16720 SE 271st Street, Suite 100 • Covington, WA 98042 • (253) 480-2400 • Fax: (253) 480-2401

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
June 1, 2017
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

C1. Minutes from May 18, 2017

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 your comments taking longer than the allotted time, you are encouraged to contact the Planning Department ten days in advance of the meeting so your item may be placed on the next available agenda.*

UNFINISHED BUSINESS – None

PUBLIC HEARING – Action Required

1. Critical Area Ordinance Amendments

NEW BUSINESS – No Action Required

2. Discussion of Sign Code Amendments
3. Discussion of Fire Code Amendments

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

May 18, 2017 **City Hall Council Chambers**

CALL TO ORDER
The regular meeting of the Planning Commission was called to order at 6:36 p.m. by Vice Chair Max.

MEMBERS PRESENT
Jennifer Gilbert-Smith, Jonathan Ingram (late arrival), Jim Langehough, Paul Max and Alex White

MEMBERS ABSENT – Chele Dimmett and Bill Judd

STAFF PRESENT
Richard Hart, Community Development Director
Salina Lyons, Principal Planner
Ann Mueller, Senior Planner
Kelly Thompson, Planning Commission Secretary

APPROVAL OF MINUTES AND AGENDA
- **1. Commissioner White moved and Commissioner Gilbert-Smith seconded to approve the March 16, 2017 minutes and meeting agenda for May 18, 2017. Motion carried 4-0.**

CITIZEN COMMENTS - None

UNFINISHED BUSINESS - None

PUBLIC HEARING - None

NEW BUSINESS
1. **Discussion of Critical Area Ordinance Amendments**

Senior Planner Ann Mueller shared that the city is required to periodically evaluate, and if necessary, revise its critical area regulations to assure compliance with state law. Additionally, the update will review the Best Available Science (BAS), and reorganize the code in plain language. A Public Hearing will be held during the regularly scheduled Planning Commission meeting on June 1, 2017.

The record is noted to show that Commissioner Ingram arrived at 6:45 p.m.

Commissioner Ingram asked staff why development is allowed within a floodplain. Principal Planner Salina Lyons explained the process the developer must work directly with FEMA to disprove or modify the location of an identified floodplain. Community Development Director, Richard Hart added that floodplains are either a floodway (which takes most of the water), or floodway fringe (where the water is less deep). It is measured by the standard of a 500-year flood. Certain development can take place within the fringe, but the compensatory storage must be in place.

2. Discussion and Suggestions on Draft Council Strategic Plan

A draft of the 2017-2020 Strategic Plan has been prepared and the City Council has asked the advisory commissions for input on proposed action items to help implement the goals and objectives.

Mr. Hart and the Planning Commission discussed Actions under each of the Goals, in which the Planning Commission could contribute:

Economic Development:

Item 1 - Establish a development plan in furtherance of the execution of two MOU's between the city and a developer and between the city and a higher education institution.

Item 5 - Evaluate the General Commercial Zone to determine the transportation and infrastructure impacts of the development of light manufacturing within that zone.

Town Center

Item 1 – Execute a development agreement with a Town Center developer specifically addressing the desired development to take place in the future Town Center.

Community

Item 2 - Explore and plan for the possibility of transforming the Covington Days festival or creating a new event that will serve as a more regional draw to the community.

Neighborhoods

Item 1- Diversify housing types through creative land use and zoning policies.

Item 4 - Increase education regarding proper use of code enforcement and public safety services.

Item 5 - Encourage pedestrian connectivity between neighborhoods and new development.

Municipal Services

None noted

Customer Service

Item 1 - Implement an online employment and volunteer application process.

Commissioner Ingram asked whether further definition of design standards could be discussed by the Planning Commission. As an example, he stated that he would not want to see more drive-thru/fast-food restaurants, but he would like to see more family-friendly restaurants.

Mr. Hart explained that drive-thru restaurants are already limited by zoning. He added that if Commissioner Ingram feels it is useful to review, it could potentially be added to the 2018 Planning Commission Work Plan items when that is discussed in November.

ATTENDANCE VOTE

- **Commissioner Gilbert-Smith moved and Commissioner White seconded to approve the absence of Commissioner Dimmett and Chair Judd. The motion carried 5-0.**

PUBLIC COMMENTS - **None**

COMMENTS AND COMMUNICATIONS FROM STAFF

Mr. Hart shared Puget Sound Regional Council (PSRC) completed the reclassification for the City of Covington from small city to a larger city. The city will receive a greater share of growth targets as they are portioned out from King County because of the reclassification. PSRC also gave full certification to our Comprehensive Plan.

Kent School District ceremoniously broke ground on the new Covington Elementary School. Permits are still under review. City staff met with the school district and requested they allow the city to short plat 3 to 4 acres that the city could purchase. The remaining land could be put up for sale to private developer.

A new Planning Commission schedule and agenda items was provided.

ADJOURN

The May 18, 2017, Planning Commission Meeting adjourned at 7:40 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: **Ann Mueller, Senior Planner**

CC: **Salina Lyons, Principal Planner**

Date: **June 1, 2017**

Re: **Public Hearing on Code Amendments for CMC 18.65 Critical Area regulations & related code amendments**

Attachments:

1) Repeal of CMC 13.37 Critical Area Recharge Areas.
2) Updates to CMC 16.05 Shoreline Management Plan - correct errors and update references & CMC 16.15 Flood Damage Prevention Updates
3) Repeal and Replace CMC 18.65 Critical Areas -Periodic Review Updates
4) Associated amendments in CMC 14.60, 14.65, 17.15, 17.25, 17.40, 18.20, 18.25, 18.35, 18.45, 18.110, & 18.125

At the Planning Commissions May 18, 2017, regularly schedule public meeting staff provided an overview of the required periodic update of the Critical Area regulations for the City of Covington as required by state law. Please review the staff memo for the May 18th meeting which outlines the updated guidelines and requirement to include Best Available Science(BAS).

The 4 attachments have been edited from those that were provided to the Planning Commission for your May 18th meeting. The edits include grammatical edits as well as changes provided by the city attorney.

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

CMC 14.27.040 Decision criteria.

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

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

Staff Findings: The purpose of these amendments to our code is to continue to comply with the Growth Management Act (GMA) requirements to designate and protect critical areas. These changes to the regulations are based on BAS for protecting wetland functions, preserving habitat, and mitigating impacts to critical areas. In addition, we have updated and moved around regulations related to frequently flooded areas to allow the city to meet Federal Emergency Management Agency (FEMA) requirements. The amendments also clarify language, correct errors and remove out of date and obsolete references.

Our updated critical area regulations and related amendments are consistent with the city's Comprehensive Plan's goals and policies and incorporate BAS.

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

Staff Findings: By updating the city's critical area and frequently flooded area regulations to improve their effectiveness and to include updated BAS, the city can better protect our critical areas and manage development in areas that are hazardous to build on. We can also enhance the urban environment by protecting wetlands, fish and wildlife habitat, riparian corridors, and other ecological resources. The health of these areas is an important indicator of the overall health and well-being of our city.

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

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

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

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

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

Staff Findings: These proposed amendments apply city-wide with the exception that the new critical area regulations in CMC 18.65 do not apply to critical areas that are also located in a designed shoreline jurisdiction as identified in the city's approved Shoreline Master Plan.

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

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

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

Staff Findings: Not Applicable.

Required Notice to Commerce.

Pursuant to state law and CMC 14.27.050(4), the city has provided the Washington State Department of Commerce the proposed code amendment more than- 60-days prior to the expected date of final City Council action. City staff provided drafts of the propose updates to the Department of Commerce on December 1, 2016, amendments related to updates to language referencing the approved SMP was provided earlier in August 2016. Commerce then distributed the drafts to state agencies for review and comment. Several suggested changes were proposed by state agencies (comments were received from staff at Commerce, Ecology and Department of Natural Resources(DNR)) and after further peer review by our consultants with expertise in the subject area, staff made additional changes to assure the updates were consistent with state law and used best available science, and assure these changes did not prevent the reasonable development of property. Overall, staff and our consultants agreed with the recommended changes from state agencies, some minor changes resulted from further consultant review.

SEPA

A SEPA determination of nonsignificance was issued on May 12, 2017, with a legal notice placed in the Covington Reporter, posted at city hall, and on the city's website. Copies were also provided to the SEPA register, Muckleshoot Indian Tribe and Ecology.

Planning Commission Hearing

This is a legislative action, the public hearing before the Planning Commission is scheduled for June 1, 2017 for review and recommendation to the City Council. Consistent with CMC 14.30.060, the Planning Commission public hearing was published in the Covington Reporter on May 12, 2017, more than 14-days prior to the public hearing. Notice was also posted on the city's website and at city hall.

Proposed amendments to Covington's Municipal Code are attached:

Attachment #1.

Repeal of CMC 13.37 Critical Aquifer Recharge Areas is proposed by staff because this is redundant with updated sections proposed in CMC Title 18.65 Critical Areas, Article IV Critical Aquifer Recharge Areas (CMC 18.65.311-316).

Attachment #2.

Amendments to CMC Chapter 16.05 are to correct and update references to Covington's approved Shoreline Master Program(SMP). Currently this chapter references out of date King County shoreline code. When the city adopted the final Shoreline Master Program in 2011(Ord. 05-11), there was an oversight and staff at that time did not update related refences in the CMC. The SMP is a stand-alone document that has been approved by Ecology and is not codified in CMC. Staff is updating CMC 16.05 with the correct cross reference to guide readers to where they can find the applicable regulations for shorelines jurisdictions located in Covington. As noted above state laws requires periodic review of the approved SMP and if necessary updates. Staff is not making any changes to the approved SMP now. The city will be initiating review and updates to the SMP in 2018.

Amendments to CMC Chapter 16.15 are to ensure the city's floodplain regulations area incorporating BAS and updated to be consistent with state and federal requirements.

Attachment #3.

Repeal and Replace of CMC 18.65 Critical Area regulations; due to the amount reorganization of existing critical area regulations, the deletion of redundant information and updates to the regulations to include BAS, and consistency with state guidance, the document if shown with track changes is very difficult to navigate. Thus, staff is recommending that CMC 18.65 be repealed and replace in its entirety. As noted before new regulations incorporate recommendations made by staff at Ecology, DNR and Commerce and are based on BAS. The existing critical area regulations proposed to be repealed and replaced can be found online here:
http://www.codepublishing.com/WA/Covington/#!/covington18/Covington1865.html#18.65

Attachment #4.

Associated amendments in CMC 13.25, 14.60, 14.65, 17.15, 17.25, 17.40, 18.20, 18.25, 18.35, 18.45, 18.110, 18.125 are also proposed. These amendments include updates to cross references to codes, words, terms or titles in other code section.

Specific amendments to CMC Chapter 18.20 are to update definitions or delete those that are no longer used.

Full Repeal

~~Chapter 13.37~~

~~CRITICAL AQUIFER RECHARGE AREAS~~

~~Sections:~~

~~13.37.010 Definition.~~

~~"Critical aquifer recharge areas" means areas that have been identified as sole source aquifers, areas that have a high susceptibility to groundwater contamination, or areas that have been approved pursuant to Chapter 246-290 WAC as wellhead protection areas for municipal or district drinking water systems. Areas with high susceptibility to groundwater contamination occur where aquifers are used for drinking water and there is a combination of permeable soils, permeable subsurface geology, and groundwater close to the ground surface. (Ord. 20-07 § 62; Ord. 41-02 § 2 (20.70.010). Formerly 14.45.010)~~

~~13.37.020 Maps adopted.~~

~~The maps entitled "Areas Highly Susceptible to Ground Water Contamination," and "Sole Source Aquifers," on file in the Department, are substantive authority for regulation of critical aquifer recharge areas in Covington pursuant to RCW 36.70A.170. (Ord. 20-07 § 62; Ord. 41-02 § 2 (20.70.020). Formerly 14.45.020)~~

~~13.37.030 Code provisions adopted.~~

~~(1) In order to protect critical aquifer recharge areas, Chapter 13.25 CMC is hereby adopted in accordance with RCW 36.70A.060.~~

~~(2) The following elements of the Covington Municipal Code are hereby adopted in accordance with RCW 36.70A.060 to protect critical aquifer recharge areas: Chapters 15.20, 18.40 and 18.65 CMC. (Ord. 08-13 § 3 (Exh. A); Ord. 20-07 § 62; Ord. 41-02 § 2 (20.70.030). Formerly 14.45.030)~~

~~13.37.040 Board of Health regulations adopted.~~

~~The following titles of the Code of the King County Board of Health are hereby adopted in accordance with RCW 36.70A.060 to protect critical aquifer recharge areas: Title 10, Solid Waste Regulations; Title 12, Public Water System Rules and Regulations; and Title 13, On-Site Sewage Disposal Systems. (Ord. 20-07 § 62; Ord. 41-02 § 2 (20.70.040). Formerly 14.45.040)~~

~~13.37.050 Clearing restrictions adopted.~~

~~The clearing restrictions in the area zoning in the following community planning areas, as such zoning restrictions, may be amended, and are hereby adopted in accordance with RCW 36.70A.060 to protect critical aquifer recharge areas: Soos Creek and Tahoma/Raven Heights. (Ord. 20-07 § 62; Ord. 41-02 § 2 (20.70.050). Formerly 14.45.050)~~

~~13.37.060 Evaluation and implementation.~~

~~The City will evaluate and implement, as appropriate, groundwater management plans and wellhead protection programs to further protect groundwater resources. The City will also revise, as appropriate, the map of critical aquifer areas, adopted in CMC 13.37.020, to include areas of high recharge to groundwater as identified in groundwater management plans and wellhead protection programs. (Ord. 20-07 § 62; Ord. 41-02 § 2 (20.70.060). Formerly 14.45.060)~~

Chapter 16.05

SHORELINE ~~MANAGEMENT PLAN~~MASTER PROGRAM

Sections:

16.05.010 ~~Authority to adopt interim shoreline management plan.~~Covington Shoreline Master Program adopted.

~~Pursuant to RCW 35.21.180, 35A.11.020, 35A.21.160 and 90.58.280, the City adopts by reference Title 25 of the King County Code (Exhibit A*), as presently constituted or hereinafter amended, as the interim shoreline management code. Exhibit A* is hereby incorporated by reference as if fully set forth herein~~(1) Covington Shoreline Master Program, dated April 26, 2011, is adopted by Ordinance No. 05-11 (Exhibit A) as the City's Shoreline Master Program, pursuant to the Washington State Shoreline Management Act of 1971 (RCW 90.58), and as hereafter amended. The Shoreline Master Program is adopted under the authority granted by the Act and WAC 173-26.

~~. (Ord. 32-97 § 1)~~ (2) All shoreline applications for shall be subject to all of the applicable procedural requirements of CMC Chapter 14.30(Permit Decision Types) and Chapter 14.35(Permit Application Procedures).

~~*Code reviser's note: Exhibit A, attached to Ordinance No. 32-97, may~~ be ~~found on file in the City Clerk's Office.~~

~~16.05.020 Adoption of administrative rules.~~

~~Pursuant to Chapter 25.32 KCC of the shoreline management plan, there are hereby adopted by reference any and all implementing administrative rules now in effect regarding shoreline management that have been adopted either pursuant to Chapter 2.98 KCC, Rules of County Agencies, or KCC Title 23, Enforcement, or elsewhere in the King County Code except that, unless the context requires otherwise, any reference to the "County" or to "King County" shall refer to the City of Covington, and any reference to County staff shall refer to the City Manager or designee.~~ ~~(Ord. 10-07 § 8; Ord. 32-97 § 2)~~

~~16.05.030 Adoption of certain other laws.~~

~~To the extent that any provision of the King County Code, or any other law, rule or regulation referenced in the shoreline management code, is necessary or convenient to establish the validity, enforceability or interpretation of the shoreline management code, then such provision of the King County Code, or other law, rule or regulation, is hereby adopted by reference. (Ord. 32-97 § 3)~~

~~16.05.040 Reference to hearing bodies.~~

~~To the extent that the shoreline management code refers to Planning Commissions, Board of Appeals, Hearing Examiner, or any other similar body, the City Council shall serve in all such roles, but retains the right to establish any one or more of such bodies, at any time and without regard to whether any quasi-judicial or other matter is then pending. (Ord. 32-97 § 4)~~

~~16.05.050 Shoreline management permit fees.~~

~~Fees shall be collected to compensate the Department for the review of shoreline management permits and approvals. Application fees shall compensate for intake and screening, field investigation, drainage review, development of administrative decision and conditions of approval, and administrative costs for file set-up and maintenance. Supplemental fees shall be collected to compensate for the additional review and file administration necessary for permit extensions, permit revisions and applications requiring public hearings. Supplemental inspection fees shall also be collected for permit compliance inspections for approvals not subject to future building or grading permit issuance and inspection. All fees shall be as set forth in the current fee resolution.~~

~~(1) Shoreline Permit Fees. Substantial development permits, shoreline variances, shoreline conditional use permits, and shoreline exemptions shall either be a fixed fee or a variable fee based on the dollar value of proposed improvements. For joint use dock proposals, the substantial development and/or variance fees shall be limited to an amount equal to fees for two individual docks of combined equivalent area. Supplemental review fees for revisions, extensions and public hearings shall be based on a percentage of the original permit fee.~~

~~Shoreline redesignation fees shall consist of a fixed base fee, together with a variable fee based on the lineal footage of shoreline proposed for redesignation. (Ord. 20-07 § 69; Ord. 43-02 § 2 (27.20.010). Formerly 14.65.010)~~

Chapter 16.15

FLOOD DAMAGE PREVENTION

Sections:

Article I. General Provisions

16.15.010 Purpose.

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

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

(a) To protect human life and health;

(b) To minimize the expenditure of public money and costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and typically undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of special flood hazard;

(f) To help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future flood blight areas;

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

(h) To ensure that those who occupy special flood hazard areas assume responsibility for their actions. (Ord. 100-98 § 1~~)~~)

(i) To qualify the City of Covington for participation in the National Flood Insurance Program;

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

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

16.15.020 Methods for reducing flood loss.

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

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

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

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

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

(5) Preventing or regulating the construction of flood barriers which unnaturally divert flood water or increase flood hazards in other areas. (Ord. 100-98 § 1)

16.15.030 Definitions.

~~Unless specifically defined below,~~Certain words ~~or~~and phrases used in this chapter ~~shall be interpreted so~~, unless otherwise clearly indicated by their context, mean as ~~to give them the meaning they have~~ follows. Unless otherwise defined in ~~common usage and to give~~ this chapter ~~its most reasonable application~~the definitions provided in Chapter 18.20 CMC shall be applicable. If there is a conflict, the definitions in this section shall govern. .

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

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

(3) "Base flood" means ~~the~~ flood having a one percent chance of being equaled or exceeded in any given year ~~and is~~ (also referred to as the "100-year flood~~.~~"). The base ~~flood's designation~~ flood is the Special Flood Hazard Area designated on ~~maps always includes the letters~~ Flood Insurance Rate Maps as Zones "A" or "V~~.~~" including AE, AO, AH, A1-00, and VE.

~~(4) "Basement" means any area of a building having its floor subgrade (below ground level) on all sides.~~

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

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

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

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

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

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

(10) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of inland or tidal waters; and/or (b) the unusual and rapid accumulation of surface water runoff from any source.

~~(11) "Flood insurance rate map" or "FIRM" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.~~

~~(12) "Flood insurance study" means the official report provided by the Federal Insurance Administration which includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.~~

~~(13) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~

~~(14~~(11) "Lowest floor" means the lowest floor of the lowest enclosed area, including any basement. An unfinished or flood resistant enclosure which is usable solely for parking of vehicles, building access or storage, located in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of CMC 16.15.250(2).

~~(15) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.~~

~~(16~~(12) "Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

(~~17~~13) "New construction" means any structure for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

(~~18~~14) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of adopted floodplain management regulations.

~~(19) "Recreational vehicle" means a vehicle which is:~~

~~(a) Built on a single chassis;~~

~~(b) Four hundred square feet or less when measured at the largest horizontal projection;~~

~~(c) Designed to be self-propelled or permanently towable by a light duty truck; and~~

~~(d) Designed primarily as temporary living quarters for recreational, camping, travel or seasonal use and not for use as a permanent dwelling.~~

~~(20~~(15) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement is within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any other work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

"Permanent construction" does not include land preparation, such as clearing, grading and filling or the installation of streets and/or walkways or excavation for a basement, footings, piers, or foundations or the erection of temporary forms or the installation of the property or accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. With respect to a substantial improvement, the "actual start" of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(~~21~~16) "Structure" means a walled and roofed building permanently constructed in or on the ground or over water, excluding fences six feet or less, and including a gas or liquid storage tank that is principally above ground.

(~~22~~17) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its predamaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(~~23~~18) "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure: (a) before the improvement or repair is started; or (b) if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

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

(~~24~~19) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(~~25~~20) "Water dependent" means a structure for commerce or industry which is dependent on the water by reason of the intrinsic nature of its operations and cannot exist in any other location. (Ord. 30-05 § 1; Ord. 23-00 § 1; Ord. 100-98 § 1)

~~16~~(21) "Water typing" means a system for classifying water bodies according to their size and fish habitat characteristics. The Washington Department of Natural Resources' Forest Practices Water Typing classification system is hereby adopted by reference. The system defines four water types:

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

6.15.040 Lands to which this chapter applies.
This chapter shall apply to all areas of special flood hazard located within the City limits. (Ord. 100-98 § 1)

16.15.045 Flood Hazard Area components
(1) A flood hazard area consists of the following components:

(a) Floodplain;

(b) Floodway fringe;

(c) Riparian buffer zone (RBZ);

(d) Zero-rise floodway;

(e) FEMA floodway; and

(f) Channel migration zone.

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

16.15.050 Adoption of report and FIRM.

(1) The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County, Washington and incorporated areas," dated March 30, 1998, as amended, with the accompanying FIRM, as amended, are hereby adopted by reference as though fully set forth herein. The flood insurance study is on file at Covington City Hall. The best available information for flood hazard area identification as outlined in CMC 16.15.140 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under said section. (Ord. 100-98 § 1)

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

(a) Flood insurance rate maps (FIRM);

(b) Preliminary flood insurance rate maps;

(g) Letters of map amendment;

(h) Letters of map revision;

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

(a) Flood insurance rate maps (FIRM);

(b) Flood insurance studies;

(c) Preliminary flood insurance rate maps;

(d) Preliminary flood insurance studies;

(e) Letters of map amendment;

(f) Letters of map revision;

(g) Historical flood hazard information;

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

(i) Best available data, as determined by the Director.

16.15.055 Determining other protected areas.

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

(2) The Riparian Buffer Zone (RBZ) is the area in the floodplain measured perpendicularly on each side of the watercourse from the OHW line landward from the OHW line. The stream type determines the distance. The RBZ

does not extend past the floodplain boundary. The following water typing designations and distances shall be used to determine the applicable Riparian Buffer Zone:

(a) Type S streams that are designated "shorelines of the State:" 250 feet from the OHW line
(b) Type F streams (fish bearing) streams greater than 5 feet wide and marine shorelines: 200 feet from the OHW line
(c) Type F streams less than 5 feet wide and lakes: 150 feet from the OHW line
(d) Type N (nonsalmonid-bearing) perennial and seasonal streams with unstable slopes: 225 feet from the OHW line
(e) All other Type N (nonsalmonid-bearing) perennial and seasonal streams: 150 feet from the OHW line

16.15.057 Stormwater management.
(1) Stormwater management shall be provided for projects located within lands to which this chapter applies. Stormwater management facilities shall not be located within floodways or the CMZ. Stormwater management facilities may be located within special flood hazard areas ~~of encroachment~~or the RBZ, subject to approval by the City Engineer; provided, that the increase in the water surface elevation of the base flood does not exceed the limits of CMC 16.15.~~300.~~320 (2).

(2) Stormwater management facilities shall be designed in accordance with CMC Title 13. (Ord. 13-09 § 21)

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

Nothing herein contained shall prevent the City from taking such other lawful action as deemed necessary to prevent or remedy any violation. (Ord. 100-98 § 1)

16.15.070 Abrogation and greater restrictions.
This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and any other ordinance, easement, covenant or deed restriction conflict or overlap, the one which imposes the more stringent restrictions shall prevail. (Ord. 100-98 § 1)

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

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes. (Ord. 100-98 § 1)

16.15.090 Warning and disclaimer.
The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. More extensive floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City, any officer or employee thereof or the Federal Insurance Administration for any flood damage that results from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 100-98 § 1)

Article II. Administration

16.15.100 Development permit required.
A development permit shall be obtained before construction or development begins within any area of special flood hazard established in CMC 16.15.050. The permit shall be for all structures, including manufactured homes, and for all development. (Ord. 100-98 § 1)

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

(1) In relation to mean sea level, the elevation of the lowest floor of all structures, including the basement;

(2) In relation to mean sea level, the elevation to which any structure has been floodproofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria set forth in CMC 16.15.260; and

(4) A description of the extent to which a watercourse will be altered or relocated as a result of the proposed development. (Ord. 100-98 § 1)

16.15.120 Local administrator.
The City Manager or his designee is hereby appointed to act as the local administrator of this chapter and, to that end, shall administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 100-98 § 1)

16.15.130 Local administrator – Duties.
The duties of the local administrator shall include, but are not limited to:

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

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

(3) Reviewing all development permits to determine whether the proposed development is located in the floodway and, if so, ensuring that the encroachment provisions of CMC 16.15.290(1) are satisfied. (Ord. 100-98 § 1)

16.15.140 Local administrator – Use of other base flood data.
In order to administer CMC 16.15.250 through 16.15.290 when base flood elevation data has not been provided in accordance with CMC 16.15.050, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State or other source. (Ord. 100-98 § 1)

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

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

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

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

(3) The local administrator shall maintain for public inspection all records pertaining to and required by the provisions of this chapter. (Ord. 23-00 § 2; Ord. 100-98 § 1)

16.15.160 Local administrator – Alteration of watercourses.
Whenever any watercourse is to be altered or relocated, the local administrator shall:

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

(2) Require that maintenance be provided for within the altered or relocated portion of said watercourse so that its flood carrying capacity is not diminished. (Ord. 100-98 § 1)

16.15.170 Local administrator – Interpretation of FIRM boundaries.
The local administrator shall make all necessary interpretations as to the exact location of the boundaries of any areas of special flood hazard~~, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. Any person contesting the location of said boundary shall be given a reasonable opportunity to appeal the interpretation as provided in CMC 16.15.180. (Ord. 23-00 § 3; Ord. 100-98 § 1)~~. The FIRM boundary shall be the sole determinant for jurisdiction and application of this ordinance.

16.15.180 Variances and appeals.

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

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

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

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

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

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

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the City;

(e) The necessity of a waterfront location for the facility, if applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;

(i) The safety of access to the property for ordinary and emergency vehicles in times of flood;

(j) The expected height, velocity, duration, rate of rise and sediment transport of the flood water and the effects of wave action, if applicable, expected at the site; and

(k) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

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

(6) The local administrator shall maintain the records of all appeals and report any variances to the Federal Insurance Administration upon request. (Ord. 01-09 § 16; Ord. 20-07 § 92; Ord. 100-98 § 1)

16.15.190 Variances – Permissible conditions.

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

~~(2) Providing the factors set forth in CMC 16.15.180(4) have been fully considered, in general, the only condition for which a variance from the elevation standard may be granted is new construction and substantial improvements which are to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures which are constructed below the base flood level. As the lot size increases, the technical justification required for issuing the variance will also increase.~~

(~~3~~ (2) A variance may be issued for the reconstruction, rehabilitation or restoration of any structure listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this section, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variances is the minimum necessary to preserve the historic character and design of the structure .

(~~4~~3) A variance shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would thereby result.

(~~5~~4) A variance shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that denial of the variance application would result in exceptional hardship to the applicant;

(c) A determination that granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

(d) A determination that, considering the flood hazard, the variance is the minimum necessary to afford relief.

(~~6~~5) In very limited circumstances, a variance to allow a lesser degree of floodproofing than watertight or dry-floodproofing may be issued for a nonresidential building where it can be demonstrated that such action will have low damage potential, complies with all other variance criteria ~~except subsection (2)~~ of this section, and otherwise complies with CMC 16.15.200 and 16.15.210.

(~~7~~6) Any applicant to whom a variance is granted shall be afforded written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 100-98 § 1)

16.15.195 Exemptions

The following activities and developments are exempt from the provisions of this chapter. All exempted activities shall use reasonable methods to avoid potential impacts to special flood hazard areas. An exemption from this

chapter is not an endorsement to degrade a special flood hazard area; ignore risk from natural hazards; or otherwise limit the ability of the director to identify and abate such actions that may cause degradation.

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

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

(3) Normal maintenance and repair.

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

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

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

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

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

16.15.197 Partial exemptions

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

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

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

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

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

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

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

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

Article III. Flood Hazard Reduction – General Standards

16.15.200 Flood hazard reduction – Anchoring.
In all areas of special flood hazard, the following standards for anchoring shall be complied with:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement and, in addition, shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, over-the-top or frame ties to ground anchors and additional techniques referred to in the Federal Emergency Management Agency's "Manufactured Home Installation in Flood Hazard Areas" guidebook. (Ord. 100-98 § 1)

16.15.210 Flood hazard reduction – Construction materials and methods.
In all areas of special flood hazard, the following standards for construction materials and methods shall be complied with:

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

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

(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 100-98 § 1)

16.15.220 Flood hazard reduction – Utilities.
In all areas of special flood hazard, the following standards pertaining to utilities shall be complied with:

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

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

(3) All on-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding. ~~(Ord. 100-98 § 1)~~

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

16.15.230 Flood hazard reduction – Subdivision proposals.
In all areas of special flood hazard, the following standards pertaining to subdivision proposals shall be complied with:

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

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

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

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, such data shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is less. (Ord. 23-00 § 4; Ord. 100-98 § 1)

16.15.240 Flood hazard reduction – Review of building permits.
In all areas of special flood hazard, where elevation data is not available through the flood insurance study or from some other authoritative source pursuant to CMC 16.15.140, an application for a building permit shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and may include, but is not limited to, the use of historical data, high water marks, and photographs of past flooding, where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. 100-98 § 1)

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

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

(b) The actual as-built elevation to which the structure is dry flood-proofed, if applicable.

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

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

(4) The Department shall maintain the certifications required by this section for public inspection and for certification under the National Flood Insurance Program. (Ord. 14-05 § 5)

Article IV. Flood Hazard Reduction – Specific Standards

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

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including any basement, elevated one foot above the base flood elevation; and

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

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(b) The bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers or other coverings, or devices; provided, that they permit the automatic entry and exit of floodwater. (Ord. 100-98 § 1)

16.15.260 Flood hazard reduction – Nonresidential construction.
In all areas of special flood hazard where base flood elevation data has been provided pursuant to CMC 16.15.050 or 16.15.140, the following provisions pertaining to nonresidential construction shall be complied with:

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

(a) Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

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

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

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

(3) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level, that is, a building floodproofed to the base flood level will be rated as one foot below. (Ord. 100-98 § 1)

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

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

(2) Any manufactured home which is to be placed or substantially improved in an existing manufactured home park or subdivision located within Zones A1-30, AH or AE on the City's FIRM and which is not subject to the provisions of subsection (1) of this section shall be elevated so that: (a) the lowest floor of the manufactured home is elevated one foot above the base flood elevation; or (b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and, in addition, securely anchored to an adequately anchored foundation system so as to resist flotation, collapse, and lateral movement. (Ord. 30-05 § 2; Ord. 100-98 § 1)

16.15.280 Flood hazard reduction – Recreational vehicles.
In all areas of special flood hazard~~,~~ ~~where base flood elevation data has been provided pursuant to CMC 16.15.050 or 16.15.140,~~ the following provisions pertaining to recreational vehicles shall ~~be complied with: any recreational vehicle placed on a site within Zones A1-30, AH or AE on~~apply::

(1) Meet the ~~City's FIRM shall:~~requirements of CMC 18.50.190;

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

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

(3) Meet the requirements of CMC 16.15.270 and the elevation and anchoring requirements for manufactured homes. (Ord. 100-98 § 1)

16.15.285 AE AND A1-30 ZONES WITH BASE FLOOD ELEVATIONS BUT NO FLOODWAYS

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

16.15.310 Critical facility.
To the extent possible, the construction of any new critical facility shall be located outside the limits of the special flood hazard area (100-year floodplain). Construction of any new critical facility shall be permissible within the special flood hazard area if no feasible alternative site is available. Any critical facility constructed within said area shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. To the extent possible, access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities. (Ord. 100-98 § 1)~~290~~

Article V. Floodplain Protection – Specific Standards

16.15.315 Allowable development activities in all Flood Hazard Area zones

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

(a) Maintenance, repair, or replacement of a dock or pier;

(b) Construction of new slope stabilization or maintenance of existing slope stabilization provided fill, native vegetation clearing, and encroachment limits are addressed;

(c) Clearing of non-native, exotic or invasive vegetation by hand or other non-mechanical means;

(d) Maintenance or repair of an existing bridge or culvert;

(e) Replacement of a bridge or culvert, for public roads, subject to compliance with this section and for the purpose of betterment for flood control, stream habitat improvement, or fish passage;

(f) Maintenance, repair, or replacement of an existing flood protection facility, provided there is no increase or betterment. Improved facilities would be evaluated as new:

(g) Maintenance or repair of an outdoor public park facility or trail;

(h) Habitat enhancement or restoration; and

(i) Construction or expansion of stormwater or drainage conveyance systems

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

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

(a) Provide equivalent volume at equivalent elevations to that being displaced;

(b) Hydraulically connect to the source of flooding;

(c) Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins on September 30th for that year; and

(d) Occur on the site. The Director may approve equivalent compensatory storage off the site if legal arrangements, acceptable to the Department, are made to assure that the effective compensatory storage volume will be preserved over time;

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

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

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

(a) New building lots shall include 5,000 square feet or more of buildable land outside the floodplain. Structures and other development shall be located in this area;

(b) All utilities and facilities such as sewer, gas, electrical and water systems are consistent with this Section;

(c) A professional engineer shall identify base flood elevations in accordance with FEMA guidelines for all new lots;

(d) A development proposal shall provide adequate drainage in accordance with the stormwater manuals adopted in CMC Title 13; and

(e) The face of the recorded subdivision, short subdivision, or binding site plan shall include the following for all lots:

(i) Building setback areas restricting structures to designated buildable areas;

(ii) Base flood data and sources and flood hazard notes including, but not limited to, base flood elevations, required flood protection elevations, the boundaries of the floodplain and the zero-rise floodway, if determined; and channel migration zone boundaries, if determined; and

(iii) Include the following notice:

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

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

(a) Structures must be located to the non-floodplain area to the extent practicable;

(b) If the lot has no buildable area outside of the floodplain, all structures and development must be sited to have the least impact on the floodplain and riparian habitat;

(c) All structures must be set back at least 15 feet from the RBZ and shall be sited as close to the 100-year floodplain boundary as possible;

(d) Creation of new impervious surfaces shall not exceed 10 percent of the surface area of the portion of the lot in the floodplain unless mitigation is provided to make the impervious area ineffective;

(f) Roads and access driveways to the site are not permitted in the floodplain, except if it is the sole and least impactful access to the site;

(g) No new stream crossings over Type S, F, or Np streams are allowed to provide access to floodprone sites.

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

(a) Public trails and non-motorized travel ways shall be allowed in floodplains subject to the following:

(i)Trails are not allowed in CMZ or floodways;

(ii) Floodplain storage compensation requirements of section 16.15.320 (1) are met;

(iii) The facility is elevated above the base flood elevation, floodproofed, or signed for closure to protect public safety during flood events;

(iv) Low impact design measures are applied to the extent practicable to make the impervious surface ineffective;

(v) Removal of native vegetation is minimized and compliant with other City standards

(b) Public road improvements at stream crossings or in floodplains shall be allowed in all floodplain zones subject to the following:

(i) Encroachment into the Floodway does not exceed existing conditions;

(ii) Fill and encroachment into the floodplain are minimized to the extent practicable;

(ii) Floodplain storage compensation requirements of section 16.15.320 (1) are met;

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

(i) Facilities are not allowed in the floodway or CMZ;

(ii) Fill and encroachment into the floodplain are minimized to the extent practicable;

(iii) Floodplain storage compensation requirements of section 16.15.320 (1) are met;

(iv) Removal of native vegetation is minimized and compliant with other City standards

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

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

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

(i) Impairment to the system during flooding;

(ii) Contamination from the system during flooding;

(iii) Design all new and replacement water supply systems to minimize or eliminate infiltration of floodwaters into the system;

(iv) Above-ground utility transmission lines, except for electric transmission lines, are allowed only for the transport of nonhazardous substances; and

(v) Bury underground utility transmission lines transporting hazardous substances at a minimum depth of four feet below the maximum depth of scour for the base flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;

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

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

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

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

16.15.330 Riparian Buffer Zone development standards and alterations.
The following standards apply to development proposals and alterations on sites within the Riparian Buffer Zones, subject to the exceptions provided in Section 16.15.315 and 16.15.320 (5) and (6).

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

(a) new structures, including accessory buildings and non-residential structures

(b) new impervious surfaces;

(c) removal of native vegetation;

(d) grading, clearing, filling, or other related land disturbing activity, other than for approved restoration work;

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

(a) structures must be located to the non-RBZ area to the extent practicable;(b) if the lot has no buildable area outside of the RBZ, all structures and development must be sited to have the least impact on the floodplain and riparian habitat;

(c) other site development and non-residential structures are not permitted in the RBZ,

(d) roads and access driveways to the site are not permitted in the RBZ, except if it is the sole and least impactful access to the site. No new stream crossings are allowed to provide access to floodprone sites.

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

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

(2) A development proposal shall not increase the base flood elevation except as follows:

(a) Revisions to the flood insurance rate map are approved by FEMA, in accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and

(b) Appropriate legal documents are prepared and recorded in which all property owners affected by the increased flood elevations consent to the impacts on their property;

(3) If post and piling construction techniques are used, the following are presumed to produce no increase in base flood elevation and a critical areas report is not required to establish this fact:

(a) New residential structures outside the FEMA floodway on lots in existence before November 27, 1990, that contain less than 5,000 square feet of buildable land outside the zero-rise or FEMA floodway if the total building footprint of all existing and proposed structures on the lot does not exceed 2,000 square feet;

(b) Substantial improvements of existing residential structures in the zero-rise floodway, but outside the FEMA floodway, if the footprint is not increased; or

(c) Substantial improvements of existing residential structures that meet the standards for new residential structures in Article III of CMC 16.15;

(4) When post or piling construction are not used, a critical areas report is required in accordance with CMC 16.15.110 demonstrating that the proposal will not increase the base flood elevation;

(5) During the flood season from September 30th to May 1st the following are not allowed to be located in the zero-rise or FEMA floodway:

(a) All temporary seasonal shelters, such as tents and recreational vehicles; and

(b) Staging or stockpiling of equipment, materials or substances that the Director determines may be hazardous to the public health, safety, or welfare;

(6) New residential structures and substantial improvements to existing residential structures or any structure accessory to a residential use shall meet the following standards:

(a) Locate the structures outside the zero-rise and FEMA floodway;

(b) Locate the structures only on lots in existence before November 27, 1990, that contain less than 5,000 square feet of buildable land outside the zero-rise or FEMA floodway; and

(c) To the maximum extent practical, locate the structures the farthest distance from the channel, unless the applicant can demonstrate that an alternative location is less subject to risk;

(7) Public and private utilities are only allowed if:

(a) The Director determines that a feasible alternative site is not available;

(b) A waiver is granted by the Public Health of Seattle-King County for new on-site sewage disposal facilities;

(c) The utilities are dry flood-proofed to or elevated above the flood protection elevation;

(d) Above-ground utility transmission lines, except for electrical transmission lines, are only allowed for the transport of nonhazardous substances; and

(e) Underground utility transmission lines transporting hazardous substances are buried at a minimum depth of four feet below the maximum depth of scour for the base flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;

(8) Critical facilities, except for those listed in subsection (9) of this section are not allowed within the zero-rise or FEMA floodway; and

(9) Structures and installations that are dependent upon the zero-rise floodway are allowed in the zero-rise floodway if the development proposal is approved by all agencies with jurisdiction and meet the development standards for the zero-rise floodway. These structures and installations may include, but are not limited to:

(a) Dams or diversions for water supply, flood control, irrigation or fisheries enhancement;

(b) Flood damage reduction ~~— **Floodways.**~~facilities, such as levees, revetments and pumping stations, provided:

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

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

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

(d) Surface water conveyance facilities;

(e) Boat launches and related recreation structures;

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

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

(h) Approved stream or wetland restoration projects including, but not limited to, fisheries enhancement projects. (Ord. 13-09 § 34; Ord. 14-05 § 5)

16.15. 350 FEMA floodway development standards and alterations.

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

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

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

~~(2) Construction or~~(3) New residential or nonresidential structures are prohibited within the FEMA floodway;

(4) Reconstruction of residential structures is prohibited within FEMA designated floodways, except for: (a) repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction of residential structures or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either: (i) before the repair or reconstruction is started; or (ii) if the structure has been damaged and is being restored, before the damage occurred. Any project for improvement for a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimums necessary to assure safe living conditions or to be structures identified as historic places may be excluded in the 50 percent.

(~~3~~5) If subsection (~~1~~4) of this section is satisfied, all new construction and substantial improvements in an area designated as a floodway shall comply with all the applicable flood hazard reduction provisions of CMC 16.15.200 through 16.15.310. (Ord. 30-05 § 3; Ord. 23-00 § 5; Ord. 100-98 § 1)

~~**16.15.300 Flood hazard reduction – Encroachments.**~~
~~In all areas of special flood hazard,~~ (6) If the ~~cumulative effect of any proposed development, combined with all other~~ footprint of the existing ~~and anticipated development, shall~~residential structure is not increased, substantial improvements of existing residential structures in the FEMA floodway, meeting the requirements this Section are presumed to not increase the ~~water surface elevation of the~~ base flood elevation and do not require a critical areas report to establish this fact.

16.15.360 Channel migration zones – Development standards and alterations.
The following standards apply to development proposal and alterations on sites within channel migration zones that have been mapped and adopted by public rule:

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

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

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

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

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

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

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

(i) All lots contain 5,000 square feet or more ~~than one foot at any point. (Ord. 100-98 § 1)~~of buildable land outside of the regulated channel migration zone;

~~**16.15.310 Critical facility.**~~
~~To the extent possible, the construction of any new critical facility shall be located outside the limits of the special flood hazard area (100-year floodplain). Construction of any new critical facility shall be permissible within the special flood hazard area if no feasible alternative site is available. Any critical facility constructed within said area shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. To the extent possible, access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities. (Ord. 100-98 § 1)~~(ii) Access to any lots does not cross the regulated channel migration zone; and

(iii) All infrastructure is located outside the regulated channel migration zone.

Repeal and Replace
Chapter 18.65
CRITICAL AREAS

Sections:

Article I. Administration

18.65.010 Purpose.
The purpose of this chapter is to implement the goals and policies of the Growth Management Act, Chapter 36.70A RCW, Washington State Environmental Policy Act, Chapter 43.21C RCW, and the Covington Comprehensive Plan, which call for protection of the natural environment and the public health and safety by:

(1) Establishing development and alteration standards to protect functions and values of critical areas;

(2) Protecting members of the general public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, seismic and volcanic events, soil subsidence or steep slope failures;

(3) Protecting unique, fragile and valuable elements of the environment including but not limited to fish and wildlife and their habitats and maintaining and promoting City-wide native biodiversity;

(4) Requiring mitigation of unavoidable impacts to critical areas by regulating alterations in or near critical areas;

(5) Preventing cumulative adverse environmental impacts on water availability, water quality, ground water, wetlands and streams;

(6) Measuring the quantity and quality of wetland and stream resources and preventing overall net loss of wetland and stream functions;

(7) Protecting the public trust as to navigable waters, aquatic resources, and fish and wildlife and their habitat;

(8) Meeting the requirements of the National Flood Insurance Program;

(9) Alerting members of the public including but not limited to appraisers, owners, potential buyers or lessees to the development limitations of critical areas; and

(10) Providing City officials with sufficient information to protect critical areas.

18.65.020 Applicability.
(1) This chapter applies to all land uses, activity, and development in the City of Covington, and all persons within the City shall comply with this chapter.

(2) City shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water or vegetation or to construct or alter any structure or improvement without first ensuring compliance with this chapter.

(3) Approval of a development proposal in accordance with this chapter does not discharge the obligation of the applicant to comply with this chapter.

(4) This chapter applies to all forest practices over which the City has jurisdiction under Chapter 76.09 RCW and WAC Title 222.

(5) Unless exempted in CMC 18.65.047 or 18.65.048, these critical area regulations shall apply to all developments within one or more of the following critical areas or their associated buffers, regardless of whether the site has been previously identified as a critical area. Critical areas include any of the following areas or ecosystems as defined in RCW 36.70A.030 and WAC 365-190.030 and the corresponding buffers and setbacks.

(a) Frequently flooded areas;

(b) Geologically hazardous areas;

(c) Critical aquifer recharge areas;

(d) Wetlands; and

(e) Fish and wildlife habitat conservation areas (includes streams).

18.65.030 Appeals.
An applicant may appeal a decision under this chapter to approve, condition or deny a development proposal according to and as part of the appeal procedure for the underlying permit or approval involved.

18.65.040 Critical areas rules.
The City of Covington is authorized to adopt, in accordance with Chapter 2.75 CMC, such public rules and regulations as are necessary and appropriate to implement this chapter and to prepare and require the use of such forms as are necessary to its administration.

18.65.045 Relationship to other regulations.

(1) Nothing in this chapter in any way limits, or may be construed to limit, the authority of the City under any other applicable law, nor in any way decreases the responsibility of the applicant to comply with all applicable local, state and federal laws and regulations.

(2) These critical areas regulations shall apply in addition to zoning and other regulations adopted by the City.

(3) When any other chapter of the Covington Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, the provision that provides more protection to environmentally critical areas shall apply unless specifically provided in this chapter or unless the provision conflicts with federal or state laws or regulations.

(4) Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required. The applicant is responsible for complying with these requirements, in addition to the process established in this chapter.

(5) If any provisions of this chapter are in conflict with any part of the City's Shoreline Master Program, herein referenced as the City's SMP, adopted under Ordinance No. 05-11, the regulations in RCW 90.58.020 shall apply, as determined by the City.

(6) Provisions of this chapter that are not consistent with the state Shoreline Management Act, Chapter 90.58 and supporting Washington Administrative Code chapters, shall not apply to the City's shoreline jurisdiction,

(7) Critical areas within shoreline jurisdiction are regulated by the City of Covington Critical Areas Regulations for Shoreline Jurisdiction, as contained in and herein referenced as SMP Appendix A. Although these regulations are similar to the Critical Areas Regulations codified in Chapter 18.35 of the Covington Municipal Code, pursuant to the requirements of the Shoreline Management Act, these regulations are distinct. Certain key critical area provisions, including the Reasonable Use Exception, do not apply in shoreline jurisdiction. Deviations from the Critical Areas Regulations as set forth in SMP Appendix A are processed as a shoreline variance process provided in the City's SMP Chapter 8: Administration for discussion of shoreline permits. If there are conflicts between the regulations contained in the SMP, those that are the most protective of shoreline ecological functions will apply.

18.65.046 Fees.

(1) Fees shall be collected for the permit administration, plan review and other services provided by the City for critical areas review consistent with the critical area review fees set forth in the current fee resolution. Fees shall include but not be limited to cost recovery for engineering and planning review time, site inspection time, administration, third-party peer review, and any other special costs attributable to the critical areas review process.

(2) The applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessments, studies, plans, reconnaissance, or other work prepared in support of or necessary to review the application, unless otherwise provided in this title.

(3) In addition to critical area review fees, as set forth in this section, other fees required by the Covington Municipal Code may be applicable to the critical area review and associated application, including but not limited to Shoreline Management Act, SEPA, tree preservation and clearing and grading review fees.

18.65.47 Exemptions.

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

(1) Activities and development in response to emergencies that threaten public health, safety or welfare, or that pose an immediate risk of damage to property and that require remedial or preventive action in a timeframe too short to allow for compliance with the requirements of this chapter. In the event a person determines that the need to take emergency action is so urgent that there is insufficient time for review by the Department, such emergency action may be taken immediately. Such action shall be reported to the Department within one working day of the commencement of the emergency activity on a form provided by the City. The Director will determine if the action was in response to an emergency and if any mitigation shall be required to protect health, safety, welfare, or environment or to repair any resource damage.

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

(3) Normal maintenance and repair, internal reconstruction or remodeling or improvements to existing structures that do not increase the previously approved building footprint, provided the improvements or repairs are not the result of or required due to a flood or floodplain hazard.

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

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

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

(7) Excavation of cemetery graves in established and approved cemetery. Maintenance, operation, or repair of the cemetery graves as long as any such alteration does not involve the expansion of improvements.

18.65.048 Partial exemptions.

The following activities are partial exemptions to the provisions of this chapter and will require land use approval from the Director. The Director may require supporting application materials, such as documentation, prepared by a qualified professional to demonstrate compliance with partial exemptions:

(1) Landscaping. Normal maintenance and continuation of existing landscaping and gardens, within an identified critical area, that were legally established prior to City incorporation, provided the area is not expanded. This partial exemption shall be documented by photographs, statements, and/or other evidence provided by the applicant. The use of herbicide is permitted in wetlands and streams and their buffers only for the control of invasive vegetation. A state and federally approved registered aquatic formulation shall be applied by a licensed aquatic herbicide applicator in wetlands and streams.

(2) Agricultural. Expansion or creation of agricultural uses within an identified critical area is not allowed subject to the provisions of this chapter. Agricultural activities in existence before the date of incorporation, in continuous operation, and for which the activity is supporting agricultural activity, are partially exempted from this chapter as follows:

(a) Mowing of hay, grass or grain crops;

(b) Tilling, dicing, planting, seeding, harvesting and related activities for pasture, food crops, grass seed or sod if such activities do not take place on steep slopes;

(c) Normal and routine maintenance of existing irrigation and drainage ditches not used by salmonids; and

(d) Normal and routine maintenance of farm ponds, fish ponds, manure lagoons and livestock watering ponds;

(3) Demolition of Structures. The applicant shall submit demolition permit(s) and associated temporary erosion and sedimentation control plan, as applicable.

(4) Normal and Routine Maintenance. Clearing, pruning, removal of nuisance vegetation, and normal and routine maintenance of trees and vegetation shall be subject to permitting requirements in Chapters 18.45 and 14.60 CMC.

18.65.049 Unauthorized alterations and enforcement.

(1) When a critical area or its buffer has been altered in violation of this chapter, all ongoing development work shall stop and the critical area shall immediately and completely be restored prior to resuming development work. The

City shall have the authority to issue a stop work order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner's or violator's expense to compensate for violation of provisions of this chapter.

(2) Restoration plan. All development work shall remain stopped until a restoration plan is prepared at the expense of the owner or violator and approved by the City. The plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in subsections (2)(a) and 2(b) of this section. The Director may, at the owner or violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the owner or violator for revision and resubmittal.

(a) For Alterations to critical aquifer recharge areas, frequently flooded areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area:

(i) The historic structural and functional values shall be restored, including water quality and habitat functions;

(ii) The historic soil types and configuration shall be replicated;

(iii) The critical area and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the Alteration; and

(iv) Information demonstrating compliance with CMC 18.65.130 (Mitigation and monitoring) shall be submitted to the Director.

(b)For Alterations to flood hazard areas and geologically hazardous areas, the following minimum performance standards shall be met for the restoration of critical area:

(i) The hazard shall be reduced to a level equal to, or less than, the predevelopment hazard;

(ii) Any risk of personal injury resulting from the Alteration shall be eliminated or minimized; and

(iii) The hazard area and buffers shall be replanted with native vegetation sufficient to minimize the hazard.

(3) Minimum performance standards identified in subsections (2)(a) and (2) (b) of this section may be modified if the owner or violator can demonstrate that greater functional and habitat values can be obtained.

(4) Site investigations. Site investigations necessary to enforce this chapter are authorized pursuant to CMC 1.30.

(5) Penalties. Any development carried out contrary to the provisions of this chapter shall constitute a public nuisance and be subject to provisions of CMC Chapter 1.30.

18.65.050 Allowed alterations of critical areas.

(1) Within the following critical areas and their buffers Alterations are allowed if the Alteration complies with the sequential steps for mitigation, including avoiding impacts, applicable development standards, mitigation requirements, and other applicable requirements established in this chapter:

(a) Critical aquifer recharge area;

(b) Geologically Hazardous Areas:

(i) Landslide hazard area under 40 percent slope;

(ii) Erosion hazard area.

(2) Within the following four critical areas and their buffers only the Alterations on the table in subsection (6) are allowed if the Alteration complies with conditions in subsection (7) of this section and the development standards, mitigation requirements and other applicable requirements established in this chapter:

(a) Channel migration zone (CMZ) and riparian buffer zone (RBZ);

(b) Geologically Hazardous Areas:

(i) Landslide hazard area with a 40 percent or greater slope;

(ii) Steep slope hazard area;

(c) Wetland; and

(d) Wildlife habitat conservation areas (including streams and natural ponds).

(3) The City may require other construction techniques, conditions, and restrictions on development in order to minimize adverse impacts on critical areas.

(4) The applicant is responsible for obtaining permits from the City for the allowed Alterations pursuant to CMC 18.65.100. The request for an Alteration may be submitted sequentially with other identified City permits or development review. The City may collect fees for the review of the Alteration in accordance with CMC 18.65.046. The applicant is responsible for obtaining associated state and federal permits as applicable and conditioned in this chapter.

(5) Activities and allowed Alterations within a shoreline jurisdiction as identified in the City's SMP shall only comply with the shoreline modification regulations in Chapter 7 of the SMP.

(6) In the following table where an Alteration is included in more than one activity category, the numbered conditions applicable to the most specific description of the Alteration governs. Where more than one numbered condition appears for a listed Alteration, each of the relevant conditions specified for that Alteration within the given critical area applies. For Alterations involving more than one critical area, compliance with the conditions applicable to each critical area is required.

Alteration*	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Stream and Buffer	Fish & Wildlife Conservation Area/ Corridor Area
	KEY: Letter "A" in a cell means Alteration is allowed consistent with the requirements of this Chapter. If it is blank it is not allowed. *Activities within a shoreline jurisdiction must also comply with Table 4 of the City Shoreline Master Program (Ord. 05-11)				
Construction of single detached dwelling unit			A 1, 2		
Construction of nonresidential structure			A 1 ,2	A 1, 2	A 1, 2, 3
Construction of new dock or pier			A 4	A 4, 5	
Maintenance, repair or replacement of dock or pier			A 6	A 6	A 3
Clearing & Grading					
Grading (Chapter 14.60 CMC)		A 7		A 8	
Construction of new slope stabilization	A 9	A 9	A 9	A 9	
Maintenance of existing slope stabilization	A 10	A 7, 10	A 10	A 10	A 3, 10
Clearing (Chapters 14.60 & 18.65 CMC). Includes removal of brush, trees, noxious weeds or invasive vegetation and general maintenance not exempt in CMC 18.65.47 and 18.65.048	A 11,	A 11, 12	A 11, 13	A 8, 11, 13	A 11
Forest practices					
Nonconversion Class IV-G forest practice	A 14	A 14	A 14	A 14	A 14, 15
Roads					
Construction of new public road right-of-way	A 16	A 16	A 16	A 5, 16	A 16
Expansion of public right-of way structure/facility, beyond established right-of –way for the purpose of maintenance, operation, repair, modification installation, or construction	A 9, 16	A 16	A 16	A 16	A 16
Construction of new driveway or private access road			A 2	A 2	A 2
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 10	A 10	A 10	A 10	A 10
Replacement of bridge or culvert	A 10	A 10	A 10	A 10, 17	A 10
Expansion of bridge or culvert	A 10	A 10	A 18	A 18	A 3
Utilities and other infrastructure					

Expansion or construction of new utility corridor or minor utility facility located beyond the established right of way or easement.	A 19	A 19	A 29	A 29	A 3
Construction of a new well or onsite sewage disposal			A 30	A 30	
Maintenance, repair, expansion of a new well or onsite sewage disposal	A 2, 21, 20	A 2, 21, 20	A 2, 21, 20	A 2, 21, 20	A 3, 21, 20
Construction, maintenance, or expansion of surface water run off system, designed in accordance with Chapter 13.25 CMC, to provide surface water quality treatment	A 19	A 19	A 22		A 3
Maintenance, repair, or replacement of flood protection facility	A 23	A 23	A 23	A 23	A 23
Construction of new instream structure or instream work or maintenance or repair of instream structure	A 10	A 10	A 10	A 10, 24,	A 3
Recreation areas					
Construction of a new publicly accessible non-motorized trail	A 25	A 25	A 25	A 5, 25	A 3, 25
Maintenance of outdoor public park facility, trail, or improved recreation area	A 26	A 26	A 26	A 26	A 3, 26
Habitat and science projects					
Habitat restoration or enhancement project	A 27	A 27	A 27	A 27	A 3, 27
Scientific sampling for salmonids			A 28	A 28	A 3, 28

(7) The following Alteration conditions apply to the table in subsection (6) of this section:

1. May be permitted pursuant to the Reasonable Use Exception Permit Process in CMC 18.65.075.

2. Pursuant to sequential avoidance measures and specific mitigation requirements for the impacted critical area in CMC 18.65.120.

3. Allowed if no clearing, external construction or other disturbance in a wildlife habitat conservation area occurs during active breeding seasons of any species with a habitat that is identified as requiring protection pursuant to CMC 18.65.390.

4. Limited to seasonal floating docks or piers in a Category II, III or IV wetland or stream and associated buffers. Docks and piers proposed along a shoreline, designated as a Shoreline of the State, are subject to the regulations in the SMP Appendix A.

a. The existing and zoned density of all properties abutting the entire lake shoreline averages three dwelling units per acre or more;

b. At least 75 percent of the lots abutting the shoreline or 75 percent of the lake frontage, whichever constitutes the most lake frontage, has been developed with dwelling units;

c. There is not any significant vegetation where the Alteration is proposed and the loss of vegetation was not the result of any violation of law; and

d. The wetland or lake shoreline is not a salmonid spawning area.

5. Not allowed within a severe channel migration hazard area portion of a stream buffer.

6. Allowed in Category II, III or IV wetland or streams and associated buffers subject to the following conditions. Maintenance, repair or replacement of a dock or pier along a shoreline, designated as a Shoreline of the State, are subject to the regulations in SMP Appendix A:

a. There is not an increase in the number of pilings or the overall width and length of the dock or pier;

b. Hazardous substances or toxic materials are not used;

c. All piers and docks shall result in no net loss of ecological functions. Docks and piers, including those accessory to single family residences, shall minimize and mitigate adverse impacts to the stream shoreline and its buffers; and

d. There is not an increase in shade for predator species.

7. Limited to regrading and stabilizing of a slope formed as a result of a legal grading activity consistent with Chapter 14.60 CMC.

8. The following are allowed if conducted more than 115 feet from the ordinary high water line:

a. Grading of up to 50 cubic yards on lot less than five acres, with an approved clearing and grading permit consistent with Chapter 14.60 CMC; and

b. Clearing of up to 1,000 square feet or up to a cumulative 35 percent of the lot, with an approved clearing and grading permit consistent with Chapter 14.60 CMC.

9. Only permitted where erosion or land sliding threatens a structure, utility facility, roadway, driveway, public trails, stream or wetland if, to the maximum extent practical, stabilization work does not disturb the slope and its vegetative cover and any associated critical areas as evaluated in a critical area report prepared by a geotechnical engineer or engineering geologist licensed in the state.

a. Within a shoreline jurisdiction area new stabilization structures for existing primary residential structures are allowed only where no alternatives (including relocation or reconstruction of existing structures) are feasible and less expensive than the proposed stabilization measures, and then only if no net loss of ecological functions will result.

10. Allowed when performed by or at the direction of a government agency as follows:

a. Construction methods will reduce or not adversely affect geologic hazards;

b. Use of retaining walls that allow maintenance of existing natural slope areas are preferred over graded artificial slopes, unless an alternative design provides equivalent or greater long-term slope stability;

c. The maintenance does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances in streams, wetlands or their buffers; and

d. When maintenance involves work over and within water:

i. The maintenance is compliant with Washington State Department of Ecology and other applicable state and federal agencies; and

ii. The maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet.

11. Allowed for the removal of hazard trees and vegetation as necessary pursuant to the following:

a. Vegetation removal allowed only in buffers for the purpose of enhancing tree growth within the tree canopy area, as determined by a certified biologist in a critical area report subject to mitigation measures as applicable.

b. Removal of noxious and invasive weeds shall be undertaken with hand labor unless otherwise authorized by the King County Noxious Weed Control Board to use riding mowers or light mechanical cultivating equipment and herbicides or biological control methods:

i. The area is stabilized to avoid re-growth or regeneration of noxious weeds, and

ii. The cleared area is revegetated with native or noninvasive vegetation and stabilized against erosion.

c. Clearing, pruning, removing, and normal and routine maintenance of trees shall be subject to the regulation, mitigation and permit requirements set forth in Chapters 14.60 and 18.45 CMC.

12. The limited trimming and pruning of vegetation if the soils are not disturbed and the activity will not adversely affect the long-term stability of the slope, erosion or water quality.

13. Harvesting of plants and plant materials, such as plugs, stakes, seeds or fruits, for restoration and enhancement projects is allowed.

14. Only if in accordance with Chapter 76.09 RCW and Title 222 WAC and:

a. A long-term management plan is approved for the site by the City; and

b. The property owner provides a notice of intent in accordance with RCW 76.09.060 that the site will not be converted to nonforestry uses within six years.

15. Only if in compliance with published Washington State Department of Fish and Wildlife and Washington State Department of Natural Resources management standards for the species. If there are no published Washington State standards, only if in compliance with management standards determined by the Director to be consistent with best available science.

16. Allowed only if:

a. There is not another feasible location with less adverse impact on the critical area and its buffer, consistent with CMC 18.65.120;

b. The roadway is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the Department determines there is no other feasible crossing site;

c. The roadway width is minimized to extent practical;

d. The construction occurs during approved periods for instream and wetland work; and

e. The roadway will not change or diminish the overall stream flow peaks, duration or volume, flood storage capacity and wetland function.

17. Allowed only if:

a. The replacement is made fish passable in accordance with Washington State Department of Fish and Wildlife Habitat and Lands Environmental Engineering Division's Fish Passage Design Manual or with the National Marine and Fisheries Services Guidelines for Salmonid Passage at Stream Crossings for federally listed salmonid species; and

b. The site is restored with appropriate native vegetation.

18. Allowed if necessary to bring the bridge or culvert up to current standards and if:

a. There is not another feasible alternative available with less impact on the stream and wetlands and their buffer; and

b. To the maximum extent practical, the bridge or culvert is located to minimize impacts to the stream and wetland and their buffers.

19. Limited to transmission pipelines, underground power lines, transmission powerlines, cables, wires, stormwater and support structures of utility facilities if:

a. There is no other feasible alternative available with less impact on the critical area;

b. The Alterations will not subject the critical area to an increased risk of landslide or erosion;

c. Significant risk of personal injury is eliminated or minimized in the landslide hazard area;

d. Vegetation removal is the minimum necessary to locate the utility or construct the corridor;

e. Any crossing over a stream or wetland shall be generally perpendicular to the critical area and shall be accomplished by bridging or other technique designed to minimize critical area disturbance. It shall also be the minimum width necessary to accommodate the intended function or objective;

f. New utility corridors meet all of the following to the maximum extent practical:

i. Are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the Department determines that there is no other feasible crossing site;

ii. The mean annual flow rate is less than 20 cubic feet per second; and

iii. Paralleling the channel or following a down-valley route near the channel is avoided;

g. To the maximum extent practical utility corridors are located so that:

i. The width is the minimized;

ii. The removal of trees shall be minimized to the extent feasible and is in accordance with Chapter 18.45 CMC; and

iii. An additional, contiguous and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area including any allowed maintenance roads, is provided to protect the critical area;

h. To the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary the following standards are met:

i. To the maximum extent practical the width of the maintenance road is minimized and in no event greater than 15 feet; and

ii. The location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;

i. The utility corridor or utility facility will not change or diminish the overall critical area hydrology or flood storage capacity;

j. The construction occurs during approved periods for instream work;

k. The utility corridor serves multiple purposes and properties to the maximum extent practical;

l. Bridges or other construction techniques that do not disturb the critical areas are used to the maximum extent practical;

m. Bored crossing meet the following criteria:

i. Are laterally drilled and located at a depth of four feet below the maximum depth of scour for the base flood; and

ii. The channel is crossed close to perpendicular and never more than 30 degrees from perpendicular;

n. Open trenching is only used during low flow periods and only within streams when they are dry. The Department may approve open trenching of Type S or F streams only if there is not a feasible alternative and equivalent or greater environmental protection can be achieved; and

o. Minor communication facilities may collocate on existing utility facilities if: no new transmission support structure is required; and equipment cabinets are located on the transmission support structure.

20. Allowed for private individual utility service connections on site or to public utilities or utilities regulated by the Washington Utilities and Transportation Commission if the disturbed area is not expanded and no hazardous substances, pesticides or fertilizers are applied.

21. Allowed if the disturbed area is not expanded, clearing is limited to the maximum extent practical and no hazardous substances, pesticides or fertilizers are applied.

22. New surface water discharges in the form of dispersion trenches, outfalls and bioretention cells are allowed within the outer twenty five percent (25%) of a wetland buffer provided that the discharge meets the requirements of the Surface Water Management Regulations in Chapter 13.25 CMC, no other location is feasible; and will not degrade the functions or values of the wetland or stream. Where differences exist between these regulations and Chapter 13.25 CMC, these regulations will take precedence.

23. Applies to lawfully established existing structures if:

a. Maintained by a public agency;

b. The height of the facility is not increased;

c. The linear length of the affected edge of the facility is not increased;

d. The footprint of the facility is not expanded waterward;

e. Consistent with King County's Guidelines for Bank Stabilization Projects (King County Surface Water Management) and bioengineering techniques are used to the maximum extent practical; and

f. The site is restored with appropriate native vegetation.

24. Allowed in Type S, F, Np and Ns streams if:

a. Work is completed in the least impactful way during the least impactful time of year;

b. In conformance with applicable best management practices;

c. All affected instream and buffer features are restored;

d. Proposed instream work will restore or improve habitat; and

e. Work is compliant with other applicable state and federal agencies and permitting requirements.

25. Non-motorized publicly accessible trails are allowed with an approved critical area report. Trail planning, design, construction, and maintenance shall adhere to the following criteria:

a. The trail shall be located and designed using best management practices in accordance with an approved critical area report and the following standards:

i. Trail location and design shall result in the least impacts on the critical area or required buffers. Critical Areas buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas;

ii. Trails should be generally located within the outer 25 percent of the standard critical area buffer when applicable;

iii. Trails located within a stream or wetland critical area shall be designed to limit minor crossings and having no adverse impact on water quality. The trail should be generally parallel to the perimeter of the wetland or stream. Trails should not be constructed of impervious surfaces that will contribute to surface water run-off, unless the construction is necessary for soil stabilization or soil erosion prevention or unless the trail system is specifically designed and intended to be accessible to handicapped persons. Except that publicly accessible non-motorized trails connecting to the City's trail network may use impervious materials if they meet all City other requirements;

iv. Raised boardwalks utilizing non-treated pilings may be acceptable;

v. Trails shall be the minimum width necessary to accommodate the intended function or objective; however, in no event shall the trail be more than 8 feet in width, except that publicly accessible non-motorized trails may be made wider and use impervious materials if they meet all other requirements including water quality, as identified CMC 13.25 or the construction using impervious materials is necessary for soil stabilization or soil erosion prevention; and

vi. Trails shall avoid the removal of mature trees and limit disturbance of native understory vegetation;

b. Trails shall be designed and maintained using best management practices to complement and enhance the environmental, educational, and social functions and values of the critical area with trail design and construction focused on managing and controlling public access and limiting uncontrolled access;

c. When salmonids are present, the construction of the trail shall be in compliance with applicable state and federal agencies and permitting requirements; and

d. The trail surface shall meet all other City standards and requirements, including water quality standards set forth in the Chapter 13.25 CMC.

26. Only if the maintenance:

a. Does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation; and

b. When salmonids are present, the maintenance of the trail shall be in compliance with applicable state and federal agencies and permitting requirements. c. Does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert, engineered slope or other improved area being maintained.

27. Limited to:

a. Projects sponsored by a public agency that has natural resource management as a primary function or by a federally recognized tribe; or

b. Restoration and enhancement plans prepared by a qualified biologist or a landscape architect in conformance with Chapter 18.96 RCW and subject to City review and approval.

28. Allowed in accordance with a scientific sampling permit issued by Washington State Department of Fish and Wildlife or an incidental take permit issued under Section 10 of the Endangered Species Act.

29. Limited to the transmission pipelines, cables, wires and support structures of utility facilities within utility corridors if:

a. There is not another feasible location with less adverse impact on the critical area and its buffer, consistent with CMC 18.65.120;

b. New utility corridors meet all of the following to the maximum extent practical:

i. Are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the Department determines that there is no other feasible crossing site;

ii. The mean annual flow rate is less than 20 cubic feet per second; and

iii. Paralleling the channel or following a down-valley route near the channel is avoided;

c. To the maximum extent practical utility corridors are located so that:

i. The width is the minimized;

ii. The removal of trees shall be minimized and in accordance with Chapter 18.45 CMC;

iii. An additional, contiguous and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area including any allowed maintenance roads, is provided to protect the critical area; and

iv. Mitigation and monitoring shall be in accordance with CMC 18.65.130;

d. To the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary the following standards are met:

i. To the maximum extent practical the width of the maintenance road is minimized and in no event greater than 15 feet; and

ii. The location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;

e. The utility corridor or utility facility will not change or diminish the overall critical area hydrology or flood storage capacity;

f. The construction occurs during approved periods for instream work;

g. The utility corridor serves multiple purposes and properties to the maximum extent practical;

h. Bridges or other construction techniques that do not disturb the critical areas are used to the maximum extent practical;

i. Bored crossing meet the following criteria:

i. Are laterally drilled and located at a depth of four feet below the maximum depth of scour for the base flood; and

ii. The channel is crossed close to perpendicular and never more than 30 degrees from perpendicular;

j. Bridge piers or abutments for bridge crossing are not placed within the FEMA floodway or the ordinary high water line;

k. Open trenching is only used during low flow periods and only within aquatic areas when they are dry. The Department may approve open trenching of Type S or F aquatic areas only if there is not a feasible alternative and equivalent or greater environmental protection can be achieved; and

l. Minor communication facilities may collocate on existing utility facilities if: no new transmission support structure is required; and equipment cabinets are located on the transmission support structure.

30. Permitted if:

a. There is not another feasible location with less adverse impact on the critical area and its buffer, consistent with CMC 18.65.120; and

b. Consistent with public utility connection requirements in CMC Title 13 and Title 17.

18.65.060 Agricultural and keeping of livestock activities development standards.

(1) Agricultural activities are allowed to continue within identified critical areas if the agricultural activity and the Alteration is in compliance with an approved farm conservation plan in accordance with this Chapter and Chapter 18.80 CMC.

(2) This section does not waive the requirement that the property owner obtain permits for activities covered by an approved farm conservation plan.

(3) A farm conservation plan prepared and approved by the King Conservation District shall be submitted to the City for any livestock facilities, structures housing fowl, confinement areas, grazing areas, and construction of any access drive to service the keeping of livestock or agriculture activities located on properties with critical areas and critical area buffers. The farm conservation plan shall include the following information, but not limited to:

(a) A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site;

(b) Site-specific performance standards and best management practices to protect and enhance critical areas and their buffers and maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages;

(c) A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading;

(d) A plan for implementation of performance standards and best management practices;

(e) A plan for monitoring the effectiveness of measures taken to protect critical areas and their buffers and to modify the farm conservation plan if adverse impacts occur; and

(f) Documentation of compliance with flood compensatory storage and flood conveyance in accordance with CMC 16.15.

(4) The farm conservation plan shall address the following goals, which are listed in order of priority:

(a) To maintain the productive agricultural land base and economic viability of agriculture on the site;

(b) To restore and enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner;

(c) To the maximum extent practical in accordance with the site-specific goals of the landowner, maintain and enhance natural hydrologic systems on the site;

(d) To use federal, state and local best management practices and best available science to achieve the goals of the farm conservation plan; and

(e) To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm conservation plan.

(5) Any in-water or wetland impacts will need to be reviewed and approved by state and federal agencies.

(6) Prior to approving a farm conservation plan, the City shall conduct a site inspection, to verify that the conditions identified in the plan are in place and that the plan is reasonably likely to accomplish the goals outlined in this section.

18.65.062 Shoreline variance required.

Any Alteration of critical areas, critical area setbacks, critical area buffers, or other specific bulk, dimensional, or performance standards located within the shoreline jurisdiction as set forth in the SMP Appendix A (Ord No. 05-11), other than those allowed explicitly in the SMP standards, shall require a Shoreline Variance based on the variance criteria listed in Chapter 6 of the SMP and WAC 173-27-170.

18.65.070 Public agency/utility Exceptions.

This section applies only to critical areas outside of the shoreline jurisdiction and is not applicable to critical areas within a shoreline jurisdiction. The City's approved SMP governs the permitted alternations within a shoreline jurisdiction.

Unless otherwise specified as an Alteration in CMC 18.65.050, the Public Agency/Utility Exception is a mechanism by which the City may approve limited use and disturbance of a critical area and critical area buffer when no other use of the property constitutes a reasonable alternative.

(1) If the application of this chapter prohibits a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this subsection along with the required fees as set forth in the current fee resolution. An exception shall not be granted for properties wholly or partially located within a Shoreline of the State as regulated in CMC 16.05 or floodplain as regulated in CMC 16.15.

(a) The agency or utility shall apply to the Department and provide related project documents such as permit approvals from other agencies, special studies, and SEPA documents. The Department shall prepare a recommendation to the Director for review and approval subject to the following criteria:

(i) There is no other practical alternative to the proposed development with less impact on the critical area;

(ii) The proposal minimizes the impact on critical areas and buffers, including modifying the non-critical area setbacks to the maximum extent allowed in this chapter;

(iii) Associated development, including access driveways, and utility infrastructure, shall be located outside of the critical area or critical area buffer to the maximum extent technically feasible;

(iv) Areas of disturbance for associated development, including access and utility infrastructure, shall be consolidated to the maximum extent technically feasible;

(v) All areas of temporary disturbance associated with utility installation, construction staging, and other development shall be determined by the Director and delineated in the field prior to

construction and temporary disturbance shall be restored to a restoration plan approved by the City;

(vi) Areas of permanent disturbance shall be mitigated to the maximum extent feasible onsite pursuant to a mitigation plan meeting the requirements of this chapter; and

(vii) Fencing, signage, and/or additional buffer planting should be incorporated into the site development in order to prevent long-term disturbance within the critical area or buffer.

18.65.075 Reasonable use exception

(1) If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this section upon payment of the fee as set forth by the current fee resolution. The exception shall not be granted for properties wholly or partially located within a Shoreline of the State as regulated in Covington's SMP or floodplain as regulated in CMC 16.15.

(2) Reasonable Use Exceptions do not apply in the City's shoreline jurisdictions. Exceptions within the City's shoreline jurisdictions are processed as a shoreline permit or variance pursuant to CMC 18.65.062.

(3) A Reasonable Use Exception is a Type 3 permit process. The Director shall prepare a staff report to the hearing examiner for a decision.

(4) A Reasonable Use Exception request shall be on a form as determined by the City and shall include a critical area report in accordance with CMC 18.65.110. The critical area report shall address the following additional criteria:

(a) An analysis of whether any other reasonable use with less impact on the critical area and critical area buffer is possible;

(b) Site design and construction staging of the proposal shall have the least impact to the critical area and critical area buffer;

(c) The footprint of all proposed structures and improvements including;

(i) Buildings;

(ii) Garages and parking areas;

(iii) Driveways;

(iv) Paved surfaces, such as walking paths;

(v) Patios, decks, and similar structures;

(vi) Location of utility and storm water improvements and easements;

(vii) Yard landscaping; and

(viii) Retaining walls and rockeries;

(d) A description of protective measures that will be undertaken to avoid interference with wildlife and fisheries rearing, nesting, or spawning activities;

(e) An analysis of the impact that the proposed development would have on the critical area and the critical area buffer;

(f) How the proposal mitigates for impacts to the critical areas and buffers;

(g) How the proposal minimizes to the greatest extent possible net loss of critical area functions;

(h) Whether the improvement is located away from the critical area and the critical area buffer to the greatest extent possible; and

(i) City may request additional information or studies necessary to make a recommendation.

(5) The hearing examiner shall review the application and staff report and hold public hearing pursuant Chapter 14.35 CMC. The hearing examiner shall base the decision on the following criteria:

(a) The application of this chapter would deny all reasonable use of the property; and

(b) There is no other feasible or reasonable use or onsite alternatives with less impact on the critical area, such as changes to site layout and/or reduction of impervious improvements; and

(c) It is solely the implementation of this chapter, and not other factors, that preclude all reasonable use of the subject property; and

(d) The applicant has in no way created or exacerbated the condition that forms the limitation on the use of the subject property, nor in any way contributed to such limitation; and

(e) The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

(f) Any Alterations permitted to the critical area shall be the minimum necessary to allow for reasonable use of the property; and

(g) The granting of the exception will not grant the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures under similar circumstances.

(6) If the City grants a request under this section, it shall grant the minimum necessary to provide the applicant with some reasonable use of the subject property, considering the factors described in subsections (5)(a) through (g) of this section. Any approval or waiver of requirements shall result in the minimum possible impacts to the function and values and/or risks associated with proposed improvements on affected critical areas. The City may impose limitations, mitigation under an approved mitigation plan, conditions and/or restrictions it considers appropriate to reduce or eliminate any undesirable effects or adverse impacts of granting a request under this section.

(7) The reasonable use exception approval expires and is void if the applicant fails to file a complete building permit application within five (5) years of the final decision granting or approving the exception.

(8) The City may approve a subsequent modification to a specific use and site plan that has been approved through the reasonable use exception, provided the change meets the standards of this chapter. Otherwise, the applicant is required to apply for and obtain approval through a Type 2 land use process pursuant to Chapter 14.35 CMC for a new reasonable use exception.

18.65.090 Disclosure by applicant.

If a development proposal site contains or is within a critical area, the applicant shall submit an affidavit that declares whether the applicant has knowledge of any illegal Alteration to any or all critical areas on the development proposal site and whether the applicant previously has been found in violation of this chapter, pursuant to Chapter 1.30 CMC. If the applicant previously has been found in violation, the applicant shall declare whether the violation has been corrected to the satisfaction of the City of Covington.

18.65.100 Critical area review.

(1) The applicant shall submit a critical area report consistent with 18.65.110. The Department shall review for any development proposal application, permit or other request to alter a site which includes a critical area or is within a critical area buffer. The applicant shall pay a critical area review fee as set forth in the current fee resolution.

(2) As part of the critical area review, the City shall determine whether:

(a) A critical area exists on the property and confirm the nature and type, and applicable buffer;

(b) An Alteration will occur to a critical area or a critical area buffer;

(c) A critical area report is required, and if so evaluate the critical area report to ensure:

(i) The development proposal is consistent with this chapter;

(ii) The sequence outlined in CMC 18.65.120 has been followed to avoid impacts to critical areas and critical area buffers; and

(iii) Mitigation to compensate for adverse impacts to critical areas is required, enhancements to degraded critical areas (including buffers) and whether the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the general public health, safety, and welfare, consistent with the goals, purposes, objectives, and requirements of this chapter.

18.65.110 Critical area report requirement.

(1) Unless waived or modified by the Director, an applicant proposing activities which include impacts or Alteration of a critical area or its associated buffer shall submit a critical areas report that adequately evaluates the proposal and probable impacts, and proposed mitigation.

(2) The critical area report shall be prepared by a qualified professional, incorporate best available science, and include, at the minimum, the following items:

(a) The name and contact information of the applicant, the name and a description of the proposal;

(b) Vicinity map;

(c) The dates, names, and qualifications of the persons preparing the report;

(d) A scaled site plan depicting critical areas, buffers, setbacks, and proposed improvements;

(e) Photographs of the site and critical areas;

(f) Identification and classification of all critical areas and critical area buffers on the site;

(g) Identification and characterization of all critical areas on those properties immediately adjacent to the proposed improvements;

(h) Identification of each regulation or standard of this chapter proposed to be modified;

(i) A habitat assessment consistent with the requirements of 18.65.350;

(j) A comparison of the level of protection of critical area functions and values provided by the regulations or stands of this Chapter, compared with the level of protection provided by the proposal. The analysis shall include:

(i) A discussion of the functions and values currently provided by the critical area and critical area buffer on the site and their relative importance to the ecosystem in which they exist;

(ii) A discussion of the functions and values likely to be provided by the critical area and critical area buffer on the site as a result of the proposal over the anticipated life of the proposed development.

(k) A description of the proposed impacts to critical areas and/or their associated buffers;

(l) A description of efforts made to apply mitigation sequencing pursuant to CMC 18.65.120 to avoid, minimize, and mitigate impacts to critical areas;

(m) A discussion of the mitigation requirements applicable to the proposal pursuant to this Chapter and a recommendation for additional or modified mitigation or enhancement, if any;

(n) Additional information required for the individual critical area;

(o) Any additional information determined by the Director to adequately review the proposed activity; and

(p) A detailed mitigation plan, including required elements in 18.65.130, may be requested by the Director.

(3) Critical area reports may be reviewed by the City's third party consultant at the applicant's expense, at the City's discretion.

18.65.120 Sequential steps for mitigation, including avoiding impacts.
(1) An applicant for a development proposal or Alteration shall sequentially adhere to the following measures, which appear in order of priority, to avoid and provide compensation for impacts to critical areas and critical area buffers:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing the impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation or timing, to avoid or reduce impacts;

(c) Rectifying the impact to critical areas by repairing, rehabilitating or restoring the affected critical area and/or its buffer;

(d) Minimizing or eliminating a hazard by restoring or stabilizing the critical area through engineered or other methods;

(e) Reducing or eliminating the impact over time by preservation and/or maintenance operations during the life of the development proposal;

(f) Compensating for the adverse impact by enhancing critical areas and their buffers or creating replacement critical areas and their buffers; and

(g) Monitoring the hazard and/or success of required mitigation and taking remedial action as necessary.

(2) The specific mitigation requirements of this chapter for each critical area apply when compensation for adverse impacts is required by the sequence in subsection (1) of this section.

18.65.130 Mitigation and monitoring.
(1) If mitigation is allowed under this chapter to compensate for adverse impact and Alterations to the critical area and associated buffer, unless otherwise provided, an applicant shall:

(a) Mitigate adverse impacts to critical areas and their buffers;

(b) Provide enhancements to degraded critical areas and their buffers;

(b) Monitor the performance of any required mitigation and enhancements; and

(c) Take remedial action, as necessary.

(2) The Department shall not approve a development proposal until mitigation and monitoring plans have been reviewed and approved to mitigate for Alterations to critical areas and buffers.

(3) Whenever mitigation is required, an applicant shall submit a mitigation plan that includes:

(a) Existing conditions and proposed impacts. A description of existing critical areas and/or buffer conditions, functions and values and a description of the anticipated impacts;

(b) Proposed mitigation. A description of the proposed mitigation for each impacted critical area including at a minimum type, site selection criteria, method of construction, conceptual design, and landscape plans;

(c) Environmental goals and objectives. A description of the goals and objectives of proposed mitigation. The goals and objectives shall be related to the function and values of the impacted critical area and provide an analysis of the likelihood of success of the compensation project;

(d) Best available science. A review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in restoring or creating the type of critical area proposed;

(e) Performance standards. A description of specific measurable criteria for evaluating whether the goals and objectives of the mitigation project have been successfully attained and whether the requirements of this chapter have been met;

(f) Timing. Mitigation shall be completed concurrently with project construction, unless a phased schedule that assures completion has been approved by the Director;

(g) Detailed construction plans. Detailed site diagrams, scaled cross-sectional drawings, topographic maps with slope percentage and final grade elevations, and any other drawing appropriate to show construction techniques or anticipated final outcome. The plans shall include specifications and descriptions of the following:

(i) Proposed construction sequence, timing, and duration;

(ii) Grading and excavation details;

(iii) Erosion and sediment control features;

(iv) Planting plan specifying plant species, quantities, locations, size, spacing, and density; and

(v) Measures to protect and maintain plants until established

(h) Monitoring Plan. A monitoring plan that includes:

(i) A demonstration of compliance with this Chapter; and

(ii) Monitoring program. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A record drawing of the completed mitigation will be submitted to the City upon completion. A protocol shall also be included outlining the schedule for annual site monitoring and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted annually to document milestones, success, problems, and contingency actions of the compensation project. The monitoring period shall be not less than five years.

(i) Contingency Plan. A contingency plan in the event of a failure of mitigation or of unforeseen impacts if:

(i) The Department determines that failure of the mitigation would result in a significant impact on the critical area or buffer; or

(ii) The mitigation involves the creation of a wetland; and

(iii) A monitoring schedule that may extend throughout the impact of the activity or for hazard areas, for as long as the hazard exists.

(j) Financial guarantees. The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented, in accordance with CMC 18.65.140.

(4) Mitigation shall not be implemented until after the City approves the mitigation and monitoring plan. The applicant shall notify the City when mitigation is installed and monitoring is commenced and shall provide City with reasonable access to the mitigation for the purpose of inspection during any monitoring period.

(5) If monitoring reveals a significant deviation from predicted impact or a failure of mitigation, the applicant shall implement an approved contingency plan. The contingency plan constitutes new mitigation and is subject to all mitigation including a monitoring plan and financial guarantee requirements.

18.65.135 Off-site mitigation.

(1) To the maximum extent practical, an applicant shall mitigate adverse impacts to a wetland, stream, wildlife habitat conservation area or wildlife habitat network on or contiguous to the development site. The Director may approve mitigation that is off the development site, at the Director's sole discretion, if an applicant demonstrates that:

(a) It is not practical to mitigate on or contiguous to the development proposal site; and

(b) The off-site mitigation will achieve equivalent or greater hydrological, water quality and wetland or stream habitat functions.

(2) When off-site mitigation is authorized, the Director shall give priority to locations identified through a watershed assessment, preferably within the same drainage sub-basin as the development proposal site that meet the following:

(a) Approved mitigation banks whose service areas include the City of Covington;

(b) King County Mitigation Reserves in-lieu-fee Program mitigation sites; or

(c) Other public or non-profit mitigation sites approved by the Interagency Review Team (IRT) as part of an in-lieu fee program that have been ranked in a process that has been supported by ecological assessments, including wetland and streams established as priorities for mitigation in City of Covington sub-basin plans or other WRIA No. 9 watershed plans.

(3) The Director may require documentation that the mitigation site has been permanently preserved from future development or Alteration that would be inconsistent with the function of the mitigation. The documentation may include, but need not be limited to, a conservation easement or other agreement between the applicant and owner of the mitigation site. The City of Covington may enter into agreements or become a party to any easement or other agreement necessary to ensure that the site continues to exist in its mitigated condition.

(4) The City of Covington may develop a program to allow the payment of a fee in lieu of providing mitigation on a development site. Once approved by the IRT, the program should address:

(a) When the payment of a fee is allowed considering the availability of a site in geographic proximity with comparable hydrologic and biological functions and potential for future habitat fragmentation and degradation; and

(b) The use of the fees for mitigation on public or private sites that have been ranked according to ecological criteria.

18.65.140 Financial guarantees.

Financial guarantees shall be required consistent with the provisions of Chapter 14.105 CMC and this chapter.

(1) Financial guarantees for mitigation required pursuant to this chapter shall be sufficient to guarantee that all required mitigation measures will be completed no later than the time established by the City.

(2) Financial guarantees shall also be required for restoration of a critical area or buffer not performed as part of a mitigation or maintenance plan except that no financial guarantee shall be required for minor stream restoration.

(3) If the development proposal is subject to mitigation, maintenance, or monitoring plans, the applicant shall post a financial guarantee in the amount deemed acceptable by the City. The financial guarantee shall be sufficient to guarantee satisfactory workmanship on, materials in and performance of or related to structures and improvements allowed or required by this chapter for a period of five years. The duration of maintenance/monitoring obligations shall be established by the City, based upon the nature of the proposed mitigation, maintenance, or monitoring and the likelihood and expense of correcting mitigation or maintenance failures.

(4) When mitigation is required pursuant to a development proposal and is not completed prior to the City finally approving the proposal, the City may delay final approval until mitigation is completed or may require the applicant to post a financial guarantee in an amount deemed acceptable to the City. The financial guarantee shall be sufficient to guarantee that all required mitigation measures will be completed no later than the time established by the City in accordance with this chapter.

(5) For financial guarantees associated with mitigation, corrective work, restoration, or enhancement, the financial guarantee shall be sufficient to cover the time and cost to guarantee satisfactory workmanship, materials and performance of structures and improvements required by this chapter and any monitoring of those structures and improvements required by approved plans and conditions.

(6) Depletion, failure or collection of the financial guarantee shall not relieve an applicant or violator from completing the required mitigation, maintenance, monitoring, or restoration as required under this chapter.

(7) Public development proposals shall be relieved from having to comply with the provisions of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.

18.65.160 Critical area markers, signs, fencing and installation.

(1) Markers. Development proposals shall include permanent survey stakes delineating the boundary between adjoining property and critical area tracts, using markers capable of being magnetically located and as established by current survey standards.

(2) Signs. The applicant shall identify the boundary between a critical area tract and contiguous land with permanent signs. Permanent signs shall be City-approved type designed for high durability.

(a) Signs must be posted at an interval of one per lot or every 100 feet, whichever is less, and must be maintained by the property owner or homeowner’s association in perpetuity.

(b) City of Covington may require signs and fences to delineate and protect critical areas and critical area buffers that are not in critical area tracts.

(c) The applicant is responsible for obtaining the signs at their sole expense.

(d) The wording, number and placement of the signs may be modified by the Director based on specific site conditions.

(3) Fencing. Permanent fencing shall be required at the outer edge of the critical area buffer under the following circumstances:

(a) As part of any development proposal for:

(i) Plats;

(ii) Short plats;

(iii) Parks;

(iv) Other development proposals, including but not limited to multifamily, mixed use, and commercial development where the Director determines that such fencing is necessary to protect the functions of the critical area;

(b) When buffer reductions are employed as part of a development proposal;

(c) When buffer averaging is employed as part of a development proposal; and

(d) At the Director's discretion to protect the values and functions of a critical area.

18.65.170 Recording notice on title of critical areas.

(1) The owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established as a result of a development proposal, except a public right-of-way or the site of a permanent public facility, shall file a notice approved by the Director with the King County Division of Records and Elections. The property owner receiving approval of a use or development with critical areas pursuant to this chapter shall record a site plan or other instrument clearly delineating the critical area, critical area buffer, and critical area structure setback with the King County Division of Records and Elections. The site plans must include a statement that the provisions of CMC 18.65 as now, or hereafter amended, control the use and development of the subject property.

The notice shall inform the public of the presence of critical areas or buffers or mitigation sites on the property, the application of this chapter to the property and the possible existence of limitations on actions in or affecting the critical areas or buffers or the fact that mitigation sites may exist.

(2) The applicant shall submit proof that the notice on title has been filed for public record before City of Covington approves any development proposal for the property or, in the case of subdivisions, short subdivisions, commercial site development and binding site plans, at or before recording of the subdivision, short subdivision, commercial site development or binding site plan.

18.65.180 Critical area tracts and designations on site plans.

(1) The applicant shall use critical area tracts to delineate and protect those critical areas and buffers listed below in development proposals and shall record on all documents of title of record for all affected lots:

(a) All landslide hazard areas and buffers;

(b) All steep slope hazard areas and buffers;

(c) All wetlands and buffers; and

(d) All fish and wildlife habitat conservation areas and buffers.

(2) Critical area tracts shall be designated on the plat. A plat note shall include the following restriction:

> Critical area tracts shall be preserved for the purpose of preventing harm to property and the environment, including but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat. Removal or disturbance of vegetation and landscaping within the tract is prohibited, except as necessary for maintenance or replacement with approval by the City of Covington.

(3) The City may require that any required critical area tract be dedicated to the City, be held in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot, or be held by an incorporated homeowners' association or other legal entity that ensures the ownership, maintenance, and protection of the tract.

(4) Site plans submitted as part of building permits, clearing and grading permits, or other development permits shall include all critical areas, buffers, and building setbacks and delineate all flood hazard areas as determined by the City in accordance with CMC 18.65.230, landslide and steep slope hazard areas in accordance with CMC 18.65.250-300, fish and wildlife habitat conservation areas in accordance with CMC 18.65.350-440, and wetlands in accordance with CMC 18.65.318-340. If only a part of the development site has been mapped pursuant to CMC 18.65.110, the part of the site that has not been mapped shall be clearly identified and labeled on the site plans. Site plans shall be attached to the notice on title required by CMC 18.65.170.

18.65.200 Building setbacks from critical area buffer.
Buildings and other structures shall be setback a distance of fifteen (15) feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. Except the following is allowed in this building setback:

(1) Landscaping;
(2) Uncovered decks lower than 30 inches in height above existing grade;
(3) Building overhangs if the overhangs do not extend more than 18 inches into the setback area;
(4) Impervious surface areas, such as driveways and patios; but these improvements are required to meet any special drainage provisions specified in public rules adopted for the various critical areas; and
(5) Utility service connections as long as he excavation for installation avoids impacts to the buffer.

Article II. Frequently Flooded Areas

18.65.230 Frequently flooded areas.
Frequently Flooded Areas are defined as a critical area under RCW 36.70A.030. Criteria for identification and classification of frequently flooded areas and for protection standards for frequently flooded areas are included under CMC Chapter 16.15.

Article III. Geologically Hazardous Areas

18.65.250 Applicability and designation – geologically hazardous areas

(1) This article regulates development activities on or within 50 feet of a geologically hazardous area.

(2) Geologically hazardous areas include areas susceptible to erosion, land sliding, seismic, or other geological events. Areas susceptible to one or more of the following types of hazards shall be designated as geologically hazardous areas:

(a) Erosion Hazard Area;
(b) Landslide Hazard Area;
(c) Steep Slope Area; and
(d) Seismic Hazard Area.

(3) Alterations within geological hazard areas are allowed pursuant to CMC 18.65.050.

(4) The critical area report shall include a geotechnical evaluation prepared by a geotechnical engineer or engineering geologist licensed in the state of Washington.

(4) The Director may approve a permit for development activities within 50 feet, but not less than 15 feet of a steep slope area or a landslide hazard area, based on the findings of critical area report that the development will not be at risk of damage due to the geologic hazard and will not lead to nor create any increased slide, seismic or erosion hazard.

(5) Allowed Alteration with in a steep slope, erosion, landslide hazard areas shall minimize Alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography in accordance with CMC Chapter 14.60. Freestanding retaining devices are only permitted when they cannot be designed as

structural elements of the building foundation. Structures and improvement shall be located to preserve the most critical portions of the site and its natural landforms and vegetation.

18.65.260 Erosion hazard areas – development standards and permitted alterations.
Development proposals and other Alterations to sites containing erosion hazard areas shall be allowed, pursuant to applicable permits and approvals, only if they or any other Alteration complies with applicable requirements as set forth in this chapter, including but not limited to mitigation requirements and the following standards:

(1) Clearing on an erosion hazard area is allowed only from April 1st to September 1st, unless otherwise determined by the Director and based on an approved erosion and sediment control plan. Timber harvesting may be allowed pursuant to an approved Forest Practice permit issued by the Washington Department of Natural Resources or pursuant to an approved tree removal permit as required by CMC Chapter 18.45.

(2) All development proposals, including but not limited to subdivision, short subdivisions, or commercial site development or binding site plans, shall retain existing vegetation on all lots, in accordance with CMC Chapter 14.60, until the City has approved engineering plans and issued the development proposal construction permits.

(3) Limited clearing of vegetation on lots may only be allowed for the installation of erosion and sediment control in accordance with a submitted grading permit or engineering plans.

CMC 18.65.270 Erosion and seismic hazard areas- protection measures and specific mitigation
(1) All proposed improvements within an erosion hazard area or seismic hazard area shall follow the recommendations within the critical area report, and supplemental geotechnical evaluation required in CMC 18.65.250(4), to ensure the improvements will not adversely affect geologic hazards and the improvements are at minimal risk by the geologic hazard as designed under anticipated conditions.

(2) For any development proposal on a site containing an erosion hazard or seismic hazard area, an erosion and sediment control plan shall be required and included as part of the mitigation plan. The erosion and sediment control plan shall be prepared in compliance with the adopted City standards and stormwater manual.

(3) Proposed improvements within an erosion hazard area shall also demonstrate all the following via the critical area report:

(a) The improvement will not increase surface water discharge or sedimentation to adjacent properties and/or stormwater systems beyond predevelopment conditions;

(b) The improvement will not decrease slope stability on adjacent properties; and

(c) The improvement will not adversely impact other critical areas.

(4) If vegetation is removed beyond the scope of the approved clearing and grading permit and erosion and sediment control plan associated with the construction of development infrastructure, the City may stop work and the applicant shall be required to submit a restoration plan to the City for review and approval prior to further construction activity allowed onsite. Following approval, the applicant shall be required to implement the plan. The City may require a financial guarantee to ensure implementation of the restoration plan.

(5) Where the City determines that erosion from a development site poses a significant risk of damage to downstream receiving waters, based either on the size of the project, the proximity to the receiving water or the sensitivity of the receiving water, the applicant shall be required to provide continuous monitoring of surface water discharge, turbidity, and suspended sediment concentrations from the site. If the project does not meet water quality standards established by law or administrative rules, the City may suspend further development work on the site until such standards can be met.

(6) Unless otherwise provided in CMC 18.65.050 or part of an allowed exemption, the use of hazardous substances, pesticides and fertilizers in erosion hazard areas may be prohibited by the City.

18.65.280 Landslide hazard areas – development standards and alterations.
The following standards apply to development proposals and Alterations on sites containing landslide hazard areas:

(1) Only the Alterations identified in CMC 18.65.050 are allowed within a landslide hazard area with a slope of 40 percent or greater;

(2) The critical area report shall include an engineer's evaluation prepared by an engineer or geologist licensed in the state of Washington;

(3) A buffer is required from all edges of the landslide hazard area. The width of the buffer is based upon a critical area report that shall reflect the sensitivity of the landslide hazard area in question and the types and density of uses proposed on or adjacent to the geologic hazard. The Director may allow buffers to be a reduced, no less than 15 feet, if the supplemental engineer evaluation identifies that the reduction will adequately protect the proposed and surrounding development from the critical landslide hazard. To eliminate or minimize the risk of property damage or injury resulting from landslides caused in whole or part by the development, the Director shall determine the size of the buffer based upon the findings and recommendations of a critical area report and supplemental engineer evaluation required in CMC 18.65.280(2). If a critical area report is not submitted to the City, the minimum buffer shall be 50 feet. If the landslide hazard area has a vertical rise of more than 200 feet, the Department may increase the minimum buffer to 100 feet;

(4) Unless otherwise provided in CMC 18.65.050 or part of an allowed exemption, removal of any vegetation from a landslide hazard area or buffer is prohibited. The buffer shall be extended beyond these limits if they are deemed necessary to mitigate steep slope and erosion hazards, or as otherwise necessary to protect the public health, welfare or safety;

(5) All Alterations shall minimize disturbance to the landslide hazard area, slope, and vegetation unless necessary for slope stabilization; and

(6) Alterations in a landslide hazard area located on a slope less than 40 percent are allowed if:

(a) The proposed Alteration will not decrease slope stability on contiguous properties; and

(b) The risk of property damage or injury resulting from landsliding is eliminated or minimized; based on criteria including altering of drainage patterns and subsurface flow, and the development proposal on that site is certified as safe by a licensed engineering geologist or geotechnical engineer.

18.65.290 Steep slope hazard areas – development standards and alterations.
Steep slope hazard areas and associated buffers shall not be altered except as expressly authorized below. The following standards apply to development proposals and Alterations on sites containing steep slope hazard areas:

(1) Only the Alterations identified in CMC 18.65.050 are allowed within a steep slope hazard area;

(2) A buffer or setback of 50 feet is required from all edges of the steep slope hazard. To eliminate or minimize the risk of property damage or injury resulting from slope instability, landsliding, or erosion caused in whole or part by the development, the City shall determine the size of the buffer or setback, which may increase or decrease the buffer, based upon a critical area report prepared by a geotechnical engineer or geologist. If a critical area report is not submitted to the City, the minimum buffer is 50 feet. In no case shall the buffer be less than 15 feet, and the buffer may only be reduced pursuant to the findings of the critical area report that demonstrates that the reduction will not reduce the level of protection to the proposed development and the critical area as provided by the 50 foot buffer. An occupied building shall not be closer than 25 feet (including buffer from the top or the toe of a steep slope (or altered steep slope); and

(3) Unless otherwise provided in CMC 18.65.050 or part of an allowed exemption, removal of any vegetation from a steep slope hazard area or buffer is prohibited.

18.65.300 Additional critical area report requirements – geologically hazardous areas

(1) Before approving any Alteration or development under this article, the City may require the applicant to submit the following information in addition to or as part of the critical areas report:

(a) A geotechnical report prepared by a geotechnical engineer or engineering geologist licensed in the state of Washington that describes how the proposed development will impact or be impacted by each of the following on the subject property and nearby properties:

(i) Slope stability, landslide hazard, and sloughing;

(ii) Erosion hazards;

(ii) Seismic hazards;

(iii) Groundwater;

(iv) Seeps, springs, streams and other surface waters;

(v) Existing vegetation, including size and type of significant trees;

(vi) Identification of existing fill areas;

(vii) Soil description in accordance with United Soil Classification System; and

(viii) Depth to ground water and estimates of potential seasonal fluctuations;

(b) A topographic survey, in two-foot contours, that identifies the type and extent of geologically hazardous areas on site and off site that are likely to impact or be impacted by the proposal;

(c) Delineation of areas containing slopes 15 percent or greater and 40 percent or greater;

(e) The location of storm drainage facilities on the subject property;

(f) Recommended foundation and retaining wall design criteria and optimal location for buildings, roadways and other improvements. Including bearing layers(s), allowable capacities, minimum width, minimum depth, estimated settlements (total and differential, lateral loads, and other pertinent recommendations;

(g) Grading and earthwork, including compaction and fill material requirements, use of site solids as fill or backfill, imported fill or backfill requirements, height and inclination of both cut and fill slopes and erosion control and wet weather construction considerations and/or limitations;

(h) Surface and subsurface drainage requirements and drainage material requirements;

(i) Recommended methods for mitigating identified impacts and a description of how these mitigating measures may impact adjacent properties;

(j)Assessment of seismic ground motion amplification and liquefaction potential; and

(k) Any other information the City determines is reasonably necessary to evaluate the proposal.

(2) A decision by the Director to reduce the buffer shall be based on a critical area report that includes the following assessment criteria:

(a) Steep slope and landslide hazard development areas shall be subject to site-specific geotechnical studies.

(b) Steep slope and landslide hazard development areas shall be subject to engineering design considerations that ensure the stability of steep slope areas. Engineering design considerations shall include but are not limited to the following:

(i) Soil cuts require slope stability analysis to evaluate the change in relative stability. Based on the results of the stability analysis, retaining structures will be required to replace any lateral soil support lost. In no case shall the factor of safety be less than one and one-half (1.5);

(ii) Soil fills require slope stability analysis and engineering design measures, including keying the fill, compaction, drainage measures, reinforced earth, and structural retaining walls;

(iii)Foundations must be extended to firm, undisturbed native soil, and embedded deep enough to resist lateral loads caused by soil creep (surficial slope movement inherent to all steep slope areas) and other lateral loads which the foundation may be subject to (i.e., seismic and deep seated slope failures);

(iv) Provide subgrade (i.e., reinforced compacted subgrade) or retaining wall design that replaces the support of cuts; designed with a factor of safety of at least one and one-half (1.5). Compacted subgrade without reinforcement or retaining structures will not be considered for the support of cuts;

(v) Provide effective, positive drainage for all underground elements of structures or facilities; and

(vi) All utility connections within steep slope and landslide hazards shall have sufficient flexible connections to avoid utility failure;

(c) The City may employ an outside geotechnical engineer at the applicant's expense for third-party review of any geotechnical analyses.

(3) The decision by the Director to reduce the buffer shall include the following conditions:

(a) The applicant shall establish a mechanism that is acceptable to the Director that notifies all future buyers of the lot that the steep slope buffer was reduced and that development has occurred within fifty (50) feet of the steep slope or the steep slope has been eliminated (e.g., notice on title); and

(b) The applicant shall execute an agreement on a form approved by the City Attorney, which indemnifies and holds the City harmless for development within fifty (50) feet of the steep slope.

Both conditions shall be met prior to the issuance of a building permit. The Director may attach additional conditions as necessary to achieve the purpose and intent of this section.

(4) If the City approves any development under this section, it may, among other appropriate conditions, impose the following conditions of approval:

(a) The recommendations of the geotechnical report are followed;

(b) A geotechnical engineer or engineering geologist shall be present on site during all development activities. As an alternative, the City may require a minimum site visits by the geotechnical engineer or engineering geologist, as required by the City engineer, to establish proper methods, techniques and adherence to plan drawings;

(c) Trees, shrubs and groundcover are retained except where necessary for approved development activities on the subject property;

(d) Additional vegetation is planted in disturbed areas; and

(e) Submit a letter by the geotechnical engineer or engineering geologist stating that they have reviewed the project plan drawings and in their opinion the plans and specifications meet the intent of the geotechnical report.

Article IV. Critical Aquifer Recharge Areas

18.65.311 Critical aquifer recharge areas –designation

The Director may upon consultation with affected jurisdictions, and the affected local water purveyor to determine the location of aquifer recharge areas based on additional information about areas with susceptibility to ground water contamination or on changes to sole source aquifers or wellhead protection areas as identified in wellhead protection programs.

18.65.312 Critical aquifer recharge areas – reclassification or declassification.

Upon application supported by a critical areas report that includes a hydrogeologic site evaluation, the Director may upon consultation with the affected local water purveyor determine that an area that is classified as a critical aquifer recharge area on the map adopted and amended by public rule as follows:

(1) Does not meet the criteria for a critical aquifer recharge area and declassify that area; or

(2) Has the wrong critical aquifer recharge area classification and determine the correct classification.

18.65.313 Critical aquifer recharge areas – categories.

Critical aquifer recharge areas are categorized pursuant to King County Critical Aquifer Recharge Areas as follows:

(1) Category I critical aquifer recharge areas include those mapped areas that Covington has determined are highly susceptible to ground water contamination and that are located within a sole source aquifer or a wellhead protection area;

(2) Category II critical aquifer recharge areas include those mapped areas that Covington has determined:

(a) Have a medium susceptibility to ground water contamination and are located in a sole source aquifer or a wellhead protection area; or

(b) Are highly susceptible to ground water contamination and are not located in a sole source aquifer or wellhead protection area; and

(3) Category III critical aquifer recharge areas include those mapped areas that Covington has determined have low susceptibility to ground water contamination.

18.65.314 Critical aquifer recharge areas - protection.

To protect critical aquifer recharge areas, in accordance with Chapter 36.70A RCW, in addition to the terms of this chapter the following code provisions are established to further protect critical aquifer recharge areas: Chapters 13.25, 13.30 14.60 and 16.15 CMC and this chapter.

(1) Development that will not cause contaminants to enter the aquifer may be permitted in critical aquifer recharge areas.

(2) The City shall impose development conditions to prevent degradation of critical aquifer recharge areas. Development conditions shall be based on all known, available, and reasonable methods of prevention, control and treatment (“AKART”).

(3) The proposed activity must comply with the water source protection requirements and recommendations of the Federal Environmental Protection Agency, State Department of Ecology, State Department of Health, and Public Health – Seattle and King County.

(4) The proposed activity must be designed and constructed in accordance the City's stormwater manuals adopted in CMC Chapter 13.25.

18.65.315 Critical aquifer recharge areas – development regulations.

(1) Any proposed development located in critical aquifer recharge areas shall submit a hazardous materials inventory statement with a permit, land use, or business license application. Ongoing operation and maintenance activities of public wells by public water providers are exempt from these requirements.

(2) The City will review the hazardous materials inventory statement along with the permit, land use, or business license application to determine whether hazardous materials will be used, stored, transported or disposed of in connection with the proposed activity. The City shall make the following determinations and apply the appropriate capture zone protection measures:

(a) No hazardous materials are involved;

(b) Hazardous materials are involved; however, existing laws or regulations adequately mitigate any potential impact, and documentation is provided to demonstrate compliance; or

(c) Hazardous materials are involved and the proposal has the potential to significantly impact critical aquifer recharge areas. The City may require a hydrogeologic assessment with a critical areas report to be prepared by a qualified professional in order to determine the potential impacts of contamination on the aquifer. The report shall include the following site and proposal-related information:

(i) Information regarding geologic and hydrogeologic characteristics of the site, including the surface location of the capture zone in which it is located and the type of infiltration of the site;

(ii) Groundwater depth, flow direction, and gradient;

(iii) Location of other critical areas, including surface waters, within 200 feet of the site;

(iv) Best management practices and integrated pest management proposed to be used, including:

(A) Predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features;

(B) Predictive evaluation of contaminant transport based on potential releases to groundwater; and

(C) Predictive evaluation of changes in the infiltration/recharge rate.

(3) A spill containment and response plan may be required to identify equipment and/or structures that could fail, and shall include provisions for inspection as required by the applicable state regulations.

(4) A groundwater monitoring plan may be required to monitor quality and quantity of groundwater, surface water runoff, and/or site soils. The City may require the owner of a facility to install one or more groundwater monitoring wells to accommodate the required groundwater monitoring. Criteria used to determine the need for site monitoring shall include, but not be limited to, the proximity of the facility to production or monitoring wells, the type and quantity of hazardous materials on site, and whether or not the hazardous materials are stored in underground vessels.

(5) The City may employ an outside consultant at the applicant's expense for third-party review of the critical areas report, hydrogeologic assessment, the spill containment and response plan, and the groundwater monitoring plan.

(6) The following new development proposals and Alterations are not allowed on a site if any portion of the site is located in a Category I critical aquifer recharge area:

(a) Transmission pipelines carrying petroleum or petroleum products;

(b) Sand and gravel, and hard rock mining on land that is not zoned for mining;

(c) Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;

(d) Processing, storage, and disposal of radioactive wastes, as defined in Chapter 43.200 RCW;

(e) Hydrocarbon extraction;

(f) Commercial wood treatment facilities on permeable surfaces;

(g) Underground storage tanks with hazardous substances, as defined in Chapter 70.105 RCW;

(h) Above-ground storage tanks for hazardous substances, as defined in Chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

(i) Golf courses;

(j) Cemeteries;

(k) Wrecking yards;

(l) Landfills for hazardous waste, municipal solid waste, or special waste; and

(m) On lots smaller than one acre, onsite septic systems that are not approved by the Washington State Department of Health and either:

(i) Do not use an up flow media filter system or a proprietary packed-bed filter system; or

(ii) Are not designed to achieve approximately 80 percent total nitrogen removal for typical domestic wastewater.

(7) The following new development proposals and Alterations are not allowed on a site if any portion of the site is located in a Category II critical aquifer recharge area:

(a) Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;

(b) Processing, storage, and disposal of radioactive wastes, as defined in Chapter 43.200 RCW;

(c) Hydrocarbon extraction;

(d) Commercial wood treatment facilities located on permeable surfaces;

(e) Underground storage tanks with hazardous substances, as defined in Chapter 70.105 RCW, that do not meet the requirements of Chapter 173-360 WAC and the International Fire Code;

(f) Above-ground storage tanks for hazardous substances, as defined in Chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

(g) Wrecking yards;

(h) Landfills for hazardous waste, municipal solid waste, or special waste; and

(i) On lots smaller than one acre, onsite septic systems that are not approved by the Washington State Department of Health and either:

(i) Do not use an up-flow media filter system or a proprietary packed-bed filter system; or

(ii) Are not designed to achieve approximately 80 percent total nitrogen removal for typical domestic wastewater.

(8) The following new development proposals and Alterations are not allowed on a site if any portion of the site is located in a Category III critical aquifer recharge area:

(a) Processing, storage, and disposal of radioactive wastes, as defined in Chapter 43.200 RCW;

(b) Hydrocarbon extraction;

(c) Commercial wood treatment facilities located on permeable surfaces;

(d) Underground storage tanks with hazardous substances, as defined in Chapter 70.105 RCW, that do not meet the requirements of Chapter 173-360 WAC and the International Fire Code;

(e) Above-ground storage tanks for hazardous substances, as defined in Chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

(f) Wrecking yards; and

(g) Landfills for hazardous waste, municipal solid waste, or special waste.

(9) The following standards apply to development proposals and Alterations that are substantial improvements on a site if any portion of the site is located in a critical aquifer recharge area:

(a) The owner of an underground storage tank in a Category I critical aquifer recharge area shall properly decommission or remove the tank; and

(b) The owner of an underground storage tank in a Category II or III critical aquifer recharge area shall meet the requirements of Chapter 173-360 WAC and the International Fire Code or shall properly decommission or remove the tank.

(10) In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well.

(11) On sites located in a critical aquifer recharge area, development proposals and Alterations for new development, including, but not limited to, a subdivision, short subdivision, commercial site development, binding site plan, or dwelling unit, shall incorporate best management practices pursuant to the stormwater manuals adopted in Chapter 13.25 CMC into the site design in order to manage stormwater runoff.

(12) The City may approve a development proposal otherwise prohibited by subsections (6), (7) or (8) of this section if the applicant demonstrates through a critical areas report that the development proposal is located outside of the critical aquifer recharge area and that the development proposal will not cause an unmitigated significant adverse environmental impact to the critical aquifer recharge area.

18.65.316 Critical aquifer recharge areas – evaluation and implementation.

The City may evaluate and implement, as appropriate, ground water management plans and wellhead protection programs to further protect ground water resources as the critical aquifer protection program. In order to protect groundwater quality, the City may require a groundwater monitoring plan and/or a hydrogeologic critical area assessment report for new development projects.

Article V. Wetlands

18.65.318 Wetland - identification and evaluation.

(1) Generally. Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done using the U.S. Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987) and the

Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0) (U.S. Army Corps of Engineers 2010), or as amended. All areas within the City meeting the wetland criteria are hereby designated critical areas and are subject to the provisions of this chapter. Wetland delineations are valid for five years, after such date the City shall determine whether a revision or additional assessment is necessary.

(2) Evaluation. The developer shall determine if a wetland exists on or within 225 feet of the subject property, and shall submit a wetland report prepared by a qualified professional. The City will verify the findings in the report based on current studies and field verification. The wetland report and the accompanying plan sheets shall contain the following information:

(a) Critical area report information identified in 18.65.110;

(b) Identification of all local, state, and/or federal wetland related permit(s) required for the proposal;

(c) Documentation of fieldwork, including field data sheets, rating forms, and baseline hydrologic data;

(d) Description of the methodologies used to conduct the wetland delineations, rating forms, or impact analyses, including references;

(e) Identification and characterization of all wetlands and buffers on and within 225 feet of the subject property. For off-site areas with limited or no access, estimate conditions using best available information;

(f) Provide the following for each wetland identified on and/or within 225 feet of the subject property. Acreage estimates, classifications, and ratings shall be based on entire wetland complexes, not only the portion present on the subject property:

(i) Wetland rating and score for each function;

(ii) Required buffers;

(iii) Hydrogeomorphic classification;

(iv) Wetland acreage;

(v) US Fish and Wildlife Service (Cowardin) classification of vegetation communities;

(vi) Habitat elements;

(vii) Soil conditions based on site assessment and/or soil survey information; and

(viii) Hydrologic information such as location and condition of inlet/ outlets, estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, and flood debris);

(g) An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used and supporting documentation.

(3) No development or improvements may be located within a wetland except as provided in this chapter.

18.65.319 Wetlands – classes and categories.

(1) Different types of wetlands are separated from one another on the basis of wetland class and wetland category. Wetland class is determined by using a scientific system based upon dominant plant communities, substrate conditions, hydrologic regime, and location in the watershed. Wetland category is determined by using a rating system based on specific attributes such as rarity, sensitivity to disturbance, and the functions they provide.

(2) Wetland Class. Two classification systems are commonly used to describe wetlands. The first is a science-based classification system used by the U.S. Fish and Wildlife Service as described in Classification of Wetlands and Deepwater Habitats of the United States, Second Edition (Federal Geographic Data Committee. 2013. FGDC-STD-004-2013.)

The second is the Hydrogeomorphic Method (HGM) classification (Brinson 1993), a system WDOE incorporated for use in the Washington State Wetland Rating System for Western Washington (WDOE Publication No. 14-06-029, or as hereafter amended).

(3) Wetland Category. Wetland category is used to regulate activities in a wetland and in determining the standard width of the required wetland buffer. The wetland category is determined after a wetland has been identified and delineated in accordance with the approved wetland delineation manual.

WDOE Publication No. 14-06-029 or as amended, contains the definitions and scoring methods used for determining wetlands functions and rating. The wetland category of an individual wetland is determined by the total score for the functions which is recorded on the first page of the wetland rating form included in WDOE Publication No.14-06-029, or as amended. Wetlands are also rated for "special characteristics," when applicable, the value of which are included in the final category rating.

(a) **Category I.** Category I wetlands are: (1) wetlands of high conservation value as identified by scientists of the Washington Natural Heritage Program/DNR; (2) bogs; (3) mature and old-growth forested wetlands larger than one acre; (4) wetlands that perform functions at high levels (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

(b) **Category II.** Category II wetlands are wetlands that perform functions well (scoring between 20 and 22 points).

(c) **Category III.** Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); and (2) can often be adequately replaced with a well-planned mitigation project. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

(d) **Category IV**. Category IV wetlands have the lowest levels of functions (scores less than 16 points) and are often heavily disturbed.

18.65.320 Wetlands – buffers.

(1) Wetland – Buffers. Except as otherwise provided in this section, buffers shall be provided from the wetland edge in accordance with the following standards:

(a) The standard buffer widths of the following table shall apply if impact minimization measures are included in accordance with subsection (2), (3), or (4) of this section:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category I	
Bog	225 feet
Habitat score from 8 to 9 points	225 feet
Habitat score from 6 to 7 points	165 feet
Category I wetlands not meeting any of the criteria above	125 feet

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category II	
Habitat score from 8 to 9 points	225 feet
Habitat score from 6 to 7 points	165 feet
Category II wetlands not meeting any of the criteria above	100 feet
Category III	
Habitat score from 6 to 7 points	165feet
Category III wetlands not meeting any of the criteria above	75 feet
Category IV	50 feet

(2) Buffer Impact Minimization Measures. The following measures shall be implemented in order to utilize the standard buffer widths as noted above in 18.65.320 (1).

(a) The following measures shall be used by an applicant to obtain a standard buffer width under subsection (1) of this section:

Disturbance	Required Measures to minimize impacts
Lights	• Direct lights away from wetland
Noise	• Locate activity that generates • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as heavy industry, establish an additional 10” heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft. of wetland • Apply integrated pest management
Change in water regime	• Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance of wildlife by humans and pets using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	• Use best management practices to control dust
Degraded buffer condition	• Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for not less than a five-year period after completion to assure at least 80% survival of plantings

Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques
Disruption of corridors or potential or existing wildlife habitat connections	• Maintain connections to offsite areas that are undisturbed • Restore corridors or connections to offsite habitats by replanting

(3) If a Category I or II wetland with habitat score seven points or greater is located within 300 feet of a priority habitat area as defined by the Washington State Department of Fish and Wildlife, the buffer established by subsection (1) of this section shall be increased by 50 feet unless:

(a) The applicant provides a relatively undisturbed vegetated corridor at least 100 feet wide between the wetland and all priority habitat areas located within 300 feet of the wetland. The corridor shall be protected for the entire distance between the wetland and the priority habitat through dedication to the City of a conservation easement, native or the equivalent; and

(b) The applicable mitigation measures in subsections (3) and (4)(b) of this section shall be applied.

(4) Buffer Averaging. The Director may approve a modification of the standard buffer widths required on a case-by-case basis by averaging buffer widths, based on review of a critical area report prepared by a qualified professional describing the current functions of the wetland and its buffer and the measures that will be taken to ensure that there is no loss of wetland function due to buffer averaging, if:

(a) The Director determines that the ecological structure and function of the buffer after averaging is equivalent to or greater than the structure and function before averaging;

(b) The resulting buffer meets the following standards:

(i) The total area of the buffer after averaging is equivalent to or greater than the area of the buffer before averaging;

(ii) The additional buffer is contiguous with the standard buffer; and

(iii) Averaging does not occur into the buffer of another wetland or stream except as otherwise allowed.

(c) Additional buffer reductions as allowed in subsection (4) may be applied to a request for buffer averaging as provided in this section;

(d) In no case, shall a standard averaged buffer width be reduced to less than 75 percent of the standard buffer at any location;

(e) Averaging does not result in any impact to other critical areas; and

(f) Averaging does not result in a significant adverse impact to habitat associated with species of local importance.

(5) Where a legally established street transects a wetland buffer, the Director may approve a modification of the minimum required buffer width to the edge of the roadway if part of the buffer is on the other side of the roadway:

(a) Does not provide additional protection of the proposed development or the wetland;

(b) Does not perform any biological, geological or hydrological buffer functions relating to the undisturbed portions of the wetland buffer;

(c) The Alterations allowed in CMC 18.65.050 are not allowed in buffers established in accordance with this subsection; and

(d) The buffer widths established in accordance with this subsection are not further modified as provided for in subsection (3) and (4) of this section.

(6) The City may establish minimum buffer widths for wetlands that are created as a result of enhancement or restoration projects that are not mitigation for a development proposal or Alteration.

18.65.340 Wetlands – specific mitigation requirements.
In addition to the requirements in CMC 18.65.130 and 18.65.135, the following applies to mitigation to compensate for the adverse impacts associated with an Alteration to a wetland:

(1) Mitigation measures must achieve equivalent or greater wetland functions, including, but not limited to:

(a) Habitat complexity, connectivity and other biological functions; and

(b) Seasonal hydrological dynamics, water storage capacity and water quality.

(2) The following ratios of area of mitigation to area of Alteration apply to determine mitigation area required for permanent Alterations:

Category	Creation or Reestablishment	Rehabilitation	Creation (/C) and Rehabilitation (R) or Enhancement (E)	Enhancement Only
IV	1.5:1	3:1	1:1 C and 1:1 R or 2:1 E	6:1
III	2:1	4:1	1:1 C and 2:1 R or 4:1 E	8:1
II	3:1	6:1	1:1 C and 4:1 R or 8:1 E	12:1
I – forested	6:1	12:1	1:1 C and 10:1 R or 20:1 E	Case-by-case24:1
I – based on score for functions	4:1	8:1	1:1 C and 6:1 R or 12:1 E	16:1
I – bog	Not allowed	Case by case	Not possible	Case-by-case

(3) As an alternative to mitigation ratios provided in table 18.65.340(2) above, the City of Covington may approve mitigation using the WDOE Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington (Publication No. 10-06-011) (Hruby 2012) or as revised. This tool can be used to determine mitigation needs by estimating the functions and values lost when a wetland is altered, and estimating the gain in functions and values that result from the mitigation. This method must be applied by individuals trained and approved by Ecology in the use of this method;

(4) The City may consider two or more contiguous sites under common ownership as one site for the purpose of mitigation ratios when:

(a) All applicable sites are in the same drainage sub-basin;

(b) Equivalent or greater wetland functions will be achieved; and

(c) A notice on title, identifying the location, interconnectivity, and requirement for mitigation are recorded against each site pursuant to CMC 18.65.170;

(5) For temporary Alterations to a wetland or its buffer that are predominately woody vegetation, the City may require mitigation in addition to restoration of the altered wetland or buffer;

(6) For rectifying an illegal Alteration to any category wetland or its buffer, the ratio of area of mitigation to area of Alteration for repair, rehabilitation or restoration is one and one-half to one and the mitigation measures shall replicate the natural pre-Alteration wetland configuration at its natural pre-Alteration location to the maximum extent practical, including:

(a) The wetland edge and buffer configuration;

(b) The depth, width, length and gradient;

(c) The soil type, conditions and physical features;

(d) Similar species diversity and density; and

(e) The hydrologic, water quality, and biologic functions;

(7) Mitigation for an Alteration to a buffer of a wetland that occurs along an aquatic area lake shoreline in accordance with an Alteration identified in CMC 18.60.050 shall include, but not be limited to, onsite revegetation, maintenance and other restoration of the buffer or setback area to the maximum extent practical and shall be evaluated against the requirements of the City's SMP if applicable; and

(8) The City may allow mitigation for adverse impacts to buffers off the development proposal site at a ratio higher than that required for mitigation onsite if the applicant demonstrates that it is not feasible to mitigate on the development proposal site, in the same wetland or wetland complex, pursuant to off-site mitigation requirements in CMC 18.65.135.

Article VI. Fish and Wildlife Habitat Conservation Areas

18.65.350 Fish and wildlife habitat conservation areas - applicability

(1) This article regulates development in fish and wildlife habitat conservation areas ("FWHCA") and their associated buffers. FWHCAs in the City include subsections (2) through (6) of this section. All areas within the City meeting one or more of these criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter and shall be managed consistent with best available science, such as

the current edition of the Washington Department of Fish and Wildlife's Management Recommendations for Priority Habitats and Species.

(2) Streams. Streams shall be classified in accordance with the Washington Department of Natural Resources permanent water typing system (WAC 222-16-030), or as amended, which is hereby adopted in its entirety by reference and summarized as follows:

(a) Type S: streams and waterbodies inventoried as "shorelines of the state" under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW;

(b) Type F: streams that contain fish habitat;

(c) Type Np: perennial non-fish habitat streams; and

(d) Type Ns: seasonal non-fish habitat streams.

(3) Naturally occurring ponds. Those ponds that are less than 20 acres in size and not regulated as "shorelines of the state." Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

(4) Areas with state or federally designated endangered, threatened, and sensitive species having a primary association.

(a) Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the NOAA Fisheries that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listing status.

(b) State-designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington Department of Fish and Wildlife that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State-designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species) and WAC 232-12-011 (state threatened and sensitive species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.

(5) State priority habitats and areas associated with state priority species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat Alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the State Department of Fish and Wildlife.

(6) Habitats and species of local importance. Habitats and species of local importance are those identified by the City of Covington, including but not limited to those habitats and species that, due to the population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element where a species has a primary association, and if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. The City of Covington has determined habitats and species in sub-section (5)

above are habitats and species of local importance. Additional habitats and species of local importance are those identified by the City including:

(a) Land essential for preserving connections between habitat blocks and critical areas, such as wildlife habitat networks or corridors; and
(b) Areas of Rare Plant Species and High Quality Ecosystems.

18.65.355 Fish and wildlife habitat conservation areas - designation and purpose.

(1) Fish and wildlife habitat conservation areas include nesting and breeding grounds for state and federal threatened, endangered, sensitive or priority species listed by the Washington State Department of Fish and Wildlife, including corridors or networks which connect priority habitat, and those areas which provide habitat for species of local importance which have been or may be identified by the City of Covington.

(2) The purpose of fish and wildlife habitat conservation areas shall be to provide opportunities for food, cover, nesting, breeding and movement for fish and wildlife within the City; maintain and promote diversity of species and habitat within the City; coordinate habitat protection with elements of the City's established or planned wildlife corridors wherever possible; help to maintain air and water quality; control erosion; provide areas for recreation, education and scientific study and aesthetic appreciation; and contribute to the established character of the City.

(3) The City of Covington has given special consideration to the identification and regulation of fish and wildlife habitat conservation areas that support anadromous fisheries in order to preserve and enhance species which are or may be listed as endangered, threatened or priority species by state and federal agencies

18.65.360 Fish and wildlife habitat conservation areas - classification

(1) Fish and wildlife habitat conservation areas are those areas designated by the City based on review of the best available science; input from Washington Department of Fish and Wildlife, Washington Department of Ecology, and other agencies; and any of the following criteria:

(a) The presence of species proposed or listed by the federal government or the State of Washington as endangered, threatened, sensitive, or priority; or
(b) Streams and wetlands and their associated buffers that provide significant habitat for fish and wildlife.

(2) The City designates the following fish and wildlife habitat conservation areas that meet the above criteria, and this designation does not preclude designation of additional areas as provided in subsection (1) of this section:

(a) All regulated streams and wetlands and their associated buffers as determined by a qualified specialist, and as approved by the Director;
(b)Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; and
(c) Habitat associated with species of local importance as provided in CMC 18.65.350.

18.65.360 Streams – standard buffers.

(1) Stream – Buffers. No development may take place within a stream or within the following standard buffer areas except as allowed within this chapter. Buffer widths shall be measured outward on a horizontal plan from the ordinary high water line or top of bank if ordinary high water line cannot be identified:

(a) If the stream buffer does not include a steep slope hazard area or landslide hazard area:

(i) A Type S is 115 feet or as required in the adopted Shoreline Master Program(SMP);

(ii) A Type F aquatic buffer area is 115 feet;

(iii) A Type Np stream buffer is 60 feet; and

(iv) A Type Ns stream buffer is 30 feet;

(b) If the stream buffer does include a steep slope hazard area or landslide hazard area, the stream buffer width is the greater of either the stream buffer in this section or 25 feet beyond the top of the hazard area; and

(c) The stream buffer includes the entire mapped severe channel migration hazard area plus the appropriate stream buffer required by this section measured from the outer edge of the severe channel migration hazard area.

(2) Buffer Averaging. The Director may approve a modification of the minimum required standard buffer widths, on a case-by-case basis by averaging buffer widths, based on review of a critical area report prepared by a qualified professional describing the current function of the stream and the stream buffer and the measures that will be taken to ensure that there is no loss of stream function due to buffer averaging if:

(a) The Director determines that the ecological structure and function of the buffer after averaging is equivalent to or greater than the structure and function before averaging;

(b) The resulting buffer meets the following standards:

(i) The total area of the buffer after averaging is equivalent to or greater than the area of the buffer before averaging;

(ii) The additional buffer is contiguous with the standard buffer;

(iii) Averaging does not occur waterward of the top of the associated steep slopes or into a channel migration zone; and

(iv) Averaging does not occur into the buffer of a wetland except as otherwise allowed;

(c) In no case, shall as standard average stream buffer be reduced to less than 60 percent of the standard buffer in any location;
(d) Averaging does not result in any impact to another critical area;
(e) Averaging does not result in a significant adverse impact to habitat associate with species of local importance; and
(f) Buffer averaging within a shoreline jurisdiction shall be subject to the City's SMP and Appendix A.

(3) Buffer Reduction. The Director may approve a modification of the minimum required buffer width for a development proposal if the applicant demonstrates that the buffer cannot provide certain functions because of soils, geology or topography subject to the following:

(a) The Director shall establish the buffer width based on the ecological functions that the buffer can provide based on soils, geology and topography;

(b) The buffer widths established in accordance with this subsection are not further modified as provided for in subsection (2) of this section; and

(c) Within the shoreline jurisdiction, stream buffer mitigation is implemented pursuant to CMC 18.65.380.

(4) Where a legally established street transects a stream buffer, the Director may approve a modification of the minimum required buffer width to the edge of the roadway if the part of the buffer on the other side of the roadway:

(a) Does not provide additional protection of the proposed development or the stream;

(b) Does not perform any biological, geological or hydrological buffer functions relating to the undisturbed portions of the stream buffer;

(c) The Alterations allowed in CMC 18.65.050 are not allowed in buffers established in accordance with this subsection; and

(d) The buffer widths established in accordance with this subsection are not further modified as provided for in subsection (2) and (3) of this section.

(5) The Director may establish minimum buffer widths for streams that are created as a result of enhancement or restoration projects that are not mitigation for a development proposal or Alteration.

(6) The buffer areas established by this section do not apply to any segment of a stream that is presently within a culvert, unless that stream will be taken out of the culvert as part of development of the subject property.

(7) Permanently altered buffer. The Director may provide written approval for a buffer reduction when existing conditions are such that portions of the required buffer exist in a permanently altered state (e.g., roadways, paved parking lots, and permanent structures) and do not provide any buffer function, based on review of a critical area report prepared by a qualified professional. The buffer may be reduced up to the area where the altered conditions exist.

(8) Increased buffer widths. The Director may require increased buffer widths that are necessary to protect habitat, health, safety, and welfare on site specific areas as follows:

(a) When the Director determines that the buffer width is insufficient to prevent habitat degradation;

(b) When a channel migration zone is present. The stream buffer width shall be measured from the outer edge of the channel migration zone; or

(c) When the stream buffer area is within an erosion or landslide hazard area.

18.65.365 Streams and associated buffers – development standards and alterations.
The following standards apply to development proposals and Alterations on sites containing stream buffers:

(1) Only the Alterations identified in CMC 18.65.050 are allowed in streams and stream buffers, unless specifically allowed under another provision of the City's SMP;

(2) Grading for allowed Alterations in stream buffers is only allowed from May 1st to October 1st;

(3) The soil duff layer should not be disturbed to the maximum extent practical. The disturbed duff layer should be redistributed to other areas of the project site where feasible;

(4) The moisture-holding capacity of the topsoil layer should be maintained by minimizing soil compacting or reestablishing natural soil structure and the capacity to infiltrate on all areas of the site that impervious surfaces do not cover;

(5) The maximum extent practical, vegetation outside the stream buffer is spatially connected to the vegetation in the buffer to prevent creation of windthrow hazards in the buffer;

(6) New structures within a stream buffer, permitted in accordance with this chapter, shall be sited to avoid the creation of future hazard trees and to minimize the impact on ground water movement from the structure;

(7) To the maximum extent practical, hazard trees are retained in stream buffers and are topped to reduce the hazard or pushed over toward the stream; and

(8) Alterations may only be permitted if also approved by state and/or federal permits, if applicable.

18.65.370 Streams – permitted alterations.
Alterations to streams and their buffers may be allowed pursuant to CMC 18.65.050 as follows:

(1) The City's SMP shall be consulted for any activities within the shoreline jurisdiction. In Covington, three areas have been designated as areas within a shoreline jurisdiction: Pipe Lake; the lower reaches of Jenkins Creek, and the lower reaches of Big Soos Creek. This information is listed here for informational purposes only. Critical area

regulations for activities within the shoreline jurisdiction are location in Appendix A of the SMP, or as provided in the City's SMP;

(2) Alterations may only be permitted if based upon a critical area report prepared in accordance with CMC 18.65.110;

(3) Upon application for critical area review or associated development proposal, the City will notify affected agencies and native tribes of the proposed Alterations prior to any Alteration if a stream is in a frequently flooded area. The applicant will be required to provide a response or additional documentation based on requests by affected agencies and native tribes;

(4) There shall be no introduction of any plant or wildlife which is not indigenous to City into any stream or buffer unless authorized by a state or federal permit or approval;

(5) Surface water discharge to a stream buffer from a stormwater management facility may be allowed if there are no significant adverse impacts to the stream or required buffer and the discharge is in compliance with the stormwater manuals adopted in CMC Title 13.25; and in accordance with CMC 18.65.050;

(6) New Stream Crossings. New stream crossings will be reviewed and decided upon using the Type 2 decision process in CMC Title 14. Responses to decisional critical and design requirements in this section shall be included in the critical areas report. Stream crossings may be allowed and may encroach on the otherwise required stream buffer if:

(a) Any new crossing over a stream shall be generally perpendicular to the critical area and shall be accomplished by bridging or other technique designed to minimize critical area disturbance. It shall also be the minimum width necessary to accommodate the intended function or objective ;

(b) Culverts and bridges are designed and installed consistent with an approved permit from the applicable state and federal agencies with review authority;

(c) All crossings are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to salmonids;

(d) Crossings do not occur over salmonid spawning areas unless City determines that no other possible crossing site exists;

(e) Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water line;

(f) Crossings do not diminish the flood-carrying capacity of the stream;

(g) Utility lines and facilities may be permitted to cross streams if they are laterally drilled and located at a depth beneath the scour depth for the water body predicted by a civil engineer licensed by the State of Washington, or as directed by state or federal permitting agencies. Temporary bore pits to perform such crossings may be permitted within the stream buffer established in CMC 18.65.360;

(h) Crossings are minimized and serve multiple purposes and properties whenever possible;

(i) Disturbances to the stream buffer are adequately compensated by a stream buffer enhancement plan; and

(j) No reasonable alternative exists to access the subject property;

(8) Stream Relocations. Stream relocations may be allowed only for:

(a) As part of a public road project for which a public agency and utility exception is granted pursuant to CMC 18.65.070; and

(b) The purpose of enhancing and restoring resources in the stream if:

(i) Appropriate floodplain protection measures are used; and

(ii) The relocation occurs on the site, except that relocation off the site may be allowed if the applicant demonstrates that any onsite relocation is impracticable, the applicant provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage sub-basin as the original stream;

(c) As part of any request under this section, the applicant must submit a stream relocation plan, that has been reviewed and approved by Washington Department of Fish and Wildlife with the critical areas report that shows the following:

(i) The creation of a natural meander pattern;

(ii) The formation of gentle side slopes, at least two feet horizontally to one foot vertically, and the installation of erosion control features for stream side slopes;

(iii) The creation of a narrow sub-channel, where feasible, against the south or west bank;

(iv) The utilization of natural materials, wherever possible;

(v) The use of vegetation normally associated with streams, including primarily native riparian vegetation;

(vi) The creation of spawning and nesting areas, wherever appropriate;

(vii) The re-establishment of the fish population, wherever feasible;

(vii) The restoration of water flow characteristics compatible with fish habitat areas, wherever feasible;

(ix) The filling and revegetation of the prior channel; and

(x) A proposed phasing plan specifying time of year for all project phases;

(d) For any relocation allowed by this section, the applicant shall demonstrate, based on information provided by a civil engineer and a qualified biologist, and included in the critical area report that:

(i) The equivalent base flood storage volume and function will be maintained;

(ii) There will be no adverse impact to local ground water;

(iii) There will be no increase in velocity;

(iv) There will be no interbasin transfer of water;

(v) There will be no increase in sediment load;

(vi) Requirements set out in the mitigation plan are met;

(vii) The relocation conforms to other applicable laws; and

(viii) All work will be carried out under the direct supervision of a qualified biologist;

(e) The City will allow a stream to be relocated only if water quality, habitat and stormwater retention capability of the streams will be the equivalent or improved by the relocation. Convenience to the applicant in order to facilitate general site design shall not be considered;

(f) Prior to diverting water into the new channel, a qualified professional shall inspect the new channel following its completion and issue a written report to the Director stating that the channel complies with the requirements of this section;

(9) A stream channel may be stabilized if:

(a) Movement of the stream channel threatens existing residential or commercial structures, public facilities or improvements, unique natural resources or the only existing access to property; and

(b) The stabilization is done in compliance with the requirements of CMC 16.15 and administrative rules promulgated pursuant to this chapter;

(10) Stream enhancement not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer, a landscape architect or a qualified biologist and carried out under the direction of a qualified biologist or landscape architect;

(11) A minor stream restoration project for fish habitat enhancement may be allowed if:

(a) The restoration is sponsored by a public agency with a mandate to do such work;

(b) The restoration is unassociated with mitigation of a specific development proposal;

(c) The restoration is limited to placement of rock weirs, log controls, spawning gravel and other specific salmonid habitat improvements;

(d) The restoration only involves the use of hand labor and light equipment; or the use of helicopters and cranes which deliver supplies to the project site; provided, that they have no contact with sensitive areas or their buffers; and

(e) The restoration is performed under the direction of a qualified biologist or landscape architect; and

(12) Roadside drainage ditches which carry streams with salmonids may be maintained through the use of best management practices developed in consultation with relevant City, county, state and federal agencies.

18.65.375 Streams - removal from culverts and pipes.

If development of the subject property requires City approval, the City may require the stream to be taken out of the culvert and pipes, and restored to a natural-like configuration as part of the City's approval of development of the subject property.

18.65.380 Streams – specific mitigation requirements.

In addition, the requirements in CMC 18.65.130, the following applies to mitigation to compensate for the adverse impacts associated with an Alteration to a stream or stream buffer not located in the shoreline jurisdiction[1]:

(1) Mitigation measures shall be addressed in the critical area report and must achieve equivalent or greater stream functions including, but not limited to:

(a) Habitat complexity, connectivity and other biological functions;

(b) Seasonal hydrological dynamics, water storage capacity and water quality; and

[1] Covington's SMP (Ord. No. 05-11) should be consulted for any activities within the shoreline jurisdiction. In Covington, three areas have been designated as areas within a shoreline jurisdiction: Pipe Lake; the lower reaches of Jenkins Creek, and the lower reaches of Big Soos Creek. Critical area regulations for activities within the shoreline jurisdiction are location in Appendix A of the SMP.

(c) Geomorphic and habitat processes and functions;

(2) To the maximum extent practical, permanent Alterations that require restoration or enhancement of the altered stream, stream buffer or another stream or stream buffer must consider the following design factors, as applicable to the function being mitigated:

(a) The natural channel or shoreline reach dimensions including its depth, width, length and gradient;

(b) The horizontal alignment and sinuosity;

(c) The channel bed or lake bottom with identical or similar substrate and similar erosion and sediment transport dynamics;

(d) Bank and buffer configuration and erosion and sedimentation rates; and

(e) Similar vegetation species diversity, size and densities in the channel or lake bottom and on the riparian bank or buffer;

(f) Include all conditions in state and federal permits or approvals.

(3) Mitigation to compensate for adverse impacts shall meet the following standards:

(a) Not upstream of a barrier to fish passage;

(b) Is equal or greater in biological function; and

(c) To the maximum extent practical is located on the site of the Alteration or within one-half mile of the site and in the same stream reach at a 1:1 ratio for the length of mitigation to area of Alteration; or

(d) Is located in the same stream drainage sub-basin and attains the following ratios of area of functional mitigation to area of Alteration;

(i) A 3:1 ratio for a Type S stream;

(ii) A 3:1 ratio for a Type F stream; and

(ii) A 2:1 ratio for a Type Np or Ns stream;

(4) For purposes of subsection (3) of this section, a mitigation measure is in the same stream reach if the length of stream bank meets the following criteria:

(a) Similar geomorphic conditions including slope, soil, aspect and substrate;

(b) Similar processes including erosion and transport of sediment and woody debris;

(c) Equivalent or better biological conditions including invertebrates, fish, wildlife and vegetation; and

(d) Equivalent or better biological functions including mating, reproduction, rearing, migration and refuge; or

(e) For tributary streams, a distance of no more than one-half mile;

(5) The City may reduce the mitigation ratios in subsection (3) of this section to 2:1 ratio for Type S or F streams, and 1.5:1 ratio for a Type Np or Ns streams if the applicant provides a scientifically rigorous mitigation monitoring program that includes the following elements:

(a) Monitoring methods that ensure the mitigation meets the approved performance standards identified by the Director;

(b) Financial guarantees for the duration of the monitoring program; and

(c) Experienced, qualified staff to perform the monitoring;

(6) For rectifying an illegal Alteration to any type of stream or its buffer, mitigation measures must meet the following standards:

(a) Located on the site of the illegal Alteration at a 1:1 ratio of area of mitigation to area of Alteration; and

(b) To the maximum extent practical, replicates the natural pre-Alteration configuration at its natural pre-Alteration location including the factors in subsection (2) of this section.

(7) The City may modify the requirements in this section if the applicant demonstrates that, with respect to each stream function, greater functions can be obtained in the affected hydrologic unit that the Director may determine to be the drainage sub-basin through alternative mitigation measures.

18.65.385 Naturally occurring ponds, less than 20 acres in area and their submerged aquatic beds that provide fish or wildlife habitat.
(1) No development may take place within naturally occurring ponds or within buffer areas from the naturally occurring ponds except as allowed in this chapter.

(2) Naturally occurring ponds may also be considered wetlands based on CMC 18.65.319. If the naturally occurring pond is deemed a wetland then the applicable wetland buffer, based on the wetland category shall apply. A determination by the City does not preclude the applicant from meeting state and federal agency determinations and permitting requirements.

18.65.390 Other fish and wildlife habitat conservation areas – development standards.
The following standards apply to development proposals and Alterations on sites containing fish and wildlife habitat conservation areas, in accordance with the wildlife management plan developed by the Washington State Department of Fish & Wildlife for such species. Where the habitat does not include any other critical area or critical area buffer, compliance with the wildlife management plan shall constitute compliance with this chapter.

The Director shall require protection of an active breeding site of any species with habitat that is identified as requiring protection; provided, that the Washington State Department of Fish and Wildlife has adopted management recommendations. The City shall follow those adopted management recommendations that are published in Priority Habitats and Species Program Management Recommendations for Region IV, current edition. If management recommendations have not been adopted, the City shall base protection administrative rules and any decisions on best available science as presented in a qualified professional's report prepared by applicant, at applicant expense.

(1) General Requirements. Habitat conservation areas that are associated with a shoreline shall be governed by the requirements of the City's SMP. Other habitat conservation areas are subject to the following provisions:

(a)The Department shall require the establishment of buffer areas for development activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity and functions of the habitat. Required buffer widths shall consider the management recommendations identified in subsection (2) of this section and reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Development activities may be further restricted and buffers may be increased during the specified season;

(b) Where applicable, a fish and wildlife habitat corridor shall be established as required in CMC 18.65. 350;

(c) A habitat conservation area may be altered only if the proposed Alteration of the habitat or the mitigation proposed does not reduce the quantitative and qualitative functions and values of the habitat, except in accordance with this chapter;

(d) Removal of any native vegetation or woody debris from the habitat conservation area may be allowed only as part of an approved habitat management plan, critical areas report, and/or Alteration plan;

(e) Low impact uses and development activities which are consistent with the purpose and function of the habitat conservation area and do not detract from its integrity may be permitted within the conservation area depending on the sensitivity of the habitat area. Examples of uses and development activities which may be permitted in appropriate cases include trails that are pervious, viewing platforms, stormwater management facilities such as grass-lined swales, utility easements and other similar uses and development activities; provided, that any impacts to the habitat resulting from such permitted facilities shall be fully mitigated;

(f)Whenever development activities are proposed in or adjacent to a habitat conservation area with which state or federally endangered or threatened species have a primary association, such area shall be protected through the application of measures in accordance with a critical areas report prepared by a qualified professional with guidance provided by the appropriate state and/or federal agencies;

(g) Plant, wildlife, or fish species not indigenous to the coastal region of the Pacific Northwest shall not be introduced into habitat conservation areas unless authorized by this chapter and by any required state or federal permit or approval;

(h) Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical areas report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed;

(i)The Director shall condition approvals of development activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary, to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to, the following:

(i) Establishment of buffer zones;

(ii) Preservation of critically important vegetation;

(iii) Limitation of public access to the habitat area, including fencing to deter unauthorized access;

(iv) Seasonal restriction of development activities;

(v) Establishment of a duration and timetable for periodic review of mitigation activities; and

(vi) Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation; and

(j) Mitigation of Alterations to habitat conservation areas shall achieve equivalent or greater biologic functions, and shall include mitigation for adverse impacts from the proposed development as appropriate. Mitigation shall address each function affected by the Alteration to achieve functional equivalency or improvement on a per-function basis.

18.65.395 Fish and wildlife habitat corridors and networks.

On development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to 7, that are also located within 200 feet of an onsite or off-site Type F or Np stream and/or wetland with a high habitat score greater than or equal to 7, a fish and wildlife habitat corridor shall be set aside and protected as follows:

(1) New development proposals, subdivisions, short subdivisions, commercial site plans, and binding site plans shall place the corridor in a contiguous permanent critical area tract with all developable lots sited on the remaining portion of the project site;

(2) The fish and wildlife habitat corridor shall be sited on the development in order to meet the following conditions, where feasible:

(a) Forms one contiguous tract that connects onsite high value habitat areas to other onsite or off-site high value habitat areas;

(b) New development proposals shall provide a minimum fish and wildlife habitat corridor width of 300 feet or a corridor width that is consistent with an approved habitat management plan. The corridor width should not be less than 150 feet wide at any point;

(c) New development proposals on sites constrained by a fish and wildlife habitat corridor and where development already exists shall maintain a minimum fish and wildlife habitat corridor width of 300 feet unless, through an approved habitat management plan, it can be shown that a lesser habitat corridor width supports and maintains the corridor's function and value;

(d) Be contiguous with and include and/or connect critical areas, buffers, wildlife habitat corridors, native growth protection easements, and open space tracts or wooded areas on site or on adjacent properties, if present; and

(e) The Director may modify corridor widths based on supporting documentation from an approved habitat management plan.

(3) Fish and wildlife habitat corridors do not parallel Type Np streams, except as required to provide a connection between two features as described above.

(4) A management plan for the wildlife corridor contained within a tract or tracts shall be prepared that specifies the permissible extent of recreation, forestry or other uses compatible with preserving and enhancing the wildlife habitat value of the tract or tracts. The management plan shall be reviewed and approved by the Department. The approved management plan for a development proposal shall be contained within and recorded on title or with the covenants, conditions and restrictions (CCRs). If the wildlife corridor is contained in a conservation easement, a management plan is not required, but may be submitted to the Department for review and approval, and recorded with the conservation easement.

(5) Clearing within the wildlife corridor contained in a tract or tracts shall be limited to that allowed by the management plan or as otherwise allowed by this chapter. No clearing, including the removal of woody debris, shall be allowed within a wildlife corridor contained within a conservation easement on individual lots, unless the property owner has an approved management plan.

(6) Where feasible, a homeowners' association or other entity capable of long-term maintenance and operation shall be established to monitor and assure compliance with the management plan. The association shall provide homeowners with information on the Washington Department of Fish and Wildlife's backyard wildlife sanctuary program.

(7) Low impact uses and activities which are consistent with the purpose and function of the habitat corridor and do not detract from its integrity may be permitted within the corridor depending on the sensitivity of the habitat area. Examples of uses and activities which may be permitted in appropriate cases include trails that are pervious, viewing platforms, stormwater management facilities such as grass-lined swales, utility easements and other similar uses, or activities otherwise described and approved by the Washington Department of Fish and Wildlife; provided, that any impacts to the corridor resulting from such permitted facilities shall be fully mitigated.

(8) At the discretion of the Director, these standards may be waived or reduced for public facilities such as public schools, fire stations, public parks, and public road projects.

(9) The wildlife corridor tract or easement shall be permanently marked and fenced consistent with the methods contained in the CMC 18.65.160 and the City's Design and Construction Standards in effect at the time of application.

18.65.400 Fish and wildlife habitat conservation Areas – modification.

Upon request of the applicant and based upon a site-specific critical areas report that includes, but is not limited to, an evaluation of the tolerance of the animals occupying the nest or rookery to the existing level of development in the vicinity of the nest or rookery, the Director may approve a reduction of the wildlife habitat conservation area or corridor for any species listed on the current version of the Washington Department of Fish and Wildlife Priority Habitat and Species List for Region IV, as amended.

18.65.405 Fish and wildlife habitat conservation Areas - mitigation standards

(1) Relevant standards for other critical areas (such as wetlands and streams) that may be located within the fish and wildlife habitat conservation area, as determined by the City, shall be incorporated into mitigation plans.

(2) The following additional mitigation measures shall be reflected in fish and wildlife habitat conservation area mitigation planning:

(a) The maintenance and protection of habitat values shall be considered a priority in site planning and design;

(b) Buildings and structures shall be located in a manner that preserves and minimizes adverse impacts to important habitat areas. This may include clustering buildings and locating fences outside of habitat areas;

(c) Retained habitat shall be integrated into open space and landscaping;

(d) Where possible, habitat and vegetated open space shall be consolidated in contiguous blocks;

(e) Habitat shall be located contiguous to other habitat areas, open space or landscaped areas both on and off site to contribute to a continuous system or corridor that provides connections to adjacent habitat areas;

(f) Native species shall be used in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers;

(g) The heterogeneity and structural diversity of vegetation shall be emphasized in landscaping; and

(h) Significant trees, preferably in groups, shall be preserved, consistent with the requirements of CMC 18.45.

18.65.410 Fish and wildlife habitat conservation areas –additional provisions for critical areas report

In addition to the general critical areas report requirements of CMC 18.65.110, proposals to modify the performance standards for habitat for species of local importance must meet the requirements of this section.

(1) Habitat Assessment. A habitat assessment is an investigation of the site to evaluate the potential presence or absence of designated species of local importance or habitat for the species of local importance. A critical area report for habitat for species of local importance shall contain an assessment of habitats including the following site- and proposal- related information at a minimum:

(a) Identification of any species of local importance including but not limited to endangered, threatened, sensitive or candidate species that has a primary association with habitat on or adjacent to the project area, and an assessment of potential project impacts to the species;

(b) Detailed description of vegetation on and adjacent to the site;

(c) A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the site;

(d) A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;

(e) A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and coordination and efforts to restore any habitat that was degraded prior to the current proposed use or activity and to be conducted in accordance with the mitigation sequent set for in CMC 18.65.120;

(f) A discussion of ongoing management practices that will protect habitat after the site has been developed, including proposed monitoring, maintenance and adaptive management programs;

(g) When appropriate due to the type of habitat or species present or the site conditions, the Director may also require the habitat management plan to include an evaluation by the Washington Department of Fish and Wildlife, local Native American Indian Tribe, or other qualified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and

(h) When appropriate, information from the Washington Department of Fish and Wildlife's backyard wildlife sanctuary program shall be included.

18.65.420 Process to identify additional species and habitat of local importance

(1) Designation Process. Any person may nominate for designation, or propose de-designation, of a species or habitat of local importance in accordance with a Type IV permit process pursuant to CMC Title 14. Additional species and habitat of local importance may be designated pursuant to CMC 18.65.420.

(2) Decision Criteria. A species may be designated a species of local importance only if it demonstrates the following characteristics:

(a) Local populations of native species are in danger of extirpation based on existing trends;
(i) Local populations of native species that are likely to become endangered; or

(ii) Local populations of native species that are vulnerable or declining;

(b) The species or habitat has recreational, commercial, cultural, tribal, or other special value;

(c) Long-term persistence of a species in dependent on the protection of the species or habitat through the provisions of this Chapter;

(d) Protection by other county, state, or federal polices, laws, regulations, or non-regulatory tools is not adequate to prevent degradation of the species or habitat in the City; and

(e) Without protection, there is a likelihood that the species or habitat will be diminished over the long term.

(3) Nominations for habitats or species of local importance shall include the following:

(a) Identification of the habitat or species being nominated. Identification shall include, at a minimum, the following information:

i. A legible map or maps of species and/or habitat location(s);

ii. Specific features to be protected (for example, nest sites, breeding areas, nurseries, vegetation communities) or, if a habitat is being nominated in its entirety, a description of the habitat, its structure, function, species, and geographic boundaries of the habitat(s) encompassed, and any other relevant attributes; and

iii. An analysis of the habitat and hydrological functions and location of the area relative to already designated critical areas and the nearest similar habitat if known.

iv. The Director has the authority to alter these requirements if he/she determines that alternative methods of identification or characterization are more accurate or reliable.

(b) Proposed management strategies for the species or habitats. Management strategies must be supported by best available science;

(c) Identification of effects on property ownership and use; and

(d) The Director may, on a case-by-case basis require additional information needed to evaluate the resource being nominated.

(4) Effect of Designation. Designation of a species and habitat of local importance under this section shall not impact projects or proposals with a vested application or approved permit.

18.65.430 Fish protection measures.

(1) All activities, uses, and Alterations proposed to be located in water bodies used by fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, the following standards:

(a) Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife;

(b) The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas; and

(c) Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.

(2) Structures that prevent the migration of fish shall not be allowed in the portion of water bodies currently or historically used by fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.

18.65.440 Endangered, threatened, and sensitive species protection measures.

(1) No development shall be allowed within a habitat conservation area or buffer where state or federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a management plan established by Washington Department of Fish and Wildlife or applicable state or federal agency.

(2) Whenever activities are proposed adjacent to a habitat conservation area where state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with a critical area report prepared by a qualified professional and approved by the City. Approval for Alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Washington Department of Fish and Wildlife and other appropriate federal or state agencies.

Associated Updates to CMC Title 13, 14, 17 & 18

13.25.025 Definitions.

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

~~(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.~~

14.60.170 Rock and retaining walls.

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

….

(16) Walls shall not be used to break up a slope or to circumvent the definition of or the restrictions for steep slope hazard areas as described in CMC 18.65~~. 310~~.

~~**Chapter 14.65**~~

~~**SHORELINE MANAGEMENT PERMITS**~~

~~Sections:~~

~~**14.65.010** *Recodified.*~~

~~**14.65.020** *Repealed.*~~

~~**14.65.010 Shoreline management permit fees.**~~

~~***Recodified as CMC 16.05.050 by Ord. 20-07. (Ord. 43-02 § 2 (27.20.010))***~~

17.15.060 Review for conformity with other codes, plans and policies.

Applications for approvals pursuant to this title shall be reviewed in accordance with the applicable procedures of any combination of this title and Chapters 2.25, 14.30, 14.35, 14.40, and 14.45 CMC. Furthermore, applications for subdivisions, short subdivisions and binding site plans may be approved, approved with conditions or denied in accordance with the following adopted City and State rules, regulations, plans and policies including, but not limited to:

…

(12) Chapter 16.05 CMC (Shoreline ~~Management Plan~~Master Plan);

17.25.050 Contents of final plat and final short plat.

The following information shall be shown on a final plat or final short plat:

….

(13) A traverse line established along the shore not more than 20 feet landward of the ordinary high water ~~mark~~ line when a subdivision or short subdivision borders on a body of water. This line shall be labeled "plat traverse line" or "short plat traverse line," as applicable, on the final plat or short plat documents;

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:

(1) Applications for boundary line adjustments shall be reviewed as a Type 1 permit as provided in Chapter 14.30 CMC. The review shall include examination for consistency with CMC Title 18, ~~shoreline management plan,~~ Chapter 16.05 CMC(Shoreline Master Program), applicable Board of Health regulations (if applicable), and, for lots which have already been developed, all adopted International Codes;

18.20.053 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.

18.20.110 Biologist, qualified.

"Qualified biologist" means a person with training and experience in the scientific discipline, and who is a qualified scientific expert with expertise in streams, wetlands or lakes subject matter in accordance with WAC 365-195-905(4). A qualified professional must have obtained a bachelor of science degree in the biological sciences from an accredited college or university or who has equivalent educational training and professional experience related to the subject of habitat or species. A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

18.20.112 Bog.

"Bog" means a low-nutrient, acidic wetland with organic soils and characteristic bog plants, as described in Washington State Wetland Rating System for Western Washington: 2014 Update (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014 or as subsequently amended). ~~wetland that has no significant inflows or outflows and supports acidophilic mosses, particularly sphagnum.~~

~~**18.20.183 Channel migration hazard area, moderate.**~~

~~"Channel migration hazard area, moderate" means a portion of the channel migration zone, as shown on King County's channel migration zone maps, that lies between the severe channel migration hazard area and the outer boundaries of the channel migration zone. (Ord. 14-05 § 3)~~

~~**18.20.184 Channel migration hazard area, severe.**~~

~~"Channel migration hazard area, severe" means a portion of the channel migration zone, as shown on Covington's channel migration zone maps when adopted, that includes the present channel. The total width of the severe channel migration hazard area equals 100 years times the average annual channel migration rate, plus the present channel width. The average annual channel migration rate as determined in the technical report is the basis for each channel migration zone map.~~

18.20.253 Critical aquifer recharge area.

"Critical aquifer recharge area" means an area ~~designated~~ with a critical recharging effect on aquifers used for potable water where an aquifer that is a source of drinking water that is vulnerable or susceptible to contamination that would affect the potablity of water. This includes:

(1) Category I ~~the~~ critical aquifer recharge area ~~map adopted by CMC 13.37.020~~ which are mapped areas that Covington ~~that~~determined are ~~has a~~ highly susceptible~~ility~~ to ground water contamination and that are located within a sole source aquifer or wellhead protection area; or

(2) Category II critical aquifer recharge areas which are areas determined to have ~~an area of~~ medium susceptibility to ground water contamination that is located within a sole source aquifer or within an area approved in accordance with Chapter 246-290 WAC as a wellhead protection area for a municipal or district drinking water system, or an area over a sole source aquifer for a private potable water well in compliance with Department of Ecology and Public Health standards, or are highly susceptible to ground water contamination and are not located in a sole source aquifer or well head protection area. or

(3) Category III critical aquifer recharge areas include those mapped areas that Covington has determined have low susceptibility to ground water contamination. ~~s.~~

Susceptibility to ground water contamination occurs where there is a combination of permeable soils, permeable subsurface geology, decreasing hydraulic head with depth,

18.20.254 Critical area.

"Critical area" means any area that is ~~subject to natural hazards or a land feature that supports unique, fragile or valuable natural resources including fish, wildlife or other organisms or their habitats or such resources that carry, hold or purify water in their natural~~

~~state~~required to be protected under the Growth Management Act, Chapter 36.70A RCW. The ciyt's . "c~~C~~ritical areas" includes the following areas and their required buffers pursuant to CMC 18.65:
(1) ~~Aquatic~~ Frequently flooded areas areas;
(2) Critical aquifer recharge area;
(3) ~~Erosion~~ Geologic hazard areas;
~~(4) Flood hazard areas;~~
~~(5) Landslide hazard areas;~~
~~(6) Steep slope hazard areas;~~
(7) Wetlands; and
(8) Wildlife habitat conservation areas, including streams.
~~and ground water close to the ground surface.~~

~~**18.20.331 Draft flood boundary work map.**~~
~~"Draft flood boundary work map" means a floodplain map prepared by a mapping partner, reflecting the results of a flood study or other floodplain mapping analysis. The draft flood boundary work map depicts floodplain boundaries, regulatory floodway boundaries, base flood elevations and flood cross sections, and provides the basis for the presentation of this information on a preliminary flood insurance rate map or flood insurance rate map.~~

~~**18.20.331.5 Drainage.**[2]~~
~~"Drainage" means the collection, conveyance, containment or discharge, or any combination thereof, of surface and stormwater runoff.~~

18.20.333 Drainage facility.
~~Drainage Facility. See definition for "stormwater management facility."~~ "Drainage facility" means a feature, constructed or engineered for the primary purpose of providing drainage, that collects, conveys, stores or treats surface water. A drainage facility may include, but is not limited to, a stream, pipeline, channel, ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment facility and erosion and sediment control facility.

18.20.400 Enhancement.
"Enhancement" means for the purposes of critical area regulation, an action that improves the ~~processes,~~ structure and functions of ecosystems and habitats associated with critical areas or their buffers. Enhancement results in a gain in some critical area function(s) but may also lead to a decline in other functions, but does not result in a gain in critical area extent.

18.20.415 Erosion hazard area.
"Erosion hazard area" means an area underlain by soils that is subject to severe erosion when disturbed~~. These soils~~ including areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils. These soils subject to severe erosion include,~~e,~~ but are not limited to, those classified as having a severe to very severe erosion hazard according to the United States Department of Agriculture Soil Conservation Service, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources such as any occurrence of river wash ("Rh") and any of the following when the soils occur on slopes inclined at 15 percent or more:
(1) The Alderwood gravelly sandy loam ("AgD");
(2) The Alderwood and Kitsap soils ("AkF");
(3) The Beausite gravelly sandy loam ("BeD" and "BeF");
(4) The Kitsap silt loam ("KpD");
(5) The Ovall gravelly loam ("OvD" and "OvF");
(6) The Ragnar fine sandy loam ("RaD"); and
(7) The Ragnar-Indianola Association ("RdE").

18.20.469 Fish and Wildlife Habitat Conservation Areas
"Fish and Wildlife Habitat Conservation Areas" are areas that have been identified as critically important to maintaining specific types of fish, wildlife, and plant species in Covington. Areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-130 (2) or defined as habitats and species of local importance in Chapter 18.65 CMC Article V.

~~**18.20.515 Forest land.**~~
~~"Forest land" means land devoted primarily to growing and harvesting forest and timber products and designated as a forest production district by the City of Covington comprehensive plan.~~

18.20.545 Geologist.
"Geologist" means a person who holds a current license as a geologist or engineering geologist from the Washington State Geologist Licensing Board.

~~**18.20.575.5 Groundwater.**~~
~~"Groundwater" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.~~

18.20.578 Habitat, fish.
"Habitat, fish" means habitat that is used by fish at any life stage at any time of the year including potential habitat likely to be used by fish. "Fish habitat" includes habitat that is upstream of, or landward of, human-made barriers that are currently used by fish or could be accessible to, and could be used by, fish upon removal of the barriers. This includes off-channel habitat, flood refuges, channels, streams and wetlands.

~~**18.20.632 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.~~

18.20.637.1 In-Lieu Fee Program.
"In -Lieu Fee Program " as defined in the Federal Rule published in April 2008, The U.S. Army Corps of Engineers (the Corps) and the U.S. Environmental Protection Agency (EPA) is a:
"A program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements. Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor."

18.20.638 Instream structure.
"Instream structure" means anything placed or constructed below the ordinary high water ~~mark~~line, including, but not limited to, weirs, culverts, fill and natural materials and excluding dikes, levees, revetments and other bank stabilization facilities.

18.20.680 Landslide hazard area.
"Landslide hazard area" means an area subject to severe risk of landslide, based on a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure hydrology, or other factors, and include, at a minimum the following~~such as~~:
(1) An area with a combination of:
(a) Slopes steeper than 15 percent of inclination;
(b) Impermeable soils, such as silt and clay, ~~frequently~~ interbedded with granular soils, such as sand and gravel; and
(c) Springs or seasonal ground water seepage;
(2) Areas of historic failures such as:
(a) An area that has shown movement during the Holocene epoch, which is from 10,000 years ago to the present, or that is underlain by mass wastage debris from that epoch;

(b) Those areas delineated by the United States Department of Agriculture Natural Resources Conservation Service as having a significant limitation for building site development;
(c) Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Washington department of natural resources.
(3) An area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action including stream channel migration zones;
(4) An area that shows evidence of or is at risk from snow avalanches; or
(5) An area located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows, or catastrophic flooding, or deposition of stream-transported sediments.

(6) Any area with a slope of forty percent or steeper and with a vertical relief of ten or more feet except areas composed of bedrock. See also CMC 18.20.1230 Steep slope hazard areas.

(7) Slopes having gradients steeper than eighty percent subject to rockfall during seismic shaking. See also CMC 18.20.1230 Steep slope hazard areas.

(8) Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials.

18.20.752 Mitigation.

"Mitigation" means ~~an action~~sequentially avoiding impacts, minimizing impacts and action taken to compensate for unavoidable adverse impacts to the environment resulting from a development activity or alteration. Mitigation in the following sequential order of preference, is:

(1) Avoiding the impact altogether by not taking a certain action or parts of an action;

(2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

(3) Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;

(5) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

(6) Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and

(7) Monitoring the hazard or other required mitigation and taking remedial action when necessary.
Mitigation for individual actions may include a combination of the above measures.

~~**18.20.785 Municipal water production.**~~

~~"Municipal water production" means the collection and processing of surface water through means of dams or other methods of impoundment for municipal water systems.~~

~~**18.20.795 Naturalized species.**~~

~~"Naturalized species" means nonnative species of vegetation that are adaptable to the climatic conditions of the coastal region of the Pacific Northwest.~~

18.20.825 Ordinary high water ~~mark~~line.

"Ordinary high water ~~mark~~line (OHWL)" is defined by WAC 77.55.011(16) and means the mark ~~found~~on the shores of all water (e.g. lakes and streams) that will be found by examining the bed and banks ~~of a stream, lake, pond water~~ and ascertaining where the presence and action of waters are so common and usual, and so long continued ~~maintained~~ in ordinary years as to mark upon the soil or vegetation a ~~vegetative~~ character distinct from ~~that of~~ the abutting upland. ~~In an~~ Provided, that in any area where the ordinary high water ~~mark~~ line cannot be found, the ~~line of mean high water in areas adjoining freshwater is the "~~ordinary high water ~~mark~~line.~~"~~ adjoining saltwater is the line of mean higher high water and "ordinary high water line" adjoining freshwater is the elevation of the mean annual flood. ~~In an area where neither can be found, the top of the channel bank is the "ordinary high water mark." In braided channels and alluvial fans, the ordinary high water mark or line of mean high water includes the entire water or stream feature.~~

~~**18.20.895 Plant associations of infrequent occurrence.**~~

~~"Plant associations of infrequent occurrence" means one or more plant species of a landform type which does not often occur in City of Covington because of the rarity of the habitat and/or the species involved or for other botanical or environmental reasons.~~

~~**18.20.897 Plant factor.**~~

~~"Plant factor" means a factor which when multiplied by reference evapotranspiration, estimates the amount of water used by plants.~~

~~**18.20.905 Private storm water management facility.**~~

~~"Private storm water management facility" means a surface water control structure installed by a project proponent to retain, detain or otherwise limit runoff from an individual or group of developed sites specifically served by such structure.~~

~~**18.20.972 Reference evapotranspiration (Eto).**~~

~~"Reference evapotranspiration (Eto)" means a standard measurement of environmental parameters which affect the water use of plants.~~

18.20.1045 Seismic hazard areas.
"Seismic hazard areas" means those areas in City of Covington subject to severe risk of earthquake damage as a result of ground movement, ground displacement, or soil liquefaction in areas underlain by cohesionless soils of low density and usually in association with a shallow ground water table or of other seismically induced settlement.

18.20.1331 Tree, hazard.
"Tree, hazard" means any tree, as determined by a certified arborist, with a structural defect, combination of defects or disease resulting in structural defect that, under the normal range of environmental conditions at the site, will result in the loss of a major structural component of that tree in a manner that will:
(1) Damage a residential structure or accessory structure, place of employment or public assembly or approved parking for a residential structure or accessory structure or place of employment or public assembly;
(2) Damage an approved road or utility facility; or
(3) Prevent emergency access in the case of medical hardship.

~~**18.20.1332 Trough subsidence.**~~
~~"Trough subsidence" means a readily predictable or historically observed surface depression phenomena caused by coal extraction which is generally characterized by a gentle and continuous dish shape which may extend beyond the subsurface area in which coal mining has occurred.~~

~~**18.20.1340 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.~~

~~**18.20.1390 Wet meadow, grazed or tilled.**~~
~~"Wet meadow, grazed or tilled" means an emergent wetland that has grasses, sedges, rushes or other herbaceous vegetation as its predominant vegetation and has been previously converted to agricultural activities.~~

~~**18.20.1393 Wetland complex.**~~
~~"Wetland complex" means a grouping of two or more wetlands, not including grazed wet meadows, which meet the following criteria:~~
~~(1) Each wetland included in the complex is within 500 feet of the delineated edge of at least one other wetland in the complex;~~
~~(2) The complex includes at least:~~
~~(a) One wetland classified Category I or II;~~
~~(b) Three wetlands classified Category III; or~~
~~(c) Four wetlands classified Category IV;~~
~~(3) The area between each wetland and at least one other wetland in the complex is predominately vegetated with shrubs and trees; and~~
~~(4) There are not any barriers to migration or dispersal of amphibian, reptile or mammal species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing or feeding.~~

18.20.1394 Wetland creation.
"Wetland creation" means, for purposes of wetland mitigation, the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Wetland creation results in a gain in wetland acres. Activities to create a wetland typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils and support the growth of hydrophytic plant species. ~~Wetland creation results in a gain in wetland acres.~~

18.20.1395 Wetland ~~edge~~ delineation.
"Wetland delineation~~edge~~" means identifying the line delineating the outer edge of a wetland, ~~consistent~~ in accordance with the approved federal wetland delineation manual and applicable regional supplement. ~~required by RCW 36.70A.175~~.

18.20.1397 Wetland enhancement.
"Wetland enhancement" means the manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify or improve specific functions or to change the growth state or composition of the vegetation present. Wetland enhancement results in a change in some wetland functions and may lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Wetland enhancement activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods or some combination of these. ~~Wetland enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres.~~

18.20.1410 Wetland, isolated.

"Wetland, isolated" means a wetland ~~which has a total size less than 2,500 square feet excluding buffers or, if within the urban area is less than 5,000 square feet excluding buffers,~~ which is hydrologically isolated from other aquatic resources, as determined by the United States Army Corps of Engineers (USACE). Isolated wetlands may perform important functions and are protected by state law (RCW 90.48) whether or not they are protected by federal law. ~~or streams does not have permanent open water, and is determined to be of low function.~~

18.20.1415 Wetland.

"Wetland" means ~~an~~ areas that ~~is not an aquatic area and that is~~ are inundated or saturated by ~~ground or~~ surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support~~s~~, a prevalence of vegetation typically adapted for life in saturated soil conditions ~~or purposes of this definition:~~

~~(1) Where the vegetation has been removed or substantially altered, "wetland" is determined by the presence or evidence of hydric soil, by other documentation such as aerial photographs of the previous existence of wetland vegetation or by any other manner authorized in the wetland delineation manual required by RCW 36.70A.175; and~~

~~(2) Except for~~Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial ~~features~~ wetlands intentionally ~~made for the purpose of mitigation, "wetland" does not include an artificial feature made~~ created from ~~a~~ nonwetland ~~area, which may include,~~ sites, including but ~~is~~ not limited to~~,~~:

~~(a) A surface water conveyance for~~ irrigation and drainage ditches, ~~or irrigation;~~

~~(b) A~~ grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those ~~;~~

~~(c) A canal;~~

~~(d) A flow control facility;~~

~~(e) A wastewater treatment facility;~~

~~(f) A farm pond;~~

~~(g) A wetpond;~~

~~(h) Landscape amenities; or~~

~~(i) A~~ wetlands created after July 1, 1990, that were~~as~~ unintentionally created~~made~~ as a result of construction of a road, street or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversions of wetlands.

18.20.1415.1 Wetland of High Conservation Value.

"Wetland of High Conservation Value" means a wetland that has been identified by scientists from the Washington Natural Heritage Program (WHNHP) as an important ecosystem for maintaining plant diversity in Washington State.

18.20.1416 Wetland reestablishment.

"Wetland reestablishment" means, for purposes of wetland mitigation, the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres [and functions]. Activities ~~to reestablish a wetland~~could include removing fill ~~material~~, plugging ditches, or breaking drain tiles. ~~Wetland reestablishment results in a gain in wetland acres.~~

18.20.1417 Wetland rehabilitation.

"Wetland rehabilitation" means, for purposes of wetland mitigation, the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions (and processes) of a degraded wetland. ~~of a degraded wetland. Activities to rehabilitate a wetland include breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.~~ Wetland rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities to rehabilitate a wetland could include breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

18.20.1423 Wildlife habitat conservation area.

"Wildlife habitat conservation area" means an area designated by ~~for a species whose habitat~~ the City of ~~Covington or King County Comprehensive Plan requires the City or County~~ to protect habitat of wildlife species proposed or listed by the Federal government or the State of Washington as endangered, threatened, sensitive, or a priority. ~~that includes an active breeding site and the area surrounding the breeding site that is necessary to protect breeding activity.~~

18.20.1424 Wildlife habitat network.

"Wildlife habitat network" means ~~the official~~ a designated wildlife habitat network defined and mapped ~~in the~~ by King County ~~Comprehensive Plan~~ or as designated by the City that links wildlife habitat with critical areas, critical area buffers, priority habitats, trails, parks, open space and other areas to provide for wildlife movement and alleviate habitat fragmentation.

~~**18.20.1425 Wildlife shelter.**~~
~~"Wildlife shelter" means a facility for the temporary housing of sick, wounded or displaced wildlife.~~

18.25.090 Resource land uses.

…
B. Development Conditions.
(1) May be further subject to Chapter 16.05 CMC, Shoreline ~~Management Plan~~Master Program.

~~**18.35.260 Wildlife habitat corridors – Applicability.**~~
~~Habitat corridors shall be set aside and protected along any designated wildlife habitat network adopted by the comprehensive plan as follows:~~
~~(1) Wildlife habitat corridors shall apply to the following development activities on parcels which include a portion of a designated wildlife habitat corridor:~~
~~(a) All urban planned developments, fully contained communities, subdivisions, short subdivisions and binding site plans;~~
~~(b) All building permits on individual lots created prior to adoption of this code.~~
~~(2) Habitat corridors shall be identified and protected in one of the following ways:~~
~~(a) Urban planned developments, binding site plans, subdivisions and short subdivisions shall either place the corridor in a contiguous permanent open space tract with all developable lots sited on the remaining portion of the project site, or shall design the lots so that conservation easements on individual lots can form a contiguous easement covering the corridor;~~
~~(b) Individual lots shall place the corridor in a conservation easement.~~
~~(3) All tracts or conservation easements shall be configured to meet the design standards in CMC 18.35.270.~~
~~**18.35.270 Wildlife habitat corridors – Design standards.**~~
~~Corridor design shall be reviewed by the Department for consistency with the following standards:~~
~~(1) The wildlife habitat corridor shall be sited on the property in order to meet the following conditions:~~
~~(a) Forms one contiguous tract that enters and exits the property at the points the designated wildlife habitat network crosses the property boundary;~~
~~(b) Maintains a width, wherever possible, of 300 feet. The network width shall not be less than 150 feet wide at any point; and~~
~~(c) Be contiguous with and may include sensitive area tracts and their buffers.~~
~~(2) When feasible, the wildlife habitat corridor shall be sited on the property in order to meet the following conditions:~~
~~(a) Connect isolated sensitive areas or habitat; and~~
~~(b) Connect with wildlife habitat corridors, open space tracts or wooded areas on adjacent properties, if present.~~
~~(3) The wildlife corridor tract shall be permanently marked consistent with the methods contained in CMC 18.65.160. Conservation easements are exempt from the permanent marking requirement.~~
~~(4) A management plan for the wildlife corridor contained within a tract or tracts shall be prepared which specifies the permissible extent of recreation, forestry or other uses compatible with preserving and enhancing the wildlife habitat value of the tract or tracts. The management plan shall be reviewed and approved by the Department. The approved management plan for an urban planned development or subdivision shall be contained within and recorded with the covenants, conditions and restrictions (CCRs). If the wildlife corridor is contained in a conservation easement, a management plan is not required, but may be submitted to the Department for review and approval, and recorded with the conservation easement.~~
~~(5) Clearing within the wildlife corridor contained in a tract or tracts shall be limited to that allowed by the management plan. No clearing shall be allowed within a wildlife corridor contained within a conservation easement on individual lots, unless the property owner has an approved management plan.~~
~~(6) A homeowners' association or other entity capable of long-term maintenance and operation shall be established to monitor and assure compliance with the management plan.~~
~~(7) Wildlife corridors set aside in tracts or conservation easements shall meet the provisions of this code.~~
~~(8) The permanent open space tract containing the wildlife corridor may be credited toward the recreation space requirement of CMC 18.35.150, provided the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife corridor tract shall be clearly identified in the management plan.~~
~~(9) At the discretion of the Director, these standards may be waived or reduced for public facilities such as schools, fire stations, parks, and public road projects.~~

18.45.060 Permits and permit requirements.

Unless exempted under CMC 18.45.050, any person engaged in removal of trees or tree clearing in the City shall first obtain either a minor tree removal permit or major tree clearing permit as outlined below and shall meet the prescribed tree preservation or tree enhancement requirements. If any future development or construction is anticipated, such permits shall be reviewed and issued in conjunction with any required land use permit, engineering design permit, site development permit, binding site plan, subdivision, or building permit. A separate permit shall be required for each individual site on which the tree removal or land clearing is proposed. Individual tree removal or tree clearing permits may be applied for, reviewed, and issued according to this section as a separate, freestanding permit, if no development or construction is currently anticipated.

....

(8) Additional Permit Restrictions or Requirements.

(a) Bald Eagle and Other Federal and State Requirements. All entities must comply with all applicable federal and state laws, rules and regulations, including, without limitation, the Endangered Species Act, the Bald Eagle Protection Act, and the Migratory Bird Treaty Act, as now existing or hereinafter adopted or amended.

(b) Reporting Requirements for Removal of Hazard Tree(s). Emergency removal of hazard tree(s), as defined, without a permit, and as allowed in this title, shall be reported to the City within 10 days of removal on a form provided by the Director.

(c) Permits and Written Reports for Public Utilities Pruning or Removal of Trees. Pruning for above ground utility facilities and lines are allowed, but such utilities and/or its contractors shall submit a written statement to the City, in lieu of a permit, prior to tree pruning, indicating that no trees will be removed during pruning, and that any tree pruning will not cause significant structural defect to the trees. If trees are to be removed, the minor tree removal permit procedures shall apply, but replanting with appropriate trees for ROW or utility easement locations shall be required of the public utility, unless the Director determines in writing such replanting is inappropriate.

(d) Critical Areas and Shoreline Jurisdiction Exceptions and Limitations. Provisions of this chapter shall not apply to any critical area or critical area buffers, or any shoreline jurisdiction. Any removal or clearing of trees, ground cover, or other vegetation for these areas shall be governed by Chapters 16.05 and 18.65 CMC, and must comply with all limitations and restrictions for alterations of critical areas and critical area buffers in CMC 18.65.~~050 through 18.65.070~~ and shoreline jurisdiction areas in Chapter 16.05 CMC, as now existing or hereinafter adopted or amended.

(e) Permits Required for Removal of Trees in Tree Tracts, Tree Conservation Easements or as Part of Tree Enhancement Plans. Any trees required as part of any tree tract, tree conservation easement or tree enhancement plan under provisions of this chapter shall remain permanently unless a minor tree removal permit or major tree clearing permit under this section is obtained and replacement trees are planted in accordance with standards of this chapter.

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; Chapter 14.60 CMC, clearing and grading; Chapter 15.20 CMC, Fire Code; Chapter 16.10 CMC, State Environmental Policy Act; CMC Title 18, Zoning; Chapter 16.05 CMC, Shoreline ~~Management Plan~~Master Program; administrative rules; City tree ordinance; City approved utility plans; and compliance with Chapter 18.31 CMC.

18.125.030 Variance.

(1) Variance Authority. The Hearing Examiner shall have the authority to grant a variance from the terms of this title. The Hearing Examiner may impose conditions or restrictions on an existing or proposed use or structure in order to ensure that a requested variance will conform to the required findings below.

(2) Required Findings. The Hearing Examiner shall not grant a variance from the development standards of this title unless the Hearing Examiner finds that the variance request meets all of the following criteria and the Hearing Examiner makes written findings to that effect:

(a) The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;

(b) The variance is necessary because of the unique size, shape, topography, or location of the subject property;

(c) The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;

(d) The variance does not create health and safety hazards, is not materially detrimental to the public welfare or is not unduly injurious to property or improvements in the vicinity;

(e) The variance does not relieve an applicant from any of the procedural provisions of this title;
(f) The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;
(g) The variance does not relieve an applicant from conditions established during prior permit review or from provisions enacted pursuant to Chapter 18.100 CMC, Property-Specific Development Standards/Special District Overlays;
(h) The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;
(i) The variance does not allow the creation of lots or densities that exceed the base residential density for the zone by more than 10 percent;
(j) The variance is the minimum necessary to grant relief to the applicant;
(k) The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;
(l) The variance does not relieve an applicant from any provisions of Chapter 18.65 CMC, Critical Areas, except for the required critical area buffer widths and building setbacks set forth in CMC 18.65~~.200, 18.65.280, 18.65.310, 18.65.320, or 18.65.360~~; and
(m) The variance is not eligible for wireless communication facilities that are governed under Chapter 18.70 CMC, Wireless Communication Facilities.

(3) Granting of a Use Variance Is Not Authorized. The Hearing Examiner shall not grant a variance which establishes a use otherwise prohibited within a zoning district.
(4) Applications for variances under this section shall require payment of an application fee to cover the costs of review. Such fees shall be set forth in the current fee resolution.

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Memo

To: **Planning Commission**

From: **Richard Hart, Community Development Director**

CC: **Salina Lyons, Principal Planner; Brian Bykonen, Associate Planner**

Date: **June 1, 2017**

Re: **Discussion of Upcoming Sign Code Amendments**

At the June 1, 2017 Planning Commission Meeting, city staff will update the commission on the upcoming sign code amendments. On June 15, the Planning commission is scheduled to hold an Open House for public outreach, education, and information seeking public questions and input. The Community Development Department staff will then make appropriate adjustments to the interim sign code in preparation for a commission public hearing in July, 2017.

City staff has prepared a power point to share with the Planning commission which outlines and highlights the major point and provisions of the interim sign code currently in place until November, 2017. The city staff hopes to complete the process of this major update to our sign code regulations to comply with the recent US Supreme Court decision in *Reed v. Town of Gilbert,* issued in 2015.

We have also included the complete copy of the interim sign code for your review as well.

Thanks.

PROPOSED INTERIM SIGN CODE v.5

CHAPTER 18.55
SIGNS

PART I: GENERAL PROVISIONS

18.55.010 Intent and purpose.

(1) Intent. Signs have a strong visual impact on the character and quality of the community. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone for the community. Because the City relies upon its physical setting and beauty to attract commerce, aesthetic considerations assume economic value. It is the intent of the City, through this chapter, to protect and enhance both the City's residential character and its economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the City to limit the size, type, and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety.

(2) Purpose. The purpose of this chapter is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. This chapter has also been adopted to:

(a) Promote and accomplish the goals, policies, and objectives of the City's comprehensive plan and Zoning Code, and the city council's vision, mission, and goals statement;

(b) Provide minimum standards in order to safeguard life, health, property, and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location, and maintenance of signs and sign structures and discouraging excessive numbers of signs;

(c) Recognize free speech rights by regulating signs in a content-neutral manner;

(d) Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by or which may be fully or partially attributable to cluttered, distracting, and/or

illegible signage;

(e) Promote a positive visual image of the City and protect the beauty of the City's built environment by encouraging signs that are compatible with the architectural style, characteristics, and scale of the building to which they may be attached; appropriate to the size of the subject property and amount of street frontage adjacent to the subject property; and compatible with adjacent buildings and businesses;

(f) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the City's streetscape;

(g) Provide consistent sign design standards;

(h) Protect and encourage creative and innovative approaches to signage and signs that are of a quality design, pleasing in appearance, and are appropriate in size, materials, and illumination to the surrounding neighborhood or commercial district;

(i) Provide an improved visual environment for the citizens of and visitors to the City;

(j) Adopt clear, understandable regulations which will assure equal protection and fair treatment under the law through consistent application of the regulations and consistent enforcement of this chapter;

(k) Balance both public and private business needs with the specific objectives of creating a community with an unmatched quality of life and strong focus on economic well-being, aesthetics, community and family, the environment, and public infrastructure;

(l) Support and enhance the economic well-being of all businesses within the City and, in particular, recognize the needs of all businesses to identify their premises and advertise their products and services;

(m) Recognize that the aesthetic value of the total environment affects economic values and that an unrestricted proliferation of signs can and does detract from the economic value of the community; and

(n) Prohibit the use of billboard signs by recognizing that billboards affect the aesthetic value of the community, thereby reducing property values, and impact traffic safety because of the distraction that is created by large signage along public rights-of-way.

18.55.020 Applicability and exclusions.

(1) Applicability. This chapter applies to all signs within the jurisdictional limits of the City that are visible from any right-of-way or public place, regardless of the type or nature.

(2) Exclusions. The following are exempted from the regulations and requirements of this chapter, but may be subject to regulation under other portions of the CMC:

(a) Signs that are not visible from any public right-of-way, public place, or another property.

(b) Signs inside a building; however, signs inside windows are not exempt.

(c) Signs required by local, state, or federal law if the sign is no more than thirty-two square feet (32 sq. ft.) in area or is painted directly on pavement. Such signs include, but are not limited to, building addresses, development review or construction review public notices, and commercial parking facility posting.

(d) Signs installed by the City, county, state, or federal governmental agency for the protection of the public health, safety, and general welfare, including, but not limited to, the following:

(i) Emergency and warning signs necessary for public safety or civil defense;

(ii) Traffic and/or wayfinding signs erected and maintained by an authorized public agency;

(iii) Signs required to be displayed by law;

(iv) Signs showing the location of public facilities; and

(v) Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety, and general welfare.

(e) Any sign on a vehicle, unless such vehicle is regularly parked in any prominently visible location from public right-of-way or other public space for the primary purpose of attracting public attention to the sign, which is prohibited pursuant to CMC 18.55.050.

(f) Public art, as defined by CMC 18.55.040.

18.55.030 Interpretation.

(a) This chapter is not intended to, and shall not be interpreted to, restrict speech based on its content, viewpoint, or message.

(b) Any classification of signs in this chapter which purports to permit speech because of the type of sign or identity of the sign user, or otherwise, shall be interpreted to allow either commercial or non-commercial speech on the sign.

(c) No part of this chapter shall be construed to favor commercial speech over non-commercial speech.

18.55.040 Definitions.

The following words, terms, and phrases, when used in this chapter shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word, term, or phrase used in this chapter that is not defined in this section shall have the meaning ascribed to it in Chapter 18.20 CMC. Any word, term, or phrase used in this chapter that is not defined in this section or Chapter 18.20 CMC shall have their normal dictionary meaning:

(1) "Abandoned sign" means any sign remaining in place after such sign has not been maintained, or if the activity conducted on the subject property ceases, for one hundred and eighty (180) or more consecutive days.

(2) "Administrator" means the City Manager or his/her designee.

(3) "Animated sign" means any sign, or any portion of the sign, affected by the movement of air or other atmospheric or mechanical means, or uses natural or artificial changes of lighting, to depict action or create a special effect or scene. Animated signs include, but are not limited to, pennants, streamers, balloons, search lights, spinners, and propellers. Changeable copy signs and electronic changeable copy signs are not considered animated signs for the purposes of this chapter.

(4) "Awning or canopy sign" means a nonelectric sign that is printed on, painted on, or attached to the vertical surface or flap of an awning or canopy.

(5) "Banner" means a sign composed of flexible material, such as fabric, pliable plastic or other similar non-rigid material, with no enclosing framework or electrical components and that is supported or anchored on two (2) or more edges or at all four (4) corners, or along either one (1) edge or two (2) corners with weights installed that reduce the reaction of the sign to wind.

(6) "Building-mounted signs" means any sign attached to the face of a building, including, without limitation, wall signs, marquee signs, under canopy signs, and projecting signs.

(7) "Canopy sign." See "awning or canopy sign."

(8) "Changeable copy sign" means a sign with copy that can be changed or altered by manual, electric, electromechanical, or electronic means and without changing or altering the sign frame, sign supports, or electrical parts. A sign on which the copy changes more than eight (8) times in a twenty-four (24) hour period shall be considered an electronic changeable copy sign, and not a changeable copy sign, for the purposes of this chapter.

(9) "Copy" means the graphic content of a sign surface, including, but not limited to, graphics, letters, numbers, figures, symbols, and trademarks.

(10) “Electric sign” means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

(11) “Electronic changeable copy sign” means an electronically activated sign with copy that is changed, either in whole or in part, more than eight (8) times in a twenty-four (24) hour period by means of electronic programming.

(12) “Exposed building face” means the building exterior wall of a single occupant building or the building exterior wall of an individual tenant’s leased space in a multi-tenant complex, viewed as a vertical plane between the finished grade and the ridge of a pitched roof above it (e.g. top of parapet, etc.). This vertical plane will be used to calculate the sign area for building-mounted signs. In the case of an interior business without a separate exterior entrance, the exposed building face will be the vertical plane of the entrance wall measured between the floor and ceiling. As an option, for those businesses having oblique walls, the exposed building face is that area between the finish grade and the ridge or top of parapet that is shown on the elevation drawing submitted with the required drawings for a building permit.

(13) “Facade” means the entire building face, including the parapet.

(14) “Flag” means any piece of cloth of individual size, color, and design, hoisted on a pole permanent affixed to the ground or displayed via a pole bracket permanently affixed to a building. If any single dimension of a flag is more than three times (3x) greater than any other single dimension, for the purposes of this chapter such flag is classified and regulated as a banner, regardless of how it is anchored or supported.

(15) “Flashing sign” means an electric sign or any portion of an electric sign that changes light intensity in sudden transitory bursts, or switches on and off in a constant pattern (e.g. strobe lights). Changeable copy signs and electronic changeable copy signs are not considered flashing signs for the purposes of this chapter.

(16) “Freestanding sign” means a sign on a frame, pole, or other support structure that is not attached to any building.

(17) “Frontage, building” means the length of an outside building wall.

(18) “Frontage, property” means the length of the property line along the public right-of-way on which it borders.

(19) “Graffiti” means an inscription of symbols, works, or pictures by painting, spray painting, or other means of defacing public or private property.

(20) “Government sign” means any temporary or permanent sign erected and maintained by the City or any special purpose district, school district, county, state, or federal government or agency, including, without limitation, traffic signs, directional signs, warning signs, informational signs, and signs displaying

a public service message.

(21) “Height” means the vertical distance measured from the highest point of the sign to either the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

(22) “Illuminated sign” means a sign with an artificial light source incorporated internally or externally for illuminating the sign.

(23) “Inflatable sign” means any object enlarged or inflated which floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without copy or other graphic. These signs include large single displays or a display of smaller inflatable items, such as balloons, connected in some fashion to create a larger display.

(24) “Kiosk” means a freestanding sign, which may have a round shape or which may have two (2) or more faces.

(25) “Lawn sign” means a freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.

(26) “Maintenance” means the cleaning, painting, and minor repair of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

(27) “Marquee sign” means any sign attached to or supported by a marquee, which is a permanent roof-like projecting structure attached to a building.

(28) “Monument sign (ground sign)” means a freestanding sign having the appearance of a solid base of landscape construction materials such as brick, stucco, stonework, textured wood, tile, or textured concrete that are harmonious with the materials of the primary structure on the subject property.

(29) “Multi-tenant complex” means a complex containing two (2) or more uses or businesses.

(30) “Neon (outline tubing) sign” means a sign consisting of glass tubing, filled with neon gas, or other similar gas, which glows when electric current is sent through it.

(31) “Nonconforming sign” means any sign that was constructed, erected, and maintained in conformance with all King County or City of Covington rules and regulations in effect at the time of establishment and no longer conforms to the rules and regulations of this chapter.

(32) “Person” means any individual, corporation, association, firm, partnership, or other legal entity.

(33) “Pedestal sign” means freestanding signs supported permanently upon the ground by one or more solid bases, which base or bases shall be of a width equal to or greater than fifty percent (50%) of the sign width.

(34) “Pole or pylon signs” means freestanding signs supported permanently upon the ground by poles or braces and not attached to any building.

(35) “Portable sign” means a sign that is not permanently affixed and is designed for or capable of being moved, except those signs explicitly designed for people to carry on their persons or that are permanently affixed to motor vehicles. Portable signs include, but are not limited to, A-frame signs, portable reader boards, and similar signs.

(36) “Projecting sign” means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

(37) “Public art” means original artwork which is accessible to the public and/or public employees and has been approved as public art by the City.

(38) “Right-of-way” means land owned, dedicated, or conveyed to the public and used primarily for the movement of vehicles, wheelchair, and pedestrian traffic; and land privately owned and used primarily for the movement of vehicles, wheelchair, and pedestrian traffic, so long as such privately owned land has been constructed in compliance with all applicable laws and standards for a public right-of-way.

(39) “Roadway” means the portion of a street that is improved for motor vehicular or bicycle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

(40) “Roof sign” means any sign erected above the eaves or on the roof of a building or structure.

(41) “Rotating sign” means a sign that revolves on a fixed axis.

(42) “Sign” means any medium, including structural and component parts, that is used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. The scope of the term ‘sign’ does not depend on the content of the message or image conveyed.

(43) “Sign area” means the entire area of a sign on which copy is placed, excluding the sign’s structure, architectural embellishments, and framework. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign face containing the copy; provided, however, that separated copy using a canopy, awning, or wall as the background and is without added decoration or change in the canopy, awning, or wall shall have a sign area calculated by measuring the

perimeter enclosing separate copy and totaling the square footage of all such perimeters included as part of the sign.

(44) "Sign face" means the area of a sign on which the copy is placed.

(45) "Temporary sign" means a sign placed on a structure or the ground for a specifically limited period of time as provided in CMC 18.55.140 – 200.

(46) "Tenant space" means a portion of a structure occupied by a single commercial lease holder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

(47) "Vacant lot" means any parcel of land that is without a primary use or structure.

(48) "Wall sign" means either a sign applied with paint or similar substance on the surface of a wall or a sign with no copy on the sides or edges and attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building.

(49) "Window signs" mean all signs located inside and affixed to a window and intended to be viewed from the exterior of the structure.

PART II: ADMINISTRATION

18.55.050 Prohibited signs.

Unless otherwise provided for in this chapter, no person shall erect, alter, maintain, or relocate any of the following signs in the City and such existing signs must be removed:

(1) Animated signs. Any animated sign as defined in CMC 18.55.040, except as permitted under CMC 18.55.140 - .200.

(2) Flashing signs. Any flashing sign as defined in CMC 18.55.040, except as permitted under CMC 18.55.140 - .200.

(3) Inflatable signs. Any inflatable sign as defined in CMC 18.55.040, except as permitted under CMC 18.55.140 - .200.

(4) Rotating signs. Any rotating sign as defined in CMC 18.55.040, except as permitted under CMC 18.55.140 - .200.

(5) Nuisance signs. Any signs which emits smoke, visible particles, odors, and/or sound, except that speakers in signs on the premises of a drive-through facility shall be allowed.

(6) Hazardous signs. Any sign that is dangerous or confusing to motorists and pedestrians on the public right-of-way, including any sign which by its color, wording, design, location, or illumination resembles or conflicts with any official traffic control device or which otherwise impedes the safe and efficient flow of traffic.

(7) Impediment to access. No sign may impede free ingress and egress from any door, window, or exit way required by building and fire regulations.

(8) Permanent signs on vacant lots. No permanent sign shall be located on a vacant lot, parcel, or easement. No permanent sign shall be located on a lot, parcel, or easement as the principal use of that lot, parcel, or easement. Signs may only be established as an accessory use to a principally permitted use.

(9) Certain portable signs. Portable signs on wheels (trailer signs) and outdoor electric portable signs.

(10) Abandoned signs. Abandoned signs as defined by CMC 18.55.040.

(11) Certain locations within ROW and public property. Signs on or within medians, roundabouts, utility poles, lampposts, traffic poles and signals, and street trees in the right-of-way or on or within other public property or structures, except as allowed pursuant to CMC 18.55.190.

(12) Certain parked vehicles. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by this chapter.

(13) Signs without proper permit. Signs erected, constructed, or structurally altered that are required to have a permit for such action and that were erected, constructed, or altered without obtaining a permit for such action.

18.55.060 Sign permits—Exemptions.

The following signs, and activities relating to signs, are exempt from the permitting requirements of this chapter:

(1) Changes to the face or copy of changeable copy signs, digital signs, and electronic copy signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.

(2) The normal repair and maintenance of conforming or legal nonconforming signs.

(3) Temporary signs meeting the requirements in this chapter, except for those required to be permitted pursuant to CMC 18.55.070.

(4) Any signs required to be posted pursuant to the Covington Municipal Code or any other local, state, or federal regulation.

(5) Any sign on a vehicle, unless such vehicle sign is prohibited pursuant to CMC 18.55.050.

18.55.070 Sign permits—Temporary signs on commercial properties.

(1) Permit Required. No person shall erect, alter, or relocate any temporary sign allowed on a commercial property without first receiving an approved temporary sign permit from the City pursuant to the requirements herein.

(2) Review Type. The review and approval of temporary sign permits is a Type I land use decision that shall be processed pursuant to Chapter 14.30 CMC, as amended.

(3) Application. Applications for temporary sign permits shall be submitted to the City on forms provided by the City.

(4) Fee. The applicable permit application fee, pursuant to the City's current fee schedule in effect at the time of application, shall be paid upon submission of each temporary sign permit application.

18.55.080 Reserved.

18.55.090 Sign permits—Permanent signs.

(1) Permit Required. Except as provided for under CMC 18.55.060, no person shall erect, alter, or relocate any permanent sign without first receiving an approved sign permit from the City pursuant to the requirements herein.

(2) Review Type. The review and approval of permanent sign permits is a Type ~~I~~II land use decision that shall be processed pursuant to Chapter 14.30 CMC, as amended.

(3) Application Requirements. A complete permit application for permanent signs shall consist of the following:

(a) Application form. A completed permanent sign permit application shall be submitted on a form provided by the City. If the applicant is not the property owner, then the property owner must be identified and the application must include an affidavit from the property owner, verifying that the property owner has given permission to the applicant for the submission of the sign permit application and for the installation/posting of the sign on the property owner's property.

(b) Building elevation/site plan. Signs proposed to be mounted on a building require a building elevation drawn to scale that specifies the location of the sign and drawings or photographs that show the scale of the sign in context with the building. Freestanding signs require a site plan indicating the proposed sign location as it relates to property lines, adjacent streets, and adjacent buildings.

(c) Scaled design drawing. A colored rendering or scaled drawing, including dimensions of all sign faces, and descriptions of materials to be used, including color samples.

(d) Scaled installation drawing. A scaled drawing that includes the sign description, proposed materials, size, weight, manner of construction, and method of attachment, including all hardware necessary for proper sign installation.

(e) Lighting. A drawing indicating the location and fixture type of all exterior lighting for the proposed sign. The drawing shall specify wattage and bulb type to ensure compatibility with the lighting standards in this chapter.

(f) Fees. The applicable permit application fee, pursuant to the City's current fee resolution in effect at the time of application, shall be paid upon submission of the sign permit.

(4) Criteria for Approval**.** Sign permit applications shall be reviewed by the Community Development Director for consistency with the standards in this chapter, according to the sign type and all other applicable regulations. A sign permit shall not be issued unless the Director makes findings that the criteria applicable to each sign type, as well as the general standards in this chapter, are satisfied. Sign permit applications shall be reviewed by the Building Official for consistency with the Building Code.

(5) Notice of Final Decision. The Director shall issue a Notice of Decision incorporating the decision on the sign permit application not more than one hundred and twenty (120) days after issuance of the Determination of Completeness for the same application.

(6) Expiration of Permit**.** A permanent sign approved under a permanent sign permit must be installed within one hundred and eighty days (180) days of issuance of the permit or the permanent sign permit will expire. No sign may be erected if a sign permit has expired.

18.55.100 Sign variances.

(1) Approval Required. A variance may be granted from the strict application of the regulations in this chapter which apply to:

(a) sign placement on a parcel or building frontage;

(b) sign area; or

(c) sign height, as regulated in this chapter.

A variance may not be granted to allow any prohibited signs or prohibited sign features, as included in CMC 18.55.050, or for any other purpose not listed in this subsection (1).

(2) Review Type. Sign variances under this section shall be processed as a Type II land use decision pursuant to the procedures as set forth in Chapter 14.30 CMC, as amended.

(3) Need for Sign Permit; Consolidation of Processing. A sign variance application may be submitted before or concurrent with the associated sign permit application. No sign permit application requiring a variance for issuance will be processed without a sign variance application.

(4) Application Requirements. A complete sign variance application shall consist of the following:

(a) Application form. A completed sign variance application on a form provided by the City. If the applicant is not the property owner, then the property owner must be identified and the application must include an affidavit from the property owner verifying that the property owner has given permission to the applicant for the submission of the sign variance application and for

the installation/posting of the sign on the property owner's property.

(b) Sign Permit Application. A sign permit application pursuant to CMC 18.55.090; provided, that the applicant may submit a variance application without a sign permit application as provided in subsection (2) above.

(c) A narrative report which describes the requested variance in detail. The report shall identify all sections of this chapter from which the applicant is requesting a variance, as well as the nature and extent of the variance.

(d) The narrative report shall also include the applicant's description of the manner in which the sign variance satisfies all the variance criteria in subsection (5) below.

(e) Fees. The applicable permit application fee, pursuant to the City's current fee schedule in effect at the time of application, shall be paid upon submission of the variance application.

(5) Criteria for Approval. To approve any sign variance, the Director must make written findings to show that all of the following criteria have been met:

(a) The request for a sign variance is due to unusual conditions pertaining to sign visibility needs for a specific building or lot; and

(b) The sign will not create a hazard; and

(c) The sign will not violate any state statute or any City Code provision (other than the provisions identified in this chapter relating to signs); and

(d) The sign will not negatively affect adjacent property; and

(e) The sign will be in keeping with the general character of the surrounding area and the granting of the variance would not result in an alteration of the essential character of the surrounding area; and

(f) The proposed variance is consistent with the purposes and intent of the Zoning Code and the purposes of this chapter; and

(g) The variance is consistent with the City's comprehensive plan; and

(h) The applicant has established that there are practical difficulties in complying with the provision(s) of this chapter and that the proposed sign is a reasonable use of the property (economic considerations alone do not constitute practical difficulties); and

(i) The plight of the applicant is due to circumstances unique to the property, which were not created by the applicant or landowner; and

(j) The variance will not permit any sign or use that is not allowed in the zoning district where the affected land is located, nor will it allow any sign or sign feature prohibited under CMC 18.55.050.

(6) Notice of Final Decision. The Director shall issue a Notice of Decision incorporating the decision on the variance application not more than one hundred and twenty (120) days after issuance of the Determination of Complete Application.

(7) Expiration of Variance. If the sign variance is approved, the sign identified in the variance must be installed within one hundred and eighty (180) days or the variance will expire. No sign may be erected if there is no sign permit for the sign, or if the variance or the sign permit has expired.

18.55.110 Maintenance; removal.

(1) Maintenance Required.

(a) It is unlawful for any owner of record, lessor, lessee, manager, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain any signs on the building, structure, or parcel in compliance with this chapter and any other applicable provisions of the Covington Municipal Code. Failure to maintain a sign constitutes a violation of this chapter and shall be subject to enforcement under the enforcement provisions of this chapter.

(b) All signs, whether or not in existence prior to adoption of this chapter, shall be maintained and kept in good repair and in a safe condition at all times. Maintenance of a sign shall include, but is not limited to, periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation, if required, and the provisions of this chapter.

(2) Removal.

(a) Every person maintaining a sign must, upon vacating the premises where a sign is maintained, remove or cause to be removed said sign within one hundred and eighty (180) days from the date of vacating the premises. When the Director determines that said sign has not been removed within said period, the Director shall remedy and enforce said violation in accordance with the enforcement provisions of this chapter.

(b) Any vacant and/or unused sign support structures, angle irons, sign poles, or other remnants of old signs which are currently not in use, or are not proposed for immediate reuse by a sign permit application for a permitted sign, shall be removed.

(c) In addition to the remedies in Chapter 1.30 CMC, the Director shall have the authority to require the repair, maintenance, or removal of any sign or sign structure which has become dilapidated or represents a hazard to the safety, health, or welfare of the public, at the cost of the sign and/or property owner.

(d) Any sign posted in violation of this chapter on public property or on public rights-of-way shall be subject to summary removal by the City.

(e) Any person responsible for any sign posting made in violation of this chapter shall be liable to the City for the costs incurred by the City in removal thereof and, in event of failure to pay, for billing and collection charges, including interest and reasonable attorneys' fees.

18.55.120 Nonconforming signs.

(1) Legally Nonconforming. Except as otherwise provided in this section, signs in existence on the effective date of the ordinance codified in this chapter but which were constructed, erected, or maintained in full compliance with previous regulations will be regarded as legal and nonconforming.

(2) Compliance Required. Signs in existence on the effective date of the ordinance codified in this chapter that do not comply with provisions regulating any signs prohibited pursuant to CMC 18.55.050 shall be immediately made to comply with the provisions of this chapter or be abated in accordance with the procedure established in Chapter 1.30 CMC.

(3) Sign Face Change. A sign face or copy change on a nonconforming sign is not allowed when the affected property and sign structure have been abandoned pursuant to CMC 18.55.040.

(4) Repair; Restoration. Any part of a sign or sign structure may be repaired as normal maintenance, or restored to a safe condition, without loss of legal nonconforming status. Damage from acts of nature or vandalism to a nonconforming sign will keep its nonconforming status if the cost of the repair is less than fifty percent (50%) of the cost of replacing the nonconforming sign with a conforming sign; provided that the replacement sign must be restored to the original design or a more conforming design.

(5) Alterations; Relocation; Replacement. Except for as provided herein, any legally nonconforming sign that is structurally altered, relocated, or replaced must immediately be brought into compliance with all applicable provisions of this chapter.

(6) Expansion or Change of Use. Any legally nonconforming sign on non-residential property must be brought into conformance with all applicable provisions of this chapter prior to any expansion or

change in use which requires a site review or conditional use permit. No building permits for new construction may be issued until compliance with this provision is assured.

(7) Hazardous signs. Any legally nonconforming sign or sign structure on private property, which, as a consequence, is a hazard to life and property, or which by its condition or location presents an immediate and serious danger to the public, must be removed or otherwise brought into compliance with this chapter pursuant to the enforcement provisions of this chapter.

(8) Variances. Variances may be granted using the variance procedure of this chapter to alleviate unusual hardships or extraordinary circumstances which exist in bringing nonconforming signs into conformity.

18.55.130 Compliance and enforcement.

(1) Compliance with Other Codes. All signs erected or altered under this chapter must comply with all applicable federal, state, and local regulations relating to signs, including, without limitation, the provisions of this chapter and the International Building Code. If any provision of this chapter is found to conflict with any Code provision of the City, or any other federal, state, or local regulation, the provision that establishes the more restrictive standard shall prevail.

(2) Inspection. The Director is empowered to enter or inspect any building, structure, or premises in the City upon which any sign is located for inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this chapter. Such inspections shall be carried out during business hours, unless an emergency exists.

(3) Bond. The City may require a bond to ensure compliance with any aspect of this chapter.

(4) Violation – Penalty.

(a) It is a violation of this chapter for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any sign or sign structure in the City, or cause or permit the same to be done, contrary to the provisions of this chapter.

(b) Each day any person allows a violation of this chapter to continue shall be considered a separate offense.

(c) Whenever the City has determined that a violation of this chapter has occurred or is occurring, the City shall remedy said violation as follows:

(i) The first violation of this chapter within a 12-month period shall be a civil infraction punishable by a monetary penalty in the amount of $100.00, not including statutory assessments;

(ii) The second violation of this chapter within a 12-month period shall be a civil infraction punishable by a monetary penalty in the amount of $200.00, not including statutory

assessments;

(iii) The third or any successive violation of this chapter within a 12-month period shall be a misdemeanor, punishable by up to a $1,000 fine and/or imprisonment for up to ninety (90) days.

(d) Any sign or sign structure that is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, or maintained in violation of this chapter is declared to be a public nuisance.

(e) All signs abated by the City shall be available for recovery by the owner of said sign for a period of fourteen (14) calendar days and upon payment of the costs of removal and storage, if any, after which time the sign will be destroyed. The City shall not be responsible for damages or loss incurred during removal and/or storage of any sign.

(5) Additional Remedies. In addition to the other remedies provided by this chapter, the City may abate said public nuisance or seek any other equitable relief authorized by the Chapter 1.30 CMC and the laws and regulations of the State of Washington.

(6) Joint and Several Liability. The property owner(s) and each tenant or occupant shall be jointly and severally liable for violations of and penalties imposed pursuant to this chapter.

PART III: REGULATIONS FOR TEMPORARY SIGNS

18.55.140 Temporary signs—General regulations.

The following provisions apply to all temporary signs placed within the City:

(1) Sign placement. All temporary signs must be placed totally within the site / property pursuant to the requirements of this chapter, except when allowed to extend into the right-of-way by this chapter.

(2) Materials; construction. Temporary signs may be made of any durable material, provided that the temporary sign otherwise conforms to the requirements of this chapter. A temporary sign may be of rigid or non-rigid construction.

(3) Features.

(a) Lighted signs. Temporary signs that have either internal or external illumination shall not be displayed from the hours of 11 p.m. to 8 a.m.

(b) Audio. Sound generated by any temporary sign shall be regulated and enforced pursuant to the City's noise control provisions under Chapter 8.20 CMC.

(4) Prohibited placement. In addition to the limitations on the placement of temporary signs within the public right-of-way pursuant to CMC 18.55.180, except as otherwise provided for in this chapter, temporary signs are prohibited from being located in the following places:

(a) No temporary sign may be placed on a roof of a building or structure.

(b) No temporary sign may be placed on fences.

(c) No temporary sign shall be so located to physically obstruct any door or exit from a building.

(d) No temporary sign shall be located to be hazardous to a motorist's or pedestrian's ingress and egress from buildings or parking areas.

(e) No temporary sign shall be in the sight-distance triangle pursuant to the City's Design and Construction Standards adopted pursuant to Chapter 12.60 CMC, or in any other area which

may obstruct the vision of motorists to create a safety hazard.

(f) Temporary signs shall not be placed within the required setback area from the property line, which shall be not less than five feet (5 ft.) from the property line in residential zones and not less than three feet (3 ft.) from the property line in all other zones. The distance between a sign and a property line shall be measured along a straight line representing the shortest distance between the sign and the property line.

18.55.150 Temporary signs—Residential properties.

Except as otherwise provided for in this chapter, temporary signs on residential properties are allowed pursuant to the following regulations:

(1) Non-commercial. All temporary signs on residential properties shall only display non-commercial copy.

(2) Sign types; construction; materials. There is no restriction on the type of temporary sign (i.e. the sign construction or materials used) allowed on residential properties, if all other regulations and provisions of this chapter are met.

(3) Quantity. There is no restriction on the number of temporary signs allowed on residential properties.

(4) Size.

(a) Temporary freestanding signs. No temporary freestanding sign shall be greater than twelve (12) square feet in size, with no sign face exceeding six (6) square feet.

(b) Building-mounted signs. Building-mounted temporary signs attached flush to the face of the building:

(i) shall not have a maximum height, provided that no sign shall extend beyond the roofline of the building; and

(ii) in aggregate (i.e. the total of all building-mounted temporary signs) shall not cover more than twenty percent (20%) of the building's facade.

(c) Window signs. Temporary signs placed on the inside of windows shall, in aggregate, not exceed fifty percent (50%) of the area of the window on which they are displayed.

(d) The size requirements of this section shall not apply to a flag(s) placed on a permanent flagpole or bracket.

(5) Temporary signs in parking strip. Temporary signs may be placed in the parking strip or landscaped or unimproved right-of-way directly adjacent to a residential property pursuant to the following:

(a) No more than three (3) temporary signs are allowed. For residential properties actively for sale or lease, one (1) of the three (3) temporary signs may be a commercial sign;

(b) No temporary sign may be greater than four feet (4 ft.) in height; and

(c) The approval of the property owner of said adjacent property must be given.

18.55.160 Temporary signs—Mixed use properties.

(1) Residential uses. Residential uses on mixed-use properties shall be subject to the temporary sign regulations pursuant to CMC 18.55.150.

(2) Commercial uses. Commercial uses on mixed-use properties shall be subject to the temporary sign regulations pursuant to CMC 18.55.180.

18.55.170 Temporary signs—Institutional properties.

Except as otherwise provided for in this chapter, temporary signs on institutional properties are allowed pursuant to the following regulations:

(1) Non-commercial. All temporary signs on institutional properties shall display only non-commercial copy.

(2) Sign types; construction; materials. There is no restriction on the type of temporary sign (i.e. the sign construction or materials used) allowed on institutional properties, if all other regulations and provisions of this chapter are met.

(3) Quantity.

(a) Banners. One (1) temporary banner sign is allowed per each five hundred feet (500 ft.) of street frontage, not to exceed four (4) banners per property. Temporary banners may be placed on fences on the property.

(b) All other temporary signs. There is no restriction on the number of all other temporary signs allowed on institutional properties.

(4) Size.

(a) Banners. Banners shall not be greater than five feet (5 ft.) in height, unless attached to the face of the primary structure on the property, in which case there is no maximum height restriction so long as the banner does not extend above the roofline of the building. Any banner shall not

be larger than a total of thirty-two square feet (32 sq. ft.) in size.

(b) All other temporary signs displayed on an institutional property shall each not be greater than three feet (3 ft.) in height and shall not be greater than six square feet (6 sq. ft.) in size.

(c) Window signs. Temporary signs placed on windows shall, in aggregate, not exceed fifty percent (50%) of the area of the window on which they are displayed.

(d) The size requirements of this section shall not apply to a flag(s) placed on a permanent flagpole or bracket.

18.55.180 Temporary signs—Commercial properties.

Except as otherwise provided for in this chapter, all temporary signs placed on commercial properties shall conform to the following provisions:

(1) Permit Required. All temporary signs placed on commercial properties must be permitted by the City pursuant to CMC 18.55.070.

(2) Commercial and non-commercial signs. Temporary signs on commercial properties may be commercial or non-commercial in their messaging.

(3) Features**.**

(a) No temporary sign on a commercial property may have direct or internal illumination.

(b) Changing image sign features and electronic elements are prohibited.

(4) Banners. Temporary banner signs on commercial properties shall be limited to the following:

(a) Quantity.

(i) One (1) temporary banner sign is allowed per tenant space on the property.

(ii) The property owner (or landlord), if not also a tenant, may be allowed one (1) temporary banner sign.

(b) Size. The maximum size of a banner shall be thirty-two square feet (32 sq. ft.).

(c) Placement. A banner shall be attached to the face of the building and may not extend above the roofline.

(d) Duration. Each tenant space, or the property owner pursuant to subsection (4)(a)(ii) above shall be allowed to display a temporary banner for no more than a total of one hundred and twenty (120) days in a calendar year.

(5) Portable signs.

(a) Quantity. One (1) temporary portable sign is allowed per tenant space on the property.

(b) Size. The sign shall be no more than eight square feet (8 sq. ft.) in size. Only one side of a portable sign will be counted. No single sign face shall be greater than four feet (4 ft.) in height.

(c) Placement. Portable signs must be placed entirely on private property and directly adjacent to the tenant space for which the portable sign permit was issued.

(d) Duration. Portable signs may be placed from dawn to dusk, 365 days a year.

(6) Window signs.

(a) Temporary signs placed on the inside of windows shall, in aggregate, not exceed fifty percent (50%) of the area of the window on which they are displayed.

(b) A permit is not required for temporary interior window signs.

(7) Temporary freestanding sign. Where a commercial property, either in whole or in part, is actively listed for sale or lease, one (1) additional temporary freestanding sign for each street frontage on the site is allowed pursuant to the following:

(a) The sign shall be no more than thirty-two square feet (32 sq. ft.) in area. Temporary freestanding signs may have an additional face up to thirty-two square feet (32 sq. ft.) in size if the angle between the sign faces is less than ninety (90) degrees;

(b) The sign must be placed totally on private property; and

(c) The permit for such a temporary sign shall expire, and the sign must be immediately removed, upon the deactivation, sale, or lease of any listed property or tenant space.

18.55.190 Temporary signs—ROW and public spaces.

(1) Right-of-way. Except as prohibited pursuant to POMC 18.55.050, temporary signs may be placed in the right-of-way if they meet all the following standards:

(a) Non-Commercial Copy. All temporary signs in public right-of-way shall only display non-commercial copy.

~~(a)~~(b) Only temporary lawn signs are allowed;

~~(b)~~(c) The sign must be placed entirely outside of the roadway;

~~(c)~~(d) The sign must not be placed in medians, traffic islands, roundabouts, or other areas within the roadway;

~~(d)~~(e) The sign must not obstruct pedestrian or wheelchair access to the sidewalk;

~~(e)~~(f) The sign must not be placed in parking spaces, pedestrian pathways, or bicycle paths;

~~(f)~~(g) The sign must be placed entirely outside of the sight-distance-triangle of a right-of-way corner, curb-cut, or drive entrance pursuant to the City's Design and Construction Standards adopted under Chapter 12.60 CMC. Where no curb exists, the sign must be placed outside the roadway at least five feet (5 ft.) from the edge of the roadway.

~~(g)~~(h) The sign shall be no larger than six square feet (6 sq. ft.) in size with no sign face taller than three feet (3 ft.); and

~~(h)~~(i) The sign must remain portable and may not be attached or anchored in any way to trees or to public property including, but not limited to, utility or light poles, parking meters, fences, or pavement.

(2) Public spaces. Temporary signs shall not be placed in any public park, trail, open space, or other public space, except for those signs placed by the City. All temporary signs in public spaces shall only display non-commercial copy.

18.55.200 Temporary signs—Other properties.

Properties with primary uses other than those regulated under CMC 18.55.150 (Residential properties), 18.55.170 (Institutional properties); 18.55.180 (Commercial properties), or 18.55.190 (ROW) shall be subject to the temporary sign regulations in CMC 18.55.180 (Commercial properties).

PART IV: PERMANENT SIGNS—REGULATIONS

18.55.205 Permanent signs—Applicability of regulations.

Sections 18.55.210 to 18.55.230 of this chapter shall apply to all permanent signs within the City.

18.55.210 Permanent signs—Structural components.

To the maximum extent possible, signs should be constructed and installed so that angle irons, guy wires, braces, and other structural elements are not visible. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.

18.55.220 Permanent signs—Placement.

(1) Obstructing and hazardous placement prohibited. No sign shall be so located to physically obstruct any door or exit from a building. No sign shall be located to be hazardous to a motorist's or pedestrian's ingress and egress from buildings or parking areas.

(2) Sight distance triangle. No sign shall be in the triangular area(s) measured 15 feet by 15 feet where a driveway enters onto a street, or in any other area which may obstruct the vision of motorists to create a safety hazard. Additionally, all signs are subject to the current City of Covington Design and Construction Standards regarding sight distances, pursuant to CMC 12.60, as amended.

(3) Sign Setback Requirements**.** The required setback from the property lines for all signs shall be not less than five (5) feet from the property line in residential zones and not less than three (3) feet from the property line in all other zones.

(4) Setback and Distance Measurements. The following guidelines shall be used to determine compliance with setback and distance measurements:

(a) The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.

(b) The distance between a sign and a property line shall be measured along a straight line representing the shortest distance between the sign and the property line.

18.55.230 Permanent signs—Design criteria.

(1) Sign Base. The base of the sign must be done in landscape construction materials such as brick, stucco, stonework, textured wood, tile, or textured concrete, or materials that are harmonious with the character of the primary structures on the property and subject to the Director's approval. No visible gap shall be allowed between the sign base and the finished grade.

(2) Sign Face. The color, shape, material, and other architectural details of the sign face must be consistent with the character of the primary structure.

(3) Landscaping around freestanding signs. To improve overall appearance of the sign and to reduce the risk of motor vehicles hitting the sign or supports of the sign, an area adjacent to the base of each freestanding sign must be landscaped equal to the sign area; provided, however, that the City will not require more than 200 square feet of landscaped area. This landscaping must include vegetation and may include other materials and components such as brick or concrete bases as evidenced in plazas, patios and other pedestrian areas, planter boxes, pole covers, or decorative framing.

(4) Illumination. No sign may contain or utilize any of the following (does not apply to neon signage):

(a) Any exposed incandescent lamp with wattage more than 25 watts.

(b) Any exposed incandescent lamp with an internal or external reflector.

(c) Any continuous or sequential flashing device or operation.

(d) Except for electronic changeable copy signs, any incandescent lamp inside an internally lighted sign.

(e) External light sources directed towards or shining on vehicular or pedestrian traffic or on a street.

(f) Internally lighted signs using 800-milliamp or larger ballasts if the lamps are spaced closer than twelve (12) inches on center.

(g) Internally lighted signs using 425-milliamp or larger ballasts if the lamps are spaced closer than six (6) inches on center.

(5) Design consistency. Where more than one sign is allowed for a property, all signs for that property shall be consistent in design, style, color, and method of illumination.

18.55.240 Permanent signs—Residential properties.

(1) Generally. No sign permit shall be issued for any permanent sign in a residential zone unless such sign complies with the sign type, maximum number, maximum sign area, maximum height, location, duration, and all other allowances and limitations for those uses as required by this chapter.

(2) Properties issued a business license. On residential properties for which the City has issued a valid City business license for home occupation or home industry, one (1) permanent sign is allowed pursuant to the following:

(a) The sign must be a wall sign placed on the façade of the primary structure; the sign may be of a commercial or non-commercial nature.

(b) The maximum sign size shall not be greater than four (4) square feet in size.

(c) Where a sign placed on the building's façade cannot be seen from a public street due to the distance the building is setback from the street, the Director may approve an alternative sign size, type, or location.

(d) The sign shall not cover or obscure important architectural details of a building, such as stair railings, windows, doors, decorative louvers, or similar elements, intended to be decorative features of a building design.

(e) The sign must appear to be a secondary feature of the building façade.

(f) The sign shall not project above the roofline of the exposed building face to which it is attached.

(g) The sign shall be installed to appear flush-mounted.

(h) Illumination is not allowed.

18.55.250 Permanent signs—Town Center.

Permanent sign construction and design standards in Chapter 18.31 CMC for the Town Center (TC) zoning district shall be applied to all permanent signs within the Town Center zone. Where any other standards in this chapter may conflict with Chapter 18.31 CMC, the standards contained in Chapter 18.31 CMC shall control.

18.55.260 Permanent signs—Nonresidential properties—Freestanding signs.

Except as provided for in CMC 18.55.250, all nonresidential properties shall be designated as either qualifying for a high profile, medium profile, or low profile freestanding sign based upon the following criteria:

(1) Freestanding signs—High profile.

(a) A commercial property meeting all the following criteria is allowed a high-profile freestanding sign:

(i) A zoning designation of GC (General Commercial) or MC (Mixed Commercial);

(ii) A minimum of 250 feet of frontage on one public right-of-way;

(iii) Multi-use complex; and

(iv) A minimum site of fifteen (15) acres.

(b) Sign Types. The following sign types are allowed for freestanding high-profile signs:

(i) Pedestal signs;

(ii) Monument signs; and

(iii) Kiosks.

(c) Sign Features. The following sign features are allowed for freestanding high-profile signs:

(i) Any high-profile sign may be an electrical sign, an illuminated sign, and/or a neon sign.

(ii) The sign features for pedestal or monument sign may include electronic changeable copy signs and/or changeable copy signs.

(d) Sign Height. A freestanding high-profile sign shall not exceed the following maximum heights:

(i) Pedestal or monument signs: Twelve feet (12 ft.)

(ii) Kiosk sign: Six feet (6 ft.), unless the sign is set back a minimum of fifty feet (50 ft.) from any public right-of-way, in which case it may be ten feet (10 ft.).

(e) Sign Area. A freestanding high profile sign shall not exceed the following maximum sign areas:

(i) Pedestal or monument signs: 160 square feet for the total of all sign faces with no one face exceeding 80 square feet.

(ii) Kiosk signs: 15 square feet per sign face.

(f) Number of Signs. A property qualifying for a freestanding high profile sign may have the following maximum number of signs:

(i) Pedestal or monument signs: one sign unless the property has an additional 500 feet of street frontage for a total of 750 feet of aggregate frontage on any public right-of-way,

in which case the property will be allowed one additional high profile sign, not to exceed a maximum of two such signs per property. In addition, two monument signs are allowed per entrance from a public right-of-way, not to exceed five feet (5 ft.) in height; and

(ii) Kiosk signs: one sign per property frontage.

(2) Freestanding signs—Medium profile.

(a) Criteria. Except as provided for in CMC 18.55.250, a property that does not qualify for a freestanding high profile sign pursuant to Subsection (1) of this section or is zoned I (industrial), M (mineral), MHO (Mixed Housing/Office), or some other zoning designation other than those identified in Subsection (1) above is allowed a medium profile freestanding sign.

(b) Sign Type. The following sign types are allowed for a freestanding medium profile sign:

(i) Pedestal signs; and

(ii) Monument signs.

(c) Sign Features. The following sign features are allowed for freestanding high-profile signs:

(i) Any medium profile sign may be an electrical sign, an illuminated sign, and/or a neon sign.

(ii) The sign features for pedestal or monument sign may include electronic changeable copy and/or changeable copy signs.

(b) Sign Height.

(i) The height of a freestanding medium profile sign shall be calculated at the rate of 0.75 feet of sign height for every ten (10) lineal feet of frontage on a public right-of-way; provided, however, that sign height shall be calculated at the rate of one and one-half feet in height for every ten (10) lineal feet of frontage on a public right-of-way for any multi-tenant complex.

(ii) Sign height shall not exceed twelve (12) feet and every applicant is entitled to a minimum height of five (5) feet.

(b) Sign Area.

(i) For any multi-tenant complex, sign area will be calculated at the rate of two (2) square feet per lineal foot of building frontage on a public right-of-way not to exceed a maximum sign area of 128 square feet for the total of all sign faces on each permitted

sign with no one sign face exceeding 64 square feet.

(ii) For all other uses, sign area allowed for medium profile signs shall be calculated at the rate of one (1) square foot per lineal foot of frontage on a public right-of-way not to exceed a maximum sign area of 80 square feet for the total of all sign faces on each permitted sign with no one sign face exceeding 40 square feet.

(iii) Notwithstanding the foregoing sign area calculations, every applicant is entitled to a minimum sign area of 50 square feet for the total of all sign faces with no one sign face exceeding 25 square feet.

(b) Number of Signs. A property qualifying for a freestanding medium profile sign may have the following maximum number of signs:

(i) Pedestal or monument sign: one per street frontage.

(ii) Kiosk sign: one per property frontage.

(2) Freestanding signs—Low profile.

(a) Criteria. A property located in the NC (Neighborhood Commercial) or CC (Community Commercial) zones is allowed a low-profile freestanding sign.

(b) Sign Type. The following sign types are allowed for a freestanding low profile sign:

(i) Pedestal signs; and

(ii) Monument signs.

(c) Sign Features. Any freestanding low profile sign may be an electrical sign, an illuminated sign, and/or a neon sign.

(d) Sign Height. A freestanding low profile sign shall not exceed the following maximum heights:

(i) Pedestal or monument signs: five (5) feet.

(ii) Kiosks: six (6) feet unless the sign is set back a minimum of 50 feet from any public right-of-way, in which case it may be ten (10) feet.

(e) Sign Area.

(i) Pedestal or monument signs: sign area allowed for a low-profile sign shall be calculated at the rate of one (1) square foot per lineal foot of building frontage on a public right-of-way; provided, however, that a low-profile sign shall not exceed a maximum sign area of

80 square feet for the total of all sign faces on each permitted sign with no one sign face exceeding 40 square feet.

(ii) Every applicant is entitled to a minimum sign area of 50 square feet for the total of all sign faces with no one sign face exceeding 25 square feet.

(f) Number of Signs. A property qualifying for a low-profile sign may have the following maximum number of signs:

(i) Pedestal or monument signs: one sign per frontage on a public right-of-way.

(3) Combined sign package for adjacent property owners. The owners of two or more properties that abut or are separated only by a vehicular access easement or tract may propose a combined sign package to the City. The City will review and decide upon a combined sign package by reviewing the proposal as if the combined parcels were one development. The City may approve the combined sign package if it will provide more coordinated, effective, and efficient signs. The allowable sign area, sign type, sign height, and number of signs will be determined as if the applicants were one multi-tenant complex.

18.55.270 Permanent signs—Nonresidential properties—Building-mounted signs.

Except as provided for in CMC 18.55.260, all nonresidential properties shall be allowed permanent building-mounted signs pursuant to the following criteria:

(1) Sign Types. The following may be building-mounted signs and are allowed in all nonresidential zoning districts:

(a) Awning or canopy signs;

(b) Changeable copy signs;

(c) Electronic changeable copy signs;

(d) Marquee signs;

(e) Window signs;

(f) Projecting signs; and

(g) Wall-mounted signs.

(2) Sign Features. Any building-mounted sign may be an electrical sign, an illuminated sign, and/or a neon sign.

(3) Sign Height. No sign shall project above the roofline of the exposed building face to which it is attached.

(4) Sign Area. Except as otherwise provided for in this section, the total sign area of building-mounted signs for each business or tenant, excluding under canopy signs, shall not exceed fifteen (15) percent of the exposed building face to which it is attached; provided, however, that no individual sign shall exceed a sign area of 240 square feet and every applicant is entitled to a minimum sign area of 30 square feet.

(5) Number of Signs.

(a) The number of building-mounted signs allowed each user is dependent on upon the surface are of the largest single exposed building face of the building as follows:

Largest Exposed Building Face	Maximum Number of Signs
Less than 999 square feet	2
1,000 – 2,999 square feet	3
3,000 – 3,999 square feet	4
4,000 and over square feet	5

(b) Primary uses with more than one business (i.e., grocery store with a banking facility, cleaner, etc.), which must obtain a business license and without a separate entrance, are allowed one sign for each different business in addition to the number allowed above. The area of such additional signage must not exceed fifteen (15) percent of the exterior wall of the separate business.

(c) An applicant is not allowed to transfer sign area calculated pursuant to this section from one building face to another but can move allotted signs from one building face to another.

(d) Each business or use may be allowed under canopy signs in addition to the other allowed building-mounted signs subject to the size and separation requirements set forth in CMC Title 18.

(6) Window signs.

(a) Permanent window signs in buildings with nonresidential uses are limited to painted or vinyl cut-out materials, or a neon signs constructed with or without a solid or opaque background.

(b) Permanent signs with solid backgrounds are not allowed in windows to ensure maximum light and visibility through windows.

Covington Sign Code Amendments

- **Purpose: Balance Both Public & Private Interests**
- **Objectives Include:**
  - **Maintain City Council's Vision**
  - **Provide for Economic Well-Being of Community**
  - **Maintain a Balance of Sign Aesthetics**

Compliance with Supreme Court Decision

- *Reed v. Town of Gilbert* in June, 2015
- Required "Content Neutrality" of Sign Message
- Must Recognize Free Speech Rights
- Allowed City Regulation of Time, Place, & Manner (Size, Height, and Number of Signs)

Additional Provisions of Intent & Purpose

- Commercial & Non-Commercial Messages Can be Regulated Differently
- Minimum Standards for Life, Health, Traffic, and Public Safety
- Control Design, Quality of Materials, & Illumination
- Enhance the Appearance of City's Streetscape

Exemptions from Provisions of New Sign Code

- Signs Not Visible from Public ROW
- Any Form of Public Art
- Signs Required by Local, State, & Federal Law
- Government Signs for Protection of Health & Safety

Prohibited Signs

- Animated, Rotating, & Inflatable Signs
- Hazardous & Flashing Signs
- Portable Signs on Wheels
- Abandoned Signs & Permanent Signs on Vacant Lots

Signs Exempted from Permits

- Changes to Face or Copy of Sign Message
- Normal Repair & Maintenance of Sign
- Most Temporary Signs
- Signs on Vehicles

Temporary Signs on Residential Properties

- Shall Only Display Non-Commercial Messages
- Allows Commercial Message for Home Occupations and Real Estate For Sale of Lease Signs
- No Restriction on Number of Signs
- Shall be Less Than 12 sq. ft. in Area, 6 sq. ft. Per Side
- Shall Not Cover More Than 20% of Building Façade or Exceed 50% of Window Area

Temporary Signs on Commercial Properties

- May have Commercial or Non-Commercial Messages
- Changing Images or Electronic Elements are Prohibited
- One Banner per Tenant Space up to 32 sq. ft., But No Longer Than 120 Days in Calendar Year
- One Portable A-Frame Sign Allowed, 4 sq. ft. Per Side
- Portable Signs Only Allowed Dawn to Dusk

Temporary Signs on Commercial Properties

- **Window Signs Shall Not Exceed 50% of Window Area**
- **One Temporary Freestanding Sign Allowed Per Street Frontage, up to 32 sq. ft., But Only on Private Property**
- **Temporary Signs Require a Permit to Regulate the 120-Day Time Period**

Temporary Signs in Public ROW

- Must be Behind the Curb or 5 ft. From a Roadway With no Curb
- Not Allowed in Medians, Roundabouts, or Traffic Islands
- Must Not Obstruct Pedestrian Access
- Must be Outside of Sight-Distance Triangles at Corners, Curb-cuts, or Driveways

Temporary Signs in Public ROW

- Signs Limited to 6 sq. ft. in Area
- Signs Limited to 3 Feet in Height
- Signs May Not Be Attached to Any Tree, Utility Pole, Fence, or Public Building

Temporary Signs in Public Spaces

- **Temporary Signs Not Allowed in Public Parks, Trails, Open Spaces, or Other Public Space, Except Those Signs Placed by the City**

Permanent Signs

- Either High, Medium, or Low Profile Classification
- Signs Shall be Monument Style, Not Pole Signs
- Signs Shall Meet Design Criteria for Materials, Color, Shape & Architectural Detail
- Must Have Landscaping Surrounding the Base

High Profile Permanent Signs

- Maximum Height of 12 ft. and 160 sq. ft. in Area
- One Sign Unless Street Frontage is at Least 750 ft.
- Also Allows Kiosk Sign for Additional Businesses
- Kiosk Signs 6 ft. High, & 15 sq. ft. in Area

Medium & Low Profile Signs

- Restrictions Slightly Less Than High Profile Signs
- Varies from 5 ft. to 12 ft. in Height
- Area Reduced to Maximum 128 sq. ft., Not 160 sq. ft.

Building Mounted Permanent Signs

- May Use Marquee, Awning, Canopy, Wall-Mounted, Window, or Projecting Signs
- Shall Not Project Above Roofline of Building
- Area Limited to 15% of Exposed Building Face
- Number of Signs Varies from 2 to 5 depending Upon Total Building Face Area

Non-Conforming Signs

- Legally Non-Conforming Signs May Continue Until Modified, Enlarged, or Relocated
- Any Prohibited Signs under the New Code Shall Be Removed
- Any Damaged Sign Needing Repair May Be Repaired up to 50% of the Cost of Replacement

Memo

To: City of Covington Planning Commission
From: Salina Lyons, Principal Planner
CC: Richard Hart, Community Development Director
Ann Mueller, Senior Planner
Krista Bates, Permit/Planning Technician
Captain Larry Rabel, Puget Sound RFA

Date: June 1, 2017
Re: **Proposed Fire Impact Fees**

Since 2013 the City Council has directed Community Development to adopt a Fire Impact Fee program in accordance with the Puget Sound (formally Kent) Regional Fire Authority (RFA) in accordance with their adopted Capital Facilities Plan.

City Fire Department- Puget Sound Regional Fire Authority
The Puget Sound RFA provides services to Kent, Covington, SeaTac and unincorporated areas of King County within King County Fire District 37. Their service district is 60 miles with a total population of approximately 177,390 people. *(2016 OFM)* The city has an existing Interlocal Agreement (ILA) with the RFA to provide Fire Marshal Services, Inspection and Plan Review Services; and Fire Investigative Services. *(Contract No. 1418-15)*

As part of the adoption of the Fire Impact Fee process the city will be entering into a separate Interlocal Agreement with Puget Sound RFA for the collection of fire impact fees. ILAs are reviewed and approved by the City Council so the document will be provided during Council review of this topic.

Impact Fees Overview
State law requires that cities plan for projected growth and have infrastructure in place (within 6 years) to support the growth (RCW 36.70A.070(3)). This requires a long range financial plan that shows how the city will pay for the needed public infrastructure.

To offset the cost of the demands of growth, counties, cities, and towns planning under the Growth Management Act (GMA) are authorized under RCW 82.02.050 - .100 impose impact fees on development. The collection of impact fees is permitted for: Public streets and roads, Publicly owned parks, open space, and recreation facilities, School facilities and Fire protection facilities.

Impact fees are one-time charges assessed by local governments against a new development project to help pay for new or expanded public facilities that will directly address the increased demand created by that development.

Impact fees may only be imposed for "system improvements" - public capital facilities in a local government's capital facilities plan that are designed to provide service to the community at large (not private facilities), are reasonably related to the new development, and will benefit the new development. These fees are calculated to pay for new capacity which is solely attributable to new development, and cannot be used to 'fix' existing problems.

Further State law does not allow cities to charge 100% of the total cost of the capital as an impact fee. It is important to remember that each one of us has added to the growth of our community and that each one of us contributes to the need for streets, parks, open space schools and fire protection. There is a public share of the costs for infrastructure and facilities and that everyone will benefit from them, not just the new residents.

The city currently collects the following impact fees:

Impact Fee Type	**Single Family Rate**	**Multifamily Rate**
Transportation	$4,461 per unit	Range $2,676 - $3,479
School	$5,100 per unit	$2,210 per unit

Fire Impact Fees
The RFA submitted the draft 6-year Capital Improvement Program 2016 -2021, which was adopted by the RFA Governance Board on October 19, 2016, that outlines their capital program **(Attached)**. The costs associated with implementing their program, are used to determine the impact fee.

Fire Impact Fees authorized would be based on the cost of new equipment and stations and related asset preservation costs required to meet the adopted Level of Service (LOS) as Covington continues to grow. The adopted LOS is contained in the RFA's Standard of Cover, which is adopted by reference in the City's Comprehensive Plan and identifies that even though response performance time has improved, the RFA is still not meeting their LOS standard. *(2015-2035 Covington Comprehensive Plan, page CF-4)*

Based on the RFA's Capital program the maximum 2017 impact fees are as follows:

Level Of Service Fee Calculation								
Land Use Type	System wide C&E	Res/Com Split	Usage Factor	ERF Factor	New Dev Share	Projected New Units 2011 - 2030	Type of Unit	Impact & LOS Contribution Fee Amount
Residential								
Single Family	$86,252,690	74%	57%	1	90%	19,068	Living unit	$1,702.12
Multi Family	$86,252,690	74%	43%	1.3	90%	19,068	Living unit	$1,664.46
Commercial								
COMM/IND	$86,252,690	26%	30%	3	80%	14,000,000	Sq Feet	$1.15
HOSP/MED/CIV/SCH/CHUR	$86,252,690	26%	30%	2	80%	14,000,000	Sq Feet	$0.77
ASSISTED CARE	$86,252,690	26%	40%	3	80%	14,000,000	Sq Feet	$1.54

(RFA 6-year Capital Improvement Program 2016 -2021 page 23)

Single Family Residential: $1,702.12/ Unit (A single Family house is one living unit)
Multi Family: $1,66.46 / Unit (Per Unit in a multifamily development)
Commercial developments are based on a fee per square foot calculation.

All Fire Impact Fees are subject to a capacity analysis and it is rare for the full impact fee to be assessed. The average Fire Impact Fee assessed in 2016 and 2017 was 1$,443 for each single-family home and $1,244 for multi-family units permitted since 2014. To-date these fees were collected through a Voluntary Agreement Process and assessed through SEPA bases on adequacy of public services.

If the Fire Impact Fee (which charges just for the new growth) was collected in Covington, it could pay for up to 7.00% of the identified needs discussed in the RFA Capital Facilities Plan. The city of Kent collects impact fees which are anticipated to cover 23.00% of the project costs identified in the RFA Capital facilities Plan. The remining capital costs are to be paid by existing and future residents and businesses located within the RFA service area through existing taxes and fees that fund the RFA's annual operations.

Next Steps
The Planning Commission will be holding a Public Hearing for a recommendation to the city council on July 6, 2017. Captain Larry Rabel of the Puget Sound RFA will be available at the July 6, 2017 public hearing. If the Planning Commission has questions of the staff they will be addressed at July 6, 2017 meeting.

Action

Planning Commission – Discussion Only

Attachments:

1. RFA – Capital Facilities Plan 2016 -2021
2. Draft Impact Fee Code
3. Associated Code Updates

2016 – 2021

6 Year Capital Improvement Update

Kent Regional Fire Authority

Six-Year Capital Facilities & Equipment Plan
2016-2021
Kent Regional Fire Authority

This Plan was prepared and implemented through the collaboration and work of the following

Fire Chief
Jim Schneider

Finance Manager
Margaret Martin
Deputy Chief
John Willits and Brian Wiwel
Division Chief
Mark Jones, Pat Pawlak and Larry Rabel
District Chief
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Sean Smith
City of SeaTac
Erin Sitterley

November 2016

Table of Contents

1 Executive Summary

This Six-Year Capital Facilities Plan (the "Plan") is an update and extension of the Kent Regional Fire Authority (KRFA) 2014 – 2033 Master Capital Facilities and Equipment Plan (CFEP) in compliance with the requirements of Washington's Growth Management Act Chapter 36.70A RCW, City of Kent Code 12.15.060, and Covington's proposed City Code Chapter 19.50 "Fire Impact Fees".

This Plan update uses data available through the first quarter of 2016 to evaluate level of service performance, and the progress toward implementation of the 2014 - 2033 CFEP. The goal of this Plan is to identify the next six years of community growth, determine the need for additional facilities and their cost and prioritize those resource into a 6-year funding plan (2016 – 2021) to ensure adequate service delivery prior to, or concurrently with the impacts of development within the service area.

The underlying premise of this document is that as the community continues to grow, additional resources will be required to adequately serve the growing demand for fire & life safety services. It is assumed that a direct relationship exists between populations within a community and demand for service, which, directly links to a need for resources.

Since adoption and publication of the Master CFEP in 2014, the post-recession economy has continued to recover and community growth is returning to near pre-recession rates. The City of Kent has published an updated Comprehensive Plan that continues a similar land use and community growth pattern. The City of Covington also completed a Comprehensive Plan update in 2015 and has increased their projected growth targets to more closely reflect past market rates but, the combined rate of growth for Covington, Kent, and unincorporated areas of the KRFA response area remain consistent with the projections of the 2014 CFEP. As a result, only minor changes have been made to baseline impact fees in Table 2, which are based upon the updated costs associated with funding the capital resources required to maintain fire service concurrency.

The GMA requires a six-year funding plan and the plan in Table 3 has been balanced through 2021 with a $702,000 surplus using projected revenue. However, the timing of resources funded in this plan have been pushed back in time from the Master 2014 CFEP because of the limits on available capital funding.

Table 1 2017 Fire Impact Fees

Level Of Service Fee Calculation								
Land Use Type	**System wide C&E**	**Res/Com Split**	**Usage Factor**	**ERF Factor**	**New Dev Share**	**Projected New Units 2011 - 2030**	**Type of Unit**	**Impact & LOS Contribution Fee Amount**
Residential								
Single Family	$86,252,690	74%	57%	1	90%	19,068	Living unit	$1,702.12
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ASSISTED CARE	$86,252,690	26%	40%	3	80%	14,000,000	Sq Feet	$1.54

Table 2 Six-Year Funding Plan

6 - Year Cost/Funding Sources for Capital Needs							
Costs in thousands based on 2014 dollars							
Cost/Funding Source	2016	2017	2018	2019	2020	2021	Totals
Expense Sources							
Station Construction & Land Purchase	$50	$55	$1,100	$98	$1,485	$3,103	**$5,891**
Apparatus	$714	$1,331	$1,174	$1,518	$1,645	$1,609	**$7,991**
Equipment	$118	$1,046	$827	$431	$377	$397	**$3,197**
Asset Preservation	$77	$1,003	$488	$312	$142	$183	**$2,205**
I.T. Capital	$153	$792	$207	$115	$195	$202	**$1,664**
72nd Ave S Extension	$120	$120	$120	$120	$120	$120	**$720**
Debt Cost	$0	$0	$0	$0	$0	$0	**$0**
Revenue Sources							
Annual Tax Revenue to Capital	$1,000	$1,890	$1,890	$1,890	$1,890	$1,890	**$10,450**
Taxpayer Bond Funds	$0	$0	$0	$0	$0	$0	**$0**
Sale of Surplus Property	$0	$93	$253	$32	$98	$50	**$526**
Covington Impact/LOS Fees	$250	$252	$255	$255	$255	$255	**$1,522**
Kent Impsct/Los Fees	$630	$610	$900	$900	$900	$900	**$4,840**
Councilmatic Bonds	$0	$0	$0	$0	$0	$0	**$0**
King County Radio Program	$0	$0	$767	$0	$0	$0	**$767**
Decrease in Kent ILA for IT	$0	$25	$75	$130	$130	$130	**$490**
Apparatus Grant	$102	$306	$0	$0	$0	$0	**$408**
Burn Prop Grant	$0	$383	$0	$0	$0	$0	**$383**
SeaTac ILA Capital	$475	$485	$493	$500	$510	$520	**$2,983**
Summary of Revenues less Expenses							
Expense	$1,232	$4,347	$3,915	$2,594	$3,965	$5,613	**$21,667**
Revenue	$2,458	$4,044	$4,633	$3,707	$3,783	$3,745	**$22,369**
Balance	$1,226	$922	$1,640	$2,752	$2,570	$702	**$702**

2 Background and Demographics

The KRFA is an independent special purpose district legally formed under Chapter 52 of the Revised Code of Washington providing fire and rescue services to more than 60 square miles of urban, suburban and rural area. Services provided are delivered 24 hours per day, 365 days per year through career firefighters and support staff. Services delivered by the KRFA include; fire suppression, fire prevention and code enforcement, fire investigations, emergency medical services (EMS), non-emergent medical services, hazardous materials response, specialized rescue services, emergency management services, and public education in fire prevention and life safety.

The current service area includes all of the cities of Covington, Kent, and SeaTac, as well as unincorporated areas of King County within King County Fire District 37. Generally, the KRFA's service area borders Renton and Tukwila to the north, Maple Valley to the east, Auburn to the south and Burien, Des Moines and Federal Way to the west. Current 2016 population of KRFA service area is 177,390.[1]

For purposes of this plan, capital improvements are defined as real estate, structures or collective equipment purchases anticipated to have a cost of $5,000 or more and an expected useful life of at least 3 years.

This update re-establishes the service level standards adopted by the KRFA in its 2014 Standard of Cover (SOC) and evaluates existing and future service capacity. Fire service capacity is evaluated upon the ability of current deployed resources to meet established levels of service. Fire stations and their apparatus are evaluated to determine capacity. A fire station with three apparatus bays and the infrastructure required to support three or more emergency response units, has reserve capacity when only one unit and crew is deployed from that station. Also, a fire resource that meets its level of service objectives and is reliably available for service at least as often as it is expected to meet its level of service objective has reserve capacity. The KRFA's goal is to deliver service at the adopted level of service (LOS) 9 times out of 10 or a service expectation that meets adopted standards 90% of the time.

Fire service capacity is also measured with consideration of future growth and the fire service capacity that future growth will erode when built. The following pages describe:

- The current demographics of the KRFA
- The inventory of existing capital resources
- The capital needs that have been implemented since adoption of the CFEP in 2014
- The recent historical performance to the adopted standards
- The need for additional resources over the next six years
- The funding plan to implement the needed resources through 2021.

[1] Washington State Office of Financial Management April 2015 with estimates of fire district 37's unincorporated area based upon housing counts and 3 persons per dwelling

2.1 SeaTac Service Area

The KRFA provides fire based services to the City of SeaTac through a contract for service that began January 1, 2014. SeaTac's area covers approximately 10 square miles surrounding the Port of Seattle Airport and has a 2016 population of 27,810.

Three fire stations owned by SeaTac are leased and operated by the KRFA under the service contract. All other capital resources previously owned by SeaTac prior to 2014, have been transferred to the ownership of the KRFA. As a condition of the service contract, SeaTac provides an annual capital payment to the KRFA for funding the equipment that was transferred but has retained responsibility for the capital costs of fire stations. Consequently, this plan does not address capital fire station needs in the SeaTac service area.

3 Community Growth and Impacts of Growth 2016 – 2021

In the post-Great Recession years from 2010 to 2016, the KRFA's population grew at its slowest 6-year rate in more than 30 years. Growth from new development during 2010 through 2015 averaged less than ¾ of 1 percent per year. Now in 2016, the Office of Financial Management reports the greatest year over year population growth since 2007 in Washington State resulting in a 1.14% population increase within the KRFA service area.

While growth seemed to be limited during the post-Great Recession years, the rate of emergency service demand over the same 6-year period grew from 15,626 service requests in 2010 to 19,765 (not including the City of SeaTac) in 2015. This is an annual incident growth rate of 3.5%. The total 6-year increase in service demand was 21% with overall population growth of just 4.45%. The cause of this anomalous incident growth is unknown but likely caused from an aging population, increase in work force populations post-recession, and a higher rate of occupancy in existing dwelling units, many of which were foreclosed and vacant for an extended period of time during the recession.

Table 3 Population and Housing Growth Projections without SeaTac[2]

Service Area	2000 Actuals		2011 Actuals		2016 Actuals		2021 Estimates		2035 Estimates	
	Housing Units	Population	Housing Units	Population	Housing Units	Population	Housing Units	Population	Housing Units	Population
Covington	4,203	**13,783**	6,081	**17,575**	6,379	**18,750**	7,304	**21,469**	10,387	**30,531**
Kent	32,488	**79,524**	42,793	**118,200**	46,997	**124,500**	48,730	**129,090**	59,588	**157,908**
King Co	9,950	**27,362**	2,036	**5,598**	2,203	**6,062**	2,406	**6,414**	2,711	**7,226**
Total	46,461	**120,669**	54,078	**141,373**	**55,579**	**149,312**	58,440	**156,973**	72,686	**195,665**

The Puget Sound Regional Council's regional plan "Vision 2040," identifies Kent as both a residential and commercial/industrial growth center. This makes it unlikely that the limited commercial growth of less than one-half of one percent between 2013 and 2015 will continue. While the Amazon fulfillment center built in the Kent Valley was new growth of more than 1 million square feet, the selloff and demolition of buildings previously part of the Boeing Space Center netted almost neutral growth.

The table below provides both a low and high range estimate of commercial growth. Continued growth at the 2013 to 2016 rate is the "Low" estimate for 2021 and 2035, and the "High" estimate more closely relates to market growth prior to the Great Recession. Both of these estimates are dependent upon buildable lands and future market rates.

Table 4 Commercial Growth Rates 2013 & 2016 with estimates for 2021 & 2035

Year	2013	2016	2021	2035
Low / High Commercial Growth in Square Feet	64,415,115	64,995,002	66,734,918 / 72,794,723	70,793,856 / 90,993,003

[2] Figures for 2000 to 2016 are actual counts from the Office of Financial Management, 2021 and 2035 are based upon OFM and Comprehensive Plan estimates of Covington and Kent

3.1 Impacts of Future Growth

Two methods of growth projections have been used in Table 4 to determine the impacts of projected growth through 2035, the first utilizes the projected new units of the Covington and Kent Comprehensive Plans and the second utilizes the incident growth rates from 2010 through 2015 of 3.5% per year. The average of these two methods has been used to predict the future service demand as a result of growth. This method predicts service demand from the 2015 total incident count (excluding the SeaTac area) of 19,226, to an estimated growth of 22% or 23,464 incidents in 2021 and a 64% incident growth rate to 31,532 by 2035.

3.1.1 Growth Remains Consistent with the 2014 – 2033 Master CFEP

The pattern of growth and estimates of future impacts on service demand are consistent with the 2014 Master plan and the resource needs projected in that plan.

Table 5 Incident Growth Projections

Type	2,015	2015 Total Incidents	2015 Incident Rate Per Unit	2021 Low Housing Commercial Unit Count	2021 High Housing Commercial Unit Count	Average Projected Incident Count 2021	2035 Low Housing Commercial Unit Count	2035 High Housing Commercial Unit Count	Average Projected Incident Count 2035
Housing Units	55,579	14,420	0.259	58,440	58,440	15,136	72,686	72,686	18,826
Commercial Space	64,995,002	4,807	0.074	66,734,918	72,794,724	5,159	70,793,856	90,993,003	5,982
Total Incidents 2015 Rates		19,227				20,295			24,808
Total Incidents -3.5% Growth Factor		19,277				26,633			38,256
Average of Both Methods		**19,277**				**23,464**			**31,532**

4 Current Capital Resources

Capital resources for KRFA consist of fire stations, fire apparatus (vehicles used for fire and rescue work), staff vehicles and the related equipment, tools and personal protection equipment needed to safely and legally provide fire and rescue services.

4.1 Influence of Public Protection Class Rating (PPC)

In the early 1900s, major U.S. cities suffered disastrous fires that destroyed billions of dollars' worth of property. In the aftermath, insurance companies realized that they needed advance information on the fire-loss characteristics of individual communities.

Since 1909, the Municipal Inspection and Grading System and its successors have been an important part of the underwriting and rating process for insurers writing personal and commercial fire policies. Washington State's Survey and Rating Bureau (WSRB) service is a direct descendent of the earlier grading systems and is derived from the Insurance Services Office (ISO) rating system. The PPC program gives insurers credible data to help them develop premiums that fairly reflect the risk of loss in a particular location.

WSRB collects information on fire-protection efforts in communities throughout Washington. In each community, WSRB analyzes the relevant data using their rating schedule and then assigns a Public Protection Classification from 1 to 10. Class 1 represents exemplary public protection, and Class 10 indicates that the area's fire-suppression program does not meet WSRB's minimum criteria.

The PPC rating program recognizes the efforts of communities to provide fire-protection services for citizens and property owners. A community's investment in fire mitigation is a proven and reliable predicator of future fire losses. Insurance companies use PPC information to help establish fair premiums for fire insurance, generally offering lower premiums in communities with better protection. It is estimated that property owners in the KRFA service area, save more than $28 million each year in reduced premiums compared to not meeting the ISO/WSRB's minimum criteria.

A community's PPC rating depends on:

- **Emergency Communications Systems**
  A review of the fire alarm/911 system accounts for 10% of the total classification. The review focuses on the community's facilities and support for handling and dispatching fire alarms.
- **Fire operations & deployment**
  A review of the fire department accounts for 40% of the total classification. The focus is on a fire agencies first-alarm response and initial attack to minimize potential loss. Here, WSRB reviews such items as engine companies, ladder or service companies, distribution of fire stations and fire companies, equipment carried on apparatus, pumping capacity, reserve apparatus, department personnel, and training.
- **Fire Safety Control**
  A review of the community having jurisdiction (Covington, Kent, King County SeaTac) ability to adopt and enforce effective building codes makes up 10% of the total PPC scoring. This is based upon the jurisdictions practices to adopt codes, train and staff personnel to enforce these codes and public awareness programs to their adopted building codes. Further evaluation looks at the process in place to review plans of new buildings to ensure structures are code compliant and ongoing inspections of existing buildings for code compliance.
- **Jurisdictional water supply**
  The jurisdictions water-supply system accounts for 40% of the total classification. WSRB reviews the water supply a community uses to determine the adequacy for fire-suppression purposes. They also consider hydrant size, type, and installation, as well as the inspection frequency and condition of fire hydrants.

4.1.1 Limitations of Deployed Resources to Preserve PPC

Because one of the PPC rating criteria is the deployment of resource for fire protection, the KRFA must maintain the fire protection equipment staffing and deployment that supports its current PPC rating. This is why emergency medical services are often provided through firefighters arriving on a fire engine or ladder truck instead of an aid car. The KRFA maintain its fire protection system first, and only then can it expand to deliver emergency medical services (EMS) from less costly aid cars or other service delivery platforms.

The KRFA recognizes the cost savings that could be realized by deploying lighter, cheaper, more maneuverable response vehicles to respond to EMS emergencies but must first maintain the fire equipment that supports the PPC rating which provides more than $28 million annually in decreased insurance costs to the service area. To deploy both types of vehicles, additional staffing is required and currently, the KRFA does not have the funding to accomplish this type of deployment and will continue to maintain its firefighting resources first to preserve or improve PPC ratings.

4.2 Fixed Facilities

4.2.1 Fire Stations

Emergency services originate from eight fire stations located throughout the service area (not including SeaTac) as identified in the Table and map shown below. The average fire station is 27 years old with ages ranging from 8 to 52 years old with the capacity for three emergency response apparatus and is 14,675 square feet in size. Individual stations range in size from just under 8,000 to more than 26,000 square feet where training facilities are included. Currently only stations 71, and 74, maintain more than one front line response apparatus with minimum staffing levels. All stations have some reserve capacity in the form of apparatus bays and dorm rooms. However, to utilize this capacity, additional climate controlled space is required to house reserve apparatus, alternative response vehicles, and equipment that is stored in these spaces now.

4.2.2 Support Facilities

Support facilities include spaces for emergency management functions, a fire-training tower with computerized fire simulators, a training facility, apparatus & vehicle maintenance facilities, a logistics warehouse, and a roadway. An inventory of these facilities is found in Table 4 below.

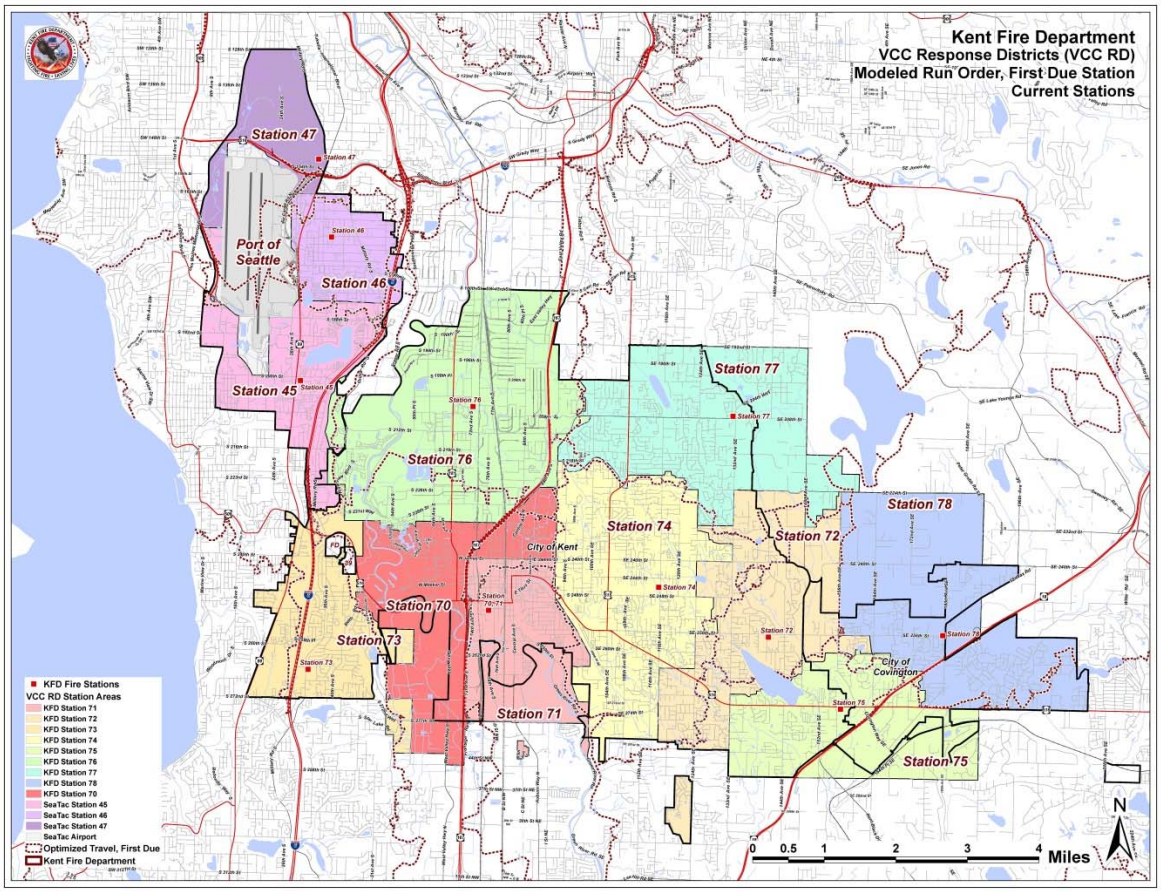
4.2.3 Roadways - 72nd Ave South

72nd Ave S in the Kent valley is currently under construction and is a support facility to the KRFA because previous analysis determined only two ways to resolve level of service deficiencies in the northeast Kent valley. Either build and staff a fire station in that area, or construct a missing link of 72nd Ave S. north of Station 76. Completion of the missing link of 72nd Ave allows responses from station 76 to access the eastbound rail overpass of S. 196th St. and connect with the East Valley Highway. This new route opening in early 2017, will bypass chronic response delays caused by traffic congestion associated with S 212th Street and SR 167 traffic at the East Valley Highway. KRFA's part in completing this section of roadway is the provision of funding $1.2 million of the project's cost through an inter-local agreement with the City of Kent. This one-time cost is less than a single year's cost of wages and benefits for personnel to staff a new fire station. Building the missing link of 72nd Ave S is the most cost effective way to solve the level of service deficiency that growth and increased traffic congestion has created and continues to erode in the northern Kent valley.

Table 6: Fire Station & Support Facility Inventory

Fire Station/Facility	Location	Size	Built	Yrs in Srvc	Acquired	Capacity	Cond	Acres	Dorm Beds
Station 71	504 West Crow Street	10,858	1964	52	2010	3.5 bays	Fair	1.05	10
Station 72	25620 140th Ave SE	7,772	1982	34	2010	3 bays	Fair	0.91	6
Station 73	26512 Military Road South	13,000	1990	26	2010	3 bays	Good	4.69	9
Station 74	24611 116th Ave SE	26,653	1990	26	Lease 2010	3 Bays	Good	8.66	17
Station 75	15635 SE 272nd Street	12,425	1990	26	Lease 2010	3 bays	Good	4.18	14
Station 76	20676 72nd Ave S	13,104	1989	27	2010	3 bays	Good	2.80	9
Station 77	20717 132nd Ave SE	15,900	2001	15	2010	3 bays	Good	1.98	8
Station 78	17820 SE 256th Street	17,685	2009	7	2010	4 bays	Good	3.10	10
	Totals	117,397		213				27.37	83
Future Fire Station Sites Owned by KFDRFA									
Benson Station	21599 108th Ave SE	0	0		2010	0	Land	0.29	
App Storage	116th SE & SE 248th	0	0		2016		Land	2.03	
	Totals							0.29	
Accesory Structures Owned, Maintained or Funded by KFDRFA									
EM	24425 116th Ave SE	2,860	1963	53	2010		Good	0.23	
Training Tower	24523 116th Ave SE	4,652	1990	26	Lease 2010		Good	N/A	
Training Annex	24524 116th Ave SE	1,152	2005	11	2005		Poor	N/A	
Apparatus Shop	20678 72nd Ave S	10,865	1989	27	2010	4 Bays	Good	N/A	
Logistics Center	8320 S 208th Street	20,000	1979	5	2013		Good	N/A	
Sub-Total	Totals	39,529		122				0.23	
Total		**156,926**						**27.89**	**83**

Exhibit 1: KRFA Service Area Map



4.3 Mobile Resources

Specific inventories of mobile resources are found in the Appendices of this Plan.

4.3.1 Apparatus Life Cycle Policy

KRFA keeps response vehicles well maintained but historic delays in funding life cycle replacement has allowed the fleet to age past industry standards. Agencies with workload similar to the KRFA utilize a life cycle for heavy apparatus of 10 years front line and 5 or 10 years in reserve status for a total in-service life of 15 or 20 years.

Recent studies have shown that the maintenance cost and decreased residual value of 20 year old fire engines is less cost effective than shorter life cycles of 15 years. Because of this, the KRFA's long-term goal will be to continue with a 10 year front line life cycle but shorten the reserve life cycle to 5 years and recapturing significantly higher surplus values when these apparatus are sold. Studies show this will also reduce overall maintenance costs, downtime, and provide greater savings than longer life cycles.

4.3.2 Fire Engines

KRFA fire engines are specialized apparatus equipped with pumps capable of 1,500 gallons per minute or more of fire flow, with onboard water supplies of 500 gallons or more and a compliment of hoses, nozzles and firefighting equipment necessary to the extinguishment of fires. The inventory of 19 fire engines has an average age of 14 years and average miles of 87,843. The six reserve engines have an average age of 26 years with average miles of 137, 100.

4.3.3 Quints

A Quint is a multi-purpose apparatus or cross between a fire engine and a ladder truck. They are capable of pumping fire flows like a fire engine and are equipped with shorter ladders of 55 to 75 in length compared to the typical ladder trucks reach of 100 feet or greater. Ladder trucks do not carry or pump water. The KRFA has two Quint units with 65 foot ladders, one located at Station 76 in the industrial north end of the Kent Valley, and one at Station 75 near Covington. These two units are capable of delivering elevated master streams of water like a ladder truck and cost effectively augment KRFA's ladder trucks located at Stations 46 and 74.

4.3.4 Ladder Trucks

Both front line ladder trucks are tillered, meaning they are built on a tractor-trailer platform. The trailer portion has steerable wheels that allow these units to maneuver into very tight locations with their more than 100 foot ladders. One is located at Station 74 and the other at Station 46. Apparatus 713, (Ladder 74) is 10 years old with over 60,000 miles, and 800 ladder hours. Apparatus 768 (Ladder 46) is two years old making the average age of the two front line ladders 6 years old with average mileage of 35,000. Reserve apparatus 715 is 20 years old with over 84,000 miles and 1,100 ladder hours.

4.3.5 Aid Cars

Aid Cars are licensed ambulances with extra equipment necessary to support the two-person staffing with basic tools and protective equipment for firefighting. These vehicles primarily respond to medical emergencies and augment fire apparatus that are required to maintain the KRFA's Public Protection Class rating.

4.3.6 Command and Staff Vehicles

Command and staff vehicles are utilized to support both emergency and non-emergency operations of the KFRFA. Command vehicles are specially outfitted with equipment and communications equipment necessary to providing coordinated command over emergency incidents.

4.4 Equipment

A full complement of special equipment is necessary for the delivery of fire and rescue services. Special equipment includes all of the equipment within fire stations or carried on fire engines and other apparatus that allow firefighters to safely and effectively deliver services. Table 4 provides a listing of the equipment maintained by KRFA.

5 Standards of Service

5.1 Time and Origin of Standards

Time to arrival at the scene of an emergency is critical in the survival of a non-breathing patient and the control of fire growth. The longer it takes trained fire personnel to arrive at the scene of an emergency, the greater the chance of poor outcomes regarding fire and life loss[3]. As a result, the standards identified herein adopted by the KRFA and are based upon industry best practices. Industry standards have been cooperatively established by the International City/County Managers Association (ICMA) National Fire Protection Association (NFPA) and the Center for Public Safety Excellence (CPSE) in the 8th edition Fire and Emergency Service Self-Assessment Manual (FESSAM) published through the CPSE. KRFA's standards exceed the expectations established by these groups largely because of limited funding to deliver service. Compared to the NFPA, the KRFA's level of service exceeds those of the NFPA in some cases by 1 minute and 40 seconds.

5.2 Emergency response

Achievement of drive time standards are influenced by the location of fire service resources. If a service area is located too far from a fire station (poor distribution), it is unlikely that travel time objectives will be met. If distributed resources are over-used because of high demand, they become "unreliable" to meet additional demand. Because of units becoming unreliable, units from farther away must respond in the place of the busy home area unit, causing increases in arrival times. If too few resources exist, and fire resources from other fire departments are needed to backfill for busy units, the consequence is extended drive times, resulting in increased total response times and higher levels of risk for life and property loss.

5.3 Benchmark / Baseline Gap Performance and Relation to Staffing

KRFA uses adopted Benchmark performance levels as those levels of service to be achieved as capital facilities and resources are funded, deployed, and staffed. Baseline levels of service represent the actual performance achieved over the previous 5-years. The goal of capital planning in the KRFA is to close the gap between Baseline and Benchmark performance. The CPSE annually reviews the KRFA's Baseline performance to assure progress toward achieving Benchmark expectations. Failure to progressively improve toward benchmark expectations can lead to loss of accredited agency status.

The gap between the two performance standards (Benchmark and Baseline) should close as funding becomes available to implement the capital needs identified in the 2014 – 2033 KRFA Master Capital Plan and this 2016 – 2021 six-year update of that Plan. Operational funding is also required to close the resource gap. Where additional response stations and apparatus are required, the KRFA must also fund the annual operational cost of additional firefighters and support staff.

5.4 Components of Response Performance

There are three components in the measurement of "Total Response Time", Alarm Handling, Turnout and Drive time.

[3] See section 5 and of the Kent Regional Fire Authority Mitigation and Level of Service Policy for additional detail and consequences of long response times.

5.4.1 Alarm Handling Time

Alarm handling is completed at Valley Communications Center, the dispatch agency available to KRFA. Alarm handling is the total time elapsed from the pick-up of a 911 call until enough information is collected to dispatch appropriate resources.

5.4.2 Turnout Time

Turnout refers to the total time it takes firefighters to discontinue their current task, assess dispatch information, don appropriate personal protective gear and become safely seat-belted and ready to begin their response. Turnout time ends and drive time begins when the response vehicle begins to move.

5.4.3 Drive Time

Drive time begins when the response vehicle's wheels begin to roll and ends once the response vehicle arrives at the curbside address of the dispatched incident. When added together, alarm handling plus turnout plus drive time equals total response time.

5.5 Deployment and Measures of Response Resources

The performance measure directly in the KRFA's control is the "Dispatch to Arrival Interval" and consists of turnout + drive time. This measure assesses response time performance against two deployment practices, distribution and concentration.

5.5.1 Distribution

Distribution refers to how fire stations and resources are distributed around a service area to achieve defined response levels of service (LOS) goals for first units to arrive. Distribution can be referred to as the "speed of attack" or the first unit to arrive. Achievements of first unit arrival time objectives indicate that fire stations are properly distributed throughout the service area.

5.5.1.1 Distribution / First unit to arrive - Service Capabilities:

The first unit arriving at the scene of an emergency staffed with a minimum of 2 firefighters on an Aid Car, or 3 firefighters on an Engine, shall be capable of; establishing command; calling for additional resource; extending appropriate hose line(s); and/or beginning delivery of basic life support and/or rescue services. These operations are done in accordance with Department standard operating procedures while providing for the safety of the general public and responders.

5.5.2 Concentration

Concentration refers to the number of resources that can be assembled or "concentrated" at the scene of an emergency. Concentration can be referred to as the "force of attack" or full first alarm assignment. Concentration resources need to provide the force or quantity of resources necessary to stop the escalation of an emergency. If an agency cannot distribute and concentrate adequate resources, fire and life loss will be higher when compared to the timely arrival of adequate resources.

5.5.2.1 Concentration / Minimum Effective Response Force

The minimum effective response force (MERF) consists of at least 3 firefighting units with a minimum of 8 firefighters. The MERF is capable of: establishing command; providing an uninterrupted water supply; advancing an attack line and a backup line for fire control; complying with the Occupational Safety and Health Administration (OSHA) requirements of two-in and two-out; completing forcible entry; and searching and rescuing at-risk victims. These operations shall be done in accordance with the Department's standard operating procedures while providing for the safety of responders and the general public.

5.5.2.2 Concentration / Full first alarm – Service Capabilities:

The full first alarm resources arriving at the scene of an emergency staffed with between 5 to 17 firefighters depending upon the incident type. These resources shall be capable of; establishing command, providing an uninterrupted water supply, deploying hose lines for fire control and suppression, complying with the two in-two out law for firefighter rescue, completing forcible entry, controlling utilities and/or rescuing and treating sick, injured, or at-risk victims. These operations are done in accordance with departmental standard operating procedures while providing for the safety of the general public and responders.

5.6 Benchmark and Baseline Level of Service Objectives:

Table 7 establishes the service level objectives for; Alarm Handling, Firefighter Turnout, and drive times expectations of distribution (first unit) and concentration (MERF and ERF) performance. Benchmark levels of service are targeted for achievement as additional resources identified in this Plan and the CFEP are funded, implemented and staffed. Baseline performance objectives are the minimum levels of service KRFA is currently capable of achieving and must be maintained or improved to retain status as an Accredited Agency through the Center for Public Safety Excellence.

5.6.1 Community Risk Types

Performance expectations have been established for three community risk types, urban, suburban, and rural,[4] with both benchmark and baseline objectives as shown in Table 5.

5.6.2 Performance Measured

Washington State's Chapter 52.33 RCW requires performance measures meaningful to flashover and brain death to be established, performed, and reported at the 90th percentile. If response times of 100 incidents were stacked from quickest to slowest, the time of the 90th incident is the time used to measure service delivery at 90%.

5.6.3 Performance Expectations

The following two tables outline the standards adopted by the KRFA for the two main categories of emergency incidents; those requiring donning of full firefighting personal protective gear shown in Table 7 below, and those emergency medical incidents that do not require full firefighting gear shown in Table 8 below. Donning firefighting gear is time consuming, and consequently longer turnout times are applied to Table 7.

[4] See section 4.2.1.7 of the 2014-2033 KRFA Capital Facilities and Equipment Plan.

Table 7: Benchmark & Baseline Level of Service Objectives – Non-Medical Related

Response Standards - No EMS					
Urban-an incorporated or un-incorporated area with a population of over 30,000 people and/or a population density of 2,000 people per square mile					
	1st Unit	2nd Unit	3rd Unit MERF	Balance of 1st Alarm	Performance
Benchmark Call Processing	1 min 10 sec	1 min 10 sec	1 min 10 sec	1 min 10 sec	90%
Base Call Processing	1 min 25 sec	1 min 25 sec	1 min 25 sec	1 min 25 sec	90%
Overall Benchmark Turnout	1 min 55 sec	1 min 55 sec	1 min 55 sec	1 min 55 sec	90%
Base Turnout	2 min 30 sec	2 min 30 sec	2 min 30 sec	2 min 30 sec	90%
Benchmark drive time	4 min 15 sec	5 min 55 sec	6 min 30 sec	8 min 55 sec	90%
Base Drive Time	6 min 08 sec	6 min 54 sec	7 min 44 sec	16 min 21 sec	90%
Total Benchmark Reflex	**7 min 20 sec**	**9 min 00 sec**	**9 min 35 sec**	**12 min 00 sec**	90%
Total Baseline Reflex	9 min 03 sec	9 min 49 sec	11 min 39 sec	20 min 16 sec	90%
Suburban-an incorporated or un-incorporated area with a population of 10,000-29,999 and/or any area with a					
	1st Unit	2nd Unit	3rd Unit MERF	Balance of 1st Alarm	Performance
Benchmark Call Processing	1 min 10 sec	1 min 10 sec	1 min 10 sec	1 min 10 sec	90%
Base Call Processing	1 min 25 sec	1 min 25 sec	1 min 25 sec	1 min 25 sec	90%
Benchmark Turnout	1 min 55 sec	1 min 55 sec	1 min 55 sec	1 min 55 sec	90%
Base Turnout	2 min 30 sec	2 min 30 sec	2 min 30 sec	2 min 30 sec	90%
Benchmark Drive Time	4 min 35 sec	6 min 10 sec	6 min 45 sec	8 min 55 sec	90%
Base Drive Time	4 min 40 sec	5 min 32 sec	7 min 00 sec	10 min 22 sec	90%
Total Benchmark Reflex	**7 min 40 sec**	**9 min 15 sec**	**9 min 50 sec**	**12 min 00 sec**	90%
Total Baseline Reflex	8 min 35 sec	9 min 27 sec	10 min 55 sec	14 min 17 sec	90%
Rural –an incorporated or un-incorporated area with a population less than 10,000 people, or with a population					
	1st Unit	2nd Unit	3rd Unit MERF	Balance of 1st Alarm	Performance
Benchmark Call Processing	1 min 10 sec	1 min 10 sec	1 min 10 sec	1 min 10 sec	90%
Base Call Processing	1 min 25 sec	1 min 25 sec	1 min 25 sec	1 min 25 sec	90%
Benchmark Turnout	1 min 55 sec	1 min 55 sec	1 min 55 sec	1 min 55 sec	90%
Base Turnout	2 min 30 sec	2 min 30 sec	2 min 30 sec	2 min 30 sec	90%
Benchmark Drive Time	5 min 30 sec	6 min 10 sec	7 min 00 sec	9 min 55 sec	90%
Base Drive Time	5 min 04 sec	No Data	No Data	No Data	90%
Total Benchmark Reflex	**8 min 35 sec**	**9 min 15 sec**	**10 min 05 sec**	**13 min 00 sec**	90%
Total Baseline Reflex	8 min 59 sec	No Data	No Data	No Data	90%
Includes all priority 100, 200, 400, 600, and 700 Incident types					

Table 8 Benchmark & Baseline Level of Service Objectives – Emergency Medical Service (EMS) Related

Response Standards - EMS			
Urban-an incorporated or un-incorporated area with a population of over 30,000			
	1st Unit	Balance of 1st Alarm	Performance
Benchmark Call Processing	1 min 10 sec	1 min 10 sec	90%
Base Call Processing	1 min 25 sec	1 min 25 sec	90%
Overall Benchmark Turnout	1 min 45 sec	1 min 45 sec	90%
Base Turnout	2 min 00 sec	2 min 00 sec	90%
Benchmark drive time	4 min 15 sec	4 min 35 sec	90%
Base Drive Time	5 min 02 sec	3 min 56 sec	90%
Total Benchmark Reflex	**7 min 10 sec**	**7 min 30 sec**	90%
Total Baseline Reflex	8 min 27 sec	7 min 21 sec	90%
Suburban-an incorporated or un-incorporated area with a population of 10,000-			
	1st Unit	Balance of 1st Alarm	Performance
Benchmark Call Processing	1 min 10 sec	1 min 10 sec	90%
Base Call Processing	1 min 25 sec	1 min 25 sec	90%
Benchmark Turnout	1 min 45 sec	1 min 45 sec	90%
Base Turnout	2 min 00 sec	2 min 00 sec	90%
Benchmark Drive Time	4 min 35 sec	4 min 55 sec	90%
Base Drive Time	4 min 50 sec	4 min 14 sec	90%
Total Benchmark Reflex	**7 min 30 sec**	**7 min 50 sec**	90%
Total Baseline Reflex	8 min 15 sec	7 min 39 sec	90%
Rural –an incorporated or un-incorporated area with a population less than 10,000			
	1st Unit	Balance of 1st Alarm	Performance
Benchmark Call Processing	1 min 10 sec	1 min 10 sec	90%
Base Call Processing	1 min 25 sec	1 min 25 sec	90%
Benchmark Turnout	1 min 45 sec	1 min 45 sec	90%
Base Turnout	2 min 00 sec	2 min 00 sec	90%
Benchmark Drive Time	5 min 30 sec	5 min 55 sec	90%
Base Drive Time	6 min 38 sec	4 min 23 sec	90%
Total Benchmark Reflex	**8 min 30 sec**	**8 min 50 sec**	90%
Total Baseline Reflex	10 min 03 sec	7 min 48 sec	90%

5.6.4 Resource Capacity

Finally, resource capacity is evaluated. The fire service refers to this measure as "reliability" sometimes referred to "unit hour utilization," referring to the availability of specific response units. If an emergency response unit was in its assigned location 24 hours a day and never called upon for service, it would have a reliability of 100%. But, if an emergency response unit is expected to provide a level of service performance at 90% or 9 times out of every ten requests, that unit must be available or "reliable" for providing service when called upon at least 90% of the time or it will likely fail in its performance expectation. Unit reliability is often the best predictor of service capacity of deployed units. As workload increases, reliability decreases.

Table 9: Response Unit Reliability Objectives

Minimum RELIABILITY Objectives			
Performance Type	Urban	Suburban	Rural
Minimum Peak Hour Unit Reliability	90%	90%	90%

6 KRFA Service Level Performance

6.1 Response Performance Findings

Analysis of KRFA's historical response data reveals sub-standard performance compared to benchmark expectations. See Tables 7 & 8 Base Drive Time compared to Benchmark Drive Time. Several factors contribute to this current sub-standard performance. First, performance cannot be met during peak hours where workload is high and unit reliability is low. Second, some areas of KRFA simply cannot be reached within the adopted time standards because of excess distance from a fire station. Finally, latencies in current communications and alerting systems extend firefighter turnout times beyond benchmark standards.

6.1.1 Reliability Performance

Reliability performance is typically used as an indicator to monitor the need for additional resources. Reliability at or above 95% is considered to be reliable with reserve capacity. This is shown in Table 10 below as "Green." As reliability falls below 95% (displayed as yellow) it is time to begin planning for the deployment of additional resources to handle the workload. Reliability below 90% (displayed as red) prevents reliable achievement of response standards. Those units with reliability displayed in red are considered in resource exhaustion and begin to impact surrounding fire station reliability by drawing in other resources to cover for the deficient capacity or resource exhaustion occurring during peak demand hours. This ripple effect of deficient reliability spreads outward with the consequences of longer response times because units must travel out of their home area to cover the deficient area. This ripple continues to spread during peak demand hours moving out to other fire stations and often to other jurisdictions.

6.1.2 Reliability & Mutual Aid

The measure to which reliability impacts other jurisdictions is seen in automatic mutual aid balances. Currently the KRFA maintains a deficit in mutual aid with all but one of its surrounding neighbors because of the need to use more outside resources than can be repaid through services given back to these mutual aid neighbors.

Table 10 Hourly Unit Reliability for the Year 2015

2015 Reliability of Existing Stations & Resources with Minimum Staffing													
	Station 71			Station 72	Station 73	Station 74			Station 75	Station 76	Station 77	Station 78	KRFA - All
Hour of Day	Aid 70	Aid 71	Engine 71	Engine 72	Engine 73	Aid 74	Engine 74	Ladder 74	Quint 75	Quint 76	Engine 77	Engine 78	All Response Vehicles
0:00	No Staff	87.29%	94.64%	95.76%	91.27%	90.30%	No Staff	95.90%	94.60%	95.10%	92.45%	95.61%	93.29%
1:00	No Staff	86.70%	94.37%	95.05%	91.07%	90.00%	No Staff	97.05%	95.50%	95.04%	94.18%	97.16%	93.61%
2:00	No Staff	89.14%	95.36%	96.40%	93.38%	91.33%	No Staff	96.87%	97.75%	94.74%	92.15%	96.97%	94.41%
3:00	No Staff	87.93%	94.65%	97.02%	92.99%	90.71%	No Staff	96.99%	95.95%	95.66%	93.03%	96.90%	94.18%
4:00	No Staff	87.82%	95.87%	96.78%	93.98%	91.34%	No Staff	97.97%	96.23%	96.06%	94.94%	97.34%	94.83%
5:00	No Staff	90.92%	96.90%	96.18%	93.27%	94.21%	No Staff	97.09%	96.77%	95.97%	93.75%	97.84%	95.29%
6:00	No Staff	88.92%	95.96%	96.34%	92.25%	91.40%	No Staff	96.13%	95.78%	93.72%	95.43%	97.61%	94.35%
7:00	No Staff	87.70%	93.86%	94.99%	92.12%	89.46%	No Staff	96.17%	95.37%	92.11%	92.88%	96.97%	93.16%
8:00	No Staff	86.79%	93.96%	93.38%	92.05%	86.92%	No Staff	94.28%	94.38%	92.82%	91.77%	94.11%	92.05%
9:00	No Staff	83.70%	92.38%	92.62%	90.89%	88.84%	No Staff	95.11%	94.87%	91.52%	88.81%	94.79%	91.35%
10:00	No Staff	83.12%	91.85%	90.42%	90.73%	86.16%	No Staff	92.26%	93.33%	91.70%	90.49%	92.67%	90.27%
11:00	No Staff	81.86%	91.39%	88.99%	90.65%	85.80%	No Staff	93.82%	92.35%	91.79%	91.70%	94.03%	90.24%
12:00	No Staff	82.74%	90.83%	90.60%	89.15%	84.16%	No Staff	94.54%	90.09%	89.31%	88.47%	93.55%	89.34%
13:00	No Staff	80.17%	88.51%	90.65%	89.23%	85.01%	No Staff	92.63%	90.39%	89.93%	87.81%	93.62%	88.79%
14:00	No Staff	80.59%	88.22%	88.54%	87.09%	83.75%	No Staff	91.10%	90.24%	89.89%	86.86%	91.25%	87.75%
15:00	No Staff	79.32%	86.40%	88.47%	89.91%	84.20%	No Staff	92.10%	90.50%	89.78%	87.69%	91.05%	87.94%
16:00	No Staff	78.74%	85.00%	90.86%	87.19%	85.37%	No Staff	90.39%	88.77%	88.18%	88.23%	90.38%	87.31%
17:00	No Staff	78.24%	88.01%	89.42%	88.16%	84.48%	No Staff	92.14%	90.59%	89.25%	88.50%	91.35%	88.01%
18:00	No Staff	78.19%	89.67%	87.65%	88.24%	85.48%	No Staff	90.79%	90.55%	90.78%	87.64%	92.93%	88.19%
19:00	No Staff	80.32%	89.10%	88.38%	87.21%	85.66%	No Staff	91.11%	89.46%	91.70%	89.10%	93.91%	88.60%
20:00	No Staff	82.62%	91.07%	88.85%	87.05%	83.97%	No Staff	91.35%	90.94%	94.57%	88.65%	92.95%	89.20%
21:00	No Staff	82.69%	91.87%	90.61%	87.50%	87.12%	No Staff	92.09%	93.06%	94.61%	90.03%	94.84%	90.44%
22:00	No Staff	85.90%	92.88%	91.71%	89.34%	87.80%	No Staff	93.70%	92.74%	94.83%	90.48%	94.20%	91.36%
23:00	No Staff	90.19%	95.40%	95.54%	92.82%	92.56%	No Staff	96.55%	95.07%	96.46%	94.17%	97.94%	94.67%

7 Conclusion of Need for Capital Resources 2016 – 2021

The most concerning evidence of the need for capital resources is the overall reliability of all emergency response units displayed in Table 11 above. The only hour where the KRFA has unit reliability above 95% occurs at 5:00 am. All other hours of the day are yellow and red. From noon until 9:00 pm each day, resource exhaustion occurs with reliability below 90 percent. It is expected that in the current year 2016, reliability will further erode increasing resource exhaustion three additional hours each day with units unable to meet level of service expectations from 10:00 am until 10:00 pm, all of the peak demand hours for emergency response.

Nearly 1,000 new apartment units and 300 single family homes are currently permitted and under construction in 2016. Growth within the KRFA service area is expected to continue at or close to the rates experienced prior to the Great Recession resulting in further declines in unit reliability and erosion of service capacity. This in turn, will lead to steady increasing total response times unless additional resources and the staffing they require can be funded and deployed.

7.1 Planned Capital Funding 2014 – 2033

The 2014 – 2033 KRFA Capital Facilities and Equipment Master Plan identified the need for more than $87 million in capital investments to maintain fire service concurrency through 2033. This 6 year plan explores two options to reduce the near term cost of capital. First, less expensive alternatives to some resources identified in the Master Plan have been chosen, next, modified life cycles of fire apparatus are expected to provide additional value to surplussed equipment that can assist in funding new capital. In total, this reduces the cost of some resources needed in the next 6 years.

The additional cost associated with the KRFA's portion of funding construction of 72nd Ave South, and the cost of maintaining the apparatus and equipment transferred from SeaTac has been added into the total capital costs established in the Master Plan. Combined with the cost saving measures associated with the new apparatus life cycle plan the current cost of the total 2014 Master Plan has decreased from $87.14 million to $86.25 million.

7.1.1 Planned Capital Purchases 2016 – 2021

The table below identifies the capital expenses to be incurred between 2016 and 2021 based upon the current know priorities and levels of service. Each year this table will be updated to reflect current known priorities and levels of service.

Table 11: Six Year (2016-2021) Capital Costing

6 - Year Cost/Funding Sources for Capital Needs							
Costs in thousands based on 2014 dollars							
Cost/Funding Source	2016	2017	2018	2019	2020	2021	Totals
Expense Sources							
Station Construction & Land Purchase	$50	$55	$1,100	$98	$1,485	$3,103	$5,891
Apparatus	$714	$1,331	$1,174	$1,518	$1,645	$1,609	$7,991
Equipment	$118	$1,046	$827	$431	$377	$397	$3,197
Asset Preservation	$77	$1,003	$488	$312	$142	$183	$2,205
I.T. Capital	$153	$792	$207	$115	$195	$202	$1,664
72nd Ave S Extension	$120	$120	$120	$120	$120	$120	$720
Debt Cost	$0	$0	$0	$0	$0	$0	$0
Revenue Sources							
Annual Tax Revenue to Capital	$1,000	$1,890	$1,890	$1,890	$1,890	$1,890	$10,450
Taxpayer Bond Funds	$0	$0	$0	$0	$0	$0	$0
Sale of Surplus Property	$0	$93	$253	$32	$98	$50	$526
Covington Impact/LOS Fees	$250	$252	$255	$255	$255	$255	$1,522
Kent Impsct/Los Fees	$630	$610	$900	$900	$900	$900	$4,840
Councilmatic Bonds	$0	$0	$0	$0	$0	$0	$0
King County Radio Program	$0	$0	$767	$0	$0	$0	$767
Decrease in Kent ILA for IT	$0	$25	$75	$130	$130	$130	$490
Apparatus Grant	$102	$306	$0	$0	$0	$0	$408
Burn Prop Grant	$0	$383	$0	$0	$0	$0	$383
SeaTac ILA Capital	$475	$485	$493	$500	$510	$520	$2,983
Summary of Revenues less Expenses							
Expense	$1,232	$4,347	$3,915	$2,594	$3,965	$5,613	$21,667
Revenue	$2,458	$4,044	$4,633	$3,707	$3,783	$3,745	$22,369
Balance	$1,226	$922	$1,640	$2,752	$2,570	$702	$702

7.2 Progress toward Planned Capital Purchases

As a result of the Great Recession and the uncertainty of the economy during that time, the KRFA delayed some planned equipment purchases between 2014 and 2016 and placed funding toward the new Valley Station and the Benson Station on hold. The Valley Station is now scheduled to be completed in 2022 with the Benson Station scheduled for opening in 2026. All asset preservation projects, equipment needs and apparatus are now schedule for funding and replacement through 2021.

The 2014 – 2033 Master Capital Plan is funded through 2033 with the following assumptions:

- Annual tax revenue to capital between 2022 – 2033 averages $2.43 million per year
- Impact fees revenue between 2022 – 2033 averages $1.7 million per year

8 2016 – 2021 Capital Plan Effects on Impact Fees

Impact fees are established in the KRFA Mitigation and Level of Service Policy in Appendix A, using a formula based upon the cost of capital needs and service demand by property type. The policy requires updating along with the costs of annual capital plan updates. Total funding needs have decreased because of this update, resulting in a slight decrease in impact fees displayed in Table 12 below.

Table 12: 2015 Impact Fees[5]

Level Of Service Fee Calculation								
Land Use Type	**System wide C&E**	**Res/Com Split**	**Usage Factor**	**ERF Factor**	**New Dev Share**	**Projected New Units 2011 - 2030**	**Type of Unit**	**Impact & LOS Contribution Fee Amount**
Residential								
Single Family	$86,252,690	74%	57%	1	90%	19,068	Living unit	$1,702.12
Multi Family	$86,252,690	74%	43%	1.3	90%	19,068	Living unit	$1,664.46
Commercial								
COMM/IND	$86,252,690	26%	30%	3	80%	14,000,000	Sq Feet	$1.15
HOSP/MED/CIV/SCH/CHUR	$86,252,690	26%	30%	2	80%	14,000,000	Sq Feet	$0.77
ASSISTED CARE	$86,252,690	26%	40%	3	80%	14,000,000	Sq Feet	$1.54

[5] C&E costs adjusted down in 2015 reflecting reduced size of proposed Station 80

9 Capital Cost Summaries

9.1 Equipment Inventory, Life Cycle and Cost

6 - Year (2016 - 2021) Special Equipment Costs										
				Estimated Annual Purchases						Total
Fire Equipment	Quantity	Avg Cost	LifeCycle	2016	2017	2018	2019	2020	2021	
Fire Hose	1249	$208	20-Yrs	$13,000	$13,000	$13,000	$13,000	$13,000	$13,000	$78,000
Fire Hose Nozzles	160	$1,150	15-Yrs	$12,300	$12,300	$12,300	$12,300	$12,300	$12,300	$73,800
Rescue Tools	11	$42,000	12-Yrs	$0	$0	$0	$42,000	$0	$42,000	$84,000
Self-Contained Breathing Apparatus (SCBA)	137	$4,106	10-Yrs	$0	$123,188	$439,369	$0	$0	$0	$562,556
SCBA Air Bottles	292	$979	10-Yrs	$0	$285,998	$0	$0	$0	$0	$285,998
SCBA Misc -Masks, SABA Fill Stations	NA	NA	10-Yrs	$0	$290,421	$0	$0	$0	$0	$290,421
Ballistic Vests	160	$525	5-Yrs	$0	$16,800	$16,800	$16,800	$16,800	$16,800	$84,000
Mobile Radios	55	$5,000	10-Yrs	$0	$5,000	$5,000	$5,000	$5,000	$5,000	$25,000
Portable Radios	168	$3,750	10-Yrs	$0	$31,500	$31,500	$31,500	$31,500	$31,500	$157,500
Personal Protective Gear - Fire	350	$3,000	10-Yrs	$0	$105,000	$105,000	$105,000	$105,000	$105,000	$525,000
Personal Protective Gear - Haz-Mat	20	$3,400	8-Yrs	$0	$0	$6,800	$13,600	$6,800	$13,600	$40,800
Haz-Mat Equipment	14	$5,000	6-Yrs	$0	$40,000	$12,000	$12,000	$12,000	$12,000	$88,000
Defibrillators	15	$18,500	10-Yrs	$0	$0	$37,000	$18,500	$37,000	$37,500	$130,000
Fuel Pumps	8	$25,000	25-Yrs	$0	$25,000	$25,000	$25,000	$25,000	$25,000	$125,000
Above Ground Fuel Tanks	4	$15,000	25-Yrs	$0	$0	$0	$15,000	$15,000	$15,000	$45,000
Forklifts	2	$25,000	20-Years	$25,000	$0	$25,000	$0	$0	$0	$50,000
Steam Cleaner	1	$8,500	10-Yrs	$0	$0	$0	$8,500	$0	$0	$8,500
Whole Shop Compressor	1	$15,000	10-Yrs	$0	$0	$0	$15,000	$0	$0	$15,000
Thermal Imaging Cameras	12	$9,837	10-Yrs	$0	$30,000	$30,000	$30,000	$30,000	$0	$120,000
Hydrant Retrofit (storz connections)	5000	$235	40-yrs	$68,000	$68,000	$68,000	$68,000	$68,000	$68,000	$408,000
				$118,300	$1,046,206	$826,769	$431,200	$377,400	$396,700	$3,196,575
									6 - Year Total	$3,196,575

9.2 Asset Preservation Costs

Capital Improvements Neccesary to Maintain Existing Assets							
Station	2016	2017	2018	2019	2020	2021	Total
71	$55	$76	$27	$0	$54	$40	$252
72	$0	$0	$0	$127	$0	$0	$127
73	$0	$101	$120	$0	$40	$63	$324
74	$0	$101	$27	$0	$0	$0	$128
75	$0	$101	$53	$73	$40	$40	$307
76	$22	$101	$93	$32	$0	$40	$288
77	$0	$101	$50	$43	$8	$0	$202
78	$0	$0	$119	$37	$0	$0	$156
Emer Mgmt	$0	$0	$0	$0	$0	$0	$0
App Shop	$0	$0	$0	$0	$0	$0	$0
Training	$0	$422	$0	$0	$0	$0	$422
Admin	$0	$0	$0	$0	$0	$0	$0
Total	$77	$1,003	$488	$312	$142	$183	$2,205

9.3 IT Capital Costs

6 - Year (2016 - 2021) Special Equipment Costs in Thousands of 2016 Dollars										
Fire Equipment	Quantity	Avg Cost	LifeCycle	2016	2017	2018	2019	2020	2021	Totals
Mobile Data Computers	40	$3,000	5-Yrs	$28	$45	$45	$30	$30	$30	$208
Desktop PC's	200	$1,000	5-Yrs	$40	$40	$40	$40	$40	$40	$240
Laptops/Tablets	60	$1,400	4-Yrs	$21	$21	$21	$21	$21	$21	$126
ESO Field Tablets	25	$2,500	4-Yrs	$63	$0	$0	$0	$63	$0	$125
iPads for Tablet Command	20	$1,200	3-Yrs	$1	$1	$1	$24	$1	$1	$30
Wensoft-Sales Pad	1			$0	$75	$0	$0	$0	$0	$75
Command Unit Mods	2			$0	$15	$0	$0	$0	$0	$15
IT Life Cycle Capital				$153	$197	$107	$115	$155	$92	$819
IT Independence Project	NA		Variable	$0	$595	$100	$0	$40	$110	$845
		6 Year Total		$153	$792	$207	$115	$195	$202	$1,664

9.4 Fixed Facility Construction Projects

6-Year Contstruction Cost Summary and Timline in Thousands of Dollars							
Station Project	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**Totals**
64th Ave	$0	$43	$1,088	$86	$1,473	$2,876	$5,566
Benson	$50	$12	$12	$12	$12	$227	$325
Riverview	$0	$0	$0	$0	$0	$0	$0
Covington	$0	$0	$0	$0	$0	$0	$0
75 Move	$0	$0	$0	$0	$0	$0	$0
Yearly Totals	**$50**	**$55**	**$1,100**	**$98**	**$1,485**	**$3,103**	**$5,891**

9.5 Apparatus Funding Schedule

6 Year (2016 - 2021) Apparatus Costs							
Unit Type	2016	2017	2018	2019	2020	2021	Totals
Aid Car/Ambulances	$0	$123	$261	$0	$123	$0	$507
Fire Engines	$672	$868	$838	$996	$824	$1,030	$5,228
Has-Mat Vehicles	$0	$0	$0	$0	$0	$0	$0
Flood / Water Rescue	$42	$0	$0	$0	$3	$0	$45
Ladder Trucks	$0	$0	$0	$319	$319	$319	$957
Light Trucks	$0	$52	$0	$0	$181	$0	$233
Pump Test/Generator	$0	$0	$0	$0	$0	$0	$0
Command/Staff Cars	$0	$171	$47	$165	$47	$146	$576
Staff Support Cars	$0	$117	$28	$38	$148	$114	$445
Utility Trailers	$0	$0	$0	$0	$0	$0	$0
Ops Support Units	$0	$0	$0	$0	$0	$0	$0
Tender	$0	$0	$0	$0	$0	$0	$0
Skyboom - Quint	$0	$0	$0	$0	$0	$0	$0
	$714	**$1,331**	**$1,174**	**$1,518**	**$1,645**	**$1,609**	**$7,991**

10 Inventories

10.1 Apparatus Inventory & Funding Schedule

20 Year Apparatus Cost / Replacement Schedule - Updated 2016									
Unit #	Year	Unit Type	2016	2017	2018	2019	2020	2021	Totals
19	1999	SUV	$0	$71	$0	$0	$0	$0	$71
21	2000	SUV	$0	$0	$0	$0	$47	$0	$47
22	2003	SUV	$0	$0	$0	$71	$0	$0	$71
23	2005	SUV	$0	$0	$0	$47	$0	$0	$47
24	2006	SUV	$0	$0	$0	$0	$0	$0	$0
25	2006	SUV	$0	$0	$0	$0	$0	$0	$0
26	2008	PICKUP	$0	$0	$0	$0	$0	$0	$0
27	2007	BOAT	$0	$0	$0	$0	$0	$0	$0
28	2009	TRAILER	$0	$0	$0	$0	$0	$0	$0
31	2013	SUV	$0	$0	$0	$0	$0	$0	$0
115	1997	Engine	$0	$275	$275	$275	$0	$0	$825
116	1998	Aid	$0	$0	$261	$0	$0	$0	$261
117	2000	Engine	$0	$275	$275	$275	$0	$0	$825
118	2004	Engine	$0	$0	$0	$0	$0	$0	$0
120	2008	RESCUE	$0	$0	$0	$0	$0	$0	$0
121	2008	Engine	$0	$0	$0	$0	$0	$0	$0
122	1947	Engine	$0	$0	$0	$0	$0	$0	$0
768	2014	Ladder	$0	$0	$0	$0	$0	$0	$0
701	1999	Air	$0	$0	$0	$0	$0	$0	$0
702	2003	Aid	$0	$123	$0	$0	$0	$0	$123
703	2003	Aid	$0	$0	$0	$0	$123	$0	$123
704	2005	Aid	$0	$0	$0	$0	$0	$0	$0
705	2007	Aid	$0	$0	$0	$0	$0	$0	$0
706	2001	Engine	$0	$0	$0	$0	$0	$0	$0
707	2003	PU	$0	$0	$0	$0	$0	$0	$0
708	2001	Engine	$0	$0	$0	$0	$0	$0	$0
709	2003	SUV	$0	$53	$0	$0	$0	$0	$53
710	2004	Engine	$0	$0	$0	$0	$0	$0	$0
711	2006	PU	$0	$0	$0	$0	$0	$0	$0
712	2005	Engine	$0	$0	$0	$0	$0	$0	$0
713	2006	Ladder	$0	$0	$0	$0	$0	$0	$0
715	1996	Ladder	$0	$0	$0	$319	$319	$319	$957
716	2009	HM Trailer	$0	$0	$0	$0	$0	$0	$0
717	2009	Skyboom	$0	$0	$0	$0	$0	$0	$0
718	2009	Skyboom	$0	$0	$0	$0	$0	$0	$0
721	2010	SUV	$0	$0	$0	$0	$0	$0	$0
722	2009	HM Tractor	$0	$0	$0	$0	$0	$0	$0
723	2009	Boat Tr	$0	$0	$0	$0	$0	$0	$0
726	2007	HM Decon	$0	$0	$0	$0	$0	$0	$0
727	1989	Engine	$0	$0	$0	$0	$0	$0	$0
729	2006	Pump Test	$0	$0	$0	$0	$0	$0	$0
730	1989	Engine	$0	$0	$0	$0	$0	$0	$0
731	1989	Engine	$0	$0	$0	$0	$0	$0	$0
732	1989	Engine	$0	$0	$0	$0	$0	$0	$0
735	2009	Rescue Boat	$42	$0	$0	$0	$0	$0	$42
738	2011	PU	$0	$0	$0	$0	$0	$0	$0
745	2010	Boat Tr	$0	$0	$0	$0	$0	$0	$0
746	2010	Jon Bt	$0	$0	$0	$0	$0	$0	$0
747	2010	Jon Bt	$0	$0	$0	$0	$0	$0	$0
748	2010	Jon Bt	$0	$0	$0	$0	$0	$0	$0
749	2010	Jon Bt	$0	$0	$0	$0	$0	$0	$0
750	2010	Boat Tr	$0	$0	$0	$0	$0	$0	$0
754	1991	Boat Tr	$0	$0	$0	$0	$0	$0	$0
756	2010	Utility Tr	$0	$0	$0	$0	$0	$0	$0
762		MCI Unit	$0	$0	$0	$0	$0	$0	$0
763	1994	Utility Tr	$0	$0	$0	$0	$0	$0	$0
764	1995	PU	$0	$0	$0	$0	$39	$0	$39
765	2000	Utility Tr	$0	$0	$0	$0	$3	$0	$3
766	2001	Engine	$0	$0	$0	$206	$206	$206	$618
767	2001	Engine	$0	$0	$0	$206	$206	$206	$618
769	2016	Engine	$127	$127	$127	$0	$0	$0	$381
770	2016	Engine	$127	$127	$127	$0	$0	$0	$381
771	2016	Engine	$172	$172	$172	$172	$0	$0	$688
772	2016	Engine	$246	$442	$0	$0	$0	$0	$688
773	1995	Panel Van	$0	$0	$0	$0	$0	$0	$0
774	2016	Utility Tr	$0	$0	$0	$0	$0	$0	$0
775	2007	PU	$0	$0	$0	$0	$0	$0	$0
776	2004	PU	$0	$0	$0	$0	$0	$0	$0
7100	2008	PU	$0	$0	$0	$0	$43	$0	$43
7101	2007	Shelter Tr	$0	$0	$0	$0	$0	$0	$0
7102	2006	SUV	$0	$0	$47	$0	$0	$0	$47
7103	2012	SUV	$0	$0	$0	$0	$0	$0	$0
7104	2006	SUV	$0	$0	$0	$0	$0	$71	$71
7105	2010	Mower	$0	$0	$0	$0	$0	$0	$0
7106	2007	SUV	$0	$0	$0	$0	$0	$29	$29
7107	2012	Cross	$0	$0	$0	$0	$0	$0	$0
7108	2012	Van	$0	$0	$0	$0	$0	$0	$0
7114	2011	Utility Tr	$0	$0	$0	$0	$0	$0	$0
7115	2011	Gator	$0	$0	$0	$0	$0	$0	$0
7122	2006	SUV	$0	$0	$0	$47	$0	$0	$47
7123	2015	Mini Van	$0	$0	$0	$0	$0	$0	$0
7125	2015	Mini Van	$0	$0	$0	$0	$0	$0	$0
7127	2015	Mini Van	$0	$0	$0	$0	$0	$0	$0
7128	2015	Mini Van	$0	$0	$0	$0	$0	$0	$0
7201	2003	CERT Tr	$0	$0	$0	$0	$0	$0	$0
7202	2008	Cross	$0	$0	$0	$0	$29	$0	$29
7203	2006	SUV	$0	$47	$0	$0	$0	$0	$47
7204	2008	PU	$0	$0	$0	$0	$0	$0	$0
7205	2008	PU	$0	$0	$0	$0	$43	$0	$43
7206	2008	Cross	$0	$0	$0	$0	$0	$29	$29
7207	2007	Box Truck	$0	$0	$0	$0	$0	$0	$0
7218	2005	Van	$0	$37	$0	$0	$0	$0	$37
7231	2006	PU	$0	$0	$0	$0	$0	$0	$0
7232	2000	Box Truck	$0	$0	$0	$0	$0	$0	$0
7501	2012	Club Car	$0	$0	$0	$0	$0	$0	$0
7502	2012	Utility Tr	$0	$0	$0	$0	$0	$0	$0
7516	2007	PU	$0	$0	$0	$0	$0	$0	$0
7603	1998	Mini Van	$0	$0	$28	$0	$0	$0	$28
7608	1998	Cross	$0	$0	$0	$38	$0	$0	$38
7610	2000	Car	$0	$0	$0	$0	$29	$0	$29
7611	1995	PU	$0	$52	$0	$0	$0	$0	$52
7612	1995	PU	$0	$0	$0	$0	$0	$0	$0
7619	2001	Mini Van	$0	$0	$0	$0	$0	$28	$28
7620	2001	Car	$0	$0	$0	$0	$0	$29	$29
7624	1997	Car	$0	$26	$0	$0	$0	$0	$26
7625	2000	Mini Van	$0	$0	$0	$0	$0	$28	$28
7627	1997	Car	$0	$26	$0	$0	$0	$0	$26
7628	1997	Mini Van	$0	$28	$0	$0	$0	$0	$28
7630	1999	Cross	$0	$0	$0	$0	$38	$0	$38
7632	1999	Mini Van	$0	$0	$0	$0	$0	$0	$0
7633	2000	PU	$0	$0	$0	$0	$28	$0	$28
7634	2000	PU	$0	$0	$0	$0	$28	$0	$28
7635	2000	Cross	$0	$0	$0	$0	$0	$0	$0
7636	2000	Mini Van	$0	$0	$0	$0	$52	$0	$52
7637	2015	Car	$0	$0	$0	$0	$0	$0	$0
7638	2015	Car	$0	$0	$0	$0	$0	$0	$0
9904	2006	SUV	$0	$0	$0	$0	$0	$46	$46
9912	2006	Pub Ed Tr	$0	$0	$0	$0	$0	$0	$0
Total Annual Cost			$714	$1,881	$1,312	#####	$1,233	$991	$7,787

Chapter 19.10
GENERAL PROVISIONS

19.10.030 Definitions.

New definition: (f) "RFA" means the Puget Sound Regional Fire Authority, a Washington State municipal corporation established and operating pursuant to Chapter 52.26 RCW.

Chapter 19.20
IMPOSITION OF IMPACT FEES

19.20.090 Credits.

New Section: (2) Requests for fire impact fee credits shall be in accordance with CMC 19.50.XXX.

Reorder following sections:
(2~~2~~3) For each request for a credit or credits, the Director shall determine the value of the dedicated land, improvements, and/or construction on a case-by-case basis.

(a) If appropriate, the Director may select an appraiser from a list of independent appraisers. The appraiser shall be directed to determine the value of the dedicated land, improvements, or construction provided by the developer for the City.

(b) The developer shall pay for the cost of an appraisal conducted by the Department pursuant to this subsection, including time for review by City staff. An estimate of the appraisal and review costs will be prepared by the Department, and the fee payer shall pay the estimated costs prior to commencement of the appraisal and review. If the final cost of the appraisal and review is in excess of the initial estimate and payment, any difference will be due prior to the issuance of a letter or certificate from the Director. If the final cost of the appraisal and review is less than the initial estimate and payment, the Department shall give a refund for the difference.

(3~~-4~~3) In the event that the fee payer disagrees with the Director's valuation of land, improvements, or construction provided under subsection (2) of this section, the fee payer may submit a valuation for the Director's consideration.

(a) The appraiser (or review engineer) used by the fee payer must be qualified, licensed, and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised.

(b) Appraisals and/or engineering valuations submitted by the fee payer shall be subject to review by the Director and, at the Director's discretion, an independent review appraiser/engineer selected by the Director. The fee payer shall pay for the actual costs for the appraisal/valuation and the independent review pursuant to subsection (2)(b) of this section.

(~~4~~54) A credit will be given only if the land, improvements, and/or the facility constructed are:

(a) Included within the capital facilities plan or would serve the goals and objectives of the capital facilities plan; and

(b) Are at suitable sites and constructed at acceptable quality as determined by the Director; and

(c) Serve to offset impacts of the fee payer's development activity; and

(d) Are for one or more of the projects listed as the basis for calculating the respective impact fee.

(e) No credit shall be given for project improvements required of the development by City code and/or SEPA; only dedications in excess of those required by law are eligible for credit.

(~~5~~65) The Director shall determine if requests for credits meet the criteria of this section, or under other applicable law.

(a) Nothing herein shall be interpreted to limit the discretion of the Director to decline to accept any proposed dedication.

(b) In no event shall the credit exceed the amount of the impact fees due. If the total value of any credit for such dedication, improvement, or construction costs exceeds the amount of the applicable impact fee assessment, the fee payer will not be entitled to reimbursement of the difference.

(c) If credit is awarded, the Director shall provide the fee payer with a letter setting forth the dollar amount of any credit, the reason for the credit, the legal description of the real property dedicated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The fee payer must sign and date a duplicate copy of such letter indicating his/her agreement to the terms of the letter and return such signed document to the Director before the Department will apply the impact fee credit. The failure of the fee payer to sign, date, and return such document within 60 calendar days of the Director's issuance of the letter shall nullify the credit.

(d) If credit is denied, the Director shall provide the fee payer with a letter setting forth the reasons for denial.

(~~6~~7~~6~~) Determinations made by the Director pursuant to this section shall be subject to the appeal procedures set forth in Chapter 14.45 CMC.

Chapter 19.50
FIRE IMPACT FEE

Sections:

19.50.XXX Purpose – Authority.

The City Council of the City of Covington hereby finds and determines that continuing growth and development in the City of Covington will create additional demands and need for fire protection facilities. The Council further finds that the Washington State Growth Management Act requires that new growth and development should pay a proportionate share of the cost of new facilities needed to serve the new growth and development.

Therefore, pursuant to Chapter 82.02 RCW, the Council adopts this chapter to assess fire impact fees. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the Council in establishing the fire impact fee program.

19.50.XXX Interlocal agreement required.

As a condition of the City's authorization and adoption of a fire impact fee ordinance, the City and RFA shall enter into an interlocal agreement governing the operation of the fire impact fee program, and describing the relationship and liabilities of the parties thereunder.

19.50.XXX Submission of RFA capital facilities and equipment plan and data.

(1) On an annual basis, the RFA shall submit the following materials to the City Council:

(a) The RFA's capital facilities and equipment plan as adopted by the RFA's governing board. The capital facilities and equipment plan shall contain a six-year financing component as set forth in RCW 82.02.060.

(b) The RFA's growth projections over the next six years;

(c) The RFA's standard of service;

(d) The RFA's overall capacity to meet levels of service over the next six years, the expected service improvements from fire protection facilities planned by the RFA but not yet built or implemented.

(e) An inventory of the RFA's existing facilities.

19.50.XXX Annual Council review.

The City Council shall review on an annual basis the materials received from the RFA and required under this chapter. The City Council may make adjustments to the fire impact fee schedule as necessitated by its review or applicable law, and, if the City Council deems appropriate, shall adopt the fire impact fee schedule by resolution. The review and fee schedule adoption decision may occur in conjunction with the annual update of the capital facilities plan element of the City's comprehensive plan.

19.50.XXX Exclusions.

(1) In addition to the exclusions in CMC 19.20.060, the following development activities do not create an additional fire impact and are exempt from the requirements of this chapter:

(a) Projects in which existing dwelling units are converted into condominium ownership and where no new dwelling units are created.

(b) Any development activity for which fire impacts have been mitigated pursuant to a voluntary agreement entered into with the RFA to pay fees, dedicate land or construct or improve fire protection facilities; provided, that the agreement predates the effective date of fee imposition.

(c) Any development of 200 square feet or less that does not use or store hazardous materials that would create a life safety risk.

(d) Two thirds of the normal residential impact fee is exempted for the construction of accessory dwelling units constructed on a property with an existing single-family dwelling unit.

(e) Pursuant to RCW 82.02.100(2), where automatic fire sprinklers are installed in single family residential occupancies, a reduced fee equal to 70% of the impact or level of service fee shall serve to mitigate the costs of needed EMS and rescue resources.

(2) The Director shall be authorized to determine whether a particular development activity falls within an exclusion identified in this section or under other applicable law. Determinations of the Director shall be in writing and shall be subject to the appeals procedures set forth in Chapter 14.45 CMC.

19.50.XXX Fee calculations.

(1) The fee shall be calculated based on a RFA-wide basis using the appropriate factors and data to be supplied by the RFA as indicated in Attachment A of the RFA's Mitigation and Level of Service Policy using the formula set out in Appendix B of Attachment A, as amended and incorporated herein by reference. The city council shall adopt the Fire Impact Fee schedule by resolution.

(2) Separate fees shall be calculated for single-family, multifamily, commercial/industrial, assisted care and hospital and medical facilities and others identified in Attachment A. For purposes of this chapter, manufactured homes shall be treated as single-family dwelling units and duplexes shall be treated as multifamily dwelling units.

(3) The formula in Appendix B of Attachment A provides for a credit where creditable mitigations are implemented or where voluntary agreements between the RFA and developer provide for fire protection facilities, fire protection facility sites or other related developer contributions that the RFA finds acceptable.

19.50.XXX Assessment of fees.

The impact fee shall be based on the capital facilities and equipment plan developed by the RFA and approved by the RFA governing board, and adopted by reference by the City as part of the City's Capital Facilities Element of the Comprehensive Plan as amended.

19.50.XXX Use of funds.

Impact fees for the RFA's system improvements shall be expended by the RFA only in conformance with the RFA's adopted Capital Facilities and Equipment Plan Element of the Comprehensive Plan.

19.50.XXX Impact fee accounts – Payment.

(1) The RFA shall establish a fire impact fee account. The account shall be an interest-bearing account, and the fire impact fees received shall be prudently invested in a manner consistent with the investment policies of the RFA.

(2) For administrative convenience while processing the fee payments, fire impact fees may be temporarily deposited in a City account. On a monthly basis, the City shall deposit the fire impact fees collected for the district in the district's fire impact fee account or pursuant to the accounting procedures established by the City's Finance Department.

Other associated Fire Impact Fee Code Amendments:

CMC 18.20
TECHNICAL TERMS AND LAND USE DEFINITIONS

New definition: **18.20.468 Fire Capital Facilities and Equipment Plan.**
"Fire Capital Facilities and Equipment Plan" means the Puget Sound Regional Fire Authority's[M1][SL2] (RFA's) capital improvement plan adopted by the RFA's governing board consisting of:

(1) An inventory of existing capital facilities and equipment owned by the RFA, their locations, and capacities.

(2) An identification of demands expected to be placed on existing fire protection facilities and equipment by the impacts of projected new development over a 20-year period.

(3) A forecast of future capital facilities and equipment necessary to meet the RFA's adopted level of service with the increased service demand of future growth within the RFA.

(4) The proposed locations of expanded or new capital facilities and equipment and the associated timeline for construction or expansion.

(5) At least a six-year financing component, updated as necessary to maintain at least a six-year forecast period, for financing needed fire protection facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues.

(6) Any other long range projects planned by the RFA.

New definition: **18.20.469 Fire protection facilities.**
"Fire protection facilities" means fully equipped fire stations, administrative offices, training grounds and structures, maintenance facilities and other specialized facilities required for the RFA to locate, house or expedite the timely arrival of firefighting and emergency medical equipment, necessary to deliver emergency response services within the RFA's service area.

Amendment: **18.20.621 Impact fee.**
"Impact fee" means a payment of money authorized by State law and this code to be imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development. Impact fees include, but are not limited to, transportation impact fees, park mitigation payment fees (fee-in-lieu of), fire impact fees, and school impact fees. "Impact fees" do not include fees imposed to cover the costs of processing applications, inspecting and reviewing plans or other information required to be submitted for purpose of evaluation of an application, or inspecting or monitoring development activity.

New definition: **CMC 18.20.621.1 Impact fee schedule.**
"Impact fee schedule" means the table of impact fees to be charged per unit of development, computed by the formulas adopted under Title 19, indicating the standard fee amount per

dwelling unit or per commercial development that shall be paid as a condition of development within the City.

Amendment: **18.20.641 Interlocal agreement.**
"Interlocal agreement," for purposes of Chapter 18.75 CMC, means any agreement between the City and the County or any municipal utility district, fire district, or school district or any other City or governmental agency

New definition: **18.20.684 Level of service (LOS), fire.**
"Level of service (LOS), fire" means the standards adopted by the RFA for the delivery of fire and emergency medical response services, as set forth in the RFA's adopted Standard of Cover and reflected in the capital facilities and equipment plan.