All applicable requirements of this chapter, including upgrading the system to meet current stormwater design standards, including LID BMP's, to the maximum extent feasible as determined by the Public Works Director shall be met or alternative standards have been approved by the city as substantially equal; and

(3). The applicant shall be responsible for the cost of any system upgrades, including, feasibility and design assessment and construction. Any stormwater system modification shall be subject to the maintenance and bonding requirements in this chapter.

13.25.122 Illicit connections prohibited.

(1) Any connection identified by the Director that could convey anything not composed entirely of surface and stormwater directly to surface and stormwater or groundwater is considered an illicit connection.

(2) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

(3) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applying or prevailing at the time of connection. (Ord. 13-09 § 10 (Exh. 2))

13.25.123 Illicit discharges prohibited – Exceptions.

(1) The discharge of any contaminants to stormwater drainage systems, natural conveyance systems, surface water or groundwater is considered an illicit discharge and is prohibited. Sites are subject to inspection for illicit discharges in accordance with the enforcement provisions of this chapter. Contaminants include but are not limited to the following:

(a) Trash or debris;

(b) Construction materials;

(c) Petroleum products, including but not limited to: oil, gasoline, grease, fuel oil, and heating oil;

- (d) Antifreeze and other automotive products;
- (e) Metals in either particulate or dissolved form;
- (f) Flammable and explosive materials;
- (g) Radioactive material;
- (h) Batteries;
- (i) Acids, alkalis, and bases;
- (j) Paints, stains, resins, lacquers, and varnishes;
- (k) Degreasers and solvents;
- (l) Drain cleaners;
- (m) Pesticides, herbicides, and fertilizers;
- (n) Steam cleaning wastes;
- (o) Soaps, detergents, and ammonia;
- (p) Swimming pool backwash;
- (q) Chlorine, bromine and other disinfectants;
- (r) Heated water;
- (s) Domestic animal wastes;
- (t) Sewage;
- (u) Recreational vehicle waste;
- (v) Animal carcasses;
- (w) Food wastes;
- (x) Bark and other fibrous materials;
- (y) Collected lawn clippings, leaves, and branches;

(z) Silt, sediment, and gravel;

(aa) Dyes, except as stated in subsection (2)(a) of this section;

(bb) Chemicals not normally found in uncontaminated water;

(cc) Any hazardous material or waste not listed above.

(2) Exceptions.

(a) Dye testing is allowable but requires verbal notification to the City of Covington Public Works Department at least one day prior to the date of test. The Health Department is exempt from this requirement.

(b) A person does not violate subsection (1) of this section if that person has an NPDES Permit for the site and has properly designed, constructed, implemented and is maintaining BMPs, and is carrying out AKART as required by this chapter, but contaminants continue to enter surface and stormwater or groundwater, or that person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site. A person who, under this subsection, is not in violation of subsection (1) of this section is liable for any prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs, or other discharges that allow contaminants to enter surface and stormwater or groundwater.

(c) Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter, in order to avoid an imminent threat to public health or safety, shall be exempt from this section. The Director of Public Works may specify actions that qualify for this exception in City procedures. A person undertaking emergency response activities shall take steps to ensure that the discharges resulting from such activities are minimized. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence. (Ord. 13-09 § 10 (Exh. 2))

13.25.124 Nonstormwater discharges prohibited unless conditions met.

Nonstormwater discharges into surface and stormwater or groundwater are prohibited, unless certain conditions are met as indicated. Nonstormwater discharges and conditions include, but are not limited to:

(1) Potable Water. Potable water discharges include water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Such discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the receiving stormwater facility.

(2) Lawn Watering and Irrigation Water. Runoff from lawn watering and irrigation shall be minimized.

(3) Swimming Pool Water. Swimming pool discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, and volumetrically and velocity controlled to prevent

resuspension of sediments in the receiving stormwater facility. Swimming pool cleaning wastewater and filter backwash shall be discharged to the sanitary sewer system.

(4) Wash Water/Dust Control Water. Such discharges include street and sidewalk wash water, external building wash down water that does not include detergents, and water used to control dust. Discharges shall be minimized, and street-sweeping shall be performed prior to street-washing at active construction sites.

(5) Nonstormwater Discharges Covered by Another NPDES Permit. Such discharges are prohibited unless the permittee is in full compliance with all permit requirements, waiver, or order, and other applicable laws and regulations and that written approval by the Director has been granted for the discharge.

(6) Other Nonstormwater Discharges. All other nonstormwater discharges not specifically listed in subsections (1) through (4) of this section shall comply with the requirements of the stormwater pollution prevention plan approved by the Director, which addresses control of construction site de-watering discharges by applying AKART to prevent contaminants from entering surface water or groundwaters. (Ord. 13-09 § 10 (Exh. 2))

13.25.125 Allowable discharges.

The following types of discharges shall not be considered prohibited discharges for the purpose of this chapter unless the Director of Public Works determines that the type of discharge, whether singly or in combination with other discharges, is causing significant contamination of surface and stormwater or groundwater:

(1) Discharges that contain stormwater only after said discharge has been routed through a treatment and/or flow control facility, where required in accordance with this title;

(2) Diverted stream flows;

(3) Rising groundwaters;

(4) Uncontaminated groundwater infiltration as defined at 40 CFR 35.2005(20);

(5) Uncontaminated pumped groundwater;

(6) Foundation or footing drains;

(7) Air conditioning condensation;

(8) Irrigation water from agricultural sources that is commingled with urban stormwater;

(9) Springs;

(10) Water from crawl space pumps;

(11) Flows from riparian habitats and wetlands;

(12) Nonstormwater discharges covered by another NPDES permit;

(13) Discharges from emergency fire fighting activities in accordance with Section S2 of the NPDES Phase II permit;

(14) Discharges that are not illicit discharges. (Ord. 13-09 § 10 (Exh. 2))

13.25.126 Activities prohibited at stormwater management facilities.

(1) Stormwater management facilities are required for compliance with stormwater management regulations in effect at the time of facility construction. In addition, stormwater management facilities may be publicly or privately owned. Activities that disturb such facilities may lead to violations of the NPDES permit or Federal or State water quality regulations, degradation to ground or surface waters, or other environmental or safety hazards. The following activities are prohibited within stormwater facilities and adjacent to such facilities where such activities may result in functional degradation of the facility:

(a) Damage to pipe, whether exposed or underground;

(b) Damage to ditches or swales;

(c) Damage to pond liners whether of natural or synthetic materials;

(d) Removal or damage of vegetation;

(e) Removal of or damage to any structural component, such as gates, fences, access lids, access grates, access steps, weirs, orifices, valves, debris barriers, or other components; and

(f) Operating a nonauthorized motor vehicle.

(2) Any activity that removes or disturbs existing stormwater facilities for the purposes of maintenance or replacement, which is authorized in writing by the City, is not in violation of subsection (1) of this section. (Ord. 13-09 § 10 (Exh. 2))

13.25.127 Stormwater pollution prevention.

(1) Compliance with this chapter shall be achieved through the use of the best management practices described in the stormwater manuals. In applying stormwater pollution prevention measures, the Director will first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface and stormwater or groundwater, the Director may require implementation of treatment BMPs as set forth in AKART. The Public Works Department will provide, upon reasonable request, available technical assistance materials and information, and information on outside financial assistance options to persons required to comply with this chapter.

(2) In applying stormwater pollution prevention measures to prohibited discharges from normal residential activities, the Director will use public education and warnings as the primary method of gaining compliance with this chapter and will not use citations, notice and orders, assessment of civil penalties and fines, or other compliance actions unless the Director determines:

(a) The discharge from a normal residential activity, whether singly or in combination with other discharges, is causing a significant contribution of contaminants to surface and stormwater or groundwater; or

(b) The discharge from a normal residential activity poses a hazard to the public health, safety or welfare, endangers any property or adversely affects the safety and operation of City rights-of-way, utilities or other City-owned or maintained property.

(3) Persons implementing BMPs through another Federal, State, or local program will not be required to implement the BMPs prescribed in the stormwater manuals, unless the Director determines the alternative BMPs to be ineffective at reducing the discharge or contaminants. If the other program requires the development of a best management practices plan, the person shall make the plan available to the City upon request. Persons who qualify for exemptions include, but are not limited to, persons:

(a) Required to obtain a general or individual NPDES permit for stormwater discharges from the Washington State Department of Ecology;

(b) Implementing and maintaining, as scheduled, a King County Conservation District approved farm management plan;

(c) Who have received a permit under a Washington State Department of Ecology NPDES general or individual permit for commercial dairy operations;

(d) Implementing BMPs in compliance with City of Covington Development and Design Standards and Specifications: Animals, Home Occupation, Home Industry (Chapter 18.80 CMC);

(e) Implementing BMPs in compliance with the management program of the City's municipal NPDES permit;

(f) Engaged in forest practices, with the exception of forest practices occurring on lands platted after January 1, 1960, or on lands being converted to another use, or when regulatory authority is otherwise provided to local government by RCW 76.09.240; or

(g) Identified by the Director of Public Works as being exempt from this section. (Ord. 13-09 § 10 (Exh. 2))

13.25.130 Critical drainage and/or erosion hazards.

(1) Special Drainage Requirements. Development in areas where the Department has determined that the existing flooding, drainage and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community shall meet special drainage requirements set by the

Director until such time as the community hazard is alleviated. Such conditions may include the limitation of the volume of discharge from the subject property to predevelopment levels, preservation of wetlands or other natural drainage features, or other controls necessary to protect against community hazard.

(2) Variance. Where alternate facility designs or methods will produce a compensating or comparable result in the public interest and which will meet this section's objectives for special drainage requirements of safety, function, appearance, environmental protection and maintainability, based upon sound engineering judgment, a variance to the special drainage requirements in this section may be proposed; provided, that the resulting development shall be subject to all of the remaining terms and conditions of this chapter.

(3) Best Practicable Alternative. Where application of this section will deny all reasonable use of a property, and a facility or design that produces a compensating or comparable result cannot be obtained, then a best practicable alternative may be obtained, to be determined by the Director of Community Development according to the variance process defined by the Director.

(4) Remedy of Hazardous Situation. If the Director determines that a critical drainage and/or erosion hazard (a) poses a hazard to public health, safety, and welfare, (b) endangers any property, and/or (c) adversely affects the condition or capacity of other drainage facilities, the safety and operation of City right-of-way, utilities, and/or other property owned or maintained by the City, then the applicant/person to whom the permit was issued, the owner of the property within which the drainage facility is located, the applicant/person responsible for maintenance of the facility, and/or other person or agent in control of said property, upon receipt of notice in writing from the Director shall within the period specified therein repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

(5) Immediate Action to Protect Public Health. Notwithstanding any other provisions of this chapter, if the Director determines that conditions covered by this chapter exist requiring immediate action to protect the public health, safety, or welfare, the Director is authorized to enter at all times in or upon any such property, public or private, for the purpose of inspecting and investigating such conditions. The Director may without prior notice order the immediate discontinuance of any activity leading to the conditions. Failure to comply with such order shall constitute a misdemeanor as provided in Chapter 1.30 CMC.

(6) Liability for Costs. The owner of the property and/or the person responsible for the maintenance of the stormwater facility shall be obligated for the payment of all costs incurred. If costs are incurred and a financial guarantee pursuant to this chapter or other City requirement has been posted, the Director will have the authority to collect against the financial guarantee to cover costs incurred. (Ord. 13-09 § 10 (Exh. 2); Ord. 37-02 § 2 (9.04.130). Formerly 13.25.060)

13.25.140 Administration.

(1) Administration.

(a) The Director of Public Works is authorized to promulgate and adopt administrative rules under the procedures specified in Chapter 2.75 CMC, for the purpose of implementing and enforcing the provisions

of this chapter. Adopted administrative rules, including but not limited to the stormwater manuals, shall be made available to the public.

(b) The Director is authorized to develop procedures for applying adopted rules and regulations during the review of permit applications for the development of land.

(2) Inspections. The Director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

(3) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of drainage facilities or whenever the Director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the Director may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the Director by this chapter; provided, that if such premises or portion thereof is occupied, the Director will first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

(4) Access. Proper ingress and egress shall be provided to the Director to inspect, monitor or perform any duty imposed upon the Director by this chapter. The Director will notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification, the Director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done will thereby be imposed on the person holding title to the subject property. (Ord. 13-09 § 10 (Exh. 2); Amended at request of department 2/08; Ord. 37-02 § 2 (9.04.140))

13.25.150 Enforcement.

(1) The Director of Public Works is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder, pursuant to the enforcement and penalty provisions of this section and Chapter 1.30 CMC.

(2) The Director will gain compliance with this chapter by requiring the implementation of BMPs and, when necessary, AKART. The Director will initially rely on education and informational assistance as much as possible to gain compliance with this chapter, unless the Director determines a violation is a result of a flagrant act that should be addressed through immediate penalties or poses a hazard as defined in this chapter.

(3) The Director, in consultation with other City Departments, will develop and implement additional enforcement procedures. These procedures shall indicate how the City will investigate and respond to reports or instances of noncompliance with this chapter and shall identify by title the official(s) responsible for implementing the enforcement procedures.

(4) The Director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter. Such inspections will be made as follows:

(a) The Director may observe best management practices or examine or sample surface and stormwater or groundwater as often as may be necessary to determine compliance with this chapter. Whenever an inspection of a property is made, the findings shall be recorded and a copy of the inspection findings shall be furnished to the owner or the person in charge of the property after the conclusion of the investigation and completion of the inspection findings.

(b) When the Director has made a determination under subsection (4)(a) of this section that any person is violating this chapter, the Director may require the violator to sample and analyze any discharge, surface and stormwater, groundwater, and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the Director. If the violator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the City of Covington Department of Public Works.

(5) In addition to any other penalty or method of enforcement, the prosecuting attorney may bring actions for injunctive or other relief to enforce this chapter. (Ord. 13-09 § 10 (Exh. 2); Ord. 37-02 § 2 (9.04.180))

13.25.155 Criminal penalty.

Any willful act of commission or omission that causes, aids, abets, or continues a violation of the provisions of this chapter, for which a criminal penalty is not prescribed by State law, is a misdemeanor. (Ord. 13-09 § 10 (Exh. 2))

13.25.156 Civil penalties.

These enforcement provisions are intended to encourage compliance with this chapter. To achieve this, violators shall be required to take corrective action and comply with the requirements of this chapter, and may be required to pay a civil penalty for the redress of ecological, recreational, and economic values lost or damaged due to their unlawful action.

(1) The provisions in this section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law.

(2) Any person in violation of this chapter shall be subject to civil penalties assessed as follows:

(a) An amount reasonably determined by the Director to be equivalent to the economic benefit the violator derives from the violation as measured by the greater of the resulting increase in market value of the property or business value received by the violator, or savings of construction or retrofitting costs realized by the violator performing any act in violation of this chapter; and

(b) An amount, not to exceed \$25,000, that is reasonably based upon the nature and gravity of the violation and the cost to the City of enforcing this chapter against the violator.

(3) Any person who, through an act of commission or omission, aids or abets in a violation, or continues a pre-existing violation, shall be considered to have committed the violation for the purposes of the civil penalty.

(4) Each violator is jointly and severally liable for a violation of this chapter. The Director may take enforcement action, in whole or in part, against any violator. The decisions whether to take enforcement action, what type of action to take, and which person to take action against are all entirely within the Director's discretion. Factors to be used in taking such enforcement actions shall be:

- (a) Awareness of the violation;
- (b) Ability to correct the violation;
- (c) Cooperation with government agencies;
- (d) Degree of impact or potential threat to water or sediment quality, human health, or the environment.

(5) In the event more than one person is determined to have violated the provisions of this chapter, all applicable civil penalties may be imposed against each person, and recoverable damages, costs, and expenses may be allocated among the persons on any equitable basis. Factors that may be considered in determining an equitable allocation include:

- (a) Awareness of the violation;
- (b) Ability to correct the violation;
- (c) Ability to pay damages, costs, and expenses;
- (d) Cooperation with government agencies;
- (e) Degree of impact or potential threat to water or sediment quality, human health, or the environment.

(6) Penalties may be reduced based upon one or more of the following mitigating factors:

- (a) The person responded to City attempts to contact the person and cooperated with efforts to correct the violation;
- (b) The person showed due diligence and/or substantial progress in correcting the violation; or
- (c) An unknown person was the primary cause of the violation. Payment of a monetary penalty pursuant to this chapter does not relieve the person of the duty to correct the violation.

(7) All civil penalties recovered during the enforcement of this chapter under subsection (2) of this section shall be deposited into a fund of the Department taking the enforcement action and shall be used for the protection of surface and stormwater or groundwater as set forth in this chapter, through education or enhanced implementation.

(8) Triple Penalties. Penalties may be trebled for:

(a) A repeat violation, which means an additional violation of a requirement of this chapter for which the responsible party has previously received a notice of violation and failed to correct the violation by the compliance date;

(b) A violation resulting in physical harm to persons or to private or public property;

(c) A knowing or deliberate violation; or

(d) A violation resulting from gross negligence or reckless conduct. (Ord. 13-09 § 10 (Exh. 2); Ord. 37-02 § 2 (9.04.180))

13.25.160 Liberal construction.

This chapter is enacted as an exercise of the City's power to protect and preserve the public health, safety and welfare. Its provision shall be exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. This chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter. The primary obligation of compliance with this chapter is placed upon the person holding title to the property. Nothing contained in this chapter is intended to be or shall be construed to create or form a basis for liability for the City, Department, its officers, employees or agents for any injury or damage resulting from the failure of the person holding title to the property to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter by the City, Department, its officers, employees or agents. (Ord. 13-09 § 10 (Exh. 2); Ord. 37-02 § 2 (9.04.192))

~~13.25.170 Agency rules.~~

~~Repealed by Ord. 13-09. (Ord. 37-02 § 2 (9.04.196))~~

Chapter 12.60

CITY OF COVINGTON DESIGN AND CONSTRUCTION STANDARDS. STREET STANDARDS*

Sections:

12.60.005 Purpose.

12.60.010 Adoption of Standards.

12.60.020 Hierarchy Terms.

12.60.030 Applicability.

12.60.040 Associated references.

~~12.60.040 Developments.~~

12.60.050 Design Deviations and Design Variances.

~~12.60.060 Penalties.~~

~~*Code reviser's note: The 2002 Design and Construction Standards and Specifications, as adopted by Ordinance 44-02, may be found on file at the City Clerk's Office.~~

12.60.005 Purpose.

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

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

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

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

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

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

12.60.010 Adoption of Standards.

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

(2) Consistent with Council’s direction and intent in adopting these standards the Department of Public Works is hereby authorized to develop public rules and make minor changes to the drawings and add drawings in order to better implement the standards and as needed to stay current with changing design and construction technology and methods. (Amended at request of department 2/08; Ord. 38-02 § 2 (12.42.010))

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

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

12.60.020 Hierarchy of Terms.

Unless otherwise defined in Chapter 18.20 CMC, the terms defined in the Design and Construction Standards are applicable. If there is conflict, the definitions in the in the Design and Construction Standards shall govern.

12.60.020 Terms.

(1) “Standards” means the “City of Covington Design and Construction Standards and Specifications,” 2002 Edition, and subsequent updates.

~~(2) "Engineer" means City of Covington City Engineer (or Public Works Director if the organization does not provide for an Engineer), having authorities specified in Chapter 35.78 RCW, or his authorized representatives. (Amended at request of department 2/08; Ord. 38-02 § 2 (12.42.020))~~

12.60.030 Applicability.

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

(2) These standards are not intended to apply to "resurfacing, restoration, and rehabilitation" projects as those terms are defined in the Local Agency Guidelines, Washington State Department of Transportation, as amended. However, the Engineer may consider the standards as optional goals for resurfacing, restoration, and rehabilitation projects.

~~Failure to comply with these standards may result in denial of plan or development permit approval, revocation of prior approvals, and/or other penalties as provided by law.~~

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

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

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

~~(2) The standards shall apply to every new placement and every planned, nonemergency replacement of existing utility poles and other utility structures within the City of Covington right of way or on private property. (Ord. 38-02 § 2 (12.42.030))~~

12.60.040 Developments.

~~Any land development which is required to improve roads within, abutting, or serving the development shall do so in accordance with these standards. (Ord. 38-02 § 2 (12.42.040))~~

12.60.040 Associated References

The Design and Construction Standards as approved, supplemented and amended by the city engineer for specific design applications and in consultation with the city council on policy issues or broad citywide

implications and are consistent with and support the provisions of CMC Title 12, Title 13, Title 14, Title 15, Title 16, Title 17 and Title 18. A complete list of associated references to adopted standards and manuals is provided in Chapter 1 of the Design and Construction Standards.

12.60.050 Design Deviations and Design Variances.

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

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

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

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

(3) Appeals of a design deviation or variance shall be in accordance with Chapter 14.45 CMC. Variances must be approved prior to construction. Any variances from these standards which do not meet the International Fire Code will require concurrence by the City of Covington Fire Marshal. (Ord. 20-07 § 27; Ord. 06-05 § 1; Ord. 23-04 § 1; Ord. 38-02 § 2 (12.42.060))

12.60.060 Penalties.

~~(Ord. 38-02 § 2 (12.42.070))~~

7.11 Low Impact Development

All land developed within the City of Covington shall incorporate Low Impact Development (LID) stormwater Best Management Practices (BMPs) to minimize impervious surfaces, native vegetation loss and stormwater runoff.

- A. Projects incorporating LID stormwater BMPs shall document the design of the proposed BMPs in the design plans and Drainage Report. LID BMPs shall be in general accordance with the adopted Stormwater Manual in Title 13 of the Covington Municipal Code and the Low Impact Development Technical Guidance Manual for Puget Sound.
- B. An LID Site Analysis, consisting of a geotechnical evaluation verifying the subsurface soils infiltrate at greater than 2 inches per hour and the groundwater does not rise to within 5 feet of the designed cell bottom, shall be submitted with the development application.

In areas with shallow groundwater or where existing soil conditions do not provide the minimum infiltration rate of 2 inches per hour, an underdrain system shall be designed to convey treated stormwater to a regional stormwater system or to an existing point of discharge.

Alternate systems which meet or exceed the contaminant removal levels prescribed in the adopted stormwater manual may be used, subject to design deviation approval of the City Engineer, in accordance with Section 1.08.

- C. Preservation of LID BMPs, land use covenants and restrictions, and maintenance requirements shall be documented in the design plans and Drainage Report. LID BMPs and associated areas that are restricted for land modifications shall be shown on approved site plans.
- C. Each surface drainage facility shall be located within a separate drainage tract, dedicated to the City of Covington or the Homeowners Association.

7.12 Stormwater Runoff Treatment

All land developed within the City of Covington shall incorporate stormwater runoff treatment facilities to mitigate the potential for surface and groundwater degradation. The required treatment mechanism is the infiltration of stormwater runoff through a flat-bottom grassed area, commonly known as a bioretention cell or bio-infiltration swale, in general accordance with Section 6.1 of the Low Impact Development Technical Guidance Manual for Puget Sound.

Bioretention cells are an integrated stormwater management facility that uses the chemical, biological and physical properties of grasses, soil microbes, mineral

aggregate and organic matter to transform, remove or retain pollutants from stormwater runoff.

Adequate design of a bioretention cell is necessary to insure that the various physical, chemical and biological processes, active within the root zone, have sufficient time to remove the pollutants. A bioretention cell may or may not have an under-drain, and are not designed as a conveyance system.

Standard design for bioretention cells:

- A. Treatment capacity (volume) shall be based on a 1" rainfall event over the contributing Pollution Generating Impervious Surface (PGIS). The bioretention cell bottom area, water surface area at the overflow elevation and ponding depth shall be given to justify the designed treatment capacity.
- B. Ponding depth shall be 6" minimum to 12" maximum.
- C. Subsurface discharge (drywell, infiltration gallery, etc.) or overflow (sheetflow) to an existing drainage course shall be provided beyond the treatment capacity of the cell.
- D. Sideslopes shall be 5:1.
- E. A minimum 12" thick layer of Bioretention soil media, in accordance with Section 7.14, shall be placed below the final cell grade and shall extend up the sideslopes to the designed ponding depth. The depth of bioretention soil mix shall increase to 18" if the proposed development requires "Enhanced" treatment, in accordance with the adopted Stormwater Manual.
- F. Bioretention grass seed mix, in accordance with Section 7.10, shall be hand sown covering the cell bottom and up the sideslopes to the designed ponding depth. Hydroseed with tackifier is not allowed.
- G. Mower access shall be provided.
- H. Bioretention signs shall be installed per standard Detail 609.

7.13 Underground Injection Control

- A. Projects incorporating infiltration for stormwater management BMPs shall review WAC 173-218, Underground Injection Control program to determine if the facility meets the definition of a Class V injection well. The determination shall be documented in the Drainage Report.

- B. Projects meeting the definition of a Class V injection well and which require registration shall register the facility with the Washington State Department of Ecology. The project proponent is responsible for registering the facility. Registration forms are available on the Department of Ecology's UIC website. A copy of the registration submitted to Ecology shall be submitted to the City.
- C. Construction approval shall not be granted until proof of registration submittal is submitted to the City.

7.14 Bioretention Soil Media

Bioretention soil media is a combination of utility sand and compost, and provides the growing media necessary for treatment of stormwater runoff. Laboratory analysis of a proposed bioretention soil media shall be submitted to the city for review prior to installation, and shall show the material meets the following criteria:

- A. The ratio of sand to compost shall be 60-65% to 35-40% by volume.
- B. The cation exchange capacity of the final mixture shall be greater than 5 milliequivalents/100g of dry soil.

- C. The sand gradation shall follow:

<u>Sieve Size</u>	<u>Percent passing</u>
3/8"	100
#4	95-100
#10	75-90
#40	25-40
#100	4-10
#200	2-5

- D. The compost shall:
 - a. Meet the definition of "composted materials" in WAC 173-350, Section 220.
 - b. Originate a minimum of 65% by volume from recycled plant waste as defined in WAC 173-350-100 as "Type I Feedstocks," and a maximum of 35% by volume from other approved organic waste as defined in WAC 173-350-100 as "Type III." Type II and IV feedstocks shall not be used.
 - c. Be produced at a composting facility permitted by the Washington State Department of Ecology.

- d. Be stable (low oxygen use and CO₂ generation) and mature (capable of supporting plant growth).
- e. Have a measured pH between 6.0 and 8.5.
- f. Have an organic content of 40 to 60%.
- g. Show no visible free water or dust when handling material.
- h. Be tested in accordance with the US Composting Council "Testing Methods for the Examination of Compost and Composting" (TMECC) for:
 - i. Fine compost gradation (TMECC 02.02-B)
 - ii. Inert content less than 1% by weight (TMECC 03.08-A)
 - iii. Soluable salt content less than 4.0 mmhos/cm (TMECC 04.10-A)
 - iv. Maturity greater than 80% (TMECC 05.05-A)
 - v. Stability of 7 or below (TMECC 05.08-B)
 - vi. Carbon to nitrogen ratio less than 25:1 (TMECC 04.01 and 04.02-D)

Chapter 12.110
INTERSECTION STANDARDS

12.110.020 Definitions.

(1) "Highway capacity manual (HCM)" means the "2000 Highway Capacity Manual" published by the Transportation Research Board of the National Research Council.

(2) "Street standards" shall have the same meaning as the "City of Covington Design and Construction Standards ~~and Specification, as adopted in Chapter 12.60 CMC,~~ 2002 Edition and subsequent amendments, when used in this chapter. ~~References and authorities cited in the "City of Covington Design and Construction Standards and Specification," 2002 Edition and subsequent amendments, shall also apply to this chapter.~~ (Ord. 38-02 § 2 (12.80.020))*

~~*Code reviser's note: The 2002 Design and Construction Standards and Specifications, as adopted by Ordinance 44-02, may be found on file at the City Clerk's Office.0~~

Chapter 13.05
DEFINITIONS

~~13.05.005 Scope.~~

~~The definitions in this chapter apply throughout this title unless the context clearly requires otherwise. Words, terms, expressions, abbreviations, and acronyms peculiar to the art or science of sewerage not herein defined shall have the respective meanings given in “Criteria for Sewage Works Design,” published by the Washington State Department of Ecology. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.010 AKART.~~

~~“AKART” means all known, available, and reasonable methods of prevention, control and treatment. AKART represents the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.015 Applicant.~~

~~“Applicant” means a property owner or a public agency or public or private utility that owns a right of way or other easement or has been adjudicated the right to such an easement under RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.020 Basin plan.~~

~~“Basin plan” means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management regulations adopted by ordinance for managing surface and stormwater within the basin. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.025 Best management practices.~~

~~“Best management practices” or “BMPs” means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.030 CFR.~~

~~“CFR” means the Code of Federal Regulations. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.035 Civil engineer.~~

~~“Civil engineer” means a person licensed and registered with the State of Washington as a professional engineer in civil engineering. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.040 Class V well.~~

~~“Class V well” means a stormwater management facility that, under the UIC rule, is usually a shallow injection well that injects fluids above the uppermost groundwater aquifer. Class V wells must be registered by property owners with the Department of Ecology. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.045 Closed depression.~~

~~“Closed depression” means an area that is low-lying, has no or such a limited surface water outlet that the area acts as a retention basin, has greater than 5,000 square feet at overflow elevation, and that the primary loss of water volume from which is through evapotranspiration and discharge into the ground rather than surface flow. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.050 Commercial.~~

~~“Commercial” means premises used for or housing commercial or industrial concerns. For the purposes of this title, multifamily dwellings of two or more units, condominiums and manufactured home courts shall be included in this definition. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.055 Construct or modify.~~

~~“Construct or modify” means to install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch for purposes other than maintenance that either serves to concentrate previously unconcentrated surface and stormwater runoff or serves to increase, decrease or redirect the conveyance of surface and stormwater runoff. “Construct or modify” does not include installation or maintenance of a driveway culvert installed as part of a single family residential building permit; provided, that such driveway culvert is located within City right-of-way. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.060 Conveyance system.~~

~~“Conveyance system” means the drainage facilities and features, both natural and constructed, that collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, lakes and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, manholes, catchbasins, and flow control and water quality treatment facilities. (Ord. 13-09 § 2 (Exh. 1))~~

~~13.05.065 County sewerage system.~~

“County sewerage system” means any sewerage system consisting of sewerage facilities owned and/or operated by the County or utility district within the jurisdictional boundaries of the City of Covington. (Ord. 13-09 § 2 (Exh. 1))

~~**13.05.070 Department.**~~

~~“Department” means either the Department of Community Development or the Department of Public Works, as specified herein. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.075 Design standards.**~~

~~“Design standards” means the City of Covington Design and Construction Standards, and any subsequent amendments thereto. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.080 Developed parcel.**~~

~~“Developed parcel” means any parcel altered from the natural state by the construction, creation, or addition of impervious surfaces. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.085 Development.**~~

~~“Development” means any activity that requires a permit or approval, including, but not limited to, a building permit, grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned development, binding site plan, site development permit or right of way use permit. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.090 Director.**~~

~~“Director” means either the Director of Community Development or the Director of Public Works, or his or her designee, as specified herein. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.095 Director of Public Health.

“Director of Public Health” means the Director of the King County Department of Public Health, or his or her authorized designee. (Ord. 13-09 § 2 (Exh. 1))

~~**13.05.100 Discharge.**~~

~~“Discharge” means to throw, drain, release, dump, spill, empty, emit or pour forth any matter, or cause or allow any matter to flow, run, or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted, or poured into any system regulated under this title. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.105 Drainage.**~~

~~“Drainage” means the collection, conveyance, containment or discharge, or any combination thereof, of surface and stormwater runoff. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.110 Drainage basin.**~~

~~“Drainage basin” means a geographic and hydrologic subunit of a watershed. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.115 Drainage facility.**~~

~~“Drainage facility” means a constructed or engineered feature that collects, conveys, stores or treats surface and stormwater runoff. Such facilities include, but are not limited to, a constructed or engineered stream, pipeline, channel, ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment facility, erosion and sediment control facility or other structures or appurtenances that provide for drainage. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.120 Drainage report.**~~

~~“Drainage report” or “stormwater site plan” means the comprehensive report containing all of the technical information and analysis necessary for the City to evaluate a proposed new development or redevelopment project for compliance with the minimum requirements. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.125 Drainage review.**~~

~~“Drainage review” means an evaluation by the City of a proposed project’s compliance with the drainage requirements in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.130 Erosion and sediment control.**~~

~~“Erosion and sediment control” means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment laden water does not leave the site or enter into wetlands or aquatic areas. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.135 Farm management plan.**~~

~~“Farm management plan” means a comprehensive site specific plan developed by a farm owner in cooperation with the King County Conservation District, taking into consideration the land owner’s objectives while protecting water quality and related natural resources. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.140 Financial guarantee.**~~

~~“Financial guarantee” means a form of financial security posted to do one or more of the following: ensure timely and proper completion of improvements; ensure compliance with the City of Covington Municipal Code; or provide secured warranty of materials, workmanship of improvements and design.~~

~~Financial guarantees include assignments of funds, cash deposit, surety bonds or other forms of financial security acceptable to the Director of the Department of Community Development or the Director of the Department of Public Works. Performance guarantees, maintenance guarantees and defect guarantees are considered subcategories of financial guarantees. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.145 Flood hazard reduction plan.**~~

~~“Flood hazard reduction plan” means a plan and all implementing programs, regulations and procedures including, but not limited to, capital projects, public education activities and enforcement programs for reduction of flood hazards and prepared in accordance with RCW 86.12.200. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.150 Flow control best management practice.**~~

~~“Flow control best management practice” means a method or design for dispersing, infiltrating or otherwise reducing or preventing development related increases in surface or stormwater runoff at, or near, the sources of those increases, including those methods and designs specified in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.155 Flow control facility.**~~

~~“Flow control facility” means a drainage facility designed to mitigate the impacts of increased surface and stormwater runoff generated by site development in accordance with the drainage requirements in this title. A flow control facility is designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.160 Forest practices.**~~

~~“Forest practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, as defined in Chapter 222-16 WAC. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.165 Fully dispersed runoff.**~~

~~“Fully dispersed runoff” means runoff from an impervious surface that is dispersed, as specified in the stormwater manuals, through at least 100 feet of native vegetated surface on a slope of 15 percent or less before leaving the site or entering an existing on-site drainage feature, such as a pipe, ditch, stream, river, pond, lake or wetland, if:~~

~~(1) The amount of impervious surface being fully dispersed does not exceed 15 percent of the area of native vegetated surface, excluding areas of native vegetated surface occupied by and within 50 feet of a septic drain field and drain field reserve area; and~~

~~(2) The Department determines the dispersion of runoff does not create erosion or flooding impacts. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.170 Groundwater.**~~

~~“Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.175 Group A water system.

“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. (Ord. 13-09 § 2 (Exh. 1))

13.05.180 Group B water system.

“Group B water system” means a public water system which is not a Group A system, with less than 15 service connections and serving an average of less than 25 people for 60 or more days within a calendar year, or any number of people for less than 60 days within a calendar year. (Ord. 13-09 § 2 (Exh. 1))

~~**13.05.185 Hazardous materials.**~~

~~“Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.190 Hyperchlorinated.**~~

~~“Hyperchlorinated” means water that contains more than 10 milligrams per liter of chlorine. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.195 Hydraulically connected.**~~

~~“Hydraulically connected” means connected through surface flow or water features such as wetlands or lakes.~~

~~“Impacting impervious surface” means that portion of the actual impervious surface from which runoff:~~

~~(1) Is not fully dispersed;~~

~~(2) Is not fully infiltrated according to the infiltration standards in the stormwater manuals; or~~

~~(3) Is not managed in an alternative manner approved by the Department that effectively mitigates all of the following downstream hydrologic impacts of the impervious surface; increased runoff peaks; frequencies; volumes and flashiness and decreased groundwater recharge. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.200 Illicit connection.**~~

~~“Illicit connection” means any manmade conveyance that is connected to the stormwater system without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the stormwater system. Illicit connections for discharges to the sanitary sewer system are defined by the sewer district. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.205 Illicit discharge.**~~

~~“Illicit discharge” means any direct or indirect nonstormwater discharge to the stormwater drainage system that causes or contributes to a violation of State water quality, sediment quality, or groundwater quality standards including, but not limited to, sanitary sewer connections, industrial process water, interior floor drains, fuel islands, car washing, and gray water systems. Discharges from fire-fighting activities are not included in this definition. Illicit discharges for the sanitary sewer system are defined by the sewer district. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.210 Impervious surface.**~~

~~“Impervious surface” means a hard surface area that: (1) prevents or greatly retards the entry of water into the soil mantle as under natural conditions prior to development; or (2) causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paved areas, or other surfaces that similarly impede the natural infiltration of surface and stormwater. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.215 Improvement.**~~

~~“Improvement” means a permanent, manmade, physical change to land or real property including, but not limited to, buildings, streets, driveways, sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, and landscaping. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.220 Individual water system.

“Individual water system” means a water system serving only one single-family residence. (Ord. 13-09 § 2 (Exh. 1))

13.05.225 Industrial waste.

“Industrial waste” means any liquid, solid or gaseous substances, or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, trade or research, including the development, recovery or processing of natural resources. (Ord. 13-09 § 2 (Exh. 1))

~~**13.05.230 Lake management plan.**~~

~~“Lake management plan” means a plan describing the lake management recommendations and requirements adopted by public rule for managing water quality within individual lake basins. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.235 Land disturbing activity.**~~

~~“Land disturbing activity” means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or the existing soil topography. Land disturbing activity includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation and compaction. Land disturbing activity does not include tilling conducted as part of agricultural practices, landscape maintenance or gardening. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.240 Low impact development.**~~

~~“Low impact development” or “LID” means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions. Low impact development shall be in accordance with the standards set forth in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.245 Low impact stormwater facilities.**~~

~~“Low impact stormwater facilities” means stormwater facilities approved and constructed in accordance with the stormwater manuals for low impact development projects. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.250 Maintenance.**~~

~~“Maintenance” means those usual activities taken to prevent a decline, lapse or cessation in the use of currently serviceable structures, facilities, equipment or systems, if there is no expansion of the structure, facilities, equipment or system and there are no significant hydrologic impacts. Maintenance includes the repair or replacement of nonfunctional facilities or the replacement of existing structures with different types of structures, if the repair or replacement is required by one or more environmental permits or to meet current engineering standards and the functioning characteristics of the original facility or structure are not changed. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.255 Master drainage plan.**~~

~~“Master drainage plan” means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and constructed drainage system, both on and off site. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.260 Minimum requirements.**~~

~~“Minimum requirements” means the minimum requirements for stormwater management described in the NPDES Phase II Permit. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.265 Native vegetated surface.**~~

~~“Native vegetated surface” means a surface in which the soil conditions, ground cover, and species of vegetation are like those of the original native condition for the site, as more specifically set forth in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.270 Natural discharge location.**~~

~~“Natural discharge location” means the location where runoff leaves the project site under existing site conditions as defined in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.275 New impervious surface.**~~

~~“New impervious surface” means the creation of a hard or compacted surface such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such as the paving of existing dirt or gravel. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.280 Nonstormwater discharge.**~~

~~“Nonstormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.285 NPDES Phase II Permit.**~~

~~“NPDES Phase II Permit” means the stormwater permit issued by the Washington State Department of Ecology in accordance with the National Pollution Discharge Elimination System as promulgated under the Clean Water Act. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.290 NRCS.**~~

~~“NRCS” means the Natural Resource Conservation Service, formerly the Soil Conservation Service. The NRCS is a Federal agency within the United States Department of Agriculture. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.295 Open space.**~~

~~“Open space” means a parcel, property, or portion thereof classified for current use taxation under, or for which the development rights have been sold to the City of Covington or King County. This definition includes lands which have been classified as open space, agricultural, or timberlands under criteria contained in the appropriate City or County code or Chapter 84.34 RCW. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.300 Parcel.**~~

~~“Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the King County Assessor. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.305 Person.**~~

~~“Person” means any individual, firm, association, co-partnership, corporation, governmental agency or political subdivision, whether acting by themselves or as a servant, agent or employee. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.310 Pervious surface.**~~

~~“Pervious surface” means a native vegetated surface converted to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing nonnative pervious surface that results in increased surface and stormwater runoff as defined in the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.315 Pollutant.**~~

~~“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.320 Pollution-generating impervious surface.**~~

~~“Pollution-generating impervious surface” means an impervious surface considered to be a significant source of pollutants in surface and stormwater runoff. Pollution-generating impervious surfaces include: (1) those surfaces subject to vehicular use or storage of erodible or leachable materials, wastes, or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall; (2) covered parking areas if runoff from uphill could regularly run through them or if rainfall could regularly blow in and wet the~~

~~pavement surface; and (3) metal roofs, unless they are treated to prevent leaching. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.325 Pollution-generating pervious surface.**~~

~~“Pollution-generating pervious surface” means a nonimpervious surface considered to be a significant source of pollutants in surface and stormwater runoff. Pollution-generating pervious surfaces include surfaces subject to the use of pesticides and fertilizers, to the use or storage of erodible or leachable materials, wastes or chemicals or to the loss of soil. Examples of pollution-generating pervious surfaces include, but are not limited to, the lawn and landscaped areas of residential or commercial sites, golf courses, parks, sports fields, and grassed modular grid pavement installed in compliance with the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.330 Preapplication.**~~

~~“Preapplication” means the meeting(s) or form(s) used by an applicant for a development permit to present initial project intentions to the Department of Community Development or its successor agency. “Preapplication” does not mean application. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.335 Premises.**~~

~~“Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.340 Project.**~~

~~“Project” means any proposed action to alter or develop a site that may also require drainage review. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.345 Project site.**~~

~~“Project site” means the portion of a site and any off-site areas subject to proposed project activities, alterations and improvements including those required by this title. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.350 Public sewer.

“Public sewer” means any sewer or appurtenant facility other than a side sewer, either owned or operated by or within the jurisdiction of the City of Covington. (Ord. 13-09 § 2 (Exh. 1))

13.05.355 Public water system.

“Public water system” means any water system except one serving only one single-family residence. (Ord. 13-09 § 2 (Exh. 1))

~~**13.05.360 Rate category.**~~

~~“Rate category” means the classification given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.365 Redevelopment project.**~~

~~“Redevelopment project” means a project that proposes one or more of the following modifications to a site that is already substantially developed (35 percent or more existing impervious surface coverage):~~

~~(1) The creation or addition of impervious surfaces;~~

~~(2) The expansion of a building footprint or addition or replacement of a structure;~~

~~(3) Structural development including construction, installation, or expansion of a building or other structure;~~

~~(4) Replacement of impervious surface that is not part of a routine maintenance activity;~~

~~(5) Land development activity; or~~

~~(6) Improvements to a previously developed site, regardless of existing impervious surface coverage, that cost \$100,000 or more. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.370 Replaced impervious surface.**~~

~~“Replaced impervious surface” means: (1) for structures, the removal and replacement of any exterior impervious surfaces or foundations; and (2) for other impervious surfaces, the removal down to bare soil or base course and replacement. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.375 Residence.**~~

~~“Residence” means a building designed and/or used to house a single family. The definition of “residence” shall include trailers on an individual lot and condominium units. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.380 Residential customer equivalent.

“Residential customer equivalent (RCE)” means each 900 cubic feet of water used or metered sewage flow shall be considered as one residential customer equivalent. (Ord. 13-09 § 2 (Exh. 1))

~~**13.05.385 Residential parcel.**~~

~~“Residential parcel” means any parcel, which contains no more than three residences or three residential units, which are within a single structure, and is used primarily for residential purposes. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.390 Runoff.**~~

~~“Runoff” means that portion of water originating from rainfall and other precipitation that flows over the surface or just below the surface from where it fell and is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow groundwater. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.395 Salmon conservation plan.**~~

~~“Salmon conservation plan” means a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance, capital projects, public education activities and enforcement programs for conservation and recovery of salmon within a water resource inventory and are designated by the State under WAC 173-500-040. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.400 Service area.**~~

~~“Service area” means the incorporated areas of the City of Covington. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.405 Sewage.

“Sewage” means water-carried waste discharged from the sanitary facilities of buildings occupied or used by people. (Ord. 13-09 § 2 (Exh. 1))

13.05.410 Side sewer.

“Side sewer” means any sewer line used or installed by any person to conduct waste from any property to a public sanitary sewer. (Ord. 13-09 § 2 (Exh. 1))

~~**13.05.415 Site.**~~

~~“Site” means a single parcel, or two or more contiguous parcels that are under common ownership or documented legal control, used as a single parcel for a proposed project for purposes of applying for authority from the City of Covington to carry out a proposed project. For projects located primarily within dedicated rights of way, “site” includes the entire width of right of way subject to improvements proposed by the project. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.420 Source control BMP.**~~

~~“Source control BMP” means a BMP intended to prevent contaminants from entering surface and stormwater or groundwater including the modification of processes to eliminate the production or use of~~

~~contaminants. Source control BMPs may be either structural or nonstructural. Structural source control BMPs involve the construction of a physical structure on site or other type of physical modification to a site. An example of a structural source control BMP involves the modification or addition of managerial or behavioral practices. Nonstructural source control BMPs involve the modification of or addition of managerial or behavioral practices. An example of a nonstructural source control BMP is using less toxic alternatives to current products or sweeping parking lots. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.425 Standard specifications.**~~

~~“Standard specifications” means the Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction, current edition, and any subsequent amendments. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.430 State waste discharge permit.**~~

~~“State waste discharge permit” means an authorization, license, or equivalent control document issued by the Washington State Department of Ecology in accordance with Chapter 173-216 WAC. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.435 Storm drainage system.**~~

~~“Storm drainage system” means publicly owned facilities, including the City’s municipal separate storm sewer system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and/or detention facilities, natural and human-made or altered drainage channels, reservoirs, or other drainage structures. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.440 Stormwater.**~~

~~“Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.445 Stormwater compliance plan.**~~

~~“Stormwater compliance plan” means a plan or study and all regulations and procedures that have been adopted by the City to implement the plan or study, including, but not limited to, capital projects, public education activities, and enforcement programs for managing stormwater quantity and quality discharged from the City’s municipal separate storm sewer system in compliance with the NPDES permit program. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.450 Stormwater management facilities.**~~

~~“Stormwater management facilities” or “stormwater facilities” means constructed facilities that collect, convey, treat, detain, or retain stormwater. Stormwater management facilities may include such elements as catch basins, manholes, pipes, LID BMPs, detention ponds, retention ponds, or other elements. Stormwater management facilities may be located on private parcels or on public easements or rights-of-way. Stormwater management facilities also include conveyance systems and drainage facilities as defined in this chapter. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.455 Stormwater manuals.**~~

~~“Stormwater manuals” means the manuals, regulations, and standards adopted in CMC 13.25.020. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.460 Stormwater Pollution Prevention Plan (SWPPP).**~~

~~“Stormwater Pollution Prevention Plan” or “SWPPP” means a document that describes the best management practices and activities to be implemented by the property owner to identify sources of pollution or contamination at a premises, and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.465 Subbasin.**~~

~~“Subbasin” means a geographic area that drains to a stream or water body named and noted on common maps, and that is contained within a basin of the stream or water body. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.470 Subsurface fluid distribution system.**~~

~~“Subsurface fluid distribution system” means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.475 Surface and stormwater.**~~

~~“Surface and stormwater” means water originating from rainfall and/or other precipitation or discharges from seeps or springs that is found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow groundwater. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.480 Surface and stormwater management services.**~~

~~“Surface and stormwater management services” means the services provided by the Public Works Department, including, but not limited to, basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and stormwater quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.485 Surface and stormwater management system.**~~

~~“Surface and stormwater management system” means constructed stormwater facilities and any natural surface water drainage features that do any combination of collection, storing, controlling, treating or conveying surface and stormwater. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.490 Surface water.**~~

~~“Surface water” means all water naturally open to the atmosphere (rivers, lakes, reservoirs, streams, impoundments, seas, estuaries, etc.) and all springs, wells, or other collectors which are directly influenced by surface water. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.495 Treatment BMP.**~~

~~“Treatment BMP” means a BMP intended to remove contaminants once they are already contained in stormwater. Examples of treatment BMPs include but are not limited to oil/water separators, biofiltration swales, and wet settling facilities. (Ord. 13-09 § 2 (Exh. 1))~~

13.05.500 UIC rule.

“UIC rule” means the underground injection control rule promulgated by the Washington State Department of Ecology under Chapter [173-218](#) WAC, and any subsequent amendments thereto. (Ord. 13-09 § 2 (Exh. 1))

13.05.505 UIC well.

“UIC well” means one of the following: (1) a bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension; (2) an improved sinkhole; or (3) a subsurface fluid distribution system. UIC wells must be registered by project owners with the Department of Ecology. (Ord. 13-09 § 2 (Exh. 1))

~~**13.05.510 Undeveloped parcel.**~~

~~“Undeveloped parcel” means any parcel which has not been altered from its natural state by the construction, creation or addition of impervious surface. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.515 Variance.**~~

~~“Variance” means a Department approved adjustment in the application of the requirements of the stormwater manuals. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.520 Water quality treatment facility.**~~

~~“Water quality treatment facility” means a drainage facility designed to reduce pollutants once they are already contained in surface and stormwater runoff. A water quality treatment facility is the structural component of best management practices. When used singly or in combination, a water quality treatment facility reduces the potential for contamination of both surface and groundwater. (Ord. 13-09 § 2 (Exh. 1))~~

~~**13.05.525 Watershed.**~~

~~“Watershed” means a geographic region within which water drains into a particular river, stream, or body of water. (Ord. 13-09 § 2 (Exh. 1))~~

Chapter 13.30

SURFACE WATER MANAGEMENT PROGRAM

Sections:

13.30.010 Definitions.

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows. Unless otherwise defined in Chapter 18.20 CMC, the terms defined in the Design and Construction Standards are applicable. If there is conflict, the definitions in the in the Design and Construction Standards shall govern.

(1) “Rate category” means the classification given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel.

(2) “Surface and stormwater management services” means the services provided by the Public Works Department, including, but not limited to, basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and stormwater quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction.

(3) “Surface and stormwater management system” means constructed stormwater facilities and any natural surface water drainage features that do any combination of collection, storing, controlling, treating or conveying surface and stormwater.

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Chapter 17.15
ADMINISTRATION

17.15.160 Minimum subdivision and short subdivision improvements.

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

(a) Drainage facilities and erosion control measures consistent with CMC Title 13. ~~25, Division II;~~

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

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

~~*Code reviser's note: The 2002 Design and Construction Standards and Specifications, as adopted by Ordinance 44-02, may be found on file at the City Clerk's Office.~~

Chapter 17.40
BOUNDARY LINE ADJUSTMENT/LOT CONSOLIDATION

17.40.020 Procedures and limitations of the boundary line adjustment process

Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures, limitations and requirements of CMC Title 12 and the design and construction standards adopted in Chapter 12.60 CMC and specifications of the City of Covington;*

~~*Code reviser's note: The 2002 Design and Construction Standards and Specifications, as adopted by Ordinance 44-02, may be found on file at the City Clerk's Office.~~

Chapter 18.20
TECHNICAL TERMS AND LAND USE DEFINITIONS

XXXXXXX Basin plan.

“Basin plan” means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management regulations adopted by ordinance for managing surface and stormwater within the basin.

XXXXXXX Improvement.

“Improvement” means a permanent, manmade, physical change to land or real property including, but not limited to, buildings, streets, driveways, sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, and landscaping

18.20.732 Low impact development.

“Low impact development (LID)” is a stormwater management, site design and engineering approach that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. Specific LID tools and standards are identified and referenced in Chapter 13.25 and Titles 12 and 18. with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized small-scale controls. LID’s goal is to mimic a site’s predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Specific LID tools and standards are identified in the Low Impact Development Technical Guidance Manual for Puget Sound, or other equivalent manual adopted by the City.

XXXXXXX Parcel.

“Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the King County Assessor

XXXXXXX Person.

“Person” means any individual, firm, association, co-partnership, corporation, governmental agency or political subdivision, whether acting by themselves or as a servant, agent or employee.

XXXXX Preapplication.

“Preapplication” means the meeting(s) or form(s) used by an applicant for a development permit to present initial project intentions to the Department of Community Development or its successor agency.

“Preapplication” does not mean application.

XXXXXX Premises.

“Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

XXXXXX Residence.

“Residence” means a building designed and/or used to house a single family. The definition of “residence” shall include trailers on an individual lot and condominium units. (Ord. 13-09 § 2 (Exh. 1))

XXXXXX Service area.

“Service area” means the incorporated areas of the City of Covington. (Ord. 13-09 § 2 (Exh. 1))

18.20.975-1232 ~~Regional storm~~ Stormwater management facility.

“~~Regional s~~Storm-water management facility” means a constructed facilities that collect, convey, treat, detain or retain stormwater runoff. Stormwater Management facilities may include such elements as concrete gutters, catch basins, manholes, storm pipe, Low Impact Development Best Management Practices, detention or retention ponds as approved by the city’s Stormwater Management Program. surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin by the Surface Water Management (SWM) Division or a project proponent. Such facilities protect downstream areas identified by SWM as having previously existing or predicted significant regional basin flooding or erosion problems. (Ord. 42-02 § 2 (21A.06.975))

XXXXXXXX Surface and Stormwater.

“Surface and stormwater” means water originating from rainfall and/or other precipitation or discharges from seeps or springs that is found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow groundwater

XXXXXXXX Surface water.

“Surface water” means all water naturally open to the atmosphere (rivers, lakes, reservoirs, streams, impoundments, seas, estuaries, etc.) and all springs, wells, or other collectors which are directly influenced by surface water.

18.20.1013 Runoff.

“Runoff” “Runoff” means that portion of water originating from rainfall and other precipitation that flows over the surface or just below the surface from where it fell and is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow groundwater. means water not absorbed by the soil in the landscape area to which it is applied. (Ord. 42-02 § 2 (21A.06.1012))

XXXXXX Undeveloped parcel.

“Undeveloped parcel” means any parcel which has not been altered from its natural state by the construction, creation or addition of impervious surface.

XXXXXX Water quality treatment facility.

“Water quality treatment facility” means a drainage facility designed to reduce pollutants once they are already contained in surface and stormwater runoff. A water quality treatment facility is the structural component of best management practices. When used singly or in combination, a water quality treatment facility reduces the potential for contamination of both surface and groundwater. (Ord. 13-09 § 2 (Exh. 1))

Chapter 18.75

**DEVELOPMENT STANDARDS – ADEQUACY OF PUBLIC FACILITIES
AND SERVICES**

18.75.050 Surface water management.

All new development shall be served by an adequate surface water management system as follows:

(1) The proposed system is adequate if the development proposal site is served by a surface water management system approved by the Department as being consistent with the design, operating and procedural requirements of the stormwater management manuals and CMC Title 13;

~~(2) For a subdivision, zone reclassification or urban planned development, the phased installation of required surface water management improvements shall be stated in the approving ordinance. Such phasing may require that a bond or similar security be deposited with the City of Covington; and~~

~~(3) A design deviation or design variance request from the requirements of the stormwater manuals and CMC Title 13 shall be reviewed as set forth in CMC Title 13. CMC 12.60.050 and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 18.30 through 18.80 CMC. (Ord. 13-09 § 37; Ord. 42-02 § 2 (21A.28.050))~~

18.75.060 Adequate streets.

- (1) All new development shall be served by adequate ~~roads~~streets. Streets are adequate if the development's traffic impacts on surrounding public ~~roads~~streets are acceptable under the level-of-service standards and the compliance procedures established in CMC Title [12](#).
- (2) The ~~renewal of permits or the~~ issuance of a new permit for existing uses constitutes a new development proposal ~~only~~ if it will generate additional traffic above that currently generated by the use. Mitigation may be required under CMC Titles 12 and 19 to off-set level of service impacts as a result of additional traffic.
- (3) A design deviation or design -variance request from ~~the requirements the road cross-section of CMC Title 12 and the Design and Construction~~ ~~construction s~~Standards ~~established by CMC Title 12, Streets, Sidewalks and Bridges,~~ shall be reviewed as set forth in CMC ~~12.60.050 Chapter 12.60 CMC and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 18.30 through 18.80 CMC.~~ (Ord. 42-02 § 2 (21A.28.060))

18.75.070 Adequate vehicular access.

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

- (1) The property upon which the development proposed is to be located has direct access to:
 - (a) A public ~~or private~~ street that meets City design and construction standards as adopted in Chapter 12.60 CMC ~~and specifications or is formally declared acceptable by the City Engineer; or~~
 - (b) The property has access to such a street over a private driveway approved by the City;
- (2) The proposed circulation system of ~~a proposed subdivision, short subdivision or binding site plan for a~~ development proposal shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the Department and the City Engineer, and in accordance with the design and construction standards; and
- (3) Every lot upon which one or more buildings are proposed to be erected or traffic-generating use is proposed to be established shall establish safe access as follows:
 - (a) Safe passage from the street right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the City design and construction standards and specifications set forth in Chapter 18.31 CMC, as applicable and Chapter 18.50 CMC;
 - (b) Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services in accordance with adopted City design and construction

standards ~~and specifications~~ (e.g., fire protection, emergency medical service, mail delivery, ~~or~~ trash collection, ~~etc.~~); and

(c) Direct access from the street right-of-way, driveway, alley or other means of ingress/egress approved by the City of Covington, to all required off-street parking spaces on the premises. (Ord. 42-02 § 2 (21A.28.120))*

~~*Code reviser's note: The 2002 Design and Construction Standards and Specifications, as adopted by Ordinance 44-02, may be found on file at the City Clerk's Office.~~

Chapter 18.110

COMMERCIAL SITE DEVELOPMENT PERMITS

18.110.050 Application of development standards.

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

(2) Lot-based standards, such as internal circulation, landscaping signage and setback requirements, are typically applied to each individual lot within the site. However, the Director may approve an application for commercial site development where such standards have been applied to the site as if it consisted of one parcel. Lot-based regulations shall not be waived altogether.

(3) The Director may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the City, provided the site is being reviewed concurrently with a binding site plan application. (Ord. 10-10 § 3 (Exh. C); Ord. 20-07 § 133; Ord. 42-02 § 2 (21A.41.060))*

~~*Code reviser's note: The 2002 Design and Construction Standards and Specifications, as adopted by Ordinance 44-02, may be found on file at the City Clerk's Office.~~