Title 18

ZONING

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Chapter 18.05

ZONING CODE ADOPTION

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18.05.010 Zoning code adopted.

Under the provisions of Article XI, Section 11 of the Washington State Constitution, this zoning code is adopted and declared to be the zoning code for the City of Covington until amended, repealed or superseded. This code also is enacted pursuant to and to implement the comprehensive plan in accordance with Chapter 36.70A RCW. (Ord. 42-02 § 2 (21A.01.010))

18.05.020 Notification to tribes.

The City recognizes that many actions undertaken pursuant to this title, as amended, may impact treaty fishing rights of Federally recognized tribes. In order to honor and prevent interference with these treaty fishing rights and to provide for water quality and habitat preservation, the City shall provide notice to any Federally recognized tribes whose treaty fishing rights would be affected by an action undertaken pursuant to this title, including but not limited to: development of wetlands, stream and river banks, lakeshore habitat of water bodies, or development directly or indirectly affecting anadromous bearing water bodies, including the promulgation of plans, rules, regulations or ordinances implementing the provisions of this title, whether or not review of such actions is required under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW. (Ord. 42-02 § 2 (21A.01.025))

18.05.030 Transition to new code.

(1) Complete applications for conditional use permits, planned unit developments, binding site plans, right-of-way use permits, commercial site development permits, variances, unclassified use permits, or public agency and utility exceptions which were pending at the time this title took effect shall continue to be processed under those applicable zoning regulations governing review prior to implementation of this title except when a conditional use permit application has been submitted for a use that, under this title, no longer requires a conditional use permit, that conditional use permit shall not be a requirement for the vested development proposal. Notwithstanding any contrary provisions in this title, where approved, these permits shall continue to establish allowable uses on the property until permit expiration. Nothing in this subsection is intended to restrict otherwise vested applicant rights.

(2) Except for the requirements of Chapter 18.120 CMC, any lot created by subdivision or short subdivision for which a complete subdivision or short subdivision application was submitted prior to adoption of this code may be developed pursuant to the standards in effect at the time of complete application. (Ord. 42-02 § 2 (21A.01.040))

18.05.040 Drawings.

The Department is hereby authorized after the date of the adoption of the ordinance codified in this title to incorporate drawings as necessary for the purpose of illustrating concepts and regulatory standards contained in this title; provided, that the adopted provisions of the code shall control over such drawings. (Ord. 42-02 § 2 (21A.01.090))

18.05.050 Periodic review.

The Department shall submit an annual written report to the Council detailing issues relating to the implementation of the City of Covington zoning code and recommending amendments to address those issues. (Ord. 42-02 § 2 (21A.01.100))

Chapter 18.10

AUTHORITY, PURPOSE, INTERPRETATION AND ADMINISTRATION

Sections:

18.10.010 Title.
18.10.020 Purpose.
18.10.030 Conformity with this title required.
18.10.040 Minimum requirements.
18.10.050 Interpretation – General.
18.10.060 Interpretation – Standard industrial classification.
18.10.070 Interpretation – Zoning maps.
18.10.080 Administration and review authority.
18.10.090 Classification of right-of-way.

18.10.010 Title.

This title shall be known as the City of Covington zoning code, hereinafter referred to as "this title." (Ord. 42-02 § 2 (21A.02.010))

18.10.020 Purpose.

The general purposes of this title are to:

(1) Encourage land use decision making in accordance with the public interest and applicable laws of City of Covington and the State of Washington;

(2) Protect the general public health, safety, and welfare;

(3) Implement the City of Covington comprehensive plan's policies and objectives and community vision statement through land use regulations;

(4) Provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;

(5) Provide for adequate public facilities and services in conjunction with development; and

(6) Promote general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development. (Ord. 42-02 § 2 (21A.02.030))

18.10.030 Conformity with this title required.

(1) No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.

(2) Creation of or changes to lot lines shall conform to the use provisions, dimensional and other standards, and procedures of this title and CMC Title 17, Subdivisions.

(3) All land uses and development authorized by this title shall comply with all other regulations and/or requirements of this title as well as any other applicable local, State or Federal law. Where a difference exists between this title and other County regulations, the more restrictive requirements shall apply.

(4) Where more than one part of this title applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply.

(5) Temporary uses or activities, conducted during an emergency event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this title. (Ord. 42-02 § 2 (21A.02.040))

18.10.040 Minimum requirements.

In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of this title. (Ord. 42-02 § 2 (21A.02.050))

18.10.050 Interpretation – General.

(1) In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

(2) A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.

(3) In case of any ambiguity, difference of meaning, or implication between the text and any heading, caption, or illustration, the text and the permitted use tables in Chapter 18.25 CMC shall control, except for uses within the downtown zoning area, where CMC 18.31.080 shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.

(4) Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this title, all words and terms

used in this title shall have their customary meanings. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.02.060))

18.10.060 Interpretation – Standard industrial classification.

(1) All references to the Standard Industrial Classification (SIC) are to the titles and descriptions found in the Standard Industrial Classification Manual, 1987 Edition, as amended, prepared by United States Office of Management and Budget which is hereby adopted by reference. The SIC is used, with modifications to suit the purposes of this title, to list and define land uses authorized to be located in the various zones consistent with the comprehensive plan land use map.

(2) The permitted use table and use determination process in CMC 18.31.080 shall apply to the downtown zone. The Director shall consider the direction in this chapter, but is not bound by this section or the SIC in making a use determination for proposals on properties in the downtown zone.

(3) The SIC categorizes each land use under a general two-digit major group number, or under a more specific three- or four-digit industry group or industry number. A use shown on a land use table with a two-digit number includes all uses listed in the SIC for that major group. A use shown with a three-digit or four-digit number includes only the uses listed in the SIC for that industry group or industry.

(4) An asterisk (*) in the SIC number column of a land use table means that the SIC definition for the specific land use identified has been modified by this title. The definition may include one or more SIC subclassification numbers, or may define the use without reference to the SIC.

(5) The Director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a SIC classification is allowed in a zone. The Director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone's purpose as set forth in Chapter 18.15 CMC, by considering the following factors:

(a) The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;

(b) Whether or not the use complements or is compatible with other uses permitted in the zone; and

(c) The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.02.070))

18.10.070 Interpretation – Zoning maps.

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

(1) Where boundaries are indicated as paralleling the approximate center line of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Nonroad-related uses by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owners lot;

(2) Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;

(3) Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change the boundaries shall be considered to move with them; and

(4) If none of the rules of interpretation described in subsections (1) through (3) of this section apply, then the zoning boundary shall be determined by map scaling. (Ord. 42-02 § 2 (21A.02.080))

18.10.080 Administration and review authority.

(1) The Hearing Examiner shall have authority to hold public hearings and make decisions and recommendations on subdivisions and other development proposals, and appeals, as set forth in Chapters 2.25, 14.30, 14.35, 14.40, and 14.45 CMC.

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

(3) The Department shall have authority to grant, condition or deny commercial and residential building permits, grading and clearing permits, and temporary use permits in accordance with the procedures set forth in Chapter 14.30 CMC.

(4) Except for other agencies with authority to implement specific provisions of this title, the Department shall have the sole authority to issue official interpretations of this title. (Ord. 10-10 § 3 (Exh. C); Ord. 01-09 § 18; Ord. 42-02 § 2 (21A.02.090))

18.10.090 Classification of right-of-way.

(1) Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this title, land contained in rights-of-way for streets or alleys, or railroads shall be considered unclassified.

(2) Within street or alley rights-of-way, uses shall be limited to street purposes as defined by law.

(3) Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or other operating devices, movement of rolling stock, utility lines and equipment, and facilities accessory to and used directly for the delivery and distribution of services to abutting property.

(4) Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged. (Ord. 42-02 § 2 (21A.02.110))

Chapter 18.15

ZONES, MAPS AND DESIGNATIONS

Sections:

18.15.010 Zones and map designations established.
18.15.020 Zone and map designation purpose.
18.15.030 Mineral zone.
18.15.040 Urban separator zone.
18.15.050 Urban residential zone.
18.15.060 Neighborhood commercial zone.
18.15.070 Community commercial zone.
18.15.080 Downtown zone.
18.15.090 Regional commercial mixed-use zone.
18.15.100 Industrial zone.
18.15.110 *Repealed.*
18.15.120 *Repealed.*
18.15.130 *Repealed.*
18.15.140 Zoning maps and boundaries.

18.15.010 Zones and map designations established.

In order to accomplish the purposes of this title, the following zoning designations and zoning map symbols are established:

Zoning Designations	Map Symbol
Mineral	M
Urban Separator	US (R-1)
Urban Residential	R (base density in dwellings per acre)
Neighborhood Commercial	NC
Mixed Residential	MR
Community Commercial	CC
Downtown Zone	DN (further specified by district)
Town Center District	TC
Mixed Commercial District	MC
General Commercial District	GC
Mixed Housing/Office District	MHO
Industrial	I
Regional Commercial Mixed-Use	RCMU

(Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.04.010))

18.15.020 Zone and map designation purpose.

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in the City. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title. (Ord. 42-02 § 2 (21A.04.020))

18.15.030 Mineral zone.

(1) The purpose of the mineral zone (M) is to provide for continued extraction and processing of mineral and soil resources in an environmentally responsible manner by:

(a) Reserving known deposits of minerals and materials within areas as protection against premature development of the land for nonextractive purposes;

(b) Providing neighboring properties with notice of prospective extracting and processing activities; and

(c) Providing appropriate location and development standards for extraction and on-site processing to mitigate adverse impacts on the natural environment and on nearby properties.

(2) Use of this zone is appropriate for known deposits of minerals and materials on sites that are of sufficient size to mitigate the impacts of operation and that are served or capable of being served at the time of development by adequate roads and other public services, and for sites containing mineral extracting and processing operations that were established in compliance with land use regulations in effect at the time the use was established. (Ord. 42-02 § 2 (21A.04.050))

18.15.040 Urban separator zone.

(1) The purposes of the urban separator zone (US) are to phase growth and demand for urban services, and to reserve large tracts of land for possible future growth in portions of areas designated by the comprehensive plan for future urban growth while allowing reasonable interim uses of property; or to reflect designation by the comprehensive plan of a property or area as part of the urban growth area when a detailed plan for urban uses and densities has not been completed; or when the area has been designated as a site for future development or annexation. These purposes are accomplished by:

(a) Allowing for limited residential growth, contiguous to existing urban public facilities; and

(b) Requiring clustered residential developments, where feasible, to prevent establishment of uses and lot patterns which may foreclose future alternatives and impede efficient later development at urban densities.

(2) Use of this zone is appropriate in urban areas, designated by the comprehensive plan, when such areas do not have adequate public facilities and services or are not yet needed to accommodate planned growth, or do not yet have detailed land use plans for urban uses and densities. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.04.070))

18.15.050 Urban residential zone.

(1) The purpose of the urban residential zone (R) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use urban residential land, public services and energy. These purposes are accomplished by:

(a) Providing, in the R-1 (urban separator) through R-12 zones, for a mix of predominantly single detached dwelling units and other development types, with a variety of densities and sizes;

(b) Providing, in the R-18 (multifamily) zone, a mix of higher densities and greater variety of housing uses;

(c) Allowing only those accessory and complementary nonresidential uses that are compatible with urban residential communities;

(d) Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally sensitive sites from overdevelopment; and

(e) Providing, in the MR (mixed residential) zone, a variety of housing types at a range of densities not provided by the other urban residential zoning districts. These purposes are accomplished by allowing a mixture of residential uses while limiting nonresidential uses to neighborhood-serving commercial uses that are complementary and supportive of mixed density housing development.

(2) Use of this zone is appropriate as follows:

(a) The urban separator (R-1) zone on or adjacent to lands with area-wide environmental constraints where development is required to cluster away from sensitive areas, on lands designated urban separators or wildlife habitat network where development is required to cluster away from the axis of the corridor on critical aquifer recharge areas, and on regionally and locally significant resource areas (RSRAs/LSRAs) or in well-established subdivisions of the same density, which are served at the time of development by public or pri-

vate facilities and services adequate to support planned densities; and

(b) The R-4 through R-18 zones and the MR zone on lands that are predominantly environmentally unconstrained and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.04.080))

18.15.060 Neighborhood commercial zone.

The purpose of the neighborhood commercial zone (NC) is to provide convenient daily retail and personal services within a local neighborhood while minimizing impacts of commercial activities on nearby properties outside of the commercial center, and to provide for limited residential development. These purposes are accomplished by:

(1) Limiting nonresidential uses to those retail or personal services, which can serve the everyday needs of a local neighborhood;

(2) Excluding industrial, community commercial and community/regional business-scaled uses;

(3) Maximum building size is limited to 5,000 gross square feet. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.04.090))

18.15.070 Community commercial zone.

(1) The purpose of the community commercial zone (CC) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties outside of the commercial center, and to provide for limited residential development. These purposes are accomplished by:

(a) Limiting nonresidential uses to those retail or personal services, which can serve the everyday needs of a surrounding urban or rural residential area;

(b) Allowing for mixed-use (housing and retail/service) developments;

(c) Excluding industrial and community/regional business-scaled uses;

(d) Maximum building size is limited to 30,000 gross square feet.

(2) Use of this zone is appropriate in urban neighborhood commercial centers, on sites which are served at the time of development by adequate public sewers when located in urban areas, water supply, roads and other needed public facilities and services. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.04.095))

18.15.080 Downtown zone.

The following zoning districts are established within the downtown zone to protect the public health, safety and general welfare by implementing the goals and policies adopted in the City of Covington Downtown Element of the Comprehensive Plan. The district intent statements define the specific purpose of each district. They shall be the policies of the City of Covington Downtown Element of the Comprehensive Plan, serve as a guide for determining the appropriate location of uses, help determine appropriate conditions for development within the downtown zone, and help the Director interpret the standards and provisions of this chapter.

(1) The town center district (TC) is the pedestrian-oriented core of downtown and allows the most intensive level of development. The emphasis of this district is on mixed-use development that includes pedestrian-oriented retail, high density residential development, and civic uses. The development of a walkable street grid and a central public gathering space are key objectives of this district. To meet goals for a pedestrian-oriented town center, limited large-format retail uses are permitted, and such uses are subject to a conditional use permit and additional design criteria provided in CMC 18.31.040.

(2) The mixed commercial district (MC) is applied to the majority of the Covington downtown zone. This district encourages a mix of commercial and multi-story residential uses, public uses, and allows for large-format and auto-oriented retail, provided they meet pedestrian-oriented design standards that are more flexible than those applied to the town center district. Achieving a high level of connectivity with new and improved streets and trails is a major goal in this district.

(3) The general commercial district (GC) is applied to a limited area of the downtown and is intended to allow the widest range of uses, coupled with more limited design standards than other areas of downtown. Permitted uses include commercial and light industrial uses, offices, major transportation and utility facilities, and residential uses that are appropriately buffered to ensure compatibility. Development and design standards are less prescriptive and provide greater flexibility to accommodate the intended uses.

(4) The mixed housing/office district (MHO) is applied to areas where infill development and redevelopment of low intensity areas with multifamily housing and office is encouraged. Residential uses

that are encouraged in this district include townhouses, cottages, and low-rise multifamily. Office development and limited intensity neighborhood retail is also permitted. Development and design standards applied to this district require buffers, lower height limits and building scale that is appropriate to the size of the lot. Trail connections are also emphasized in this district. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.04.100))

18.15.090 Regional commercial mixed-use zone.

(1) The purpose of the regional commercial mixed-use zone (RCMU) is to provide regional-scale retail and service uses in a well designed urban village setting that may include a limited amount of high density residential uses. These purposes shall be accomplished by:

(a) Concentrating large-scale commercial uses to facilitate efficient provision of public services and to minimize incompatibilities with residential uses;

(b) Encouraging compact development to accommodate integrated open space and natural features, as well as recreational amenities;

(c) Allowing for both horizontal and vertical mixed-use development, including a mix of commercial and residential uses; and

(d) Other public benefits consistent with the comprehensive plan policies as approved by the city council.

(2) Use of this zone is appropriate in commercial centers with adequate access to the regional transportation network. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A))

18.15.100 Industrial zone.

(1) The purpose of the industrial zone (I) is to provide for the location and grouping of industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing, power generation and heavy trucking. It is also a purpose of this zone to protect the industrial land base for industrial economic development and employment opportunities. These purposes are accomplished by:

(a) Allowing for a wide range of industrial and manufacturing uses;

(b) Establishing appropriate development standards and public review procedures for industrial activities with the greatest potential for adverse impacts; and

(c) Limiting residential, institutional, commercial, office and other nonindustrial uses to those necessary for the convenience of industrial activities.

(2) Use of this zone is appropriate where designated by the comprehensive plan and served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 42-02 § 2 (21A.04.130))

18.15.110 Map designation – Regional use designation.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.04.140))

18.15.120 Map designation – Special district overlay.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.04.160))

18.15.130 Map designation – Interim zoning.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.04.180))

18.15.140 Zoning maps and boundaries.

(1) The location and boundaries of the zones defined by this chapter shall be shown and delineated on zoning maps adopted by ordinance.

(2) Changes in the boundaries of the zones, including application or amendment of interim zoning, shall be made by ordinance adopting or amending a zoning map.

(3) Zoning maps are available for public review at the Department of Community Development permit center during business hours. (Amended at request of department 2/08; Ord. 42-02 § 2 (21A.04.190))

Chapter 18.20

TECHNICAL TERMS AND LAND USE DEFINITIONS

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18.20.005 Scope of chapter.

This chapter contains definitions of technical and procedural terms used throughout the code and definitions of land uses listed in tables in Chapter 18.25 CMC. The definitions in this chapter supplement the Standard Industrial Classification Manual (SIC). See Chapter 18.10 CMC for rules on interpretation of the code, including use of these definitions. Development standards are found in Chapters 18.30 through 18.100 CMC. (Ord. 42-02 § 2 (21A.06.005))

18.20.007 Abandoned vehicle.

An "abandoned vehicle" means any vehicle left upon the property of another without the consent of the owner of such property for a period of 24 hours or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance. (Ord. 42-02 § 2 (21A.06.007))

18.20.010 Accessory living quarters.

"Accessory living quarters" means living quarters in an accessory building for the use of the occupant or persons employed on the premises, or for temporary use of guests of the occupant. Such quarters have no kitchen and are not otherwise used as a separate dwelling unit. (Ord. 42-02 § 2 (21A.06.010))

18.20.015 Accessory use, commercial/ industrial.

"Accessory use, commercial/industrial" means:

(1) A use that is subordinate and incidental to a commercial or industrial use, including but not limited to the following uses:

(a) Administrative offices;
(b) Employee exercise facilities;
(c) Employee food service facilities;
(d) Incidental storage of raw materials and finished products sold or manufactured on-site;
(e) Business owner or caretaker residence;
(f) Cogeneration facilities;
(g) Ground maintenance facilities; and
(h) Electric vehicle charging stations.

(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (Ord. 19-11 § 1 (Exh. 1); Ord. 42-02 § 2 (21A.06.015))

18.20.020 Accessory use, residential.

"Accessory use, residential" means:

(1) A use, structure, or activity which is subordinate and incidental to a residence including but not limited to the following uses:

(a) Accessory living quarters and dwellings;
(b) Fallout/bomb shelters;
(c) Keeping household pets;
(d) On-site rental office;
(e) Pools, private docks, piers;
(f) Antennas for private telecommunication services;
(g) Storage of yard maintenance equipment;
(h) Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes;
(i) Greenhouses; or
(j) Electric vehicle charging stations.

(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (Ord. 19-11 § 1 (Exh. 1); Ord. 42-02 § 2 (21A.06.020))

18.20.025 Accessory use, resource.

"Accessory use, resource" means:

(1) A use, structure, or part of a structure, which is customarily subordinate and incidental to a resource use including, but not limited to, the following uses:

(a) Housing of agricultural workers; or
(b) Storage of agricultural products or equipment used on site.

(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (Ord. 42-02 § 2 (21A.06.025))

18.20.026 Active recreation space.

"Active recreation space" means recreation space that recognizes a higher level of public use than passive recreation space, and that will be developed for organized or intense recreation. Active recreation space includes both the active recreation uses and all necessary support services and facilities. (Ord. 42-02 § 2 (21A.06.026))

18.20.027 Adjustment factor.

"Adjustment factor" means a factor that, when applied to the reference evapotranspiration, adjusts for plant factors and irrigation efficiently. (Ord. 42-02 § 2 (21A.06.027))

18.20.035 Adult entertainment business.

"Adult entertainment business" means an adult club, adult arcade or adult theater as those terms are defined in the adult entertainment licensing provisions in CMC Title 5. (Ord. 42-02 § 2 (21A.06.035))

18.20.039 Agricultural drainage.

"Agricultural drainage" means any stream, ditch, tile system, pipe or culvert primarily used to drain fields for horticultural or livestock activities. (Ord. 14-05 § 3)

18.20.040 Agricultural product sales.

"Agricultural product sales" means the retail sale of items resulting form the practice of agriculture, including crops such as fruits, vegetables, grains, seed, feed, and plants, or animal products such as eggs, milk, and meat. (Ord. 42-02 § 2 (21A.06.040))

18.20.042 Agriculture training facility.

"Agriculture training facility" means an establishment developed for use by the property owner, its employees, and/or agricultural trainees for training activities which are related to or supportive of the agricultural use of the property and surrounding agricultural activities. Agriculture training facilities may include overnight lodging, meeting rooms, and educational activities. (Ord. 42-02 § 2 (21A.06.042))

18.20.050 Airport/heliport.

"Airport/heliport" means any runway, landing area or other facility, excluding facilities for the primary use of the individual property owner which are classified as helistops, designed or used by public carriers or private aircraft for the landing and taking off of aircraft, including the following associated facilities:

(1) Taxiways;

(2) Aircraft storage and tie-down areas;

(3) Hangars;

(4) Servicing; and

(5) Passenger and air freight terminals. (Ord. 42-02 § 2 (21A.06.050))

18.20.055 Alley.

"Alley" means an improved thoroughfare or right-of-way, whether public or private, usually narrower than a street, that provides vehicular access to an interior boundary of one or more lots, and is not designed for general traffic circulation. (Ord. 42-02 § 2 (21A.06.055))

18.20.056 Alteration.

"Alteration" means any human activity that results or is likely to result in an impact upon the existing condition of a critical area or its buffer. "Alteration" includes, but is not limited to, grading, filling, dredging, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants except storm water, grazing domestic animals, paving, constructing, applying gravel, modifying topography for surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity that results or is likely to result in an impact to existing vegetation, hydrology, fish or wildlife or their habitats. "Alteration" does not include passive recreation such as walking, fishing or any other similar activities. (Ord. 14-05 § 3)

18.20.057 Alternative water sources.

"Alternative water sources" means stored rainwater, or treated or recycled wastewater of a quality suitable for uses such as landscape irrigation. Such water is not considered potable. (Ord. 42-02 § 2 (21A.06.057))

18.20.059 Amenity area.

"Amenity area" means the portion of the street right-of-way between the curb and the clear walk zone of the sidewalk where trees, lighting, and street furnishings are often located. (Ord. 10-10 § 3 (Exh. C))

18.20.060 Amusement arcades.

"Amusement arcades" means a building or part of a building in which five or more pinball machines, video games, or other such player-operator amusement devices (excluding juke boxes or gambling-related machines) are operated. (Ord. 42-02 § 2 (21A.06.060))

18.20.062 Ancillary wireless communication facility.

"Ancillary wireless communication facilities" means any facilities, component, part, equipment, mounting hardware, feed lines, or appurtenance associated with, attached to, or a part of a tower, pole, antenna, ancillary structures, equipment enclosures, or facilities equipment compound, and located within, above, or below the facilities equipment compound. Also includes any form of development associated with a wireless communications facility, including but not limited to foundations, concrete slabs on grade, guy anchors and transmission cable supports. (Ord. 09-12 § 2 (Exh. B))

18.20.065 Animal, small.

"Animal, small" means any animal other than livestock or animals considered to be predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild, excluding those in zoo animal breeding facilities, shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition. (Ord. 42-02 § 2 (21A.06.065))

18.20.067 Antenna(s).

"Antenna(s)" means any exterior system of electromagnetically tuned wires, poles, rods, reflecting disks, or similar devices used to transmit or receive electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals between terrestrial and/or orbital based points, including without limitation: directional antennas (also known as "panel" antennas) that transmit and receive radio frequency signals in a specific directional pattern of less than 360 degrees; omnidirectional antennas (also known as "whip" antennas) that transmit and receive radio frequency signals in a 360-degree radial pattern, but does not include antennas utilized specifically for television reception; and parabolic antennas (also known as "dish" antennas) that are bowl-shaped devices for the reception and/or transmission of radio frequency communication signals in a specific directional pattern. (Ord. 09-12 § 2 (Exh. B); Ord. 42-02 § 2 (21A.06.067))

18.20.068 Antenna(s) array.

"Antenna(s) array" means one or more antennas and their associated ancillary facilities that share a common attachment device, such as a mounting frame or mounting support. (Ord. 09-12 § 2 (Exh. B))

18.20.068.5 Antenna(s), flush-mounted.

"Antennas, flush-mounted" are antennas or antenna array attached directly to the face of the tower, pole, or building, such that no portion of the antenna extends above the height of the tower, pole, or building. Where a maximum flush mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna. (Ord. 09-12 § 2 (Exh. B))

18.20.070 Applicant.

"Applicant" means a property owner, a public agency or a public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement under RCW 8.08.040, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.070))

18.20.072 Application rate.

"Application rate" means the depth of water applied to an area expressed in inches per hour. (Ord. 42-02 § 2 (21A.06.072))

18.20.072.5 Aquatic area.

"Aquatic area" means any nonwetland water feature including all shorelines of the State, rivers, streams, marine waters, inland bodies of open water including lakes and ponds, reservoirs and conveyance systems and impoundments of these features if any portion of the feature is formed from a stream or wetland and if any stream or wetland

contributing flows is not created solely as a consequence of storm water pond construction. "Aquatic area" does not include water features that are entirely artificially collected or conveyed storm or wastewater systems or entirely artificial channels, ponds, pools or other similar constructed water features. (Ord. 14-05 § 3)

18.20.072.8 Articulate.

"Articulate" means to give emphasis to or distinctly identify a particular building element. An articulated facade would be the emphasis of elements on the face of a wall including a change in setback, materials, texture, color, roof pitch, or height. (Ord. 10-10 § 3 (Exh. C))

18.20.073 Artist studio.

"Artist studio" means an establishment providing a place solely for the practice or rehearsal of various performing or creative arts including, but not limited to, acting, dancing, singing, drawing, painting and sculpting. (Ord. 42-02 § 2 (21A.06.073))

18.20.074 Asphalt plant.

"Asphalt plant" means any facility involved in the manufacturing and/or distribution of asphalt concrete and similar products. (Ord. 10-10 § 3 (Exh. C))

18.20.075 Auction house.

"Auction house" means an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events. (Ord. 42-02 § 2 (21A.06.075))

18.20.077 Bank stabilization.

"Bank stabilization" means an action taken to minimize or avoid the erosion of materials from the banks of rivers and streams. (Ord. 14-05 § 3)

18.20.080 Base flood.

"Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." (Ord. 42-02 § 2 (21A.06.080))

18.20.085 Base flood elevation.

"Base flood elevation" means the water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929. (Ord. 42-02 § 2 (21A.06.085))

18.20.087 Basement.

"Basement" means for purposes of development proposals in a flood hazard area, any area of a building where the floor subgrade is below ground level on all sides. (Ord. 14-05 § 3)

18.20.089.3 Battery charging station.

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. 19-11 § 1 (Exh. 1))

18.20.089.6 Battery exchange station.

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. 19-11 § 1 (Exh. 1))

18.20.090 Bed and breakfast guesthouse.

"Bed and breakfast guesthouse" means a dwelling unit or accessory building within which bedrooms are available for paying guests. (Ord. 42-02 § 2 (21A.06.090))

18.20.095 Beehive.

"Beehive" means a structure designed to contain one colony of honey bees (Apis mellifera). (Ord. 42-02 § 2 (21A.06.095))

18.20.096 Belt course.

"Belt course" means a molding or projecting course running horizontally along the face of a building. A course may be comprised of stone, tile, brick, or other material. (Ord. 10-10 § 3 (Exh. C))

18.20.097 Berm.

"Berm" means a mound or raised area used for the purpose of screening a site or operation. (Ord. 08-13 § 3 (Exh. A); Ord. 42-02 § 2 (21A.06.097))

18.20.098 Best management practice.

"Best management practice" means a schedule of activities, prohibitions of practices, physical structures, maintenance procedures and other man-

agement practices undertaken to reduce pollution or to provide habitat protection or maintenance. (Ord. 14-05 § 3)

18.20.100 Billboard.

"Billboard" means a sign, including both the supporting structural framework and attached billboard faces, used principally for advertising a business activity, use, product, or service unrelated to the primary use or activity of the property on which the billboard is located, excluding off-premises directional or temporary real estate signs. (Ord. 42-02 § 2 (21A.06.100))

18.20.105 Bioengineering.

"Bioengineering" means the use of vegetation and other natural materials such as soil, wood and rock to stabilize soil, typically against slides and stream flow erosion. When natural materials alone do not possess the needed strength to resist hydraulic and gravitational forces, "bioengineering" may consist of the use of natural materials integrated with human-made fabrics and connecting materials to create a complex matrix that joins with in-place native materials to provide erosion control. (Ord. 14-05 § 3)

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. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.110))

18.20.112 Bog.

"Bog" means a wetland that has no significant inflows or outflows and supports acidophilic mosses, particularly sphagnum. (Ord. 14-05 § 3)

18.20.115 Book, stationery, video and art supply store.

"Book, stationery, video and art supply store" means an establishment engaged in the retail sale of books and magazines, stationery, records and tapes, video and art supplies and is classified as a retail trade and service. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.115))

18.20.120 Broadleaf tree.

"Broadleaf tree" means a tree characterized by leaves that are broad in width and may include both deciduous and evergreen species. (Ord. 42-02 § 2 (21A.06.120))

18.20.122 Buffer, critical area.

"Buffer" means a designated area contiguous to a steep slope or landslide hazard area intended to protect slope stability, attenuation of surface water flows and landslide hazards, or a designated area contiguous to and intended to protect and be an integral part of an aquatic area or wetland. (Ord. 10-10 § 3 (Exh. C); Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.122))

18.20.123 Buffer and transition zone, downtown.

"Buffer and transition zone" means an area provided to reduce impacts between two different land uses in the downtown zones. Buffer and transition zones are intended to mitigate undesirable views, noises or glare. They include but are not limited to plant materials, walls, fences and/or significant land area to separate uses. (Ord. 10-10 § 3 (Exh. C))

18.20.125 Building.

"Building" means any structure having a roof. (Ord. 42-02 § 2 (21A.06.125))

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18.20.135 Building envelope.

"Building envelope" means area of a lot that delineates the limits of where a building may be placed on the lot. (Ord. 42-02 § 2 (21A.06.135))

18.20.140 Building facade.

"Building facade" means that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation. (Ord. 42-02 § 2 (21A.06.140))

18.20.145 Building, hardware and garden materials store.

"Building, hardware and garden materials store" means an establishment engaged in selling lumber and other building materials, feed, or lawn and garden supplies including, but not limited to, uses located in SIC Major Group No. 52 – Building materials, hardware, garden supply, excluding mobile home dealers. (Ord. 42-02 § 2 (21A.06.145))

18.20.146 Building height.

"Building height" means the height of a structure measured from the average finished grade at a point five feet from the average building face to the finished roof surface, excluding parapets, equipment rooms, equipment enclosures, equipment penthouses, towers, window washing equipment, stairway penthouses and similar areas. (Ord. 10-10 § 3 (Exh. C))

18.20.150 Bulk gas storage tanks.

"Bulk gas storage tanks" means a tank from which illuminating, heating, or liquefied gas is distributed by piping directly to individual users. (Ord. 42-02 § 2 (21A.06.150))

18.20.155 Bulk retail.

"Bulk retail" means an establishment offering the sale of bulk goods to the general public, including limited sales to wholesale customers. These establishments offer a variety of lines of merchandise including but not limited to: food, building, hardware and garden materials, dry goods, apparel and accessories, home furnishings, housewares, drugs, auto supplies, hobby, toys, games, photographic, and electronics. (Ord. 42-02 § 2 (21A.06.155))

18.20.157 Business services.*

"Business services" means goods and services provided by specialized firms to other firms, including, but not limited to, accounting, design, maintenance, printing, and supply of temporary personnel, etc. (Ord. 10-10 § 3 (Exh. C))

18.20.160 Campground.

"Campground" means an area of land developed for recreational use in temporary occupancy, such as: tents or recreational vehicles without hook-up facilities. (Ord. 42-02 § 2 (21A.06.160))

18.20.162 Canopy.

"Canopy" means an architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached. A canopy is comprised of a rigid structure over which a rigid covering is attached. (Ord. 10-10 § 3 (Exh. C))

18.20.165 Capacity, school.

"Capacity, school" means the number of students a school district's facilities can accommodate district-wide, based on the district's standard of service, as determined by the school district. (Ord. 42-02 § 2 (21A.06.165))

18.20.170 Capital facilities plan, school.

"Capital facilities plan, school" means a district's facilities plan adopted by the school board consisting of:

(1) A forecast of future needs for school facilities based on the district's enrollment projections;

(2) The long-range construction and capital improvements projects of the district;

(3) The schools under construction or expansion;

(4) The proposed locations and capacities of expanded or new school facilities;

(5) At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters;

* Code reviser's note: Ord. 10-10 added this section as CMC 18.20.147. This section has been editorially renumbered to preserve alphabetization.

(6) Any other long-range projects planned by the district;

(7) The current capacity of the district's school facilities based on the districts adopted standard of service, and a plan to eliminate existing deficiencies, if any, without the use of impact fees; and

(8) An inventory showing the location and capacity of existing school facilities. (Ord. 42-02 § 2 (21A.06.170))

18.20.172 Catastrophic collapse.

"Catastrophic collapse" means the collapse of the ground surface by overburden caving into underground voids created by mining. Catastrophic collapse does not include the effects from trough subsidence. (Ord. 42-02 § 2 (21A.06.172))

18.20.175 Cattery.

"Cattery" means a place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is of either sex, altered or unaltered, that has reached the age of six months. (Ord. 42-02 § 2 (21A.06.175))

18.20.180 Cemetery, columbarium or mausoleum.

"Cemetery, columbarium or mausoleum" means land or structures used for interment of the dead or their remains. For purposes of the code, pet cemeteries are considered a subclassification of this use. (Ord. 42-02 § 2 (21A.06.180))

18.20.181 Channel.

"Channel" means a feature that contains and was formed by periodically or continuously flowing water confined by banks. (Ord. 14-05 § 3)

18.20.181.5 Channel edge.

"Channel edge" means the outer edge of the water's bankfull width or, where applicable, the outer edge of the associated channel migration zone. (Ord. 14-05 § 3)

18.20.182 Channel relocation and stream meander areas.

"Channel relocation and stream meander areas" means those areas subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion, and shifts in the location of stream channels. (Ord. 42-02 § 2 (21A.06.182))

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. (Ord. 14-05 § 3)

18.20.184.5 Channel migration zone.

"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, as shown on Covington's channel migration zone maps. "Channel migration zone" means the corridor that includes the present channel, the severe channel migration hazard area and the moderate channel migration hazard area. "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. (Ord. 14-05 § 3)

18.20.184.8 Charging levels.

"Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

(1) Level 1 is considered slow charging.
(2) Level 2 is considered medium charging.
(3) Level 3 is considered fast or rapid charging. (Ord. 19-11 § 1 (Exh. 1))

18.20.185 Church, synagogue or temple.

"Church, synagogue or temple" means a place where religious services are conducted, including those uses located in SIC Industry No. 866 and including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy. This definition does not include facilities for training of religious orders. (Ord. 42-02 § 2 (21A.06.185))

18.20.190 Classrooms, school.

"Classrooms, school" means educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to best serve its student population. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms. (Ord. 42-02 § 2 (21A.06.190))

18.20.195 Clearing.

"Clearing" means the limbing, pruning, trimming, tipping, cutting, or removal of vegetation or other organic plant matter by physical, mechanical, chemical or other means. (Ord. 08-13 § 3 (Exh. A); Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.195))

18.20.205 Cogeneration.

"Cogeneration" means the sequential generation of energy and useful heat from the same primary source or fuel for industrial, commercial, or residential heating or cooling purposes. (Ord. 42-02 § 2 (21A.06.205))

18.20.207 Commercial recreation.

"Commercial recreation" means any recreational activity whose main purpose is to provide the general public with indoor or outdoor amusement or entertainment activities, tickets are sold or fees collected, and the sale or consumption of alcoholic beverages is not permitted. This includes, but is not limited to, skating rinks, pool halls, water slides, miniature golf courses, arcades, bowling alleys, go-carts, batting cages, laser tag, concessions, skate park, basketball, street hockey, etc. (Ord. 42-02 § 2 (21A.06.207))

18.20.210 Communication facility, major.

"Major communication facility" means a communication facility for transmission and reception of:
(1) UHF and VHF television signals; or
(2) FM or AM radio signals. (Ord. 42-02 § 2 (21A.06.210))

18.20.215 Communication facility, minor.

"Minor communication facility" means a communication facility for transmission and reception of:
(1) Two-way and/or citizen band (CB) radio signals;
(2) Point-to-point microwave signals;
(3) Cellular radio signals;
(4) Signals through FM radio translators; or
(5) Signals through FM radio boosters under 10 watts effective radiated power (ERP). (Ord. 42-02 § 2 (21A.06.215))

18.20.217 Community identification sign.

"Community identification sign" means a sign identifying the location of a community or geographic area such as unincorporated activity centers or rural towns designated by the comprehensive plan or communities recognized and delineated by a recognized unincorporated area Council. (Ord. 42-02 § 2 (21A.06.217))

18.20.220 Community residential facility (CRF).

"Community residential facility (CRF)" means living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified in CMC 18.25.050 as health services. CRFs are further classified as follows:
(1) CRF-I: means nine to 10 residents and staff;
(2) CRF-II: 11 or more residents and staff.
If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs. (Ord. 42-02 § 2 (21A.06.220))

18.20.223 Commuter parking lot.

"Commuter parking lot" means vehicle parking specifically for the purpose of access to a public transit system or for users of carpools or vanpools. (Ord. 42-02 § 2 (21A.06.223))

18.20.225 Compensatory storage.

"Compensatory storage" means new, excavated storage volume equivalent to any flood storage which is eliminated by building filling or grading within the floodplain. For the purpose of this definition, equivalent flood storage capacity is that which is replaced by equal volume between corresponding one-foot contour intervals which are hydraulically connected to the floodway through their entire depth. (Ord. 42-02 § 2 (21A.06.225))

18.20.230 Conditional use permit.

"Conditional use permit" means a permit granted by the City to locate a permitted use on a particular property subject to conditions placed on the permitted use to ensure compatibility with nearby land uses. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.230))

18.20.235 Conference center.

"Conference center" means an establishment developed primarily as a meeting facility, including only facilities for recreation, overnight lodging, and related activities provided for conference participants. (Ord. 42-02 § 2 (21A.06.235))

18.20.240 Confinement area.

"Confinement area" is any open land area in which livestock are kept where the forage does not meet the definition of a grazing area. (Ord. 42-02 § 2 (21A.06.240))

18.20.245 Consolidation.

"Consolidation" means the relocation to a consolidated transmission structure of the main transmit antennas of two or more FCC broadcast licensees which prior to such relocation utilized transmission structures located within a 1,500-foot radius of the center of the consolidated transmission structure to support their main transmit antennas. (Ord. 42-02 § 2 (21A.06.245))

18.20.247 Construction and trades.

"Construction and trades" means establishments that provide services related to construction of buildings and infrastructure, and other improvements to property. Such establishments include, SIC Major Group Nos. 15 through 17, and SIC Industry Group No. 078 – Landscape and horticultural services. (Ord. 42-02 § 2 (21A.06.247))

18.20.250 Construction cost per student, school.

"Construction cost per student, school" means the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district's facilities standard per grade span and taking into account the requirements of students with special needs. (Ord. 42-02 § 2 (21A.06.250))

18.20.252 Conversion factor.

"Conversion factor" means a number that converts the water budget allowance from acre-inches per acre per year to gallons per square foot per year or cubic feet per year. (Ord. 42-02 § 2 (21A.06.252))

18.20.252.3 Cornice.

"Cornice" means the molded and projecting horizontal member that crowns an architectural composition. (Ord. 10-10 § 3 (Exh. C))

18.20.252.5 Craft sales.

"Craft sales" means the sale of art and craft items crafted by the artist or crafter with his or her own hands, and sold directly by the artist or crafter. Such items do not include commercial kits, molds, patterns, plans, prefabricated forms, or mass-produced items. Craft sales shall be accessory to farmers' and public markets; provided, that the items are produced in the State of Washington. (Ord. 09-09 § 3)

18.20.253 Critical aquifer recharge area.

"Critical aquifer recharge area" means an area designated on the critical aquifer recharge area map adopted by CMC 13.37.020 that has a high susceptibility to ground water contamination or 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. Susceptibility to ground water contamination occurs where there is a combination of

permeable soils, permeable subsurface geology and ground water close to the ground surface. (Ord. 14-05 § 3)

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. "Critical area" includes the following areas:

(1) Aquatic areas;
(2) Critical aquifer recharge area;
(3) Erosion hazard areas;
(4) Flood hazard areas;
(5) Landslide hazard areas;
(6) Steep slope hazard areas;
(7) Wetlands; and
(8) Wildlife habitat conservation areas. (Ord. 14-05 § 3)

18.20.255 Critical drainage area.

"Critical drainage area" means an area which has been formally determined by the City of Covington Surface Water Management Department to require more restrictive regulation than County-wide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development and urbanization. (Ord. 42-02 § 2 (21A.06.255))

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18.20.260 Critical facility.

Repealed by Ord. 10-10. (Ord. 14-05 § 2; Ord. 06-05 § 1; Ord. 23-04 § 9; Ord. 42-02 § 2 (21A.06.260))

18.20.262 Daily care.

"Daily care" means medical procedures, monitoring and attention that are necessarily provided at the residence of the patient by the primary provider of daily care on a 24-hour basis. (Ord. 42-02 § 2 (21A.06.262))

18.20.265 Day care.

"Day care" means an establishment for group care of nonresident adults or children.

(1) Day care shall include only SIC Industry No. 835 – Child day care services, SIC Industry No. 8322 – Adult day care centers, and the following:

(a) Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services;

(b) Nursery schools for children under minimum age for education in public schools;

(c) Privately conducted kindergartens or prekindergartens when not a part of a public or parochial school; and

(d) Programs covering after-school care for school children.

(2) Day care establishments are subclassified as follows:

(a) Day care I – a maximum of 12 adults or children in any 24-hour period; and

(b) Day care II – over 12 adults or children in any 24-hour period. (Ord. 42-02 § 2 (21A.06.265))

18.20.270 Deciduous.

"Deciduous" means a plant species with foliage that is shed annually. (Ord. 42-02 § 2 (21A.06.270))

18.20.275 Density credit, transfer (TDC).

"Density credit, transfer (TDC)" means the ability to transfer potentially buildable dwelling units from an eligible sending site to an eligible receiving site as provided in this code. (Ord. 42-02 § 2 (21A.06.275))

18.20.280 Department.

"Department" means the City of Covington Department of Community Development, Public Works or its successor agency. (Ord. 10-10 § 3 (Exh. C); Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.280))

18.20.285 Department and variety store.

"Department and variety store" means an establishment engaged in the retail sale of a variety of lines of merchandise, such as dry goods, apparel and accessories, home furnishings, housewares, including only uses located in SIC Major Group and Industry Nos.:

(1) 53 – General merchandise;

(2) 5947 – Gift, novelty, and souvenir shops; and

(3) 5948 – Luggage and leather goods stores. (Ord. 42-02 § 2 (21A.06.285))

18.20.290 Destination resort.

"Destination resort" means an establishment for resource-based recreation and intended to utilize outdoor recreational opportunities, including related services, such as food, overnight lodging, equipment rentals, entertainment and other conveniences for guests of the resort. (Ord. 42-02 § 2 (21A.06.290))

18.20.295 Developer or applicant.

"Developer" or "applicant" means the person or entity who owns or holds purchase options or other development control over property for which development activity is proposed. (See Applicant, CMC 18.20.070.) (Ord. 42-02 § 2 (21A.06.295))

18.20.300 Development activity.

"Development activity" means any residential construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand on public infrastructure. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.300))

18.20.305 Development agreement.

"Development agreement" means a recorded agreement between an applicant and City of Covington which incorporates the site plans, development standards, and/or other features of a development proposal. (Ord. 42-02 § 2 (21A.06.305))

18.20.310 Development proposal.

"Development proposal" means any activities requiring a permit or other approval from the City of Covington relative to the use or development of land. (Ord. 42-02 § 2 (21A.06.310))

18.20.315 Development proposal site.

"Development proposal site" means the legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from City of Covington to carry out a development proposal. (Ord. 42-02 § 2 (21A.06.315))

18.20.320 Direct traffic impact.

"Direct traffic impact" means any increase in vehicle traffic generated by a proposed development, which results in additional daily vehicle trips on any roadway or intersection. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.320))

18.20.325 Director.

"Director" means the Director of City of Covington Department of Community Development, or his or her designee. (Amended at request of department 2/08; Ord. 42-02 § 2 (21A.06.325))

18.20.327 Ditch.

"Ditch" means an artificial open channel used or constructed for the purpose of conveying water. (Ord. 14-05 § 3)

18.20.329 Dormer.

"Dormer" means a structural element of a building that protrudes from the plane of a sloping roof surface. Dormers are used, either in original construction or as later additions, to create usable space in the roof of a building by adding headroom and usually also by enabling addition of windows. (Ord. 10-10 § 3 (Exh. C))

18.20.330 Dormitory.

"Dormitory" means a residential building that provides sleeping quarters, but not separate dwelling units, and may include common dining, cooking and recreation or bathing facilities. (Ord. 42-02 § 2 (21A.06.330))

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. (Ord. 14-05 § 3)

18.20.332 Drainage basin.

"Drainage basin" means a drainage area that drains to the Green River or other drainage area that drains directly to Puget Sound. (Ord. 14-05 § 3)

18.20.333 Drainage 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. (Ord. 14-05 § 3)

18.20.334 Drainage sub-basin.

"Drainage sub-basin" means a drainage area identified as a drainage sub-basin in a City approved basin plan or, if not identified, a drainage area that drains to a body of water that is named and mapped and contained within a drainage basin. (Ord. 14-05 § 3)

18.20.334.3 Drive-through.

"Drive-through" means any use that provides goods and services using a window or microphone while customers remain in their vehicle. (Ord. 10-10 § 3 (Exh. C)

18.20.335 Drop box facility.

"Drop box facility" means a facility used for receiving solid waste and recyclable from off-site sources into detachable solid waste containers, including the adjacent areas necessary for entrance and exit roads, unloading and vehicle turnaround areas. Drop box facilities normally service the general public with loose loads and may also include containers for separated recyclable. (Ord. 42-02 § 2 (21A.06.335))

18.20.340 Drug store.

"Drug store" means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies, including only uses located in SIC Industry Group and Industry Nos.:

(1) 591 – Drug stores and proprietary stores;

(2) 5993 – Tobacco stores and stands; and

(3) 5999 – Cosmetics stores. (Ord. 42-02 § 2 (21A.06.340))

18.20.345 Dwelling unit.

"Dwelling unit" means one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupants; dwelling units include but are not limited to bachelor, efficiency and studio apartments, factory-built housing and mobile homes. (Ord. 42-02 § 2 (21A.06.345))

18.20.350 Dwelling unit, accessory.

"Dwelling unit, accessory" means a separate, complete dwelling unit attached to or contained within the structure of the primary dwelling, or contained within a separate structure that is accessory to the primary dwelling unit on the premises. (Ord. 42-02 § 2 (21A.06.350))

18.20.355 Dwelling unit, multifamily.

"Dwelling unit, multifamily" means a dwelling unit contained in a building consisting of two or more dwelling units which may be stacked, or one or more dwellings included in a structure with nonresidential uses. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.355))

18.20.365 Dwelling unit, single-family attached.

"Dwelling unit, single-family attached" means a building containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other dwelling units by common walls. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.370). Formerly 18.20.370)

18.20.370 Dwelling unit, single-family detached.

"Dwelling unit, single-family detached" means a detached building containing one dwelling unit. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.365). Formerly 18.20.365)

18.20.375 Earth station.

"Earth station" means a communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas. (Ord. 42-02 § 2 (21A.06.375))

18.20.377 Ecosystem.

"Ecosystem" means the complex of a community of organisms and its environment functioning as an ecological unit. (Ord. 14-05 § 3)

18.20.380 Effective radiated power.

"Effective radiated power" means the product of the antenna power input and the numerical antenna power gain. (Ord. 42-02 § 2 (21A.06.380))

18.20.385 Electric scooters and motorcycles.

"Electric scooters and motorcycles" means any two-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating. (Ord. 19-11 § 1 (Exh. 1))

18.20.385.3 Electric vehicle.

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle. (Ord. 19-11 § 1 (Exh. 1))

18.20.385.6 Electric vehicle charging station.

"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use. (Ord. 19-11 § 1 (Exh. 1))

18.20.385.9 Electric vehicle charging station – Restricted.

"Electric vehicle charging station – restricted" means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and

restricted (e.g., fleet parking with no access to the general public). (Ord. 19-11 § 1 (Exh. 1))

18.20.385.12 Electric vehicle charging station – Public.

"Electric vehicle charging station – public" means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multifamily parking lots). (Ord. 19-11 § 1 (Exh. 1))

18.20.385.15 Electric vehicle infrastructure.

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations. (Ord. 19-11 § 1 (Exh. 1))

18.20.385.18 Electric vehicle parking space.

"Electric vehicle parking space" means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle. (Ord. 19-11 § 1 (Exh. 1))

18.20.390 Electrical substation.

"Electrical substation" means a site containing equipment for the conversion of high voltage electrical power transported through transmission lines into lower voltages transported through distribution lines and suitable for individual users. (Ord. 42-02 § 2 (21A.06.390))

18.20.392 Emergency.

"Emergency" means an occurrence during which there is imminent danger to the public health, safety and welfare, or that poses an imminent risk of property damage or personal injury or death as a result of a natural or human-made catastrophe, as determined by the Director. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.392))

18.20.393 Emergency care facility.

"Emergency care facility" means any facility providing 24-hour emergency medical care. (Ord. 10-10 § 3 (Exh. C))

18.20.395 Energy resource recovery facility.

"Energy resource recovery facility" means an establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste. (Ord. 42-02 § 2 (21A.06.395))

18.20.397 Engineer, civil, geotechnical and structural.

"Engineer, civil, geotechnical and structural" means:

(1) "Civil engineer" means an engineer who is licensed as a professional engineer in the branch of civil engineering by the State of Washington under Chapter 18.43 RCW;

(2) "Engineering geologist" means a licensed professional by the State of Washington meeting the requirements of Chapter 18.220 RCW; and

(3) "Structural engineer" means an engineer who is licensed as a professional engineer in the branch of structural engineering by the State of Washington under Chapter 18.43 RCW. (Ord. 14-05 § 3)

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. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.400))

18.20.405 Equipment, heavy.

"Equipment, heavy" means high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:

(1) Carryalls;
(2) Graders;
(3) Loading and unloading devices;
(4) Cranes;
(5) Drag lines;
(6) Trench diggers;
(7) Tractors;
(8) Augers;
(9) Bulldozers;
(10) Concrete mixers and conveyers;
(11) Harvesters;
(12) Combines; or
(13) Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower. (Ord. 42-02 § 2 (21A.06.405))

18.20.410 Erosion.

"Erosion" means the wearing away of the ground surface as the result of the movement of wind, water or ice. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.410))

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 include, 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"). (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.415))

18.20.418 Essential public facility.

"Essential public facility" means a facility necessary to protect the public health, safety and welfare, including, but not limited to, a facility defined under the occupancy categories of "essential facilities," "hazardous facilities," "critical facilities" and "special occupancy structures" in the structural forces chapter or succeeding chapter in CMC Title 15. Critical facilities also include nursing and personal care facilities, schools, senior citizen assisted housing, public roadway bridges and sites that produce, use or store hazardous substances or hazardous waste, not including the temporary storage of consumer products containing hazardous substances or hazardous waste intended for household use or for retail sale on the site. (Ord. 10-10 § 3 (Exh. C))

18.20.420 Evergreen.

"Evergreen" means a plant species with foliage that persists and remains green year-round. (Ord. 42-02 § 2 (21A.06.420))

18.20.425 Examiner.

"Examiner" means the Hearing Examiner as established by Chapter 2.25 CMC. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.425))

18.20.427 Expansion.

"Expansion" means the act or process of increasing the size, quantity or scope. (Ord. 14-05 § 3)

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18.20.430 Fabric shop.

"Fabric shop" means an establishment engaged in the retail sale of sewing supplies and accessories, including only uses located in SIC Industry Nos.:

(1) 5949 – Sewing, needlework, and piece goods stores; and

(2) Awning shops, banner shops, and flag shops found in 5999. (Ord. 42-02 § 2 (21A.06.430))

18.20.433 Facade.

"Facade" means the portion of any exterior elevation of the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building. (Ord. 10-10 § 3 (Exh. C))

18.20.435 Facilities standard.

"Facilities standard" means the space required by grade span, and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the school district as identified in the district's capital facilities plan. (Ord. 42-02 § 2 (21A.06.435))

18.20.440 Factory-built commercial building.

"Factory-built commercial building" means any structure that is either entirely or substantially prefabricated or assembled at a place other than a building site; and designed or used for nonresidential human occupancy. (Ord. 42-02 § 2 (21A.06.440))

18.20.445 Fairground.

"Fairground" means a site permanently designated and improved for holding a County fair, as provided in Chapters 15.76 and 36.37 RCW, or for holding similar events, including, but not limited to:

(1) Carnivals;

(2) Circuses;

(3) Expositions;

(4) Animal shows; and

(5) Exhibitions and/or demonstrations of farm and home products with accompanying entertainment and amusements. (Ord. 42-02 § 2 (21A.06.445))

18.20.450 Family.

"Family" means an individual; two or more persons related by blood or marriage; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood or marriage, living together as a single housekeeping unit; a group of eight or fewer residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents. (Ord. 42-02 § 2 (21A.06.450))

18.20.451.5 Farmers' market.

"Farmers' market" means a site where farmers sell locally grown, produced, caught, or gathered fruits, vegetables, herbs, nuts, honey, dairy products, eggs, poultry, mushrooms, meats, fish, flowers, nursery stock, and plants. One hundred percent of the items for sale under this definition must be grown, produced, caught, or gathered in the State of Washington. Up to 30 percent of a farmers' market's total number of vendor spaces may consist of resellers and/or accessory uses. (Ord. 09-09 § 3)

18.20.452 Feasible.

"Feasible" means capable of being done or accomplished. (Ord. 14-05 § 3)

18.20.455 Federal Emergency Management Agency (FEMA) floodway.

"Federal Emergency Management Agency floodway" means the channel of the stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one foot. (Ord. 14-05 § 3 [18.20.462]; Ord. 42-02 § 2 (21A.06.455))

18.20.460 Feed store.

"Feed store" means an establishment engaged in retail sale of supplies directly related to the day to day activities of agricultural production. (Ord. 42-02 § 2 (21A.06.460))

18.20.461 Federal Emergency Management Agency.

"Federal Emergency Management Agency" means the independent Federal agency that, among other responsibilities, oversees the administration of the National Flood Insurance Program. (Ord. 14-05 § 3)

18.20.463 Fen.

"Fen" means a wetland that receives some drainage from surrounding mineral soil and includes peat formed mainly from Carex and marsh-like vegetation. (Ord. 14-05 § 3)

18.20.465 Fence.

"Fence" means a barrier for the purpose of enclosing space or separating lots, composed of:

(1) Masonry or concrete walls, excluding retaining walls; or

(2) Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh. (Ord. 42-02 § 2 (21A.06.465))

18.20.467 Financial guarantee.

"Financial guarantee" means a form of financial security posted to ensure timely and proper completion of improvements, to ensure compliance with the City of Covington Municipal Code, and/or to warranty materials, workmanship of improvements, and design. Financial guarantees include assignments of funds, cash deposit, and surety bonds, and or other forms of financial security acceptable to the Director. For the purposes of this title, the terms performance guarantee, maintenance guarantee, and defect guarantee are considered subcategories of financial guarantee. (Ord. 42-02 § 2 (21A.06.467))

18.20.470 Flood fringe, zero-rise.

"Zero-rise flood fringe" means that portion of the floodplain outside of the zero-rise floodway. The zero-rise flood fringe is generally associated with standing water rather than rapidly flowing water. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.470))

18.20.475 Flood hazard area.

"Flood hazard area" means any area subject to inundation by the base flood or risk from channel migration including, but not limited to, an aquatic area, wetland or closed depression. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.475))

18.20.477 Flood hazard boundary map.

"Flood hazard boundary map" means the initial insurance map issued by FEMA that identifies, based on approximate analyses, the areas of the one percent annual chance, 100-year, flood hazard within the community. (Ord. 14-05 § 3)

18.20.478 Flood hazard data.

"Flood hazard data" means data or any combination of data available from Federal, State or other sources including, but not limited to, maps, critical area studies, reports, historical flood hazard information, channel migration zone maps or studies or other related engineering and technical data that identify floodplain boundaries, regulatory floodway boundaries, base flood elevations, or flood cross sections. (Ord. 14-05 § 3)

18.20.480 Flood insurance rate map.

"Flood insurance rate map" means the insurance and floodplain management map produced by FEMA that identifies, based on detailed or approximate analysis, the areas subject to flooding during the base flood. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.480))

18.20.485 Flood insurance study for Covington.

"Flood insurance study for Covington" means the official report provided by FEMA that includes flood profiles and the flood insurance rate map. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.485))

18.20.490 Flood protection elevation.

"Flood protection elevation" means an elevation that is one foot above the base flood elevation. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.490))

18.20.492 Flood protection facility.

"Flood protection facility" means a structure that provides protection from flood damage. Flood protection facility includes, but is not limited to, the following structures and supporting infrastructure:

(1) Dams or water diversions, regardless of primary purpose, if the facility provides flood protection benefits;

(2) Flood containment facilities such as levees, dikes, berms, walls and raised banks, including pump stations and other supporting structures; and

(3) Bank stabilization structures, often called revetments. (Ord. 14-05 § 3)

18.20.495 Floodplain.

"Floodplain" means the total area subject to inundation by the base flood. (Ord. 42-02 § 2 (21A.06.495))

18.20.500 Floodproofing, dry.

"Dry floodproofing" means adaptations that make a structure that is below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components capable of and with sufficient strength to resist hydrostatic and hydrodynamic loads including buoyancy. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.500))

18.20.505 Floodway, zero-rise.

"Zero-rise floodway" means the channel of a stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without any measurable increase in base flood elevation.

(1) For the purpose of this definition, "measurable increase in base flood elevation" means a calculated upward rise in the base flood elevation, equal to or greater than 0.01 feet, resulting from a comparison of existing conditions and changed conditions directly attributable to alterations of the topography or any other flow obstructions in the floodplain. "Zero-rise floodway" is broader than that of the FEMA floodway but always includes the FEMA floodway.

(2) "Zero-rise floodway" includes the entire floodplain unless a critical areas report demonstrates otherwise. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.505))

18.20.507 Floor area ratio (FAR).

"Floor area ratio (FAR)" means the gross floor area of all buildings permitted on a lot divided by the area of the lot. The permitted building floor area is calculated by multiplying the maximum FAR specified by the zoning district by the total area of the parcel. (Ord. 10-10 § 3 (Exh. C))

18.20.510 Florist shop.

"Florist shop" means an establishment engaged in the retail sale of flowers and plants, including only uses located in SIC Industry Nos.:

(1) 5992 – Florists; and

(2) 5999 – Artificial flowers. (Ord. 42-02 § 2 (21A.06.510))

18.20.512 Footprint.

"Footprint" means the area encompassed by the foundation of a structure including building overhangs if the overhangs do not extend more than 18 inches beyond the foundation and excluding uncovered decks. (Ord. 14-05 § 3)

18.20.513 Footprint, development.

"Footprint, development" means the area encompassed by the foundations of all structures including paved and impervious surfaces. (Ord. 14-05 § 3)

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. (Ord. 42-02 § 2 (21A.06.515))

18.20.520 Forest practice.

"Forest practice" means any forest practice as defined in RCW 79.06.020. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.520))

18.20.521 Forest practice, Class IV-G nonconversion.

"Forest practice, Class IV-G nonconversion" means a Class IV general forest practice, as defined in WAC 222-16-050, on a parcel for which there is a City-approved long-term forest management plan. (Ord. 14-05 § 3)

18.20.525 Forest product sales.

"Forest product sales" means the sale of goods produced, extracted, consumed, gathered or harvested from a forest including, but not limited to:

(1) Trees;
(2) Wood chips;
(3) Logs;
(4) Fuel wood;
(5) Cones;
(6) Christmas trees;
(7) Berries;
(8) Herbs; or
(9) Mushrooms. (Ord. 42-02 § 2 (21A.06.525))

18.20.530 Forest research.

"Forest research" means the performance of scientific studies relating to botany, hydrology, silviculture, biology and other branches of science in relation to management of forest lands, including only uses located in SIC Industry Nos.:

(1) 8731 – Commercial physical and biological research;

(2) 8733 – Noncommercial research organizations; and

(3) 8734 – Testing laboratories. (Ord. 42-02 § 2 (21A.06.530))

18.20.532 Fully accessible.

"Fully accessible" means a building, structure or facility (public or private) that is in compliance with the Federal provisions of the Americans with Disabilities Act, including the supplemental Accessibility Guidelines for Buildings and Facilities. (Ord. 42-02 § 2 (21A.06.533))

18.20.533 Fully contained community (FCC).

"Fully contained community (FCC)" means a site-specific development project consisting of conceptual site plan(s), development standards, processing and other elements, and which is consistent with the criteria provided in RCW 36.70A.350. (Ord. 42-02 § 2 (21A.06.533))

18.20.535 Furniture and home furnishings store.

"Furniture and home furnishings store" means an establishment engaged in the retail sale of household furniture and furnishings for the home, including only uses located in SIC Major Group and Industry Nos.:

(1) 57 – Home furniture, furnishings, and equipment stores, except Industry Group No. 573; and

(2) Baby carriages, cake decorating supplies, hot tubs, picture frames (ready-made), swimming pools (above-ground, not site-built), telephone stores and typewriter stores found in 5999. (Ord. 42-02 § 2 (21A.06.535))

18.20.536 Gable roof.

"Gable roof" means a double sloping roof with a ridge and a triangular wall section, i.e., a gable, at each end bounded by the two roof slopes. (Ord. 10-10 § 3 (Exh. C))

18.20.537 Gambling.

"Gambling" means staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by State law, pari-mutuel betting as authorized by Chapter 67.16 RCW, bona fide business transactions valid under the law of contracts including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance including, but not limited to, contracts of indemnity or guarantee and life, health, or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under this chapter shall not constitute gambling. (Ord. 42-02 § 2 (21A.06.537))

18.20.540 General business service.

"General business service" means an establishment engaged in providing services to businesses or individuals, with no outdoor storage or fabrication, including only uses located in SIC Major Group Nos.:

(1) 60 – Depository institutions;

(2) 61 – Nondepository credit institutions;

(3) 62 – Security and commodity brokers, dealers, exchanges, and services;

(4) 63 – Insurance carriers;

(5) 65 – Real estate, except 653 (real estate agents and directors);

(6) 67 – Holding and other investment offices;

(7) 7299 – Miscellaneous personal services, not elsewhere classified;

(8) 73 – Business services, except Industry Group and Industry Nos.:

(a) 7312 – Outdoor advertising services; and

(9) 86 – Membership organizations, including administrative offices of organized religions found in 8661, but excluding churches and places of worship. (Ord. 42-02 § 2 (21A.06.540))

18.20.545 Geologist.

"Geologist" means a person who holds a current license from the Washington State Geologist Licensing Board. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.545))

18.20.550 Geotechnical engineer.

"Geotechnical engineer" means a practicing geotechnical/civil engineer licensed as a professional civil engineer by the State of Washington who has at least four years of professional employment as a geotechnical engineer. (Ord. 42-02 § 2 (21A.06.550))

18.20.555 Golf course facility.

"Golf course facility" means a recreational facility, under public or private ownership, designed and developed for golf activities with accessory uses including, but not limited to:

(1) A driving range;

(2) Miniature golf;
(3) Pro shops;
(4) Caddyshack buildings;
(5) Swimming pools, tennis courts and other related recreational facilities;
(6) Restaurants;
(7) Office and meeting rooms; and
(8) Related storage facilities. (Ord. 42-02 § 2 (21A.06.555))

18.20.556 Government services.
"Government services" means a use or facility of any unit of government that provides a direct service to people. This definition excludes jails, parks, transit centers, park and rides, utility yards, sewage treatment plants, schools, golf courses and airports. (Ord. 10-10 § 3 (Exh. C))

18.20.557 Grade.
"Grade" means the elevation of the ground surface.
"Existing grade," "finish grade" and "rough grade" are defined as follows:
(1) "Existing grade" means the grade before grading;
(2) "Finish grade" means the final grade of the site that conforms to the approved plan; and
(3) "Rough grade" means the grade that approximately conforms to the approved plan. (Ord. 14-05 § 3)

18.20.560 Grade span.
"Grade span" means the categories into which a district groups its grades of students; i.e., elementary, middle or junior high school, and high school. (Ord. 42-02 § 2 (21A.06.560))

18.20.565 Grading.
"Grading" means any excavation, filling, removing the duff layer or any combination thereof. (Ord. 42-02 § 2 (21A.06.565))

18.20.570 Grazing area.
"Grazing area" means any open land area used to pasture livestock in which suitable forage is maintained over 80 percent of the area at all times of the year. (Ord. 42-02 § 2 (21A.06.570))

18.20.575 Ground cover.
"Ground cover" means living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against erosion. (Ord. 42-02 § 2 (21A.06.575))

18.20.576 Group assembly.
"Group assembly" means any facility that provides for the regular assembly of individuals for entertainment or social purposes. (Ord. 10-10 § 3 (Exh. C))

18.20.577 Habitat.
"Habitat" means the locality, site and particular type of environment occupied by an organism at any stage in its life cycle. (Ord. 14-05 § 3)

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 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. (Ord. 14-05 § 3)

18.20.580 Hazardous household substance.
"Hazardous household substance" means a substance as defined in RCW 70.105.010. (Ord. 42-02 § 2 (21A.06.580))

18.20.582 Hazardous liquid and gas transmission pipeline.
"Hazardous liquid and gas transmission pipeline" means hazardous liquid and gas transmission pipelines as defined by RCW 81.88.040 and WAC 480-93-005. (Ord. 42-02 § 2 (21A.06.582))

18.20.585 Hazardous substance.
"Hazardous substance" means a substance as defined in RCW 70.105.010. (Ord. 42-02 § 2 (21A.06.585))

18.20.590 Heavy equipment and truck repair.
"Heavy equipment and truck repair" means the repair and maintenance of self-powered, self-propelled or towed mechanical devices, equipment and vehicles used for commercial purposes, such as tandem axle trucks, graders, backhoes, tractor trailers, cranes, lifts, but excluding automobiles and pick-up trucks under 10,000 pounds, recreational vehicles, boats and their trailers. (Ord. 42-02 § 2 (21A.06.590))

18.20.595 Helistop.

"Helistop" means an area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo but not including fueling service, hangers, maintenance or overhaul facilities. (Ord. 42-02 § 2 (21A.06.595))

18.20.596 Hip roof.

"Hip roof" means a roof that slopes down to the eaves on all four sides without gables. (Ord. 10-10 § 3 (Exh. C))

18.20.597 Historic resource.

"Historic resource" means a district, site, building, structure or object significant in national, State or local history, architecture, archaeology, and culture. (Ord. 42-02 § 2 (21A.06.597))

18.20.598 Historic resource inventory.

"Historic resource inventory" means an organized compilation of information on historic resources considered to be potentially significant according to the criteria listed in CMC 18.47.040(1). The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources. (Ord. 42-02 § 2 (21A.06.598))

18.20.599 Historical flood hazard information.

"Historical flood hazard information" means information that identifies floodplain boundaries, regulatory floodway boundaries, base flood elevations, or flood cross-sections including, but not limited to, photos, video recordings, high water marks, survey information or news agency reports. (Ord. 14-05 § 3)

18.20.600 Hobby, toy, and game shop.

"Hobby, toy, and game shop" means an establishment engaged in the retail sale of toys, games, hobby and craft kits, including only uses located in SIC Industry Nos.:

(1) 5945 – Hobby, toy and game shops; and

(2) 5999 – Autograph and philatelist supply stores, coin shops, and stamps, philatelist-retail (except mail order). (Ord. 42-02 § 2 (21A.06.600))

18.20.605 Home industry.

"Home industry" means a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the site as a residence. (Ord. 42-02 § 2 (21A.06.605))

18.20.610 Home occupation.

"Home occupation" means a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence. (Ord. 42-02 § 2 (21A.06.610))

18.20.611 Hospital.

"Hospital" means a building designed and used for medical or surgical diagnosis, treatment and housing of persons under the care of doctors and nurses and including ancillary uses such as cafeterias, florists and patient- and visitor-related services. Rest homes, nursing homes, convalescent homes and clinics are not included. (Ord. 10-10 § 3 (Exh. C))

18.20.613 Hotel.

"Hotel" means an establishment in which temporary lodging or temporary boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all guest rooms are made through an inside lobby or office. Guest rooms must be accessed from an interior hallway. The use may include ancillary uses, such as, but not limited to, a restaurant, lounge, meeting rooms, banquet rooms, swimming pool, and convention facilities. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A))

18.20.615 Household pets.

"Household pets" means small animals that are kept within a dwelling unit. (Ord. 42-02 § 2 (21A.06.615))

18.20.620 Hydroelectric generation facility.

"Hydroelectric generation facility" means an establishment for the generation of electricity using water sources. (Ord. 42-02 § 2 (21A.06.620))

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) 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. (Ord. 10-10 § 3 (Exh. C); Ord. 20-07 § 66; Ord. 43-02 § 2 (27.04.025). Formerly 14.55.090)

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18.20.622 Impacts.

"Impacts" means the effects or consequences of actions. "Environmental impacts" are effects upon the elements of the environment listed in WAC 197-11-444. (Ord. 20-07 § 113; Ord. 14-05 § 3. Formerly 18.20.621)

18.20.625 Impervious surface.

"Impervious surface" means a nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle at natural infiltration rates including, but not limited to, roofs, swimming pools and areas that are paved, graveled or made of packed or oiled earthen materials such as roads, walkways or parking areas. "Impervious surface" does not include landscaping and surface water flow control and water quality treatment facilities. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.625))

18.20.627 Impoundment.

"Impoundment" means a body of water collected in a reservoir, pond or dam or collected as a consequence of natural disturbance events. (Ord. 14-05 § 3)

18.20.630 Improved public roadways.

"Improved public roadways" means public road rights-of-way that have been improved with at least two travel lanes and are maintained by either City of Covington or the State of Washington. (Ord. 42-02 § 2 (21A.06.630))

18.20.635 Individual transportation and taxi.

"Individual transportation and taxi" means an establishment engaged in furnishing individual or small group transportation by motor vehicle, including only uses located in SIC Industry Group and Industry Nos.:

(1) 412 – Taxicabs; and

(2) 4119 – Local passenger transportation, not elsewhere classified. (Ord. 42-02 § 2 (21A.06.635))

18.20.636 Industrial, light.

"Industrial, light" means any use engaged in small-scale production, manufacturing, fabrication or distribution, and considered less intensive because such uses do not result in noise, odor, toxic chemicals or other activities posing a hazard to public health and safety. May also include supporting office and retail activities. (Ord. 10-10 § 3 (Exh. C))

18.20.637 Infiltration rate.

"Infiltration rate" means the rate of water entry into the soil expressed in inches per hour. (Ord. 42-02 § 2 (21A.06.637))

18.20.638 Instream structure.

"Instream structure" means anything placed or constructed below the ordinary high water mark, including, but not limited to, weirs, culverts, fill and natural materials and excluding dikes, levees, revetments and other bank stabilization facilities. (Ord. 14-05 § 3)

18.20.640 Interim recycling facility.

"Interim recycling facility" means a site or establishment engaged in collection or treatment of recyclable materials, which is not the final disposal site, and including:

(1) Drop boxes;

(2) Source-separated, organic waste processing facilities; and

(3) Collection, separation and shipment of glass, metal, paper or other recyclables. (Ord. 42-02 § 2 (21A.06.640))

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 or school district or any other City or governmental agency. (Ord. 42-02 § 2 (21A.06.641))

18.20.641.5 Invasive vegetation.

"Invasive vegetation" means a plant species listed as obnoxious weeds on the noxious weed list adopted King County or State of Washington. (Ord. 14-05 § 3)

18.20.642 Irrigation efficiency.

"Irrigation efficiency" means is the coefficient of the amount of water beneficially used divided by the amount of water applied. This coefficient is derived from actual measurements and an evaluation of the general characteristics of the type of irrigation system and management practices proposed. (Ord. 42-02 § 2 (21A.06.642))

18.20.645 Jail.

"Jail" means a facility operated by a governmental agency; designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following conviction of an offense. (Ord. 42-02 § 2 (21A.06.645))

18.20.650 Jail farm.

"Jail farm" means a farm or camp on which persons convicted of minor law violations are confined and participate in agriculture and other work activities of the facility. (Ord. 42-02 § 2 (21A.06.650))

18.20.655 Jewelry store.

"Jewelry store" means an establishment engaged in the retail sale of a variety of jewelry products, including only uses located in SIC Industry Nos.:

(1) 5944 – Jewelry stores; and

(2) Gem stones and rock specimens found in 5999. (Ord. 42-02 § 2 (21A.06.655))

18.20.658 Joint use driveway.

"Joint use driveway" means a jointly owned and/or maintained vehicular access to two residential or commercial properties. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.658))

18.20.659 Joint use parking.

"Joint use parking" or "shared parking" means required parking stalls shared by two or more uses with the approval of the City. Joint use parking can be appropriate when different operational characteristics of the land uses allow the parking stalls to be available for each use when there is demand. (Ord. 10-10 § 3 (Exh. C))

18.20.660 Kennel.

"Kennel" means a place where adult dogs are temporarily boarded for compensation, whether or not for training. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months. (Ord. 42-02 § 2 (21A.06.660))

18.20.661 Kick plate.

"Kick plate" means a plate applied to the face of the lower rail of a door or sidelight to protect against abrasion or impact loads. (Ord. 10-10 § 3 (Exh. C))

18.20.662 Kitchen or kitchen facility.

"Kitchen" or "kitchen facility" means an area within a building intended for the preparation and storage of food and containing:

(1) An appliance for the refrigeration of food;

(2) An appliance for the cooking or heating of food; and

(3) A sink. (Ord. 42-02 § 2 (21A.06.662))

18.20.665 Landfill.

"Landfill" means a disposal site or part of a site at which refuse is deposited. (Ord. 42-02 § 2 (21A.06.665))

18.20.667 Landscape water features.

"Landscape water features" means a pond, pool or fountain used as a decorative component of a development. (Ord. 42-02 § 2 (21A.06.667))

18.20.670 Landscaping.

"Landscaping" means live vegetative materials required for a development. Said materials provided along the boundaries of a development site is referred to as perimeter landscaping. (Ord. 42-02 § 2 (21A.06.670))

18.20.675 Landslide.

"Landslide" means episodic downslope movement of a mass including, but not limited to, soil, rock or snow. (Ord. 42-02 § 2 (21A.06.675))

18.20.680 Landslide hazard area.

"Landslide hazard area" means an area subject to severe risk of landslide, 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 ground water seepage;

(2) 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;

(3) An area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;

(4) An area that shows evidence of or is at risk from snow avalanches; or

(5) An area located on an alluvial fan, presently or potentially subject to inundation by debris flows or deposition of stream-transported sediments. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.680))

18.20.682 Large format retail trade and services.

"Large format retail" means a retail establishment greater than 100,000 square feet for all structures that offers the sale of goods to the general public, including limited sales to wholesale customers. These uses typically require high parking to building floor area ratios and serve a regional market. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.682))

18.20.683A Letter of map amendment.

"Letter of map amendment" means an official determination by FEMA that a property has been inadvertently included in an area subject to inundation by the base flood as shown on a flood hazard boundary map or flood insurance rate map. (Ord. 14-05 § 3)

18.20.683B Letter of map revision.

"Letter of map revision" means a letter issued by FEMA to revise the flood hazard boundary map or flood insurance rate map and flood insurance study for a community to change base flood elevations, and floodplain and floodway boundary delineation. (Ord. 14-05 § 3)

18.20.685 Level of service (LOS), traffic.

"Level of service (LOS), traffic" means a quantitative measure of traffic congestion identified by a declining letter scale (A-F) as calculated by the methodology contained in the 1985 Highway Capacity Manual Special Report 209, or current edition, or as calculated by another method approved by the Department of Community Development. LOS "A" indicates free flow of traffic with no delays while LOS "F" indicates jammed conditions or extensive delay. (Amended at request of department 2/08; Ord. 42-02 § 2 (21A.06.685))

18.20.690 Light equipment.

"Light equipment" means hand-held tools and construction equipment, such as chain saws, wheelbarrows and post-hole diggers. (Ord. 42-02 § 2 (21A.06.690))

18.20.695 Livestock.

"Livestock" means grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to:

(1) Cattle;

(2) Riding and draft horses;

(3) Hogs, excluding pigs weighing less than 120 pounds and standing 20 inches or less at the shoulder which are kept as pets or small animals;

(4) Sheep; and

(5) Goats. (Ord. 42-02 § 2 (21A.06.695))

18.20.700 Livestock, large.

"Livestock, large" means cattle, horses, and other livestock generally weighing over 500 pounds. (Ord. 42-02 § 2 (21A.06.700))

18.20.705 Livestock sales.

"Livestock sales" means the sale of livestock, but not including auctions. (Ord. 42-02 § 2 (21A.06.710))

18.20.710 Livestock, small.

"Livestock, small" means hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder which are kept as household pets or small animals, sheep, goats, miniature horses, llamas, alpaca and other livestock generally weighing under 500 pounds. (Ord. 42-02 § 2 (21A.06.705))

18.20.715 Loading space.

"Loading space" means a space for the temporary parking of a vehicle while loading or unloading cargo or passengers. (Ord. 42-02 § 2 (21A.06.715))

18.20.720 Log storage.

"Log storage" means a facility for the open or enclosed storage of logs, which may include repair facilities for equipment used on-site or operations offices. (Ord. 42-02 § 2 (21A.06.720))

18.20.725 Lot.

"Lot" means a physically separate and distinct parcel of property, which has been created pursuant to CMC Title 17, Subdivisions. (Ord. 42-02 § 2 (21A.06.725))

18.20.727 Lot frontage.

"Lot frontage" means the shortest distance between the sides of the lot along the boundary abutting the street or private road. (Ord. 10-10 § 3 (Exh. C))

18.20.730 Lot line, interior.

"Lot line, interior" means lot lines that delineate property boundaries along those portions of the property which do not abut a street. (Ord. 42-02 § 2 (21A.06.730))

18.20.732 Low impact development.

"Low impact development (LID)" is a stormwater management, site design and engineering approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized small-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Specific LID tools and standards are identified in the Low Impact Development Technical Guidance Manual for Puget Sound, or other equivalent manual adopted by the City. (Ord. 10-10 § 3 (Exh. C))

18.20.733 Maintenance.

"Maintenance" means the usual acts to prevent a decline, lapse or cessation from a lawfully established condition without any expansion of or significant change from that originally established condition. Activities within landscaped areas within areas subject to native vegetation retention requirements may be considered "maintenance" only if they maintain or enhance the canopy and understory cover. "Maintenance" includes repair work but does not include replacement work. When maintenance is conducted specifically in accordance with the Regional Road Maintenance Endangered Species Act Program Guidelines, the definition of "maintenance" in the glossary of those guidelines supersedes the definition of "maintenance" in this section. (Ord. 14-05 § 3)

18.20.735 Manufactured home.

"Manufactured home" means a structure, transportable in one or more sections, that in the traveling mode is eight body feet or more in width or 32 body feet or more in length; or when erected on site, is 300 square feet or more in area; which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities; which contains plumbing, heating, air-conditioning and electrical systems; and shall include any structure that meets all the requirements of this section, or of Chapter 296-150M WAC, except the size requirements for which the manufacturer voluntarily complies with the standards and files the certification required by the Federal Department of Housing and Urban Development. The term "manufactured home" does not include a "recreational vehicle." (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.755))

18.20.740 Manufactured home park.

"Manufactured home park" means a development with two or more improved pads or spaces designed to accommodate mobile homes. (Ord. 42-02 § 2 (21A.06.760))

18.20.741 Manufacturing, heavy.

"Manufacturing, heavy" means land uses characterized by larger size facilities engaged in the processing of raw materials or parts into finished products. Such facilities may have a higher degree of negative environmental impacts due to the processes employed and operations. (Ord. 10-10 § 3 (Exh. C))

18.20.742 Manufacturing, light.

"Manufacturing, light" means land uses characterized by small size facilities where no heavy manufacturing or specialized industrial processes takes place. Typical light manufacturing activities include printing, material testing, and assembly components. Such facilities usually employ less than 100 persons. (Ord. 10-10 § 3 (Exh. C))

18.20.743 Mapping partner.

"Mapping partner" means any organization or individual that is involved in the development and maintenance of a draft flood boundary work map, preliminary flood insurance rate map or flood insurance rate map. (Ord. 14-05 § 3)

18.20.745 Marina.

"Marina" means an establishment providing docking, moorage space and related activities limited to the provisioning or minor repair of pleasure boats and yachts, and accessory facilities including, but not limited to:

(1) Showers;

(2) Toilets; and

(3) Self-service laundries. (Ord. 42-02 § 2 (21A.06.735))

18.20.748 Market manager.

"Market manager" means one who oversees the general operations of a farmers' or public market, which may include: acting as the applicant for a required temporary use permit; acting as the main contact with the City; ensuring compliance with State and municipal law and health regulations; overseeing the setup, operation, and closing of the market each day; recruiting vendors; collecting payment; and promoting the market. (Ord. 09-09 § 3)

18.20.749 Mass.

"Mass" means the physical volume or bulk of a solid body. The mass of a building is its three-dimensional form, bulkiness and relationship to exterior spaces. During the design process, massing is one of many aspects of form considered by an architect or designer and can be the result of both exterior and interior design considerations. Architectural massing can be used to identify a building entry, denote a stairway or simply create visual depth to soften the visual mass of the overall structure. (Ord. 10-10 § 3 (Exh. C))

18.20.750 Material error.

"Material error" means substantive information upon which a permit decision is based that is submitted in error or is omitted at the time of permit application. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.740))

18.20.750.5 Medical office.

"Medical office" means a facility that provides diagnosis and outpatient care on a routine basis but is unable to provide prolonged in-house medical or major surgical care. Medical clinics are included in this definition. (Ord. 10-10 § 3 (Exh. C))

18.20.751 Microwave.

"Microwave" means electromagnetic waves with a frequency range of 300 megahertz (MHz) to 300 gigahertz (GHz). (Ord. 42-02 § 2 (21A.06.745))

18.20.752 Mitigation.

"Mitigation" means an action taken to compensate for adverse impacts to the environment resulting from a development activity or alteration. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.750))

18.20.753 Mitigation bank.

"Mitigation bank" means a property that has been protected in perpetuity and approved by appropriate County, State and Federal agencies expressly for the purpose of providing compensatory mitigation in advance of authorized impacts through any combination of restoration, creation or enhancement of wetlands and, in exceptional circumstances, preservation of adjacent wetlands and wetland buffers or protection of other aquatic or wildlife resources. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.751))

18.20.755 Mitigation banking.

"Mitigation banking" means a system for providing compensatory mitigation in advance of authorized wetland impacts of development in City of Covington in which credits are generated through restoration, creation, and/or enhancement of wetlands, and in exceptional circumstances, preservation of adjacent wetlands, wetland buffers, and/or other aquatic resources. (Ord. 42-02 § 2 (21A.06.752))

18.20.757 Maximum extent practical.

"Maximum extent practical" means the highest level of effectiveness that can be achieved through the use of best available science or technology. In determining what the "maximum extent practical is" the City shall consider, at a minimum, the effectiveness, engineering feasibility, commercial availability, safety and cost of the measures. (Ord. 14-05 § 3)

18.20.760 Mixed-use development.

"Mixed-use development" means a combination of residential and nonresidential uses within the same building or site as part of an integrated development project with functional interrelationships and coherent physical design. (Ord. 42-02 § 2 (21A.06.753))

18.20.765 Monitoring.

"Monitoring" means evaluating the impacts of development proposals on biologic, hydrologic and geologic systems and assessing the performance of required mitigation through the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features including, but not limited to, gathering baseline data. (Ord. 42-02 § 2 (21A.06.765))

18.20.770 Monuments, tombstones, and gravestones sales.

"Monuments, tombstones, and gravestones sales" means the retail sale of custom stonework products including only uses located in SIC Industry No. 5599 – Monuments, finished to custom order, tombstones and gravestones finished. (Ord. 42-02 § 2 (21A.06.770))

18.20.775 Motor vehicle and bicycle manufacturing.

"Motor vehicle and bicycle manufacturing" means fabricating or assembling complete passenger automobiles, trucks, commercial cars and buses, motorcycles, and bicycles, including only uses located in SIC Industry Group Nos.:

(1) 371 – Motor vehicles and motor vehicle equipment; and

(2) 375 – Motorcycles, bicycles, and parts. (Ord. 42-02 § 2 (21A.06.780))

18.20.780 Motor vehicle, boat and mobile home dealer.

"Motor vehicle, boat and mobile home dealer" means an establishment engaged in the retail sale of new and/or used automobiles, motor homes, motorcycles, trailers, boats or mobile homes, including only uses located in SIC Major Group and Industry Group Nos.:

(1) 55 – Automotive dealers and gasoline service stations except:

(a) 553 – Auto and home supply stores;

(b) 554 – Gasoline service stations; and

(2) Aircraft dealers found in 5599:

(a) 527 – Mobile home dealers; and

(b) Yacht brokers found in 7389. (Ord. 42-02 § 2 (21A.06.775))

18.20.782 Mulch.

"Mulch" means any material such as leaves, bark, straw left loose and applied to the soil surface to reduce evaporation. (Ord. 42-02 § 2 (21A.06.782))

18.20.783 Museum.

"Museum" means any establishment open to the public where works of art, scientific specimens, or other objects of permanent value are kept and displayed. (Ord. 10-10 § 3 (Exh. C))

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. (Ord. 42-02 § 2 (21A.06.785))

18.20.790 Native vegetation.

"Native vegetation" means plant species indigenous to the Puget Sound region that reasonably could be expected to naturally occur on the site. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.790))

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. (Ord. 42-02 § 2 (21A.06.795))

18.20.797 Net buildable area.

"Net buildable area" means the "site area" less the following areas:

(1) Areas within a project site that are required to be dedicated for public rights-of-way in excess of 60 feet in width;

(2) Critical areas and their buffers to the extent they are required by Chapter 18.65 CMC to remain undeveloped;

(3) Areas required for storm water control facilities other than facilities that are completely underground, including, but not limited to, retention or detention ponds, biofiltration swales and setbacks from such ponds and swales;

(4) Areas required to be dedicated or reserved as on-site recreation areas;

(5) Regional utility corridors; and

(6) Other areas, excluding setbacks, required to remain undeveloped. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.797))

18.20.800 Nonconformance.

"Nonconformance" means any use, improvement or structure established in conformance with City of Covington rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current development standards of the code due to changes in the code or its application to the subject property. (Ord. 42-02 § 2 (21A.06.800))

18.20.805 Nonhydroelectric generation facility.

"Nonhydroelectric generation facility" means an establishment for the generation of electricity by nuclear reaction, burning fossil fuels, or other electricity generation methods. (Ord. 42-02 § 2 (21A.06.805))

18.20.810 Non-ionizing electromagnetic radiation (NIER).

"Non-ionizing electromagnetic radiation (NIER)" means electromagnetic radiation of low photon energy unable to cause ionization. (Ord. 42-02 § 2 (21A.06.810))

18.20.815 Noxious weed.

"Noxious weed" means a plant species that is highly destructive, competitive or difficult to control by cultural or chemical practices, limited to any plant species listed on the State noxious weed list in Chapter 16-750 WAC, regardless of the list's regional designation or classification of the species. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.815))

18.20.816 Nursing and personal care facility.

"Nursing and personal care facility" means any facility which provides convalescent or chronic care for 24 consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity are unable to properly care for themselves. (Ord. 10-10 § 3 (Exh. C))

18.20.817 Off-street required parking lot.

"Off-street required parking lot" means parking facilities constructed to meet the off-street parking requirements of Chapters 18.31 and/or 18.50 CMC for land uses located on a lot separate from the parking facilities. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.817))

18.20.819 Open space.

"Open space" means areas left predominately in a natural state to create urban separators and greenbelts, sustain native ecosystems, connect and increase protective buffers for environmentally sensitive areas, provide a visual contrast to continuous development, reinforce community identity and aesthetics, or provide links between important environmental or recreational resources. (Ord. 42-02 § 2 (21A.06.819))

18.20.820 Open-work fence.

"Open-work fence" means a fence in which the solid portions are evenly distributed and constitute no more than 50 percent of the total surface area. (Ord. 42-02 § 2 (21A.06.820))

18.20.825 Ordinary high water mark.

"Ordinary high water mark" means the mark 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 long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In an area where the ordinary high water mark cannot be found, the line of mean high water in areas adjoining freshwater is the "ordinary high water mark." 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. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.825))

18.20.827 Outdoor commercial.

"Outdoor commercial" means a commercial use where the majority of activity occurs outside a permanent structure. "Outdoor commercial" does not include "farmers' markets" defined in CMC 18.20.451.5 or "public market" as defined in CMC 18.20.940.5. (Ord. 04-12 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C))

18.20.829 Outdoor performance center.

"Outdoor performance center" means an establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.830). Formerly 18.20.830)

18.20.830 Outpatient clinic.

"Outpatient clinic" means a building designed and used for medical or surgical diagnosis, and treatment of persons under the care of doctors and nurses. No housing of patients is provided at such a facility. (Ord. 10-10 § 3 (Exh. C))

18.20.831 Overburden-cover-to-seam-thickness ratio.

"Overburden-cover-to-seam-thickness ratio" means the thickness as measured from the ground surface to the top of the abandoned mine working

divided by the extracted thickness of the coal seam, expressed as a ratio. A 10-foot extracted coal seam will have a 10:1 overburden-cover-to-seam-thickness ratio at a depth of 100 feet and a 15:1 overburden-cover-to-seam-thickness ratio at a depth of 150 feet. (Ord. 42-02 § 2 (21A.06.831))

18.20.832 Overspray.

"Overspray" means irrigation water applied beyond the landscape area. (Ord. 42-02 § 2 (21A.06.832))

18.20.833 Parapet.

A parapet is a low wall projecting from the edge of a platform, terrace, or roof. Parapets may rise above the cornice of a building. (Ord. 10-10 § 3 (Exh. C))

18.20.835 Park.

"Park" means a site designed or developed for recreational use by the public including, but not limited to:

(1) Indoor facilities, such as:
  (a) Gymnasiums;
  (b) Swimming pools; or
  (c) Activity centers;
(2) Outdoor facilities, such as:
  (a) Playfields;
  (b) Fishing areas;
  (c) Picnic and related outdoor activity areas; or
  (d) Approved campgrounds;
(3) Areas and trails for:
  (a) Hikers;
  (b) Equestrians;
  (c) Bicyclists; or
  (d) Off-road recreational vehicle users;
(4) Recreation space areas required under CMC 18.35.150;
(5) Play areas required under CMC 18.35.170; and
(6) Facilities for on-site maintenance. (Ord. 42-02 § 2 (21A.06.835))

18.20.840 Park service area.

"Park service area" means established by the Department, within which the dedications of land and fees received from new residential developments for the benefit of residents within such service area. (Ord. 42-02 § 2 (21A.06.840))

18.20.845 Parking lot aisle.

"Parking lot aisle" means that portion of the off-street parking area used exclusively for the maneuvering and circulation of motor vehicles and in which parking is prohibited. (Ord. 42-02 § 2 (21A.06.845))

18.20.850 Parking lot unit depth.

"Parking lot unit depth" means the linear distance within which one parking aisle is flanked by accessible rows of parking stalls as measured perpendicular to the parking aisle. (Ord. 42-02 § 2 (21A.06.850))

18.20.855 Parking space.

"Parking space" means an area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle. (Ord. 42-02 § 2 (21A.06.855))

18.20.860 Parking space angle.

"Parking space angle" means the angle measured from a reference line, generally the property line or center line of an aisle, at which motor vehicles are to be parked. (Ord. 42-02 § 2 (21A.06.860))

18.20.865 Party of record (POR).

"Party of record (POR)" means a person who has submitted written comments, testified, asked to be notified or is the sponsor of a petition entered as part of the official City record on a specific development proposal. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.865))

18.20.870 Peak hour.

"Peak hour" means the hour during the morning or afternoon when the most critical level of service occurs for a particular roadway or intersection. (Ord. 42-02 § 2 (21A.06.870))

18.20.872 Pedestrian orientation.

"Pedestrian orientation" means designing the built environment with the needs of humans who are walking in mind. Key elements include building height, bulk and placement; streetscape, sidewalk design and connections; and mix and type of land uses. The result should be a walkable community that reinforces urban design goals for the neighborhood. (Ord. 10-10 § 3 (Exh. C))

18.20.873 Pedestrian walkway.

"Pedestrian walkway" means a surfaced walkway, separate from the traveled portion of a right-of-way or parking lot/driving aisle. (Ord. 10-10 § 3 (Exh. C))

18.20.874 Performing arts center.

"Performing arts center" means any facility consisting of stages and seating for the live performance of theatrical or musical works. Ancillary uses such as concessions and gift shops may be included in this use. (Ord. 10-10 § 3 (Exh. C))

18.20.875 Permanent school facilities.

"Permanent school facilities" means facilities of a school district with a fixed foundation which are not relocatable facilities. (Ord. 42-02 § 2 (21A.06.875))

18.20.876 Personal service.

"Personal service" means any use that provides services involving the care of a person or of a person's apparel. (Ord. 10-10 § 3 (Exh. C))

18.20.880 Personal medical supply store.

"Personal medical supply store" means an establishment engaged in the retail sale of eyeglasses, contact lenses, hearing aids, and artificial limbs, including only uses located in SIC Industry Nos.:

(1) 5995 – Optical goods stores; and

(2) 5999 – Hearing aids and orthopedic and artificial limb stores. (Ord. 42-02 § 2 (21A.06.880))

18.20.885 Pet shop.

"Pet shop" means an establishment engaged in the retail sale of pets, small animals, pet supplies, or grooming of pets, including only uses located in SIC Industry No. 5999 – Pet shops. (Ord. 42-02 § 2 (21A.06.885))

18.20.890 Photographic and electronic shop.

"Photographic and electronic shop" means an establishment engaged in the retail sale of cameras and photographic supplies, and a variety of household electronic equipment, including only uses located in SIC Industry Nos.:

(1) 5946 – Camera and photographic supply stores;

(2) 5999 – Binoculars and telescopes;

(3) 5731 – Radio, television, and consumer electronics stores; and

(4) 5734 – Computer and computer software stores. (Ord. 42-02 § 2 (21A.06.890))

18.20.893 Physical fitness/recreation club.

"Physical fitness/recreation club" means a private facility including uses such as, but not limited to, game courts, exercise equipment, gym, exercise rooms, locker rooms, swimming pool, sauna, steam room, showers, and tanning salons. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A))

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. (Ord. 42-02 § 2 (21A.06.895))

18.20.897 Plant factor.

"Plant factor" means a factor which when multiplied by reference evapotranspiration, estimates the amount of water used by plants. (Ord. 42-02 § 2 (21A.06.897))

18.20.898 Preliminary flood insurance rate map.

"Preliminary flood insurance rate map" means the initial map issued by FEMA for public review and comment that delineates areas of flood hazard. (Ord. 14-05 § 3)

18.20.899 Potable water.

"Potable water" means water suitable for human consumption. (Ord. 42-02 § 2 (21A.06.899))

18.20.899.5 Preliminary flood insurance study.

"Preliminary flood insurance study" means the preliminary report provided by FEMA for public review and comment that includes flood profiles, text, data tables and photographs. (Ord. 14-05 § 3)

18.20.899.7 Prepared food sales.

"Prepared food sales" means the sale of freshly made foods, available for sale and immediate consumption on site. Prepared food sales shall be accessory to farmers' and public markets. (Ord. 09-09 § 3)

18.20.900 Private.

"Private" means solely or primarily for the use of residents or occupants of the premises; e.g., a noncommercial garage used solely by residents or their guests is a private garage. (Ord. 42-02 § 2 (21A.06.900))

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. (Ord. 42-02 § 2 (21A.06.905))

18.20.908 Processed food sales.

"Processed food sales" means the sale of fresh food products that have been personally prepared and processed by a seller on property that they own or lease. Processed foods shall include meats, seafood, ciders, baked goods, jams, etc., that have value added through hands-on processing. Processed food sales shall be accessory to farmers' and public markets, provided they have been prepared in the State of Washington. (Ord. 09-09 § 3)

18.20.910 Professional office.

"Professional office" means an office used as a place of business by licensed professionals or persons in other generally recognized professions which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodities. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.910))

18.20.915 Public agency.

"Public agency" means any agency, political subdivision or unit of local government of this State including, but not limited to, municipal corporations, special purpose districts and local service districts, any agency of the State of Washington, the United States or any State thereof or any Indian tribe recognized as such by the Federal government. (Ord. 42-02 § 2 (21A.06.915))

18.20.920 Public agency animal control facility.

"Public agency animal control facility" means a facility for the impoundment and disposal of stray or abandoned small animals. (Ord. 42-02 § 2 (21A.06.920))

18.20.925 Public agency archive.

"Public agency archive" means a facility for the enclosed storage of public agency documents or related materials, excluding storage of vehicles, equipment, or similar materials. (Ord. 42-02 § 2 (21A.06.925))

18.20.930 Public agency or utility office.

"Public agency or utility office" means an office for the administration of any governmental or utility activity or program, with no outdoor storage and including, but not limited to uses located in SIC Major Group, Industry Group and Industry Nos.:

(1) 91 – Executive, legislative, and general government, except finance;

(2) 93 – Public finance, taxation, and monetary policy;

(3) 94 – Administration of human resource programs;

(4) 95 – Administration of environmental quality and housing program;

(5) 96 – Administration of economic programs;

(6) 972 – International affairs;

(7) 9222 – Legal counsel and prosecution; and

(8) 9229 – Public order and safety. (Ord. 42-02 § 2 (21A.06.930))

18.20.935 Public agency or utility yard.

"Public agency or utility yard" means a facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage. (Ord. 42-02 § 2 (21A.06.935))

18.20.940 Public agency training facility.

"Public agency training facility" means an establishment or school for training State and local law enforcement, fire safety, National Guard or transit personnel and facilities including but not limited to:

(1) Dining and overnight accommodations;

(2) Classrooms;

(3) Shooting ranges;

(4) Auto test tracks; and

(5) Fire suppression simulations. (Ord. 42-02 § 2 (21A.06.940))

18.20.940.5 Public market.

"Public market" means a site where farmers and/or resellers sell not less than 50 percent locally grown, produced, caught, or gathered fruits, vegetables, herbs, nuts, honey, dairy products, eggs,

poultry, mushrooms, meats, fish, flowers, nursery stock, and plants. Up to 50 percent of a public market's total number of vendor spaces may consist of resellers and/or accessory uses. (Ord. 09-09 § 3)

18.20.941 Public road right-of-way structure.

"Public road right-of-way structure" means the existing, maintained, improved road right-of-way or railroad prism and the roadway drainage features including ditches and the associated surface water conveyance system, flow control and water quality treatment facilities and other structures that are ancillary to those facilities including catchbasins, access holes and culverts. (Ord. 14-05 § 3)

18.20.942 Public street.

"Public street" means any public or private road or access easement intended to provide public access to any lot/development, but excluding any service road or internal driving aisles (e.g., within parking lots). "Public street" includes the street and all other improvements inside the publicly owned right-of-way. (Ord. 10-10 § 3 (Exh. C))

18.20.943 Public transportation amenities.

"Public transportation amenities" means transfer of development credits (TDC) amenities financed by public transportation funds that shall provide transportation improvement or programs. (Ord. 42-02 § 2 (21A.06.943))

18.20.945 Radio frequency.

Repealed by Ord. 09-12. (Ord. 42-02 § 2 (21A.06.945))

18.20.947 Rapid charging station.

"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. 19-11 § 1 (Exh. 1))

18.20.950 Reasonable use.

"Reasonable use" means a legal concept articulated by Federal and State courts in regulatory taking cases. (Ord. 42-02 § 2 (21A.06.950))

18.20.955 Receiving site.

"Receiving site" means land for which allowable residential density is increased over the base density permitted by the underlying zone, by virtue of permanently securing and dedicating to the City of Covington, or another qualifying agency, the development potential of an associated sending site. (Ord. 42-02 § 2 (21A.06.955))

18.20.957 Reclamation.

"Reclamation" means the final grading and restoration of a site to reestablish the vegetative cover, soil stability and surface water conditions to accommodate and sustain all permitted uses of the site and to prevent and mitigate future environmental degradation. (Ord. 14-05 § 3)

18.20.960 Recreational vehicle (RV).

"Recreational vehicle (RV)" means a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

(1) Travel trailer;
(2) Folding camping trailer;
(3) Park trailer;
(4) Truck camper;
(5) Park trailer;
(6) Motor home; and
(7) Multi-use vehicle. (Ord. 42-02 § 2 (21A.06.960))

18.20.965 Recreational vehicle parks.

"Recreational vehicle parks" means the use of land upon which two or more recreational vehicle sites, including hook up facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes. (Ord. 42-02 § 2 (21A.06.965))

18.20.966 Recreation, indoor.

"Recreation, indoor" means indoor skating rinks, bowling alleys, gymnasiums not accessory to an educational institution, racket clubs, sports arenas, pools and similar uses. "Recreation, indoor" does not include "shooting range" as defined in CMC 18.20.1080. (Ord. 01-12 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C))

18.20.967 Recreation, outdoor.

"Recreation, outdoor" means golf courses, tennis courts, athletic fields, pools, skate parks, and similar uses. "Recreation, outdoor" does not include "shooting range" as defined in CMC 18.20.1080. (Ord. 01-12 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C))

18.20.970 Recyclable material.

"Recyclable material" means a nontoxic, recoverable substance that can be reprocessed for the manufacture of new products. (Ord. 42-02 § 2 (21A.06.970))

18.20.972 Reference evapotranspiration (Eto).

"Reference evapotranspiration (Eto)" means a standard measurement of environmental parameters which affect the water use of plants. (Ord. 42-02 § 2 (21A.06.972))

18.20.973 Regional road maintenance guidelines.

"Regional road maintenance guidelines" means the National Marine Fisheries Service-published Regional Road Maintenance Endangered Species Act Program Guidelines. (Ord. 14-05 § 3)

18.20.975 Regional storm water management facility.

"Regional storm water management facility" means a surface water control structure installed in or adjacent to a stream or wetland of a basin or subbasin by the Surface Water Management (SWM) Division or a project proponent. Such facilities protect downstream areas identified by SWM as having previously existing or predicted significant regional basin flooding or erosion problems. (Ord. 42-02 § 2 (21A.06.975))

18.20.980 Regional utility corridor.

"Regional utility corridor" means a right-of-way tract or easement other than a street right-of-way which contains transmission lines or pipelines for utility companies. Right-of-way tracts or easements containing lines serving individual lots or developments are not regional utility corridors. (Ord. 42-02 § 2 (21A.06.980))

18.20.985 Relocatable facilities cost per student.

"Relocatable facilities cost per student" means the estimated cost of purchasing and siting a relocatable facility in a school district for the grade span of school to be provided, as a function of the district's facilities standard per grade span and taking into account the requirements of students with special needs. (Ord. 42-02 § 2 (21A.06.985))

18.20.990 Relocatable facility.

"Relocatable facility" means any factory-built structure, transportable in one or more sections, that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities. (Ord. 42-02 § 2 (21A.06.990))

18.20.995 Relocation facilities.

"Relocation facilities" means housing units within City of Covington that provide housing to persons who have been involuntarily displaced from other housing units within City of Covington as a result of conversion of their housing unit to other land uses. (Ord. 42-02 § 2 (21A.06.995))

18.20.997 Repair.

"Repair" means to fix or restore to sound condition after damage. "Repair" does not include replacement of structures or systems. (Ord. 14-05 § 3)

18.20.998 Replace.

"Replace" means to take or fill the place of a structure, fence, deck or paved surface with an equivalent or substitute structure, fence, deck or paved surface that serves the same purpose. "Replacement" may or may not involve an expansion. (Ord. 14-05 § 3)

18.20.999 Reseller.

"Reseller" means one who buys fruits, vegetables, herbs, nuts, honey, dairy products, eggs, poultry, mushrooms, meats, fish, flowers, nursery stock, and plants directly from the farmer that grew, produced, caught, or gathered the item, transports it to a market, and resells it directly to the consumer. (Ord. 09-09 § 3)

18.20.1000 Restoration.

"Restoration" means, for purposes of critical areas regulation, an action that reestablishes the structure and functions of a critical area or any associated buffer that has been altered. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1000))

18.20.1005 Retail, comparison.

"Retail, comparison" provides for the sale of comparison good and services and is centrally located in the community or region. (Ord. 42-02 § 2 (21A.06.1005))

18.20.1010 Retail, convenience.

"Retail, convenience" provides for daily living goods, is easy to access and use and is close to residential neighborhoods. (Ord. 42-02 § 2 (21A.06.1010))

18.20.1010.3 Retail trade and services.

"Retail trade and services" means any use that provides for the sale of goods and services for both local and regional markets. (Ord. 10-10 § 3 (Exh. C))

18.20.1011 Retaining wall.

"Retaining wall" means any wall used to resist the lateral displacement of any material. (Ord. 42-02 § 2 (21A.06.1011))

18.20.1012 Road amenities.

"Road amenities" means transfer of development credits (TDC) amenities financed by road CIP or operating funds that shall provide transportation improvements or programs. (Ord. 42-02 § 2 (21A.06.1011A))

18.20.1012.5 Roadway.

"Roadway" means the maintained areas cleared and graded within a road right-of-way or railroad prism. For a road right-of-way, "roadway" includes all maintained and traveled areas, shoulders, pathways, sidewalks, ditches and cut and fill slopes. For a railroad prism, "roadway" includes the maintained railbed, shoulders, and cut and fill slopes. "Roadway" is equivalent to the "existing, maintained, improved road right-of-way or railroad prism" as defined in the regional road maintenance guidelines. (Ord. 14-05 § 3)

18.20.1013 Runoff.

"Runoff" means water not absorbed by the soil in the landscape area to which it is applied. (Ord. 42-02 § 2 (21A.06.1012))

18.20.1015 Salmonid.

"Salmonid" means a member of the fish family Salmonidae, including, but not limited to:

(1) Chinook, coho, chum, sockeye and pink salmon;

(2) Rainbow, steelhead and cutthroat salmon, which are also known as trout;

(3) Brown trout;

(4) Brook, bull trout, which is also known as char, and Dolly Varden char;

(5) Kokanee; and

(6) Pygmy whitefish. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1015))

18.20.1016 Salmonid migration barrier.

"Salmonid migration barrier" means an in-stream blockage that consists of a natural gradient drop (no human influence) with an uninterrupted slope greater than 100 percent (45-degree angle and height in excess of 11 vertical feet) with anadromous salmon-bearing waters or a height of three vertical feet within resident trout-only bearing waters. Culverts and weirs meet the definition, yet are subject to the Director's determination of whether the barrier must be removed or may remain, based on factors including impacts to existing systems and significant expense. (Ord. 14-05 § 3)

18.20.1020 School bus base.

"School bus base" means an establishment for the storage, dispatch, repairs and maintenance of coaches and other vehicles of a school transit system. (Ord. 42-02 § 2 (21A.06.1020))

18.20.1025 School district.

"School district" means the Kent School District. (Ord. 42-02 § 2 (21A.06.1025))

18.20.1030 School district support facility.

"School district support facility" means uses (excluding schools and bus bases) that are required for the operation of a school district. This term includes school district administrative offices, centralized kitchens, and maintenance or storage facilities. (Ord. 42-02 § 2 (21A.06.1030))

18.20.1033 Schools, compulsory.*

"Schools, compulsory" means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the state of Washington, including associated meeting rooms, auditoriums and athletic facilities. (Ord. 10-10 § 3 (Exh. C))

18.20.1035 Schools, elementary, and middle/junior high.

"Schools, elementary, and middle/junior high" means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities. (Ord. 42-02 § 2 (21A.06.1035))

18.20.1040 Schools, secondary or high school.

"Schools, secondary or high school" means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities. (Ord. 42-02 § 2 (21A.06.1040))

18.20.1042 Scour.

"Scour" means the erosive action of running water in streams, which excavates and carries away material from the bed and banks. "Scour" includes earth and solid rock material. (Ord. 14-05 § 3)

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 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. (Ord. 42-02 § 2 (21A.06.1045))

18.20.1050 Self-service storage facility.

"Self-service storage facility" means an establishment containing separate storage spaces that are leased or rented as individual units. (Ord. 42-02 § 2 (21A.06.1050))

18.20.1055 Sending site.

"Sending site" means land designated in Chapter 18.95 CMC as capable of providing a public benefit if permanently protected by virtue of having its zoned development potential transferred to another property. (Ord. 42-02 § 2 (21A.06.1055))

18.20.1060 Senior citizen.

"Senior citizen" means a person aged 62 or older. (Ord. 42-02 § 2 (21A.06.1060))

18.20.1062 Senior citizen assisted housing.

"Senior citizen assisted housing" means housing in a building consisting of two or more dwelling units or sleeping units restricted to occupancy by at least one senior citizen per unit, and may include the following support services, as deemed necessary:

(1) Food preparation and dining areas;
(2) Group activity areas;
(3) Medical supervision; and
(4) Similar activities. (Ord. 42-02 § 2 (21A.06.1062))

18.20.1065 Sensitive areas.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.06.1065))

18.20.1070 Setback.

"Setback" means the minimum required distance between a structure and a specified line such as a lot, easement or buffer line that is required to remain free of structures. (Ord. 42-02 § 2 (21A.06.1070))

18.20.1075 Shelters for temporary placement.

"Shelters for temporary placement" means housing units within City of Covington that provide housing to persons on a temporary basis for a duration not to exceed four weeks. (Ord. 42-02 § 2 (21A.06.1075))

18.20.1080 Shooting range.

"Shooting range" means a facility designed to provide a confined space for safe target practice with firearms, archery equipment, or other weapons whether open to the public, open only to private membership, open to organizational training such as law enforcement, or any combination thereof. (Ord. 01-12 § 1 (Exh. 1); Ord. 42-02 § 2 (21A.06.1080))

* Code reviser's note: Ord. 10-10 adds this section as CMC 18.20.1023. This section has been editorially renumbered to preserve alphabetization.

18.20.1083 Shoreline.

"Shoreline" means those lands defined as shorelines of the State in the Shorelines Management Act of 1971, Chapter 90.58 RCW, as amended or updated. (Ord. 14-05 § 3)

18.20.1084 Side channel.

"Side channel" means a channel that is secondary to and carries water to or from the main channel of a stream or the main body of a lake, including a back-watered channel or area and oxbow channel that is still connected to a stream by one or more above-ground channel connections or by inundation at the base flood. (Ord. 14-05 § 3)

18.20.1085 Sign.

"Sign" means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods, or service. (Ord. 42-02 § 2 (21A.06.1085))

18.20.1090 Sign, awning.

"Sign, awning" means a sign painted on or attached directly to and supported by an awning. An awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable. (Ord. 42-02 § 2 (21A.06.1090))

18.20.1095 Sign, changing message center.

"Sign, changing message center" means an electrically controlled sign that contains advertising messages which changes at intervals of three minutes or greater. (Ord. 42-02 § 2 (21A.06.1095))

18.20.1100 Sign, community bulletin board.

"Sign, community bulletin board" means a permanent sign used to notify the public of community events and public services, and which contains no commercial advertising. (Ord. 42-02 § 2 (21A.06.1100))

18.20.1105 Sign, directional.

"Sign, directional" means a sign designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trademarks. (Ord. 42-02 § 2 (21A.06.1105))

18.20.1110 Sign, freestanding.

"Sign, freestanding" means a sign standing directly upon the ground or having one or more supports standing directly upon the ground, and being detached from any building or fence. (Ord. 42-02 § 2 (21A.06.1110))

18.20.1115 Sign, fuel price.

"Sign, fuel price" means a sign utilized to advertise the price of gasoline and/or diesel fuel. (Ord. 42-02 § 2 (21A.06.1115))

18.20.1120 Sign, incidental.

"Sign, incidental" means a sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but is not limited to signs designating:

(1) Restrooms;
(2) Hours of operation;
(3) Acceptable credit cards;
(4) Property ownership or management;
(5) Phone booths; and
(6) Recycling containers. (Ord. 42-02 § 2 (21A.06.1120))

18.20.1125 Sign, indirectly illuminated.

"Sign, indirectly illuminated" means a sign that is illuminated entirely from an external artificial source. (Ord. 42-02 § 2 (21A.06.1125))

18.20.1130 Sign, monument.

"Sign, monument" means a freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground. (Ord. 42-02 § 2 (21A.06.1130))

18.20.1135 Sign, off-premises directional.

"Sign, off-premises directional" means a sign which contains no advertising of a commercial nature which is used to direct pedestrian or vehicular traffic circulation to a facility, service or business located on other premises within 660 feet of the sign. (Ord. 42-02 § 2 (21A.06.1135))

18.20.1140 Sign, on-premises.

"Sign, on-premises" means a sign which displays a message which is incidental to and directly associated with the use of the property on which it is located. (Ord. 42-02 § 2 (21A.06.1140))

18.20.1145 Sign, permanent residential development identification.

"Sign, permanent residential development identification" means a permanent sign identifying the residential development upon which the sign is located. (Ord. 42-02 § 2 (21A.06.1145))

18.20.1150 Sign, portable.

"Sign, portable" means a sign which is capable of being moved and is not permanently affixed to the ground, a structure or building. (Ord. 42-02 § 2 (21A.06.1150))

18.20.1155 Sign, projecting.

"Sign, projecting" means any sign which is attached to and supported by the exterior wall of a building with the exposed face of the sign on a plane perpendicular to the wall of the building; projecting more than one foot from the wall of a building and vertical to the ground. (Ord. 42-02 § 2 (21A.06.1155))

18.20.1160 Sign, time and temperature.

"Sign, time and temperature" means an electrically controlled sign that contains messages for date, time, and temperature, which changes at intervals of one minute or less. (Ord. 42-02 § 2 (21A.06.1160))

18.20.1165 Sign, wall.

"Sign, wall" means any sign painted on, or attached directly to and supported by, a building or structure, with the exposed face of the sign on a plane parallel to the portion of the building or structure to which it is attached, projecting no more than one foot from the building or structure, including window signs which are permanently attached. (Ord. 42-02 § 2 (21A.06.1165))

18.20.1166 Significant gap in service, wireless communications.

"Significant gap in service, wireless communications" means a large geographic area within a service area(s) of the applicant in which a large number of applicant's remote user subscribers are unable to connect or maintain a connection to the national telephone network through applicant's wireless telecommunications network. A "dead spot" (defined as small areas within a service area where the field strength is lower than the minimum level for reliable service) does not constitute a significant gap in service. (Ord. 09-12 § 2 (Exh. B))

18.20.1167 Significant tree.

"Significant tree" means an existing healthy tree that is not a hazard tree (i.e., a tree that does not have a high probability of imminently falling due to a debilitating disease or structural defect) and that when measured has a minimum diameter of six inches DBH or larger. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.1167))

18.20.1170 Site.

"Site" means a single lot, or two or more contiguous lots that are under common ownership or documented legal control, used as a single parcel for a development proposal in order to calculate compliance with the standards and regulations of this title. (Ord. 42-02 § 2 (21A.06.1170))

18.20.1172 Site area.

"Site area" means the total horizontal area of a project site. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1172))

18.20.1175 Site cost per student.

"Site cost per student" means the estimated cost of a site in the district for the grade span of school to be provided, as a function of the district's facilities standard per grade span and taking into account the requirements of students with special needs. (Ord. 42-02 § 2 (21A.06.1175))

18.20.1177 SITUS file.

"SITUS file" means information on an individual parcel of land, including its size, known extent of existing development, known environmental constraints, approval conditions and other site-specific information, contained in the computerized permitting and land parcel data base of the Department of Public Works or its successor agencies. (Amended at request of department 2/08; Ord. 42-02 § 2 (21A.06.1177))

18.20.1178 Slope.

"Slope" means an inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance. (Ord. 14-05 § 3)

18.20.1185 Soil recycling facility.

"Soil recycling facility" means an establishment engaged in the collection, storage and treatment of contaminated soils to remove and re-use organic contaminants. (Ord. 42-02 § 2 (21A.06.1185))

18.20.1190 Source-separated organic material.

"Source-separated organic material" means vegetative material, scrap lumber or wood, or other materials that provide a source for recycled or composted products. This does not include chemically treated wood products and/or toxic organic substances. (Ord. 42-02 § 2 (21A.06.1190))

18.20.1195 Special use permit.

"Special use permit" means a permit granted by the City to locate a regional land use at a particular location, subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses. (Ord. 42-02 § 2 (21A.06.1195))

18.20.1200 Specialized instruction school.

"Specialized instruction school" means establishments engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas; including, but not limited to:

(1) Art;
(2) Dance;
(3) Music;
(4) Cooking;
(5) Driving; and
(6) Pet obedience training. (Ord. 42-02 § 2 (21A.06.1200))

18.20.1210 Sporting goods store.

"Sporting goods store" means an establishment engaged in the retail sale of sporting goods and equipment, including only uses located in SIC Industry Nos.:

(1) 5941 – Sporting goods stores and bicycle shops; and
(2) 5999 – Tent shops and trophy shops. (Ord. 42-02 § 2 (21A.06.1210))

18.20.1215 Sports club.

"Sports club" means an establishment engaged in operating physical fitness facilities and sports and recreation clubs, including only uses located in SIC Industry Nos.:

(1) 7991 – Physical fitness facilities; and
(2) 7997 – Membership sports and recreation clubs. (Ord. 42-02 § 2 (21A.06.1215))

18.20.1220 Stable.

"Stable" means a structure or facility in which horses or other livestock are kept for:

(1) Boarding;
(2) Training;
(3) Riding lessons;
(4) Breeding;
(5) Rental; or
(6) Personal use. (Ord. 42-02 § 2 (21A.06.1220))

18.20.1225 Standard of service, school districts.

"Standard of service, school districts" means the standard adopted by each school district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the school district. The district's standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or for any specialized facilities housed in relocatable facilities. Except as otherwise defined by the school board pursuant to a board resolution, transitional facilities shall mean those facilities that are used to cover the time required for the construction of permanent facilities; provided, that the "necessary financial commitments" as defined in Chapter 18.75 CMC are in place to complete the permanent facilities called for in the capital plan. (Ord. 42-02 § 2 (21A.06.1225))

18.20.1230 Steep slope hazard areas.

"Steep slope hazard area" means an area on a slope of 40 percent inclination or more within a vertical elevation change of at least 20 feet. For the purpose of this definition, a slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief. Also for the purpose of this definition:

(1) The "toe" of a slope means a distinct topographic break in slope that separates slopes inclined at less than 40 percent from slopes inclined at 40 percent or more. Where no distinct break exists, the "toe" of a slope is the lowermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and

(2) The "top" of a slope is a distinct topographic break in slope that separates slopes inclined at less than 40 percent from slopes inclined at 40 percent or more. Where no distinct break exists, the "top" of a slope is the uppermost limit of the area where

the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1230))

18.20.1235 Stream functions.

"Stream functions" means natural processes performed by streams including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, such as purifying water, acting as recharge and discharge areas for ground water aquifers, moderating surface and storm water flows and maintaining the free flowing conveyance of water, sediments and other organic matter. (Ord. 42-02 § 2 (21A.06.1235))

18.20.1240 Stream.

"Stream" means an aquatic area where surface water produces a channel, not including a wholly artificial channel, unless it is:

(1) Used by salmonids;

(2) Used to convey a stream that occurred naturally before construction of the artificial channel; or

(3) A route that conveys surface water that can be classified as a Type S, F, Np or Ns in the Washington State Water Typing System in accordance with Chapter 222-16 WAC. (Ord. 13-09 § 25; Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1240))

18.20.1245 Street.

"Street" means a public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property. (Ord. 42-02 § 2 (21A.06.1245))

18.20.1250 Street frontage.

"Street frontage" means any portion of a lot or combination of lots which directly abut a public right-of-way. (Ord. 42-02 § 2 (21A.06.1250))

18.20.1252 Street wall.

"Street wall" means the frontage of a development proposal site that abuts a public street. (Ord. 10-10 § 3 (Exh. C))

18.20.1255 Structure.

"Structure" means anything permanently constructed in or on the ground, or over the water; excluding fences six feet or less in height, decks less than 18 inches above grade, paved areas, and structural or nonstructural fill. (Ord. 42-02 § 2 (21A.06.1255))

18.20.1256 Structure, electrical transmission.

"Structure, electrical transmission" means any facility (including a pole or a tower) owned by an electric utility that supports electrical lines that carry a voltage of at least 115kV. (Ord. 09-12 § 2 (Exh. B))

18.20.1257 Structured parking.

"Structured parking" means providing parking within a structure below, at or above grade in a manner such that vehicles are not visible from the public street. (Ord. 10-10 § 3 (Exh. C))

18.20.1260 Student factor.

"Student factor" means the number derived by a school district to describe how many students of each grade span are expected to be generated by a dwelling unit. Student factors shall be based on district records of average actual student generated rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; if such information is not available in the district, data from adjacent districts, districts with similar demographics, or County-wide averages must be used. Student factors must be separately determined for single-family and multifamily dwelling units, and for grade spans. (Ord. 42-02 § 2 (21A.06.1260))

18.20.1265 Submerged land.

"Submerged land" means any land at or below the ordinary high water mark of an aquatic area. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1265))

18.20.1266 Substantial improvement.

"Substantial improvement" means:

(1) (a) Any maintenance, repair, structural modification, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(i) Before the improvement or repair is started; or

(ii) If the structure has been damaged and is being restored, before the damage occurred.

(b) For purposes of this definition, the cost of any improvement is considered to begin when the first alteration of any wall, ceiling, floor or other structural part of the building begins, whether

or not that alteration affects the external dimensions of the structure; and

(2) Does not include either:

(a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to ensure safe living conditions; or

(b) Any alteration of a structure listed on the State or local inventory of historic resources. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1270))

18.20.1267.5 Surface water conveyance system.

"Surface water conveyance system" means the drainage facilities and features, both natural and constructed, that collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, lakes, and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, manholes, catchbasins, flow control and water quality treatment facilities, biofiltration swales, and natural or constructed channels. (Ord. 13-09 § 26; Ord. 14-05 § 3)

18.20.1268 Surface water discharge.

"Surface water discharge" means the flow of surface water into receiving water or another discharge point. (Ord. 14-05 § 3)

18.20.1269 TDC.

"TDC" means transfer of development credits. (Ord. 42-02 § 2 (21A.06.1273))

18.20.1270 TDC amenities.

"TDC amenities" means improvements or programs that are implemented to facilitate increased densities on or near receiving sites inside cities or in the urban unincorporated area. (Ord. 42-02 § 2 (21A.06.1273A))

18.20.1271 TDC bank fund.

"TDC bank fund" means the fund established under Chapter 18.95 CMC. (Ord. 42-02 § 2 (21A.06.1273B))

18.20.1272 TDC conversion ratio.

"TDC conversion ratio" means the ratio by which development credits purchased from a sending site are converted into additional development capacity for use on a receiving site. (Ord. 42-02 § 2 (21A.06.1273C))

18.20.1273 TDC executive board.

"TDC executive board" means the board established under Chapter 18.95 CMC. (Ord. 42-02 § 2 (21A.06.1273D))

18.20.1274 Temporary lodging/hotel.

"Temporary lodging/hotel" means an establishment that provides temporary sleeping accommodations, and may also include ancillary uses such as restaurant, lounge, banquet rooms and convention facilities. (Ord. 10-10 § 3 (Exh. C))

18.20.1275 Temporary use permit.

"Temporary use permit" means permit to allow a use of limited duration and/or frequency, or to allow multiple related events over a specified period. (Ord. 42-02 § 2 (21A.06.1275))

18.20.1277 Theater.

"Theater" means an establishment primarily engaged in the indoor exhibition of motion pictures or of live theatrical presentations. (Ord. 42-02 § 2 (21A.06.1277))

18.20.1278 Theatrical production services.

"Theatrical production services" means an establishment engaged in uses located in SIC Industry No. 792 – Theatrical producers (except motion picture), bands, orchestras, and entertainers, except establishments primarily engaged in providing live theatrical presentations, such as road companies and summer theaters. (Ord. 42-02 § 2 (21A.06.1278))

18.20.1280 Tightline sewer.

"Tightline sewer" means a sewer trunk line designed and intended specifically to serve only a particular facility or place, and whose pipe diameter should be sized appropriately to ensure service only to that facility or place. It may occur outside the local service area for sewers, but does not amend the local service area. (Ord. 42-02 § 2 (21A.06.1280))

18.20.1282 Tower, guy.

"Tower, guy" means a tower that is supported with cable and ground anchors to secure and steady the tower. (Ord. 09-12 § 2 (Exh. B))

18.20.1283 Tower, lattice.

"Tower, lattice" means a tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas or similar antenna devices. (Ord. 09-12 § 2 (Exh. B))

18.20.1283.5 Tower, monopole.

"Tower, monopole" means a freestanding tower that is composed of a single shaft, usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground. (Ord. 09-12 § 2 (Exh. B))

18.20.1284 Tower, wireless communication facility.

"Tower, wireless communication facility" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers or monopoles. The term includes, without limitation, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures. (Ord. 09-12 § 2 (Exh. B))

18.20.1284.5 Tower-mounted facilities.

"Tower-mounted facilities" means a wireless communication facility that is mounted to a tower. (Ord. 09-12 § 2 (Exh. B))

18.20.1285 Trails.

"Trails" means manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users. (Ord. 42-02 § 2 (21A.06.1285))

18.20.1290 Transfer station.

"Transfer station" means a staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites, and may also include recycling facilities involving collection or processing for shipment. (Ord. 42-02 § 2 (21A.06.1290))

18.20.1295 Transit base.

"Transit base" means an establishment for the storage, dispatch, repair and maintenance of coaches, light rail trains, and other vehicles of a public transit system. (Ord. 42-02 § 2 (21A.06.1295))

18.20.1305 Transitional housing facilities.

"Transitional housing facilities" means housing units within City of Covington owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self sufficiency training, and human services counseling; the purpose of which is to help persons make the transition from homelessness to placement in permanent housing. (Ord. 42-02 § 2 (21A.06.1305))

18.20.1315 Transmission line booster station.

"Transmission line booster station" means an establishment containing equipment designed to increase voltage of electrical power transported through transmission and/or distribution lines to compensate for power loss due to resistance. (Ord. 42-02 § 2 (21A.06.1315))

18.20.1330 Transportation system management (TSM).

"Transportation system management (TSM)" means low-cost projects that can be implemented in a short time frame designed to increase the efficiency of existing transportation facilities. This also includes transit and/or ride sharing measures to decrease single occupancy vehicle trips. (Ord. 42-02 § 2 (21A.06.1330))

18.20.1331 Tree, hazard.

"Tree, hazard" means any tree 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. (Ord. 14-05 § 3)

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. (Ord. 42-02 § 2 (21A.06.1332))

18.20.1335 Ultimate roadway section.

"Ultimate roadway section" means a designation by City of Covington that the maximum roadway or intersection capacity has been reached and further right-of-way acquisition and/or improvements are not feasible to increase peak hour vehicle capacity. (Ord. 42-02 § 2 (21A.06.1335))

18.20.1345 Use.

"Use" means activity or function carried out on an area of land, or in a building or structure located thereon. Any use subordinate or incidental to the primary use on a site is considered an accessory use. (Ord. 42-02 § 2 (21A.06.1345))

18.20.1347 Utility corridor.

"Utility corridor" means a narrow strip of land containing underground or above-ground utilities and the area necessary to maintain those utilities. A "utility corridor" is contained within and is a portion of any utility right-of-way or dedicated easement. (Ord. 14-05 § 3)

18.20.1348 Utility facility.

"Utility facility" means a facility for the distribution or transmission of services, including:

(1) Telephone exchanges;

(2) Water pipelines, pumping or treatment stations;

(3) Electrical substations;

(4) Water storage reservoirs or tanks;

(5) Municipal ground water well-fields;

(6) Regional surface water flow control and water quality facilities;

(7) Natural gas pipelines, gate stations and limiting stations;

(8) Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users;

(9) Wastewater pipelines, lift stations, pump stations, regulator stations or odor control facilities; and

(10) Communication cables, electrical wires and associated structural supports. (Ord. 10-10 § 3 (Exh. C); Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1350). Formerly 18.20.1350)

18.20.1349 Utility facility, major.

"Utility facility, major" means large scale facilities that serve a regional need, have major aboveground visual impacts and/or result in noise, odors, or other activities that are incompatible with residential and other less intensive uses. Such facilities may include sewage treatment plants, transfer stations, electrical substations, high voltage transmission lines, regional water storage tanks and reservoirs, storage yards and regional sewer collectors and interceptors. This definition does not include wireless communication facilities. (Ord. 01-11 § 1)

18.20.1350 Utility facility, minor.

"Utility facility, minor" means a small scale facility serving primarily local distribution needs within the City, including underground power lines, water distribution lines, sewer lift stations, and storm water conveyance pipes, fiber optic cable, pump stations and hydrants, switching boxes, and other structures normally found in a street right-of-way to serve adjacent properties. (Ord. 01-11 § 1)

18.20.1351 Utility pole.

"Utility pole" is any facility owned by an electric utility that supports electrical lines that carry a voltage of less than 115kV, or other public utility, such as coaxial cables for cable and fiber optic cable for telephone lines. (Ord. 09-12 § 2 (Exh. B))

18.20.1352 Vactor waste.

"Vactor waste" means liquid or solid waste material collected from catch basins, retention/detention facilities or drainage pipes. (Ord. 42-02 § 2 (21A.06.1352))

18.20.1353 Vactor waste receiving facility.

"Vactor waste receiving facility" means a facility where vactor waste is brought for treatment and storage prior to final disposal. (Ord. 42-02 § 2 (21A.06.1353))

18.20.1355 Variance.

"Variance" means an adjustment in the application of standards of a zoning code to a particular property. (Ord. 42-02 § 2 (21A.06.1355))

18.20.1360 Vegetation.

"Vegetation" means any and all plant life growing at, below or above the soil surface. (Ord. 42-02 § 2 (21A.06.1360))

18.20.1365 Vocational school.

"Vocational school" means establishments offering training in a skill or trade to be pursued as a career. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.06.1365))

18.20.1375 Warehousing and wholesale trade.

"Warehousing and wholesale trade" means establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which is classified as a retail use in CMC 18.25.070. These establishments shall include only SIC Major Group Nos. 50 and 51 and SIC Industry Group Nos. 422 and 423. (Ord. 42-02 § 2 (21A.06.1375))

18.20.1380 Wastewater treatment facility.

"Wastewater treatment facility" means a plant for collection, decontamination and disposal of sewage, including residential, industrial and agricultural liquid wastes, and including any physical improvement within the scope of the definition of "water pollution control facility" set forth in WAC 173-90-015(4) as amended. (Ord. 42-02 § 2 (21A.06.1380))

18.20.1382 Water budget.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.06.1382))

18.20.1385 Water dependent use.

"Water dependent use" means a land use which can only exist when the interface between wet meadows, grazed land and water provides the biological or physical conditions necessary for the use. (Ord. 42-02 § 2 (21A.06.1385))

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. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1390))

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. (Ord. 14-05 § 3)

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. 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. (Ord. 14-05 § 3)

18.20.1395 Wetland edge.

"Wetland edge" means the line delineating the outer edge of a wetland, consistent with the wetland delineation manual required by RCW 36.70A.175. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1395))

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. 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. (Ord. 14-05 § 3)

18.20.1400 Wetland, forested.

"Wetland, forested" means a wetland that is dominated by mature woody vegetation or a wetland vegetation class that is characterized by woody vegetation at least 20 feet tall. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1400))

18.20.1405 Wetland functions.

"Wetland functions" means natural processes performed by wetlands including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, acting as recharge and discharge areas for ground water aquifers and moderating surface and storm water flows, as well as performing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988. (Ord. 42-02 § 2 (21A.06.1405))

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 wetlands or streams does not have permanent open water, and is determined to be of low function. (Ord. 42-02 § 2 (21A.06.1410))

18.20.1415 Wetland.

"Wetland" means an area that is not an aquatic area and that is inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances supports, 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 artificial features intentionally made for the purpose of mitigation, "wetland" does not include an artificial feature made from a non-wetland area, which may include, but is not limited to:

(a) A surface water conveyance for drainage or irrigation;

(b) A grass-lined swale;

(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 wetland created after July 1, 1990, that was unintentionally made as a result of construction of a road, street or highway. (Ord. 14-05 § 2; Ord. 42-02 § 2 (21A.06.1415))

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. Activities to reestablish a wetland include removing fill material, plugging ditches, or breaking drain tiles. Wetland reestablishment results in a gain in wetland acres. (Ord. 14-05 § 3)

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 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. (Ord. 14-05 § 3)

18.20.1418 Wetland vegetation class.

"Wetland vegetation class" means a wetland community classified by its vegetation including aquatic bed, emergent, forested and shrub-scrub. To constitute a separate wetland vegetation class, the vegetation must be at least partially rooted within the wetland and must occupy the uppermost stratum of a contiguous area or comprise at least 30 percent areal coverage of the entire wetland. (Ord. 14-05 § 3)

18.20.1420 Wetpond.

"Wetpond" means an artificial water body constructed as a part of a surface water management system. (Ord. 42-02 § 2 (21A.06.1420))

18.20.1422 Wildlife.

"Wildlife" means birds, fish and animals that are not domesticated and are considered to be wild. (Ord. 14-05 § 3)

18.20.1423 Wildlife habitat conservation area.

"Wildlife habitat conservation area" means an area for a species whose habitat the Covington or King County Comprehensive Plan requires the City or County to protect that includes an active breeding site and the area surrounding the breeding site that is necessary to protect breeding activity. (Ord. 14-05 § 3)

18.20.1424 Wildlife habitat network.

"Wildlife habitat network" means the official wildlife habitat network defined and mapped in the King County Comprehensive Plan 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. (Ord. 14-05 § 3)

18.20.1425 Wildlife shelter.

"Wildlife shelter" means a facility for the temporary housing of sick, wounded or displaced wildlife. (Ord. 42-02 § 2 (21A.06.1425))

18.20.1426 Wireless communication facility.

"Wireless communication facility" means any tower, antenna, ancillary structure or facility, or related equipment or component thereof, that is used for the transmission of radio frequency signals through electromagnetic energy for the purpose of providing phone, internet, video, information services, specialized mobile radio, enhanced specialized mobile radio, paging, wireless digital data transmission, broadband, unlicensed spectrum services utilizing part 15 devices, or other similar services that currently exist or that may in the future be developed. (Ord. 09-12 § 2 (Exh. B))

18.20.1427 Wireless communication facility, building-mounted.

"Wireless communication facility, building-mounted" means a wireless communication facility that is attached to an existing commercial, industrial, residential, or institutional building. (Ord. 09-12 § 2 (Exh. B))

18.20.1428 Wireless communication facility, concealed facility.

"Wireless communication facility, concealed facility" means a wireless communication facility that is not readily identifiable as such and is designed to be aesthetically and architecturally compatible with the existing building(s) on a site; or a wireless communication facility disguised, hidden, or integrated with an existing structure that is not a monopole or tower; or a wireless communication facility that is placed within an existing or proposed structure or tower or mounted within trees, so as to be significantly screened from view or camouflaged to appear as a nonantenna structure or tower (i.e., tree, light pole, clock tower, flagpole with flag, church steeple). (Ord. 09-12 § 2 (Exh. B))

18.20.1429 Wireless communication facility equipment enclosure.

"Wireless communication facility equipment enclosure" means any structure above or below ground, including without limitation cabinets, shelters, pedestals and other devices or structures, that is used exclusively to contain radio or other equipment necessary for the transmission and/or reception of wireless communication signals including, without limitation, air conditioning units and generators. (Ord. 09-12 § 2 (Exh. B))

18.20.1429.1 Wireless communication facility equipment compound.

"Wireless communication facility equipment compound" means an outdoor fenced area occupied by all the towers, antennas, ancillary structure(s), ancillary facilities, and equipment enclosures, but excluding parking and access ways. (Ord. 09-12 § 2 (Exh. B))

18.20.1429.2 Wireless communication facility, feed lines or coaxial cables.

"Wireless communication facility, feed lines or coaxial cables" means cables used as the interconnection media between the transmission/receiving base station and the antenna. (Ord. 09-12 § 2 (Exh. B))

18.20.1429.3 Wireless telecommunication carrier.

"Wireless telecommunication carrier" means any person or entity that directly or indirectly owns, controls, operates, or manages any plant, equipment, structure, or property within the City for the purpose of offering wireless telecommunication service within the City. (Ord. 09-12 § 2 (Exh. B))

18.20.1430 Work release facility.

"Work release facility" means a facility which allows the opportunity for convicted persons to be employed outside of the facility, but requires confinement within the facility when not in the place of employment. (Ord. 42-02 § 2 (21A.06.1430))

18.20.1432 Wrecked, dismantled or inoperative vehicle.

"Wrecked, dismantled or inoperative vehicle" means a motor vehicle or the remains or remnant parts of a motor vehicle which is mechanically inoperative and cannot be made operative without the addition of vital parts or mechanisms or the application of a substantial amount of labor and is certified by the Department of Community Development as meeting at least three of the following requirements:

(1) Is three years old or older;

(2) Is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;

(3) Is apparently inoperable;

(4) Has an approximate fair market value equal only to the approximate value of the scrap in it. (Amended at request of department 2/08; Ord. 42-02 § 2 (21A.06.1432))

18.20.1435 Yard or organic waste processing facility.

"Yard or organic waste processing facility" means a site where yard and garden wastes, including wood and land clearing debris, are processed into new products such as soil amendments and wood chips. (Ord. 42-02 § 2 (21A.06.1435))

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Chapter 18.25

PERMITTED USES

Sections:

18.25.010 Establishment of uses.
18.25.020 Interpretation of land use tables.
18.25.025 Land use tables within R, CC, NC and I zones.
18.25.030 Residential land uses.
18.25.040 Recreational/cultural land uses.
18.25.050 General services land uses.
18.25.060 Government/business services land uses.
18.25.070 Retail land uses.
18.25.080 Manufacturing land uses.
18.25.090 Resource land uses.
18.25.100 Regional land uses.
18.25.105 *Repealed.*
18.25.110 Applicability – Ordinance.

18.25.010 Establishment of uses.

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered permanently established when that use will or has been in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of Chapter 18.85 CMC. (Ord. 42-02 § 2 (21A.08.010))

18.25.020 Interpretation of land use tables.

(1) The land use tables in this chapter determine whether a use is allowed in a zone district. The zone district is located on the vertical column and the use is located on the horizontal row of these tables.

(2) If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.

(3) If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in Chapter 14.30 CMC and the general requirements of the code.

(4) If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in Chapter 14.30 CMC and conditional use fees as set forth in the current fee resolution, and the general requirements of the code.

(5) If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the land use table.

(6) If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.

(7) All applicable requirements shall govern a use whether or not they are cross-referenced in a section. (Ord. 10-10 § 3 (Exh. C); Ord. 20-07 § 114; Ord. 42-02 § 2 (21A.08.020))

18.25.025 Land use tables within R, CC, NC and I zones.

The land use tables set forth in CMC 18.25.030 through 18.25.100, inclusive, shall not apply to any property within any designated downtown zone. The permitted land use table for property located within any downtown zone is set forth in CMC 18.31.110. (Ord. 10-10 § 3 (Exh. C); Ord. 32-05 § 1)

18.25.030 Residential land uses.

A. Table.

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
*	**DWELLING UNITS, TYPES:**										
*	Single detached		P C2	P C2	P C2	P4 C2	P9				
*	Townhouse		P	P	P	P	P10	P3	P3		
*	Multifamily					P4	P	P3	P3	P	
*	Manufactured home park			C8		C8					
	GROUP RESIDENCES										
*	Community residential facility-I		C	C	C	C	C	P3	P3		
*	Community residential facility-II							C	C		
*	Senior citizen assisted housing		P	P	P	P	P	P3		P	
	ACCESSORY USES:										
*	Residential accessory uses		P6	P6,8	P6,8	P6,8	P 6, 8	P6			
*	Home occupation		P	P	P	P	P	P		P	
	TEMPORARY LODGING										
*	Bed and breakfast guesthouse		P7	P7	P7	P7	P7	P	P		
*	Hotel						P			P	

B. Development Conditions.

(1) For all single-family preliminary plats of 20 lots or more, 18 percent of the units must be constructed as multiple-family dwelling units. The City will consider a reduction in the required number of multiple-family units if an agreement can be reached to assure the affordable housing income figures mandated by the comprehensive plan can be achieved. This condition shall not apply within the Hawk Property subarea.

(2) Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in Condition No. 6.

(3) Only as part of a mixed-use/integrated development subject to the conditions of Chapter 18.35 CMC.

(4) Permitted only in the R-18 zone.

(5) Must be in accord with Chapter 18.35 CMC.

(6) Accessory Dwelling Units.

(a) Only one accessory dwelling per primary single detached dwelling unit;

(b) Only in the same building as the primary dwelling unit on an urban lot that is less than 10,000 square feet in area, on a rural lot that is less than the minimum lot size, or on a lot containing more than one primary dwelling;

(c) The primary dwelling unit or the accessory dwelling unit shall be owner-occupied;

(d) One of the dwelling units shall not exceed a floor area of 1,000 square feet except when one of the dwelling units is wholly contained within a basement or attic;

(e) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

(f) One additional off-street parking space shall be provided;

(g) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied;

(h) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the Department with the Records and Elections Division which identifies the dwelling unit as

accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the Department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, either the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone; and

(i) Must be in accord with Chapter 18.35 CMC.

(7) Only as an accessory to the permanent residence of the operator, provided:

(a) Serving meals to paying guests shall be limited to breakfast; and

(b) The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the International Building Code for R-1 occupancies may accommodate up to 10 persons per night.

(8) On-street electric vehicle charging stations are not permitted in the R-1 through R-18 zones. Individual electric vehicle charging stations for a single-family residence shall follow the Installation Guide for Charging Stations, prepared by Puget Sound Regional Council, and as amended.

(9) Within the Hawk Property subarea, single-family detached residences shall not be allowed around or abutting the pond.

(10) Within the Hawk Property subarea, townhouses shall not abut the pond except as part of a mixed-use development, unless otherwise separated from the pond by a public trail, park, green space or street. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 06-05 § 1; Ord. 23-04 § 10; Ord. 42-02 § 2 (21A.08.030))

18.25.040 Recreational/cultural land uses.

A. Table.

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
*	**PARK/RECREATION:**										
*	Park	P1	P	P1	P1	P1	P1	P	P	P1	P
*	Trails	P	P	P	P	P	P	P	P	P	P
	AMUSEMENT/ENTERTAINMENT:										
*	Adult entertainment businesses (2)										P
793	Bowling center									P	P
*	Golf facility			P3	P3						
7999(4)(6)	Amusement and recreation services			P5	P5						
*	Commercial recreation	C									C
*	Physical fitness/ recreation clubs									P	
*	Theaters									P	
	CULTURAL:										
823	Library			C6	C5	C6	C5	P	P	P	
841	Museum			C	C	C	C	P	P	P	P
842	Arboretum			P	P	P	P	P	P		

B. Development Conditions.

(1) Lighting for structures and fields shall be directed away from residential areas through the use of exterior full cut-off shields or through optics within the fixture.

(2) Adult entertainment businesses shall be prohibited within 550 feet of any property zoned R or containing schools, licensed day care centers, pub-

lic parks or trails, community centers, public libraries or churches. In addition, adult entertainment businesses shall not be located closer than 3,000 feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned R or that contain the uses identified in this subsection.

(3) Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. Ancillary facilities associated with a golf course are limited to practice putting greens, maintenance buildings and other structures housing administrative offices or activities that provide convenience services to players. These convenience services are limited to a pro shop, food services and dressing facilities and shall occupy a total of no more than 10,000 square feet.

(4) Excluding amusement and recreational uses classified elsewhere in this chapter.

(5) A conditional use permit is required unless the use is an accessory to a park or in a building listed on the National Register as a historic site or designated as a King County landmark subject to Chapter 18.47 CMC.

(6) The operation of an indoor shooting range, as defined in CMC 18.20.1080, is not permitted. Outdoor shooting ranges are not permitted. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 01-12 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.08.040))

18.25.050 General services land uses.

A. Table.

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
*	**PERSONAL SERVICES:**										
72	General personal service						P	P	P	P	P
7216	Dry cleaning plants										P
7218	Industrial launderers										P
7261	Funeral home/crematory			C4	C4	C4	C4				
*	Cemetery, columbarium or mausoleum (5)			C3	C3	C3	C3	C3	C3		
*	Day care I			P6	P6	P	P	P	P	P	P7
*	Day care II			P8	P8	P	P	P	P	P	P7
074	Veterinary clinic (12)									P	P
753	Automotive repair (1) (12)										P
754	Automotive service (2)										P
76	Miscellaneous repair										P
866	Churches, synagogue, temple		C	C	C	C	C	P	P	C	
83	Social services						P	P		P	
60/81/872	Legal/financial					P9, 14	P13	P	P14	P	
8748	Business consulting services					P9	P13	P		P	

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
*	Kennel or cattery										
*	Artist studios					P9	C	P		P	P
*	Interim recycling facility		P10								P
	HEALTH SERVICES:										
*	Medical/dental office/outpatient clinic					P9	P13, 15	P	P	P	P
805	Nursing and personal care facilities					P9					
807	Medical/dental lab					P9					P
808 – 809	Miscellaneous health					P9					
	EDUCATIONAL SERVICES:										
	Schools: Elementary, middle/junior high, secondary or high school			P	P	P	P				
	Vocational school			C	C	C	C				P
	Specialized instruction school			C	C	C	C	P			P
	School district support facility			P11	P11	P11	P11	C			P

B. Development Conditions.

(1) Except SIC Industry No. 7534 – Tire retreading; see manufacturing permitted use table.

(2) Not abutting or taking access from SE 270th Place.

(3) A conditional use permit is required unless a columbarium is an accessory to a church.

(4) Only as an accessory to a cemetery.

(5) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

(6) Only as an accessory to residential use, and:

(a) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and

(b) Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.

(7) Permitted as an accessory use. See commercial/industrial accessory uses, CMC 18.25.060.

(8) Only as a re-use of a public school facility subject to Chapter 18.85 CMC, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, and:

(a) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet;

(b) Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

(c) Direct access to a developed arterial street shall be required in any residential zone; and

(d) Hours of operation may be restricted to assure compatibility with surrounding development.

(9) Permitted only in existing single-family structures.

(10) Limited to source-separated yard or organic waste processing facilities.

(11) Only if adjacent to an existing or proposed school.

(12) (a) No burning of refuse or dead animals is allowed;

(b) The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and

(c) The provisions of Chapter 18.80 CMC relative to animal keeping are met.

(13) Limited to 3,000 square feet of gross floor area, unless located in a multi-story, mixed-use building in which case the limitation does not apply.

(14) Excluding banks.

(15) Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.08.050))

18.25.060 Government/business services land uses.

A. Table.

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
*	**GOVERNMENT SERVICES:**										
*	Public agency or utility office		C3	C3	C3	C3	C3	P	P	P	P
*	Public agency or utility yard	P5	C3	P8	P8	P8	C3	P8	P8	P8	P
*	Public agency archives	P5	C3	C3	C3	C3	C3	P	P	P	P
921	Court										
9221	Police facility			P7	P7	P7	P7	P7	P7	P7	P
9224	Fire facility			C6	C6	C6	C6	P	P	P6	P
*	Utility facility	P4 C14	P4 C14	P4 C14	P4 C14	P4 C14	P4 C14	P10	P4 C14	P10	P
*	Commuter parking lot			P13	P13	P13	P13			P17	P
	BUSINESS SERVICES:										
*	Construction and trade										P
*	Individual transportation and taxi										P
421	Trucking and courier service										P
*	Warehousing (1) and wholesale trade										P
47	Transportation service										P
473	Freight and cargo service										P
48	Communication offices										P
482	Telegraph and other communications										P
*	General business service						P10, 18	P10, 16		P10	P
*	Professional office					P11	P18	P		P	P
735	Miscellaneous equipment rental (12)										P
751	Automotive rental and leasing										P
873	Research, development, and testing										P2
*	Heavy equipment and truck repair										P
	ACCESSORY USES:										
*	Commercial/industrial accessory uses	P				P15	P15	P9,15	P15	P9,15	P15
*	Off-street required parking lot			P	P	P	P	P	C	P	P

B. Development Conditions.

(1) Except self-service storage.

(2) Except SIC Industry No. 8732 – Commercial economic, sociological, and educational research, see general business service/office.

(3) A conditional use permit is not required if the use is:

(a) A re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.85 CMC; or

(b) An accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.

(4) Excluding bulk gas storage tanks.

(5) Subject to industrial criteria.

(6) (a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

(b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street;

(c) No outdoor storage.

(7) Limited to "storefront" police offices. Such offices shall not have:

(a) Holding cells;

(b) Suspect interview rooms (except in the NC zone); or

(c) Long-term storage of stolen properties.

(8) (a) Utility yards only on sites with utility district offices; or

(b) Public agency yards are limited to material storage for road maintenance facilities.

(9) Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

(10) Provided, that all material and/or equipment of any kind is stored in a fully enclosed building.

(11) Permitted only in existing single-family structures.

(12) Not abutting or taking access from SE 270th Place.

(13) Limited to new commuter parking lots designed for 30 or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting; provided, that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the Department of Transportation.

(14) Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.

(15) Electric vehicle charging stations are permitted in accordance with CMC 18.50.170.

(16) Gasoline service stations and battery exchange stations are limited to the community commercial (CC) zone and subject to the following conditions:

(a) A gasoline service station shall be limited to four pumps and eight price gauges to service no more than eight vehicles.

(b) A battery exchange station shall provide a minimum of three stacking spaces.

(c) Stacking spaces and drive-through facilities shall be designed in accordance with CMC 18.50.080.

(d) Any associated materials, equipment storage, outdoor storage tanks and battery exchange activities shall be within a fully enclosed structure, unless otherwise determined by the Director.

(17) Limited to park-and-ride facilities associated with a public or private transit facility provider. Any such commuter parking lot shall not exceed 125 surface spaces. Parking stalls in excess of this amount shall be located within a parking structure.

(18) Limited to 3,000 square feet of gross floor area unless located in a multi-story, mixed-use building, in which case the limitation does not apply. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 08-07 § 1; Ord. 16-05 § 1; Ord. 08-05 § 1; Ord. 24-04 § 1; Ord. 42-02 § 2 (21A.08.060))

18.25.070 Retail land uses.

A. Table.

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
*	Building, hardware and garden materials						P2	P1	P1	P1, 7	
*	Department and variety stores							P	P	P	

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
54	Food stores						P2	P	P2	P	P2
56	Apparel and accessory stores							P	P	P	
58	Eating and drinking places						P6	P	P	P	P
592	Liquor stores							P	P	P	
*	Book, stationery, video and art supply stores						P2	P	P	P	
*	Hobby, toy, game shops						P2	P	P	P	
*	Photographic and electronic shops							P	P	P	
*	Fabric shops						P2, 7	P	P	P	
*	Florist shops						P2, 7	P	P	P	
*	Farmers' and public markets						P5	P5	P5	P5	
	Laundromat/dry cleaner						P2		P	P	
	Commercial printing and publishing						P2		P	P	

B. Development Conditions.

(1) Only hardware and garden materials stores shall be permitted; provided, that all material and/or equipment of any kind is stored in a fully enclosed building.

(2) Limited to a maximum of 3,000 square feet of gross floor area, unless located in a multi-story, mixed-use building, in which case the limitation does not apply.

(3) Reserved.

(4) Permitted only in existing single-family structures.

(5) Farmers' and public markets are permitted. Temporary markets require a temporary use permit in accordance with CMC 18.85.125.

(6) Limited to a maximum of 8,000 square feet of gross floor area, and drive-through facilities are not permitted.

(7) Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 09-09 § 4; Ord. 06-06 § 1; Ord. 42-02 § 2 (21A.08.070))

18.25.080 Manufacturing land uses.

A. Table.

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
205	Bakeries						C3	P	P	P	P
20	Food and kindred products (except 205)										P1
2082/2084	Winery/brewery						C3			P	P
22	Textile mill products										C
23	Apparel and other textile products										P
24	Wood products, except furniture										P
25	Furniture and fixtures										P
26	Paper and allied products										C
27	Printing and publishing							P2			P

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
28	Chemicals and allied products										C
2911	Petroleum refining and related industries										C
30	Rubber and miscellaneous plastics products										C
31	Leather and leather goods										P
32	Stone, clay, glass, and concrete products										P
33	Primary metal industries										C
34	Fabricated metal products										P
35	Industrial and commercial machinery										P
351 – 355	Heavy machinery and equipment										C
357	Computer and office equipment										P
36	Electronic and other electric equipment										P
374	Railroad equipment										C
376	Guided missile and space vehicle parts										C
379	Miscellaneous transportation vehicles										C
38	Measuring and controlling instruments										P
39	Miscellaneous light manufacturing										P
*	Motor vehicle and bicycle manufacturing										C
*	Aircraft, ship and boat building										C
7534	Tire treading										P
781 – 782	Movie production/distribution										P

B. Development Conditions.

(1) Except slaughterhouses.

(2) Limited to photocopying and printing services offered to the general public.

(3) Limited to 3,000 square feet of gross floor area unless located in a multi-story, mixed-use building, in which case the limitation does not apply. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.08.080))

18.25.090 Resource land uses.

A. Table.

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
*	Agriculture training facility										
	FORESTRY:										
	Growing and harvesting forest product	P4		P	P	P					P
*	Forest research										P
	FISH AND WILDLIFE MANAGEMENT:										
0921	Hatchery/fish preserve (1)			C	C	C					P

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
0273	Aquaculture (1)			C	C	C					P
*	Wildlife shelters										
	MINERAL:										
10, 12, 14	Mineral extraction and processing	P									
2951, 3271, 3273	Asphalt/concrete mixtures and block	P5									P
	ACCESSORY USES:										
*	Resource accessory uses	P3									P2

B. Development Conditions.

(1) May be further subject to Chapter 16.05 CMC, Shoreline Management Plan.

(2) Excluding housing for agricultural workers.

(3) Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.

(4) Only in conjunction with a mineral extraction site plan approved in accordance with Chapter 18.60 CMC.

(5) Only as accessory to a primary mineral extraction use, or as a continuation of a mineral processing use established prior to the effective date of or consistent with this title. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.08.090))

18.25.100 Regional land uses.

A. Table.

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
*	Jail					C		C			C
*	Work release facility					C		C			
*	Public agency animal control facility										P
*	Public agency training facility										C1
*	Nonhydroelectric generation facility	C6						C6			C
*	Wireless communication facility (4)	P C		P C	P C	P C	P C	P C	P C	P C	P C
*	Earth station			C2	C2	C2	C2	P3		C2	P
*	Energy resource recovery facility	C				C		C			C
*	Soil recycling facility	C									C
*	Transfer station	C				C		C			C
*	Wastewater treatment facility			C	C	C					C
*	Fairground										C
8422	Zoo/wildlife exhibit			C	C	C					C
7941	Stadium/arena										

Key
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I
8221, 8222	College/university (1)			P5	P5			P5			P
*	Secure community transition facility (SCTS)	*									7

B. Development Conditions.

(1) Shooting ranges, either indoor or outdoor, associated with educational programs are not permitted.

(2) Limited to no more than three satellite dish antennas.

(3) Limited to one satellite dish antenna.

(4) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. WCFs may be located (a) on any residential structure or undeveloped site in R-18, MHO, TC or GC zone districts; or (b) on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.), or in public rights-of-way in any residential zone district. Chapter 18.70 CMC, Wireless Communication Facilities, outlines the approval and review process. In the event of a conflict between the requirements of Chapter 18.70 CMC and the requirements of this chapter, Chapter 18.70 CMC shall govern.

(5) Permitted as a re-use of a public school facility subject to Chapter 18.85 CMC. A conditional use permit is required if the use is a re-use of a surplus nonresidential facility subject to Chapter 18.85 CMC.

(6) Limited to cogeneration facilities for on-site use only.

(7) Conditional use permit required subject to meeting conditions for siting SCTFs in compliance with the requirements of Chapter 71.09 RCW and CMC 18.125.040. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 09-12 § 2 (Exh. B); Ord. 01-12 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 16-05 § 2; Ord. 42-02 § 2 (21A.08.100))

18.25.105 Permitted land uses.

Repealed by Ord. 10-10. (Ord. 09-17 § 2 (Exh. 1); Ord. 09-09 § 5; Ord. 05-09 § 1 (Exh. 1); Ord. 21-08 § 2)

18.25.110 Applicability – Ordinance.

Complete applications for segregation submitted prior to adoption of this code shall continue to be governed by those ordinances in effect on the date the complete application was submitted. (Ord. 42-02 § 2 (21A.08.900))

Chapter 18.30

DEVELOPMENT STANDARDS – DENSITY AND DIMENSIONS

Sections:

18.30.010 Purpose.
18.30.020 Interpretation of tables.
18.30.030 Densities and dimensions – Residential zones.
18.30.040 Densities and dimensions – Resource and commercial/industrial zones.
18.30.045 *Repealed*.
18.30.050 *Repealed*.
18.30.060 Minimum residential density.
18.30.070 Calculations – Allowable dwelling units, lots or floor area.
18.30.080 Calculations – Site area used for base density and maximum density floor area calculations.
18.30.090 Calculations – Site area used for minimum density calculations.
18.30.100 *Repealed*.
18.30.110 Lot area – Prohibited reduction.
18.30.120 Lot area – Minimum lot area for construction.
18.30.130 Measurement of setbacks.
18.30.140 Setbacks – Specific building or use.
18.30.150 Setbacks – Livestock buildings and manure storage areas.
18.30.160 Setbacks – Modifications.
18.30.170 Setbacks – From regional utility corridors.
18.30.180 Setbacks – From alley.
18.30.190 Setbacks – Required modifications.
18.30.200 Setbacks – Projections and structures allowed.
18.30.210 Height – Exceptions to limits.
18.30.220 Height – Limits near airports.
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18.30.010 Purpose.

The purpose of this chapter is to establish basic dimensional standards for development relative to residential density and as well as specific rules for general application. The standards and rules are established to provide flexibility in project design, and maintain privacy between adjacent uses. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.12.010))

18.30.020 Interpretation of tables.

(1) CMC 18.30.030 and 18.30.040 contain general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules, exceptions, and methodologies are set forth in CMC 18.30.060 through 18.30.240.

(2) The density and dimension tables are arranged in a matrix format on two separate tables and are delineated into two general land use categories:

(a) Residential; and

(b) Resource and commercial/industrial.

(3) Development standards are listed down the left side of both tables, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or zone. A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.12.020))

18.30.030 Densities and dimensions – Residential zones.

A. Table.

STANDARDS	ZONES						
	RESIDENTIAL						
	R-1 (14) Urban Separator	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**MR**
Base density: dwelling units/acre (15)	1 du/ac	4 du/ac	6 du/ac	8 du/ac	12 du/ac	18 du/ac (18)	14 du/ac
Maximum density: dwelling unit/acre (1)		6 du/ac	9 du/ac	12 du/ac	18 du/ac	24 du/ac	50 du/ac
Minimum density (2) (15)		85% (12)	85% (12)	85% (12)	85% (12)	85% (12)	85% (12)
Minimum lot area (13)	2,500 sf	2,500 sf	2,500 sf	2,500 sf	2,500 sf (3)	2,500 sf (3)	2,500 sf (3)
Minimum lot width (3)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum street setback (3)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft	10 ft
Minimum interior setback (3) (13)	7 ft 6 inches (7)	7 ft 6 inches	7 ft 6 inches	7 ft 6 inches	5 ft (19)	10 ft	5 ft (19)
Base height (4)	35 ft	35 ft	35 ft 45 ft (11)	35 ft 45 ft (11)	35 ft 45 ft (11)	35 ft	60 ft
Maximum impervious surface: percentage (5)	30% (16)	55%	70%	75%	75% (3)	75%	80% (3)

B. Development Conditions.

(1) This maximum density may be achieved only through the application of residential density incentives in accordance with Chapter 18.90 CMC or transfers of density credits in accordance with Chapter 18.95 CMC, or any combination of density incentive or density transfer. Maximum density may only be exceeded in accordance with CMC 18.90.040(6)(a)(vii). Within the Hawk Property subarea, this condition shall not apply.

(2) Also see CMC 18.30.060.

(3) These standards may be modified under the provisions for zero-lot-line and townhouse developments.

(4) Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed 75 feet. Wireless communication facilities, including licensed amateur (HAM) radio stations and citizen band stations, shall not exceed the zone's base height limit unless allowed pursuant to the provisions of Chapter 18.70 CMC or a height modification is granted pursuant to CMC 18.70.150. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum height shall not exceed 75 feet.

(5) Applies to each individual lot. Impervious surface area standards for:

(a) Regional uses shall be established at the time of permit review;

(b) Nonresidential uses in residential zones, except those located within the MR zone, shall comply with CMC 18.30.140 and 18.30.250;

(c) Individual lots in the R-4 through R-6 zones that are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and

(d) A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

(6) Mobile home parks shall be allowed a base density of six dwelling units per acre.

(7) The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.

(8) At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line or back of sidewalk if any portion of the sidewalk has been included in an easement. The linear distance shall be measured along the center line of the drive-

way from the access point to such garage, carport or fenced area to the street property line.

(9) Intentionally left blank.

(10) Intentionally left blank.

(11) The base height to be used only for projects as follows:

(a) In R-6, R-8 and R-12 zones, a building with a footprint built on slopes exceeding a 15 percent finished grade.

(12) Density applies only to dwelling units and not to sleeping units.

(13) Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least 26 feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

(14) (a) All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered if the property is located within or contains:

(i) A floodplain;

(ii) A critical aquifer recharge area;

(iii) A regionally or locally significant resource area;

(iv) Existing or planned public parks or trails, or connections to such facilities;

(v) A Class I or II stream or wetland;

(vi) A steep slope; or

(vii) A greenbelt/urban separator or wildlife corridor area designated by the comprehensive plan or a community plan.

(b) The development shall be clustered away from sensitive areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. Open space tracts shall be permanent and shall be dedicated to a homeowners' association or other suitable organization, as determined by the Director, and meet the requirements in CMC 18.35.040. On-site sensitive area and buffers, wildlife habitat networks, required habitat and buffers for protected species and designated urban separators shall be placed within the open space tract to the extent possible. Passive recreation (with no development of recreational facilities) and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract.

(15) See CMC 18.30.090.

(16) All subdivisions and short subdivisions in the R-1 zone shall have a maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

(17) Intentionally left blank.

(18) Except cottage housing, which may have a base density of 12 du/acre.

(19) Minimum interior setback for underground parking structures is zero feet. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 09-12 § 2 (Exh. B); Ord. 10-10 § 3 (Exh. C); Ord. 60-03 § 2; Ord. 57-03 § 2; Ord. 42-02 § 2 (21A.12.030))

18.30.040 Densities and dimensions – Resource and commercial/industrial zones.

A. Table.

STANDARDS	ZONES				
	RESOURCE	COMMERCIAL/INDUSTRIAL/MIXED-USE			
	M	CC	NC	RCMU	I
Base density: dwelling units/acre (5)		8 du/ac (1)	8 du/ac (1)	18 du/ac	
Maximum density: dwelling unit/acre (5)		12 du/ac (2)	12 du/ac (2)	50 du/ac	
Minimum street setback	(6)	0 ft (3)	0 ft (3)	0 ft	25 ft
Minimum interior setback	(6)	20 ft (4)(8)	20 ft (4)(8)	10 ft 20 ft (4)	20 ft (4)
Base height (9)	35 ft	35 ft	35 ft (10)	60 ft	45 ft

STANDARDS	ZONES				
	RESOURCE	COMMERCIAL/INDUSTRIAL/MIXED-USE			
	M	CC	NC	RCMU	I
Maximum impervious surface: percentage (7)		85%	85%	80%	90%
Maximum building size (gross square feet)		30,000 sf	5,000 sf (11)(12)	NA	NA

B. Development Conditions.

(1) These densities are allowed only through the application of mixed-use/integrated development standards. Except for senior housing, no less than 60 percent of the ground floor of a mixed-use/integrated project shall be established for commercial use.

(2) These densities may only be achieved through the application of residential density incentives or transfer of density credits in mixed-use developments.

(3) Gas station pump islands shall be placed no closer than 15 feet to any property line. Gas islands and their associated canopy structures may not be placed on a street corner in accord with the requirements of the design manual.

(4) Required on property lines adjoining residential zones.

(5) The floor-to-lot ratio for mixed-use developments shall conform to Chapter 18.35 CMC. Floor-to-lot ratios shall not apply in the Hawk Property subarea.

(6) See CMC 18.60.060 for setback requirements in the mineral zone.

(7) The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

(8) Required on property lines adjoining residential zones unless a stand-alone townhouse development is proposed to be located adjacent to property upon which an existing townhouse development is located.

(9) Structures in excess of the base height limitation may be increased upon approval of a conditional use permit.

(10) Structures within 150 feet of R-zoned lands shall have sloped roofs with a pitch at least as steep as that of the roofs of the closest single-family structure.

(11) The maximum footprint of any structure is 5,000 square feet. A building's gross floor area may exceed this figure if the structure includes second or third floors.

(12) The total area of the collective footprints of all structures on a site may not exceed 10,000 square feet per acre of lot area. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 06-06 § 2; Ord. 42-02 § 2 (21A.12.040))

18.30.045 Downtown building form and site design standards.

Repealed by Ord. 10-10. (Ord. 21-08 §§ 3, 4; Ord. 20-07 § 115; Ord. 34-05 § 1)

18.30.050 Measurement methods.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.12.050))

18.30.060 Minimum residential density.

Minimum density for residential development shall be based on the tables in CMC 18.30.030, adjusted as provided in CMC 18.30.070 through 18.30.080.

(1) A proposal may be phased, if compliance with the minimum density requirement results in noncompliance with Chapter 18.75 CMC, if the overall density of the proposal is consistent with this section.

(2) Minimum density requirements may be waived by the City of Covington if the applicant demonstrates one or more of the following:

(a) The proposed layout of the lots in a subdivision or the buildings in a multiple dwelling development will not preclude future residential development consistent with the minimum density of the zone;

(b) The nonsensitive area of the parcel is of a size or configuration that results in lots that cannot meet the minimum dimensional requirements of the zone;

(c) The site contains a national, State or County historic landmark.

(3) A proposal to locate a single residential unit on a lot shall be exempt from the minimum density requirement provided the applicant either preplans the site by demonstrating that the proposed single residence would be located in a manner compatible with future division of the site in a

manner that would meet the minimum density requirements, or locates the dwelling within 15 feet of one or more of the site's interior lot lines. (Ord. 42-02 § 2 (21A.12.060))

18.30.070 Calculations – Allowable dwelling units, lots or floor area.

Permitted number of units, or lots or floor area shall be determined as follows:

(1) The allowed number of dwelling units or lots (base density) shall be computed by multiplying the site area specified in CMC 18.30.080 by the applicable residential base density number;

(2) The maximum density (unit or lot) limits shall be computed by adding the bonus or transfer units authorized by Chapter 18.90 or 18.95 CMC to the base units computed under subsection (1) of this section;

(3) The allowed floor area, which excludes structured or underground parking areas and areas housing mechanical equipment, shall be computed by applying the floor-to-lot area ratio to the project site area specified in CMC 18.30.080;

(4) If calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

(a) Fractions of 0.50 or above shall be rounded up; and

(b) Fractions below 0.50 shall be rounded down. (Ord. 42-02 § 2 (21A.12.070))

18.30.080 Calculations – Site area used for base density and maximum density floor area calculations.

(1) All site areas may be used in the calculation of base and maximum allowed residential density or project floor area except as outlined under the provisions of subsection (2) of this section.

(2) Submerged lands shall not be credited toward base and maximum density or floor area calculations. (Ord. 42-02 § 2 (21A.12.080))

18.30.090 Calculations – Site area used for minimum density calculations.

Minimum density shall be determined by:

(1) Multiplying the base density (dwelling units/acre) as set forth in CMC 18.30.030(A) by the net buildable area of the project site; and then

(2) Multiplying the resulting product by the minimum density percentage set forth in CMC 18.30.030(A) or as adjusted pursuant to the provisions of CMC 18.30.100. (Ord. 42-02 § 2 (21A.12.085))

18.30.100 Minimum density adjustments for moderate slopes.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.12.087))

18.30.110 Lot area – Prohibited reduction.

Any portion of a lot that was used to calculate compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot. (Ord. 42-02 § 2 (21A.12.090))

18.30.120 Lot area – Minimum lot area for construction.

Except as provided for nonconformances in Chapter 18.85 CMC:

(1) In the R zones no construction shall be permitted on a lot that contains an area of less than 2,500 square feet or that does not comply with the applicable minimum lot width, except for townhouse developments zero-lot-line subdivisions, or lots created prior to adoption of this code. (Ord. 42-02 § 2 (21A.12.100))

18.30.130 Measurement of setbacks.

(1) Interior Setback. The interior setback is measured from the interior lot line to a line parallel to and measured perpendicularly from the interior lot lines at the depth prescribed for each zone.

(2) Street Setback. The street setback is measured from the street right-of-way to a line parallel to and measured perpendicularly from the street right-of-way or the edge of the surface improvement at the depth prescribed for each zone. (Ord. 42-02 § 2 (21A.12.110))

18.30.140 Setbacks – Specific building or use.

When a building or use is required to maintain a specific setback from a property line or other building, such setback shall apply only to the specified building or use. (Ord. 42-02 § 2 (21A.12.120))

18.30.150 Setbacks – Livestock buildings and manure storage areas.

(1) The minimum interior setback for any building used to house, confine or feed swine shall be 90 feet.

(2) The minimum interior setback for any building used to house, confine or feed any other livestock shall be 25 feet.

(3) The minimum interior setback for any manure storage area shall be 35 feet. (Ord. 42-02 § 2 (21A.12.122))

18.30.160 Setbacks – Modifications.

The following setback modifications are permitted:

(1) When the common property line of two lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property line; and

(2) When a lot is located between lots having nonconforming street setbacks, the required street setback for such lot may be the average of the two nonconforming setbacks or 60 percent of the required street setback, whichever results in the greater street setback. (Ord. 42-02 § 2 (21A.12.130))

18.30.170 Setbacks – From regional utility corridors.

(1) In subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.

(2) In other types of land development permits, easements shall be used to delineate regional utility corridors.

(3) All structures shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary to the operation of the utility corridor or when structures are allowed by mutual agreement in the utility corridor.

(4) Any structure designed for human occupancy, except for utility structures not normally occupied that are necessary for the operation of the pipeline or a minor communication facility, shall maintain a minimum distance of 100 feet from a hazardous liquid or gas transmission pipeline located within a regional utility corridor. The setback distance may be modified if the applicant demonstrates the following:

(a) A 100-foot setback would deny all reasonable use of the property; or

(b) That the structure would be protected from radiant heat of an explosion by berming or other physical barriers; or

(c) That a 100-foot setback would be impractical or unnecessary due to existing geographical features, streets, lot lines, or easements; or

(d) That no other practical alternative exists to meet the demand for service; and

(e) That the applicant will construct a hazardous liquid or gas transmission containment system or other mitigating actions if the City finds that leakage could accumulate within 100 feet of the pipeline. Any containment system or other mitigating actions required by this section shall meet all applicable Federal, State and local regulations. (Ord. 42-02 § 2 (21A.12.140))

18.30.180 Setbacks – From alley.

(1) Structures may be built to a property line abutting an alley, except as provided in subsection (2) of this section.

(2) Vehicle access points from garages, carports or fenced parking areas shall be set back from the alley property line to provide a straight line length of at least 26 feet, as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite edge of the alley. No portion of the garage or the door in motion may cross the property line. (Ord. 42-02 § 2 (21A.12.150))

18.30.190 Setbacks – Required modifications.

The following setback modifications are required:

(1) In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial; and

(2) Where the standard setback for a property is modified within an adopted subarea or neighborhood plan area zoning, the applicable setback shall be that specified therein. (Ord. 42-02 § 2 (21A.12.160))

18.30.200 Setbacks – Projections and structures allowed.

Provided that the required setbacks from regional utility corridors of CMC 18.30.170, the adjoining half-street or designated arterial setbacks of CMC 18.30.190 and the sight distance requirements of CMC 18.30.240 are maintained, structures may extend into or be located in required setbacks, including setbacks as required by CMC 18.30.250(2), as follows:

(1) Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into any setback, provided such projections are:

(a) Limited to two per facade;

(b) Not wider than 10 feet; and

(c) Not more than 24 inches into an interior setback or 30 inches into a street setback;

(2) Uncovered porches and decks which exceed 18 inches above the finished grade may project:

(a) Eighteen inches into interior setbacks, and

(b) Five feet into the street setback;

(3) Building siding materials and trim boards; provided, that the siding materials and trim boards do not extend further that six inches into said setback;

(4) Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the property line;

(5) Eaves may not project more than:

(a) Eighteen inches into an interior setback;

(b) Twenty-four inches into a street setback; or

(c) Eighteen inches across a lot line in a zero-lot-line development;

(6) Fences with a height of six feet or less may project into or be located in any setback;

(7) Rockeries, retaining walls and curbs may project into or be located in any setback, provided these structures are in accord with the International Building Code and International Residential Code, and:

(a) Do not exceed a height of six feet in R-1 through R-18; and

(b) Do not exceed the building height for the zone in commercial/industrial zones, measured in accordance with the codified standards;

(8) Fences located on top of rockeries, retaining walls or berms are subject to the requirements of CMC 18.35.210;

(9) Telephone, power, light and flag poles;

(10) The following may project into or be located within a setback, but may only project into or be located within a five-foot interior setback area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the King County Department of Records and Elections prior to the installment or construction of the structure:

(a) Sprinkler systems, electrical and cellular equipment cabinets and other similar utility boxes and vaults;

(b) Security system access controls;

(c) Structures, except for buildings, associated with trails and on-site recreation spaces and play areas required in CMC 18.35.150 and 18.35.170 such as benches, picnic tables and drinking fountains; and

(d) Surface water management facilities as required by Chapter 13.25 CMC;

(11) Mailboxes and newspaper boxes may project into or be located within street setbacks;

(12) Fire hydrants and associated appendages;

(13) Metro bus shelters may be located within street setbacks;

(14) Unless otherwise allowed in Chapter 18.55 CMC, freestanding and monument signs four feet or less in height, with a maximum sign area of 20 square feet, may project into or be located within street setbacks; and

(15) Stormwater conveyance and control facilities, both above and below ground, provided such projections are:

(a) Consistent with setback, easement and access requirements specified in the stormwater manuals adopted in Chapter 13.25 CMC; or

(b) In the absence of said specifications, not within five feet of the property line. (Ord. 10-10 § 3 (Exh. C); Ord. 13-09 § 27; Ord. 06-05 § 1; Ord. 23-04 § 11; Ord. 60-03 § 1; Ord. 57-03 § 1; Ord. 42-02 § 2 (21A.12.170))

18.30.210 Height – Exceptions to limits.

The following structures may be erected above the height limits of CMC 18.30.030 through 18.30.040:

(1) Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and

(2) Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, utility line towers and poles, and similar structures. (Ord. 09-12 § 2 (Exh. B); Ord. 42-02 § 2 (21A.12.180))

18.30.220 Height – Limits near airports.

No building or structure shall be erected nor shall any tree be allowed to grow to a height in excess of the height limit established by the local airport height maps. (Ord. 42-02 § 2 (21A.12.190))

18.30.230 Lot or site divided by zone boundary.

When a lot or site is divided by a zone boundary, the following applies:

(1) If a lot or site contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site.

(2) If a lot or site contains residential zones of varying density:

(a) Any residential density transfer within the lot or site shall be allowed the density, as a result of moving dwelling units from one lot to another lot within a site or across zone lines within a single lot, does not exceed 150 percent of the base density on any of the lots or portions of a lot to which the density is transferred;

(i) The transfer does not reduce the minimum density achievable on the lot or site;

(ii) The transfer enhances the efficient use of needed infrastructure;

(iii) The transfer does not result in significant adverse impacts to the low density portion of the lot or site;

(iv) The transfer contributes to preservation of environmentally sensitive areas, wildlife corridors, or other natural features; and

(v) The transfer does not result in significant adverse impacts to adjoining lower density properties;

(b) Residential density transfers shall not be allowed to a lot or portion of a lot zone urban separator (R-1);

(c) Compliance with the criteria in this subsection (2) of this section shall be evaluated during review of any development proposals in which such a transfer is proposed; and

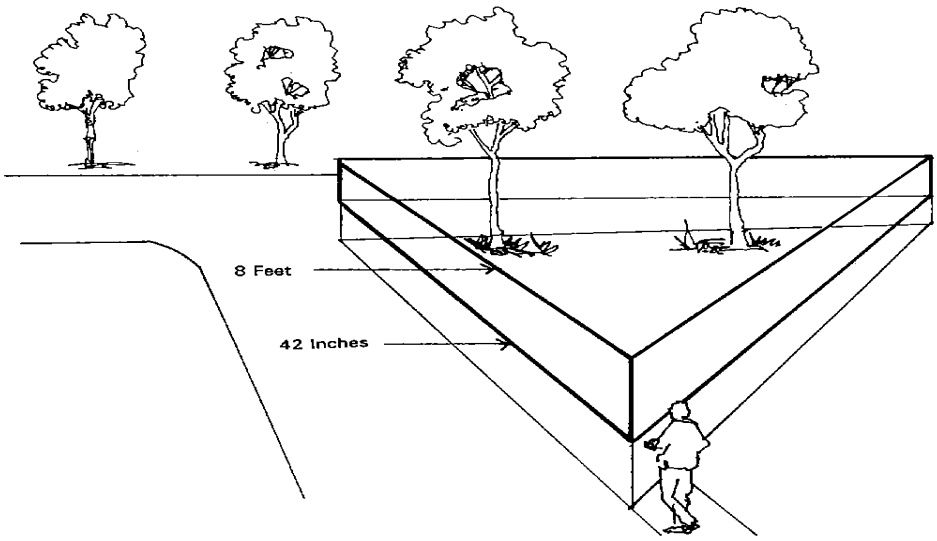
(d) Residential density transfers from one lot to another lot within a site or from one portion of a lot to another portion of a lot across a zone line shall not, in of itself, be considered development above the base density for purposes of requiring a conditional use permit for apartments or townhouses in the R-1 (urban separator) through R-8 zones.

(3) Uses on each portion of the lot shall only be those permitted in each zone in accordance with Chapter 18.25 CMC. (Ord. 42-02 § 2 (21A.12.200))

18.30.240 Sight distance requirements.

Except for utility poles and traffic control signs, the following sight distance provisions shall apply to all intersections and site access points:

(1) A sight distance triangle area as determined by subsection (2) of this section shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 42 inches and eight feet above the existing street grade;



Note: The area of a sight distance triangle between 42 inches and eight feet above the existing street grade shall remain open.

(2) The sight distance triangle at:

(a) A street intersection shall be determined by measuring 15 feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle; or

(b) A site access point shall be determined by measuring 15 feet along the street lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle; and

(3) The Director may require modification or removal of structures or landscaping located in required street setbacks, if:

(a) Such improvements prevent adequate sight distance to drivers entering or leaving a driveway; and

(b) No reasonable driveway relocation alternative for an adjoining lot is feasible. (Ord. 42-02 § 2 (21A.12.210))

18.30.250 Nonresidential land uses in residential zones.

Except for utility facilities, uses listed in CMC 18.25.100, and nonresidential uses regulated by CMC 18.30.260, all nonresidential uses located in the R zones shall be subject to the following requirements:

(1) Impervious surface coverage shall not exceed:

(a) Seventy percent of the site in the R-1 through R-18 zones.

(2) Buildings and structures, except fences and wire or mesh backstops, shall not be closer than 30 feet to any property line, except as provided in subsection (3) of this section.

(3) Single detached dwelling allowed as accessory to a church or school shall conform to the setback requirements of the zone.

(4) Parking areas are permitted within the required setback area from property lines, provided such parking areas are located outside of the required landscape area.

(5) Sites shall abut or be accessible from at least one public street functioning at a level consistent with the City of Covington road design standards. New high school sites shall abut or be accessible from a public street functioning as an arterial per the City of Covington road standards.

(6) The base height shall conform to the zone in which the use is located.

(7) Building illumination and lighted signs shall be designed so that no direct rays of light are projected into neighboring residences or onto any street right-of-way. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.12.220))

18.30.260 Personal services and retail uses in R-4 through R-18 zones – Neighborhood commercial.

The general personal service use (SIC No. 72 except 7216, 7218 and 7261) listed in CMC 18.25.050 and the retail uses listed in CMC 18.25.070 which are located in the R-4 through R-18 zones shall be subject to the following requirements:

(1) Each individual establishment shall not exceed 3,000 square feet of gross floor area;

(2) Establishments shall not be located less than one mile from another commercial establishment, unless located with other establishments meeting the criteria in subsection (1) of this section;

(3) Establishment sites shall abut an intersection of two public streets, each of which is designated as a neighborhood collector or arterial and which has improved pedestrian facilities for at least one-quarter mile from the site;

(4) The maximum on-site parking ratios for establishments and sites shall be two per 1,000 square feet and required parking shall not be located between the building(s) and the street;

(5) Buildings shall comply with the building facade modulation and roofline variation requirements in CMC 18.35.070 and 18.35.080 and at least one facade of the building shall be located within five feet of the sidewalk;

(6) If the personal service or retail use is located in a building with multifamily uses, then the commercial use shall be on the ground floor and shall not exceed 25 percent of the total floor area of the building;

(7) Sign and landscaping standards for the use apply. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.12.230))

Chapter 18.31

DOWNTOWN DEVELOPMENT AND DESIGN STANDARDS

Sections:

18.31.010 General.
18.31.015 City of Covington downtown design guidelines and standards.
18.31.020 Design review.
18.31.030 Nonconforming development.
18.31.040 Supplemental town center review criteria.
18.31.045 Development agreements – Town center development.
18.31.050 Downtown zoning districts map.
18.31.060 Downtown zoning districts street types map.
18.31.070 Downtown zoning districts established.
18.31.080 Permitted land uses.
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18.31.010 General.

(1) This chapter applies and establishes development and design standards for the Covington downtown zone, as defined in CMC 18.15.080 and 18.31.050.

(2) In the event of a conflict between the regulations of this chapter and other standards contained in the Covington Municipal Code, the regulations of this chapter shall control.

(3) The purpose and intent of these regulations is to:

(a) Promote a downtown with a diverse mix of retail, housing, office and civic land uses and a genuine sense of place;

(b) Encourage development that is pedestrian oriented and human in scale and an aesthetically attractive, energy efficient, easily accessible and economically healthy environment;

(c) Include diverse retail and service uses, higher density residential housing, a network of pedestrian oriented streets and a high degree of connectivity for all modes of travel; and

(d) Include a central public gathering place at its heart.

(4) Unless otherwise specified by the requirements of this chapter or by the administration and review authority provisions set forth in CMC 18.10.080, the Director of Community Development, hereafter referred to as the Director, shall be responsible for the review of all standards and decisions specified by this chapter.

(5) All development located within the downtown zone shall comply with the standards as set forth in this chapter. Relief from development standards shall be granted in accordance with the design review process in CMC 18.31.020. (Ord. 10-10 § 1 (Exh. A))

18.31.015 City of Covington downtown design guidelines and standards.

(1) The City of Covington downtown design guidelines and standards, as hereafter may be amended, is hereby adopted. Compliance with all standards contained in the design guidelines and standards is required for all development in the downtown zone unless specifically noted as wholly or partially exempt under this chapter.

(2) The City of Covington downtown design guidelines and standards are referenced throughout this chapter. These references are intended to assist the applicant with navigating the City of Covington downtown design guidelines and standards and do not preclude the applicant from complying with applicable guidelines and standards provided in other sections of the document.

(3) The City of Covington downtown design guidelines and standards includes both specific requirements and general guidelines. Where a standard is prefaced by the word “shall,” compliance with that standard is mandatory. Where the word “should” is used, the applicant, Director and Hearing Examiner are requested to give strong consideration to that guideline. (Ord. 10-10 § 1 (Exh. A))

18.31.020 Design review.

(1) Design review for projects or portions of projects which conform to the City of Covington downtown design guidelines and standards shall be approved administratively by the Director. Specific requirements shall be met by choosing from a list of options stated under the general guidelines.

(2) An applicant requesting modification to the City of Covington downtown design guidelines and standards shall apply for a design departure pursuant to a Type 2 land use decision in accordance with Chapter 14.30 CMC subject to the following criteria:

(a) The proposed modification meets the design intent as stated in the standard equal to or better than would compliance with the standard; and

(b) In evaluating whether a proposed modification is an equal or better solution to the prescribed standard, the City may consider the goals and policies set forth in the City of Covington Comprehensive Plan Downtown Element.

(3) A permit applicant wishing to waive any of the standards requirements in this chapter due to a hardship created by the unique physical circumstances, not including financial hardship, relating to the specific property may apply for a variance pursuant to a Type 3 land use decision in accordance with Chapter 14.30 CMC and subject to the variance criteria in CMC 18.125.030.

(4) Applications for design departures from the City of Covington downtown design guidelines and standards and variances from this chapter shall be subject to fees as set forth in the current fee resolution. (Ord. 10-10 § 1 (Exh. A))

18.31.030 Nonconforming development.

(1) Any lot, structure or use located in the downtown zone that was constructed in compliance with the applicable codes in place at the time the structure was constructed, that became nonconforming as a result of the passage of the ordinance codified in this chapter or subsequent amendments, shall be considered a legal nonconforming structure.

(2) All new development, additions and remodels within the downtown zone are subject to the standards and/or guidelines contained in this chapter, provided the following shall be partially or wholly exempt from certain standards contained in this chapter. Reconstruction, structural alteration or enlargement of a legal nonconforming structure or expansion of a nonconforming use shall be allowed as provided in Chapter 18.85 CMC, except as otherwise provided as follows:

(a) If intentional reconstruction, alteration or enlargement of a legal nonconforming structure exceeds 75 percent of the replacement cost, the proposal shall comply with all standards contained in this chapter.

(b) In the event of a catastrophic loss, where the replacement cost exceeds 75 percent, a legal nonconforming structure may be placed in the same location and footprint as previously existed prior to the loss. With the exception of those standards that would involve repositioning the building or reconfiguring the site, the proposal shall meet all other standards contained in this chapter.

(c) All modifications with a value that exceeds 50 percent of the value of the existing structure, as determined by the Director, shall be designated as "major modifications." All requirements which do not involve repositioning the building or reconfiguring site development shall apply to major exterior modifications, providing any addition shall in no way expand the nonconformance and be sited and designed in a manner to increase conformance with these standards.

(d) All modifications with a value less than 50 percent of the building valuation shall be considered "minor modifications." Minor modifications are only required to meet those standards determined by the Director to be reasonable related to or impacted by the proposed improvement.

(e) The design standards do not apply to modifications that do not change the exterior appearance of the building or site. If a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements, and design standards shall apply. (Ord. 10-10 § 1 (Exh. A))

18.31.040 Supplemental town center review criteria.

(1) The purpose of this section is to establish a supplemental review process for proposed development in the town center district. The intent is to ensure that development in the town center proceeds in an orderly fashion with coordinated infrastructure and public amenities, appropriate intensities and mutually compatible development in accordance with the vision in the City of Covington Comprehensive Plan Downtown Element.

(2) Compliance with the supplemental town center review criteria shall be required for all development in the town center, other than the reuse, modification or expansion of an existing structure.

(3) The Director has the authority to determine if the applicant is required to hold a public meeting, separate from any required public hearings, due to the scope, scale and location of a project in the town center district. The public meeting shall occur

after a commercial site development permit application has been submitted and prior to issuance of a final land use decision.

(a) The applicant shall provide at least two weeks' advance notice.

(b) Notice of the public meeting shall be published in the city's designated paper and mailed to property owners within 500 feet of the proposed site. The notice shall at a minimum include a brief description of the proposal, the location, and a photo or sketch of the proposed facility.

(c) Costs associated with holding the public meeting shall be the sole responsibility of the applicant.

(4) The Director shall issue a decision on the commercial site development permit application pursuant to Chapter 18.110 CMC as Type 2 land use decision in accordance with Chapter 14.30 CMC based on the following review criteria:

(a) The proposal is consistent with the Goals and Policies of the Comprehensive Plan.

(b) The proposal will substantially implement the town center vision, including a development pattern, street grid and central public plaza that is similar to or meets the design intent of that shown in Figure 4.2 of the City of Covington Comprehensive Plan Downtown Element and the mix of uses and pedestrian development character articulated in Section 4.5.2 of the City of Covington Comprehensive Plan Downtown Element.

(c) The proposed development can be achieved without compromising options for circulation, infrastructure and open space improvements on surrounding properties.

(d) Infrastructure and circulation can be constructed to serve other properties in the area in a manner consistent with the City of Covington Comprehensive Plan Downtown Element.

(5) The following additional review criteria shall be submitted with the commercial site development permit application to ensure that the proposed development will not limit or prohibit future development goals within the town center. These documents are conceptual and are for the purpose of reviewing future densities, compatibility of development on the proposed site, and infrastructure needs in the town center. These documents are not subject to the land use decision review process.

(a) Site plan depicting the maximum development intensity of any future planned or conceptual development to be located on the proposed site; and

(b) Building elevations, description and depiction of any future planned or conceptual land uses, known information relating to the location of public infrastructure and the total area devoted to public amenities, including public spaces and plazas.

(6) Development amenities shown on a future planned or conceptual site plan do not relieve the applicant from complying with the requirements of this chapter for the proposed development, as submitted with the commercial site development permit application.

(7) The required application materials for the commercial site development permit are provided in CMC 18.110.030. Additional materials may be required to demonstrate compliance with the decision criteria as set forth in subsection (4) of this section. (Ord. 10-10 § 1 (Exh. A))

18.31.045 Development agreements – Town center development.

(1) The purpose of this section is to establish a process for allowing deviations to the development standards within the downtown zoning, town center (TC) district only, through a development agreement process consistent with Chapter 36.70B RCW, Chapter 18.114 CMC, Development Agreements, and as further outlined in this chapter.

(2) Unless otherwise provided herein, all development in the downtown zoning districts shall comply with all applicable codes. Deviations from the following development standards shall be authorized only within the town center (TC) district on single or contiguous combined parcels three acres or greater.

(a) Medical office uses greater than two stories shall have a minimum of 60 percent ground floor retail trade and services and 40 percent business and professional services when fronting onto 171st Ave. SE, as conditioned in CMC 18.31.080(4)(8)(b).

(b) Mixed-use structures greater than one story shall provide 60 percent of the ground floor as retail, restaurant, or professional services, as conditioned in CMC 18.31.080(4)(23).

(c) Multifamily residential dwelling units shall be located in a minimum three-story mixed-use structure. Sixty percent or more of the ground floor abutting a street, public space, public plaza, and/or public green space shall be occupied by one or more of the following permitted uses: retail, restaurant, or personal services as conditioned in CMC 18.31.080(4)(26)(b).

(d) All schools: compulsory, vocational, and higher education located on the upper floors of a mixed-use building and including commercial uses, as conditioned in CMC 18.31.080(4)(13).

(e) Time limitation of permit approval if the proposed development combines two or more distinct land use categories that are permitted in the town center district and is located on single or contiguous combined parcel of six acres or more.

(3) A development agreement shall not eliminate the requirement to provide ground floor retail, restaurant, or personal services for structures greater than one story as conditioned in CMC 18.31.080(4)(23).

(4) A development agreement shall not reduce the required retail, trade, services, and personal services uses to less than 30 percent along each street frontage. Required business and professional services shall not be reduced to less than 20 percent. The director may recommend flexibility in the combination of the required retail, restaurant, business, and professional service space if the aggregate is located along SE 276th Street and 171st Ave. SE and the total requirement is met through the combination.

(5) Deviations shall be supported by the goals and policies in the City's Comprehensive Plan. If goals and polices of the Comprehensive Plan required amendments to support an applicant's request for a deviation, then the goals and policies shall be amended and approved through the City's annual Comprehensive Plan amendment docketing process prior to submitting a development proposal and requesting a development agreement.

(6) A development agreement authorized under this section shall provide a level of public benefit or mitigation proportionate to the deviation and that exceeds those required under the standard regulations. A development agreement shall require completion, acquisition, contribution, or a combination thereof, as approved by the City as follows:

(a) Transportation, park, or other improvement projects, including nonmotorized improvements identified in the City's Comprehensive Plan or six-year Capital Improvement Program.

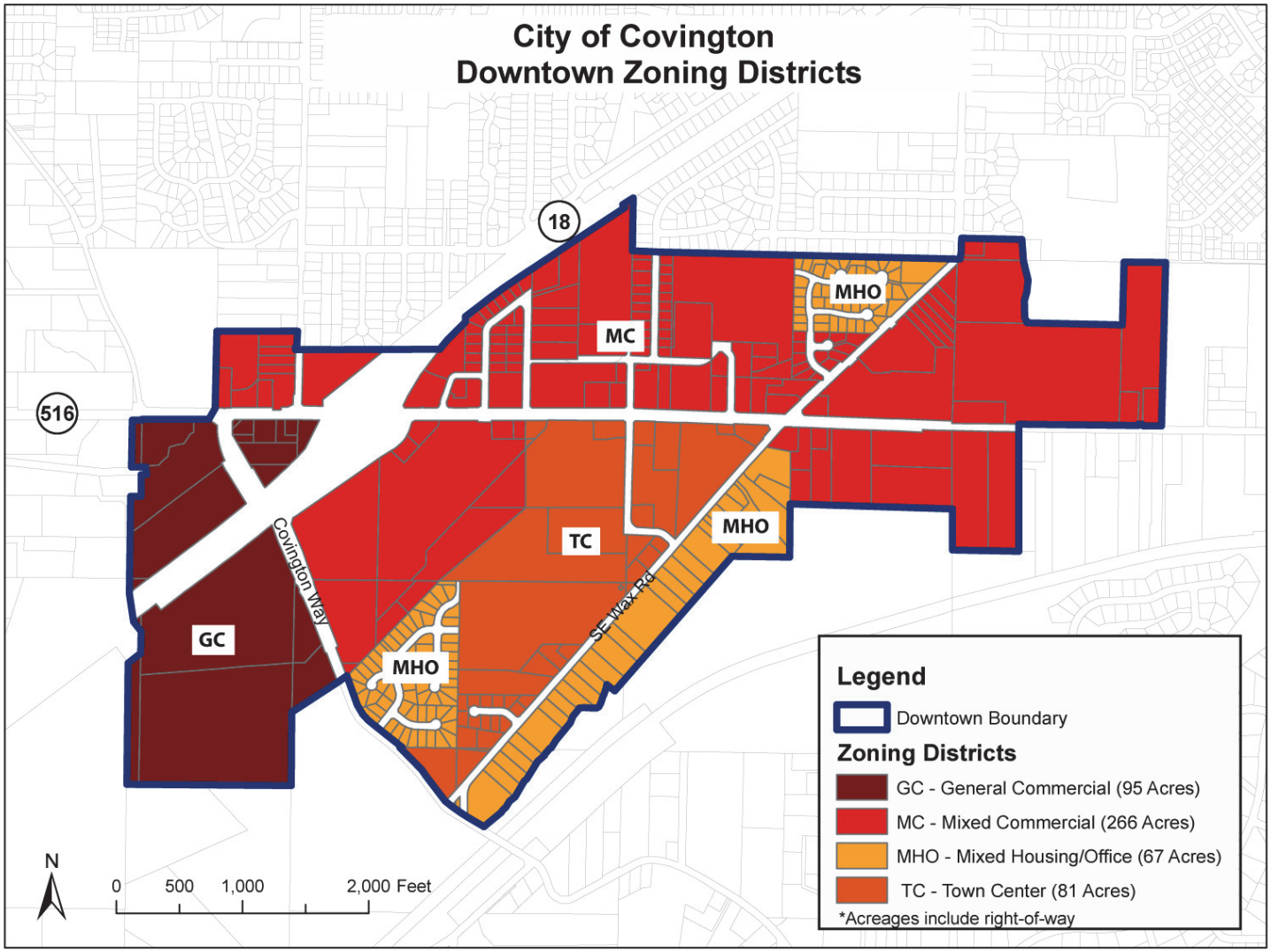
(b) Additional accessible public space equivalent to a minimum of two and one-half percent of the gross floor area of all the structures.

(c) Exterior public art or a contribution to the art fund equivalent to a minimum of one percent of the total value of the project's construction cost.

(d) A project that the City finds will provide mitigation and/or public benefit, as identified in the City's Comprehensive Plan or six-year Capital Improvement Program. (Ord. 06-13 § 2 (Exh. A))

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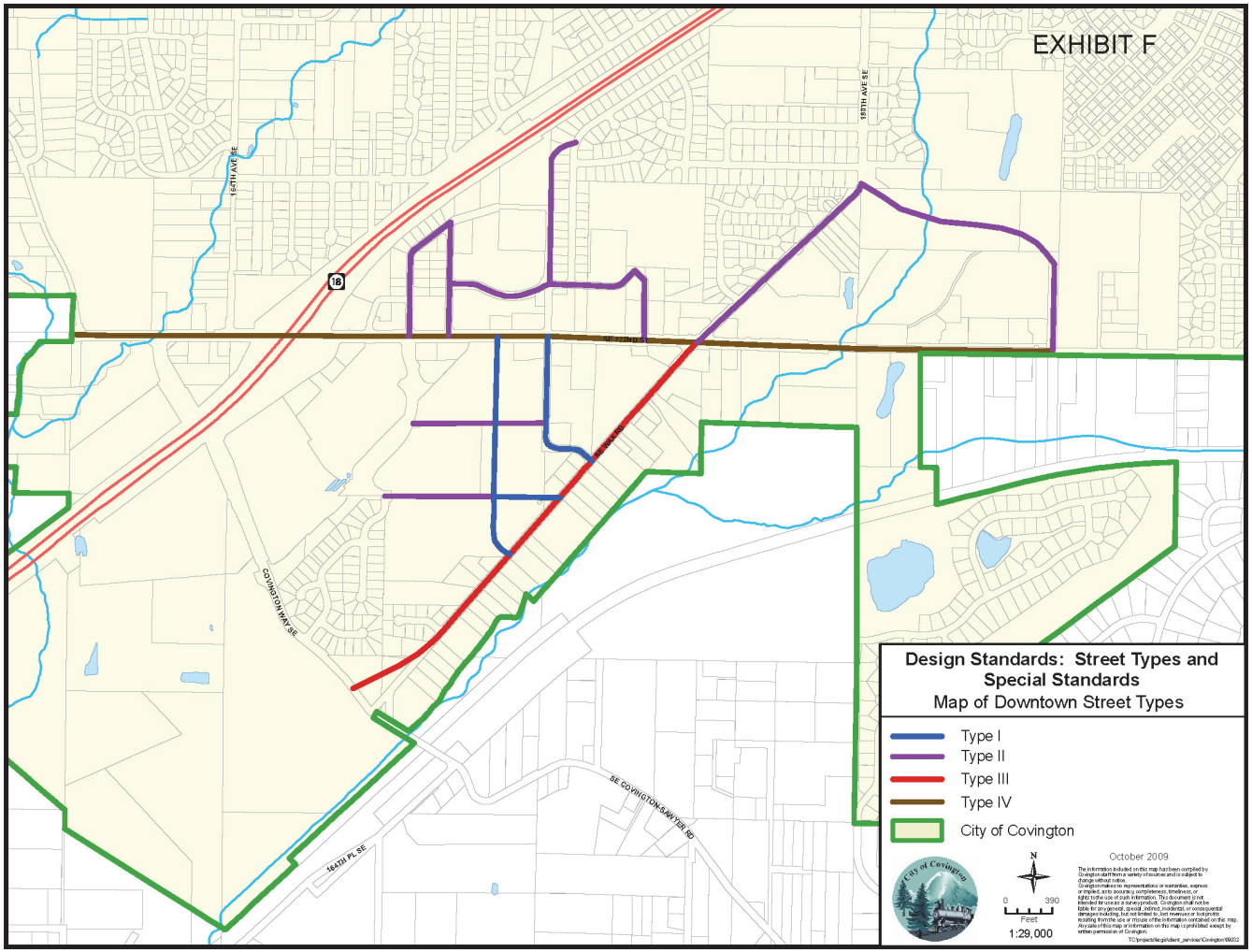
18.31.050 Downtown zoning districts map.



(Ord. 10-10 § 1 (Exh. A))

18.31.060 Downtown zoning districts street types map.

(1) The following downtown zoning districts street map is conceptual and not intended to define the exact alignment of future streets. Streets shall be designed in accordance with the City of Covington Design and Construction Standards, adopted by reference in Chapter 12.60 CMC. Modifications to these standards shall be in accordance with Chapter 14.30 CMC as a Type 2 land use decision by the City Engineer.



(2) Where a street type is not designated on the downtown zoning districts street type map for a proposed street, the Director shall have the authority to determine the street type designation of the proposed street based on the type designation of adjacent or nearby streets and upon the purpose and intent of the downtown zoning, development, and design regulations as stated in CMC 18.31.010. An applicant requesting modification to a Director's determination of a street type designation shall apply for a downtown design departure as stated in CMC 14.30.040, pursuant to a Type 2 land use decision. (Ord. 10-11 § 6 (Exh. F); Ord. 02-11 § 1; Ord. 10-10 § 1 (Exh. A))

18.31.070 Downtown zoning districts established.

The following zoning districts are established within the downtown zone to protect the public health, safety and general welfare by implementing the goals and policies adopted in the City of Covington Comprehensive Plan Downtown Element. The district intent statements define the specific purpose of each district. They shall be the policies of the City of Covington Comprehensive Plan Downtown Element; serve as a guide for determining the appropriate location of uses; help determine appropriate conditions for development within the downtown zone; and help the Director interpret the standards and provisions of this chapter.

(1) The town center district (TC) is the pedestrian-oriented core of downtown and allows the most intensive level of development. The emphasis of this district is on mixed-use development that includes pedestrian-oriented retail, high density residential development, and civic uses. The development of a walkable street grid and a central public gathering space are key objectives of this district. To meet goals for a pedestrian-oriented town center, limited large-format retail uses are permitted, and such uses are subject to a conditional use permit and additional design criteria provided in CMC 18.31.040.

(2) The mixed commercial district (MC) is applied to the majority of the Covington downtown zone. This district encourages a mix of commercial and multi-story residential uses, public uses, and allows for large-format and auto-oriented retail, provided they meet pedestrian-oriented design standards that are more flexible than those applied to the town center district. Achieving a high level of connectivity with new and improved streets and trails is a major goal in this district.

(3) The general commercial district (GC) is applied to a limited area of the downtown and is intended to allow the widest range of uses, coupled with more limited design standards than other areas of downtown. Permitted uses include commercial and light industrial uses, offices, major transportation and utility facilities, and residential uses that are appropriately buffered to ensure compatibility. Development and design standards are less prescriptive and provide greater flexibility to accommodate the intended uses.

(4) The mixed housing/office district (MHO) is applied to areas where infill development and redevelopment of low intensity areas with multifamily housing and office is encouraged. Residential uses that are encouraged in this district include townhouses, cottages, and low-rise multifamily. Office development and limited intensity neighborhood retail is also permitted. Development and design standards applied to this district require buffers, lower height limits and building scale that is appropriate to the size of the lot. Trail connections are also emphasized in this district. (Ord. 10-10 § 1 (Exh. A))

18.31.080 Permitted land uses.

(1) The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained. The use is considered permanently established when that use will or has been in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of Chapter 18.85 CMC.

(2) Explanation of Permitted Use Table.

(a) The permitted use table in this chapter determines whether a use is allowed in a district. The name of the district is located on the vertical column and the use is located on the horizontal row of these tables.

(b) If the letters "NP" appear in the box at the intersection of the column and the row, the use is not permitted in that district, except for certain temporary uses.

(c) If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in Chapter 14.30 CMC and the general requirements of the code.

(d) If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review pro-

cedures specified in Chapter 14.30 CMC and conditional use fees as set forth in the current fee resolution, and the general requirements of the code.

(e) If a number appears next to a specific use or in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the permitted use conditions with the corresponding number in the code subsection immediately following the permitted use table.

(f) All applicable requirements shall govern a use whether or not they are cross-referenced in a section.

(3) Permitted Use Table.

Use Categories	Town Center (TC)[23]	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO)[1]
Residential				
Dwelling Unit, Accessory	NP	NP	NP	P[2]
Dwelling Unit, Multifamily	P[26]	P	P	P
Dwelling Unit, Single-Family Attached, Detached or Cottage Housing[21]	NP	NP	NP	P[2]
Senior Citizen Assisted Housing	P	P	P	C
Commercial				
Adult Entertainment	NP	P[3]	P[3]	NP
Business Services[19]	P[5]	P	P	P[4,5]
Drive Through Use	NP	P	P	NP
Farmers' Markets and Public Markets[6]	P	P	P	NP
Gambling and Card Rooms	NP	NP	NP	NP
Home Occupation and Live/Work	P	P	P	P
Outdoor Commercial	NP	NP	P	NP
Personal and Beauty Services[20,21]	P	P	P	P
Private Electric Vehicle Parking Facility (Primary Use)			P[5,24]	
Private Parking Facility (Primary Use)	NP	NP	NP	NP
Professional Office	P	P	P	P
Retail Trade and Services – 100,000 sq. ft. or less for all structures	P[5]	P	P[10]	P[4,5]
Retail Trade and Services – greater than 100,000 sq. ft. for all structures	C[5,9,18]	P	P[10]	NP
Shooting Ranges[25]	NP	NP	P	NP
Storage/Self Storage	NP	P[5]	P	NP
Temporary Lodging/Hotel	P	P	P	C[22]
Cultural/Recreation				
Cinema, Performing Arts and Museums	P	P	P	NP
Meeting Hall/Other Group Assembly	P	P	P	C
Recreation, Indoor or Outdoor	C	P	P	P
Religious	C[7]	P	P	C
Health Services				
Emergency Care Facility	C[9,18]	P	NP	NP
Hospital	NP	P	NP	NP

Use Categories	Town Center (TC)[23]	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO)[1]
Medical Office/Outpatient Clinic	P[8]	P	NP	P
Nursing/Personal Care Facility	NP	P	NP	C
Industrial/Manufacturing				
Asphalt Plants	NP	NP	NP	NP
Light Industrial/Manufacturing	NP	NP	P[10]	NP
Government/Institutional[11]				
Essential Public Facilities	NP	NP	C	NP
Government Services	P	P	P	P[12]
Major Utility Facility	C[14]	C	P	C
Minor Utility Facility	P[15]	P	P	P
Schools: Compulsory, Vocational and Higher Education	C[13]	P	NP	C
Wireless Communication Facilities[16]				
Antenna, Collocation on an Existing Structure[17]	P	P	P	P
Wireless Communication Facility Tower	NP	NP	NP	NP

(4) Permitted Use Conditions.

1. a. Unless the use can be accommodated within an existing structure, development and/or redevelopment in the Covington Firs and Covington Township subdivisions shall be a minimum of two acres;

b. Be contiguous to a non-single-family use of two acres or more to be eligible to redevelop to a new use; and

c. Successive development cannot isolate existing single-family residential lots less than two acres (as a group) between developments.

2. a. No new subdivision of land is permitted for single-family homes except for townhouses and cottage developments. The exception is a binding site plan for commercial uses.

b. New single-family homes are allowed on existing single-family lots.

c. An accessory dwelling unit is allowed as an accessory to a single-family detached unit subject to the development standards in CMC 18.25.030(7).

3. Adult entertainment uses are prohibited within certain locations pursuant to the development standards provided in Chapter 5.20 CMC and CMC 18.25.040(2).

4. This use is restricted to a maximum of 5,000 gross square feet within the MHO district.

5. Services and operations other than customer parking shall be fully contained within a structure.

6. Temporary farmers' and public markets shall be permitted in accordance with CMC 18.85.125.

7. The development shall not occupy more than one acre for the total of the site development, including any planned phases and/or expansions.

8. a. Buildings greater than four stories shall provide 80 percent of required parking within a structure. Structured parking shall not front onto 171st Ave. SE.

b. Medical office uses greater than two stories shall have a minimum of 60 percent ground floor retail trade and services and 40 percent business and professional services when fronting onto 171st Ave. SE, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045.

9. The development shall be located west of the proposed 171st Ave. SE road alignment with frontage onto 168th Pl. SE or the planned SE 276th St. alignment.

10. All structures shall meet the required setbacks, landscaping and all other standards contained in this chapter. Equipment storage, manufacturing activities, and wrecked, dismantled and/or inoperative vehicles shall be enclosed in a structure or fully screened from public right-of-way, including SE 272nd St. and Covington Way with Type I landscaping in accordance with CMC 18.40.040.

11. Maintenance yards, substations and solid waste transfer stations are not permitted in the TC, MC, or MHO downtown zoning districts.

12. Transit stations and park and ride facilities, not including bus stops, shall be reviewed by a conditional use permit pursuant to CMC 18.125.040.

13. All schools for compulsory, vocational and higher education shall be located on the upper floors of a mixed-use building that includes ground floor commercial uses, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045.

14. All facilities shall not occupy more than one acre of a site and the facility shall be screened with Type I landscaping in accordance with CMC 18.40.040.

15. Minor utility facilities, such as telecom, fiber optics, Internet and similar facilities, shall be located within a fully enclosed structure, unless otherwise determined by the Director.

16. Chapter 18.70 CMC, Wireless Communication Facilities, outlines the approval and review process. In the event of a conflict between the requirements of Chapter 18.70 CMC and the requirements of this chapter, Chapter 18.70 CMC shall govern.

17. All antennas and ancillary wireless communication facilities shall be concealed facilities and mounted on an existing building or structure or placed underground as provided for in Chapter 18.70 CMC.

18. a. Emergency care facilities shall not occupy more than four acres for the total of the site development including any planned phases and/or expansions of the emergency care use;

b. Shall not exceed 50,000 square feet of total building square footage; and

c. Shall not exceed more than two stories or 35 feet whichever is greater.

19. Gasoline service stations and battery exchange stations are limited to the general commercial and mixed commercial districts and subject to the following conditions:

a. A gasoline service station shall be limited to eight pumps and 16 price gauges to service no more than 16 vehicles.

b. A battery exchange station shall provide a minimum of three stacking spaces.

c. Stacking spaces and drive-through facilities shall be designed in accordance with CMC 18.50.080.

d. Any associated materials, equipment storage, outdoor storage tanks and battery exchange activities shall be within a fully enclosed structure, unless otherwise determined by the Director.

20. a. No burning of refuse or dead animals is allowed;

b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and surfaced with concrete or other impervious material;

c. Subject to animal keeping provisions of Chapter 18.80 CMC;

d. Prior to issuance of a development permit, documentation shall be provided by a qualified acoustical consultant, for approval by the Community Development Director, verifying that the expected noise to be emanating from the site complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property;

e. Outside runs and other outside facilities for animals are not permitted;

f. Not permitted in any subdivision containing dwelling units; and

g. May only treat small animals on premises.

21. Day care I is allowed only as an accessory to a single-family detached unit.

22. Except bed and breakfasts, guesthouses are permitted outright and do not require a conditional use permit.

23. Mixed-use structures greater than one story shall provide ground floor retail, restaurant, or personal services along 60 percent of the building facade, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045. Permitted uses under the headings of cultural/recreation and governmental/institutional in subsection (3) of this section are exempt from this provision.

24. Parking facilities shall be fully screened from the public right-of-way with Type 1 landscaping in accordance with CMC 18.40.040.

25. a. The indoor shooting range, including its plans, rules, procedures, management and staff, shall comply with the applicable safety guidelines and provisions in the latest edition of “the Range Source Book” (National Rifle Association of

America: Fairfax, Virginia) or its successor, as appropriate to the type of facility involved.

b. Any new development proposal and/or business license application for an indoor shooting range shall be accompanied by a notarized letter by the shooting facility operator that the facility complies with Federal and State regulations, meets commonly accepted shooting facility safety and design practices, and will be operated in a manner that protects the safety of the general public.

c. Outdoor shooting ranges are not permitted.

26. a. Multifamily residential dwellings in the TC zone shall be located in a minimum three-story mixed-use structure; and

b. Sixty percent or more of the ground floor abutting a street, public space, public plaza and/or public green space shall be occupied by one or more of the following permitted uses: retail, restaurant or personal services, unless otherwise allowed through the development agreement process in Chapter 18.114 CMC and further specified in CMC 18.31.045. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use. (Ord. 06-13 § 2 (Exh. A); Ord. 14-12 § 2 (Exh. B); Ord. 09-12 § 2 (Exh. B); Ord. 04-12 § 1 (Exh. A); Ord. 01-12 § 1 (Exh. 1); Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 1 (Exh. A))

18.31.085 Permitted land use determination process.

(1) A use determination process shall be applied to any proposed use that does not clearly fit within the permitted use table in CMC 18.31.080(3) or contains multiple uses, e.g., retail and light manufacturing, processing or assembling, or an accessory use that is more than 25 percent of the floor area of the primary use.

(2) If the Director determines that a use determination process is required, the request for a use determination shall be submitted and a decision issued prior to submittal of the underlying land use application.

(3) If a land use application has been submitted, the Director shall issue a land use determination prior to the issuance of application completeness in accordance with CMC 14.35.030.

(4) The Director shall require information describing the use or uses on the site, their location and operational characteristics. The Director may approve, deny, or approve with conditions a land use determination within any downtown district based on all of the following criteria:

(a) The primary use is determined by the Director to be reasonably similar and related to one of the permitted use categories in a downtown district;

(b) The use is consistent with the district's purpose statement and the comprehensive plan policies;

(c) The use can be accommodated in the existing structure in which it is proposed without requiring substantial modification to the form of the structure;

(d) The use does not have noxious impacts (excessive noise, odor, vibration, dust, etc.) on other nearby properties and uses; and

(e) The use will not result in significant transportation impacts that would not be mitigated by the required development standards.

(5) Applications for a land use determination shall be subject to review and approval procedures for a Type 2 land use decision process and shall be subject to fees as set forth in the current fee resolution. (Ord. 10-10 § 1 (Exh. A))

18.31.090 Downtown zoning districts density and dimension standards.

(1) Table of Density and Dimension Standards, Downtown Zoning Districts.

Standards	Town Center (TC)	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO)	Exceptions and Notes
Maximum Building Height	75 feet	60 feet	55 feet	45 feet	Maximum height shall be 45 feet within 50 feet of any zone outside of the downtown zone. In the MHO district, the 35 feet maximum height shall also apply within 50 feet of another MHO property.

Standards	Town Center (TC)	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO)	Exceptions and Notes
Maximum Residential Density (stand alone)	Not Permitted	60 D.U./acre	48 D.U./acre	24 D.U./acre	For cottage housing, CMC 18.37.040 shall control. Stand alone residential structures are not permitted in the town center.
Maximum Residential Density (if ground floor is commercial)	Unlimited	Unlimited	Unlimited	24 D.U./acre	
Minimum Residential Density	32 D.U./acre	24 D.U./acre	24 D.U./acre	12 D.U./acre	Residential use is not required in the downtown. For cottage housing, CMC 18.37.040 shall control.
Maximum Floor Area Ratio (FAR) with Bonus Features	4:1	3:1	3:1	2:1, 1.25:1 east of Wax Road	Refer to CMC 18.31.100 for bonus features.
Maximum Floor Area Ratio (FAR) without Bonus Features	1.5:1	1:1	1:1	1:1; .75:1 east of Wax Road	No minimum FAR. Development within the Jenkins Creek Corridor shall utilize low impact development (LID) techniques as adopted in CMC 13.25.020.
Maximum Impervious Surface	80%	90%	80%	70%; 50% east of Wax Road and south of SE 272nd St.	Developments in the MHO located east of Wax Road and south of SE 272nd St., and cottage housing developments shall not exceed the 50% maximum impervious surface.
Minimum Lot Frontage Occupied by a Building	Type I Street – 80% Type II Street – 50% Type III Street – 50% Type IV Street – 40%	Type II Street – 50% Type IV Street – 40%	Type IV Street – 40%	None	A building shall be located within 5 feet of the back of sidewalk or on a public plaza. Where utility easements greater than 5 feet exist, the building shall be set back to the extent of the easement and this area shall be designed as an extension of the sidewalk and/or may be included as part of the public space requirement.
Minimum Setbacks within District	None	None	20 feet	10 feet	Except in the TC and MC districts, a minimum of 5 feet setback shall be provided from any public property other than a street.
Minimum Setbacks to Adjoining Downtown District	10 feet where adjoining the MHO District only	10 feet	N/A	10 feet	In districts other than the MHO, no setback shall be required for mixed-use development or commercial building less than 50,000 square feet, with no significant outside storage or sales.
Minimum Setbacks to Zones Outside the Downtown Zone	0	20 feet	20 feet	20 feet	Refer to Design Standards Section B(1)(g) – Buffers and Transitions. No setback is required where a zone is separated from another zone by a street.

(2) Additional Density and Dimension Development Standards Referenced in This Title.

(a) CMC 18.30.060 through 18.30.090 for density measurement and calculation methods.

(b) CMC 18.30.130 through 18.30.200 for measurement of setbacks and allowed projections into the setbacks. (Ord. 14-12 § 2 (Exh. B); Ord. 10-10 § 1 (Exh. A))

18.31.100 Maximum floor area ratio (FAR) – Bonus features.

(1) Developments in the downtown districts are eligible to earn increased FAR, and the maximum incentive to be earned by each bonus feature is set forth in CMC 18.31.090. The FAR incentive is expressed as additional bonus FAR earned per amount of bonus feature provided.

(2) Floor area ratio (FAR) is a ratio of the area of interior square footage of a structure to the site area. For example, a two-story building occupying half of a site would have an FAR of 1:1, or expressed as one. A four-story building occupying half a site would have an FAR of two. The definition of floor area ratio is further defined in CMC 18.20.507.

(3) Bonus FAR may be earned through any combination of the following listed bonus features.

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
1. Significant Public Plaza or Public Green Space	2.0	(a) Permitted only in the town center district at the discretion of the Director. (b) Location and design shall be consistent with City of Covington Comprehensive Plan Downtown Element and complimentary to any planned public plaza or development. (c) Shall be a minimum of 4% of the interior floor area of the development and no less than 1,000 square feet. (d) This bonus shall be in addition to the minimum public space requirement in CMC 18.31.120. Refer to Section B(1)(i) of the Downtown Design Guidelines and Standards.
2. LEED Platinum Certification	1.0	(a) As certified by the USGBC. (b) Applicant is responsible for providing LEED pre-certification submittal documentation and annotated checklist to the City. City will review documentation at the applicant's expense. (c) Any approvals shall be a condition of approval and applied to any subsequent building permit for the development.
3. Structure Parking, below grade	1.0	At least 80% of the parking shall be contained within a structure that is below grade.
4. Other Public Plaza or Public Green Space	1.0	(a) Location and design shall be consistent with City of Covington Comprehensive Plan Downtown Element and any planned public plaza or development. (b) Shall be a minimum of 2% of the interior floor area of the development and no less than 500 square feet. (c) This bonus shall be in addition to the minimum public space requirement in CMC 18.31.120.
5. Affordable Housing	1.0	(a) For all new development within the downtown districts, total square footage may be increased by 2.0 square feet for every 1.0 square foot of affordable housing (for a maximum of 1.0 FAR), provided an affordable housing plan (AHP) is developed and submitted to the Director for review and approval. (b) The developer shall commit to implementing the AHP as a part of a signed agreement with the City. This agreement shall be reviewed by ARCH, or similar housing authority, with recommendations made to the Director prior to implementation of an agreement.
6. Structured Parking, at Grade or Above Grade	0.75	(a) At least 80% of the parking shall be contained within a structure. The structure may be part of the building or a separate structure. (b) The structure shall be designed so that parked cars are not visible from the street and a commercial or residential use shall occupy the street level.
7. Through Block Connection or Alley Enhancement	0.75	(a) A pedestrian walkway and accompanying landscaping that shall be at least 15 feet wide and extend along a property line; or (b) A pedestrian walkway that extends through a site to allow the public to pass from one street to another street or an alley. (c) The surface shall consist of stone, unit pavers or textured concrete, with pedestrian scale lighting spaced no more than 50 feet apart.
8. Multi-Modal Pathway	0.5	A pathway for the movement of pedestrians and bicyclists that is consistent with the City of Covington Comprehensive Plan Downtown Element, the City's PROS Plan and approved by the Director.

Bonus Feature	FAR Bonus	Description, Additional Requirements and Limitations
9. Public Meeting Room	0.5	(a) Permitted in the town center district only. (b) A room available to the community for meetings and events. The size shall be a minimum of 300 square feet, with windows on at least one side and shall be directly accessible from the outside or by a controlled lobby that allows public access. (c) There shall be no fees imposed on user groups.
10. LEED Gold Certification	0.5	(a) As certified by the USGBC. (b) Applicant is responsible for providing LEED pre-certification submittal documentation and annotated checklist to the City. City will review documentation at the applicant's expense. (c) Any approvals shall be a condition of approval and applied to any subsequent building permit for the development.
11. Water Feature	0.5	(a) A decorative water feature shall be equivalent to at least 1% of the project's construction cost. (b) Shall be directly accessible and visible to the public by being adjacent to a plaza, sidewalk, pathway or through-block connection. (c) Documentation shall be provided verifying the construction value and the cost of the water feature prior to approval of engineering phase plans.
12. Exterior Art Element	0.5	(a) Exterior art element shall be equivalent to at least 1% of the total value of the project's construction cost. Such elements include but are not limited to sculptures, bas-reliefs, metal work and murals. (b) Documentation shall be provided verifying the construction value and the value of the art as appraised by an art appraiser. (c) Art elements shall be visible to the public at all times and will be reviewed and approved by an arts body designated by the City.

(Ord. 06-13 § 2 (Exh. A); Ord. 10-10 § 1 (Exh. A))

18.31.110 Parking, access and circulation standards.

(1) Developments in the downtown zone shall be designed with surface and/or structured parking to allow drivers and pedestrians to move safely on and off the site, provide adequate off-street parking, reduce on-street parking, increase traffic safety, maintain smooth traffic flow, and reduce the visual impact of parking lots.

(2) Parking design standards are outlined in the City of Covington Downtown Design Guidelines and Standards Sections B(1)(b), C(2)(d)(iii), and C(3)(d)(iii). These standards shall be incorporated into the design and location of any surface and structured parking.

(3) Surface Parking Location and Structured Parking Requirements Table.

	Town Center (TC)	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing/ Office (MHO)
Surface Parking Location				
Rear of principal building	Permitted	Permitted	Permitted	Permitted
Side of principal building	Permitted, but lot frontage requirements apply by street type	Permitted, but lot frontage requirements apply by street type	Permitted, but lot frontage requirements apply by street type	Permitted
Between principal building and street	Not Permitted	Not Permitted	Permitted, but lot frontage requirements apply on Type IV streets	Permitted
Street corner	Not Permitted	Not Permitted	Permitted	Permitted

	Town Center (TC)	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing/ Office (MHO)
Adjacent to park or open space	Not Permitted	Not Permitted	Permitted	Permitted
At street terminus	Not Permitted	Permitted	Permitted	Permitted
Structured Parking Location and Design				
All Locations	Permitted, ground-level retail required if fronting a Type I or Type II street	Permitted, ground-level retail required if fronting a Type I or Type II street	Permitted	Permitted

(4) Minimum Parking Requirements Table.

Land Use	Minimum Parking Spaces Required
Residential	
Dwelling unit, multifamily:	
Studio and one-bedroom units	1.0 per dwelling unit*
Two-bedroom units	1.5 per dwelling unit*
Three-bedroom units	2.0 per dwelling unit*
Dwelling unit, single-family attached	2.0 per dwelling unit (tandem spaces allowed)
Dwelling unit, single-family detached	2.0 per dwelling unit
Dwelling unit, accessory or cottage housing	1.0 per dwelling unit
*Plus one extra space for every 10 dwelling units rounded upward to the nearest multiple of 10.	
Commercial	
Retail trade and services (non-food)	2 per 1,000 square feet
Nonfood retail in mixed-use development, less than 5,000 square feet and less than 40% of the gross floor area of the development	No off-street parking required**
Food stores, in mixed-use development, less than 15,000 square feet and less than 40% of the gross floor area of the development	3 per 1,000 square feet**
Food stores, other than above	4 per 1,000 square feet, plus additional parking as provided below for eating establishment
Eating and drinking establishment, other than above	1 per 100 square feet in dining, lounge and customer ordering area
Professional office	2 per 1,000 square feet
Gasoline service stations/Battery exchange stations	3 per facility plus 1 per 300 square feet of store
Temporary lodging/Hotel	1.1 per bedroom
Business Services	3 per 1,000 square feet
Home occupation including live/work	1 stall in addition to requirement for primary use
** The applicant may demonstrate through a traffic study that on-street parking is adequate to wholly or partially fulfill this parking requirement.	
Industrial/Manufacturing	
Light Industrial/Manufacturing	1 per 1,000 square feet, plus additional parking for office or retail areas as noted elsewhere in this table
Recreation/Culture	
Theater	1 per 3 fixed seats, plus 2 spaces for every 3 employees

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Land Use	Minimum Parking Spaces Required
Group assembly	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Park/playfield/plaza	Director decision
Health Club	Director decision
Health Services	
Hospital	1 per bed
Medical Office	5 per 1,000 square feet
Nursing and personal care facility	1 per 4 beds
Emergency care facility	5 per 1, 000 square feet
Other	
Utility	Director decision
Government office	3 per 1,000 square feet
All other	Director decision
Bicycle Parking	
In the downtown districts one bicycle parking space shall be provided for every 15 vehicle parking spaces. Bicycle parking shall be located within 50 feet of the principal building and directly adjacent to a sidewalk or pedestrian walkway that connects directly to the building entrance(s).	
Car Share Parking	
Within the downtown districts the total number of parking spaces provided within residential developments containing more than 30 units may be reduced by three spaces for each one dedicated car share space. A signed agreement between the property owner and car share provider shall be submitted to the Director for approval.	
Electric Vehicle Charging Station	
All developments that require off-street parking shall be subject to the provisions of the electric vehicle charging stations requirements in CMC 18.50.160 through 18.50.180.	
Reduction for Joint-Use Parking	
Developments which submit an approved parking management plan as noted in subsection (5) of this section may receive a reduction in required parking of between 0% and 20%. The Director may increase the percentage of the reduction where compelling evidence is provided in the applicant's traffic report that the proposed reduction is warranted. Refer to subsection (6) of this section.	

(5) Parking for a specific use shall be limited to no more than 50 percent greater than the minimum parking requirement required by subsection (2) of this section. Exceptions to this parking maximum include:

(a) Parking spaces are provided above or below grade.

(b) If the Director determines additional off-street parking spaces are warranted based on a traffic study. The Director shall consider whether the proposal is consistent with the stated purposes, objectives, goals or policies established in the City of Covington Comprehensive Plan Downtown Element.

(c) The Director shall have the authority to restrict parking for a specific use to an amount that is less than the maximum amount allowed in this section if the proposal would substantially conflict with the stated purposes, objectives, goals or policies contained in the City of Covington Comprehensive Plan Downtown Element.

(6) Developments that contain more than 30,000 square feet of commercial area and/or more than 100 units of housing are required to submit a parking management plan that responds to the vision in the City of Covington Comprehensive Plan Downtown Element. A parking management plan shall address the following:

(a) Integration and connection with adjacent parking areas associated with other developments.

(b) A joint use parking strategy or documentation that demonstrates why such a strategy is not feasible.

(c) A joint use parking strategy is appropriate when all of the following criteria are met:

(i) The total parking area exceeds 8,000 square feet;

(ii) The uses sharing parking facilities are of different use categories or have different hours of operation; and

(iii) The parking facilities are designed and developed as a single on-site common parking

facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use is more than 800 feet from the most remote joint-use facility.

(7) The amount of off-street parking required in subsection (4) of this section may be reduced by no more than 20 percent, as determined by the Director, when shared facilities for two or more uses are proposed, provided:

(a) The normal hours of operation of each use are separated by at least two hours; or

(b) A parking demand study is prepared by a professional traffic engineer and submitted by the applicant documenting that the hours of actual parking demand for the proposed uses will not conflict, and that uses will be served by adequate parking if shared parking reductions are authorized.

(8) The total number of parking spaces requested for shared parking shall not be less than the minimum required spaces for any single use.

(9) A covenant or other contract for shared parking between the cooperating property owners is approved by the Director. This covenant or contract shall by recorded with the King County Department of Records and Election Division as a deed restriction on all properties and cannot be modified or revoked without the consent of the Director.

(10) If requirements for shared parking are violated, the affected property owners shall provide a remedy satisfactory to the Director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter.

(11) Additional Parking Requirements and Parking Design Standards Referenced in This Title.

(a) CMC 18.50.050 through 18.50.180 for other applicable standards.

(12) Additional parking lot screening, landscaping and curb cut spacing requirements shall be incorporated into the design and layout of any proposed parking as provided in the City of Covington Downtown Design Guidelines and Standards Sections C(2)(b), C(3)(b) and C(4)(b). (Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 1 (Exh. A))

18.31.120 Public space requirements.

(1) New development within the town center (TC) and mixed commercial (MC) districts shall meet the public space requirement.

(2) All new development shall provide accessible public space equivalent to one and one-half percent of the gross floor area of all structures. The design and location of public spaces shall consider the design and location of public spaces on adjacent properties and shall be oriented and connected to those spaces.

(3) If the applicant can demonstrate to the satisfaction of the Director that a required public space is adjacent to, integrated with and can be accessed from a public space on an adjoining property, this requirement may be reduced to one percent of gross floor area.

(4) All required public spaces shall be oriented toward, and have direct connections (both physical and visual) to, a public street.

(5) Where public spaces are integrated into new development, or where new development abuts an existing or planned public plaza, the primary building entrance shall be oriented toward the public space or plaza.

(6) All development that abuts the main public space envisioned in the City of Covington Comprehensive Plan Downtown Element shall be oriented and connected to that public space.

(7) Additional public space design standards in the City of Covington Downtown Design Guidelines and Standards Section B(1)(i) shall be included in the design of any public space requirements. (Ord. 10-10 § 1 (Exh. A))

18.31.130 Landscaping requirements.

(1) Landscape Area Requirement.

(a) In addition to the landscape standards contained in this chapter, five percent of the total area between the building facade and the curb shall be landscaped. This shall be in addition to street trees and landscaping provided in public spaces and parking lots that are required in other subsections.

(b) Required landscaping may be planted within planting areas surrounding trees, in raised planters, and on vegetative walls mounted to the ground-level building facade.

(c) Where a building or portion of a building is located more than 10 feet from a public sidewalk or useable public space, all areas between the building and the public sidewalk that is not used for vehicle or pedestrian access, circulation, parking or seating shall be landscaped.

(d) Potted landscape material may be substituted for required landscaping in areas designed for outdoor eating with the approval of the Director.

(e) Additional landscape requirements in the City of Covington Downtown Design Guidelines and Standards Sections B(1)(a), C(2)(d)(ii), C(3)(d)(ii), C(4)(d)(iii) and C(5)(d)(ii) shall be included in the landscaping for the development.

(2) A minimum of 15 percent of the total area of a public space, such as a courtyard or plaza, shall be landscaped. Additional provisions are detailed in the City of Covington Downtown Design Guidelines and Standards Section B(1)(i) and are based on street type.

(3) Landscape Buffers – Standards and When Required.

(a) Downtown development that abuts zones outside of the downtown districts shall have a minimum 20-foot-wide landscaped buffer within the required setback.

(b) Any development that abuts the MHO district shall provide a minimum of 10-foot-wide landscaped buffer within the required setback.

(c) For cottage housing, CMC 18.37.050(5) and 18.37.110 shall apply.

(d) Refer to the City of Covington Downtown Design Guidelines and Standards Section B(1)(g) for applicable design standards for buffer and zone transition requirements.

(4) Additional Landscaping Requirements Referenced in This Title.

(a) CMC 18.40.100, 18.40.110, 18.40.130, 18.40.140, and 18.40.150 for additional applicable standards.

(b) CMC 18.40.080(3), (4), (5) and (6) for parking area landscaping requirements.

(c) Chapter 18.45 CMC, Tree Preservation and Protection.

(i) The Director shall have the authority to reduce the required tree replacement ratio where such requirement would conflict with the urban design intent of the downtown design guidelines and standards.

(ii) The Director shall ensure that representative native vegetation is retained or replanted totaling at least five percent of the site area and that enhanced landscaping is provided in excess of the requirements contained in this chapter. (Ord. 04-12 § 1 (Exh. A); Ord. 10-10 § 1 (Exh. A))

18.31.140 Sign requirements.

(1) The requirements of Chapter 18.55 CMC shall apply in the downtown zone, except as provided in this section. Where sign regulations in this section conflict with sign regulations in Chapter 18.55 CMC, the sign regulations in this section shall control.

(2) Special Requirements for the Town Center District.

(a) Freestanding signs are prohibited on Type I streets. Freestanding signs shall be placed a minimum of 100 feet from the Type I streets.

(b) Signs shall be building-mounted.

(c) Freestanding signs (where allowed) shall be located a minimum of 300 feet from other multi-tenant freestanding signs located on the same side of the public right-of-way.

(d) Tenant directory signs shall be located internal to the site and oriented towards drive aisles and/or sidewalks/walkways, not the public right-of-way.

(e) No sign shall project above the roofline of the exposed building face to which it is attached.

(f) Freestanding signs shall not exceed a height of eight feet and a total area of 120 square feet, with no one sign face exceeding 60 square feet.

(g) Window signs shall not exceed 20 percent of the total window area of any facade.

(h) Freestanding secondary entrance signs shall not exceed a height of six feet and a total area of 120 square feet per entrance.

(3) In the town center district, the total sign area of building-mounted signs for each business or tenant, excluding under canopy blade signs, shall not exceed 10 percent of the exposed building face to which it is attached. No individual sign shall exceed 200 square feet, and every applicant is entitled to a minimum sign area of 30 square feet.

(4) Maximum Number of Signs in Town Center District.

(a) Two building-mounted signs per business or tenant.

(b) No more than one freestanding sign shall be allowed along the street frontage of any property.

(c) Where a property has a secondary entrance from a parking lot or public right-of-way, it is allowed to have one building-mounted or freestanding sign.

(5) Additional Sign Requirements Referenced in This Title.

(a) Chapter 18.55 CMC for other applicable standards.

(6) Refer to the City of Covington Downtown Design Guidelines and Standards Section B(3) for additional sign design requirements. (Ord. 10-10 § 1 (Exh. A))

Chapter 18.35

DEVELOPMENT STANDARDS – DESIGN REQUIREMENTS

Sections:

18.35.005 Applicability.
18.35.010 Purpose.
18.35.020 General layout standards.
18.35.030 Lot segregations – Zero-lot-line development.
18.35.040 Lot segregations – Clustered development.
18.35.050 Townhouse development.
18.35.060 Attached dwellings and group residences – Applicability.
18.35.070 Attached dwellings and group residences – Vehicular access and parking location.
18.35.080 Attached dwellings and group residences – Building facade modulation.
18.35.090 *Repealed.*
18.35.100 Mixed-use development in the CC and NC zones – Design features.
18.35.110 *Repealed.*
18.35.120 Manufactured home parks – Standards for existing parks.
18.35.130 Manufactured home parks – Standards for new parks.
18.35.140 Manufactured home parks – Alternative design standards.
18.35.150 On-site recreation – Space required.
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18.35.180 On-site recreation – Financial guarantees for construction.
18.35.190 On-site recreation – Maintenance of recreation space or dedication.
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18.35.210 Fences.
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18.35.280 Short subdivisions or short subdivision alterations – Adequacy of access – Right-of-way use permits.
18.35.290 Proposed formal subdivisions, short subdivisions or binding site plans – Railroad buffer strips.
18.35.300 Preliminary subdivision and short subdivision approval – Maintenance of private streets, easements and utilities required.
18.35.310 Hawk Property subarea.

18.35.005 Applicability.

The standards contained in this chapter shall apply to all zones other than the downtown zone. (Ord. 10-10 § 3 (Exh. C))

18.35.010 Purpose.

The purpose of this chapter is to improve the quality of development by providing building and site design standards that:

(1) Reduce the visual impact of large residential buildings from adjacent streets and properties;

(2) Enhance the aesthetic character of large residential buildings;

(3) Contain sufficient flexibility of standards to encourage creative and innovative site and building design;

(4) Meet the on-site recreation needs of project residents;

(5) Enhance aesthetics and environmental protection through site design; and

(6) Allow for continued or adaptive re-use of historic resources while preserving their historic and architectural integrity. (Ord. 42-02 § 2 (21A.14.010))

18.35.020 General layout standards.

For residential developments in the R zones:

(1) The maximum length of blocks shall be 1,320 feet; and

(2) Except for corner lots, lots for single detached dwellings shall not have street frontage along two sides unless one of said streets is a neighborhood collector street or an arterial street. (Ord. 42-02 § 2 (21A.14.020))

18.35.030 Lot segregations – Zero-lot-line development.

In any R zone or in the CN zone, interior setbacks may be modified during subdivision or short subdivision review as follows:

(1) If a building is proposed to be located within a normally required interior setback:

(a) An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;

(b) The easement area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;

(c) Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and

(d) The final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.

(2) In the R zones, setbacks on existing individual lots may be modified; provided, that the standards set forth in subsection (1)(a) of this section are met. (Ord. 42-02 § 2 (21A.14.030))

18.35.040 Lot segregations – Clustered development.

If residential lot clustering is proposed, the following provisions shall be met:

(1) In the R zones, any designated open space tract resulting from lot clustering shall not be altered or disturbed except as specified on recorded documents creating the open space. Open spaces may be retained under ownership by the subdivider, conveyed to residents of the development, or conveyed to a third party. If access to the open space is provided, the access shall be located in a separate tract;

(a) Clusters containing two or more lots of less than two and one-half acres, whether in the same or adjacent developments, shall be separated from similar clusters by at least 120 feet;

(b) The overall amount and the individual degree of clustering shall be limited to a level that can be adequately served by rural facilities and services, including, but not limited to, on-site sewage disposal systems with all setbacks and land use restrictions required by the Washington State Department of Ecology and Washington State Department of Health, and rural roadways;

(c) A 50-foot Type II landscaping screen, as defined in CMC 18.40.040, shall be provided along the frontage of all public roads. The planting materials shall consist of species that are native to the Puget Sound region. Preservation of existing healthy vegetation is encouraged and may be used to augment new plantings to meet the requirements of this section. (Ord. 13-09 § 28; Ord. 42-02 § 2 (21A.14.040))

18.35.050 Townhouse development.

In the R-1 through R-18 zones and in the NC zone, a building that contains a grouping of attached townhouse units shall not exceed a 200-foot maximum length without a separation of at least 10 feet from other groupings or rows of townhouses. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.14.060))

18.35.060 Attached dwellings and group residences – Applicability.

The standards of CMC 18.35.070 and 18.35.080 shall apply to all new apartment developments exceeding four dwelling units, new townhouse development and new group residences except Class I community residential facilities (CRF-I). Expansions of existing development that involve four or more dwelling units shall be subject to compliance with CMC 18.35.070 and 18.35.080. (Ord. 42-02 § 2 (21A.14.070))

18.35.070 Attached dwellings and group residences – Vehicular access and parking location.

(1) On sites abutting an alley constructed to a width of at least 20 feet, apartment and townhouse development and all group residences except Class I community residential facilities (CRF-I) shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the Director due to physical site limitations.

(2) When alley access is provided, no additional driveway access from the public street shall be allowed except as necessary to access parking under the structure or for fire protection.

(3) When the number of uncovered common parking spaces for attached dwellings and group

residences exceed 30 spaces and when there is alley access, no more than 50 percent of these uncovered parking spaces shall be permitted between the street property line and any building, except when authorized by the Director due to physical site limitations. (Ord. 42-02 § 2 (21A.14.080))

18.35.080 Attached dwellings and group residences – Building facade modulation.

Apartment and townhouse developments and all group residences shall provide horizontal and vertical building facade modulation on facades exceeding 60 feet and facing abutting streets or properties zoned R-1 (urban separator) through R-4. The following standards shall apply:

(1) The maximum wall length without modulation shall be 30 feet; and

(2) The sum of the modulation depth and the modulation width shall be no less than eight feet. Neither the modulation depth nor the modulation width shall be less than two feet.

(3) Any other technique approved by the Director or listed in the design manual that achieves the intent of this section. (Ord. 42-02 § 2 (21A.14.090))

18.35.090 Mixed-use development – Percentages of commercial uses.

Repealed by Ord. 06-13. (Ord. 42-02 § 2 (21A.14.110))

18.35.100 Mixed-use development in the CC and NC zones – Design features.

Mixed-use development permitted by Chapter 18.25 CMC shall incorporate the following design features:

(1) Residential and nonresidential uses proposed for mixed-use development shall be only those uses permitted in the CC and NC zones, as established by Chapter 18.25 CMC.

(2) If residential and nonresidential uses are proposed for the same structure, nonresidential uses shall occupy no less than 60 percent of the ground floor. The Director may waive this requirement under the following circumstances:

(a) If the structure is located on a sloping lot that provides access from upper levels or from multiple levels. In such cases, the nonresidential use may be located on the levels that exit onto the primary pedestrian streets; or

(b) If views from the upper levels are valuable amenities that would help assure success of the nonresidential uses, such as a restaurant;

(c) Senior housing developments need not include commercial uses.

(3) Mixed-use development shall provide off-street parking behind or to the side of buildings, or enclosed within buildings consistent with CMC 18.50.030. Relief from this requirement may be granted by the Director only if the applicant can demonstrate that there is no practical site design to meet this requirement. The Director may allow only the number of parking spaces that cannot be accommodated to the rear or sides of buildings, or enclosed within buildings, to be located to the front of buildings. A 20 percent reduction of required parking is allowed if a mixed-use development meets the criteria of CMC 18.50.040 for shared parking. (Ord. 06-13 § 2 (Exh. A); Ord. 42-02 § 2 (21A.14.135))

18.35.110 Mixed-use development – Phasing – Required plans, requirements, covenants, recordings – Review and approval.

Repealed by Ord. 06-13. (Ord. 42-02 § 2 (21A.14.145))

18.35.120 Manufactured home parks – Standards for existing parks.

(1) Manufactured home parks established prior to the effective date of the ordinance codified in this title shall continue to be governed by all standards relating to density, setbacks, landscaping and off-street parking in effect at the time they were approved.

(2) Placement of new accessory structures and replacement mobile homes, either standard or nonstandard, in these manufactured home parks shall be governed by the dimensional standards in effect when the parks were approved, unless two or more replacement mobile homes are proposed to be installed adjacent to each other under the flexible setback option set forth in CMC 18.35.140. Where internal setbacks are not specified, the average of the prevailing setbacks on the pads to either side of the proposed new or replacement structure shall apply.

(3) No spaces or pads in an existing manufactured home park shall be used to accommodate recreational vehicles (RVs), except when the spaces or pads were specifically for RVs at the time the park was established.

(4) An existing manufactured home park may be enlarged, provided the proposed enlargement meets the standards set forth in CMC 18.35.130 and 18.35.140.

(5) Both insignia and non-insignia mobile homes may be installed in established parks; provided, that all mobile homes supported by piers shall be fully skirted, and that nonstandard mobile homes shall meet the minimum livability and

safety requirements set forth in CMC Title 15, Buildings and Construction. (Ord. 42-02 § 2 (21A.14.150))

18.35.130 Manufactured home parks – Standards for new parks.

New manufactured home parks shall be developed subject to the following standards:

(1) A manufactured home park shall be at least three acres in area;

(2) Residential densities in a manufactured home park shall be as follows:

(a) Must not exceed a density of 25 percent over the base density; and

(b) Manufactured home parks shall be eligible to achieve the maximum density permitted in the zone by providing the affordable housing benefit for manufactured home parks set forth in Chapter 18.90 CMC;

(3) Both insignia and non-insignia mobile homes may be installed in manufactured home parks; provided, that non-insignia mobile homes shall meet the minimum livability and safety requirements set forth in CMC Title 15, Buildings and Construction;

(4) A manufactured home park shall be exempt from impervious surface limits set forth in Chapter 18.30 CMC;

(5) At least one of the off-street parking spaces required for each mobile home shall be located on or adjacent to each mobile home pad;

(6) Internal roads and sidewalks shall provide access to each mobile home space and shall be constructed in accordance with the adopted City of Covington road standards for residential minor access streets;

(7) There shall be a minimum of 10 feet of separation maintained between all mobile homes on the site, unless the flexible setback option set forth in CMC 18.35.140 is used. Accessory structures shall be located no closer than:

(a) Ten feet to mobile homes on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum setback shall be five feet;

(b) Five feet to accessory structures of mobile homes on adjacent spaces; and

(c) Five feet to the mobile home or other accessory structures on the same space, except a carport or garage may be attached to the mobile home, and the separation may be waived when such structures are constructed of noncombustible materials;

(8) All mobile homes and RVs supported by piers shall be fully skirted; and

(9) A manufactured home park may include a storage area for RVs owned by residents of the park, provided the storage area contains no utility hook-ups and no RV within the storage area shall be used as living quarters. (Ord. 42-02 § 2 (21A.14.160))

18.35.140 Manufactured home parks – Alternative design standards.

As an alternative to the building separation and internal street standards of CMC 18.35.130:

(1) Building separation requirements or setbacks between mobile homes and accessory structures on adjacent spaces may be modified, provided:

(a) The common walls meet the fire protection standards set forth in the International Building Code and the standards set forth in the International Fire Code for duplexes, multifamily and condominium developments, as applicable; and

(b) Rental agreement clauses, by-laws or other legal mechanisms stipulate maintenance responsibilities for structures, fences and yards;

(2) Private streets may be used with a minimum driving surface of 22 feet in width, provided:

(a) The streets comply in all other respects with the road standards;

(b) All required parking is located off-street and as specified in CMC 18.35.130(5); and

(c) Such streets shall not:

(i) Directly connect two or more points of vehicular access to the park; or

(ii) Serve over 100 dwelling units within the park. (Ord. 06-05 § 1; Ord. 23-04 § 12; Ord. 42-02 § 2 (21A.14.170))

18.35.150 On-site recreation – Space required.

(1) Residential developments in the R and MR zones, stand-alone townhouse developments in the R, MR, CC, NC, and RCMU zones, and mixed-use developments, if more than four units, shall provide fully accessible recreation space for leisure, play and sport activities as follows:

(a) Residential subdivision at a density of four units an acre or more: 450 square feet per unit;

(b) Townhouses developed at a density of eight units or less per acre: 450 square feet per unit;

(c) Manufactured home park: 260 feet per unit;

(d) Multifamily dwelling units and townhouses developed at a density of greater than eight units per acre: 100 square feet per unit;

(e) Senior housing or other age-restricted facilities: 200 square feet per unit or as required by the funding agency, whichever is greater.

(2) Recreation space shall be placed in a designated recreation space tract if part of a subdivision. The tract shall be dedicated to a homeowners' association or other workable organization acceptable to the Director, to provide continued maintenance of the recreation space tract consistent with CMC 18.35.190.

(3) Any recreation space located outdoors shall:

(a) Be of a grade and surface suitable for recreation;

(b) Be on the site of the proposed development;

(c) Be located in an area where the topography, soils, hydrology and other physical characteristics are of such quality as to create a flat, dry, obstacle-free space in a configuration which allows for passive and active recreation;

(d) Be centrally located with good visibility of the site from roads and sidewalks;

(e) Have no dimensions less than 20 feet (except trail segments);

(f) Be located in one designated area, unless the Director determines that residents of large subdivisions, townhouses and apartment developments would be better served by multiple areas developed with recreation or play facilities;

(g) In single detached or townhouse subdivisions, if the required outdoor recreation space exceeds 5,000 square feet, have a street roadway or parking area frontage along 10 percent or more of the recreation space perimeter, except trail segments, if the outdoor recreation space is located in a single detached or townhouse subdivision;

(h) Be fully accessible and convenient to all residents within the development (ADA); and

(i) Be located adjacent to, and be accessible by, trail or walkway to any existing or planned municipal, County or regional park, public open space or trail system, which may be located on adjoining property;

(j) Lighting shall be provided for safe use of any recreational facility as determined by the Department. Such lighting shall be maintained by the responsible party if not part of a City maintenance program.

(4) Indoor recreation areas may be credited towards the total recreation space requirement, if the Director determines that the areas are located, designed and improved in a manner that provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors. For senior citizen assisted housing, indoor recreation areas need not be functionally equivalent but may include social areas, game and craft rooms, and other multi-purpose entertainment and education areas.

(5) Play equipment or age-appropriate facilities shall be provided within dedicated recreation space areas according to the following requirements:

(a) For developments of five dwelling units or more, or 10 units or more in the R-18 zone, a tot lot or children's play area, which includes age-appropriate play equipment and benches, shall be provided consistent with CMC 18.35.170;

(b) For developments of five to 25 dwelling units, or between 10 and 25 units in the R-18 zone, one of the following recreation facilities shall be provided in addition to the tot lot or children's play area:

(i) Playground equipment;

(ii) Sport court;

(iii) Sport field;

(iv) Tennis court; or

(v) Any other recreation facility proposed by the applicant and approved by the Director;

(c) For developments of 26 to 50 dwelling units, at least two or more of the recreation facilities listed in subsection (5)(b) of this section shall be provided in addition to the tot lot or children's play area;

(d) For developments of more than 50 dwelling units, one or more of the recreation facilities listed in subsection (5)(b) of this section shall also be provided for every 25 dwelling units in addition to the tot lot or children's play area. If calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

(i) Fractions of 0.50 or above shall be rounded up; and

(ii) Fractions below 0.50 shall be rounded down.

(6) A recreation space plan shall be submitted to the Department and reviewed and approved with engineering plans. The recreation space plans shall address all portions of the site that will be used to meet recreation space requirements of this section, including storm water facilities. The plans shall show dimensions, finished grade, equipment, landscaping, irrigation, lighting and other improve-

ments, as required by the Director, to demonstrate that the requirements of the on-site recreation space in this section and play areas in CMC 18.35.170 have been met. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 13-09 § 29; Ord. 42-02 § 2 (21A.14.180))

18.35.160 Recreation space – Fees in lieu of.

(1) The creation of on-site recreation space shall be the preferred method of providing new development with opportunities for leisure, play and sports activities. Applicants shall to the best of their ability endeavor to provide recreation space on the project site. However, if on-site recreation space is not provided in accordance with CMC 18.35.150, the applicant shall pay a fee in lieu of actual recreation space if approved by the City. City acceptance of a fee in lieu payment is discretionary. A fee in lieu of on-site recreation space may be permitted if the recreation space provided within a City park in the vicinity will be of greater benefit to the prospective residents of the development.

(2) Fees shall be determined annually by the Department of Community Development on the basis of the projected market value of the required recreation space land area after development and the estimated value of the improvements, which would have been required. Any recreational space provided by the applicant shall be credited toward the required fees. (Ord. 10-10 § 3 (Exh. C); amended at request of department 2/08; Ord. 42-02 § 2 (21A.14.185))

18.35.170 On-site recreation – Play areas required.

(1) All single detached subdivisions, apartment, townhouse and mixed-use developments, excluding age restricted senior citizen housing, of more than four units, shall provide children play areas within the recreation space on-site, when provided, or pay a fee in lieu of the value of the required improvements. This would include all associated improvements and installation.

(2) Play area (tot lot) designs shall:

(a) Provide at least 45 square feet per dwelling unit, with a minimum size of 900 square feet;

(b) Be adjacent to main pedestrian paths or near building entrances;

(c) Be approved by the Department;

(d) Meet the requirements of CMC 18.35.150; and

(e) Provide play equipment that meets, at a minimum, the Consumer Product Safety Standards for equipment, soft surfacing spacing and comply with all applicable ADA accessibility standards. (Ord. 42-02 § 2 (21A.14.190))

18.35.180 On-site recreation – Financial guarantees for construction.

Financial guarantees for construction of recreation facilities required under CMC 18.35.150 and 18.35.170 shall be provided consistent with CMC Title 14. (Ord. 20-07 § 116; Ord. 42-02 § 2 (21A.14.195))

18.35.190 On-site recreation – Maintenance of recreation space or dedication.

(1) Recreation space that meets the criteria in CMC 18.35.150(3) may, at the discretion of the Director, be dedicated as a park open to the public in lieu of providing the on-site recreation required under CMC 18.35.150 if the following criteria are met:

(a) The dedicated area is at least two acres in size, unless when adjacent to an existing or planned City or County park;

(b) The dedicated land provides one or more of the following:

(i) Shoreline access;

(ii) Regional trail linkages;

(iii) Habitat linkages;

(iv) Recreation facilities; or

(v) Heritage sites; and

(c) The dedicated area is located within one mile of the project site.

(2) Unless the recreation space is dedicated to the City in accordance with subsection (1) of this section, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the Department. (Ord. 42-02 § 2 (21A.14.200))

18.35.200 Storage space, loading areas, and collection points for recyclables and refuse.

Developments shall provide storage space for the collection of recyclables as follows:

(1) The storage space shall be provided at the following rates, calculated based on any new dwelling unit in multiple-dwelling developments

and any new square feet of building gross floor area in any other developments:

(a) One and one-half square feet per dwelling unit in multiple-dwelling developments except where the development is participating in a County-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;

(b) Two square feet per every 1,000 square feet of building gross floor area in office, educational and institutional developments;

(c) Three square feet per every 1,000 square feet of building gross floor area in manufacturing and other nonresidential developments; and

(d) Five square feet per every 1,000 square feet of building gross floor area in retail developments.

(2) The storage space for residential developments shall be apportioned and located in collection points as follows:

(a) The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.

(b) There shall be one collection point for every 30 dwelling units.

(c) Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.

(d) Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.

(e) Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.

(3) The storage space for nonresidential developments shall be apportioned and located in collection points as follows:

(a) Storage space may be allocated to a centralized collection point.

(b) Outdoor collection points shall not be located in any required setback areas.

(c) Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.

(d) Access to collection points may be limited, except during regular business hours and/or specified collection hours.

(4) The collection points shall be designed as follows:

(a) Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.

(b) Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.

(c) Collection points shall be identified by signs not exceeding two square feet.

(d) A six-foot wall or fence shall enclose any outdoor collection point, excluding collection points located in industrial developments that are greater than 100 feet from residentially zoned property. All screening shall include the use of landscape material.

(e) Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.

(f) Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.

(g) Loading areas within 50 feet and visible from an adjacent street or sidewalk shall be screened by a fence or wall. Collection points shall be fully enclosed.

(5) Only recyclable materials generated on-site shall be collected and stored at such collection points. Except for initial sorting of recycables by users, all other processing of such materials shall be conducted off site.

(6) The Director may waive or modify specific storage space and collection point requirements set forth in this section if the Director finds, in writing, that an alternate recycling program design proposed by the applicant meets the needs of the development and provides an equivalent or better level of storage and collection for recyclables. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 42-02 § 2 (21A.14.210))

18.35.210 Fences.

Fences are permitted as follows:

(1) Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located, except:

(a) Fences located on a rockery, retaining wall, or berm within a required setback area are permitted subject to the following requirements:

(i) Except for City of Covington public works projects in R-1 through R-18 zones and the resource zones:

(A) The total height of the fence and the rockery, retaining wall or berm upon which the fence is located shall not exceed a height of 10 feet. This height shall be measured from the top of the fence to the ground on the low side of the rockery, retaining wall or berm; and

(B) The total height of the fence itself, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.

(ii) In the commercial/industrial zones, the height of the fence, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.

(iii) Any portion of the fence above a height of eight feet, measured to include both the fence and the rockery, retaining wall, or berm (as described in subsection (1)(a)(i)(A) of this section), shall be an open-work fence.

(2) Fences located on a rockery, retaining wall or berm outside required setback areas shall not exceed the building height for the zone, measured in accordance with the standards established in the International Building Code.

(3) Electric fences shall:

(a) Be permitted only on properties that abut an agricultural use;

(b) Comply with the following requirements:

(i) An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp;

(ii) An electric fence using continuous current shall be limited to 1,500 volts at seven milliamp;

(iii) All electric fences in the R-4 through R-8 zones shall be posted with permanent signs a minimum of 36 square inches in area at 50-foot intervals stating that the fence is electrified; and

(iv) Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an ANSI approved testing agency; and

(4) Except as specifically required for the necessary security related to a nonresidential use, no barbed or razor-wire fence shall be located in any R-4 through R-8 zone. (Ord. 10-10 § 3 (Exh. C); Ord. 06-05 § 1; Ord. 23-04 § 13; Ord. 42-02 § 2 (21A.14.220))

18.35.220 Hazardous liquid and gas transmission pipelines.

(1) Tracts and easements containing hazardous liquid and gas transmission pipelines and required setbacks from such pipelines may include the following uses, subject to other regulations applicable to each use and approval of the holder of the easement: utility structures not normally occupied necessary for the operation of the pipeline, landscaping, trails, parks, open space, keeping of animals, agriculture, forestry, commercial signage, minor communication facilities and the utility structures not normally occupied necessary for the operation of the minor communication facility, and other compatible uses as specified on the face of the recorded plat or short plat; provided, that structures

designed for human occupancy shall never be allowed within pipeline tracts, easements or setbacks.

(2) Hazardous liquid and gas transmission pipelines shall not be located in aquifer recharge areas, landslide hazard areas or erosion hazard areas. When it is impractical to avoid such areas, special engineering precautions should be taken to protect public health, safety and welfare. (Ord. 42-02 § 2 (21A.14.225))

18.35.230 Trail corridors – Applicability.

Trail easements or dedications shall be provided by any development, except for single detached residential permits, when such developments are located within any community or regional trail corridor identified by an adopted functional plan or community plan identifying community and/or regional trail systems. The residents or tenants of the development shall be provided access to the trail easement. The area of the trail easement shall be counted as part of the site for purposes of density and floor area calculations. (Ord. 42-02 § 2 (21A.14.230))

18.35.240 Trail corridors – Design standards.

Trail design shall be reviewed by the Department of for consistency with adopted standards for:

(1) Width of the trail corridor;

(2) Location of the trail corridor on the site and signage;

(3) Paved surfacing improvements and trail amenities;

(4) Use(s) permitted within the corridor;

(5) Lighting (where applicable). (Ord. 42-02 § 2 (21A.14.240))

18.35.250 Trail corridors – Maintenance of trail corridors/improvements.

Maintenance of any trail corridor or improvements, retained in private ownership, shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the Parks Department. (Ord. 42-02 § 2 (21A.14.250))

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. (Ord. 42-02 § 2 (21A.14.260))

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. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.14.270))

18.35.280 Short subdivisions or short subdivision alterations – Adequacy of access – Right-of-way use permits.

(1) Each lot within the short subdivision or short subdivision alteration shall have acceptable access to a street conforming to City street standards or to a lower level of improvement acceptable to the Director of Community Development. Individual lots may be served by access panhandles established either by fee ownership or easement, subject to approval of the Department. In order to assure safe and adequate access, the Director of Community Development:

(a) May approve private streets consistent with City street standards;

(b) May limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways or access panhandles, in accordance with the City street standards;

(c) Shall require off-site improvements to public or private streets needed to provide access from the short subdivision to a street acceptable to the Director of Community Development; and

(d) Shall assure that the number of lots to be served by the street system complies with the adopted street standards.

(2) Short subdivisions involving construction within City right-of-way shall obtain a right-of-way use permit. (Amended at request of department 2/08; Ord. 42-02 § 2 (21A.14.300))

18.35.290 Proposed formal subdivisions, short subdivisions or binding site plans – Railroad buffer strips.

Where railroads abut proposed formal subdivisions, short subdivisions or binding site plans, measures to provide a physical separation between the two uses shall be required. These measures may include the use: grade separations, setbacks or barriers such as walls and fences. (Ord. 42-02 § 2 (21A.14.310))

18.35.300 Preliminary subdivision and short subdivision approval – Maintenance of private streets, easements and utilities required.

As a condition of preliminary subdivision and short subdivision approval, all private streets, easements, community utilities and properties shall be maintained by the owners of the property served by them and kept in good repair at all times. In order to ensure continued good repair, it must be demonstrated to the Department prior to plat recording that:

(1) There is a workable organization to guarantee maintenance with a committee or group to administer the organizational functions; and

(2) There is a means for assessing maintenance costs equitably to property owners served by the private streets, easements, community utilities and properties. (Ord. 42-02 § 2 (21A.14.320))

18.35.310 Hawk Property subarea.

(1) Where standards in this section conflict with other standards in this title, the standards in this section shall supersede other standards for the Hawk Property subarea.

(2) An interconnected system of pedestrian and bicycle facilities shall provide access to all areas of the community, to adjacent neighborhoods, and to regional trails.

(3) The main arterial connecting SR 18 and 204th Ave SE shall attenuate traffic speeds through the community, support active street-level uses, and enhance pedestrian comfort and safety. An interconnected system of pedestrian and bicycle facilities shall provide access to all areas of the community, to adjacent neighborhoods, and to regional trails.

(a) Sixty percent or more of the length of each block frontage in the MR and RCMU zoning districts shall be occupied by a building unless more than 40 percent of the length of a block frontage is occupied, individually or collectively, by zoning setbacks, a park, plaza, open space, driveway, or critical area, in which case the building frontage requirement shall be reduced accordingly. This requirement does not apply where all or a portion of a block frontage is not deep enough for a building.

(b) Fifty percent or more of the length of each block frontage on both sides of all streets in other zoning districts shall be occupied by a building unless 50 percent or more of the length of a block frontage is occupied, individually or collectively, by zoning setbacks, a park, plaza, open space, driveway, or critical area, in which case the building frontage requirement shall be reduced accordingly. This requirement does not apply where all or a portion of a block frontage is not deep enough for a building.

(c) On lots or parcels with multiple buildings, pedestrian circulation routes shall interconnect all buildings.

Pedestrian Access Routes Connecting Buildings (CMC 18.35.310(3)(c))



(4) Buildings.

(a) CMC 18.35.050 and 18.35.080 shall apply only to townhouse developments.

(b) CMC 18.35.100 shall not apply to commercial, mixed-use, or integrated developments.

(c) A minimum of 60 percent of the street-level frontage of commercial and mixed-use buildings should be devoted to commercial uses.

Ground Floor Retail (CMC 18.35.310(4)(c))



(d) The main entrance for all buildings along a street frontage, including single-family residences and townhouses, shall be accessed from a public sidewalk or a pedestrian walkway connected to a public sidewalk.

Main Entrance Accessed from Street Frontage (CMC 18.35.310(4)(d))



(e) At least one public entrance for a commercial use shall be accessed from a public sidewalk or a pedestrian walkway connected to the public sidewalk.

Entrance Access from Pedestrian Walkway (CMC 18.35.310(4)(e))



(f) Overhead weather protection shall be provided continuously along 75 percent or more of the length of a commercial or mixed-use building frontage adjacent to a sidewalk or a pedestrian walkway connected to a sidewalk. Overhead weather protection may be composed of marquees, awnings, canopies, a building projection or other permanent structural element and must cover at least five feet of the width of the adjacent public walkway or sidewalk. This requirement applies only to building frontages containing street-level commercial uses.

Weather Protection (CMC 18.35.310(4)(f))



(g) The use of sustainably harvested salvaged, recycled or reused products is encouraged.

(5) Pond Area.

(a) The area abutting the pond shall contain a continuous route devoted to public access. Public access includes, but is not limited to, parks, plazas, promenades, sidewalks, and multi-purpose trails. Sidewalks shall

be a minimum of eight feet wide and shall be designed to be compliant with the standards of the Americans with Disabilities Act (ADA).

Public Access Trails Abutting the Pond (CMC 18.35.310(5)(a))



(b) When buildings containing commercial uses are located around the pond, at least 60 percent of the length of the pond-facing ground-level building frontage should be devoted to commercial uses. Multi-story buildings located around the pond should include residential uses.

Ground Floor Commercial Uses around Pond (CMC 18.35.310(5)(b))



(c) Public access corridors leading to the pond should be located at intervals of approximately 500 feet, unless not feasible due to topography. Access corridors include, but are not limited to, parks, streets, pedestrian ways, and passive open space.

(d) A least one public gathering place of at least one-half acre shall be provided to serve as a major public amenity.

Public Gathering Space (CMC 18.35.310(5)(d))



(6) Gathering Places.

(a) In the RCMU zoning district, at least one public gathering place of at least one-half acre shall be provided that is an integral element of the commercial area and suitable for special events and celebrations.

Community Gathering Space (CMC 18.35.310(6)(a))



(b) Outside of the RCMU zoning district and the pond area, at least one park shall be provided that is sufficient in size to include a range of active recreational uses for residents of varying ages and interests.

(c) All public gathering places shall be linked physically and visually to adjacent sidewalks or trails.

Outdoor Gathering Place Adjacent to Public Sidewalk (CMC 18.35.310(6)(c))



(7) Blank Walls, Mechanical and Utility Equipment.

(a) Any building facade with a blank wall greater than 200 square feet adjacent to a sidewalk, pedestrian walkway, parking lot, trail, park, plaza or other public space shall be treated architecturally and/or with landscape elements.

Blank Wall Screening (CMC 18.35.310(7)(a))



(b) Roof-mounted mechanical equipment visible from adjacent properties, sidewalks on an adjacent street or from an adjacent park or trail shall be screened from view by integrated building elements, such as walls, landscaped planters, or enclosures.

(c) Building- or ground-mounted utility meters or equipment shall be visually screened from an adjacent sidewalk or trail by a fence, wall, or landscaping.

(8) Gateways.

(a) Visual “gateways” shall be located in the area of the entrances to the subarea from SR 18 and from 204th Avenue SE.

(b) Gateways can consist of elements as varied as signage, special but significant landscaping, an identifying structure, sculpture or other artwork, a water feature, or some other distinctive element.

Example Gateway Treatments (CMC 18.35.310(8)(b))





(9) The Director may approve alternatives to the standards in this section; provided, that the alternatives provide a comparable benefit or functional equivalent to the standard. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A))

Chapter 18.37

DEVELOPMENT STANDARDS AND DESIGN REQUIREMENTS FOR COTTAGE HOUSING

Sections:

18.37.010 Purpose.
18.37.020 Applicability.
18.37.030 Definitions.
18.37.040 General development standards for cottages (Table 1).
18.37.050 Site requirements.
18.37.060 Building requirements.
18.37.070 Parking and access.
18.37.080 Accessory structures.
18.37.090 Community buildings.
18.37.100 Private and common open space.
18.37.110 Landscaping and vegetation.
18.37.120 Other design requirements.
18.37.130 Ownership options.



18.37.010 Purpose.

The purpose of this chapter is to establish standards for cottage housing development as an alternative housing choice in order to:

(1) Respond to the region's changing household demographics;

(2) Provide opportunities for more affordable housing;

(3) Encourage creation of functional usable open space in residential communities;

(4) Promote neighborhood interaction and safety through design;

(5) Ensure compatibility with neighboring uses; and

(6) Provide opportunities for infill development consistent with the goals of the Growth Management Act. (Ord. 10-09 § 1 (Exh. A))

18.37.020 Applicability.

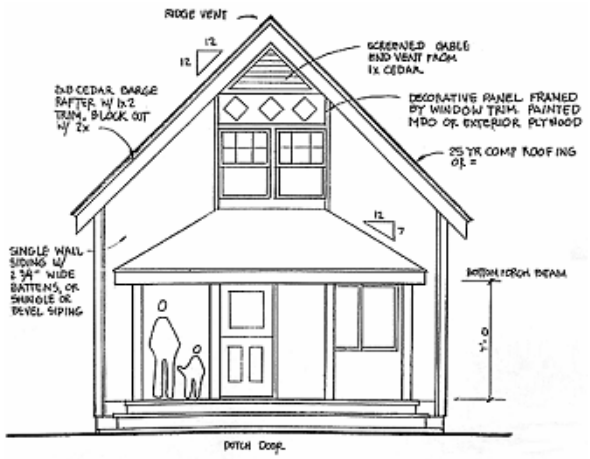
Cottage housing developments are allowed in those areas of the City designated DN-MHO and R-18 zones. Applications for cottage housing developments shall be reviewed under the subdivision or binding site plan process set forth in Chapter 17.30 CMC. Where a conflict arises, the provisions of this chapter shall control. (Ord. 10-10 § 3 (Exh. C); Ord. 10-09 § 1 (Exh. A))

18.37.030 Definitions.

"Carriage house unit" means a small residential or guest unit usually located on the second story of a garage or community building, similar to a studio unit suitable for one resident or two guests.

"Community building" means a building owned in common by the cottage housing homeowners, and designated for multi-purpose uses by the cottage housing community. It should be consistent with the design and scale of the cottages, and its use should clearly be accessory to the cottage housing development. Part of the building may be used for a carriage house unit or for storage for residents.

"Cottage" means a detached or attached dwelling that is small in scale and typically no more than one and a half stories in height, and is developed in a cluster.



"Cottage housing development" means a type of development made up of a minimum of four cottages clustered around a common open space with garages and parking located behind or away from

the houses. A cottage development may include two-unit attached residences as well as detached cottages.

"Two-unit home" means a structure containing two dwelling units, designed to look like a detached single-family home. (Ord. 10-09 § 1 (Exh. A))

18.37.040 General development standards for cottages (Table 1).

Table 1 provides the basic design standards for cottage housing development in the City of Covington.

18.37.040: TABLE 1: COTTAGE HOUSING STANDARDS

STANDARDS FOR COTTAGES		CONDITIONS
Maximum number of stories	One and one-half	The second story shall be no more than .6 of the square footage of the main story
Maximum building height	18' (maximum of 25' at roof ridge with minimum roof slope of 6:12)	The ridge of pitched roofs with a minimum slope of 6:12 may extend up to 25 feet. All parts of the roof above 18 feet shall be pitched
Maximum impervious surface percentage	50% of gross lot area	
Maximum lot coverage for all principal and accessory structures in development	35% of gross lot area	
Maximum building footprint	1,000 square feet per unit, excluding attached garage	Two-unit attached structures shall not exceed a building footprint of 2,000 square feet for one-story units, or 1,800 square feet for one-and-one-half- or two-story units

18.37.040: TABLE 1: COTTAGE HOUSING STANDARDS (Continued)

STANDARDS FOR COTTAGES		CONDITIONS
Maximum unit size (total floor area)	1,600 square feet excluding an attached garage	Habitable space in a below-grade story (i.e., basement) shall count towards the total floor area
Density	12 du/ac. See CMC 18.30.060 through 18.30.100 for other density requirements	See density bonuses for affordable units below
Parking	1.3 spaces for 1 BR units, 1.5 for 2 BR units, and 1.8 for 3 BR units. E.g., four 1 BR units (x 1.3), six 2 BR units (x 1.5) and two 3 BR units (x 1.8) = 18 parking stalls for 12 units	Parking requirements for cottages may be reduced if the location of the site is within .3 miles (1,600 feet) of a transit stop. Other parking requirements and reductions specified in Chapter 18.50 CMC apply
Open and common space	Minimum of 400 square feet per unit of common open space and a minimum of 250 square feet per unit of usable private open space (excluding side setbacks, but may include decks and patios)	Common space should be in one contiguous area, or no more than two separate areas. Primary entry and patios should be oriented toward open space wherever feasible
Affordability incentives	See CMC 18.90.030 and 18.90.040 for details of affordable housing incentives. Bonuses of up to one and one-half times base density are possible, or two times base density if all units are affordable	Under conditions stated in CMC 18.90.030 and 18.90.040, each unit affordable to households earning under 50 percent and 80 percent of King County median income (benefit unit) allows up to 1.5 bonus units. E.g., four affordable units permit a bonus of six units over the base density
Green building incentives	Bonus of one and one-half times base density allowed if cottages and community building are built to LEED Gold, or Built Green™ 4 Star or 5 Star standards*	Affordability and green building incentives may be combined up to a maximum of two times base density. Note that 4 and 5 Star Built Green™ levels require verification by a third party
*See www.builtgreen.net for details of Built Green™ program, and www.usgbc.org for details of LEED program. See note to CMC 18.37.050(2) for example of calculations.		

(Ord. 10-10 § 3 (Exh. C); Ord. 10-09 § 1 (Exh. A))

18.37.050 Site requirements.

(1) Arrangement.

(a) Cottage housing developments shall contain a minimum of four cottages arranged on at least two sides of a common open space on a minimum lot of 8,000 square feet.

(b) A development may have several clusters with clear separation.

(c) Cottage housing developments should promote a sense of community both within the development and with respect to the larger community. It should not "turn its back" on the larger community. Units along the public right-of-way should have an inviting facade such as a primary or secondary entrance facing the right-of-way.

(d) All other units shall be arranged around the central common area and have their primary entry facing that common space.

(e) Attached structures containing two units shall be allowed as part of a cottage development but they shall be similar in design to the detached cottages. The number of attached units in a development shall not be more than one-third of the total number of units.







(2) Base Density and Density Bonuses for Affordable Units and Green Development.

(a) Cottages shall be built at a maximum base density of 12 du/acre.

(b) Increased density shall be allowed if the units meet certain affordability criteria described in CMC 18.90.030 and 18.90.040.

(c) Under certain conditions stipulated in those sections, each unit affordable to households earning under 50 percent and under 80 percent of median income (known as "benefit units") allow the construction of up to one and one-half bonus units up to 150 percent of the base density allowed in the zone.

(d) If all the units in the development meet the affordability criteria, then two times the base density is allowed.

(e) Increased density shall be allowed if the cottage development achieves Built Green™ four-star or five-star certification or LEED for Homes certification at the Gold level. One and one-half times the base density shall be allowed for a development which meets either of these standards.

(f) Affordable housing and green building density bonuses may be combined up to a maximum density of no more than two times the base density.*

(3) Clustering. Critical area buffers may count toward the gross lot area, allowing for clustering of development, and providing a maximum of 50 percent of the common open space requirement.

(4) Lot Coverage. Principal and accessory structures in the development shall account for no more than 35 percent of the gross lot area.

(5) Setbacks.

(a) Setbacks shall be 10 feet from the public right-of-way and from the property line.

(b) There shall be a minimum of five feet side yard, allowing a minimum of 10 feet of space between adjacent buildings.

(c) Front and back yards shall be a minimum of five feet from common areas, structures or internal driveway.

(6) Impervious Surface. No more than 50 percent of the gross lot area may be covered with impervious surface. Use of pervious paving materials is encouraged. (Ord. 10-10 § 3 (Exh. C); Ord. 10-09 § 1 (Exh. A))

*A "benefit unit" is an affordable unit. "Bonus units" are the extra units that are added to the base density. (Base density = underlying density in the zone, such as 12 du/acre in DN-7B). Depending on the affordable income level and whether there is a covenant binding the home to 15-year or 30-year affordability, more or less bonus units can be earned, ranging from

.75 bonus units (no covenant required) to one bonus unit (15-year affordability) to one and one-half bonus units (30-year affordability). The maximum bonus units earned can be no more than 150 percent of the base density, or 200 percent if all the units are affordable. For green development, the whole development (including all bonus units) must meet the certification requirements. If it does, then 150 percent of the base density is allowed. If the base density is 12 du/acre, then a "Built Green™" development could build up to 18 du/acre. By also building six affordable units with 15-year affordability, the developer would gain six more bonus units, up to the maximum of 24 units allowed (two times base density of 12).

18.37.060 Building requirements.

(1) Building Footprint.

(a) Cottage units shall have a maximum building footprint of 1,000 square feet.

(b) The footprint of an attached one-car garage is not included in this maximum, but shall not exceed 200 square feet per unit.

(c) Two-unit attached structures shall not exceed a building footprint of 2,000 square feet for one-story units or 1,800 square feet for either one-and-a-half or two-story units.

(2) Floor Area. The maximum total floor area of cottage units shall be 1,600 square feet. An additional 200 square feet is permitted for an attached garage.

(3) Building Height. The maximum building height shall be 18 feet, with a maximum of 25 feet allowed to the roof ridge and a minimum roof slope of 6:12.

(4) Stories.

(a) Cottages may have a second partial or full story, providing that the floor area of the second story is no more than 0.6 of the square footage of the main floor. E.g., a cottage with an 800-square-foot building footprint (main floor) could have a second floor of 480 square feet, for a total floor area of 1,280 square feet.

(b) A below-grade partial story may be allowed, but habitable space on that story shall count toward the total floor area of the cottage.

(5) Two-Unit Structures.

(a) Attached two-unit structures should be similar in appearance to detached cottages and have one primary entry facing the common open space.

(b) The number of attached units in a cottage development may not exceed one-third of the total number of units.

(6) Porches. Attached, covered porches are required with a minimum of 64 square feet per unit and a minimum of seven feet on all sides.

(7) Fences.

(a) Fences around dwelling units or on the street frontage shall not exceed 36 inches in height.

(b) Fences along nonfrontage property line shall not exceed six feet in height.

(8) Existing Dwellings on the Site. Existing dwellings may be incorporated into the development as a residence or community building, and may be nonconforming to standards. Noncompliance may not be increased.

(9) Renovation and Expansion.

(a) Renovations shall be in keeping with the size and architectural character of the new development.

(b) A covenant restricting any increases in unit size after initial construction beyond the maximum allowed by this section shall be recorded against the property. (Ord. 10-09 § 1 (Exh. A))

18.37.070 Parking and access.

(1) Parking.

(a) Parking spaces required for a cottage housing development shall be 1.3 spaces for studio or one-bedroom units, 1.5 spaces for two-bedroom units, and 1.8 spaces for three-bedroom units.

(i) This provides for no less than one assigned space per unit plus extra spaces for visitors or second vehicles.

(ii) Since cottages are designed for small households, it is expected that only the larger units (3 BR) would require a second assigned space.

(iii) The parking requirement may be reduced to one space per unit if the location is within .3 miles (about 1,600 feet) of a public transit stop which has a.m. and p.m. peak headways of 30 minutes or less. Other parking requirements and reductions specified in Chapter 18.50 CMC shall apply.

(b) Parking and/or garage structures shall be located behind or to the side of the residential area and open space. When feasible they should be accessed from the back of the cottages.

(c) Parking areas and garages shall be screened from common space and public streets by landscaping or architectural screening.

(2) Shared Access and Connectivity.

(a) Whenever possible, shared access with adjacent properties shall be encouraged, and in some cases, it shall be required.

(b) The site shall be designed for future connectivity with adjacent lots. (Ord. 10-09 § 1 (Exh. A))

18.37.080 Accessory structures.

(1) Accessory structures such as garages, carports, storage or tool sheds shall not exceed 200 square feet per unit, or 1,000 square feet per structure for a shared garage providing space for up to five vehicles. More than one such structure is allowed proportionate to the size of the development and number of parking spaces required. Storage space may be included in a garage structure, but vehicle space may not be used for storage or uses other than parking.

(2) The design of garages, carports, and other accessory structures must be similar or compatible with that of the cottages in the development. (Ord. 10-09 § 1 (Exh. A))

18.37.090 Community buildings.

(1) Uses.

(a) Community buildings are intended as an amenity for the use of the cottage housing residents and to help promote the sense of community. They may include a multi-purpose entertainment space, a small kitchen, library, or similar amenities.

(b) Guest quarters, storage space, or a carriage unit could be included as part of a community building.



(2) Design.

(a) The community building should be of similar scale, design, and height as the cottages, with a maximum footprint of 1,000 square feet and with the second floor not to exceed 0.6 square footage of the first floor.

(b) Commercial uses are prohibited in the community building. Day care I may be allowed if all building code and health code requirements are met. (Ord. 10-09 § 1 (Exh. A))

18.37.100 Private and common open space.

(1) Common Open Space.

(a) Common open space is a defining characteristic of a cottage housing development. A minimum of 400 square feet per unit of common open space shall be provided.

(b) Up to 50 percent of the common open space requirement may be provided in an area constrained from development such as a critical area buffer, steep slope, or forested area; provided, that its use by residents respects the environmental constraints and regulations.

(c) Common space should be in one contiguous area, or no more than two separate areas.

(d) Each area should have a minimum dimension of 20 feet on all sides.

(e) The primary entry and porches of the cottages shall be oriented toward the common open space whenever feasible (with the exception of units adjacent to the public right-of-way which should have an entry on the right-of-way).

(2) Private Open Space.

(a) A minimum of 250 square feet of usable private open space shall be provided adjacent to each unit.

(b) Side setbacks shall not apply to the calculation of this private open space.

(c) Front or back yards, porches or decks, or additional side yard beyond the five-foot setback may be included in the calculation of private open space. (Ord. 10-09 § 1 (Exh. A))

18.37.110 Landscaping and vegetation.

(1) The provisions of the Covington tree preservation ordinance (Chapter 18.45 CMC) for commercial development shall apply. Native and drought-resistant vegetation is preferred.

(2) Cottage developments shall be designed around significant trees. Where feasible, existing mature trees which do not pose a safety hazard should be retained.



(3) Areas within a critical area or critical area buffer or within the shoreline management area shall abide by vegetation regulations for those areas.

(4) Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. (Ord. 10-09 § 1 (Exh. A))

18.37.120 Other design requirements.

Cottage housing units shall contain a variety of designs that include articulation of facades; changes in materials, texture, color, and window treatments; and other architectural features so all units do not appear identical. (Ord. 10-09 § 1 (Exh. A))

18.37.130 Ownership options.

Ownership may be fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development. (Ord. 10-09 § 1 (Exh. A))

Chapter 18.40

DEVELOPMENT STANDARDS – LANDSCAPING

Sections:

18.40.010 Purpose.
18.40.020 Application.
18.40.030 *Repealed.*
18.40.040 Landscaping – Screen types and description.
18.40.050 Landscaping – Street frontages.
18.40.060 Landscaping – Interior lot lines.
18.40.070 Landscaping – Building perimeter.
18.40.080 Landscaping – Surface parking areas.
18.40.090 Landscaping – Adjacent to freeway rights-of-way.
18.40.100 Landscaping – General standards for all landscape areas.
18.40.110 Landscaping – Additional standards for required landscape areas.
18.40.120 Landscaping – Alternative options.
18.40.130 Landscaping – Plan design, design review, and installation.
18.40.140 Maintenance.
18.40.150 Financial guarantees.
18.40.160 *Repealed.*
18.40.170 *Repealed.*
18.40.180 *Repealed.*
18.40.190 *Repealed.*
18.40.200 *Repealed.*
18.40.210 *Repealed.*
18.40.220 *Repealed.*
18.40.230 *Repealed.*

18.40.010 Purpose.

The purpose of this chapter is to preserve the aesthetic character of communities, to improve the aesthetic quality of the built environment, to promote retention and protection of existing vegetation; to promote water efficiency, to promote native wildlife, to reduce the impacts of development on drainage systems and natural habitats, and to increase privacy for residential zones by:

(1) Providing visual relief from large expanses of parking areas and reduction of perceived building scale;

(2) Providing physical separation between residential and nonresidential areas;

(3) Providing visual screens and barriers as a transition between differing land uses;

(4) Retaining existing vegetation and significant trees by incorporating them into the site design;

(5) Providing increased areas of permeable surfaces to allow for:

(a) Infiltration of surface water into ground water resources;

(b) Reduction in the quantity of storm water discharge; and

(c) Improvement in the quality of storm water discharge;

(6) Encouraging the use of native plant species by their retention or use in the landscape design;

(7) Requiring water use efficiency through water budgeting and efficient irrigation design standards;

(8) Encouraging the use of a diversity of plant species, which promote native wildlife habitat. (Ord. 42-02 § 2 (21A.16.010))

18.40.020 Application.

(1) All development shall be subject to the landscaping provisions of this chapter; provided, that specific landscaping and tree retention provisions for uses established through a subdivision, short subdivision, commercial site development permit, or conditional use permit application shall be determined during the applicable review process.

(2) Landscaping standards referenced in Chapter 18.31 CMC shall be applicable within the downtown zone. Where all other standards in this chapter may conflict with Chapter 18.31 CMC, the standards contained in Chapter 18.31 CMC shall apply. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.16.020))

18.40.030 Land use grouping.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.16.030))

18.40.040 Landscaping – Screen types and description.

The three types of landscaping screens are described and applied as follows:

(1) Type I Landscaping Screen.

(a) Type I landscaping is a full screen that functions as a visual barrier. This landscaping is typically found adjacent to freeways and between residential and nonresidential areas.

(b) Type I landscaping shall minimally consist of:

(i) A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;

(ii) Between 70 and 90 percent evergreen trees;

(iii) *Repealed by Ord. 10-10*;

(iv) Evergreen shrubs provided at the rate of one per linear four feet of landscape strip and spaced no more than eight feet apart on center; and

(v) Ground cover pursuant to CMC 18.40.110.

(2) Type II Landscaping Screen.

(a) Type II landscaping is a filtered screen that functions as a visual separator. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the street;

(b) Type II landscaping shall minimally consist of:

(i) A mix of evergreen and deciduous trees and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;

(ii) At least 50 percent deciduous trees and at least 30 percent evergreen trees;

(iii) *Repealed by Ord. 10-10*;

(iv) Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and

(v) Ground cover pursuant to CMC 18.40.110.

(3) Type III Landscaping Screen.

(a) Type III landscaping is a see-through screen that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontage or between apartment developments;

(b) Type III landscaping shall minimally consist of:

(i) A mix of evergreen and deciduous trees generally interspersed throughout the landscape strip and spaced to create a continuous canopy;

(ii) At least 70 percent deciduous trees;

(iii) *Repealed by Ord. 10-10*;

(iv) Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and

(v) Ground cover pursuant to CMC 18.40.110. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.16.040))

18.40.050 Landscaping – Street frontages.

The average width of perimeter landscaping along street frontages shall be provided as follows:

(1) Twenty feet of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields;

(2) Ten feet of Type II landscaping shall be provided for an industrial development;

(3) Ten feet of Type II landscaping shall be provided for an above-ground utility facilities development, excluding distribution and transmission corridors, located outside a public right-of-way;

(4) Ten feet of Type III landscaping shall be provided for a commercial or attached/group residence development if not placed adjacent to the property line in conformance with the design manual; and

(5) For all development:

(a) Trees shall be planted at the rate of one tree for every 35 feet of frontage along all public/private streets;

(b) The trees shall be:

(i) Located within the street right-of-way or utility easement, as specified in the City's street standards, adopted by reference in Chapter 12.60 CMC;

(ii) Maintained by the adjacent landowner unless part of a City maintenance program;

(iii) A species approved by the City and compatible with overhead utility lines, if present;

(c) The trees may be spaced at irregular intervals to accommodate sight distance requirements for driveways and intersections. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.16.050))

18.40.060 Landscaping – Interior lot lines.

The average width of perimeter landscaping along interior lot lines shall be provided as follows:

(1) Twenty feet of Type I landscaping shall be included in a commercial or industrial development along any portion adjacent to a residential development;

(2) Five feet of Type II landscaping shall be included in an attached/group residence development, except that along portions of the development adjacent to property developed with single detached residences or vacant property that is zoned R-1 through R-8, the requirement shall be 10 feet of Type II landscaping;

(3) Ten feet of Type II landscaping shall be included in an industrial development along any portion adjacent to a commercial or institutional development; and

(4) Ten feet of Type II landscaping shall be included in an institutional use, excluding playgrounds and playfields, or an above-ground utility facility, except distribution or transmission corridors when located outside a public right-of-way. (Ord. 42-02 § 2 (21A.16.060))

18.40.070 Landscaping – Building perimeter.

The average width of perimeter landscaping along any building/structure parameter shall be provided as follows:

(1) Building frontage placed adjacent to a public right-of-way in conformance with the adopted design manual shall be exempt from this provision.

(2) Five feet of Type III landscaping shall be provided.

(3) Potted landscape material may be substituted for the requirements of subsection (2) of this section in areas designed for outdoor eating with the approval of the Department.

(4) Shrubs may be substituted for a portion of the required trees as prescribed in CMC 18.40.040 as approved by the Department. (Ord. 42-02 § 2 (21A.16.065))

18.40.080 Landscaping – Surface parking areas.

Parking area landscaping shall be provided within surface parking areas with 10 or more parking stalls for the purpose of improving air quality, reducing surface water runoff, providing shade and diminishing the visual impacts of large paved areas as follows:

(1) Residential developments with common parking areas shall provide planting areas at the rate of 20 square feet per parking stall;

(2) Commercial, industrial or institutional developments shall provide landscaping at a rate of:

(a) Twenty square feet per parking stall if 10 to 30 parking stalls are provided; and

(b) Twenty-five square feet per parking stall if 31 or more parking stalls are provided;

(3) Parking islands shall be provided and distributed throughout the parking area as follows:

(a) Parking islands shall be provided at intervals not greater than 10 parking spaces;

(b) Parking islands shall be provided at the end of every parking row;

(4) Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang;

(5) Landscaping around the perimeter of a site that is in addition to the perimeter landscaping required by CMC 18.40.050, and CMC 18.31.130 in the downtown zones, may count toward 10 percent of the required surface parking area landscaping if it is adjacent to the parking area; and

(6) Parking area landscaping shall consist of:

(a) Canopy-type deciduous trees, evergreen trees, evergreen shrubs and ground covers planted in islands or strips;

(b) Shrubs that do not exceed a maintained height of 42 inches;

(c) Plantings contained in planting islands or strips having an area of at least 100 square feet and with a narrow dimension of no less than five feet or as required by the design manual;

(d) Ground cover in accordance with CMC 18.40.110; and

(e) At least 70 percent of trees are deciduous. (Ord. 04-12 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.16.070))

18.40.090 Landscaping – Adjacent to freeway rights-of-way.

(1) All residential developments shall provide a minimum average width of 20 feet of Type I landscaping adjacent to freeway rights-of-way.

(2) All other developments shall provide a minimum average width of 20 feet of Type III landscaping adjacent to freeway rights-of-way. (Ord. 42-02 § 2 (21A.16.080))

18.40.100 Landscaping – General standards for all landscape areas.

All new landscape areas proposed for a development shall be subject to the following provisions:

(1) Berms shall not exceed a slope of two horizontal feet to one vertical foot.

(2) All new turf areas, except all-weather, sand-based athletic fields shall:

(a) Be augmented with a three-inch layer of organic material cultivated a minimum of six inches deep; or

(b) Have an organic content of five percent or more to a depth of six inches as shown in a soil sample analysis. The soil analysis shall include:

(i) Determination of soil texture, indicating percentage of organic matter;

(ii) An approximated soil infiltration rate (either measured or derived from soil/texture /infiltration rate tables). A range of infiltration rates shall be noted where appropriate; and

(iii) Measure Ph value.

(3) Except as specifically outlined for turf areas in subsection (2) of this section, the organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.

(4) Landscape areas, except turf or areas of established ground cover, shall be covered with at least two inches of mulch to minimize evaporation.

(5) Plants having similar water use characteristics shall be grouped together in distinct hydrozones.

(6) Plant selection shall consider adaptability to climatic, geologic, and topographical conditions of the site. Preservation of existing vegetation is encouraged. (Ord. 42-02 § 2 (21A.16.085))

18.40.110 Landscaping – Additional standards for required landscape areas.

In addition to the general standards of CMC 18.40.100, landscape areas required pursuant to CMC 18.40.050 through 18.40.090 shall conform to the following standards:

(1) All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual; provided, that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual;

(2) Single-stemmed trees required pursuant to this chapter shall at the time of planting conform to the following standards:

(a) In parking area landscaping and in street rights-of-way:

(i) Deciduous trees shall have a minimum caliper of 1.75 inches and a height of 10 feet; and

(ii) Coniferous and broadleaf evergreens shall be at least five feet in height;

(b) In all other required landscape areas:

(i) Deciduous trees shall have a minimum caliper of 1.75 inches and a height of 10 feet; and

(ii) Coniferous and broadleaf evergreen trees shall be at least five feet in height.

(c) All trees shall have watering tubes installed per the approved City detail or be watered by an approved irrigation system;

(3) Multiple-stemmed trees shall be permitted as an option to single-stemmed trees; provided, that such multiple-stemmed trees are:

(a) At least six feet in height; and

(b) Not allowed within street rights-of-way;

(4) When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows;

(5) Shrubs shall be:

(a) At least an AAN Container Class No. 2 size at time of planting in Type II, III and parking area landscaping;

(b) At least 24 inches in height at the time of planting for Type I landscaping; and

(c) Maintained at a height not exceeding 42 inches when located in Type III or parking area landscaping;

(6) Ground covers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years;

(7) All fences shall be placed on the inward side of any required perimeter landscaping along the street frontage;

(8) Required street landscaping may be placed within City of Covington street rights-of-way subject to the City road design standards, provided adequate space is maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way;

(9) Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation;

(10) New landscape material provided within areas of undisturbed vegetation or within the protected area of significant trees shall give preference to utilizing indigenous plant species. (Ord. 42-02 § 2 (21A.16.090))

18.40.120 Landscaping – Alternative options.

The following alternative landscape options may be allowed, subject to approval by the Department, only if they accomplish equal or better levels of screening, or when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities would render application of this chapter ineffective or result in scenic view obstruction:

(1) The amount of required landscape area may be reduced to ensure that the total area for required landscaping and/or the area remaining undisturbed for the purpose of wildlife habitat or corridors does not exceed 15 percent of the net developable area of the site. For the purpose of this subsection, the net developable area of the site shall not include areas deemed unbuildable due to their location within sensitive areas and any associated buffers;

(2) The average width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:

(a) Berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; or

(b) The landscape materials are incorporated elsewhere on-site;

(3) In pedestrian district overlays, street perimeter landscaping may be waived provided a site plan, consistent with the applicable adopted area zoning document, is approved that provides street trees and other pedestrian-related amenities;

(4) Where a local or subarea plan with design guidelines has been adopted, the Director shall base the landscaping modifications on the policies and guidelines of such plan;

(5) When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site;

(6) Single-stemmed deciduous tree species that cannot generally be planted and established in larger sizes may have a caliper of less than 1.75 inches; and

(7) The Department shall develop and maintain an advisory listing of trees recommended for new plantings. Such list shall describe their general characteristics and suitability, and provide guidelines for their inclusion within required landscape areas. (Ord. 42-02 § 2 (21A.16.100))

18.40.130 Landscaping – Plan design, design review, and installation.

(1) The landscape plan submitted to the Department shall be drawn on the same base map as the development plans and shall identify the following:

(a) Total landscape area and separate hydrozones;

(b) Landscape materials botanical/common name and applicable size;

(c) Property lines;

(d) Impervious surfaces;

(e) Natural or manmade water features or bodies;

(f) Existing or proposed structures, fences, and retaining walls;

(g) Natural features or vegetation left in natural state;

(h) Designated recreational open space areas; and

(i) Decorative and street lighting locations.

(2) The proposed landscape plan shall be certified by a Washington State registered landscape architect, Washington State certified nurseryman, or Washington State certified landscaper.

(3) An affidavit signed by an individual specified in subsection (2) of this section, certifying that the landscaping has been installed consistent with the approved landscaping plan, shall be submitted to the Department within 30 days of installation completion, unless the installed landscaping has been inspected and accepted by the Department.

(4) The required landscaping shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required landscaping during the next appropriate planting season. A financial guarantee shall be required prior to issuance of the certificate of occupancy, if landscaping is not installed and inspected prior to occupancy. (Ord. 20-07 § 117; Ord. 42-02 § 2 (21A.16.115))

18.40.140 Maintenance.

(1) All landscaping shall be maintained for the life of the project.

(2) All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure.

(3) With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat; other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season.

(4) Landscape areas shall be kept free of trash. (Ord. 42-02 § 2 (21A.16.180))

18.40.150 Financial guarantees.

Financial guarantees shall be required consistent with the provisions of CMC Title 14.

(1) Prior to receiving a temporary or permanent occupancy certificate for any building or structure for which landscaping is required, an applicant shall provide a performance guarantee adequate to secure the completion and improvement of required landscaping, in accordance with the approved site plan, within three months following issuance of the building or buildings temporary or permanent occupancy certificate, whichever comes first.

(2) Performance guarantees for landscaping shall be sufficient to cover the cost of conformance with conditions of the permit, and shall be required for a period of two years after the planting or transplanting of vegetation to insure proper installation, establishment and maintenance. This time period may be extended by one year by the Director, if necessary to cover a planting and growing season.

(3) The Director may extend the time limit for compliance with the above landscaping requirement up to one year after issuance of the occupancy certificate if circumstances beyond the control of the applicant warrant an extension. The request for an extension shall be in writing, accompanied by a fee for the extension request as set forth in the current fee resolution, and a schedule for completion of remaining work.

(4) Fees. Landscaping installation inspections, performance guarantee release inspections, and requests for extensions are subject to fees as set forth in the current fee resolution. (Ord. 20-07 §§ 85, 118; Ord. 43-02 § 2; Ord. 42-02 § 2 (21A.16.190). Partially from former 14.110.070)

18.40.160 Water use – Applicability of water budget for landscape areas.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.16.300))

18.40.170 Water use – Irrigation water budget calculated.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.16.310))

18.40.180 Water use – Estimated water use calculated.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.16.320))

18.40.190 Water use – Irrigation efficiency goals and system design standards.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.16.330))

18.40.200 Water use – Irrigation system design, design review and audit at installation.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.16.340))

18.40.210 Water use – Irrigation design plan contents.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.16.350))

18.40.220 Water use – Irrigation schedules.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.16.360))

18.40.230 Water use – Irrigation system maintenance.

Repealed by Ord. 10-10. (Ord. 42-02 § 2 (21A.16.370))

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Chapter 18.45

TREE PRESERVATION AND PROTECTION

Sections:

18.45.010 Short title.
18.45.020 Purpose and intent.
18.45.030 Definitions.
18.45.040 Applicability of regulations.
18.45.050 Exemptions from tree permits.
18.45.060 Permits and permit requirements.
18.45.070 Permit standards and conditions for all minor tree removal and major tree clearing.
18.45.080 Tree preservation, tree tracts and tree replacement requirements.
18.45.090 Heritage tree(s).
18.45.100 Tree maintenance standards and best pruning practices.
18.45.110 Tree preservation modification and departure options.
18.45.120 Performance guarantees, liability, insurance and licensing.
18.45.130 Enforcement, violations and penalties.
18.45.140 Appeals.
18.45.150 Severability.

18.45.010 Short title.

This chapter shall be known and may be cited as the tree preservation ordinance of the City of Covington. (Ord. 04-08 § 2)

18.45.020 Purpose and intent.

The intent of this chapter is to establish regulations and procedures for preservation of trees, to preserve the character of the community, to successfully retain desirable trees on developing and redeveloping sites, and to maintain a viable tree canopy for the City of Covington. Specifically the regulations contained in this chapter are intended to accomplish the following goals and objectives:

(1) Promote the public health, safety and general welfare of the citizens of Covington;

(2) Implement the purposes of the State Growth Management Act relating to conservation of natural resources;

(3) Support and implement the City of Covington Comprehensive Plan and its Environmental Element;

(4) Implement the goals of the State Environmental Policy Act (SEPA);

(5) Improve the aesthetic quality of the built environment by reducing impacts on wetlands, streams and the natural environment;

(6) Minimize erosion, siltation, water pollution, and surface and ground water runoff;

(7) Preserve significant trees for the reduction of noise and air pollution, wind protection, animal habitat, slope stabilization and retention of ground water;

(8) Assist with removing hazardous trees;

(9) Provide for delivery of reliable utility services, for reasonable development of property, for reasonable preservation or enhancement of property values, and for increases in privacy for residential sites;

(10) Promote building and site planning practices that are consistent with the City's natural topography, soils, and vegetation features;

(11) Provide an appropriate amount and quality of tree retention related to future land uses;

(12) Provide for increased areas of permeable surfaces that allow for infiltration of surface water into ground water resources, reduction in the quantity of storm water discharge, and improvement in the quality of storm water discharge; and

(13) Provide for regulations that are clear, understandable, user friendly, easy to administer, and cost effective to enforce. (Ord. 04-08 § 2)

18.45.030 Definitions.

Unless otherwise clearly indicated by the context, certain words and phrases used in this chapter shall have the following meanings. Words used in the singular include the plural, and words used in the plural, include the singular. Words used in the masculine gender include the feminine.

"Arborist" means an individual trained in the art and science of planting, caring for, and maintaining individual trees, and is currently certified by the International Society of Arboriculture.

"Brushing" means an allowed practice of removing ground cover, shrubs and vegetation not defined as a tree to create better visibility on a site for purposes of public safety, surveying or marketing.

"Caliper" means the diameter of a tree trunk, applied only to new or replacement nursery-grown trees, measured six inches above the ground for up to and including four-inch caliper size trees and 12 inches above the ground for larger sizes.

"City" means the City of Covington, King County, Washington.

"Clearing" or "land clearing," for purposes of this chapter, means the direct and indirect removal of trees, including topping and limbing, from any public or private undeveloped, partially developed, or developed lot, public lands, public right-of-way, or utility easement. This shall also include any destructive or inappropriate activity applied to a tree that will result in its death or effectively destroy the functionality. "Clearing" shall not include landscape maintenance, brushing, or pruning consistent with accepted horticultural practices which does not impair the health, survival or function of trees.

"Critical root zone" is the area where the tree's roots are located and is the area surrounding a tree measured at a radial distance from the trunk equal to one foot for every one-inch diameter of tree.

"DBH" means diameter at breast height. DBH is a tree's diameter in inches at four and one-half feet above the ground at the lowest point surrounding the trunk, and is used to measure existing trees on a site. On multi-stemmed or multi-trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at DBH.

"Department" means the City of Covington Department of Community Development or its successor agency.

"Director" means the Community Development Director of the City of Covington or his or her duly authorized designee.

"Drip line" of a tree means an imaginary line on the ground created by the vertical projection of the foliage at its greatest circumference.

"Grading," for purposes of this chapter, is any excavation, filling or combination thereof.

"Ground cover" means any living plant material normally terrestrial, growing low to the ground, or other small trees less than four inches in DBH and not defined as a tree, all of which are intended to stabilize soils and protect erosion.

"Hazard tree," for purposes of this chapter, means any tree determined by an arborist to have a structural defect, combination of defects, or disease, resulting 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.

"Heritage tree(s)" means any tree, or grove of trees, that has historical significance to a person, place or event; has attained significant size in height, caliper or canopy spread for its age and species to be a specimen tree; has special aesthetic qualities for its species to be unique or rare; is visible to the public and has exceptional value to the residents of the community; and is not a hazard as defined herein.

"ISA" means International Society of Arboriculture.

"Landscape architect" means an individual currently licensed by the State of Washington as a landscape architect.

"Land use application" means an application, supplied by the Department, which must be completed and accompany any submittal packet for the desired development permit.

"Normal and routine maintenance" means the standard practice and care of trees and vegetation normally required to maintain life, including watering, feeding or fertilizing, spraying, pruning and trimming according to best management practices, and removing of dead or unhealthy branches.

"Parks and Recreation Commission" means the named advisory commission that oversees the community parks, recreation, and forestry programs, and reports to the City Council.

"Person" means any individual, organization, society, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, governmental agency, public or private utility, cooperative, interstate body or other legal entity.

"Pruning" means cutting back of limbs larger than one and one-half inches in diameter.

"Significant tree," for purposes of this chapter, means any healthy tree of six inches DBH or larger.

"Tree" means any woody plant characterized by one main stem or trunk and many branches, or multi-stemmed trunks which have a diameter individually or cumulatively of four inches DBH or larger.

"Tree appraisal" is a method of calculating the value of a tree, which shall be based on the "trunk formula method" as set forth in "The Guide for Plant Appraisal" authored by the Council of Tree and Landscape Appraisers.

"Tree enhancement plan" means a plan prepared by a certified arborist, licensed landscape architect, or certified forester and required of all commercial or industrial properties greater than two acres in size when any tree removal or tree clearing takes place. The tree enhancement plan shall combine tree preservation of existing trees to the extent feasible along with tree replacement and replanting equal to at least 15 percent of the number of significant trees existing on the site prior to any tree removal. The tree enhancement plan shall incorporate trees in as many areas as feasible such as tree tracts, boundary trees, perimeter landscaping, parking lot landscaping, street and driveway trees, facade landscaping, or other viable stands of trees, considering the type of commercial or industrial development.

"Tree harvesting" means tree logging, felling, cutting, or taking of trees, standing or down, on privately or publicly owned land for sale or for commercial, industrial, or other use, governed under RCW 76.09.470.

"Tree inventory" means a detailed list of all trees of four inches DBH or larger, located on a site for which a tree permit is required, and which is prepared by a certified arborist, licensed landscape architect, certified forester, or other qualified tree professional. A tree inventory shall be included on a site plan drawn to scale, and provide the number, size, approximate height, specific location, and tree species of all trees of four inches DBH or larger, with a summary of all significant trees in sufficient detail for the City to review.

"Tree owner" means the owner of the real property where 51 percent or more of the diameter of the trunk of the tree at ground level is located.

"Tree topping" is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

"Tree tract" is a separate portion of land, specifically set aside for the preservation, retention or protection of existing trees or the planting of new trees to maintain a beneficial tree canopy in a subdivision or on a development site and that meets minimum tree preservation requirements of this code. The tree tract shall be a separate designated lot(s) or tract(s) shown on the subdivision plat map, site development plan, or binding site plan and shall be recorded with appropriate description of purposes and restrictions. Restrictions applied to the tree tract will reserve the tract for the protection and preservation of trees in perpetuity. Tree tracts can be used for other open space uses when such use is compatible with trees and will not impact tree health. The tract shall be dedicated to, and owned and maintained by, the home owner(s), property owners association, or comparable entity.

"Vegetation" means any and all organic plant life growing at, below or above the soil surface. (Amended at request of department 2/08; Ord. 04-08 § 2)

18.45.040 Applicability of regulations.

(1) These regulations shall not be applicable to:

(a) Any single-family or multifamily lot one acre or less in size;

(b) Any commercial or industrial lot two acres or less in size; or

(c) Any lot or tract with less than 20 "significant trees" as defined.

(2) These regulations shall apply to the following parcels of land unless further exempted in CMC 18.45.050:

(a) Any residentially zoned parcel of land between one acre and two acres in size that is subdivided regardless of the number of lots created, and which contains 20 significant trees. (See CMC 18.45.060(1), Minor Tree Removal Permits, and CMC 18.45.080, Tree preservation, tree tracts and tree replacement requirements.)

(b) Any residentially zoned parcel of land between one acre and two acres in size that is not subdivided but is either vacant of structures, or contains existing structures proposed for demolition, replacement, expansion or development, and which contains 20 significant trees where tree removal and/or land clearing is undertaken individually by itself or in conjunction with any required building or land use permit. (See CMC 18.45.060(1), Minor Tree Removal Permits, and CMC 18.45.080, Tree preservation, tree tracts and tree replacement requirements.)

(c) Any parcel of land two acres or greater in size that is subdivided regardless of the number of lots created, and which contains 20 significant trees. (See CMC 18.45.060(2), Major Tree Clearing Permits, and CMC 18.45.080, Tree preservation, tree tracts and tree replacement requirements.)

(d) Any parcel of land two acres or greater in size that is not subdivided but is either vacant of structures or contains existing structures proposed for demolition, replacement, expansion or development, and which contains at least 20 significant

trees where any tree removal and/or land clearing is undertaken individually by itself or in conjunction with any required building or land use permit. (See CMC 18.45.060(2), Major Tree Clearing Permits, and CMC 18.45.080, Tree preservation, tree tracts and tree replacement requirements.) (Ord. 04-08 § 2)

18.45.050 Exemptions from tree permits.

The following activities are exempt from both the minor tree removal permit and major tree clearing permit requirements of CMC 18.45.060, 18.45.070, and 18.45.080, unless they disturb any critical area or critical area buffer, or identified shoreline jurisdiction, or unless they cause a major adverse impact to runoff and diversion of storm water or streams, erosion, risk of landslide, infiltration of pollution into ground water, or major adverse impacts to safety and security of adjacent properties, as determined by the Director:

(1) Sites with 20 Significant Trees or Less. Any site, proposed for subdivision, development, redevelopment or building construction, regardless of size, which does not contain at least 20 significant trees as defined herein.

(2) Emergency Removal of a Hazard Tree or Trees. Emergency removal of hazard tree(s) as defined in order to prevent imminent danger to persons or structures. Such removal shall be reported to the City within 10 days of removal on a form provided by the City. This exemption shall not apply to existing trees located within designated tree tracts.

(3) Normal and Routine Maintenance of Existing Trees. Any normal and routine maintenance of existing trees, but not to include utility easements; provided, that said maintenance does not involve removal of healthy trees and is not detrimental to the health of any trees. Trenching or digging to a depth of greater than one foot within the critical root zone and tree topping is not allowed.

(4) Commercial and Wholesale Nurseries and Tree Farms. Removal of trees which are being grown within commercial and wholesale nurseries or tree farms to be sold as landscape or Christmas trees.

(5) Tree Harvesting with a Forest Practices Permit. Any harvesting with a forest practices permit issued by the Washington State Department of Natural Resources under RCW 76.09.470.

(6) Residential Sites One Acre or Less and Commercial or Industrial Sites Two Acres or Less. Removal of trees, brushing and ground cover from single-family or multifamily residential lots of one acre or less, and commercial or industrial lots of two acres or less, as long as no critical area or its buffer is disturbed, and no land clearing, grading or filling is involved.

(7) Any Site in the Commercial or Industrial Zones, Provided a Tree Enhancement Plan is Submitted and Approved. Any site, tract, lot or subdivision located in the DN, CC, CN, or I zones, provided such sites, as part of their subdivision, development or redevelopment permit, submit a tree enhancement plan to replant trees as outlined in CMC 18.45.080(7).

(8) Removal of Trees on City-Owned Property for Installation of Utilities and Public Facilities and Maintenance of Property. Removal of trees on any city-owned right-of-way or tract for installation of any public infrastructure, including streets, utilities or public facilities, or for maintenance and operation of any existing facilities.

(9) Partial Exemption for Developed Single Family and Multifamily Lots. On existing developed single-family and multifamily lots greater than one acre in size, removal of trees without a permit is allowed within an existing or proposed building footprint and within 30 feet of such building footprint. In addition, no permit is required for tree removal within 15 feet from all accessory structures, roads, driveways or utility easements associated with such building footprints. Exempted areas for tree removal are measured from the edge of a building wall, road, drive, or easement out to the critical root zones of any tree. (That portion of the lot or tract outside of the aforementioned area, which is exempted from tree removal permits, shall be treated as undeveloped and unplatted property for the purposes of this chapter and shall be governed by requirements for a major tree clearing permit, and preservation of trees in a tree tract, tree conservation easement or tree enhancement plan and tree replanting as outlined in CMC 18.45.060, 18.45.070, and 18.45.080.)

(10) Partial Exemption for Developed Commercial and Industrial Lots. On developed commercial or industrial lots greater than two acres in size, removal of trees without a permit is allowed within an existing or proposed building footprint and within 30 feet of such building footprint. In addition no permit is required for tree removal within 15 feet from all accessory structures, roads, driveways or utility easements associated with any primary building footprints. Exempted areas for tree removal are measured from the edge of a

building wall, road, drive, or easement out to the critical root zones of any tree. (That portion of the lot or tract greater than the aforementioned area exempted from tree removal permits shall be treated as undeveloped and unplatted property for the purposes of this chapter and shall be governed by requirements for a major tree clearing permit and preservation of trees in a tree tract, tree conservation easement or tree enhancement plan and tree replanting as outlined in CMC 18.45.060, 18.45.070, and 18.45.080.)

(11) Limited Exemption for Firewood Removal. Removal of up to four trees annually for personal use as firewood, not resale, from any residentially zoned parcel of land between one and 10 acres, provided the property owner does not remove trees below the minimum 20-tree threshold for tree preservation as required in CMC 18.45.080. (Ord. 04-08 § 2)

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.

(1) Minor Tree Removal Permits.

(a) Minor tree removal permits are those permits involving removal of trees on lots greater than one acre and less than two acres in size, or on property or easements granted to public utilities, unless the activity falls within an exemption listed in CMC 18.45.050, in which case no permit is required;

(b) The minor tree removal permit required by this subsection shall be in addition to any other permit(s) which will or have been issued by the City or any other governmental agency with jurisdiction over all or part of the proposed activity or land which is part of the activity;

(c) A minor tree removal permit, with prescribed fee, shall require an application and site plan with two copies on a form to be provided by the Director, in accordance with permit submission requirements outlined in subsection (3) of this section;

(d) The Director shall review the minor tree removal permit and accompanying site plan and take action to approve, approve with conditions, or deny the permit. The City may ask for more detailed submittal information to meet the requirements of this code;

(e) A minor tree removal permit shall be a Type I permit governed by Chapter 14.30 CMC;

(f) A minor tree removal permit may be applied for as a freestanding permit by itself or in conjunction with any other associated land use application, engineering design permit, site development permit, binding site plan, subdivision, or building permit application.

(2) Major Tree Clearing Permits.

(a) Major tree clearing permits are those permits involving any removal of trees, clearing and grading of land with trees, shrubs, or other ground cover on sites two acres in size or greater, unless the activity falls within an exemption listed in CMC 18.45.050, in which no permit is required;

(b) The major tree clearing permit required by this subsection shall be in addition to any other permit(s) which will or have been issued by the City or any other governmental agency with jurisdiction over all or part of the proposed activity or land which is part of the activity;

(c) A major tree clearing permit, with prescribed fee, shall require an application and site plan with two copies on a form provided by the Director, in accordance with permit submission requirements outlined in subsection (3) of this section;

(d) The Director shall review the major tree clearing permit and accompanying site plans and take action to approve, approve with conditions, or deny the permit. The City may ask for more detailed submittal information to meet the requirements of this code;

(e) A major tree clearing permit shall be a Type II permit governed by Chapter 14.30 CMC;

(f) A major tree clearing permit may be applied for as a freestanding permit by itself or in conjunction with any other associated land use application, engineering design permit, site development permit, binding site plan, subdivision, or building permit application.

(3) Permit and Application Submission Requirements.

(a) Minor Tree Removal Permit Submission Requirements. Minor tree removal permits shall be submitted on application forms provided by the Administrator and shall contain the following information outlined below:

(i) Completed application form, with one copy and appropriate fee;

(ii) The legal description or tax parcel number, and street address for the site;

(iii) A scaled site plan, with property lines, structures, north arrow and date;

(iv) A tree inventory, identifying the species type, size, approximate height, location, and number of both existing trees and those specific trees to be removed;

(v) A statement explaining the scope of work and time schedule for tree removal;

(vi) Information showing the location of existing and proposed improvements, if any, including but not limited to structures, roads, utilities, driveways and trails;

(vii) The approximate location of all critical areas and critical area buffers, and shoreline jurisdiction areas; and

(viii) Any other information, such as erosion and sediment control plans, if applicable, which the Director deems necessary and reasonable for an effective evaluation of the application for a minor tree removal permit.

(b) Major Tree Clearing Permit Submission Requirements. Major tree clearing permits shall be submitted on application forms provided by the Director, with any land use application, engineering design permit, site development permit, binding site plan, subdivision, or building permit on the same site; or by itself as a freestanding permit for any major tree clearing, land clearing or grading permit when no land use or building permit is anticipated. Permit submissions shall contain the following information:

(i) Completed application form with three copies and appropriate fee;

(ii) The legal description or tax parcel number, and street address for the site;

(iii) If critical areas and their buffers, as defined in Chapter 18.65 CMC, exist on the property, then their exact location shall be identified on a topography map showing contours at not greater than five-foot intervals, as determined by a land surveyor. Included shall be any proposed tree cutting, land clearing, landscaping, and replanting activity, within or near such critical areas;

(iv) A scaled site plan, with property lines, north arrow and date, showing the location of existing and proposed improvements;

(v) A tree inventory with date of inventory, north arrow and scale, showing the location, number, size, height, species, and condition of existing trees, and a designation of any trees to be removed and proposed scope of work;

(vi) The location, number, height, caliper, and species of any replanted trees pursuant to any tree replanting or tree enhancement plan requirements;

(vii) Erosion and sediment control plans and mitigation;

(viii) A tree protection plan with fencing details during construction;

(ix) A proposed time schedule for tree clearing, replanting, land restoration, and implementation of erosion control measures;

(x) A discussion and calculations demonstrating that the conditions and standards set forth in CMC 18.45.070 and 18.45.080 are satisfied;

(xi) A performance guarantee quantity worksheet consistent with CMC 18.45.120; and

(xii) Any other information which the Director deems necessary for an effective evaluation of the application for a major tree clearing permit.

(4) Permit Review – Administrative Provisions and Authority.

(a) Decision Types. Minor tree removal permits are a Type I decision, and major tree clearing permits are a Type II decision as defined in Chapter 14.30 CMC.

(b) Extent of Authority Within Permit Review Process. The Director shall have the authority to approve, modify, approve with conditions, or deny such permits in accordance with the intended purposes of this chapter as well as the standards and requirements set forth in CMC 18.45.060, 18.45.070, and 18.45.080. If the Director determines that the application complies with all criteria and standards set forth in this chapter, then a minor tree removal or major tree clearing permit shall be issued.

(c) Length of Permit Validity. Permits granted hereunder as a freestanding permit and not associated with another land use or building permit shall be valid for 180 days. One 180-day extension is allowed by the Director for reasonable, extenuat-

ing circumstances, and must be requested in writing prior to the expiration date. Otherwise a new permit shall be required. Permits granted hereunder which are associated with and accompany another land use, site development, or building permit shall be valid for the length of time associated with the accompanying land use permit, engineering design permit, site development permit, binding site plan, subdivision, or building permit.

(d) Suspension or Revocation Allowed. Permits may be suspended or revoked by the Director if granted on the basis of inaccurate or misleading information or upon the violation of any provision of this chapter.

(5) Tree Protection and Tree Fencing Standards. The following tree protection, fencing, and tree care standards shall be implemented and followed prior to, during, and subsequent to any subdivision, development, redevelopment, construction, tree clearing, or tree replacement as part of the conditions of any permit on land greater than one acre:

(a) No tree clearing shall be allowed on a site until all required permits have been obtained;

(b) An area of prohibited disturbance, generally corresponding to the critical root zone of a significant tree, shall be identified during the construction stage, and temporary fencing in accordance with subsection (5)(d) of this section shall be established prior to any tree clearing and/or grading. Fencing shall remain throughout construction. If any sign of disturbance is observed by the City within the tree protection area, a stop work order may be issued until corrections are made and any damage is restored;

(c) No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within tree protection zones as defined by such fencing or stakes;

(d) Construction fencing shall be placed along the boundary of the tree's critical root zone or tree tract. The location and material of the fence must be shown on the approved tree enhancement plan, tree clearing permit or clearing and grading plan. The fence material must be in place before any clearing, grading, tree cutting, or construction begins on the site and must remain in place until construction and final inspection are complete. The fence must meet one of the following standards:

(i) Five-foot high, orange, plastic, secured to the ground with seven-foot metal posts or T-posts; or

(ii) Five-foot high, steel or chain link, attached to concrete blocks.

The fence must be maintained in satisfactory condition throughout construction and repaired immediately if damaged, and failure to maintain said fence may result in a stop work order being issued until such time as the tree protection fence is repaired;

(e) A tree designated for preservation shall not have the soil grade altered within its critical root zone or within six feet of its trunk, whichever is greater. The grade may be lowered if a certified arborist with the concurrence of the Director determines the impact of lowering the grade within the area described in this subsection will not adversely affect the health of the tree;

(f) Trees shall not be designated for preservation if they are dead, diseased, or a hazard tree;

(g) Grade level changes described in subsection (5)(e) of this section shall be done according to a plan prepared by a certified arborist that includes measures to reduce adverse impacts on trees;

(h) No work shall be allowed within the critical root zone unless approved by the Director with appropriate mitigation measures;

(i) Any trees which are staked at the time of planting shall have stakes removed when appropriate for stability, but in no case longer than three years after planting, unless new staking measures are approved by the Director; and

(j) Alternative tree protection methods may be used if determined by the Director to provide equal or greater tree protection.

(6) Permit Fees. Fees for minor tree removal permits and major tree clearing permits shall be as specified in a fee resolution or by another method approved by the Covington City Council.

(7) Tree Removal Surrounding Existing or Proposed Building Footprints. Any existing residential lot or site greater than one acre in size or any existing commercial, or industrial lot or site greater than two acres in size, either of which is not subdivided, shall be allowed to remove trees without a tree permit, within a proposed building footprint, within 20 feet of the existing or proposed building footprint, and within 10 feet of any roadway, driveway, or utility easement, as described in CMC 18.45.050, Exemptions from tree permits, when such removal is undertaken with a valid building permit. Removal of any trees outside of these exempt areas, measured from the existing or proposed building footprint, and without a valid building

permit, shall be required to obtain a minor tree removal permit or major tree clearing permit in accordance with this section.

(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. (Ord. 04-08 § 2)

18.45.070 Permit standards and conditions for all minor tree removal and major tree clearing.

Unless otherwise approved by the Director pursuant to any applicable exemptions, all minor tree removal and major tree clearing permits within the City shall conform to the following standards and conditions and be governed by such criteria for their issuance or denial:

(1) The tree clearing activity shall not significantly create or contribute to blowdowns, landslides, accelerated soil creep, settlement, subsidence or other hazards associated with strong ground motion and soil liquefaction;

(2) No topping of trees as defined herein is allowed as part of any regulated activity;

(3) The tree clearing activity shall not create or contribute to flooding, erosion or increased turbidity, siltation or other forms of pollution in any waters of the State;

(4) Tree clearing activity shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time, consistent with the anticipated construction schedule;

(5) Timber harvesting and conversion of forested lands to non-forestry use within the City of Covington shall not be permitted until such time as a valid forest practices application, permit and notification, under the State Forest Practices Act and Rules, has been submitted, evaluated and issued by the Washington State Department of Natural Resources. If, prior to tree harvesting or conversion of forested lands to non-forestry use, a lot owner has not received a permit for future conversion of the site to some non-forestry use or other permitted land use activity, the City shall prohibit application for any land use, development or engineering permit(s) for that site for a period of 10 years. This condition applies to the site, not site owner. All landowners of timbered or forested lands falling within applicable regulations of RCW 76.09.470 shall notify the City of Covington and the State Department of Natural Resources (DNR) and show proof of full compliance with RCW 76.09.470. Upon being contacted by a landowner under RCW 76.09.470, the City of Covington shall notify the State DNR and ensure compliance with such regulations; and

(6) To assure protection of the critical root zone, visual marking of the critical root zone with fencing shall be installed and remain in place throughout any construction. Those trees or ground cover designated for preservation shall not be damaged by scarring, grade changes, dumping or storage of materials, back filling or compaction of soil around trees, or by any other activity that can damage roots or trunks. Land clearing equipment and machinery shall at all times remain outside the critical root zone of any tree designated for retention, except where such area encompasses any road or constructed pathway, during which approved mitigation will be required for encroachment into such critical root zone. (Ord. 04-08 § 2)

18.45.080 Tree preservation, tree tracts and tree replacement requirements.

(1) Tree Preservation Methods for Residential Zones. The following tree preservation methods apply to all residential zoned lands on sites greater than one acre in size.

(a) When land greater than one acre in size is subdivided, regardless of the number of lots created, if at least 20 significant trees exist on the site prior to subdivision, trees shall be preserved in one or more tree tracts and subject to a tree preservation plan, prepared by a certified arborist, landscape architect, or forester, and submitted and approved as part of either a minor tree removal permit or a major tree clearing permit. Any site with at least 20 significant trees, but which cannot meet the tree preservation requirements with existing trees, shall be required to supplement any required tree tract with tree plantings at least two inches in caliper from the published City list of Pacific Northwest native trees as outlined in subsection (9) of this section. Cutting of significant trees on a site and proposing replanting of trees when the tracts do not contain the required minimum 20 significant trees is not allowed without specific review and approval of the Director after the tree tracts are proposed. As many significant trees as practical shall be preserved and identified in the required tree preservation plan.

(b) When land is proposed for development, redevelopment, construction or demolition, on sites greater than one acre in size, without a subdivision of land, involving removal of trees, if at least 20 significant trees exist on the site prior to development, trees outside of any proposed building footprint or partially exempted tree removal area outlined in CMC 18.45.060(7) shall be preserved and protected with a tree conservation easement filed with the County. Future subdivision of such land may modify any required conservation easement as long as applicable tree preservation requirements are met. Any site with at least 20 significant trees but which cannot meet the tree preservation requirements with existing trees shall be required to supplement any required tree conservation easement with tree plantings at least two inches in caliper from the published City list of Pacific Northwest native trees as outlined in subsection (9) of this section. Cutting of significant trees on a site and proposing replanting of trees when the tracts do not contain the required minimum 20 significant trees is not allowed without specific review and approval of the Director after the tree tracts are proposed. As many significant trees as practical shall be preserved and identified in the required tree preservation plan.

(2) Tree Preservation Methods for Commercial and Industrial Zones. The following standards apply to commercial and industrial sites greater than two acres in size, whether part of a formal subdivision or part of any development, redevelopment, construction or building permit:

(a) Trees shall be preserved through a tree enhancement plan, submitted and approved with the engineering design permit and approved by the Director. There is no minimum size or percentage of land required to be devoted to tree preservation or tree enhancement. Instead, all commercial and industrial development must prepare and submit a tree enhancement plan which combines preservation of existing trees and tree replanting that will best provide tree enhancement within and/or surrounding any proposed commercial and industrial development. Up to 15 percent of the existing significant trees on site prior to development should be retained within the tree enhancement plan, or they shall be replanted at a two-to-one ratio. Such tree enhancement plan shall be prepared by a certified arborist, licensed landscape architect or qualified forester. Replanting shall be from the published City list of Pacific Northwest native trees as outlined in subsection (9) of this section.

(b) The Director shall have the authority to reduce the required tree replacement ratio where such requirement would conflict with the urban design intent of Chapter 18.31 CMC. In such cases the Director shall ensure that representative native vegetation is retained or replanted totaling at least five percent of the site area and that enhanced land-

scaping is provided in excess of the requirements contained in CMC 18.31.130.

(3) Tree Preservation Standards for Residentially Zoned Properties Greater Than One Acre in Size. The following standards apply to sites greater than one acre in size for all residentially zoned properties, whether part of a formal subdivision or any development or redevelopment permit, where trees shall be preserved in tree tracts or a tree conservation easement, regardless of the size or number of lots. Tree tract or tree conservation easement size and percentage of sites devoted to tree preservation shall meet the following standards, and multiple tree tracts are allowed:

(a) For sites between one acre and five acres, the total area devoted to tree tracts or tree conservation easements shall be five percent of the total land within the subdivision or on the site of any development, less any critical areas. The minimum size of a tree tract shall be 2,178 square feet.

(b) For sites five acres or greater, up to 30 acres, the total area devoted to tree tracts or tree conservation easements shall be seven percent of the total land within the subdivision or on the site of any development, less any critical areas. The minimum size of a tree tract shall be 7,000 square feet.

(c) For sites 30 acres or greater, the total area devoted to tree tracts or tree conservation easements shall be nine percent of the total land within the subdivision or on the site of any development, less any critical areas. The minimum size of a tree tract shall be 15,000 square feet.

(d) Tree Tract or Tree Conservation Easement Boundary. The tree tract or easement boundary shall be at least five feet from the critical root zone of any trees to be protected and preserved within the tract or easement.

(e) Location of Tree Tract or Tree Conservation Easement. Tree tracts or easements should be located according to the priority location list in subsection (5) of this section.

(f) Alternative Tree Canopy Plan. As an alternative to the above prescriptive standards for minimum size and number of tree tracts or easements, and minimum percentage of significant trees to be saved, an applicant may accomplish required tree preservation within any proposed subdivision by preserving 20 percent of the total existing tree canopy in tree tracts on the site. The exact amount of existing tree canopy on the site prior to subdivision shall be satisfactorily demonstrated on ortho-photo maps, flown and verified within the last three years, and supplied by the applicant as part of a major tree clearing permit and required "tree preservation plan."

(4) Tree Preservation Percent Requirements for Significant Trees in Residential Zones. In accordance with subsection (3) of this section, a minimum number of significant trees shall be preserved within all tree tracts or tree conservation easements in residential zones. The total land area devoted to tree tracts or easements as required under this chapter shall contain significant trees equal to at least 15 percent of the number of identified significant trees on the site prior to subdivision or development, but in no case less than 20 significant trees.

(5) Priority Location of Tree Tracts and Concurrent Reduction in Percent Requirements for Land Devoted to Tree Tracts in Residential Zones. Placement of tree tracts is encouraged in certain areas to enhance their viability and to complement natural and environmental features of the property. The following priority locations are encouraged for placement of all trees in designated tree tracts. When such tree tracts are located according to the following priority, a subdivision or development is eligible for up to a one percent reduction in the percent requirements for land devoted to tree tracts. For example, if a 10-acre site is required to set aside seven percent of the total site area for tree preservation in tree tracts according to subsection (3)(b) of this section, and those tracts are located adjacent to an identified critical area, then a reduction to six percent of the total site area for tree tracts may be allowed by the Director.

(a) Priority Locations for Tree Tracts.

(i) Adjacent to identified critical areas and critical area buffers.

(ii) Adjacent to existing public or private parks.

(iii) Adjacent to existing trails or trail systems.

(iv) Adjacent to existing stands of significant trees on adjacent property boundaries.

(v) Adjacent to existing storm water retention systems.

(vi) Adjacent to significant wildlife habitat areas.

(vii) Adjacent to contrasting land uses where establishing a tree buffer will enhance both properties and reduce potential impacts of dissimilar land uses.

(6) Reduction of Size of Tree Tracts for Preserving Multiple Significant Trees. A one percent reduction in the percent requirements for land devoted to tree tracts may be granted if the required tree tract contains at least 10 native coniferous trees greater than 12 inches DBH. Such trees must be documented as healthy and likely to resist "blowdowns" in a wind storm by a certified arborist as part of the tree plans submitted with any subdivision or development application. This one percent reduction in area devoted to tree tracts shall not be combined with other percent reductions allowed in subsection (5) of this section. Total required land amounts devoted to tree tracts may only be reduced up to a maximum of one percent either by priority location incentives in subsection (5) of this section or by multiple significant tree preservation incentives in this subsection (6).

(7) Replanting Standards for Sites Deficient in Trees and Not Able to Meet Tree Tract Requirements For Sites Proposed For Subdivision, Development, or Redevelopment. Any residential site greater than one acre in size, or commercial/industrial site greater than two acres in size, which contains a minimum of 20 significant trees, but still lacks significant trees sufficient to meet required standards after proposed development, as determined by the Director and as outlined in this section, shall be required to supplement any existing significant trees with new plantings of trees up to the required significant tree minimum. Tree species for new tree plantings shall be selected from a list of Pacific Northwest native trees published by the City. At least 60 percent must be coniferous. All trees shall be at least two inches in caliper. Replanting of trees to bring a tree tract up to the 20 tree minimum shall be at a ratio of two to one for the deficient number of significant trees less than the required 20 tree minimum.

(8) Maintenance of Tree Tracts. All tree tracts required under this code shall require a permanent maintenance agreement to be approved by the City on forms provided by the Director, which designates the private home owner association, property owner association, or other private entity responsible for said maintenance of trees. All tree tracts shall provide a guarantee for reasonable accessibility for future tree maintenance.

(9) Pacific Northwest Native Trees Required. Any tree(s) to be planted as part of the requirements of this chapter to fulfill tree tract, tree conservation easement, tree preservation or tree enhancement plan standards for residential, commercial or industrial property, when sufficient trees do not exist on site, shall be Pacific Northwest native trees on the City-published list. In addition they shall be at least two-inch caliper and shall contain a mix of at least 60 percent coniferous trees.

(10) Three-Year Survivability. Any original or replanted trees required under a tree tract requirement, tree conservation easement or tree enhancement plan as part of the provisions of this chapter shall survive at a rate of 90 percent of the required trees for at least three years from either the date of issuance of the freestanding tree removal permit or tree clearing permit, the date of acceptance of final construction in a subdivision plat, the date of final occupancy for any development or redevelopment permit, or the date of final occupancy for any building permit, whichever is applicable. Required trees that do not meet the 90 percent survival rate for three years shall be replanted at the property owner's expense. Such replanted trees shall then be required to again survive for three years or be replanted at the owner's expense. A financial guarantee for all planting or replanting of required trees under this chapter shall be required on forms acceptable to the City as prescribed in CMC 18.45.120(1). Tree planting or replanting shall occur between October 1st and May 1st of each year, unless written approval is granted by the Director and reasonable provisions are made for irrigation and survivability of replanted trees. Tree planting may be deferred to the next appropriate planting season upon written request and approval by the Director. (Ord. 10-10 § 3 (Exh. C); Ord. 04-08 § 2)

18.45.090 Heritage tree(s).

A heritage tree(s) may be voluntarily designated within the City as outlined in this section following specific criteria herein. In addition, if designated, specific requirements will apply for cutting or removal of such designated heritage tree(s). Removal or cutting of designated heritage tree(s) may also require mitigation as prescribed herein.

(1) Designation of Heritage Tree(s).

(a) The City may inventory and maintain a register of heritage tree(s). The inventory shall be the responsibility of the Parks and Recreation Commission.

(b) A property owner may propose to the City that a heritage tree(s) located on such property be designated as a heritage tree(s). Any city resident may propose that a heritage tree(s) located on public property be designated as such. No tree(s)

may be designated without the approval of the property owner(s) on which the tree(s) or any portion of the tree's branches or canopy, is located. Once approval is given, however, it may not subsequently be withdrawn by the property owner or by a subsequent property owner without a subsequent permit action by the City to remove and mitigate said removal.

(c) If the Director determines the tree(s) satisfies the definition of heritage tree and approves the proposed heritage tree(s) designation, it shall be memorialized in a covenant signed by the City and the property owner(s) and in a form acceptable to the City. The covenant shall require that the heritage tree(s) be maintained in a manner that is consistent with the provisions of this section. The covenant shall be recorded by the county. The City shall pay recording fees. The covenant and designation shall be effective from the date of recording until such time as a tree permit has been issued for the removal or cutting of the heritage tree(s).

(d) Upon request of a property owner, the City shall provide reasonable advice and consultation on maintenance of any heritage tree(s) without charge to the property owner.

(2) Heritage Tree(s) Permit Removal Requirements.

(a) A tree permit to remove a heritage tree(s) as a result of construction work will be granted only if the applicant has used reasonable best efforts to design and locate the project so as to avoid having to remove the heritage tree(s).

(b) A tree permit to remove a heritage tree(s) other than as a result of construction work will be granted only if the applicant demonstrates that the tree removal is necessary for safety, removal of hazardous trees, removal of diseased or dead branches or trees, or if retention of the tree(s) will have a material, adverse and unavoidable detrimental impact on the use of the property.

(3) Heritage Tree(s) Selection Criteria. For any individual tree(s) to be listed as a heritage tree(s), such tree(s) must be in a healthy growing condition, and one or more of the following shall exist:

(a) The tree has a DBH of 18 inches or greater;

(b) The tree has a distinctive size, shape, or location, or is of a distinctive species or age which warrants heritage tree status;

(c) The tree is distinctive due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks or trees located along ridge lines;

(d) The tree has a documented association with a historical figure, property, or significant historical event; or

(e) The tree serves significant benefit for wildlife habitat such as nesting or feeding.

(4) Mitigation Required for Removal of Heritage Tree(s).

(a) Heritage Tree(s) Development Review. When development is proposed for property which contains a heritage tree(s), and the Director determines that the proposed development may affect a heritage tree(s), the property owner must have a heritage tree preservation plan prepared by an ISA certified arborist demonstrating how the heritage tree(s) will be protected and preserved. A heritage tree(s) shall be preserved unless the Parks and Recreation Commission determines that the tree may be removed based on the criteria for heritage tree removal found in subsections (2) and (4) of this section.

(b) A tree preservation plan shall be composed of the following:

(i) A site plan indicating the location of proposed heritage tree(s).

(ii) The methods to be used to preserve the heritage tree(s).

(iii) If a heritage tree(s) is proposed for removal, a narrative statement outlining the reasons why the heritage tree(s) should be removed.

(iv) A mitigation plan indicating the replacement trees or additional new trees to be placed on the site. The mitigation plan should demonstrate, to the extent possible, that the character of the site will not substantially change as a result of the development.

(c) Site design adjustments may be allowed in some cases, as follows:

(i) The Director may grant a variance to front, side, and/or rear yard setback standards by up to 20 percent to retain a heritage tree(s). The adjustment shall be the minimum necessary to accomplish preservation of heritage tree(s) on-site and shall not conflict with the International Building Code or any other permit conditions placed on the property.

(ii) The Director may grant a 10 percent variance to the lot size and/or a 10 percent variance to the lot width and/or lot depth standards in approving a short plat or other land division if necessary to retain heritage tree(s). The Director may accept a preliminary plat application and recommend approval to the hearing body of a plat which provides for similar variance to lot size, width and

depth standards if necessary to retain heritage tree(s). (Ord. 04-08 § 2)

18.45.100 Tree maintenance standards and best pruning practices.

The Director shall prepare and distribute educational materials describing any required, recommended, or accepted tree maintenance and tree care standards for any tree tracts, preservation or enhancement trees, or replacement trees required under this chapter and any best pruning practices, policies, techniques, and procedures for any trees required under this chapter. (Ord. 04-08 § 2)

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18.45.110 Tree preservation modification and departure options.

(1) The purpose of this section is to provide an opportunity for departure or modification of the prescribed tree tract standards or tree enhancement plans under a major tree clearing permit when the specific prescriptive standards of the code are difficult to meet, yet still encourage creative or unique design of viable tree stands in the preservation of trees and tree tracts on all regulated sites greater than two acres in size. The Director shall have authority, consistent with the special conditions stated herein, to modify specific requirements and/or impose alternative standards and requirements in unique or special circumstances to assure the fulfillment of the stated purpose of this chapter and to allow for flexibility and creative design of viable tree stands in preservation of significant trees.

(2) In order to grant a specific modification or departure from prescribed requirements for tree preservation or tree tracts, an applicant, through an alternative tree preservation and mitigation plan, must: (a) demonstrate reasonable efforts to save as many trees as possible, (b) submit a tree preservation and mitigation plan, prepared by a certified arborist, that adequately mitigates for the loss of trees from proposed development, and (c) indicate how the alternative tree preservation and mitigation plan equally or better meets the intent and purpose of this chapter and its tree preservation goals. Alternative options for preservation and mitigation of trees shall include a combination of new tree planting and preservation of a reasonable number of existing significant trees on site, when feasible.

(3) A departure or modification of the prescriptive standards for tree preservation or tree tracts shall be allowed when existing regulations seriously restrict development of the site, in the opinion of the Director, and only if tree tracts detract from the site's ability to accomplish at least two of the following special site conditions:

(a) The ability to preserve natural or native plant areas;

(b) The ability to preserve unique wildlife habitat;

(c) The ability to preserve large numbers of significant or heritage trees;

(d) Opportunities to support the value and functions of critical areas or critical area buffers;

(e) Instances where insufficient significant trees exist on a site that has a unique size, shape or topography;

(f) Instances where the only significant trees are isolated, scattered throughout a site, and/or not able to be concentrated in viable tree tracts;

(g) A site must comply with special vegetation or view easements or corridors; or

(h) Instances where provision of required infrastructure and public safety access requires removal of significant trees. (Ord. 04-08 § 2)

18.45.120 Performance guarantees, liability, insurance and licensing.

(1) Performance Guarantees.

(a) Prior to the issuance of a major tree clearing permit pursuant to CMC 18.45.060, the applicant shall post with the City a form of performance guarantee/financial security, in the amount of 150 percent of the estimated cost of replacing and planting trees consistent with the tree preservation requirements, but in any event not less than $3,000. Said financial security shall be executed by the owner and/or applicant and a corporate surety authorized to do business in the State of Washington as a surety. All guarantees shall be in a form approved by the City Attorney and shall include penalty provisions consistent with this chapter for failure to comply with the conditions of the permit.

(b) The City shall withhold issuance of a major tree clearing permit until the required performance guarantee/financial security is approved by the City Attorney and filed with the City. The City may enforce said guarantees according to their terms and pursuant to any and all legal and equitable remedies.

(c) The performance guarantee shall be released pursuant to a prescribed timeline in the agreement to assure survival of any trees preserved or replanted.

(2) Liability. The owner of private property for which a major tree clearing permit application is submitted may be required to provide a hold harmless/indemnification agreement and covenant not to sue approved by the City and recorded with King County prior to the issuance of the permit. Said agreements shall be negotiated and in a form approved by the City Attorney, and shall run with the land and be binding on the applicant and his/her successors, heirs and assigns for such period of time as shall be determined appropriate by the City. Nothing in this chapter shall be deemed to impose any liability upon the City or upon any of its officers or employees, or to relieve the owner or occu-

pant of any private property from the duty to keep in safe and healthy condition the trees upon their property.

(3) Insurance. Prior to issuing a permit or approving an application, the City may require the applicant to provide a certificate of general liability insurance, with limits of liability in an amount acceptable to the City Attorney, from an insurance company authorized to do business in Washington State, insuring against injury to persons and damage to property, and may require that the City be named as an additional insured.

(4) Licensing. Any person, individual, or corporation, unless an employee or direct agent operating under authority of the City, involved in any tree removal, tree clearing, or tree replanting as part of tree preservation or enhancement related to this chapter, shall first have obtained a valid and current business license from the City of Covington. (Ord. 04-08 § 2)

18.45.130 Enforcement, violations and penalties.

(1) Enforcement, Interpretation and Administration. It shall be the duty of the Director to enforce and interpret the provisions of this chapter. The Director shall have authority to interpret the intent, purpose, provisions, conditions, and standards contained herein; to issue permits and impose conditions on such permits; to enforce the provisions and requirements of this chapter; to establish administrative procedures and guidelines necessary to administer the provisions of this chapter; to conduct inspections; and to prepare the forms necessary to carry out the purposes of this chapter.

(2) Authorized Actions. In addition to other remedies, the City may bring injunctive, declaratory or other actions to enforce this chapter.

(3) Stop Work Orders/Permit Revocation. The Director may suspend work or revoke a permit, as appropriate, if it is found that:

(a) Land clearing or tree removal is not authorized by a valid permit;

(b) Inaccurate information was used to obtain a permit;

(c) The permittee is not complying with any terms of the permit or approved plans;

(d) Work, in the Director's judgment, is a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, watercourse, environmentally critical area, or storm water facility, or is otherwise adversely affecting the public health, safety, or welfare;

(e) Adverse weather is causing significant problems on- or off-site;

(f) Any land clearing or tree removal is being done prior to or outside of other required land use, engineering, building, or site development permits; or

(g) The required project surety has been expended to the point that it no longer provides assurance of the completion of the project in compliance with the terms of the permit.

The Director may issue the permittee/violator a written stop work order specifying the nature of the violation which must be remedied prior to resuming any work on the project. If the permittee does not comply with the order within the time specified, the Director may enter the project site and perform the required work. All costs incurred by the City in performing such work shall be drawn against any financial guarantee posted by the permittee to ensure the enforcement of the provisions of this chapter. In the absence of sufficient financial guarantee or surety, the City may place a lien against the property in the amount of funds expended to perform the required work and any corrective action.

(4) Mitigation and Restoration Plan. Violators of this chapter or a permit issued hereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Director, which provides for mitigation, repair of any tree damage, and restoration of the site, and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s). Violators shall be liable for environmental damage caused thereby and shall be required to mitigate such damage as follows:

(a) Mitigation and Assessment of Tree Value.

(i) In assessing the environmental damage resulting from a violation of this chapter, the Director shall determine the amount and value of the trees and/or ground cover improperly removed or damaged, the cost of replacing said trees and vegetation, and the extent and value of any other environmental damage occasioned by any violation. To determine those values, the Director shall utilize the recommendations of the International Society of Arboriculture.

(ii) In assessing the environmental damage resulting from a violation of this chapter, a cer-

tified arborist shall prepare and submit to the Director a report describing the likely condition of the site had the land clearing activities been conducted in compliance with the requirements of this chapter.

(iii) The Director may also estimate the probable worth of trees and/or ground cover removed by analyzing the best case growing capability of the site, taking into consideration the soil conditions, the health of surrounding tree stands and the type of species believed to have been removed, or whatever resources are available to determine environmental damage.

(iv) Under no circumstances shall environmental damage be less than cost of planting and maintenance to comply with the minimum tree preservation or replanting requirements.

(b) Restoration and Timely Compliance.

(i) When the Director has determined the value of the environmental damage by a violation of this chapter, the Director shall have a comprehensive plan prepared for the restoration of the site which shall include a time schedule for compliance. The cost of preparing such plan shall be assessed against the violator. Said plan shall provide for the rehabilitation of the site and for the installation of new trees and/or ground cover whose value is commensurate to the value of the environmental damage.

(ii) If the Director determines that the cost of restoring the site is less than the value of environmental damage occasioned to the site, then the City may utilize said funds for planting trees, shrubs or other native vegetation in other areas of the City.

(iii) Within the time established in the plan for completion of the mitigation, the applicant and/or property owner shall complete all restoration required therein, including maintenance of trees for three years.

(iv) In the event the violator does not timely implement the restoration plan, the City shall implement the plan by utilizing City employees or by employing a private contractor. Upon completion of said work, the costs thereof shall be due and owing to the City from the violator and the surety, if any, as a joint and separate liability. In addition, the City may seek restitution from the violator through liens or any other available legal means. The violator and the surety shall be jointly and severally responsible for any restoration costs and attorneys' fees incurred by the City.

(5) Prohibition of Further Approvals. The City shall not accept, process, or approve any application for a subdivision or any other land use, building or development permit, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration or other means accepted by the Director and by payment of any penalty imposed for the violation.

(6) Penalties.

(a) Criminal. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of a tree removal or major tree clearing permit in this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed $1,000, or imprisonment not to exceed 90 days or both such fine and imprisonment. Each day shall be a separate offense. In the event of a repeated and/or continuing violations or failure to comply, subsequent violations shall constitute a gross misdemeanor punishable by a fine not to exceed $5,000 or imprisonment not to exceed 365 days or both such fine and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

(b) Civil. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty in accordance Chapter 1.30 CMC.

(c) Revocation of Business License and Prohibition of Future Tree Removal or Tree Clearing Activity. Any person who commits, participates in, assists or maintains such violation of this chapter shall also be guilty of a misdemeanor and may have their Covington business license revoked for one year and may be prohibited from conducting any tree removal, land clearing or grading activities for a period of one year.

(7) Public Nuisance. Any violation of the provisions of this chapter or a violation of a permit issued hereunder is declared to be a public nuisance and may be abated through proceeding for injunctive or similar relief in superior court or other court of competent jurisdiction. (Ord. 04-08 § 2)

18.45.140 Appeals.

(1) Minor Tree Removal Permits (Type I Decision). Minor tree removal permits are Type I decisions with no administrative appeal as specified in Chapter 14.30 CMC.

(2) Major Tree Clearing Permits (Type II Decision). Major tree clearing permits are Type II decisions and may be appealed to the Hearing Examiner as specified in Chapters 2.25 and 14.45 CMC.

(3) Appeal of Director's Interpretation and Determination of This Chapter. The Director's determination or interpretation while administering or enforcing any and all provisions of this chapter, including issuance, conditioning or denial of any permit, or tree preservation plan, or tree enhancement plan, may be appealed to the City's Hearing Examiner in accordance with Chapters 2.25 and 14.45 CMC.

(4) Hearing Examiner Modification of Director's Decision. The City's Hearing Examiner may modify or amend the Director's determination or interpretation based on the following criteria:

(a) Whether the violation involved tree removal for monetary gain;

(b) Whether the appellant has previously violated or intentionally violated provisions of this chapter;

(c) Whether the Director's determination or interpretation substantially exceeds or understates the actual intent and purpose of this chapter; or

(d) Whether the violation was intended or was in reckless disregard of provisions of this chapter.

(5) Appeals Involving Determination of Environmental Damages. For any appeals involving determination of environmental damage as outlined in CMC 18.45.130(4)(a), the Hearing Examiner shall not reduce the Director's valuation of any environmental damage if said amount does not exceed the actual cost of restoring the site pursuant to said restoration plan. If an appeal involves determination of environmental damages as outlined in CMC 18.45.130(4)(a), and if the Hearing Examiner determines that the Director's valuation of environmental damage should be reduced, then the Examiner shall compute the amount of said reduction based upon the following factors:

(a) Whether the appellant voluntarily cooperated with the City's efforts to view and restore the site;

(b) Whether the appellant demonstrated due diligence and/or substantial progress in implementing the site restoration plan; and

(c) Whether the appellant has presented a genuine issue pertaining to the interpretation of any provision of this chapter. (Ord. 02-09 § 12; Ord. 04-08 § 2)

18.45.150 Severability.

If any section, paragraph, subsection, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 04-08 § 2)

Chapter 18.47

PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS

Sections:

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

18.47.010 Findings and declaration of purpose.

The City of Covington Council finds that:

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

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

(3) Present heritage and preservation programs and activities are inadequate for insuring present and future generations of City of Covington residents and visitors a genuine opportunity to appreciate and enjoy our heritage.

(4) The purposes of this chapter are to:

(a) Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the City's, County's, State's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;

(b) Foster civic pride in the beauty and accomplishments of the past;

(c) Stabilize and improve the economic values and vitality of landmarks;

(d) Protect and enhance the City's tourist industry by promoting heritage-related tourism;

(e) Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of City of Covington;

(f) Promote and continue incentives for ownership and utilization of landmarks;

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

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

(i) Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.010). Formerly 14.40.010)

18.47.020 Definitions.

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

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

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

(3) "Certificate of appropriateness" is written authorization issued by the Commission or its designee permitting an alteration to a significant feature of a designated landmark.

(4) "Commission" is the Landmarks and Heritage Commission created by this chapter.

(5) "Community landmark" is an historic resource which has been designated pursuant to CMC 18.47.040 but which may be altered or changed without application for or approval of a certificate of appropriateness.

(6) "Council" is the City of Covington City Council.

(7) "Designation" is the act of the Commission determining that an historic resource meets the criteria established by this chapter.

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

(9) "Director" is the Director of the City of Covington Parks Department or his or her designee.

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

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

(12) "Historic Preservation Officer" is the Director of the City of Covington Parks Department or his or her designee.

(13) "Historic resource" is a district, site, building, structure or object significant in national, State or local history, architecture, archaeology, and culture.

(14) "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in CMC 18.47.040(1). The historic resource inventory is kept on file by the Historic Preservation Officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

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

(16) "Interested person of record" is any individual, corporation, partnership or association, which notifies the Commission or the Council in writing of its interest in any matter before the Commission.

(17) "Landmark" is an historic resource designated as a landmark pursuant to CMC 18.47.060.

(18) "Nomination" is a proposal that an historic resource be designated a landmark.

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

(20) "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the Commission in an historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices hereunder.

(21) "Person" is any individual, partnership, corporation, group or association.

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

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

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

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

(26) "Structure" is any functional construction made usually for purposes other than creating human shelter. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.020). Formerly 14.40.020)

18.47.030 Landmarks and Heritage Commission created – Membership and organization.

(1) There is created the City of Covington Landmarks and Heritage Commission ("Commission") which shall consist of nine regular members and special members selected as follows:

(a) Of the nine regular members of the Commission at least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, landscape architecture, American studies, law, or other historic preservation related disciplines. The nine regular members of the Commission shall be appointed by the City Council. All regular members shall have a demonstrated interest and competence in historic preservation.

(b) The City Council may solicit nominations for persons to serve as regular members of the Commission from Historical Organizations, the American Institute of Architects, the Seattle/King County Bar Association, the Master Builders, the Chambers of Commerce, and other professional and civic organizations familiar with historic preservation.

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

(3) The chairman shall be a member of the Commission and shall be elected annually by the regular Commission members. The Commission shall adopt per Chapter 2.75 CMC rules and regulations, including procedures consistent with this chapter. The members of the Commission shall be governed by the City of Covington code of ethics as hereafter amended. The Commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed with the Council Clerk.

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

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

(6) The Commission may from time to time establish one or more committees to further the policies of the Commission; each with such powers as may be lawfully delegated to it by the Commission.

(7) The Director of the City of Covington Parks Department shall provide staff support to the Commission and shall assign a professionally qualified member of the Department's staff to serve as a full-time Historic Preservation Officer. The Historic Preservation Officer shall be an employee of the Parks Department. Under the direction of the Commission, the Historic Preservation Officer shall be the custodian of the Commission's records. The Historic Preservation Officer or his or her designee shall conduct official correspondence, assist in organizing the Commission, and organize and supervise the Commission staff and the clerical and technical work of the Commission to the extent required to administer this chapter.

(8) The Commission shall meet at least once each month for the purpose of considering and holding public hearings on nominations for desig-

nation and applications for certificates of appropriateness. Where no business is scheduled to come before the Commission seven days before the scheduled monthly meeting, the chairman of the Commission may cancel the meeting. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the action of the Commission upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the Office of the Historic Preservation Officer and shall be public records.

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

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

(11) Commission records, maps, or other information identifying the location of archaeological sites and potential sites shall be exempt from public access as specified in RCW 42.17.310(1)(c), as amended, in order to avoid looting and depredation of such sites. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.030). Formerly 14.40.030)

18.47.040 Designation criteria.

(1) An historic resource may be designated as a City of Covington landmark if it is more than 40 years old or, in the case of a landmark district, contains resources that are more than 40 years old, and possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

(a) Is associated with events that have made a significant contribution to the broad patterns of national, State or local history; or

(b) Is associated with the lives of persons significant in national, State or local history; or

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

(d) Has yielded or may be likely to yield, information important in prehistory or history; or

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

(2) An historic resource may be designated a community landmark because it is an easily identifiable visual feature of a neighborhood or the County and contributes to the distinctive quality or identity of such neighborhood or County or because of its association with significant historical events or historic themes, association with important or prominent persons in the community or County, or recognition by local citizens for substantial contribution to the neighborhood or community. An improvement or site qualifying for designation solely by virtue of satisfying criteria set out in this section shall be designated a community landmark and shall not be subject to the provisions of CMC 18.47.070.

(3) Cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 40 years shall not be considered eligible for designation. However, such a property shall be eligible for designation if they are:

(a) An integral part of districts that meet the criteria set out in subsection (1) of this section; or if it is

(b) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(c) A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with an historic person or event; or

(d) A birthplace, grave or residence of an historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or

(e) A cemetery that derives its primary significance from graves of persons of transcendent

importance, from age, from distinctive design features, or from association with historic events; or

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

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

(h) A property achieving significance within the past 40 years if it is of exceptional importance. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.040). Formerly 14.40.040)

18.47.050 Nomination procedure.

(1) Any person, including the Historic Preservation Officer and any member of the Commission, may nominate an historic resource for designation as a landmark or community landmark. The procedures set forth in this section and CMC 18.47.070 may be used to amend existing designations or to terminate an existing designation based on changes, which affect the applicability of the criteria for designation set forth in CMC 18.47.040. The nomination or designation of an historic resource as a landmark shall constitute nomination or designation of the land, which is occupied by the historic resource unless the nomination provides otherwise. Nominations shall be made on official nomination forms provided by the Historic Preservation Officer, shall be filed with the Historic Preservation Officer, and shall include all data required by the Commission.

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

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

(a) The date, time, and place of hearing;

(b) The address and description of the historic resource and the boundaries of the nominated resource;

(c) A statement that, upon a designation or upon a preliminary determination of significance, the certificate of appropriateness procedure set out in CMC 18.47.070 will apply;

(d) A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first obtaining a certificate of appropriateness from the Commission, whether or not a building or other permit is required. A copy of the provisions of CMC 18.47.070 shall be included with the notice;

(e) A statement that all proceedings to review the action of the Commission at the hearing on a preliminary determination or a designation will be based on the record made at such hearing and that no further right to present evidence on the issue of preliminary determination or designation is afforded pursuant to this chapter.

(4) The Historic Preservation Officer shall, after mailing the notice required herein, refer the nomination and all supporting information to the Commission for consideration on the date specified in the notice. No nomination shall be considered by the Commission less than 30 nor more than 45 calendar days after notice setting the hearing date has been mailed except where the Historic Preservation Officer or members of the Commission have reason to believe that immediate action is necessary to prevent destruction, demolition or defacing of an historic resource, in which case the notice setting the hearing shall so state. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.050). Formerly 14.40.050)

18.47.060 Designation procedure.

(1) The Commission may approve, deny, amend or terminate the designation of an historic resource as a landmark or community landmark only after a public hearing. At the designation hear-

ing the Commission shall receive evidence and hear argument only on the issues of whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in CMC 18.47.040 and merits designation as a landmark or community landmark, and the significant features of the landmark. The hearing may be continued from time to time at the discretion of the Commission. In the event the hearing is continued, the Commission may make a preliminary determination of significance if the Commission determines, based on the record before it that the historic resource is of significant value and likely to satisfy the criteria for designation in CMC 18.47.040. The preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the Commission makes a preliminary determination it shall specify the boundaries of the nominated resource, the significant features thereof and such other description of the historic resource, as it deems appropriate. Within five working days after the Commission has made a preliminary determination, the Historic Preservation Officer shall file a written notice of the action with the manager and mail copies of the notice, certified mail, return receipt requested, to the owner, the person submitting the nomination and interested persons of record. The notice shall include:

(a) A copy of the Commission's preliminary determination;

(b) A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the Commission, the certificate of appropriateness procedures in CMC 18.47.070, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the Commission shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the Commission thereafter.

(2) Whenever the Commission approves the designation of an historic resource under consideration for designation as a landmark, it shall, within 14 calendar days of the public meeting at which the decision is made, issue a written designation report, which shall include:

(a) The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location;

(b) The significant features and such other information concerning the historic resource as the Commission deems appropriate;

(c) Findings of fact and reasons supporting the designation with specific reference to the criteria for designation in CMC 18.47.040;

(d) A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the Commission in accordance with CMC 18.47.070, a copy of which shall be included in the designation report. This subsection shall not apply to historic resources designated as community landmarks.

(3) Whenever the Commission rejects the nomination of an historic resource under consideration for designation as a landmark, it shall, within 14 calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria in CMC 18.47.040 have not been met. If an historic resource has been nominated as a landmark and the Commission designates the historic resource as a community landmark, the designation shall be treated as a rejection of the nomination for City of Covington landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renominating any historic resource rejected under this subsection as a City of Covington landmark at a future time.

(4) A copy of the Commission's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of record and the Director within five working days after it is issued. If the Commission rejects the nomination and it has made a preliminary determination of significance with respect to the nomination, it shall include in the notice to the Director a statement that CMC 18.47.070 no longer applies to the subject historic resources.

(5) If the Commission approves or amends a landmark designation, CMC 18.47.070 shall apply as approved or amended. A copy of the Commission's designation report or designation amendment shall be recorded with the Records and Elections Division, or its successor agency, together with a legal description of the designated resource and notification that CMC 18.47.070 and 18.47.110 apply. If the Commission terminates the designation of an historic resource, CMC

18.47.070 shall no longer apply to the historic resource. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.070). Formerly 14.40.060)

18.47.070 Certificate of appropriateness procedure.

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

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

(3)(a) There shall be three types of certificates of appropriateness, as follows:

(i) Type I, for restorations and major repairs which utilize in-kind materials.

(ii) Type II, for alterations in appearance, replacement of historic materials and new construction.

(iii) Type III, for demolition, moving and excavation of archaeological sites.

(b) In addition, the Commission shall establish and adopt an appeals process concerning Type I decisions made by the Historic Preservation Officer with respect to the applications for certificates of appropriateness.

(c) The Historic Preservation Officer may approve Type I certificates of appropriateness administratively without public hearing, subject to procedures adopted by the Commission. Alternatively the Historic Preservation Officer may refer applications for Type I certificates of appropriateness to the Commission for decision. The Commission shall adopt an appeals procedure concerning Type I decisions made by the Historic Preservation Officer.

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

(i) Application for a certificate of appropriateness shall be made by filing an application for such certificate with the Historic Preservation Officer on forms provided by the Commission.

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

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

(iv) Within 45 calendar days after the filing of an application for a certificate of appropriateness with the Commission or the referral of an application to the Commission by the Director except those decided administratively by the Historic Preservation Officer pursuant to subsection (3)(d)(ii) of this section, the Commission shall hold a public hearing thereon. The Historic Preservation Officer shall mail notice of the hearing to the owner, the applicant, if the applicant is not the owner, and parties of record at the designation proceedings, not less than 10 calendar days before the date of the hearing. No hearing shall be required if the Commission, the owner and the applicant, if the applicant is not the owner, agree in writing to a stipulated certificate approving the requested alterations thereof. This agreement shall be ratified by the Commission in a public meeting and reflected in the Commission meeting minutes. If the Commission grants a certificate of appropriateness,

such certificate shall be issued forthwith and the Historic Preservation Officer shall promptly file a copy of such certificate with the Director.

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

(4) The Commission shall adopt such other supplementary procedures consistent with Chapter 2.75 CMC as it determines are required to carry out the intent of this section. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.080). Formerly 14.40.070)

18.47.080 Evaluation of economic impact.

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

(2) To prove the existence of a condition of unreasonable economic return, the applicant must establish and the Commission must find both of the following:

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

(i) The current level of economic return on the landmark as considered in relation to the following:

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

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

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

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

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

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

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

(H) Any State or Federal income tax returns on or relating to the landmark for the past two years.

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

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

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

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

(iii) The infeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:

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

(B) Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the Com-

mission concerning the appropriateness of the proposed alteration;

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

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

(E) The infeasibility of new construction around, above, or below the historic resource.

(iv) Potential economic incentives and/or funding available to the owner through Federal, State, County, City or private programs.

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

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

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

(5) Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.100). Formerly 14.40.080)

18.47.090 Appeal procedure.

(1) Any person aggrieved by a decision of the Commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may, within 35 calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness, appeal such decision in writing to the Council. The written notice of appeal shall be filed with the Historic Preservation Officer and the Clerk of the Council and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument.

(2) If, after examination of the written appeal and the record, the Council determines that (a) an error in fact may exist in the record, it shall remand the proceeding to the Commission for reconsideration; or, if the Council determines that (b) the decision of the Commission is based on an error in judgment or conclusion, it may modify or reverse the decision of the Commission.

(3) The Council's decision shall be based solely upon the record; provided, that the Council may at its discretion publicly request additional information of the appellant, the Commission or the Historic Preservation Officer.

(4) The Council shall take final action on any appeal from a decision of the Commission by adoption of an ordinance, and when so doing, it shall make and enter findings of fact from the record and reasons there from which support its action. The Council may adopt all or portions of the Commission's findings and conclusions.

(5) The action of the Council sustaining, reversing, modifying or remanding a decision of the Commission shall be final unless within 20 calendar days from the date of the action an aggrieved person obtains a writ of certiorari from the Superior Court of City of Covington, State of Washington, for the purpose of review of the action taken. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.110). Formerly 14.40.090)

18.47.100 Funding.

(1) The Commission shall have the power to make and administer grants of funds received by it from private sources and from local, State and Federal programs for purposes of:

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

(b) Developing and conducting programs relating to archaeology, cultural heritage and technical assistance to heritage museums, heritage organizations and public agencies. The Commission shall establish rules and regulations consistent with Chapter 2.75 CMC governing procedures for

applying for and awarding of grant monies pursuant to this section.

(2) The Commission may, at the request of the City of Covington Department of Parks, review proposals submitted to that Department for funds made available for grants to be made by the Department through the Housing and Community Development Act of 1974, 42 USC Section 5301 et seq., the State and Local Fiscal Assistance Act of 1972, 31 USC, Section 1221 et seq., the Museum Assistance Program and other applicable local, State and Federal funding programs. Upon review of such grant proposals, the Commission shall make recommendations to the Department concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters as the Commission deems appropriate. The Historic Preservation Officer shall keep the Commission apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.120). Formerly 14.40.100)

18.47.110 Penalty for violation of CMC 18.47.070.

Any person violating or failing to comply with the provisions of CMC 18.47.070 shall incur a civil penalty of up to $500.00 per day and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violations or failure to comply is charged. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.130). Formerly 14.40.110)

18.47.120 Special valuation for historic properties.

(1) There is hereby established and implemented a special valuation for historic properties as provided in Chapter 221, 1986 Laws of Washington and Chapter 84.26 RCW.

(2) The City of Covington Landmarks and Heritage Commission is hereby designated as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, and is authorized to perform all functions required by Chapter 221, 1986 Laws of Washington, Chapter 84.26 RCW, and Chapter 254-20 WAC.

(3) All City of Covington landmarks designated and protected under authority of this chapter shall be eligible for special valuation as set forth in Chapter 221, 1986 Laws of Washington and Chapter 84.26 RCW. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.140). Formerly 14.40.120)

18.47.130 Historic resources – Review process.

(1) The City of Covington shall not approve any development proposal or otherwise issue any authorization to alter, demolish, or relocate any historic resource identified in the City of Covington historic resource inventory, pursuant to the requirements of this chapter. The standards contained in Chapter 18.30 CMC, Development Standards – Density and Dimensions, and Chapter 18.40 CMC, Development Standards – Landscaping and Water Use, shall be expanded, when necessary, to preserve the aesthetic, visual and historic integrity of the historic resource from the impacts of development on adjacent properties.

(2) Upon receipt of an application for a development proposal located on or adjacent to an historic resource listed in the City of Covington historic resource inventory, the Community Development Director shall follow the following procedure:

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

(i) A vicinity map;

(ii) A site plan showing the location of all buildings, structures, and landscape features;

(iii) A brief description of the proposed project together with architectural drawings showing the existing condition of all buildings, structures, landscape features and any proposed alteration to them;

(iv) Photographs of all buildings, structures, or landscape features on the site; and

(v) An environmental checklist, except where categorically exempt under City of Covington SEPA guidelines.

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

(c) In the event of a conflict between the development proposal and preservation of an historic resource, the Historic Preservation Officer shall:

(i) Suggest appropriate alternatives to the owner/developer which achieve the goals of historic preservation;

(ii) Recommend approval, or approval with conditions, to the Director of the Department of Community Development; or

(iii) Propose that a resource be nominated for County landmark designation according to procedures established in this chapter.

(d) The Community Development Director may continue to process the development proposal application, but shall not issue any development permits or issue a SEPA threshold determination until receiving a recommendation from the Historic Preservation Officer. In no event shall review of the proposal by the Historic Preservation Officer delay permit processing beyond any period required by law. Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to CMC 18.47.070.

(e) On known archaeological sites, before any disturbance of the site, including but not limited to test boring, site clearing, construction, grading or revegetation, the State Office of Archaeology and Historic Preservation (OAHP), and the City of Covington Historic Preservation Officer, and appropriate Native American tribal organizations must be notified and State permits obtained, if required by law. The officer may require that a professional archaeological survey be conducted to identify site boundaries, resources and mitigation alternatives prior to any site disturbance and that a technical report be provided to the officer, OAHP and appropriate tribal organizations. The officer may approve, disapprove or require permits conditions, including professional archeological surveys, to mitigate adverse impacts to known archeological sites.

(3) Upon receipt of an application for a development proposal which affects a City of Covington landmark or an historic resource that has received a preliminary determination of significance as defined by CMC 18.47.020(22), the application circulated to the City of Covington Historic Preservation Officer shall be deemed an application for a certificate of appropriateness pursuant to CMC 18.47.070 if accompanied by the additional information required to apply for such certificate. (Amended at request of department 2/08; Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.150). Formerly 14.40.130)

18.47.140 Administrative rules.

The Director may promulgate administrative rules and regulations to implement the provisions and requirements of this chapter. (Ord. 20-07 § 61; Ord. 41-02 § 2 (20.62.160). Formerly 14.40.140)

Chapter 18.50

DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

Sections:

18.50.010 Purpose.
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18.50.110 Off-street parking plan design standards.
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18.50.150 Trail improvements and connections.
18.50.160 Electric vehicle charging station requirements – Downtown zones.
18.50.170 Electric vehicle charging station requirements – R-18, MR, NC, CC, RCMU, and I zones.
18.50.180 Electric vehicle charging station design standards.

18.50.010 Purpose.

The purpose of this chapter is to provide adequate parking for all uses allowed in this title; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles; and to increase pedestrian mobility in urban areas by:

(1) Setting minimum off-street parking standards for different land uses that assure safe, convenient and adequately sized parking facilities within activity centers;

(2) Providing incentives to rideshare through preferred parking arrangements;

(3) Providing for parking and storage of bicycles;

(4) Providing safe direct pedestrian access from public rights-of-way to structures and between developments;

(5) Requiring uses which attract large numbers of employees or customers to provide transit stops; and

(6) Ensure compliance with the Covington design manual. (Ord. 42-02 § 2 (21A.18.010))

18.50.020 Authority and application.

(1) Before an occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the provisions of this chapter. Downtown zones shall be subject to the parking access and circulation standards in accordance with Chapter 18.31 CMC unless otherwise specified by Chapter 18.31 CMC.

(2) If this chapter does not specify a parking requirement for a land use, the Director shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the site shall be considered in determining anticipated demand. In the study the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as authorized by the Director.

(3) If the required amount of off-street parking has been proposed to be provided off-site, the applicant shall provide written contracts with affected landowners showing that required off-street parking shall be provided in a manner consistent with the provisions of this chapter. The contracts shall be reviewed by the Director for compliance with this chapter, and if approved, the contracts shall be recorded with the County Records and Elections Division as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without authorization by the Director. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.18.020))

18.50.030 Computation of required off-street parking spaces.

(1) Except as modified in CMC 18.50.070(2) and (3), off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as a number of spaces per square

feet mean the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of one-half or greater rounding up and fractions below one-half rounding down.

(2) Minimum off-street parking requirements for the downtown zones are subject to the provisions of Chapter 18.31 CMC.

Land Use	Minimum Parking Spaces Required
Residential (CMC 18.25.030):	
Single detached/townhouse	2.0 per dwelling unit
Apartment:	
Studio units (8)	1.2 per dwelling unit
One-bedroom units (8)	1.5 per dwelling unit
Two-bedroom units (8)	1.7 per dwelling unit
Three-bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
Recreation/Cultural (CMC 18.25.040):	
Recreation/culture uses	1 per 400 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield	Director decision
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
General Services (CMC 18.25.050):	
General services uses (9)	1 per 400 square feet
Exceptions:	
Funeral home/crematory	1 per 50 square feet of chapel area
Day care I	2 per facility
Day care II	2 per facility, plus 1 space for each 20 children
Church, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and veterinary clinic offices	1 per 400 square feet of office, labs and examination rooms
Nursing and personal care facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools:	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction schools	1 per classroom, plus 1 per two students
Artist studios	0.9 per 1,000 square feet of area used for studios
Government/Business Services (CMC 18.25.060):	
Government/business services uses	1 per 400 square feet
Exceptions:	
Public agency yard	1 per 400 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas

Land Use	Minimum Parking Spaces Required
Public agency archives	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	Director decision
Fire facility	Director decision
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident Director's unit
Outdoor advertising services	1 per 400 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 400 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 400 square feet
Retail/Wholesale (CMC 18.25.070):	
Retail trade uses (9)	1 per 400 square feet
Exceptions:	
Farmers' and public markets	2 per vendor space
Food stores, less than 15,000 square feet (9)	3 plus 1 per 400 square feet
Gasoline service stations without grocery	3 per facility, plus 1 per service bay
Gasoline service stations with grocery, no service bays	1 per facility, plus 1 per 400 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Wholesale trade uses	0.9 per 1,000 square feet
Retail and wholesale trade mixed-use	1 per 400 square feet
Manufacturing (CMC 18.25.080):	
Manufacturing uses	0.9 per 1,000 square feet
Winery/brewery (9)	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area
Resources (CMC 18.25.090):	
Resource uses	Director decision
Regional (CMC 18.25.100):	
Regional uses	Director decision

(3) An applicant may request a modification of the minimum required number of parking spaces by providing that parking demand can be met with a reduced parking requirement. In such cases, the Director may approve a reduction of up to 50 percent of the minimum required number of spaces.

(4) When the City has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the Director will establish the amount of parking based on a likely range of uses.

(5) Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

(6) In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

(a) Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:

(i) The Director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

(ii) The Director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

(A) Park/playfield;

(B) Library/museum/arboretum;

(C) Elementary/secondary school;

(D) Sports club; or

(E) Retail business (when located along a developed bicycle trail or designated bicycle route).

(b) Bicycle facilities for patrons shall be located within 50 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.

(c) All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

(d) When more than 10 people are employed on site, enclosed locker-type parking facilities for employees shall be provided. The Director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.

(e) One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The Director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.

(7) All developments that require off-street parking shall be subject to the provisions of the electric vehicle charging station requirements in CMC 18.50.160 through 18.50.180.

(8) In the MR and RCMU zones, the following standards shall apply to residential units in a mixed-use or multifamily building:

(a) Studio and one-bedroom units: 1.0 per dwelling unit.

(b) Two-bedroom units: 1.5 per dwelling unit.

(c) Three-bedroom units: 2.0 per dwelling unit.

(d) One visitor space for every 10 dwelling units rounded upward to the nearest multiple of 10.

(e) On-street parking on streets along the lot frontage can be used to meet a portion of the required number of parking spaces with an approved parking study.

(9) In the MR and RCMU zones, on-street parking on streets adjacent to the lot frontage can be used to meet all or a portion of the required number of parking spaces with an approved parking study. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 09-09 § 6; Ord. 42-02 § 2 (21A.18.030))

18.50.040 Shared parking requirements.

The amount of off-street parking required by CMC 18.50.030 may be reduced by an amount determined by the Director when shared parking facilities for two or more uses are proposed, provided:

(1) The total parking area exceeds 8,000 square feet;

(2) The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use involved is more than 800 feet from the most remote shared facility;

(3) The amount of the reduction shall not exceed 20 percent for each use, unless:

(a) The normal hours of operation for each use are separated by at least one hour; or

(b) A parking demand study is prepared by a professional traffic engineer and submitted by the applicant documenting that the hours of actual parking demand for the proposed uses will not conflict and those uses will be served by adequate parking if shared parking reductions are authorized;

(c) The Director will determine the amount of reduction subject to subsection (4) of this section;

(4) The total number of parking spaces in the common parking facility is not less than the minimum required spaces for any single use;

(5) A covenant or other contract for shared parking between the cooperating property owners is approved by the Director. This covenant or contract must be recorded with King County Records and Elections Division as a deed restriction on both properties and cannot be modified or revoked without the consent of the Director; and

(6) If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the Director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the Director. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.18.040))

18.50.050 Exceptions for community residential facilities (CRFs) and senior citizen assisted housing.

(1) The minimum requirement of one off-street parking space per two bedrooms for CRFs and one off-street parking space per two senior citizen assisted housing units may be reduced by up to 50 percent, as determined by the Director based on the following considerations:

(a) Availability of private, convenient transportation services to meet the needs of the CRF residents;

(b) Accessibility to and frequency of public transportation; and

(c) Pedestrian access to health, medical, and shopping facilities.

(2) If a CRF or senior citizen assisted housing is no longer used for such purposes, additional off-street parking spaces shall be required in compliance with this chapter prior to the issuance of a new certificate of occupancy. (Ord. 42-02 § 2 (21A.18.050))

18.50.060 Parking for the disabled.

Off-street parking and access for physically disabled persons shall be provided in accordance with of the regulations adopted pursuant to Chapter 19.27 RCW, State Building Code, and Chapter 70.92 RCW, Public Buildings – Provisions for Aged and Disabled. (Ord. 42-02 § 2 (21A.18.060))

18.50.070 Loading space requirements.

(1) Every nonresidential building engaged in retail, wholesale, manufacturing or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below:

Gross Floor Area (square feet)	Required Number of Loading Spaces
10,000 to 16,000	1
16,001 to 40,000	2
40,001 to 64,000	3
64,001 to 96,000	4
96,001 to 128,000	5
128,001 to 160,000	6
160,001 to 196,000	7
For each additional 36,000	1 additional

(2) Every building engaged in hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium or other similar use shall provide loading spaces in accordance with the standards listed below:

Gross Floor Area (square feet)	Required Number of Loading Spaces
40,000 to 60,000	1
60,001 to 160,000	2
160,001 to 264,000	3
264,001 to 388,000	4
388,001 to 520,000	5
520,001 to 652,000	6
652,001 to 784,000	7
784,001 to 920,000	8
For each additional 140,000	1 additional

(3) Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from parking areas and shall be designated as truck loading spaces. All loading areas shall be screened from public view and oriented away from any public right-of-way when possible.

(4) Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.

(5) Multi-story self-service storage facilities shall provide two loading spaces, and single story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this chapter. (Ord. 42-02 § 2 (21A.18.070))

18.50.080 Stacking spaces and restrictions for drive-through facilities.

(1) A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.

(2) Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

(a) For each drive-through lane of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided; and

(b) For each drive-through lane of a restaurant, a minimum of seven stacking spaces shall be provided.

(3) Restrictions on the Location of Drive-Through Facilities.

(a) In the commercial zones, drive-up windows shall not face a public right-of-way.

(b) Stacking spaces for an approved drive-up window shall be screened from public view through the use of architectural or structural barriers, beams, walls, or landscape material.

(c) In the neighborhood commercial zone, drive-up windows are limited to espresso and pharmacy uses. (Ord. 42-02 § 2 (21A.18.080))

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18.50.090 Transit and rideshare provisions.

(1) All land uses listed in CMC 18.25.060 (government/business services) and in CMC 18.25.080 (manufacturing), hospitals, high schools, vocational schools, universities and specialized instruction schools shall be required to reserve one parking space of every 20 required spaces for rideshare parking as follows:

(a) The parking spaces shall be located closer to the primary employee entrance than any other employee parking except disabled;

(b) Reserved areas shall have markings and signs indicating that the space is reserved; and

(c) Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer;

(2) The Director may reduce the number of required off-street parking spaces when one or more scheduled transit routes provide service within 660 feet of the site. The amount of reduction shall be based on the number of scheduled transit runs between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. each business day up to a maximum reduction as follows:

(a) Four percent for each run serving land uses for government/business services and manufacturing up to a maximum of 40 percent; and

(b) Two percent for each run serving land uses for recreation/culture, general services and retail/wholesale up to a maximum of 20 percent; and

(3) All uses which are located on an existing transit route and are required under the computation for required off-street parking spaces in CMC 18.50.030(1) to provide more than 200 parking spaces may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. Uses which reduce required parking under subsection (2) of this section shall provide transit shelters if transit routes adjoin the site. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.18.090))

18.50.100 Pedestrian and bicycle circulation and access.

(1) Pedestrian and bicycle parking standards for the downtown zones are provided in Chapter 18.31 CMC.

(2) All permitted nonresidential uses in the community and neighborhood commercial zones shall provide pedestrian and bicycle access within and onto the site. Access points onto the site shall be provided:

(a) Approximately every 300 feet along existing and proposed perimeter sidewalks and walkways; and

(b) At all arrival points to the site, including abutting street intersections, crosswalks, and transit stops. In addition, access points to and from adjacent lots shall be coordinated to provide circulation patterns between developments.

(3) Residential Uses.

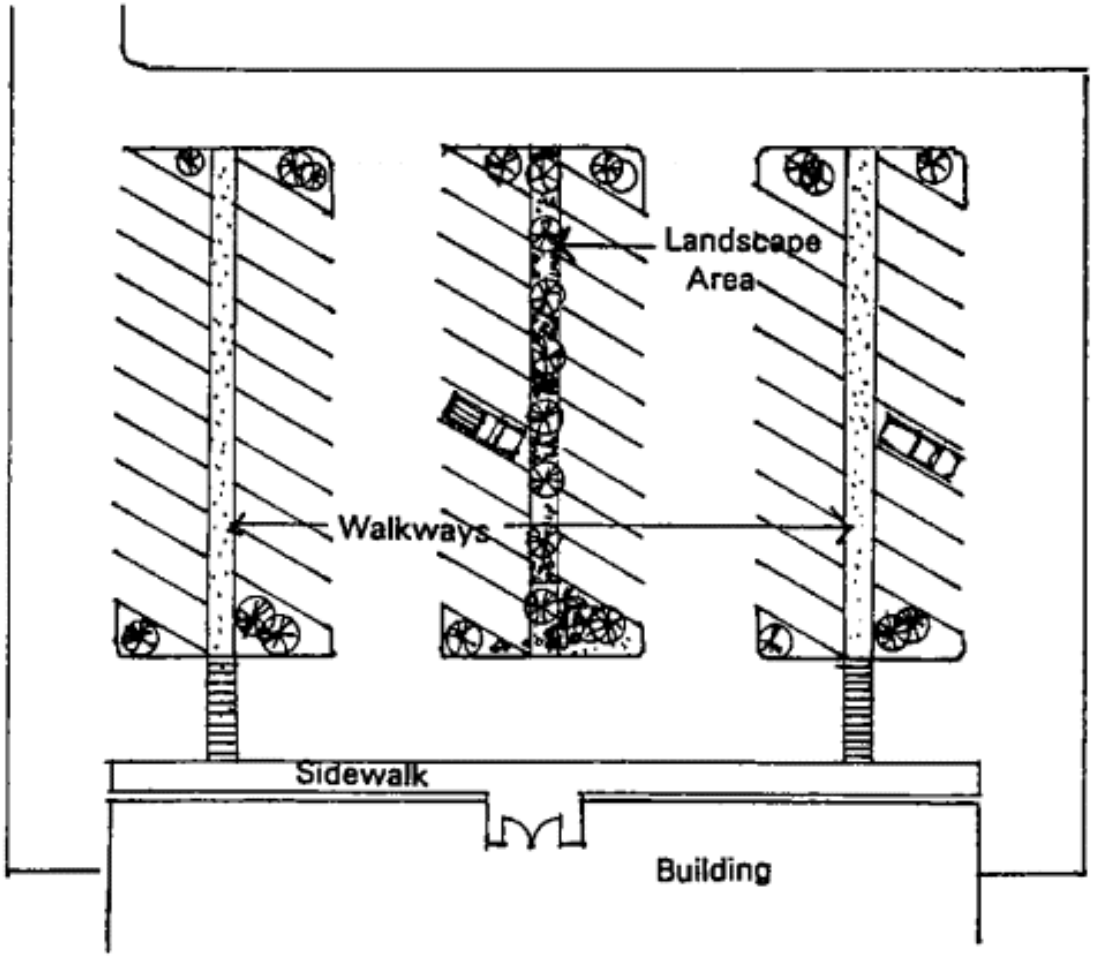
(a) All permitted residential uses of five or more dwelling units shall provide pedestrian and bicycle access within and onto the site. Access points onto the site shall be provided:

(i) Approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways; and

(ii) At all arrival points to the site, including abutting street intersections, crosswalks, and transit and school bus stops. In addition, access points to and from adjacent lots shall be coordinated to provide circulation patterns between sites.

(b) Residential uses of five or more dwelling units shall provide for nonmotorized circulation between cul-de-sacs or groups of buildings to allow pedestrian and bicycle access within and through the development to adjacent activity centers, parks, common tracts, dedicated open space intended for active recreation, schools or other public facilities, transit and school bus stops, and public streets.

(c) Access shall only be required to school bus stops that are within or adjacent to a proposed residential use of five or more dwelling units and that are identified by the affected school district in response to a notice of application. In order to allow school districts to identify school bus stops, the Department shall send a notice of application to affected school districts on all applications for residential uses of five or more dwelling units.



Walkways Running Parallel to Parking

(4) Walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. Walkways shall be provided when the pedestrian access point onto the site, or any parking space, is more than 75 feet from the building entrance or principal on-site destination and as follows:

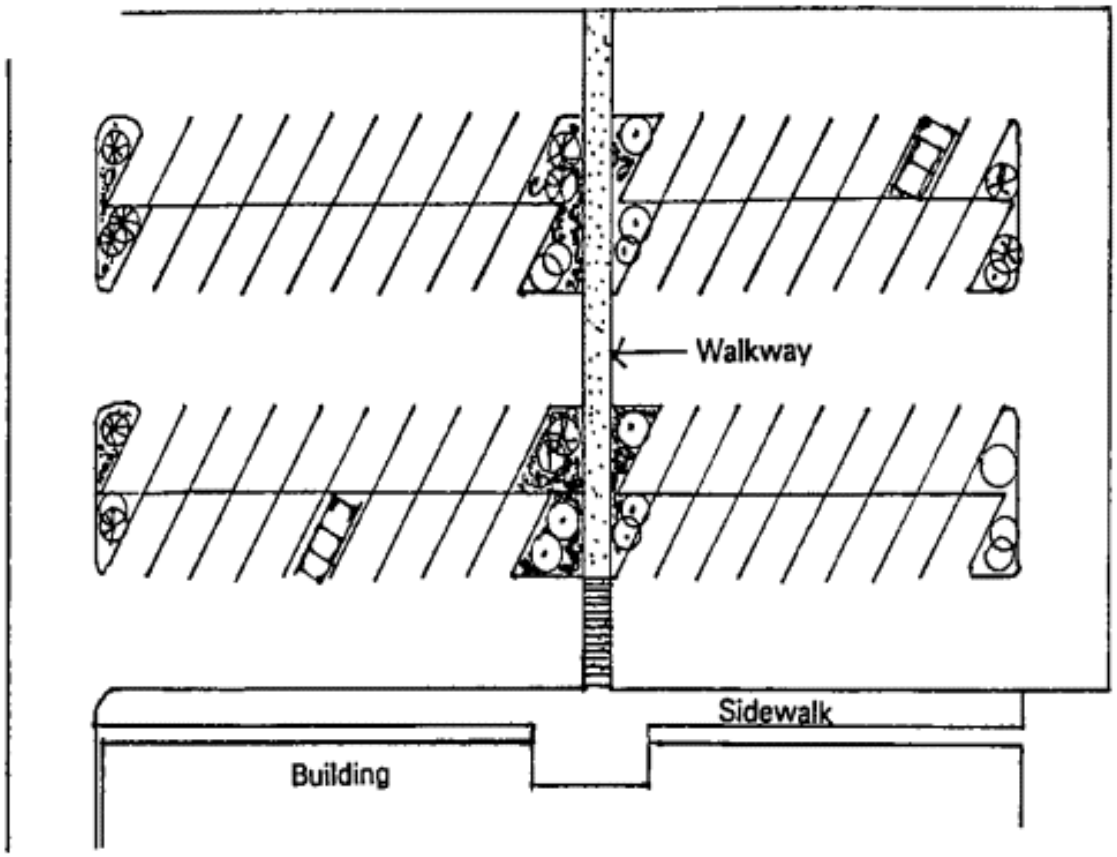
(a) All developments which contain more than one building shall provide walkways between the principal entrances of the buildings;

(b) All nonresidential buildings set back from the public right-of-way shall provide for direct pedestrian access from the building to buildings on adjacent lots; and

(c) Walkways across parking areas shall be located as follows:

(i) Walkways running parallel to the parking rows shall be provided for every six rows. Rows without walkways shall be landscaped or contain barriers or other means to encourage pedestrians to use the walkways; and

(ii) Walkways running perpendicular to the parking rows shall be no further than 20 parking spaces. Landscaping, barriers or other means shall be provided between the parking rows to encourage pedestrians to use the walkways;



Walkways Running Perpendicular to Parking

(5) Pedestrian and bicycle access and walkways shall meet the following minimum design standards:

(a) Access and walkways shall be well lit and physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic;

(b) Access and walkways shall be a minimum of five feet of unobstructed width and meet the surfacing standards of the City of Covington road standards for walkways or sidewalks and the provisions of the design manual;

(c) The minimum standard for walkways required to be accessible for persons with disabilities shall be designed and constructed to comply with the current State Building Code regulations for barrier-free accessibility;

(d) A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles.

(6) Blocks in excess of 460 feet shall be provided with a crosswalk at the approximate midpoint of the block.

(7) The Director may waive or modify the requirements of this section when:

(a) The standards conflict with specific design requirements for development in the downtown zone, as provided in Chapter 18.31 CMC;

(b) Existing or proposed improvements would create an unsafe condition or security concern;

(c) There are topographical constraints, or existing or required structures effectively block access;

(d) The land use would not generate the need for pedestrian or bicycle access; or

(e) The public is not allowed access to the subject land use.

The Director's waiver may not be used to modify or waive the requirements of this section relating to sidewalks and safe walking conditions for students. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.18.100))

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18.50.110 Off-street parking plan design standards.

(1) Off-street parking areas shall not be located more than 600 feet from the building they are required to serve, unless approved by the Director, for all uses except those specified as follows; where an off-street parking area does not abut the building it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

(a) For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;

(b) For all other residential dwellings, at least a portion of parking areas shall be located within 150 feet from the building or building(s) they are required to serve;

(c) For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;

(d) In designated activity, community business and neighborhood business centers, parking lots shall be located to the rear or sides of buildings. Relief from this subsection (1)(d) may be granted by the Director only if the applicant can demonstrate that there is no practical site design to meet this requirement. The Director may allow only the number of parking spaces that cannot be accommodated to the rear or sides of buildings to be located to the front of buildings;

(e) Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets;

(f) Parking for the disabled shall be provided in accordance with CMC 18.50.060; and

(g) In the MR and RCMU zones, off-street surface parking shall be separated from a street by a building except when:

(i) Parking is located adjacent to a building facade that is not oriented to a street frontage; or

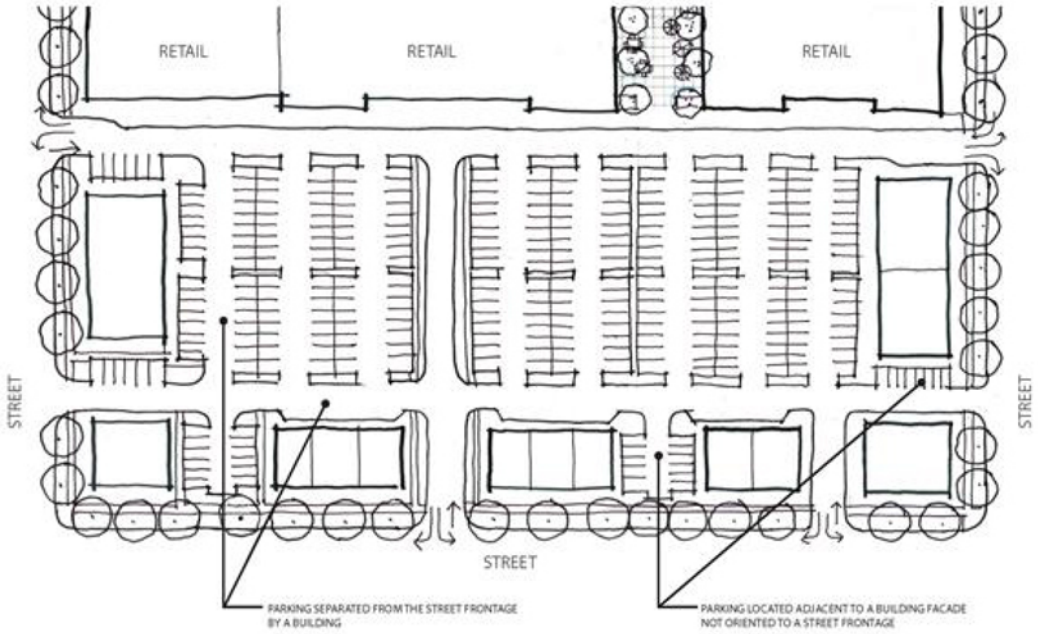
(ii) Parking is located in the driveway of a single-family detached residence or townhouse; or

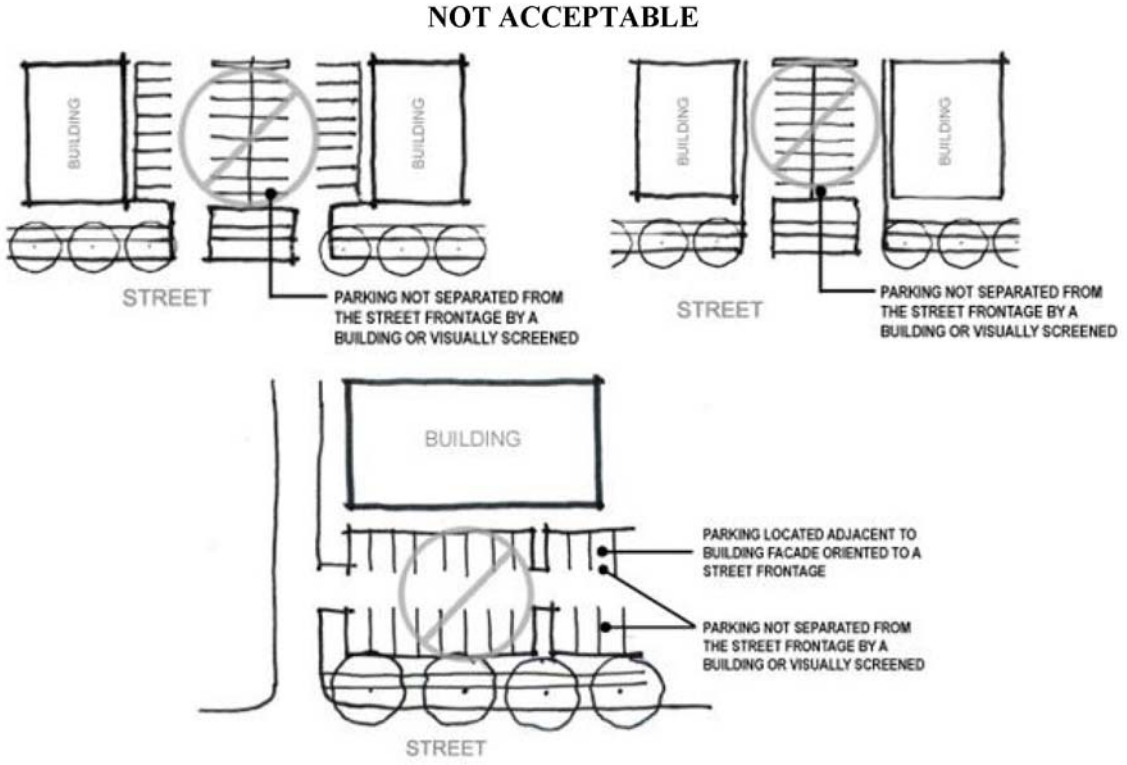
(iii) Parking is located in a park; or

(iv) Parking is located along up to 20 percent of the applicable street frontage and is screened by landscaping or other physical barrier, such as a berm, wall or sight-obscuring fence.

Off-Street Surface Parking (CMC 18.50.110(1)(g))

ACCEPTABLE





(2) The minimum parking space and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum parking space and aisle dimensions shall be determined by the Director. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. If dead end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet six inches for a standard parking space design and eight feet for a compact car parking space design.

Minimum Parking Stall and Aisle Dimensions*

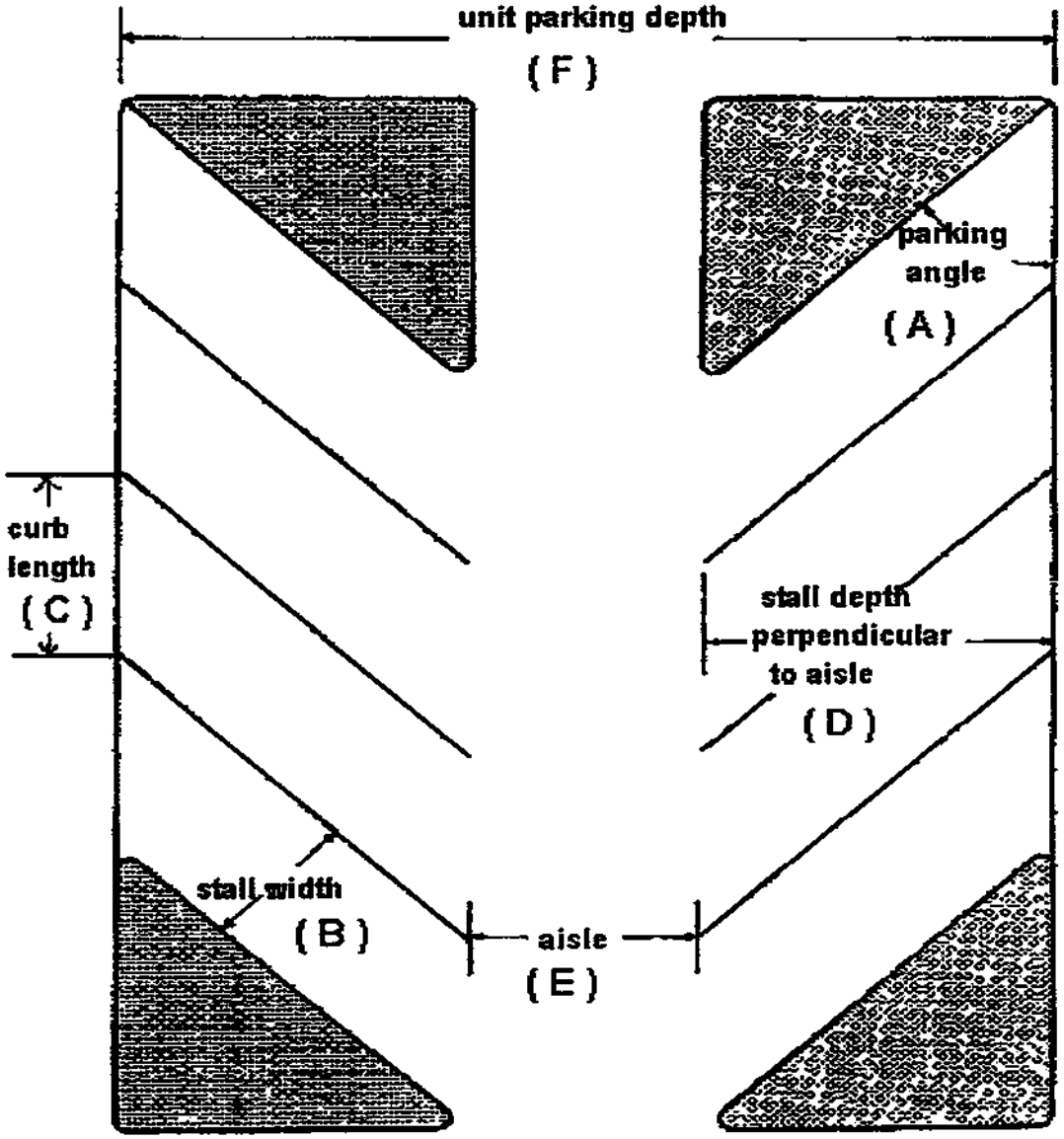
A	B	C	D	E		F	
				Aisle Width		Unit Depth	
Parking Angle	Stall Width	Curb Length	Stall Depth	1-Way	2-Way	1-Way	2-Way
0	8.0* Min. 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0 12.0 12.0	20.0 20.0 20.0	** 29.0 30.0	** 37.0 38.0
30	8.0* Min. 8.5 Desired 9.0	16.0* 17.0 18.0	15.0 16.5 17.0	10.0 10.0 10.0	20.0 20.0 20.0	** 42.0 44.0	** 53.0 54.0
45	8.0* Min. 8.5 Desired 9.0	11.5* 12.0 12.5	17.0*	12.0 12.0 12.0	20.0 20.0 20.0	** 50.0 51.0	** 58.0 59.0
60	8.0* Min. 8.5 Desired 9.0	9.6* 10.0 10.5	18.0 20.0 21.0	18.0 18.0 18.0	20.0 20.0 20.0	** 58.0 60.0	** 60.0 62.0

Minimum Parking Stall and Aisle Dimensions* (Continued)

A	B	C	D	E		F	
90	8.0*	8.0*	16.0*	24.0	24.0	**	**
	Min. 8.5	8.5	18.0	24.0	24.0	60.0	60.0
	Desired 9.0	9.0	18.0	23.0	24.0	60.0	60.0

* For compact stalls only.
** Variable with compact and standard combinations.

NOMENCLATURE OF OFF-STREET PARKING AREA



(3) Any parking spaces abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe.

(4) The parking space depth may be reduced if vehicles overhang a walkway or landscaping under the following conditions:

(a) Wheel stops or curbs are installed;

(b) The remaining walkway provides a minimum of 48 inches of unimpeded passageway for pedestrians;

(c) The amount of space depth reduction is limited to a maximum of 18 inches; and

(d) Landscaping is designed in accordance with CMC 18.40.080(5).

(5) Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with the provisions of Chapter 12.60 CMC, City of Covington Street Standards. Driveways for single detached dwellings, no more than 20 feet in width, may cross required setbacks or landscaped areas to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or setback area is eliminated by the driveway. Joint use driveways may be located within required landscaping or setback areas. Driveways for all other developments may cross or be located within required setbacks or landscaped areas to provide access between the off-street parking areas and the street, if no more than 10 percent of the required landscaping is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the street.

(6) Parking spaces required under this title shall be located as follows:

(a) For single detached dwelling units the required parking spaces shall be outside of any required setbacks or landscaping, but driveways crossing setbacks and required landscaping may be used for parking. However, if the driveway is a joint use driveway, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or parking spaces;

(b) For all other developments parking spaces may be permitted by the Director in setback areas in accordance with an approved landscape plan; and

(c) For nonresidential uses in residential zones, parking is permitted in setback areas in accordance with CMC 18.30.250.

(7) Lighting shall be provided for safety of traffic and pedestrian circulation on the site. It shall be designed to minimize direct illumination of abutting properties and adjacent streets.

(8) Tandem or end-to-end parking is allowed in residential developments. Apartment or townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

(9) All vehicle parking and storage for single detached dwellings must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access.

(10) The total number of vehicles parked or stored outside of a building on a single-family lot in the R-4 through R-8 zones, excluding recreational vehicles and trailers, shall not exceed six vehicles on lots 12,500 square feet or less and eight vehicles on lots greater than 12,500 square feet.

(11) Vanpool or carpool parking areas shall meet the following minimum design standards:

(a) A minimum vertical clearance of seven feet three inches shall be provided to accommodate van vehicles if designated vanpool or carpool parking spaces are located in a parking structure; and

(b) A minimum turning radius of 26 feet four inches with a minimum turning diameter, curb to curb, of 52 feet five inches shall be provided from parking aisles to adjacent carpool or vanpool parking spaces.

(12) Direct access from the street right-of-way to off-street parking areas shall be subject to CMC 18.75.070.

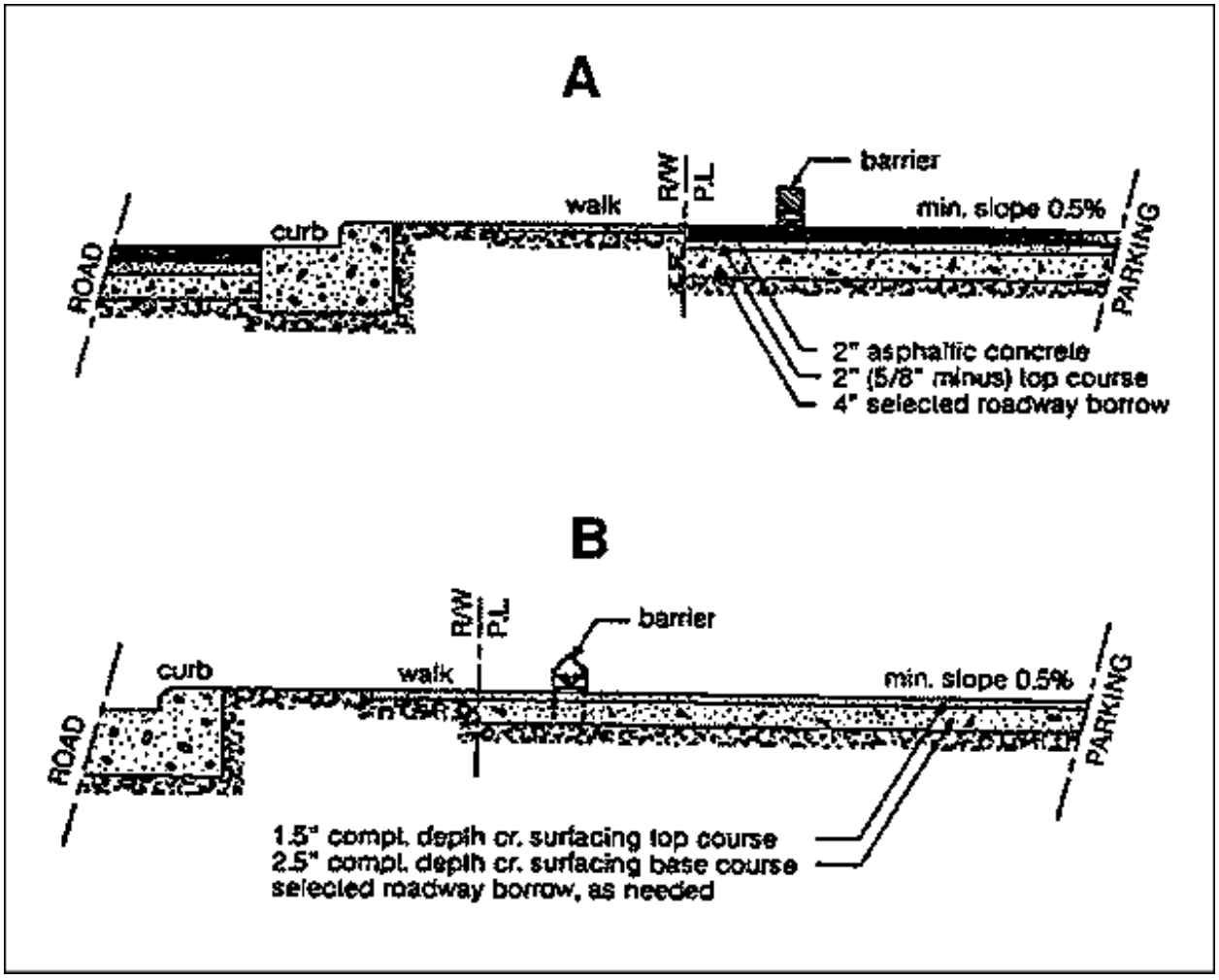
(13) No dead end alley may provide access to more than eight off-street parking spaces. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.18.110))

18.50.120 Off-street parking construction standards.

(1) Off-street parking areas shall have dust-free, all-weather surfacing and lighting. Typical approved sections are illustrated below. Frequently used (at least five days a week) off-street parking areas shall conform to the standards shown in A

below or an approved equivalent. If the parking area is to be used more than 30 days per year but less than five days a week, then the standards to be used shall conform to the standards shown in B below or an approved equivalent. An exception to these surfacing requirements may be made for certain uses that require intermittent use of their parking facilities less than 30 days per year. Any surface treatment other than those graphically illustrated below must be approved by the Director.

Minimum Surfacing Requirements

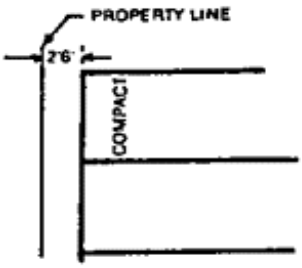


(Landscape improvements not shown)

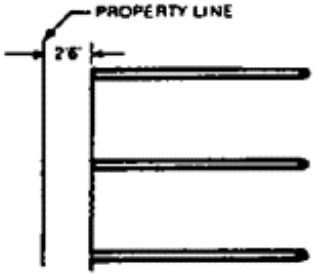
(2) Grading work for parking areas shall meet the requirements of Chapter 15.05 CMC. Drainage and erosion/sedimentation control facilities shall be provided in accordance with Chapter 13.25 CMC.

(3) Asphalt or concrete surfaced parking areas shall have parking spaces marked by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typically approved markings and wheel stop locations are illustrated below.

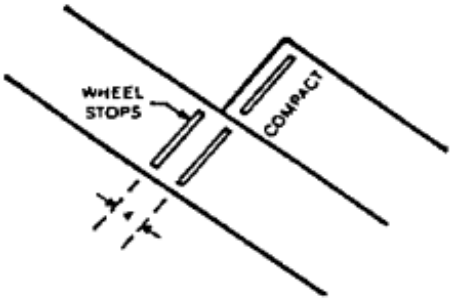
STALL MARKINGS AND WHEEL STOP LOCATIONS

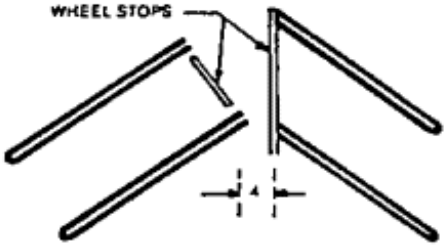


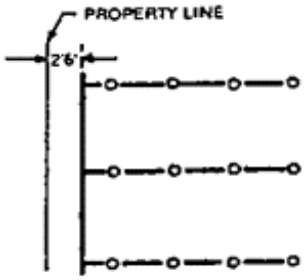
COMPACT MARKING



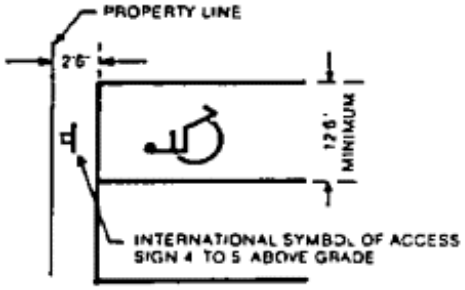
PAINTED HORSESHOE MARKING



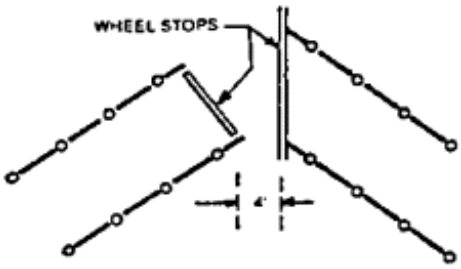


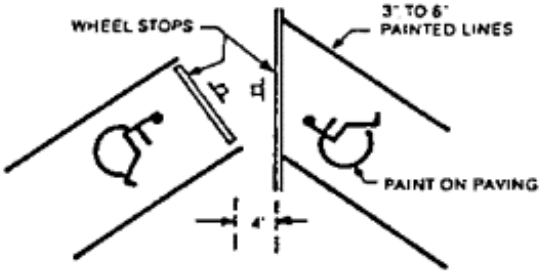


METAL OR PLASTIC TRAFFIC MARKING



HANDICAP MARKING





(City of Covington 3-2001)

(Ord. 42-02 § 2 (21A.18.120))

18.50.130 Compact car allowance requirements.

In any development containing more than 20 parking spaces, up to 50 percent of the total number of spaces may be sized to accommodate compact cars, subject to the following:

(1) Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping;

(2) Aisle widths shall conform to the standards set for standard size cars; and

(3) Apartment developments with less than 20 parking spaces may designate up to 40 percent of the required parking spaces as compact spaces. (Ord. 42-02 § 2 (21A.18.130))

18.50.140 Internal circulation street standards.

Internal access roads to off-street parking areas shall conform with the surfacing and design requirements for private commercial roads set forth in Chapter 12.60 CMC, City of Covington Street Standards. (Ord. 42-02 § 2 (21A.18.140))

18.50.150 Trail improvements and connections.

Any development providing trail connections in accord with Chapter 18.35 CMC shall improve those segments to the following standards:

(1) All trail segments shall be fully accessible in accord with the provisions of the Americans with Disability Act (ADA).

(2) All segments shall be paved to a minimum width of 10 feet. Additional width may be required as determined by the Department.

(3) All paved improvements shall be consistent to approved City standards.

(4) Signage shall be provided at each trail entrance, crossing and intersection. Signage shall be consistent to approved City standards.

(5) Lighting shall be provided to ensure the safe use of all trail facilities where appropriate and consistent with approved City standards. (Ord. 42-02 § 2 (21A.18.150))

18.50.160 Electric vehicle charging station requirements – Downtown zones.

This section applies to all electric vehicle charging stations located in off-street parking facilities or parking garages in the TC, MC, GC, and MHO zones.

(1) New development located in the TC and GC zones shall provide a minimum of one Level 2 or Level 3 electric vehicle charging station for every 100 vehicle parking spaces.

(2) New commercial development located in the MC and MHO zones shall provide a minimum of one Level 2 or Level 3 electric vehicle charging station for every 50 vehicle parking spaces.

(3) Any new government services (CMC 18.31.080) shall provide a minimum of one Level 2 or Level 3 electric vehicle charging station regardless of the number of vehicle parking stalls required for the site. If the number of required off-street vehicle parking stalls exceed the provisions of subsections (1) and (2) of this section, then those regulations shall apply. (Ord. 19-11 § 1 (Exh. 1))

18.50.170 Electric vehicle charging station requirements – R-18, MR, NC, CC, RCMU, and I zones.

This section applies to all electric vehicle charging stations located in off-street parking facilities or parking garages in the R-18, MR, NC, CC, RCMU and I zones.

(1) New development located in the R-18 and MR zones shall provide a minimum of one Level 2 or Level 3 electric vehicle charging station for every 30 vehicle parking stalls.

(2) New development located in the NC, CC and I zones shall provide a minimum of one Level 2 or Level 3 electric vehicle charging station for every 50 vehicle parking stalls. New development located in the RCMU zone shall provide a minimum of one Level 2 or Level 3 electric vehicle charging station for every 100 vehicle parking stalls.

(3) Any new park (CMC 18.25.040) that is publicly owned and maintained and any new government services (CMC 18.25.060) shall provide a minimum of one Level 2 or Level 3 electric vehicle charging station regardless of the number of vehicle parking stalls required for the site. If the number of required off-street vehicle parking stalls exceeds the provisions of subsections (1) and (2) of this section, then those regulations shall apply. (Ord. 03-14 § 1; Ord. 01-14 § 1 (Exh. A); Ord. 19-11 § 1 (Exh. 1))

18.50.180 Electric vehicle charging station design standards.

(1) An electric vehicle charging station may be included in the calculation for minimum required parking spaces as required in CMC 18.31.110(4) and 18.50.030.

(2) The Director may reduce or waive the requirement for the installation of electric vehicle charging stations if the applicant can demonstrate:

(a) That a shared parking facility provides access to an adjacent parking facility with a minimum of two existing electric vehicle charging stations; or

(b) That the proposed parking facility is providing cross-access to an adjacent parking facility with a minimum of two existing electric vehicle charging stations; and

(c) The applicant has a contract for the shared use of the above-required electric vehicle charging stations between the appropriate property owners. The contract shall be recorded with King County Records and Elections as a deed restriction that cannot be modified or revoked without approval by the Director.

(3) Where electric vehicle charging stations are required in parking lots or parking garages, accessible vehicle charging stations shall be provided.

(a) Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall connect to a barrier-free accessible route of travel. It is not required to designate the charging station exclusively for the use of disabled persons.

(4) The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional location and design criteria are provided in recognition of the various parking lot layout options. Where provided, parking for electric vehicle charging purposes shall include the following:

(a) Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operation shall be included if time limits or tow away provisions are to be enforced. Refer to the 2009 Manual on Uniform Traffic Control Devices (MUTCD) for electric vehicle and parking signs, specifically D9-11b, D9-11bP, R7-2, and R7-108, and as amended.

(b) Charging station equipment shall be maintained, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or when other problems are encountered.

(c) Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with ADA accessibility requirements.

(d) Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.

(e) Charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted, and shall contain a retraction device or a place to hang permanent cords and connectors sufficiently above the ground or paved surface.

(f) Except for parallel parking stalls, adequate equipment protection, such as wheel stops or concrete-filled steel bollards, shall be used. Curbing may be used in lieu of wheel stops or bollards if equipment is set back a minimum of 24 inches from the face of the curb.

(5) Parking for electric vehicles should also consider the following:

(a) Information on the charging station identifying voltage and amperage levels and any time of use, fees, or safety information.

(b) Installation of directional signs at the parking lot entrance and at appropriate decision points to guide motorists to the charging station space(s). Refer to the 2009 Manual on Uniform Traffic Control Devices (MUTCD) for electric vehicle and directional signs, specifically D9-11b, D9-11bP and M6-1, and as amended.

(6) To allow for maintenance and notification, the owner of any private new electric vehicle infrastructure station that will be publically available shall be required to provide information on the station's geographic location, date of installation, equipment type and model, and owner contact information.

(7) On-street electric vehicle charging stations shall conform to the following:

(a) On-street electric vehicle charging stations are not permitted in the R-1 through R-18 zones.

(b) On-street electric vehicle charging stations in the TC, MC, GC and MHO zone shall be installed at either end of designated on-street parking.

(c) Subsequent on-street electric vehicle charging stations should be installed adjacent to existing stations.

(d) Charging station equipment shall be installed in a well-lit area, on a hard surface, near the front of the designated parking space and should provide a minimum of 24 inches' clearance from the face of the curb and not impede the required minimum ADA accessible route on the sidewalk. (Ord. 19-11 § 1 (Exh. 1))

Chapter 18.55

SIGNS*

Sections:

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*Prior legislation: Ords. 2-99, 6-99, 18-99 and 20-01.

18.55.010 Short title.

This chapter shall be known and may be cited as the sign ordinance of the City of Covington. (Ord. 42-02 § 2 (21A.19.010))

18.55.020 Purpose.

It is the purpose of this chapter to balance the public and private needs. Within this broad purpose are the following objectives:

(1) Help implement the City's vision statement;

(2) Recognize the visual communication needs of all sectors of the community for identification and advertising purposes;

(3) Promote a positive visual image of the City and protect property values by (a) encouraging signs that are appropriate and consistent with surrounding buildings and landscape in both scale and design, appropriate to the size of the subject property and the amount of street frontage adjacent to

the subject property, and appropriate in relationship to the size of the building, and (b) discouraging excessive numbers of signs;

(4) Protect the public health, safety, and welfare by regulating the placement, removal, installation, maintenance, size, and location of signs;

(5) 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;

(6) Assure equal protection and fair treatment under the law through consistent application of the regulations and consistent enforcement;

(7) Assure consistency with the comprehensive plan;

(8) Recognize that the aesthetic value of the total environment affects economic values of the community, and that unrestricted proliferation of signs can and does detract from the economic value of the community;

(9) Provide controls of sign proliferation to preserve community scenic, economic, and aesthetic values;

(10) Improve pedestrian and traffic safety by reducing signage or advertising distractions and obstructions that contribute to limited site visibility; and

(11) Prohibit the use of billboard signs recognizing that billboards affect the aesthetic value of the community thereby reducing property values and impacting traffic safety because of the distraction that is created by large signage along public rights-of-way. (Ord. 42-02 § 2 (21A.19.020))

18.55.030 Applicability.

(1) This chapter applies to all existing signs and all signs erected, moved, relocated, enlarged, structurally changed, painted, or altered after adoption of the ordinance codified in this chapter, and all such signs must comply with the requirements of this chapter.

(2) Sign standards referenced in Chapter 18.31 CMC shall be applicable within the downtown zone. Where all other standards in this chapter may conflict with Chapter 18.31 CMC, the standards contained in Chapter 18.31 CMC shall apply. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.19.030))

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:

(1) "Abandoned sign" means any sign remaining in place after a sign has not been maintained for a period of 90 or more consecutive days or if the activity conducted on the subject property ceases for 180 consecutive days.

(2) "Administrator" means the City Manager or his designee.

(3) "Animated or moving sign" means any sign that uses movement, by either natural or mechanical means, or changes of lighting, either natural or artificial, to depict action to create a special effect or scene.

(4) "Awning or canopy sign" means a nonelectric sign on the vertical surface or flap that is printed on, painted on, or attached to an awning or canopy.

(5) "Balloon" means a decorative inflatable device generally composed of a thin layer of latex or mylar, into which a gas (typically helium) is inserted in order to cause it to rise or float in the atmosphere. (See also "inflatable advertising device.")

(6) "Banner" means a sign made of fabric or any nonrigid material with or without an enclosed framework. (See Figure A-1.)

(7) "Billboard" means permanent outdoor advertising off-site signs containing a message, commercial or otherwise, unrelated to any use or activity on the subject property on which the sign is located, but not including civic event signs, government signs, or instructional signs.

(8) "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.

(9) "Canopy sign." See "awning or canopy sign." (See Figure A-2.)

(10) "Center identification sign" means a building-mounted or freestanding sign that identifies the name and/or logo of a development containing more than one office, retail, institutional or industrial use or tenant and which may separately identify the tenants.

(11) "Changeable copy sign" means a sign whose informational content can be changed or altered (without changing or altering the sign frame, sign supports or electrical parts) by manual, electric, electromechanical, or electronic means. A sign on which the message changes more than eight times a day shall be considered an electronic changeable message sign and not a changeable copy sign for the purposes of this chapter. A sign on which the changing message is an electronic or mechanical indication of time and/or temperature

shall be considered a "time and temperature sign" and not a changeable copy sign.

(12) "City" means the City of Covington, a Washington municipal corporation, unless the context clearly indicates otherwise.

(13) "Community service event" or "civic event" means an event (such as a food festival, concert, fun run and/or meeting) sponsored by a private or public organization, including a school, church or civic fraternal organization, not primarily for the purpose of selling or promoting merchandise or services.

(14) "Construction sign" means a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

(15) "Copy" means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

(16) "Directional sign, on-site" means a sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy (e.g., parking, exit or entrance signs).

(17) "Drive-up window sign (menu, service, etc.)" means an advertising structure listing services, or items to purchase, from a drive-up window.

(18) "Electrical sign" means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

(19) "Electronic changeable message sign" means an electronically activated sign whose message content, either whole or in part, is changed more than eight times a day by means of electronic programming.

(20) "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, top of parapet, etc. This vertical plan 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 which is shown on the elevation drawing submitted with the required drawing s for a building permit.

(21) "Facade" means the entire building face including the parapet.

(22) "Festoons" means a string of ribbons, tinsel, small flags, or pinwheels.

(23) "Flag" means any piece of cloth of individual size, color and design, used as a symbol, signal, emblem, or decoration.

(24) "Flashing sign" means a sign when any portion of it changes light intensity, switches on and off in a constant pattern, or contains moving parts or the optical illusion of motion caused by use of electrical energy or illumination.

(25) "Freestanding sign" means a sign supported permanently upon the ground by poles, pylons, braces or a solid base and not attached to any building. Freestanding signs include those signs otherwise known as "pedestal signs," "pole signs," "pylon signs," "monument signs," and "ground signs." (See Figure A-3.)

(26) "Frontage, building" means the length of an outside building wall.

(27) "Frontage, property" means the length of the property line along the public right-of-way on which it borders.

(28) "Fuel price sign" means a sign displaying the price of fuel for motorized vehicles.

(29) "Graffiti" means an inscription of symbols, works, or pictures by painting, spray painting or other means of defacing public or private property.

(30) "Government sign" means any temporary or permanent sign erected and maintained by any special purpose district, school district, City, County, State, or Federal government for designation of or direction to any school, hospital, hospital site, property, or facility, including without limitation traffic signs, directional signs, warning signs, informational signs, and signs displaying a public service message.

(31) "Height" means the vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

(32) "Identification sign" means a sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

(33) "Identification sign (subdivision)" means a freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

(34) "Illuminated sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

(35) “Incidental sign” means a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises (e.g., a credit card sign, a sign indicating hours of business, beverage sign, etc.).

(36) “Inflatable advertising device” means an advertising device that is inflated by some means and used to attract attention, advertise, promote, market, or display goods and/or services. These devices include large single displays or a display of smaller balloons connected in some fashion to create a larger display.

(37) “Instructional sign” means a sign which designates public information including, without limitation, public restroom signs, public telephone signs, exit signs and hours of operation signs.

(38) “Kiosk” means a freestanding sign, which may have a round shape or which may have two or more faces and which is used to provide directions, advertising or general information.

(39) “Logo” means a distinctive name, symbol or trademark of a company designed for easy recognition.

(40) “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.

(41) “Marquee sign” means any sign attached to or supported by a marquee, which is a permanent roof-like projecting structure attached to a building.

(42) “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 materials harmonious with the materials of the primary structure on the subject property. (See Figure A-4.)

(43) “Multi-tenant complex” means a complex containing two or more uses or businesses.

(44) “Mural” means a design or representation that is painted or drawn on the exterior surface of a structure and that does not advertise a specific business, product, service, or activity.

(45) “Nameplate” means a nonelectric on premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants of the building.

(46) “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.

(47) “Nonconforming sign” means any sign that was constructed, erected and maintained in conformance with the King County or the City of Covington rules and regulations in effect at the time of establishment and use that no longer conforms to the rules and regulations of this chapter.

(48) “Obsolete sign” means a sign that advertises a product that is no longer made, a business that is no longer in operation, or an activity or event that has already occurred, except for historical signs.

(49) “Off-site sign” means a sign relating, through its message and content, to a business activity, use, product, or service not available on the property on which the sign is located.

(50) “On-site sign” means a sign which contains advertising strictly applicable to a lawful use on the property on which the sign is located, including without limitation signs indicating the business transacted, principal services rendered, and goods sold or produced on the property, or name of the business and name of the person occupying the property.

(51) “Person” means any individual, corporation, association, firm, partnership, or other legal entity.

(52) “Pedestal sign” means freestanding signs supported permanently upon the ground by one or more solid bases, which base or bases shall be equal to at least 50 percent of the sign width. (See Figure A-15.)

(53) “Point of purchase display” means advertising of an item accompanying its display indicating only the contents or purpose of the item (e.g., an advertisement on a product dispenser, tire display, recycling containers, collection containers, gas pumps, phone booths, etc.). (See Figure A-17.)

(54) “Pole or pylon signs” means freestanding signs supported permanently upon the ground by poles or braces and not attached to any building. (See Figure A-17.)

(55) “Political sign” means temporary signs advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot in connection with local, State, or national election or referendum.

(56) “Portable sign” means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Portable signs differ from temporary signs in that portable signs are made of durable materials such as metal, wood, or plastic. (See Figure A-5.)

(57) "Private advertising sign" means a temporary sign announcing an event, use or condition of personal concern to the sign user including without limitation "garage sale" or "lost animal" signs.

(58) "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. (See Figure A-7.)

(59) "Public right-of-way" means land owned, dedicated or conveyed to the public, used primarily for the movement of vehicles, wheelchair and pedestrian traffic and land privately owned, 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.

(60) "Real estate off-site sign" means a portable or temporary sign announcing the proposed sale of property other than the property upon which the sign is located and providing directions to the property for sale. (See Figure A-8.)

(61) "Real estate on-site sign" means a sign placed on the property to which it applies and announcing the sale or rental of the property. (See Figure A-8.)

(62) "Roof sign" means any sign erected above the eaves or on the roof of a building or structure.

(63) "Service organization sign" means a noncommercial sign sponsored by a service or fraternal organization or club or similar public service organization located within the City.

(64) "Sight distance requirements" means the area at intersections and site access points where the height of all structures and landscaping is regulated.

(65) "Sign" means any device, structure, fixture, or placard that uses color, words, letters, numbers, symbols, graphic designs, logos, or trademarks for the purpose of: (a) providing information or directions; or (b) identifying or advertising any place, establishment, product, good, or service and includes all supports, braces, guys and anchors associated with such sign.

(66) "Sign area" means the entire area of a sign on which graphics, letters, figures, symbols, trademarks and/or written copy is placed, excluding sign 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 graphics, letters, figures, symbols, trademarks, and/or written copy; provided, however, that individual letters, numbers or symbols using a canopy, awning or wall as the background, without added decoration or change in the canopy, awning or wall, have sign area calculated by measuring the perimeter enclosing each letter, number or symbol and totaling the square footage of these perimeters. (See Figure A-9.)

(67) "Sign face" means the area of a sign on which the graphics, letters, figures, symbols, trademark or written copy is placed.

(68) "Snipe sign" means a sign or poster posted on trees, fences, light posts or utility poles except those posted by a government or public utility.

(69) "Temporary sign" means a sign not constructed or intended for long-term use. (See Figure A-5.)

(70) "Tenant directory sign" means a sign for listing the tenants or occupants and their suite numbers in a building or center.

(71) "Time and temperature sign" means any sign that displays the current time and temperature, without any commercial message. (See Figure A-5.)

(72) "Under canopy sign" means any sign intended generally to attract pedestrian traffic suspended beneath a canopy or marquee and which contains no commercial messages other than the name of the business.

(73) "Wall sign" means either a sign applied with paint or similar substance on the surface of a wall or a sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the side or edges. (See Figure A-10.)

(74) "Warning sign" means any sign which is intended to warn persons of prohibited activities such as "no trespassing," "no hunting," and "no dumping."

(75) "Window signs" mean all signs located inside and affixed to a window and intended to be viewed from the exterior of the structure. (See Figure A-11.) (Ord. 04-09 § 1; Ord. 20-06 § 1; Ord. 42-02 § 2 (21A.19.040))

18.55.050 Permits.

(1) Permit Requirements. No sign governed by the provisions of this code shall be erected, moved, enlarged, altered or relocated by any person without a permit issued by the City unless such sign is expressly excluded from the permitting requirements pursuant to subsection (3) of this section. An applicant shall pay the permit fees set forth in the

City's fee schedule. No new permit is required for signs which have valid existing permits and which conform with the requirements of this code on the date of its adoption unless the size, shape, or location of the sign is altered. No permit shall be required for sign face changes, provided they conform to CMC 18.55.080(3)(c)(ii). Signs which, on the date of adoption of this code, do not conform to this code's requirements may be eligible for characterization as nonconforming signs and for nonconforming sign permits under CMC 18.55.110.

(2) Permit Applications. Applications for permits shall be on forms supplied by the City and include the location of the sign structure, drawings or photographs showing the design and dimensions of the sign, details of the sign's proposed placement and such other pertinent information as the Administrator may require to ensure compliance with this code.

(3) Permit and Registration Exceptions.

(a) A sign permit is not required for maintenance of a sign, for a change of sign face, or for operation of a changeable copy sign and/or electronic changeable message sign.

(b) Exempt Signs. The following signs, modification to signs, or displays are exempt from the regulations of this chapter. Except for government signs, sight distance requirements must be complied with. No sign shall be placed in the public right-of-way, except as otherwise allowed in this chapter.

(i) Address identification with numbers and letters not more than 18 inches in height.

(ii) Balloons no greater than 18 inches in diameter and no more than five balloons per display with a tether no longer than 36 inches.

(iii) Banners projecting over the right-of-way, for City Council authorized events.

(iv) Barber poles.

(v) Construction signs so long as such signs are limited to two signs per project and each sign does not exceed 32 square feet per sign face and 10 feet in height. Construction signs shall not be displayed prior to issuance of a building permit and shall be removed prior to the issuance of a certificate of occupancy and shall include the following information:

(A) City project number and project name;

(B) Emergency contact name and phone;

(C) Applicant's project manager's name and phone; and

(D) Allowable construction hours.

(vi) Directional signs, on-site. Each sign shall not exceed four square feet in sign area if the directional sign is indicating one direction and shall not exceed eight square feet in sign area if such sign is indicating more than one direction. Center or complex names or logos shall not comprise more than 20 percent of the total area of the directional sign.

(vii) Drive-up window signs in all profile areas not exceeding 60 square feet or no more than two signs having a total of 90 square feet. Landscaping is required to obscure the sign from the public right-of-way.

(viii) Flags of any nation, government, educational institution, or noncommercial organization. Decorative flags without corporate logos or other forms of advertising are also excluded from permit requirements. All flags must be a maximum size of six square feet unless it is a national or State flag.

(ix) Flag of a commercial institution provided no more than one flag is permitted per business premises; and further provided, that the flag does not exceed 20 square feet in surface area.

(x) Fuel price signs. Signs shall be located on the property where fuel is sold, shall be limited to one monument sign per street frontage not exceeding five feet in height and the sign area shall not exceed 20 square feet per sign face. (See Figure A-5.)

(xi) Certain governmental signs. All signs within the public right-of-way which conform with the Manual on Uniform Traffic Control Devices (MUTCD), except as otherwise stated in this chapter. All other governmental signs must comply with the provisions of this sign code; provided, however, the government sign proponent may apply for a government sign variance, which shall be heard by the City's Hearing Examiner. The Hearing Examiner may grant a variance from the provisions of this code, upon a finding that the public health, safety and/or general welfare is best provided for by an exemption from the strict provisions of this sign code. Such variance will be processed in accord with the sign code, and any such variance shall be only that much as is necessary to protect the health, safety, and/or general welfare of the citizens and public at large.

(xii) Gravestones or other memorial displays associated with cemeteries or mausoleums.

(xiii) Historical site plaques and signs integral to an historic building or site, which are

nonilluminated, and which do not exceed two square feet in area.

(xiv) Holiday decorations displayed in conjunction with recognized holidays.

(xv) Incidental signs attached to a structure or building, providing that the total of such signs per use or business shall not exceed two square feet.

(xvi) Instructional signs.

(xvii) Integral design features when such features are an essential part of the architecture of a building (including religious symbols) and when such features do not represent a product service, or registered trademark.

(xviii) Interior signs located completely within a building or structure and not intended to be visible from outside the structure, exclusive of window signs.

(xix) Nameplates not to exceed two square feet per sign face.

(xx) Nonblinking small string lights, which are part of decoration to be used in association with landscaped areas, trees, and holidays.

(xxi) Point of purchase displays.

(xxii) Political signs so long as the maximum area per sign is limited to six square feet. No signs shall be posted on medians, roundabouts, utility poles, lampposts, traffic signs and signals, or public structures. No political sign shall be displayed later than seven calendar days after the final election.

(xxiii) Private advertising signs shall be limited to eight square feet per sign face and five feet in height; the sign must be immediately removed at the end of an event, use or condition; the sign must contain the address of the event or advertiser; and there shall be no more than six such signs advertising an event.

(xxiv) Real estate signs.

(A) Off-Site. The number of off-site real estate signs shall be limited to six per property per agent; provided, however, there shall be a minimal separation of 200 lineal feet between such signs, except that an agent or sellers open house signs may be placed closer than 200 lineal feet where doing so is necessary to indicate that a turn and change in the direction of vehicular travel is required for a potential buyer to continue proceeding towards the home that is offered for sale. The area of such signs shall be no greater than six square feet per sign face. All off-site real estate signs must be removed each day at the conclusion of the open house or other sales event and are permitted only between sunrise and sunset when the seller or the agent are in attendance at the property.

No off-site real estate sign may be placed on, or attached to, any government sign, traffic control device or sign, tree, shrub, or utility pole. No off-site real estate sign may be placed in the public right-of-way in any manner that restricts or obstructs vehicular, pedestrian, wheel chair or bicycle travel, nor in any manner that blocks driveways, ramps or curb cuts, and no sign may be placed in the right-of-way on any median or in any manner that interferes with sight distances.

(B) On-Site. The number of on-site real estate signs shall be limited to one per agent per street frontage or public entrance if no street frontage exists. For dwelling units, the area of the sign shall be no greater than six square feet per sign face. For other uses and developments, the size shall not exceed 32 square feet per sign face. All on-site real estate signs must be removed when the sale closes, or in the case of a rental or lease, when the tenant takes possession.

(xxv) Temporary signs authorized through the issuance of a temporary use permit in accordance with Chapter 18.85 CMC; provided, however, that each authorized temporary use is only allowed two signs of 16 square feet per sign face. If only one sign is used, that sign may be 24 square feet per sign face.

(xxvi) Under canopy signs not exceeding the width of the canopy and eight square feet in area and; provided, that a minimum separation exists between such signs equal to 20 linear feet or more.

(xxvii) Warning signs.

(xxviii) Window signs not exceeding 50 percent of the window area per building frontage only to advertise products, goods or services for sale on-site, business identification, hours of operation, address, and emergency information.

(c) Temporary and special signs. No permit for any sign for any civic event, community service event, special sale/promotional event, grand opening, mural display or scoreboard shall be issued unless such sign complies with the sign type, maximum number, maximum sign face area, maximum height, location, duration and all other allowances and limitations for those uses described in Table 1, Allowances for Temporary and Special Signs – Permit Required.

(d) Residential zone signs. No permit for any residential zone shall be issued for any sign unless such sign complies with the sign type, max-

imum number, maximum sign area, maximum height, location, duration and all other allowances and limitations for those uses described in Table 2, Sign Allowances for Residential Zones – Permit Required.

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(e) Sign registration. No person shall maintain a sign in the City without first having executed a proper and current sign registration unless the sign is expressly exempt from such registration requirements. All signs exempt from the permitting requirements set forth in this section shall be exempt from the registration requirements. The sign registration shall be issued in connection with a person's business license pursuant to Chapter 5.10 CMC or issued after the City has independently obtained the dimensions of the sign and other necessary information. Sign owners or users who, on the date of adoption of this code, have current business registrations are not required to apply to register their signs until the next renewal of their business registration. A sign registration will be valid until such time as the applicant alters the sign in any way, in which case the applicant will be required to apply for a new sign registration and sign permit. No fee will be charged for sign registrations. The City will assign a registration number to each sign upon issuance of the business license, approval of a sign registration application, or upon the City independently obtaining the measurements of any sign. Upon registration of a sign, the City will advise the applicant if the sign is in compliance with this code, is a legal nonconforming sign pursuant to CMC 18.55.120, or an illegal nonconforming sign pursuant to CMC 18.55.110.

(f) Bond. The City may require a bond to ensure compliance with any aspect of this code.

Table 1
Allowances for Temporary and Special Signs – Permit Required

Sign Purpose/ Description	Applicable Zones	Sign Type Allowed	Maximum Number	Maximum Sign Area	Maximum Height	Location	Remarks
Civic or community service event (temporary)	All	Banners, temporary portable signs, inflatable advertising devices, searchlights and beacons	Handled on a case-by-case basis	Handled on a case-by-case basis	Handled on a case-by-case basis	On site and off site	30 days prior to the event. Remove within 5 days of the close of the event
Civic or community service event (permanent)	All	Monument and wall sign	1 per site per frontage providing direct vehicle access	The total sign area per monument signs shall not exceed 64 square feet for the total of all faces and no one face shall exceed 32 square feet. Wall signs shall not exceed 7 percent of the exposed building face to which it is attached	Monument signs: 6 feet. Freestanding signs: 12 feet. Wall signs shall not project above the roofline	Nonresidential zones: on/off site. Residential zones: on site only	Electronic changeable message signs allowed. Signs cannot contain commercial messages
Special sale/ promotional event (e.g., anniversary sale, etc.)	Nonresidential zoning districts	Banners only	2 banner signs	32 square feet	Not located above the base of the roof line	On site. Banners must be attached to an exposed building face	Special promotions: 120 days total per calendar year. Does not include window signs
Grand openings	Nonresidential zoning districts	Banners, temporary portable signs, inflatable advertising devices, searchlights and beacons	2 banner signs	32 square feet	Not located above the base of the roof line	On site. Banners must be attached to an exposed building face	Grand openings: 120 days
Mural display	Nonresidential zoning districts	Painted mural	Handled on a case-by-case basis	Handled on a case-by-case basis	Handled on a case-by-case basis	Handled on a case-by-case basis	
Scoreboards (athletic fields)	All	Electronic changeable message sign	Handled on a case-by-case basis	Handled on a case-by-case basis	Handled on a case-by-case basis	Handled on a case-by-case basis	
Service organizations	All	Monument, pedestal, pole (wood or metal)	2 signs per organization	5 square feet including secondary sign plate	Minimum clearance: 7 feet. Maximum height: 10 feet	Principal arterials in public right-of-way (not on planter strips) or on private property	

Table 2
Sign Allowances for Residential Zones – Permit Required

Land Use	Applicable Zone	Sign Type Allowed	Maximum Number	Maximum Sign Area	Maximum Height	Location	Remarks
AGRICULTURAL							
• Crop raising or keeping/raising of foraging or grazing animals, fowl or rabbits • Stables, public or private	R-1 or less dense	Canopy sign Monument sign Wall sign	1 sign for each street frontage providing direct vehicle access	The total sign area of monument signs shall not exceed 32 square feet for the total of all faces and no one face shall exceed 16 square feet. Wall signs and canopy signs shall not exceed 7 percent of the exposed building face to which it is attached	Wall and canopy signs; cannot project above the roofline. Monument signs: 6 feet	Subject property; setback 5-foot minimum	Internally illuminated signs are not allowed. Commercial message signs are allowed. City may impose additional limitations on signs to be compatible with nearby residential areas
INSTITUTIONAL							
• Government facility • Public park • Public utility • School	All residential zones	Canopy sign Monument sign Pedestal sign Wall sign	1 sign for each public entrance providing direct vehicle access	The total sign area of monument signs shall not exceed 64 square feet for the total of all faces and no one face shall exceed 32 square feet. Wall signs and canopy signs shall not exceed 7 percent of the exposed building face to which it is attached	Wall and canopy signs; cannot project above the roofline. Monument signs: 6 feet. Pedestal sign: 12 feet	Subject property; setback 5-foot minimum	Internally illuminated signs are not allowed; provided, however, that electronic changeable message signs and changeable copy signs are allowed. City may impose additional limitations on signs to be compatible with nearby residential areas
RECREATION							
• Golf course • Recreation area or clubhouse • Sports field, private, noncommercial	All residential zones	Canopy sign Monument sign Pedestal sign Wall sign	1 sign for each street frontage providing direct vehicle access	The total sign area of monument signs shall not exceed 64 square feet for the total of all faces and no one face shall exceed 32 square feet. Wall signs and canopy signs shall not exceed 7 percent of the exposed building face to which it is attached	Wall and canopy signs; cannot project above the roofline. Monument signs: 6 feet. Pedestal sign: 12 feet	Subject property; setback 5-foot minimum	Internally illuminated signs are not allowed; provided, however, that electronic changeable message signs and changeable copy signs are allowed. City may impose additional limitations on signs to be compatible with nearby residential areas

Table 2
Sign Allowances for Residential Zones – Permit Required

Land Use	Applicable Zone	Sign Type Allowed	Maximum Number	Maximum Sign Area	Maximum Height	Location	Remarks
RESIDENTIAL							
• Dwelling units	All residential zones	Monument sign Wall sign	1 per dwelling unit per street frontage	2 square feet	Wall and canopy signs; cannot project above the roofline. Monument signs: 5 feet	Subject property; setback 5-foot minimum	Commercial messages not allowed. Internally illuminated or electrical signs not allowed
• Subdivision identification	All residential zones	Monument sign Wall sign	2 per major entrance	32 square feet per entrance	Wall and canopy signs; cannot project above the roofline. Monument signs: 5 feet	Subject property; setback 5-foot minimum	Commercial messages not allowed. Internally illuminated or electrical signs not allowed
• Manufactured home park identification	All residential zones	Monument sign Wall sign	2 per major entrance	32 square feet per entrance	Wall and canopy signs; cannot project above the roofline. Monument signs: 5 feet	Subject property; setback 5-foot minimum	Commercial messages not allowed. Internally illuminated or electrical signs not allowed
• Multifamily complex identification	R-8, CC, NC, CD, CR	Monument sign Wall sign	2 per major entrance	32 square feet per entrance	Wall and canopy signs; cannot project above the roofline. Monument signs: 5 feet	Subject property; setback 5-foot minimum	Commercial messages not allowed. Internally illuminated or electrical signs not allowed
UNIQUE							
• Cemetery	All residential zones	Handled on a case-by-case basis	Handled on a case-by-case basis	Handled on a case-by-case basis	Handled on a case-by-case basis	Handled on a case-by-case basis	
• Church, synagogue, or other place of worship	All residential zones	Canopy sign Monument sign Wall sign	1 sign for each street frontage providing direct vehicle access	The total sign area of monument signs shall not exceed 64 square feet for the total of all faces and no one face shall exceed 32 square feet. Wall signs and canopy signs shall not exceed 7 percent of the exposed building face to which it is attached	Wall and canopy signs; cannot project above the roofline. Monument signs: 5 feet	Subject property; setback 5-foot minimum	Electronic changeable message signs and changeable copy signs are allowed. City may impose additional limitations on signs to be compatible with nearby residential areas

(Ord. 08-13 § 3 (Exh. A); Ord. 03-11 § 1 (Exh. A); Ord. 15-10 § 1 (Exh. A); Ord. 10-10 § 3 (Exh. C); Ord. 04-09 §§ 2, 3; Ord. 01-08 §§ 1, 2; Ord. 42-02 § 2 (21A.19.050))

18.55.060 Prohibited signs.

Prohibited signs may be subject to removal by the City pursuant to CMC 18.55.140. Such removal would be at the owner's or user's expense. The following signs or displays are prohibited in all zones within the City:

(1) Abandoned or obsolete signs.

(2) Animated or moving signs.

(3) Banners, except as expressly allowed pursuant to Table 1 and CMC 18.55.050. (See Figure A-1.)

(4) Billboards.

(5) Dilapidated, nonmaintained signs.

(6) Electronic changeable message signs where the message changes more frequently than every three minutes.

(7) Flashing signs, except electronic changeable message signs, changeable copy signs or holiday decorations.

(8) Graffiti.

(9) Inflatable advertising devices, except as expressly allowed in CMC 18.55.050.

(10) Mylar balloons.

(11) Obstructing signs, which obstruct or interfere with free access to or egress from a required exit from a building or structure.

(12) Off-premises signs, except uses located on lots without public frontage in commercial and industrial zones may have one off-premises directional sign of no more than 16 square feet in area unless otherwise approved by a variance. However, advertising may be placed on bus benches within the public right-of-way, in accord with Chapter 12.45 CMC.

(13) Pennants, streamers, ribbons, spinners, whirlers, propellers, festoons, blinking lights, or similar items that attract attention through movement, reflection or illumination unless expressly allowed pursuant to Table 1 of this chapter. (See Figure A-1.)

(14) Portable signs including, but not limited to, sandwich/A-frame signs, and mobile reader board signs except as expressly allowed in CMC 18.55.050. (See Figure A-5.)

(15) Real estate signs providing information other than the name of the development and that the subject property is for sale, lease or rent. Such signs include such things as features or amenities of the property (including, but not limited to, indoor pool, Jacuzzi tubs, fireplaces, skylights, covered parking, free cable, laundromat services, community centers, etc.).

(16) Any sign in a public right-of-way except governmental signs, service organization signs, political signs, off-site real estate signs, and signs on bus benches, in accord with Chapter 12.45 CMC. No signs shall be posted on medians, roundabouts, utility poles, lampposts, traffic signs and signals, or public structures.

(17) Roof signs.

(18) Simulations of traffic signs and any sign using the words "stop," "look," or "danger," or any other words, symbols or characters in such a manner as to interfere with, mislead or confuse pedestrian or vehicular traffic.

(19) Snipe signs.

(20) Vehicle signs including any sign attached to or placed on a parked vehicle or trailer used principally for advertising purposes, rather than transportation, but excluding signs relating to the sale, lease or rental of the vehicle or trailer and excluding signs which identify a firm or its principal product on a vehicle operated during the normal course of business. (See Figure A-13.) (Ord. 04-09 § 4; Ord. 01-08 § 2; Ord. 42-02 § 2 (21A.19.060))

18.55.070 Signs in nonresidential zoning districts.

(1) Freestanding Signs. All permit applications for freestanding signs will be designated as either a high profile, medium profile or low profile sign, based upon criteria regarding both the size and zoning designation of the development. The sign profile designation shall control the sign types, height, sign area and number of signs allowed, unless otherwise specified in CMC 18.31.140 for developments located within the town center zoning district.

(a) High Profile Areas.

(i) Criteria. A property meeting all of the following criteria is permitted a high profile freestanding sign:

(A) A minimum of 250 feet of frontage on one public right-of-way;

(B) A zoning designation of CR (Regional Commercial) or CD (Downtown Commercial);

(C) Multi-use complex; and

(D) A minimum site of 15 acres.

(ii) Sign Types. The following sign types are allowed in high profile areas:

(A) Pedestal signs;

(B) Monument signs;

(C) Tenant directory signs; and

(D) Kiosks.

(iii) Sign Content. The sign content for pedestal or monument sign may include electronic changeable messages, center identification signs and/or changeable copy signs. Any high profile sign may be an electrical sign, an illuminated sign, and/or a neon sign.

(iv) Sign Height. A high profile sign shall not exceed the following maximum heights:

(A) Pedestal or monument signs: 12 feet.

(B) Tenant directory or kiosk sign: six feet unless the sign is set back a minimum of 50 feet from any public right-of-way, in which case it may be 10 feet.

(v) Sign Area. A high profile sign shall not exceed the following maximum sign areas:

(A) Pedestal or monument signs: 160 square feet for the total of all sign faces with no one face exceeding 80 square feet.

(B) Tenant directory or kiosk signs: 15 square feet per sign face.

(vi) Number of Signs. A property qualifying for a high profile sign may have the following maximum number of signs:

(A) 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 which identify the name of the multi-use complex are allowed, per entrance from a public right-of-way, not to exceed five feet in height; and

(B) Tenant directory or kiosk signs: one sign per property frontage.

(b) Medium Profile Sign.

(i) Criteria. A property that does not qualify for a high profile sign pursuant to subsection (1)(a) of this section or is zoned I (industrial) or M (mineral) is permitted a medium profile freestanding sign.

(ii) Sign Type. The following sign types are allowed for a medium profile sign:

(A) Pedestal signs; and

(B) Monument signs.

(iii) Sign Content. The sign content for any medium profile sign may include electronic changeable messages, center identification signs, and/or changeable copy signs. Any medium profile sign may be an electrical sign, an illuminated sign, and/or a neon sign.

(iv) Sign Height. The height of a medium profile sign will be calculated at the rate of 0.75 feet of sign height for every 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 10 lineal feet of frontage on a public right-of-way for any multi-tenant complex. Sign height shall not exceed 12 feet and every applicant is entitled to a minimum height of five feet.

(v) Sign Area. For any multi-tenant complex, sign area will be calculated at the rate of two-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. For other uses, sign area allowed for medium profile signs shall be calculated at the rate of one 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. 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.

(vi) Number of Signs. A property qualifying for a medium profile sign may have the following maximum number of signs:

(A) Pedestal or monument sign: one per street frontage.

(B) Tenant directory or kiosk sign: one per property frontage.

(c) Low profile sign.

(i) Criteria. A property located in the NB (neighborhood business) zone is permitted a low profile freestanding sign.

(ii) Sign Type. The following sign types are allowed for a low profile sign:

(A) Pedestal signs;

(B) Monument signs; and

(C) Tenant directory signs.

(iii) Sign Content. The sign content for any pedestal or monument sign may include center identification signs and/or changeable copy signs. Any low profile sign may be an electrical sign, an illuminated sign, and/or a neon sign.

(iv) Sign Height. A low profile sign shall not exceed the following maximum heights:

(A) Pedestal or monument signs: five feet.

(B) Tenant directory signs: six feet unless the sign is set back a minimum of 50 feet from any public right-of-way, in which case it may be 10 feet.

(v) Sign Area.

(A) Pedestal or monument signs: sign area allowed for a low profile sign shall be calculated at the rate of one 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, and 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) Tenant directory signs: 15 square feet per sign face.

(vi) Number of Signs. A property qualifying for a low profile sign may have the following maximum number of signs:

(A) Pedestal or monument signs: one sign per frontage on a public right-of-way; and

(B) Tenant directory signs: one sign per frontage on a public right-of-way.

(C) 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.

(2) Building-Mounted Signs. All permit applications for building-mounted signs within the town center zoning district shall comply with CMC 18.31.140 for sign height, sign area and number of signs.

(a) Sign Types. The following may be building-mounted signs and are allowed in all nonresidential zoning districts:

(i) Awning or canopy signs;
(ii) Center identification signs;
(iii) Changeable copy signs;
(iv) Civic event signs;
(v) Directional signs, on-site;
(vi) Electronic changeable message signs;
(vii) Instructional signs;
(viii) Marquee signs;
(ix) Projecting signs;
(x) Tenant directory signs;
(xi) Time and temperature signs;
(xii) Under canopy signs; and
(xiii) Wall-mounted signs.

Any building-mounted sign may be an electrical sign, an illuminated sign, and/or a neon sign.

(b) Sign Height. No sign shall project above the roofline of the exposed building face to which it is attached.

(c) Sign Area. The total sign area of building-mounted signs for each business or tenant, excluding under canopy signs, shall not exceed 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.

(d) Number of Signs. The number of building-mounted signs permitted each user is dependant 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

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 permitted one sign for each different business in addition to the number permitted above. The area of such additional signage must not exceed 15 percent of the exterior wall of the separate business.

An applicant is not permitted to transfer sign area calculated pursuant to subsection (2)(c) of this section from one building face to another but is allowed to move allotted signs from one building face to another.

Each business or use shall be permitted under canopy signs in addition to the other permitted building-mounted signs subject to the size and separation requirements set forth in CMC 18.55.050(3)(b)(xxvi).

(3) Sign Area Multipliers. The sign area and sign number allowed, as set forth in subsection (1)(a) of this section for high profile signs, subsection (1)(b) of this section for medium profile signs, and subsection (1)(c) of this section for low profile signs and subsection (2) of this section for building-mounted signs may be increased in the following instances; provided, however, that in no event shall the sign exceed the maximum sign area allowed:

(a) If no signs on the subject property, other than canopy or awning signs have internally lighted sign faces, then the total sign area allowed may be increased by 25 percent.

(b) If all signs, other than center identification signs, are building-mounted signs, the total sign area allowed may be increased by 25 percent.

(c) A time and temperature sign may be included with any sign and such time and temperature signs shall not be included for purposes of calculating maximum sign area or maximum number of signs. (Ord. 04-12 § 1 (Exh. A); Ord. 42-02 § 2 (21A.19.070))

18.55.080 Construction standards.

(1) 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.

(2) Sign Setback Requirements. The required setback from the property lines for all signs shall be not less than five feet from the property line in residential zones and not less than three feet from the property line in all other zones.

(3) Dimensional and Design Standards.

(a) Pedestal Signs. The following drawings illustrate the dimensional standards for pedestal signs (see Figure A-15):

(i) Width of sign base (50 percent of D).

(ii) Maximum height of sign per CMC 18.55.070 (at least 20 percent of B).

(iii) Width of sign.

(b) Monument Signs. The following figures illustrate the dimensional standards for monument signs (see Figure A-16):

(i) Maximum height of sign per CMC 18.55.070.

(ii) Maximum of 200 percent of A.

(iii) Minimum of 20 percent of A.

(iv) Equal to 100 percent of B.

(c) Design Criteria.

(i) 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 Administrator's approval. No visible gap shall be allowed between the sign base and the finished grade.

(ii) Sign Face. The color, shape, material, lettering and other architectural details of the sign face must be consistent with the character of the primary structure.

(iii) Minor Deviations. The Administrator may approve minor deviations from the dimensional standards for signs, except for maximum sign height, as long as the Administrator concludes that the resulting sign does not significantly change the relative proportion of the sign base to the sign face.

(iv) Location. No sign shall be so located so as to physically obstruct any door or exit from a building. No sign shall be located so as to be hazardous to a motorist's or pedestrian's ingress and egress from buildings or parking areas. No sign shall be located within sight distance triangle.

(v) 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.

(vi) Illumination limitations of electrical signs (does not apply to neon signage). No sign may contain or utilize any of the following:

(A) Any exposed incandescent lamp with wattage in excess of 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 message 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 12 inches on center.

(G) Internally lighted signs using 425-milliamp or larger ballasts if the lamps are spaced closer than six inches on center.

(vii) Setback and Distance Measurements. The following guidelines will be used to determine compliance with setback and distance measurements:

(A) The distance between two signs will 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 will be measured along a straight line representing the shortest distance between the sign and the property line. (Ord. 01-08 § 3; Ord. 42-02 § 2 (21A.19.080))

18.55.085 Sign standards for institutional uses.

In addition to the requirements of CMC 18.55.050, Table 2, Institutional Land Uses, all institutional signs, whether in residential or commercial zones, shall meet the following standards:

(1) No institutional sign shall exceed a height of 18 feet.

(2) For changeable message signs, the electronic portion of the sign is limited to the hours of 6:00 a.m. to 10:00 p.m.

(3) The image must appear and disappear as one image. The image may not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights, or appear to move toward or away from the viewer, to expand or contract, bounce, rotate, spin, or twist. (Ord. 01-08 § 4)

18.55.090 Variance from sign code.

(1) Applicability. This section establishes the procedure and criteria the City will use in making a decision upon an application for a variance from the provisions of the sign code.

(2) Required Review Process. The City of Covington Hearing Examiner will review and decide upon applications for a variance in accord with established procedures. Applications for variances shall be accompanied by a fee as set forth in the current fee resolution.

(3) Criteria. The Hearing Examiner may grant the variance only if s/he finds all of the following:

(a) The literal interpretation and strict application of the provisions and requirements of the sign regulations would cause undue and unnecessary hardship; and

(b) A sign package consistent with the provisions of this chapter would not provide the use or the business with effective signs; and

(c) The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and zone in which the subject property is located; and

(d) The variance is not granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign; and

(e) The special circumstances of the subject property are not the result of the actions of the applicant, the owner of the property or a self-induced hardship; and

(f) The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is located.

(4) Conditions and Restrictions. As part of any variance approval, the City may impose any conditions, limitations or restrictions it considers appropriate under the circumstances. This may include, but is not limited to, requiring the owner of the property sign a covenant or other written document to be filed with the City and recorded by the County to run with the property by which, at a time certain or upon specific events, the signs would be brought into compliance with all applicable City regulations then in effect. The City may also require a performance bond to ensure compliance with any such condition or restriction. (Ord. 20-07 § 119; Ord. 42-02 § 2 (21A.19.090))

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18.55.100 Compliance and enforcement.

(1) Compliance with Other Applicable 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 be in conflict with any provision of any zoning, building, fire, safety or health ordinance or code of the City, the provision that establishes the more restrictive standard shall prevail.

(2) Sign Maintenance. All signs must be kept in good repair and in a safe condition at all times. The area surrounding freestanding signs must be kept free of litter and debris at all times. Failure to do so shall be a violation of this chapter.

(3) Inspection. The Administrator is empowered to enter or inspect any building, structure or premises in the City, upon which any sign is located for the purpose of 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.

(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 by a person 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 by a person 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 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) 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 Covington Municipal Code and the laws and regulations of the State of Washington.

(f) All signs abated by the City shall be available for recovery by the owner of said sign for a period of two weeks, upon payment of the costs of removal and storage, 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) 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. (Ord. 20-06 § 2; Ord. 06-05 § 1; Ord. 23-04 § 15; Ord. 42-02 § 2 (21A.19.100))

18.55.110 Nonconforming signs.

(1) Any nonconforming sign which is structurally altered, relocated or replaced must immediately be brought into compliance with all of the provisions of this chapter, except the repairing and restoration of any on-site sign to a safe condition. Any part of a sign or sign structure may be repaired, as normal maintenance, without loss of nonconforming status. Damage from acts of God or vandalism to a nonconforming sign will keep its nonconforming status if the cost of the repair is less than 50 percent of the cost of replacing the nonconforming sign with a conforming sign. However, the sign must be restored to its original design or a more conforming design.

(2) A sign face or message change on a nonconforming sign is not allowed when the affected property and sign structure have been abandoned for greater than 90 days.

No sign permit will be required for allowable sign face or message changes.

(3) Signs in existence on the effective date of the ordinance codified in this chapter which do not comply with provisions regulating flashing signs, use of par spotlights or rotating beacons, rotating and revolving signs, flags, banners, streamers or strings of lights, balloons or temporary or incidental signs shall be made to comply or be abated in

accordance with the procedure established in Chapter 1.30 CMC.

(4) Any nonconforming sign used by a business, shopping center or business complex must be brought into conformance prior to any expansion or change in use which requires a site review or conditional use permit. All nonconforming signs must be brought into conformance with the same provisions as are required for new signs. No building permits for new construction may be issued until compliance with this provision is assured.

(5) Variances can be granted using the variance procedure of this chapter to alleviate unusual hardships or extraordinary circumstances which exist in bringing nonconforming signs into conformity. The variance granted would be the minimum required to alleviate the hardship or extraordinary circumstance. (Ord. 01-08 § 5; Ord. 42-02 § 2 (21A.19.110))

18.55.120 Replacement of nonconforming signs.

(1) Except for pole signs located on SE 272nd Street west of SR 18 and pole signs located on SE 272nd Street east of SE Wax Road, and except as otherwise provided in subsection (2) of this section, any sign which does not conform to the requirements of this chapter must either be removed or brought into compliance with the chapter requirements. Enforcement of this section shall be in accordance with CMC 18.55.100.

(2) Except as otherwise provided in this chapter, signs in existence on the effective date of Ordinance 02-99 (January 5, 1999) which do not conform to the provisions of this chapter but which were constructed, erected or maintained in compliance with previous regulations will be regarded as legal and nonconforming. (Ord. 01-08 § 6; Ord. 20-06 § 3; Ord. 42-02 § 2 (21A.19.120))

18.55.130 Replacement of nonconforming signs – Waiver of building permit fee.

If, prior to January 1, 2002, an application is filed with the City for installation of a new sign which complies with the provisions of this code and which replaces a legal, nonconforming sign, the City shall waive the building permit fee for installation of a new sign, as set forth in the building permit fee schedule of the Uniform Building Code. (Ord. 42-02 § 2 (21A.19.125))

18.55.140 Sign removal – Dangerous and abandoned signs on private property.

(1) Any 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 civil code enforcement provisions of CMC 18.55.100.

(2) Any person who owns or leases a nonconforming or abandoned sign or sign structure must remove such sign or sign structure when the sign has been abandoned. If said person fails to so remove it, the Administrator will proceed to enforce this section in accordance with the code enforcement provisions of CMC 18.55.100. (Ord. 20-06 § 4; Ord. 42-02 § 2 (21A.19.130))

18.55.150 Removal of sign – Time period.

Every person maintaining a sign must, upon vacating the premises where a sign is maintained, remove or cause to be removed said sign within 30 days from the date of vacating the premises. When the Administrator determines that said sign has not been removed within said 30-day period, the Administrator shall remedy said violation and enforce of the provisions of this chapter in accordance with the civil code enforcement procedures established in CMC 18.55.100. (Ord. 20-06 § 5; Ord. 42-02 § 2 (21A.19.140))

18.55.160 Sign removal authorized – Unauthorized signs on public property or public rights-of-way.

(1) 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 Administrator.

(2) Any person responsible for any 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 reasonable attorneys' fees.

(3) The Administrator is authorized to effect the collection of the removal costs incurred by the City, and, if the charge is not paid promptly, interest and the costs of collection, including reasonable attorneys' fees. Costs include, but are not limited to, direct labor, material and equipment costs, as well as department and general City overhead costs

attributable to the removal of signs and to identifying the responsible person or persons and collecting from them the costs of removal. (Ord. 20-06 § 6)

18.55.170 Presumption for assessing cost of removal.

(1) For the purpose of recovering the costs of removal, there is a rebuttable presumption that:

(a) A real estate agent, broker, brokerage firm, auctioneer or other person whose name or telephone number appears on a sign is the person responsible for posting the sign advertising the property for sale, lease or rent;

(b) A candidate seeking office is the person responsible for posting a sign promoting his or her candidacy for public office;

(c) A person conducting a yard, garage, estate or moving sale is the person responsible for posting a sign advertising the sale and, unless the sale is advertised as that of a merchant or liquidator engaged in the business of selling personal property, that the owner, or lessee if the property is leased, of the premises where the sale occurs is responsible for conducting the sale;

(d) An owner, or lessee if the property is leased, of property used for a commercial activity or event is the person responsible for posting a sign advertising the commercial activity or event;

(e) A person whose name, telephone number or address appears as the sponsor of a sporting event, concert, theatrical performance or similar activity is the person responsible for posting a sign advertising the activity or event;

(f) A person whose name, telephone number or address appears as the person to contact on any sign is the person responsible for posting the sign.

(2) A person presumed to be responsible for posting a sign under the presumptions in this section may rebut the presumption by declaring under penalty of perjury or swearing under oath that the person did not cause, authorize or permit the posting of the sign.

(3) The presumptions in this section for recovering the costs of removal of signs do not apply to proceedings to collect a civil fine or enforce criminal violations under CMC 18.55.100. (Ord. 20-06 § 7)

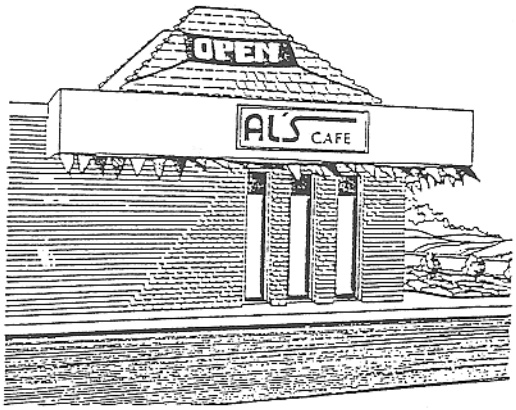


Figure A-1
Pennants/Banners

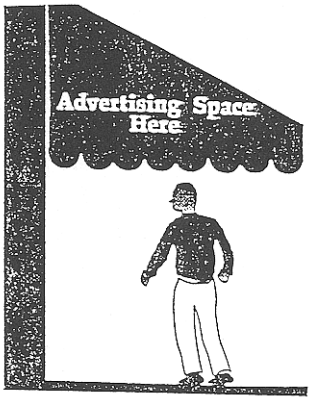


Figure A-2
Canopy/Awning Sign

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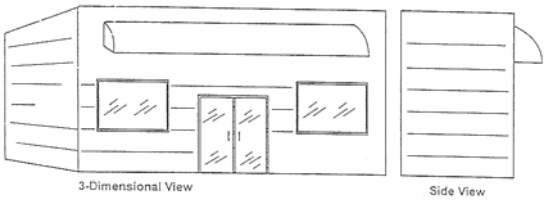


Figure A-2
Canopy Sign



Figure A-2
Canopy Sign

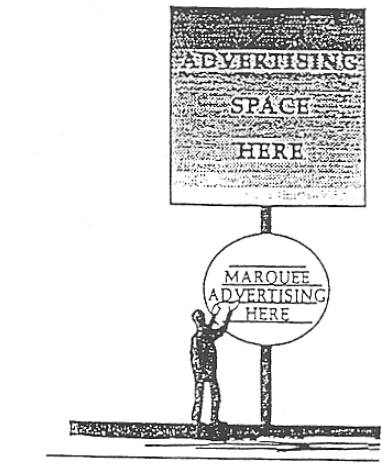
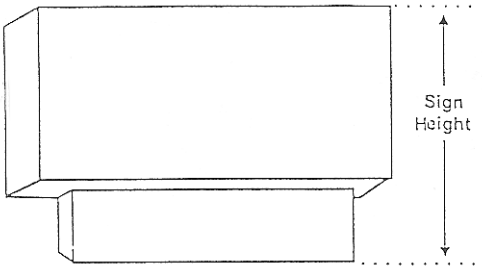


Figure A-3
Freestanding Sign



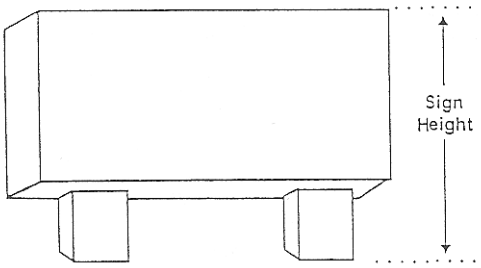


Figure A-3
Freestanding Sign

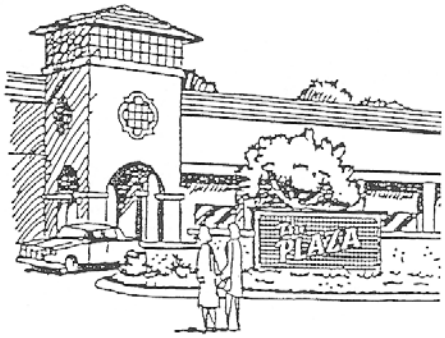


Figure A-4
Monument Sign

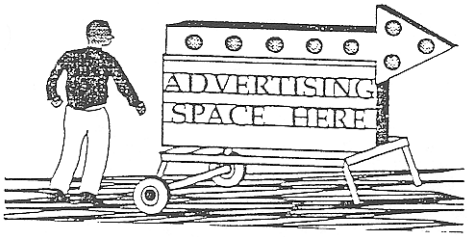


Figure A-5
Mobile Sign

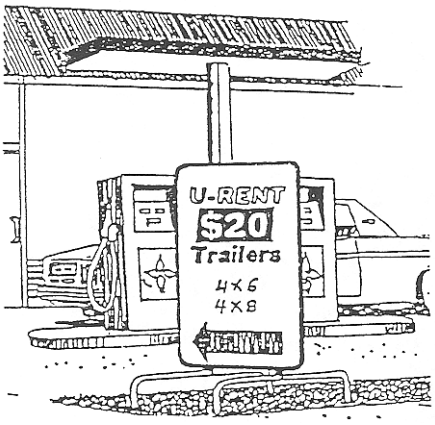


Figure A-5
Portable Fuel Sign

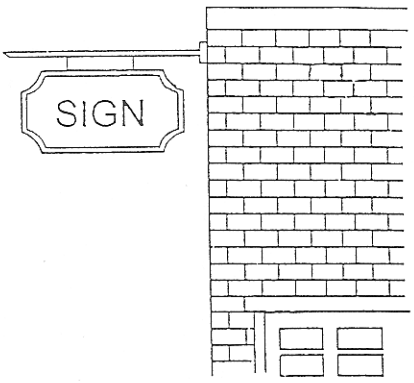




Figure A-5
Portable Sign

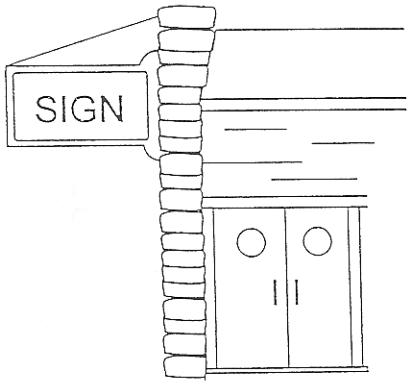


Figure A-7
Projecting Sign



Figure A-7
Projecting Sign

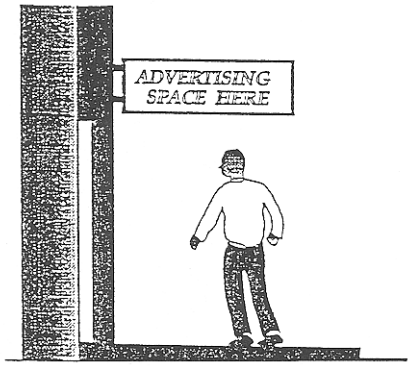


Figure A-7
Projecting Sign

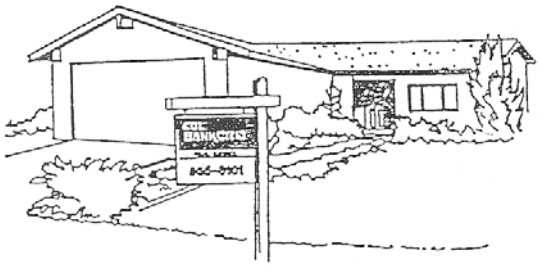


Figure A-8
Real Estate Sign

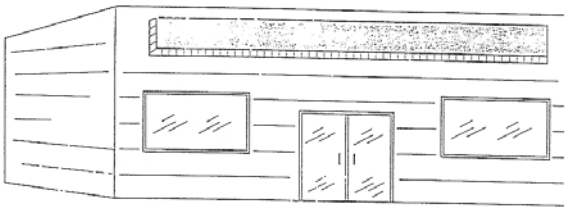


Figure A-10
Wall Sign

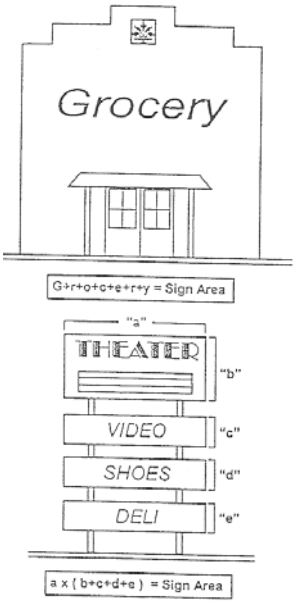


Figure A-9
Sign Area

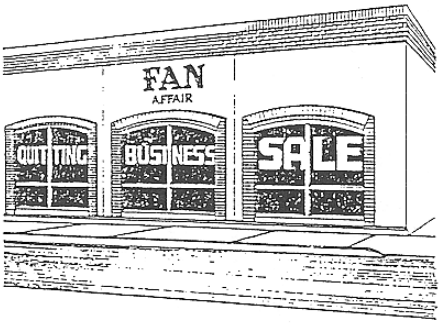


Figure A-11
Window Sign

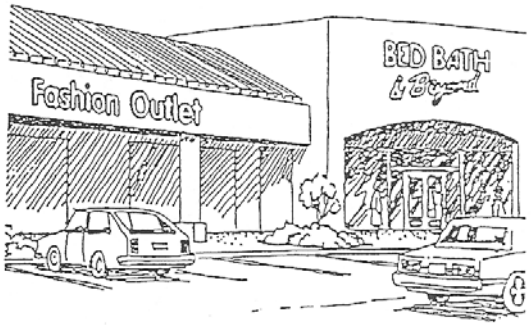


Figure A-10
Wall Sign

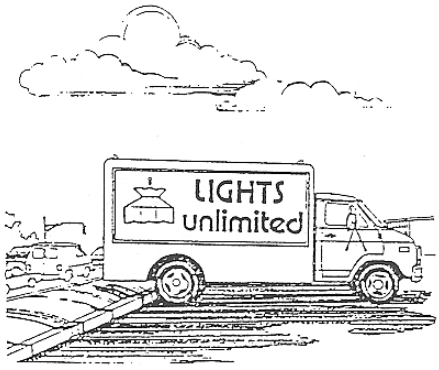


Figure A-13
Vehicle Sign

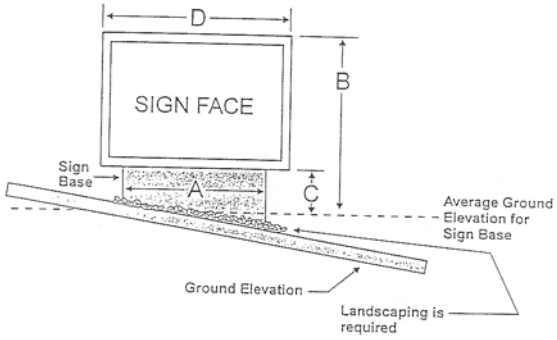


Figure A-15
Pedestal Type A Sign

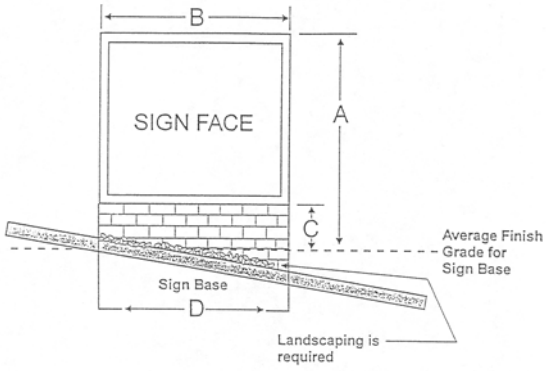


Figure A-16
Monument Sign



Figure A-17
Pole Sign

Chapter 18.60

DEVELOPMENT STANDARDS – MINERAL EXTRACTION

Sections:

18.60.010 Purpose.
18.60.020 Exemptions.
18.60.030 Extractive operations.
18.60.035 *Repealed.*
18.60.040 Nonconforming extractive operations.
18.60.050 Periodic review.
18.60.060 Site design standards.
18.60.070 Operating standards.
18.60.080 Reclamation.
18.60.090 *Repealed.*

18.60.010 Purpose.

The purpose of this chapter is to establish standards which minimize the impacts of grading and extractive operations upon surrounding properties by:

(1) Ensuring adequate review of operating aspects of extractive sites;

(2) Requiring periodic review of extractive and processing operations to ensure compliance with the most current operating standards. (Ord. 08-13 § 3 (Exh. A); Ord. 20-07 § 121; Ord. 42-02 § 2 (21A.22.010))

18.60.020 Exemptions.

The provisions of this chapter shall not apply to uses or activities specifically exempted in Chapter 18.45 CMC. (Ord. 08-13 § 3 (Exh. A); Ord. 42-02 § 2 (21A.22.020))

18.60.030 Extractive operations.

Extractive operations shall commence only after issuance of a grading permit pursuant to Chapter 14.60 CMC. (Ord. 08-13 § 3 (Exh. A); Ord. 20-07 § 122; Ord. 42-02 § 2 (21A.22.030))

18.60.035 Fees.

Repealed by Ord. 08-13. (Ord. 20-07 § 68; Ord. 43-02 § 2 (27.12.010). Formerly 14.60.010)

18.60.040 Nonconforming extractive operations.

To the extent determined feasible by the City, nonconforming extractive operations shall be brought into conformance with the operating standards of CMC 18.60.070. (Ord. 20-07 § 123; Ord. 42-02 § 2 (21A.22.040))

18.60.050 Periodic review.

Unless a more frequent review is required, periodic review of extractive and processing operations shall be provided as follows:

(1) All extractive operations shall be subject to a review of development and operating standards at five-year intervals;

(2) The periodic review shall be:

(a) Conducted by the Director or his/her designee pursuant to the review process outlined in CMC Title 14; and

(b) Used to determine that the site is operating consistent with the most current standards and to establish other conditions as necessary to mitigate identifiable environmental impacts;

(c) The cost of any review by the City shall be the responsibility of the operator of the extractive operation. (Ord. 08-13 § 3 (Exh. A); Ord. 42-02 § 2 (21A.22.050))

18.60.060 Site design standards.

Except as provided for nonconforming extractive operations in CMC 18.60.040, all extractive and processing operations shall at minimum comply with the following standards:

(1) The minimum site area of an extractive operation shall be 10 acres;

(2) Extractive operations on sites larger than 20 acres shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process;

(3) Fences and screening shall be:

(a) Provided in a manner which screens the use from public view and discourages access to safety hazards which may arise on areas of the site where:

(i) Active extracting, processing, stockpiling and loading of materials is occurring;

(ii) Any unstable slope or any slope exceeding a grade of 40 percent is present; or

(iii) Any settling pond or other storm water facility is present;

(b) At least six feet in height above the grade measured at a point five feet from the outside of the fence;

(c) Installed with lockable gates at all openings or entrances;

(d) No more than four inches from the ground to fence bottom;

(e) Maintained in good repair; and

(f) Screening shall include the use of landscape material in accord with Chapter 18.40 CMC;

(4) Warning and trespass signs advising of the extractive operation shall be placed on the perimeter of the site adjacent to R zones at intervals no greater than 200 feet along any unfenced portion of the site where the items noted in subsection (3)(a)(i) through (iii) of this section are present;

(5) Structural setbacks from property lines shall be as follows:

(a) Buildings or structures used in the processing of materials shall be no closer than:

(i) One hundred feet from any R zoned properties except that the setback may be reduced to 50 feet when the grade where such building or structures are proposed is 50 feet or greater below the grade of said R zoned property; or

(ii) Twenty feet from any other zoned property, except when adjacent to another extractive site; or

(iii) Twenty-five feet from any public street;

(b) Offices, scale facilities, equipment storage buildings and stockpiles shall not be closer than 20 feet from any property line except when adjacent to another extractive site;

(6) No clearing, grading or excavation, excluding that necessary for roadway or storm drainage facility construction, shall be permitted within 20 feet of any property line except along any portion of the perimeter adjacent to another extractive operation; provided, that such activities may be pursuant to an approved reclamation plan;

(7) Landscaping as required pursuant to Chapter 18.40 CMC shall be provided along any portion of the site perimeter where disturbances such as site clearing and grading, or mineral extraction or processing is performed, except where adjacent to another extractive operation; and

(8) Lighting shall:

(a) Be limited to that required for security, lighting of structures and equipment, and vehicle operations; and

(b) Not direct glare onto surrounding properties. (Ord. 42-02 § 2 (21A.22.060))

18.60.070 Operating standards.

All operating standards shall be as specified in Chapter 18.45 CMC except:

(1) Noise levels produced by an extractive operation shall not exceed levels specified by the City of Covington noise ordinance, Chapter 8.20 CMC;

(2) Blasting shall be conducted:

(a) Consistent with the methods specified in the Office of Surface Mining, 1987 Blasting Guidance Manual;

(b) During daylight hours; and

(c) According to a time schedule that:

(i) Features regular or predictable times, except in the case of an emergency; and

(ii) Is provided to residents within one-half mile of the site;

(3) Dust and smoke produced by extractive operations shall not substantially increase the existing levels of suspended particulates at the perimeter of the site and shall be controlled by watering of the site and equipment or other methods specified by the County;

(4) The applicant shall provide for measures to prevent transport of rocks, dirt and mud from trucks onto public roadways;

(5) Traffic control measures such as flagmen or warning signs as determined by the City shall be provided by the applicant during all hours of operation; and

(6) The applicant shall be responsible for cleaning of debris or repairing of damage to roadways caused by the operation. (Ord. 42-02 § 2 (21A.22.070))

18.60.080 Reclamation.

A reclamation plan approved pursuant to the requirements of RCW 78.44.090 shall be submitted prior to the effective date of a rezone approval. (Ord. 08-13 § 3 (Exh. A); Ord. 42-02 § 2 (21A.22.080))

18.60.090 Financial guarantees.

Repealed by Ord. 08-13. (Ord. 20-07 § 124; Ord. 42-02 § 2 (21A.22.090))

Chapter 18.65

CRITICAL AREAS

Sections:

18.65.010 Purpose.
18.65.020 Applicability.
18.65.030 Appeals.
18.65.040 Critical areas rules.
18.65.050 Allowed alterations of critical areas.
18.65.060 Agricultural activities development standards.
18.65.070 Exceptions.
18.65.090 Disclosure by applicant.
18.65.100 Critical area review.
18.65.110 Critical area report requirement.
18.65.120 Avoiding impacts to critical areas.
18.65.130 Mitigation and monitoring.
18.65.135 Off-site mitigation.
18.65.136 Resource mitigation reserve.
18.65.140 Financial guarantees.
18.65.150 Vegetation management plan.
18.65.160 Critical area markers and signs.
18.65.170 Notice on critical areas.
18.65.180 Critical area tracts and designations on site plans.
18.65.190 Alteration.
18.65.200 Building setbacks.
18.65.220 Erosion hazard areas – Development standards and permitted alterations.
18.65.230 Flood hazard areas – Components.
18.65.240 Flood fringe development standards and alterations.
18.65.250 Zero-rise floodway development standards and alterations.
18.65.260 FEMA floodway development standards and alterations.
18.65.270 Flood hazard areas certification by engineer or surveyor.
18.65.275 Channel migration zones – Development standards and alterations.
18.65.280 Landslide hazard areas – Development standards and alterations.
18.65.310 Steep slope hazard areas – Development standards and alterations.
18.65.311 Critical aquifer recharge areas – Maps adopted.
18.65.312 Critical aquifer recharge areas – Reclassification or declassification.

18.65.313 Critical aquifer recharge areas – Categories.
18.65.314 Critical aquifer recharge areas.
18.65.315 Critical aquifer recharge areas – Development regulations.
18.65.316 Critical aquifer recharge areas – Evaluation and implementation.
18.65.319 Wetlands – Categories.
18.65.320 Wetlands – Buffers.
18.65.340 Wetlands – Specific mitigation requirements.
18.65.345 Wetlands – Specific mitigation requirements – Wetland mitigation banking.
18.65.350 Wetlands – Limited exemption.
18.65.355 Aquatic areas – Water types.
18.65.356 Aquatic areas – Buffers.
18.65.360 Aquatic areas – Development standards and alterations.
18.65.370 Aquatic areas – Streams – Permitted alterations.
18.65.380 Aquatic areas – Specific mitigation requirements.
18.65.381 Wildlife habitat conservation areas – Development standards.
18.65.382 Wildlife habitat conservation areas – Modification.
18.65.383 Wildlife habitat network – Applicability.
18.65.384 Wildlife habitat network – Development standards and alterations.
18.65.385 Wildlife habitat conservation area and wildlife network – Specific mitigation requirements.
18.65.390 Critical areas mitigation fee – Creation of fund.
18.65.400 Critical areas mitigation fee – Source of funds.
18.65.410 Critical areas mitigation fee – Use of funds.
18.65.420 Critical areas mitigation fee – Investment of funds.
18.65.430 Critical area designation.
18.65.440 Conversion of designated critical areas.

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 King County 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 Citywide 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 aquatic areas;

(6) Measuring the quantity and quality of wetland and aquatic area resources and preventing overall net loss of wetland and aquatic area 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 and maintaining the City of Covington as an eligible community for Federal flood insurance benefits;

(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. (Ord. 14-05 § 5)

18.65.020 Applicability.

(1) This chapter applies to all land uses 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) 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 otherwise in this chapter or unless the provision conflicts with Federal or State laws or regulations.

(5) This chapter applies to all forest practices over which the City has jurisdiction under Chapter 76.09 RCW and WAC Title 222. (Ord. 14-05 § 5)

18.65.030 Appeals.

An applicant may appeal a decision to approve, condition or deny a development proposal based on this chapter according to and as part of the appeal procedure for the permit or approval involved. (Ord. 14-05 § 5)

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. (Ord. 14-05 § 5)

18.65.050 Allowed alterations of critical areas.

(1) Within the following four critical areas and their buffers all alterations are allowed if the alteration complies with the development standards, mitigation requirements and other applicable requirements established in this chapter:

(a) Critical aquifer recharge area,

(b) Erosion hazard area;

(c) Flood hazard area except in the severe channel migration hazard area; and

(d) Landslide hazard area under 40 percent slope.

(2) Within the following seven critical areas and their buffers only the alterations on the table in subsection (3) of this section are allowed if the alteration complies with conditions in subsection (4) of this section and the development standards, mitigation requirements and other applicable requirements established in this chapter:

(a) Severe channel migration hazard area;

(b) Landslide hazard area over 40 percent slope;

(c) Steep slope hazard area;

(d) Wetland;

(e) Aquatic area;

(f) Wildlife habitat conservation area; and

(g) Wildlife habitat network.

(3) In the following table where an activity is included in more than one activity category, the numbered conditions applicable to the most specific description of the activity governs. Where more than one numbered condition appears for a listed activity, each of the relevant conditions specified for that activity 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.

Activity	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Aquatic Area and Buffer and Severe Channel Migration	Wildlife Area and Network
KEY: Letter "A" in a cell means alteration is allowed. "Wildlife area and network" column applies to both wildlife habitat conservation area and wildlife habitat network.					
Construction of single detached dwelling unit			A 1		
Construction of nonresidential structure			A 2	A 2	A 2, 3
Maintenance or repair of existing structure	A 4	A	A	A	A3

Activity	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Aquatic Area and Buffer and Severe Channel Migration	Wildlife Area and Network
KEY: Letter "A" in a cell means alteration is allowed. "Wildlife area and network" column applies to both wildlife habitat conservation area and wildlife habitat network.					
Expansion or replacement of existing structure	A 4, 6	A 4, 6	A 1, 6, 7	A 5, 6, 7	A 3, 6
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 8	A 8, 9	
Maintenance, repair or replacement of dock or pier			A 10, 11, 12	A 10, 11, 12	A 3
Grading					
Grading		A 13		A 14	
Construction of new slope stabilization	A 15	A 15	A 15	A 15	
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 3
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18, 19	A 18, 20	A 14, 18, 20	
Cutting firewood		A 21	A 21	A 21	
Removal of brush			A 22	A 22	
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 3, 23
Use of herbicide	A	A	A 23	A 24	A
Forest practices					
Nonconversion Class IV-G forest practice	A 25	A 25	A 25	A 25	A 25, 26
Class I, II, III, IV-S forest practice	A	A	A	A	A
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 27	A 9, 27	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 28
Expansion beyond public road right-of way structure	A	A	A 27	A 27	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 28
Construction of driveway or private access road			A 59	A 59	A 59
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29

Activity	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Aquatic Area and Buffer and Severe Channel Migration	Wildlife Area and Network
KEY: Letter "A" in a cell means alteration is allowed. "Wildlife area and network" column applies to both wildlife habitat conservation area and wildlife habitat network.					
Maintenance of driveway, private access road or farm field access drive	A	A	A 17	A 17	A 17, 28
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 28
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 28
Expansion of bridge or culvert	A	A	A 31	A 31	A 3
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 28, 35
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 37	A 37	A 37	A 37
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 3, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 3
Construction of new surface water conveyance system	A 33	A 33	A 38	A 32, 39	A 3
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 18, 32, 39	A 16, 40, 41	A 3, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 3, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 3
Construction of new flood protection facility			A 42	A 42	A 28, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 33, 43	A 43	A 28, 43
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	
Maintenance or repair of existing instream structure	A 16	A	A	A	A 3
Recreation areas					
Construction of new trail	A 46	A 46	A 47	A 9, 47	
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 3, 48

Activity	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Aquatic Area and Buffer and Severe Channel Migration	Wildlife Area and Network
KEY: Letter "A" in a cell means alteration is allowed. "Wildlife area and network" column applies to both wildlife habitat conservation area and wildlife habitat network.					
Habitat and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 3, 49
Scientific sampling for salmonids			A 50	A 50	A 10
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 3
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of livestock flood sanctuary			A	A 56	
Construction of agricultural drainage			A 57	A 57	A 57
Maintenance of agricultural drainage	A 58	A 58	A 53, 54, 58	A 53, 54, 58	A 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or gardening for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 17

(4) The following alteration conditions apply to the table in subsection (3) of this section:

1. Limited to farm residences in grazed or tilled wet meadows and subject to the limitations of CMC 18.65.060.

2. Limited to nonresidential farm structures in grazed or tilled wet meadows or buffers of wetlands or aquatic areas where:

a. The site is predominantly used for the practice of agriculture;

b. The structure is in compliance with an approved farm management plan in accordance with Chapter 18.80 CMC;

c. The structure is either:

i. On or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas, and the area was not used for crop production;

ii. Higher in elevation and no closer to the critical area than its existing position; or

iii. At a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan;

d. All best management practices associated with the structure specified in the farm management plan are installed and maintained;

e. Installation of fencing in accordance with Chapter 18.80 CMC does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and

f. In a severe channel migration hazard area portion of an aquatic buffer only if:

i. There is no feasible alternative location on-site;

ii. The structure is located where it is least subject to risk from channel migration;

iii. The structure is not used to house animals or store hazardous substances; and

iv. The total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of 1,000 square feet or two percent of the severe channel migration hazard area on the site.

3. Allowed if no clearing, external construction or other disturbance in a wildlife habitat conservation area occurs during breeding seasons established under CMC 18.65.381.

4. Allowed for structures when:

a. The landslide hazard poses little or no risk of injury;

b. The risk of landsliding is low; and

c. There is not an expansion of the structure.

5. Within a severe channel migration hazard area allowed for:

a. Existing primary structures if:

i. There is not an increase of the footprint of any existing structure; and

ii. There is not a substantial improvement as defined in CMC 18.20.1266; and

b. Existing accessory structures if:

i. Additions to the footprint will not make the total footprint of all existing structures more than 1,000 square feet; and

ii. There is not an expansion of the footprint towards any source of channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.

6. Allowed only in the buffer or building setback outside a severe channel migration hazard area if:

a. The expansion or replacement does not increase the footprint of a nonresidential structure;

b. The expansion or replacement does not increase the footprint of a dwelling unit by more than 1,000 square feet and the location of the expanded area has the least adverse impact on the critical area;

c. The structure was not established as the result of a variance, buffer averaging or reasonable use exception; and

d. To the maximum extent practical, the expansion or replacement is not located closer to the critical area or within relic of a channel that can be connected to an aquatic area.

7. Allowed upon another portion of an existing impervious surface outside a severe channel migration hazard area if:

a. The structure is not located closer to the critical area; and

b. The existing impervious surface within the critical area or buffer is not expanded.

8. Limited to seasonal floating docks or piers in a Category II, III or IV wetland or its buffer or along a lake shoreline or its buffer where:

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.

9. Not allowed within a severe channel migration hazard area portion of an aquatic area buffer.

10. Allowed on Type N or O aquatic areas if:

a. Neither the width nor the length of the existing dock or pier is increased; and

b. Hazardous substances or toxic materials are not used.

11. Allowed, excluding submerged components, on Type S or F aquatic areas if:

a. There is not an expansion of width and length of the existing dock or pier;

b. Hazardous substances or toxic materials are not used; and

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

12. Allowed on Type S or F aquatic areas if:

a. Hazardous substances or toxic materials are not used;

b. There is not an increase in shade for predator species; and

c. There is not an increase in the number of pilings or the overall width and length of the dock or pier and the existing deck surface area is reduced to the maximum extent practical in waters between three feet and 13 feet deep.

13. Limited to regrading and stabilizing of a slope formed as a result of a legal grading activity.

14. The following are allowed if conducted more than 165 feet from the ordinary high water mark in the rural area and 115 feet from the ordinary high water mark in the urban area:

a. Grading of up to 50 cubic yards on lot less than five acres; and

b. Clearing of up to 1,000 square feet or up to a cumulative 35 percent of the lot.

15. Only where erosion or landsliding threatens a structure, utility facility, roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent practical, stabilization work does not disturb the slope and its vegetative cover and any associated critical areas.

16. Allowed when performed by or at the direction of a government agency in accordance with regional road maintenance guidelines.

17. Allowed when not performed under the direction of a government agency only if:

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

b. When maintenance involves water used by salmonids:

i. The maintenance is in compliance with ditch standards in public rule; 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.

18. Allowed for the removal of hazard trees and vegetation as necessary for surveying or testing purposes.

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

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

21. Cutting of up to one cord of firewood in any year is allowed if the buffer is five acres or larger and no trees are removed from within 150 feet of the wetland or channel edge, including side channels.

22. Allowed only in buffers for the purpose of enhancing tree growth in the area of removal if limited to the diameter of the tree canopy.

23. Allowed only if:

a. Removal is undertaken with hand labor unless otherwise prescribed by the King County Noxious Weed Control Board requires or authorizes the use of riding mowers or light mechanical cultivating equipment and herbicides or biological control methods;

b. The area is stabilized to avoid regrowth or regeneration of noxious weeds; and

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

24. Allowed for the control of invasive vegetation if:

a. Part of a restoration project;

b. The herbicide is a State and Federally approved registered aquatic formulation; and

c. For infestations over 10,000 square feet, the herbicide is applied by a licensed aquatic herbicide applicator.

25. 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.

26. 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.

27. Allowed only if:

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

b. The corridor 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 that there is no other feasible crossing site.

c. The corridor width is minimized to the maximum extent practical;

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

e. The corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity.

28. To the maximum extent practical, during breeding season established under CMC 18.65.381, land clearing machinery such as bulldozers, graders or other heavy equipment are not operated within a wildlife habitat conservation area.

29. Only if in compliance with a farm management plan in accordance with Chapter 18.80 CMC.

30. 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.

31. 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 aquatic area and its buffer; and

b. To the maximum extent practical, the bridge or culvert is located to minimize impacts to the aquatic area and its buffers.

32. Allowed in an existing roadway if conducted consistent with the adopted street maintenance guidelines.

33. Allowed outside the roadway if:

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

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

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

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

a. There is no alternative location with less adverse impact on the critical area and its buffer;

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 greater than 12 inches diameter at breast height is minimized;

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;

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 mark;

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

1. 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.

35. Allowed only for new utility facilities in existing utility corridors.

36. 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.

37. 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.

38. Allowed if conveying the surface water into the wetland buffer and discharging into the wetland buffer or at the wetland edge has less adverse impact upon the wetland or wetland buffer than if the surface water were discharged at the buffer's edge and allowed to naturally drain through the buffer.

39. Allowed if constructed only with vegetation.

40. Allowed for an existing, open, vegetated storm water management conveyance system and outfall structure that simulates natural conditions if:

a. Fish habitat features necessary for feeding, cover and reproduction are included when appropriate;

b. Vegetation is maintained and added adjacent to all open channels and ponds, if necessary to prevent erosion, filter out sediments or shade the water; and

c. Bioengineering techniques are used to the maximum extent practical.

41. Allowed for an existing, closed, tightlined conveyance system and outfall structure if:

a. Necessary to avoid erosion of slopes; and

b. Bioengineering techniques are used to the maximum extent practical.

42. Allowed in a severe channel migration hazard area portion of an aquatic area buffer to prevent bank erosion only:

a. If consistent with King County's Guidelines for Bank Stabilization Projects (King County Surface Water Management), and any updates, and if bioengineering techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function; and

b. To prevent bank erosion for the protection of:

i. Public roadways;

ii. Sole access routes in existence before February 16, 1995; or

iii. New primary dwelling units, accessory dwelling units or accessory living quarters and residential accessory structures located outside the severe channel migration hazard area if:

A. The site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before February 16, 1995. The buildings, sole access routes or bank stabilization must be located no more than 600 feet apart as measured parallel to the migrating channel; and

B. The new primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures are located no closer to the aquatic area than existing primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures on abutting or adjacent properties.

43. 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.

44. Allowed in Type N and O aquatic areas if done in least impacting way at least impacting time of year, in conformance with applicable best management practices, and all affected instream and buffer features are restored.

45. Allowed in a Type S or F water when such work is:

a. Included as part of a project to evaluate, restore or improve habitat; and

b. Sponsored by a public agency that has natural resource management as a function or by a Federally recognized tribe.

46. Allowed as long as the trail is not 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.

47. Allowed as far landward as feasible in the buffer if:

a. The trail surface is not made of impervious materials, except that public multi-purpose trails may be made of impervious materials if stormwater mitigation for the trail surface materials meets the stormwater requirements in CMC Title 13; and

b. To the maximum extent practical, buffers are expanded equal to the width of the trail corridor including disturbed areas.

48. 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;

b. When salmonids are present, the maintenance is in compliance with ditch standards in public rule; and

c. Does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert, engineered slope or other improved area being maintained.

49. 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.

50. 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.

51. Allowed for the limited clearing and grading needed to prepare critical area reports.

52. The following are allowed if associated spoils are contained:

a. Data collection and research if carried out to the maximum extent practical by non-mechanical or hand-held equipment;

b. Survey monument placement;

c. Site exploration and gauge installation if performed in accordance with State-approved sampling protocols and accomplished to the maximum extent practical by hand-held equipment and; or similar work associated with an incidental take permit issued under Section 10 or consultation under Section 7 of the Endangered Species Act.

53. Limited to activities in continuous existence since December 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states associated with these horticultural and agricultural activities.

54. Allowed for expansion of existing or new agricultural activities where:

a. The site is predominantly involved in the practice of agriculture;

b. There is no expansion into an area that:

i. Has been cleared under a Class I, II, III or IV-S forest practice permit; or

ii. Is more than 10,000 square feet with tree cover at a uniform density more than 90 trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height, not including areas that are actively managed as agricultural crops for pulp-

wood, Christmas trees or ornamental nursery stock;

c. The activities are in compliance with an approved farm management plan in accordance with Chapter 18.80 CMC; and

d. All best management practices associated with the activities specified in the farm management plan are installed and maintained.

55. Only allowed in grazed or tilled wet meadows or their buffers if:

a. The facilities are designed to the standards of an approved farm management plan in accordance with Chapter 18.80 CMC or an approved livestock management plan in accordance with Chapter 18.80 CMC;

b. There is not a feasible alternative location available on the site; and

c. The facilities are located close to the outside edge of the buffer to the maximum extent practical.

56. Allowed in a severe channel migration hazard area portion of an aquatic area buffer if:

a. The facilities are designed to the standards in an approved farm management plan in accordance with Chapter 18.80 CMC;

b. There is not a feasible alternative location available on the site; and

c. The structure is located where it is least subject to risk from channel migration.

57. Allowed for new agricultural drainage in compliance with an approved farm management plan in accordance with Chapter 18.80 CMC and all best management practices associated with the activities specified in the farm management plan are installed and maintained.

58. If the agricultural drainage is used by salmonids, maintenance shall be in compliance with an approved farm management plan in accordance with Chapter 18.80 CMC.

59. Allowed within existing landscaped areas or other previously disturbed areas. (Ord. 13-09 § 30; Ord. 14-05 § 5)

18.65.060 Agricultural activities development standards.

(1) The alterations identified in Chapter 18.80 CMC for agricultural activities are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat conservation areas when the site is currently engaged in an agricultural activity and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with Chapter 18.80 CMC.

(2) This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan.

(3) The Director or his designee shall serve as the single point of contact for City in providing information on farm management plans for purposes of this title. The Director shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to, the best management practices for dairy nutrient management, livestock management, horticulture management, site development and agricultural drainage.

(4) A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on 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 management 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 management plan.

(5) The property owner or applicant may develop the farm management plan as part of a program offered or approved by the City. The plan shall include, but is not limited to, the following elements:

(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 management plan if adverse impacts occur; and

(f) Documentation of compliance with flood compensatory storage and flood conveyance in accordance with CMC 18.65.240.

(6) A farm management plan is not effective until approved by the Director. Before approval, the City of Covington 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 in this section. (Ord. 14-05 § 5)

18.65.070 Exceptions.

(1) The Director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter and that are not development standards or alteration conditions to allowed alterations as follows:

(a) For linear structures the Director may approve alterations to critical areas, critical area buffers and critical area setbacks only when all of the following criteria are met:

(i) There is no feasible alternative to the development proposal with less impact on the critical area;

(ii) The proposal minimizes the impact on critical areas; and

(iii) The alteration:

(A) Connects to or is an alteration to a public roadway, public trail, utility corridor or utility facility owned or operated by a public agency or company regulated by the Washington Utilities and Transportation Commission, or other public infrastructure; or

(B) Is required to overcome limitations due to gravity;

(b) For nonlinear structures the Director may approve alterations to critical areas, except wetlands, aquatic areas and wildlife habitat conservation areas, and alterations to critical area buffers and critical area setbacks when all of the following criteria are met:

(i) There is no feasible alternative to the development proposal with less adverse impact on the critical area;

(ii) The alteration is the minimum necessary to accommodate the development proposal;

(iii) For dwelling units, no more than 3,000 square feet or 10 percent of the site may be disturbed by structure or other land alteration including grading, utility installations and landscaping but not including the area used for on-site septic disposal system;

(iv) Access is located to have the least adverse impact on the critical area and critical area buffer;

(v) The critical area is not used as a salmonid spawning area;

(vi) The alteration does not result in:

(A) A net increase in the base flood elevation;

(B) A measurable decrease in slope stability;

(C) A measurable decrease in water quality; or

(D) A measurable increase in erosion potential; and

(vii) For alterations to aquatic area buffers located on lake shorelines on lots that were created before the effective date of this section:

(A) At least 75 percent of the lots abutting the shoreline or 75 percent of the lake frontage, whichever constitutes the most developable lake frontage, has existing density of four dwelling units per acre or more;

(B) Functional buffer or aquatic area vegetation does not remain upon the lot for which the alteration exception is sought, and the absence of vegetation is not the result of any illegal action; and

(C) Any significant biologic or hydrologic feature of the aquatic area or aquatic area buffer will not be adversely affected; and

(c) The Director may approve alterations to critical areas, critical area buffers and critical area setbacks if the application of this chapter would deny all reasonable use of the property and all of the following criteria are met:

(i) There is no other reasonable use with less adverse impact on the critical area;

(ii) The development proposal 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

(iii) Any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property.

(2) For the purpose of this section, "linear structure" means infrastructure that supports development that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, utility corridors and utility facilities.

(3) Alteration exceptions approved under this section shall meet the mitigation requirements of this chapter.

(4) An applicant for an alteration exception shall submit a critical area report, as required by CMC 18.65.110. Applications shall be accompanied by the required fee as set forth in the current fee resolution. (Ord. 20-07 § 125; Ord. 14-05 § 5)

18.65.090 Disclosure by applicant.

If a development proposal site contains or is within a critical area, the applicant shall submit an affidavit which 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. (Ord. 10-07 § 11; Ord. 14-05 § 5)

18.65.100 Critical area review.

(1) Before any clearing, grading or site preparation, the Department shall perform a critical area review for any City development proposal permit application or other request for permission to alter a site. The applicant shall pay a critical area review fee as set forth in the current fee resolution. The Department shall determine whether there is:

(a) A critical area on the development proposal site;

(b) An active breeding site of a protected species on the development proposal site; or

(c) A critical area or active breeding site of a protected species that has been mapped, identified within 300 feet of the applicant's property or that is visible from the boundaries of the site.

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

(a) There has been an accurate identification of all critical areas;

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

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

(d) The sequence outlined in this chapter has been followed to avoid impacts to critical areas and critical area buffers; and

(e) Mitigation to compensate for adverse impacts to critical areas is required 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.

(3) If a development proposal does not involve any site disturbance, clearing, or grading and only requires a permit or approval under Chapter 18.45 CMC, critical area review is not required, unless the development proposal is located within a:

(a) Flood hazard area;

(b) Critical aquifer recharge area; or

(c) Landslide hazard area, and the proposed development will cause additional loads on the foundation, such as by expanding the habitable square footage of the structure or by adding or changing structural features that change the land bearing characteristics of the structure. (Ord. 20-07 § 126; Ord. 14-05 § 5)

18.65.110 Critical area report requirement.

(1) An applicant for a development proposal that requires critical area review under CMC 18.65.100 shall submit a critical area report at a level determined by the Department to adequately evaluate the proposal and all probable impacts.

(2) A level one critical area report is required for development proposals requiring a critical area review and includes the following:

(a) A valid critical area designation listed in CMC 18.65.050;

(b) A critical area delineation performed by an expert;

(c) A critical area review performed for the same site or portion of the site or another permit approval process within the prior five years;

(d) An approved farm management plan in accordance with Chapter 18.80 CMC, or for wetlands and aquatic areas that are streams, a farm plan approved after January 1, 1993, in accordance with KCC Title 21A.30;

(e) An approved rural stewardship site plan in accordance with King County Code; or

(f) A forest stewardship site plan approved after the effective date of this section; and

(g) A basic site checklist for each critical area in a form specified by the Department that includes;

(i) A site plan indicating the location of each critical area on or adjacent to the site and the approximate buffer, if any;

(ii) Topographical features if relevant;

(iii) General vegetation types and potential habitat or breeding sites; and

(iv) Any information related to the classification, type or category of the critical area.

(3) City of Covington may require a level two critical area report in a form specified by the Department when:

(a) A description, delineation or explanation of the attributes of the critical area beyond the information provided by a level one checklist is necessary to determine potential impacts or risks and appropriate mitigation; or

(b) The functions of all or portions of a critical area or critical area buffer are degraded and appropriate mitigation can be determined without intensive analysis.

(4) The Department may require a level three critical area report in a form specified by the Department when:

(a) The functions of all or portions of a critical area or critical area buffer are intact and an analysis of the potential impacts of the proposed development or alteration is necessary to determine appropriate mitigation measures and to decide if the alteration should occur as proposed; or

(b) There is a potential risk to life or property from the development proposal or alteration or to the development proposal or alteration because of the hazards posed by cumulative effects to the critical area.

(5) The Department may require a level four critical area report in a form specified by the Department when:

(a) A quantitative analysis is needed to determine potential impacts and mitigation measures;

(b) An alteration exception is proposed in accordance with CMC 18.65.070; or

(c) An analysis of cumulative effects is required under the Washington State Environmental Policy Act or other State or Federal law.

(6) The applicant may combine a critical area report with any critical area studies required by other laws and regulations.

(7) If the development proposal will affect only a part of the development proposal site, the Department may limit the scope of the required critical area report to include only that part of the site that is affected by the development proposal. (Ord. 14-05 § 5)

18.65.120 Avoiding impacts to critical areas.

(1) An applicant for a development proposal or alteration shall consider the following sequential measures, which appear in order of priority, to avoid impacts to critical areas and critical area buffers:

(a) Avoiding the impact or hazard by not taking a certain action;

(b) Minimizing the impact or hazard by:

(i) Limiting the degree or magnitude of the action with appropriate technology; or

(ii) Taking affirmative steps, such as project redesign, relocation or timing;

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

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

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

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

(g) Monitoring the impact, hazard or success of required mitigation and taking remedial action.

(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. (Ord. 14-05 § 5)

18.65.130 Mitigation and monitoring.

(1) If mitigation is required under this chapter to compensate for adverse impact, unless otherwise provided, an applicant shall:

(a) Mitigate adverse impacts to:

(i) Critical areas and their buffers; and

(ii) The development proposal as a result of the proposed alterations on or near the critical areas; and

(b) Monitor the performance of any required mitigation.

(2) The Department shall not approve a development proposal until mitigation and monitoring plans are in place to mitigate for alterations to critical areas and buffers.

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

(a) An analysis of potential impacts;

(b) A mitigation plan that meets the specific mitigation requirements in this chapter for each critical area impacted; and

(c) A monitoring plan that includes:

(i) A demonstration of compliance with this title;

(ii) A contingency plan in the event of a failure of mitigation or of unforeseen impacts if:

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

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

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

(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. (Ord. 14-05 § 5)

18.65.135 Off-site mitigation.

(1) To the maximum extent practical, an applicant shall mitigate adverse impacts to a wetland, aquatic area, 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 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 aquatic area habitat functions.

(2) When off-site mitigation is authorized, the Director shall give priority to location within the same drainage sub-basin as the development proposal site that meet the following:

(a) Mitigation banking sites and resource mitigation reserves as authorized by this chapter;

(b) Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the Department; and

(c) Public mitigation sites that have been ranked in a process that has been supported by ecological assessments, including wetland and aquatic areas 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, transfer of clearing credits 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 Director shall maintain a list of sites available for use for off-site mitigation projects.

(5) The City of Covington may develop a program to allow the payment of a fee in lieu of providing mitigation on a development site. 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 through one or more programs that have included a public process. (Ord. 14-05 § 5)

18.65.136 Resource mitigation reserve.

The Director may approve mitigation to compensate for the adverse impacts of a development proposal in advance of unavoidable adverse impacts to critical areas through the creation and approval of a resource mitigation reserve. The use

of a resource mitigation reserve to compensate for unavoidable impacts to a critical area is not allowed in the agricultural production districts if the purpose is to compensate for development outside of the agricultural production districts. (Ord. 14-05 § 5)

18.65.140 Financial guarantees.

Financial guarantees shall be required consistent with the provisions of CMC Title 14 and this title.

(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) Performance and maintenance 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) For maintenance 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.

(4) 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. (Ord. 20-07 §§ 86, 127; Ord. 14-05 § 5; Ord. 43-02 § 2. Partially from former 14.110.080)

18.65.150 Vegetation management plan.

(1) For all development proposals where preservation of existing vegetation is required by this chapter, a vegetation management plan shall be submitted and approved prior to issuance of the permit or other request for permission to proceed with an alteration.

(2) The vegetation management plan shall identify the proposed clearing limits for the project and any areas where vegetation in a sensitive area or its buffer is proposed to be disturbed.

(3) Where clearing includes cutting any merchantable stand of timber, as defined in WAC 222-16-010(28), the vegetation management plan shall include a description of proposed logging practices which demonstrates how all sensitive areas will be protected in accordance with the provisions of this chapter.

(4) Clearing limits as shown on the plan shall be marked in the field in a prominent and durable manner. Proposed methods of field marking shall be reviewed and approved by King County prior to any site alteration. Field marking shall remain in place until the certificate of occupancy or final project approval is granted.

(5) The vegetation management plan may be incorporated into a temporary erosion and sediment control plan or landscaping plan where either of these plans is required by other laws or regulations.

(6) Submittal requirements for vegetation management plans shall be set forth in administrative rules. (Ord. 14-05 § 5)

18.65.160 Critical area markers and signs.

(1) Development proposals shall include permanent survey stakes delineating the boundary between adjoining property and critical area tracts, using iron or concrete markers as established by current survey standards.

(2) The applicant shall identify the boundary between a critical area tract and contiguous land with permanent signs. 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. (Ord. 14-05 § 5)

18.65.170 Notice on 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 development, except a public right-of-way or the site of a permanent public facility, shall file a notice approved by King County with the Records and Elections Division and licensing services division.

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 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 and binding site plans, at or before recording of the subdivision, short subdivision or binding site plan. (Ord. 14-05 § 5)

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 for subdivisions, short subdivisions or binding site plans and shall record on all documents of title of record for all affected lots:

(a) All landslide hazard areas and buffers that are one acre or more in size;

(b) All steep slope hazard areas and buffers that are one acre or more in size;

(c) All wetlands and buffers; and

(d) All aquatic areas and buffers.

(2) Any required critical area tract shall 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 shall be held by an incorporated homeowners' association or other legal entity that ensures the ownership, maintenance and protection of the tract.

(3) Site plans submitted as part of building permits, clearing and grading permits or other development permits shall include and delineate all flood hazard areas as determined by City in accordance with CMC 18.65.230, landslide and steep slope hazard areas, aquatic areas and wetlands, buffers and building setbacks. 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. The site plans shall be attached to the notice on title required by CMC 18.65.170. (Ord. 14-05 § 5)

18.65.190 Alteration.

Any human activity which results or is likely to result in an impact upon the existing condition of a sensitive area is an alteration which is subject to specific limitations as specified for each sensitive area. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants except storm water, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity which results or is likely to result in an impact to existent vegetation, hydrology, wildlife or wildlife habitat. Alterations do not include walking, fishing or any other passive recreation or other similar activities. (Ord. 14-05 § 5)

18.65.200 Building setbacks.

Unless otherwise provided, an applicant shall set buildings and other structures back a distance of 15 feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. The following are allowed in the building setback area:

(1) Landscaping;

(2) Uncovered decks lower than 30 inches height above existing grade;

(3) Building overhangs if the overhangs do not extend more than 18 inches into the setback area;

(4) Impervious ground surfaces, such as driveways and patios; but the 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 the excavation for installation avoids impacts to the buffer. (Ord. 14-05 § 5)

18.65.220 Erosion hazard areas – Development standards and permitted alterations.

(1) Clearing on an erosion hazard area is allowed only from April 1st to September 1st, except that:

(a) Up to 15,000 square feet may be cleared on any lot, subject to any other requirement for vegetation retention and subject to any clearing and grading permit required by Chapter 18.45 CMC; and

(b) Timber harvest may be allowed pursuant to an approved forest practice permit issued by the Washington Department of Natural Resources, or clearing of noxious weeds at any time.

(2) All development proposals on sites containing erosion hazard areas shall include a temporary erosion control plan consistent with this section and other laws and regulations prior to receiving approval. Specific requirements for such plans shall be set forth in administrative rules.

(3) All subdivisions, short subdivisions or binding site plans on sites with erosion hazard areas shall comply with the following additional requirements:

(a) Except as provided in this section, existing vegetation shall be retained on all lots until

building permits are approved for development on individual lots;

(b) If any vegetation on the lots is damaged or removed during construction of the subdivision infrastructure, the applicant shall be required to submit a restoration plan to City of Covington for review and approval. Following approval, the applicant shall be required to implement the plan;

(c) Clearing of vegetation on lots may be allowed without a separate clearing and grading permit if City of Covington determines that:

(i) Such clearing is a necessary part of a large-scale grading plan;

(ii) It is not feasible to perform such grading on an individual lot basis; and

(iii) Drainage from the graded area will meet water quality standards to be established by administrative rules.

(4) Where the City of Covington 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 regular monitoring of surface water discharge from the site. If the project does not meet flow control or water quality standards established by law or administrative rules, the City may suspend further development work on the site until such standards are met.

(5) The use of hazardous substances, pesticides and fertilizers in erosion hazard areas may be prohibited by the City of Covington. (Ord. 13-09 § 31; Ord. 14-05 § 5)

18.65.230 Flood hazard areas – Components.

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

(a) Floodplain;

(b) Zero-rise flood fringe;

(c) Zero-rise floodway;

(d) FEMA floodway; and

(e) Channel migration zones.

(2) The City of Covington shall delineate a flood hazard area after reviewing base flood elevations and flood hazard data for a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." The Director shall determine the base flood for existing conditions. If a basin plan or hydrologic study including projected flows under future developed conditions has been completed and approved by King County, the City of Covington shall use these future flow projections. Many flood hazard areas are mapped by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for King County and Incorporated Areas." When there are multiple sources of flood hazard data for floodplain boundaries, regulatory floodway boundaries, base flood elevations, or flood cross-sections, the Director may determine which data most accurately classifies and delineates the flood hazard area. The Director may utilize the following sources of flood hazard data for floodplain boundaries, regulatory floodway boundaries, base flood elevations or cross-sections when determining a flood hazard area:

(a) Flood insurance rate maps;

(b) Flood insurance studies;

(c) Preliminary flood insurance rate maps;

(d) Preliminary flood insurance studies;

(e) Draft flood boundary work maps and associated technical reports;

(f) Critical area reports prepared in accordance with FEMA standards contained in 44 CFR Part 65 and consistent with the provisions for floodplain analysis;

(g) Letters of map amendments;

(h) Letters of map revisions;

(i) Channel migration zone maps and studies;

(j) Historical flood hazard information; and

(k) Wind and wave data provided by the United States Army Corps of Engineers.

(3) A number of channel migration zones are mapped by the County for portions of river systems. These channel migration zones and the criteria and process used to designate and classify channel migration zones are specified by public rule adopted by the Director. An applicant for a development proposal may submit a critical area report to the Department to determine channel migration zone boundaries or classify channel migration hazard areas on a specific property if there is an apparent discrepancy between the site-specific conditions or data and the adopted channel migration zone maps. (Ord. 13-09 § 32; Ord. 14-05 § 5)

18.65.240 Flood fringe development standards and alterations.

The following standards apply to development proposals and alterations on sites within the zero-rise flood 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) A structural engineer shall design and certify all elevated construction and submit the design to the City prior to construction;

(3) A civil engineer shall prepare a base flood depth and base flood velocity analysis and submit the analysis to the Department. Development proposals and alterations are not allowed if the base flood depth exceeds three feet or the base flood velocity exceeds three feet per second;

(4) Subdivisions, short subdivisions, and 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 zero-rise floodway;

(b) All utilities and facilities such as sewer, gas, electrical and water systems are consistent with subsections (5), (6) and (9) of this section;

(c) A professional engineer shall prepare detailed 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 to reduce exposure to flood damage; 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.

(5) New residential structures and substantial improvements of existing residential structures shall meet the following standards:

(a) Elevate the lowest floor, including basement, to the flood protection elevation;

(b) Do not fully enclose portions of the structure that are below the lowest floor area. Design and construct the areas and rooms below the lowest floor to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters as follows:

(i) Provide a minimum of two openings on each of two opposite side walls in the direction of flow, with each of those walls having a total open area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) Design and construct the bottom of all openings so they are no higher than one foot above grade; and

(iii) Screens, louvers or other coverings or devices are allowed over the opening if they allow the unrestricted entry and exit of floodwaters;

(c) Use materials and methods that are resistant to and minimize flood damage; and

(d) Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air conditioning equipment and other utilities that service the structure, such as duct-work to the flood protection elevation;

(6) New nonresidential structures and substantial improvements of existing nonresidential structures shall meet the following standards:

(a) Elevate the lowest floor to the flood protection elevation; or

(b) Dry flood-proof the structure to the flood protection elevation meet the following standards:

(i) The applicant shall provide certification by a professional engineer that the dry flood-proofing methods are adequate to withstand the

flood depths, pressures, velocities, impacts, uplift forces and other factors associated with the base flood. After construction, the engineer shall certify that the permitted work conforms to the approved plans and specifications; and

(ii) Approved building permits for dry flood-proofed nonresidential structures shall contain a statement notifying applicants that flood insurance premiums are based upon rates for structures that are one foot below the base flood elevation;

(c) Use materials and methods that are resistant to and minimize flood damage;

(d) Design and construct the areas and rooms below the lowest floor to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters as follows:

(i) Provide a minimum of two openings on each of two opposite side walls in the direction of flow, with each of those walls having a total open area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) Design the bottom of all openings is no higher than one foot above grade; and

(iii) Screens, louvers or other coverings or devices are allowed if they do not restrict entry and exit of floodwaters; and

(e) Dry flood-proof all electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities to or elevated above the flood protection elevation;

(7) Anchor all new construction and substantially improved structures to prevent flotation, collapse or lateral movement of the structure. The Director shall approve the method used to anchor the new construction;

(8) Newly sited manufactured homes and substantial improvements of existing manufactured homes shall meet the following standards:

(a) Manufactured homes shall meet all the standards in this section for residential structures, and the following standards;

(i) Anchor all manufactured homes; and

(ii) Install manufactured homes using methods and practices that minimize flood damage; and

(b) All mobile homes within a new mobile home park or expansion of an existing mobile home park must meet the requirements for flood hazard protection for residential structures; and

(c) Only manufactured homes are allowed in a new or existing mobile home park located in a flood hazard area;

(9) 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 zero-rise flood fringe. Locate on-site sewage disposal systems in the zero-rise flood 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;

(10) Critical facilities are only allowed within the flood fringe of the zero-rise flood 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;

(11) New construction or expansion of existing livestock flood sanctuaries is only allowed as follows:

(a) A livestock flood sanctuary is only allowed if there is no other suitable holding area on

the site outside the floodplain to which the livestock have access;

(b) Siting and sizing that do not increase base flood elevations consistent with CMC 18.65.250(2) and 18.65.260(4); and

(c) Siting that is located in the area least subject to risk from floodwaters; and

(12) New construction or expansion of existing livestock manure storage facilities is only allowed as follows:

(a) The livestock manure storage facility is only allowed if there is not a feasible alternative are on the site outside the floodplain;

(b) Construct the livestock manure storage facility to the standards in an approved farm management plan prepared in accordance with Chapter 18.80 CMC provisions. The farm management plan shall demonstrate compliance with the following:

(i) Flood storage compensation consistent with subsection (1) of this section;

(ii) Siting and sizing that do not increase base flood elevations consistent with CMC 18.65.250(2) and 18.65.260(4);

(iii) Dry flood-proofing to the flood protection elevation; and

(iv) Siting that is located in the area least subject to risk from floodwaters. (Ord. 13-09 § 33; Ord. 14-05 § 5)

18.65.250 Zero-rise floodway development standards and alterations.

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

(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 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 CMC 18.65.240;

(4) When post or piling construction are not used, a critical areas report is required in accordance with CMC 18.65.110 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 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 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 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 floodway; and

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

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

(b) Flood damage reduction facilities, such as levees, revetments and pumping stations;

(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 King County's Guidelines for Bank Stabilization projects (King County Surface Water Management) 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 abutments; and

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

18.65.260 FEMA floodway development standards and alterations.

The following standards apply to development proposals and alterations on sites within the FEMA floodway:

(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. A civil engineer shall certify, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that any proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge;

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

(4) Livestock flood sanctuaries and manure storage facilities are prohibited in the FEMA floodway;

(5) If the footprint of the existing residential structure is not increased, substantial improvements of existing residential structures in the FEMA floodway, meeting the requirements of WAC 173-158-070, as amended, are presumed to not increase the base flood elevation and do not require a critical areas report to establish this fact;

(6) Maintenance, repair, replacement or improvement of an existing residential structure located within the agricultural production district on property that is zoned Urban Separator or R-4 is allowed in the FEMA floodway if the structure meets the standards for residential structures and utilities in CMC 18.65.240 and also meets the following requirements:

(a) The existing residential structure was legally established;

(b) The viability of the farm is dependent upon a residential structure within close proximity to other agricultural structures; and

(c) Replacing an existing residential structure within the FEMA floodway is only allowed if:

(i) There is not sufficient buildable area on the site outside the FEMA floodway for the replacement;

(ii) The replacement residential structure is not located in an area that increases the flood hazard in water depth, velocity or erosion;

(iii) The building footprint of the existing residential structure is not increased; and

(iv) The existing structure, including the foundation, is completely removed within 90 days of receiving a certificate of occupancy, or temporary certificate of occupancy, whichever occurs first, for the replacement structure;

(7) Maintenance, repair or replacement of a substantially damaged existing residential structure other than a residential structure located within the agricultural production district on property that is zoned Urban Separator or R-4, is allowed in the FEMA floodway if the structure meets the standards for existing residential structures and utilities in CMC 18.65.240 and also meets the following requirements:

(a) The Washington State Department of Ecology has assessed the flood characteristics of the site and determined:

(i) Base flood depths will not exceed three feet;

(ii) Base flood velocities will not exceed three feet per second;

(iii) There is no evidence of flood-related erosion, as determined by location of the project site in relationship to mapped channel migration zones or, if the site is not mapped, evidence of overflow channels and bank erosion; and

(iv) A flood warning system or emergency plan is in operation;

(b) The Washington State Department of Ecology has prepared a report of findings and recommendations to the City that determines the repair or replacement will not result in an increased risk of harm to life based on the characteristics of the site;

(c) The Director has reviewed the Washington State Department of Ecology report and concurs that the development proposal is consistent

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with the findings and recommendations in the report;

(d) The development proposal is consistent with the findings and recommendations of the Washington State Department of Ecology report;

(e) The existing residential structure was legally established;

(f) Replacing an existing residential structure within the FEMA floodway is only allowed if:

(i) There is not sufficient buildable area on the site outside the FEMA floodway;

(ii) The replacement structure is a residential structure built as a substitute for a previously existing residential structure of equivalent use and size; and

(iii) The existing residential structure, including the foundation, is removed within 90 days of receiving a certificate of occupancy, or temporary certificate of occupancy, whichever occurs first, for the replacement structure; and

(8) Maintenance or repair of a structure, as defined in WAC 173-158-030, that is identified as an historic resource, as defined in CMC 18.20.597, is allowed in the FEMA floodway if the structure and utilities meet the standards of CMC 18.65.240 for residential structures or nonresidential structures, as appropriate. (Ord. 14-05 § 5)

18.65.270 Flood hazard areas certification by engineer or 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 engineer or 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 engineer or 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)

18.65.275 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 standards that apply to the aquatic area buffers in CMC 18.65.356 also apply to the severe channel migration zone and the portion of the moderate channel migration zone that is within the aquatic area buffer. The more-restrictive standards apply where there is a conflict;

(2) Only the alterations identified in CMC 18.65.050 are allowed within a severe channel migration hazard area;

(3) The following standards apply to development proposals and alterations within the moderate channel migration hazard area:

(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 channel migration hazard area 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:

(A) The least subject to risk; or

(B) Within the outer third of the moderate channel migration hazard area as measured perpendicular to the channel;

(c) New accessory structures are allowed if:

(i) A feasible alternative location is not available on-site; and

(ii) To the maximum extent practical, the structure is located the farthest distance from the migrating channel;

(d) The subdivision of property is allowed within the portion of a moderate channel migration hazard area located outside an aquatic area buffer if:

(i) All lots contain 5,000 square feet or more of buildable land outside of the moderate channel migration hazard area;

(ii) Access to all lots does not cross the moderate channel migration hazard area; and

(iii) All infrastructure is located outside the moderate channel migration hazard area except that an on-site septic system is allowed in the moderate channel migration hazard area if:

(A) A feasible alternative location is not available on-site; and

(B) To the maximum extent practical, the septic system is located the farthest distance from the migrating channel. (Ord. 14-05 § 5)

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) A buffer is required from all edges of the landslide hazard area. 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 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. If the landslide hazard area has a vertical rise of more than 200 feet, the Department may increase the minimum building setback in CMC 18.65.280 to 100 feet;

(3) Unless otherwise provided in CMC 18.65.050 or as a necessary part of an allowed alteration, removal of any vegetation from a landslide hazard area or buffer is prohibited;

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

(5) 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. (Ord. 14-05 § 5)

18.65.310 Steep slope hazard areas – Development standards and alterations.

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 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 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. For building permits for single detached dwelling units only, the City may waive the special study requirement and authorize buffer reductions, if the City determines that the reduction will adequately protect the proposed development and the critical area; and

(3) Unless otherwise provided in CMC 18.65.050 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited. (Ord. 14-05 § 5)

18.65.311 Critical aquifer recharge areas – Maps adopted.

The map entitled Covington Critical Aquifer Recharge Areas, included in Attachment B to the ordinance codified in this chapter, is hereby adopted as the designation of critical aquifer recharge areas in Covington in accordance with RCW 36.70A.170. The Director may upon consultation with the affected local water purveyor adopt public rules to add or remove critical 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. (Ord. 14-05 § 5)

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. (Ord. 14-05 § 5)

18.65.313 Critical aquifer recharge areas – Categories.

Critical aquifer recharge areas are categorized 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. (Ord. 14-05 § 5)

18.65.314 Critical aquifer recharge areas.

To protect critical aquifer recharge areas, in accordance with Chapter 36.70A RCW, the following code provisions are established to protect critical aquifer recharge areas: CMC Titles 13, 14, 16, and this title. (Ord. 14-05 § 5)

18.65.315 Critical aquifer recharge areas – Development regulations.

(1) 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 as of the effective date of this section;

(c) Mining of any type within three feet of 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, on-site 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.

(2) 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, on-site 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.

(3) 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, as defined in Chapter 10.04 KCC.

(4) 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.

(5) In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well.

(6) On sites located in a critical aquifer recharge area within the urban growth area, development proposals and alterations for new residential development, including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management practices included in the stormwater manuals adopted in CMC Title 13 into the site design in order to infiltrate storm water runoff to the maximum extent practical.

(7) On sites greater than 20 acres, the City may approve a development proposal otherwise prohibited by subsections (1), (2) or (3) 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. (Ord. 13-09 § 35; Ord. 14-05 § 5)

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. (Ord. 14-05 § 5)

18.65.319 Wetlands – Categories.

(1) Different types of wetlands are separated from one another on the basis of wetland class and wetland category. Wetland class is a scientific system based upon dominant plant communities, substrate conditions, hydrologic regime, and location in the watershed. Wetland classification is a categorization system used to regulate land uses adjacent to wetlands.

(2) Wetland Class. Wetland class is science-based classification system based on a U.S. Fish and Wildlife Service publication titled Classification of Wetlands and Deepwater Habitats of the United States that was edited by Lewis M. Cowardin, et al, and published in December 1979. Cowardin divides wetlands into five systems (Marine, Estuarine, Riverine, Lacustrine, and Palustrine), eight subsystems (Subtidal, Intertidal, Tidal, Lower Perennial, Upper Perennial, Intermittent, Limnetic, and Littoral), 10 classes, and numerous modifiers. A combination of the system name, subsystem, name, class, and a modifier forms a code that identifies the wetland class.

WDOE expanded the term wetland class by incorporating use of the Hydrogeomorphic Method (HGM) classification into the Washington State Wetland Rating System for Western Washington (WDOE Publication No. 04-06-025). The HGM is based on the "landscape" location of a wetland or portion of a wetland. The HGM classes are Depressional, Riverine, Lake-fringe, Slope, Flats, and Freshwater Tidal.

(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 as determined using the Washington State Wetland Rating System for Western Washington (WDOE Publication No. 04-06-025). Wetlands are evaluated and scored based on water quality functions, hydrologic functions, and habitat functions criteria.

WDOE Publication No. 04-06-025 contains the definitions and scoring methods used for determining if the wetland rating criteria of this chapter are met. The total score for the three functional areas determines the wetland category.

(4) Wetland Rating Categories. 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 WAC 365-190-080(1)(a) and WDOE Publication No. 04-06-025. Category I and Category II wetlands are also rated for "special characteristics," the value of which are included in the final category rating.

(a) Category I. Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than one acre; (2) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands; (3) bogs larger than 12 acres; (4) mature and old-growth forested wetlands larger than one acre; (5) wetlands in coastal lagoons; and (6) wetlands that perform many functions well (scoring 70 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: (1) estuarine wetlands smaller than one acre, or disturbed estuarine wetlands larger than one acre; (2) wetlands identified by the Washington State Department of Natural Resources as containing "sensitive" plant species; (3) bogs between one-quarter and one-half acre; (4) interdunal wetlands larger than one acre; or (5) wetlands with a moderately high level of functions.

(c) Category III. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 30 and 50 points); and (2) interdunal wetlands between one-tenth and one acre. Wetlands scoring between 30 and 50 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 (scoring less than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience may provide some important functions, and should be protected to some degree. (Ord. 14-05 § 5)

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 unless modified in accordance with subsection (2), (3), or (4) of this section:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category I	
Bog	215 feet
Habitat score from 29 to 36 points	225 feet
Habitat score from 20 to 28 points	150 feet
Category I wetlands not meeting any of the criteria below	125 feet
Category II	
Habitat score from 29 to 36 points	200 feet
Habitat score from 20 to 28 points	125 feet
Category II wetlands not meeting any of the criteria below	100 feet
Category III	
Habitat score from 20 to 28 points	125 feet
Category III wetlands not meeting any of the criteria below	75 feet

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category IV	50 feet

(2) If a Category I or II wetland with habitat score greater than 20 points 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 a conservation easement, native growth protection easement or the equivalent; and

(b) The applicable mitigation measures in subsections (3)(b) of this section are provided; and

(3) Buffers calculated in accordance with subsections (1) and (2) of this section shall be reduced as follows:

(a) Buffers for all categories of wetlands shall be reduced by 25 feet if the applicant implements all applicable mitigation measures identified in subsection (3)(b) of this section, or if the applicant proposes alternate mitigation to reduce the impacts of the development and the Department determines the alternative provides equivalent mitigation.

(b) The following mitigation measures may be used by an applicant to obtain a reduced buffer width under subsection (1) of this section:

Disturbance	Measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland	Manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or Covenants limiting use of pesticides within 150 ft. of wetland, or Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces	Any impermeable surface, lawns, tilling
Pets and human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas
Dust	BMPs for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three-year period after completion to assure at least 80% survival of plantings	All activities potentially requiring buffers

(4) Where a legally established roadway transects a wetland 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 sought to be reduced:

(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)(b) of this section.

(5) 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. (Ord. 14-05 § 5)

18.65.340 Wetlands – Specific mitigation requirements.

In addition to the requirements in CMC 18.65.320, the following applies to mitigation to compensate for the adverse impacts associated with an alteration to a wetland or wetland buffer:

(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 mitigation measures for permanent alterations:

Category	Reestablishment	Rehabilitation	1:1 Replacement or recreation (R/C) and enhancement (E)	Enhancement Only
IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
III	2:1	4:1	1:1 R/C and 2:1 E	8:1
II	3:1	8:1	1:1 R/C and 4:1 E	12:1
I – forested	6:1	12:1	1:1 R/C and 10:1 E	Case-by-case
I – based on score for functions	4:1	8:1	1:1 R/C and 6:1 E	Case-by-case
I – bog	Not allowed	6:1 rehabilitation of a bog	Case-by-case	Case-by-case

(3) 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; and

(b) Equivalent or greater wetland functions will be achieved;

(4) 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;

(5) 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 and biologic functions.

(6) Mitigation of an alteration to a buffer of a wetland that occurs along an aquatic area lake shoreline in accordance with an alteration exception under this chapter shall include, but not be limited to, on-site revegetation, maintenance and other restoration of the buffer or setback area to the maximum extent practical;

(7) The City may allow mitigation for adverse impacts to buffers off the development proposal site at a ratio higher than that required for mitigation on-site if the applicant demonstrates that it is not feasible to mitigate on the development proposal site, in the same wetland or wetland complex; and

(8) The City may modify the requirements in this section if the applicant demonstrates that, with respect to each wetland function, greater functions can be obtained in the affected hydrologic unit

which the Director may determine to be the drainage sub-basin through alternative mitigation measures based on a qualified professional recommendation, prepared at the applicant's expense. (Ord. 14-05 § 5)

18.65.345 Wetlands – Specific mitigation requirements – Wetland mitigation banking.

City of Covington may approve mitigation in advance of unavoidable adverse impacts to wetlands caused by the development activities through an approved wetland mitigation bank. Wetland mitigation banking is not allowed in the agricultural production districts if the purpose is to compensate for filling wetlands for development outside of the agricultural production districts. (Ord. 14-05 § 5)

18.65.350 Wetlands – Limited exemption.

Isolated wetlands less than 2,500 square feet may be exempted from the provisions of CMC 18.65.320 through 18.65.340 and may be altered by filling or dredging if City of Covington determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan. (Ord. 14-05 § 5)

18.65.355 Aquatic areas – Water types.

(1) Aquatic areas are categorized or "typed" as follows:

(a) Type S waters include all aquatic areas inventoried as "shorelines of the State" under King County's Shoreline Master Program, KCC Title 25, adopted by reference for City of Covington, in accordance with Chapter 90.58 RCW, including segments of streams where the mean annual flow is more than 20 cubic feet per second, marine shorelines and lakes 20 acres in size or greater;

(b) Type F waters include all segments of aquatic areas that are not Type S waters and that contain fish or fish habitat, including waters diverted for use by a Federal, State or tribal fish hatchery from the point of diversion for 1,500 feet or the entire tributary if the tributary is highly significant for protection of downstream water quality;

(c) Type N waters include all segments of aquatic areas that are not Type S or F waters and that are physically connected to Type S or F waters by an above-ground channel system, stream or wetland; and

(d) Type O waters include all segments of aquatic areas that are not Type S, F or N waters and that are not physically connected to Type S, F or N waters by an above-ground channel system, stream or wetland.

(2) For the purposes of the water types in subsections (1)(a) and (b) of this section, an above-ground channel system is considered to be present if the 100-year floodplains of both the contributing and receiving waters are connected.

(3) The Director may determine that an area upstream of a human-made barrier is not fish habitat considering the following factors:

(a) The human-made barrier is located beneath public infrastructure that is unlikely to be replaced and it is not feasible to remove the barrier without removing the public infrastructure;

(b) The human-made barrier is in the City of Covington and is located beneath one or more dwelling units and it is not feasible to remove the barrier without removing the dwelling unit;

(c) The human-made barrier is located in a sub-basin that is not designated "high" on the King County Basin Condition map adopted by King County Council in October, 2004; or

(d) The human-made barrier is not identified for removal by a public agency or in an adopted watershed plan. (Ord. 14-05 § 5)

18.65.356 Aquatic areas – Buffers.

(1) The following minimum buffers are established from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified:

(a) If the aquatic area buffer does not include a steep slope hazard area or landslide hazard area:

(i) A Type S or F aquatic area buffer is 115 feet;

(ii) A Type N aquatic area buffer is 60 feet; and

(iii) A Type O aquatic area buffer is 25 feet;

(b) If the aquatic area buffer does include a steep slope hazard area or landslide hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in this section or 25 feet beyond the top of the hazard area; and

(c) The aquatic area buffer includes the entire mapped severe channel migration hazard area plus the appropriate aquatic area buffer required by this section measured from the outer edge of the severe channel migration hazard area.

(2) The Director may approve a modification of the minimum required buffer widths on a case-by-case basis by averaging buffer widths 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.

(3) 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; and

(b) The buffer widths established in accordance with this subsection are not further modified as provided for in subsection (2) of this section.

(4) The Director may approve a modification of the minimum buffers established from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified for a development proposal that is located on a site with rural or agricultural use and zoned residential if the site is in compliance with CMC 18.65.050.

(5) Where a legally established roadway transects an aquatic area 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 sought to be reduced:

(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 (2) of this section.

(6) The Director may establish minimum buffer widths for aquatic areas that are created as a result of enhancement or restoration projects that are not mitigation for a development proposal or alteration. (Ord. 14-05 § 5)

18.65.360 Aquatic areas – Development standards and alterations.

The following standards apply to development proposals and alterations on sites containing aquatic areas or aquatic area buffers:

(1) Only the alterations identified in CMC 18.65.050 are allowed in aquatic areas and aquatic area buffers;

(2) Grading for allowed alterations in aquatic area 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 aquatic area buffer is spatially connected to the vegetation in the buffer to prevent creation of windthrow hazards in the buffer;

(6) New structures within an aquatic area buffer should be sited to avoid the creation of future hazard trees and to minimize the impact on ground water movement from the structure; and

(7) To the maximum extent practical, hazard trees are retained in aquatic area buffers and are topped to reduce the hazard or pushed over toward the aquatic area. (Ord. 14-05 § 5)

18.65.370 Aquatic areas – Streams – Permitted alterations.

Alterations to streams and buffers may be allowed pursuant to CMC 18.65.050 or as follows:

(1) Alterations may only be permitted if based upon a special study;

(2) The applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration if a stream is in a flood hazard area and shall submit evidence of such notification to the Federal Insurance Administration;

(3) 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;

(4) The following surface water management activities and facilitates may be allowed in stream buffers as follows:

(a) Surface water discharge to a stream or buffer from a surface or stormwater management activity or facility may be allowed if the discharge is in compliance with the stormwater manuals adopted in CMC Title 13; provided, that the facility is located outside the stream and its buffer in accordance with CMC 18.65.050;

(b) A Type Np or Ns stream or buffer may be used as a regional stormwater management facility if:

(i) The alteration will have no lasting adverse impact on any stream;

(ii) All requirements of the stormwater manuals are met;

(iii) A hydraulic project approval is obtained in accordance with Chapter 220-110 WAC; and

(iv) Water quality treatment is provided for all contributing areas if the facility is to provide water quality treatment;

(c) A Type N stream or buffer may be used as a regional storm water management facility if the alteration will have no lasting adverse impact on any stream and all requirements of the stormwater manuals are met;

(5) Except as provided in subsection (7) of this section, public and private trails may be allowed in stream buffers only upon adoption of administrative rules consistent with the following:

(a) The trail surface shall not be made of impervious materials, except that public multi-purpose trails may be made of impervious materials if they meet all other requirements including water quality; and

(b) Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas;

(6) Stream crossings may be allowed and may encroach on the otherwise required stream buffer if:

(a) All crossings use bridges or other construction techniques which do not disturb the stream bed or bank, except that bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used for Type N, S, and F streams if the applicant demonstrates that such methods and their implementation will pose no harm to the stream or inhibit migration of fish;

(b) All crossings are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to salmonids;

(c) Crossings do not occur over salmonid spawning areas unless City determines that no other possible crossing site exists;

(d) Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water mark;

(e) Crossings do not diminish the flood-carrying capacity of the stream;

(f) Underground utility crossings are laterally drilled and located at a depth of four feet below the maximum depth of scour for the base flood predicted by a civil engineer licensed by the State of Washington. Temporary bore pits to perform such crossings may be permitted within the stream buffer established in CMC 18.65.360. Crossing of Type N or O streams when dry may be made with open cuts; and

(g) Crossings are minimized and serve multiple purposes and properties whenever possible;

(7) Stream relocations may be allowed only for:

(a) Type S or F streams as part of a public road project for which a public agency and utility exception is granted pursuant to CMC 18.65.050; and

(b) Type N streams for the purpose of enhancing 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 on-site 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;

(8) For any relocation allowed by this section, the applicant shall demonstrate, based on information provided by a civil engineer and a qualified biologist, that:

(a) The equivalent base flood storage volume and function will be maintained;

(b) There will be no adverse impact to local ground water;

(c) There will be no increase in velocity;

(d) There will be no interbasin transfer of water;

(e) There will be no increase in sediment load;

(f) Requirements set out in the mitigation plan are met;

(g) The relocation conforms to other applicable laws; and

(h) All work will be carried out under the direct supervision of a qualified biologist;

(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 18.65.230 through 18.65.270 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;

(12) Roadside and agricultural 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. These practices shall be adopted as administrative rules;

(13) Subject to a clearing and grading permit issued pursuant to Chapter 18.45 CMC, the cutting of up to one cord of firewood may be permitted in buffers of five acres or larger in any year if the overall function of the buffer is not adversely affected. Removal of brush may also be permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the tree canopy at the time of planting;

(14) Reconstruction, Remodeling, or Replacement of Existing Structures. Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface which was established pursuant to City of Covington regulations may be allowed; provided:

(a) If within the buffer, the structure is located no closer to the stream than the existing structure;

(b) The existing impervious surface within the buffer or stream is not expanded as a result of the reconstruction or replacement. (Ord. 13-09 § 36; Ord. 14-05 § 5)

18.65.380 Aquatic areas – 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 an aquatic area or aquatic area buffer:

(1) Mitigation measures must achieve equivalent or greater aquatic area 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

(c) Geomorphic and habitat processes and functions;

(2) To the maximum extent practical, permanent alterations that require restoration or enhancement of the altered aquatic area, aquatic area buffer or another aquatic area or aquatic area 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;

(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 aquatic area reach at a 1:1 ratio of area of mitigation to area of alteration; or

(d) Is located in the same aquatic area 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 or F aquatic area; and

(ii) A 2:1 ratio for a Type N or O aquatic area;

(4) For purposes of subsection (3) of this section, a mitigation measure is in the same aquatic area reach if the length of aquatic area shoreline 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 aquatic area and 1.5:1 ratio for a Type N or O aquatic area if the applicant provides a scientifically rigorous mitigation monitoring program that includes the following elements:

(a) Monitoring methods that ensure that 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 aquatic area or is 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; and

(7) The City may modify the requirements in this section if the applicant demonstrates that, with respect to each aquatic area 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. (Ord. 14-05 § 5)

18.65.381 Wildlife habitat conservation areas – Development standards.

The following standards apply to development proposals and alterations on sites containing wildlife habitat conservation areas, in accordance with guidelines adopted as administrative rules under Chapter 2.98 KCC.

The Director shall require protection of an active breeding site of any species with a 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. (Ord. 14-05 § 5)

18.65.382 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 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. (Ord. 14-05 § 5)

18.65.383 Wildlife habitat network – Applicability.

The City shall make certain that segments of the wildlife habitat network are set aside and protected along any designated wildlife habitat network

adopted by the comprehensive plan that generally coincide with stream corridors and wetlands areas, as follows:

(1) This section applies to the following development proposals on parcels that include a segment of the designated wildlife habitat network:

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(a) All binding site plans, subdivisions and short subdivisions; and

(b) All development proposals on individual lots unless a segment of the wildlife habitat network in full compliance with CMC 18.65.270, already exists in a tract, easement or setback area, and a notice of the existence of the segment has been recorded;

(2) Segments of the wildlife habitat network must be identified and protected in one of the following ways:

(a) In binding site plans, subdivisions and short subdivisions, native vegetation is placed in a contiguous permanent open space tract with all developable lots sited on the remaining portion of the project site, or the lots are designed so that required setback areas can form a contiguous setback covering the network segments; or

(b) For individual lots, the network is placed in a City-approved setback area. To the maximum extent practical, existing native vegetation is included in the network. The notice required by CMC 18.65.170 is required;

(3) All wildlife habitat network tracts or setback areas must meet the design standards in CMC 18.35.270. (Ord. 14-05 § 5)

18.65.384 Wildlife habitat network – Development standards and alterations.

The following standards apply to development proposals and alterations on sites containing wildlife habitat network:

(1) Only the alterations identified in CMC 18.65.050 are allowed in the wildlife habitat network.

(2) The wildlife habitat network is sited to meet the following conditions:

(a) The network forms one contiguous tract or setback area that enters and exits the property where the network crosses the property boundary;

(b) To the maximum extent practical, the network maintains a width of 300 feet. The network width shall not be less than 150 feet at any point;

(c) The network is contiguous with and includes critical areas and their buffers;

(d) To the maximum extent practical, the network connects isolated critical areas or habitat; and

(e) To the maximum extent practical, the network connects wildlife habitat network segments, open space tracts or wooded areas on adjacent properties, if present.

(3) The wildlife habitat network tract must be permanently marked in accordance with this chapter.

(4) An applicant proposing recreation, forestry or any other use compatible with preserving and enhancing the habitat value of the wildlife habitat network located within the site must have an approved management plan. The applicant shall include and record the approved management plan for a binding site plan or subdivision with the covenants, conditions and restrictions (CCRs), if any. Clearing within the wildlife habitat network in a tract or tracts is limited to that allowed by an approved management plan.

(5) If the wildlife habitat network is contained in a setback area, a management plan is not required, though, clearing is not allowed within a wildlife habitat network within a setback area on individual lots, unless the property owner has an approved management plan.

(6) In binding site plans, subdivisions and short subdivisions a homeowners' association or other entity capable of long-term maintenance and operation shall monitor and assure compliance with any approved management plan.

(7) Segments of the wildlife habitat network set aside in tracts, conservation easements or setback area must comply with this code.

(8) The City may credit a permanent open space tract, wetland buffer or stream buffer containing the wildlife habitat network toward the other applicable requirements such as surface water management and the recreation space requirement of CMC 18.35.150, if the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife habitat network tract shall be clearly identified in the management plan.

(9) The Director may waive or reduce these standards for public facilities such as schools, fire stations, parks and road projects, based on a qualified professional recommendation, prepared at the applicant's expense. (Ord. 14-05 § 5)

18.65.385 Wildlife habitat conservation area and wildlife network – Specific mitigation requirements.

In addition to the requirements in CMC 18.65.140, the following applies to mitigation to compensate for the adverse impacts associated with wildlife habitat conservation areas and wildlife habitat networks:

(1) Mitigation to compensate for the adverse impacts to a wildlife habitat conservation area must prevent disturbance of each protected species. On-site mitigation may include management practices, such as timing of the disturbance. Off-site mitigation is limited to sites that will enhance the wildlife habitat conservation area;

(2) Mitigation to compensate for the adverse impacts to the wildlife habitat network must achieve equivalent or greater biologic functions including, but not limited to, habitat complexity and connectivity functions. Specific mitigation requirements for impacts to the wildlife habitat network shall:

(a) Expand or enhance the wildlife network as close to the location of impact as feasible; and

(b) Attain the following ratios of area of mitigation to area of alteration:

(i) For mitigation on-site:

(A) One to one ratio for rectifying an illegal alteration to a wildlife habitat network; and

(B) One and one-half to one ratio for enhancement or restoration;

(ii) For mitigation off-site:

(A) Two to one ratio for rectifying an illegal alteration to a wildlife habitat network; and

(B) Three to one ratio for enhancement or restoration;

(3) For temporary alterations, the Department may require rectification, restoration or enhancement of the altered wildlife habitat network;

(4) The Director may increase the width of the wildlife habitat network to mitigate for risks to habitat functions based on a qualified professional recommendation, prepared at the applicant's expense;

(5) To the maximum extent practical, mitigation projects involving wildlife habitat network restoration should provide replication of the site's pre-alteration natural environment including:

(a) Soil type, conditions and physical features;

(b) Vegetation diversity and density; and

(c) Biologic and habitat functions; and

(6) The Director may modify the requirements in this section if the applicant demonstrates based on a qualified professional recommendation, prepared at the applicant's expense, that greater wildlife habitat functions will be obtained in the same wildlife habitat conservation area or wildlife habitat network through alternative mitigation measures. (Ord. 14-05 § 5)

18.65.390 Critical areas mitigation fee – Creation of fund.

There is hereby created a critical areas mitigation fund. The City of Covington shall administer this fund. The fund shall include establishment of subaccounts for streams, wetlands and wildlife habitat, as appropriate. (Ord. 14-05 § 5)

18.65.400 Critical areas mitigation fee – Source of funds.

The City of Covington shall deposit all moneys received from penalties resulting from the violation of rules and laws regulating development and activities within critical areas into the fund. (Ord. 14-05 § 5)

18.65.410 Critical areas mitigation fee – Use of funds.

Moneys from the fund, including any interest earned, shall only be used for paying the cost of enforcing and implementing critical area laws and rules. (Ord. 14-05 § 5)

18.65.420 Critical areas mitigation fee – Investment of funds.

The City of Covington shall deposit moneys in the fund not needed for immediate expenditure in a separate investment fund in accordance with RCW 36.29.020. The Director is the designated as the Investment Fund Director. (Ord. 14-05 § 5)

18.65.430 Critical area designation.

(1) A property owner or the property owner's agent may request a critical area designation for part or all of a site, without seeking a permit for a development proposal, by filing with the Director a written application for a critical area designation on a form provided by the Department. If the request is for review of a portion of a site, the application shall include a map identifying the portion of the site for which the designation is sought. Applications for critical area designations shall be accompanied by the fee for a Type 1 decision letter as set forth in the current fee resolution. The

Department may elect to have the request reviewed by a City-approved and hired consultant. For reviews completed by a consultant, the Department is authorized to charge the applicant the actual costs charged by the consultant, in addition to the fee for a Type 1 decision letter.

(a) The designation is limited to the following determinations:

(i) The existence, location, and boundaries of any aquatic area, wetland, critical aquifer recharge area, landslide hazard area or steep slope on the site; and

(ii) The classification of any aquatic area or wetland.

(b) The designation may include any evaluation or interpretation of the applicability of critical area buffers to a future development proposal.

(2) In preparing the critical area designation, the Department shall perform a critical area review to:

(a) Determine whether any critical area that is subject to this designation process exists on the site and confirm its type, location, boundaries and classification;

(b) Determine whether a critical area report is required to identify and characterize the location, boundaries and classification of the critical area;

(c) Evaluate the critical area report, if required; and

(d) Document the existence, location and classification of any critical area that is subject to this designation process.

(3) If required by the Department, the applicant for a critical area designation shall prepare and submit to the Department the critical area report required by subsection (2)(b) of this section. For sites zoned for single detached dwelling units involving wetlands or aquatic areas, the applicant may elect to have the Department conduct the special study in accordance with the provisions for reimbursement from applicant contained in this code and City's fee resolution.

(4) The City shall make the determination of a critical area designation in writing within 120 days after the application for a critical area designation is complete, as provided in Chapter 14.35 CMC. The periods in CMC 14.35.050 are excluded from the 120-day period. The written determination made under this section as to the existence, location, and classification of a critical area and critical area buffers is effective for five years from the date the determination is issued if there has been no change in site conditions. The Director shall rely on the determination of the existence, location and classification of the critical area and the critical area buffer in its review of a complete application for a permit or approval filed within five years after the determination is issued. If the determination applies to less than an entire site, the determination shall clearly identify the portion of the site to which the determination applies.

(5) If the Director designates critical areas on a site under this section, the applicant for a development proposal on that site shall submit proof that a critical area notice has been filed as required by City code. Except as provided in this subsection, the Department's determination under this section is final. If the Department relies on a critical area designation made under this section during its review of an application for a permit or other approval of a development proposal and the permit or other approval is subject to an administrative appeal, any appeal of the designation shall be consolidated with and is subject to the same appeal process as the underlying development proposal.

(6) If the Covington Hearing Examiner makes the City's final decision with regard to the permit or other approval type for the underlying development proposal, the Hearing Examiner's decision constitutes the City's final decision on the designation.

(7) If the City of Covington City Council makes the City's final decision with regard to the permit or other approval type for the underlying development proposal, City of Covington City Council's decision constitutes the City's final decision on the designation. (Ord. 02-09 § 13; Ord. 20-07 § 128; Ord. 14-05 § 5)

18.65.440 Conversion of designated critical areas.

(1) For purposes of determining the minimum buffer widths for a wetland or aquatic area that was designated under CMC 18.65.320 or 18.65.360 before December 1, 2005, for a development proposal deemed complete after the effective date of this section, the Director shall apply the following conversions to determine the appropriate wetland or aquatic area classification provided in CMC 18.65.430:

(a) Aquatic area classifications:

Stream Type (prior CMC 18.65.360)	Aquatic Area Classification (CMC 18.65.355)
Class 1	Type S – Class 1
Class 2	Type F – Class 2
Class 2S	Type F – Class 2
Class 3	Type N – Class 3
	Type O – Class 4

(b) Wetland Classifications:

Wetland Class (prior CMC 18.65.320)	Wetland Classification (CMC 18.65.319)
Class 1	Category I
Class 2	Category II
Class 3	Category III

(2) As an alternative to the reclassification prescribed in subsection (1)(a) or (b) of this section, an applicant may request a reclassification of the wetland or aquatic area using the criteria set forth in CMC 18.65.430.

(3) This section expires two years after the effective date of this section (December 1, 2005). (Ord. 14-05 § 5)

Chapter 18.70

WIRELESS COMMUNICATION FACILITIES

Sections:

18.70.010 Purpose.
18.70.020 Exemptions.
18.70.030 Applicability, review, and permits required.
18.70.040 Types of permits – Priority – Preferences – Restrictions.
18.70.050 General requirements.
18.70.060 Landscaping/screening.
18.70.070 Electrical transmission structure collocation – Specific development standards.
18.70.080 Adding antennas to an existing wireless communication facility tower – Specific development standards.
18.70.090 Utility pole collocation – Specific development standards.
18.70.100 Building-mounted concealed facility – Specific development standards.
18.70.110 Request to use nonconcealed facilities attached to a building in lieu of a concealed building attachment.
18.70.120 Nonconcealed building-mounted specific development standards.
18.70.130 Requests for new towers.
18.70.140 Tower-specific development standards.
18.70.150 Height modification.
18.70.160 Setback modification.
18.70.170 Expiration.
18.70.180 Removal of abandoned wireless communication facilities.

18.70.010 Purpose.

The purpose of this chapter is to regulate the placement, construction and modification of wireless communication facilities in order to protect the health, safety, and welfare of the public while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City of Covington. The purpose of this chapter will be achieved through adherence to the following objectives:

(1) Encourage the location of wireless communication facilities in nonresidential areas;

(2) Allow wireless communications facilities in residential areas when necessary to meet the functional requirements of the telecommunications industry;

(3) Minimize the total number of wireless communication facilities throughout the community;

(4) Protect residential areas and land uses from potential adverse impacts that wireless communication facilities might create, including, but not limited to, impacts on aesthetics, environmentally sensitive areas, historic resources, flight corridors, and health and safety of persons and property;

(5) Require cooperation between competitors and, as a primary option, encourage the joint use of new and existing wireless communication facility sites and structures to the greatest extent possible in order to reduce cumulative negative impact upon the City;

(6) Allow wireless communication companies to use City property for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the City;

(7) Encourage providers of wireless communication facilities to locate these facilities in areas where the adverse impact on the community is minimal;

(8) Ensure wireless communication facilities are configured in a way that minimizes the adverse visual impact of the wireless communication facilities, as viewed from different vantage points, through careful design landscape screening, minimal impact siting options and camouflaging techniques, and through assessment of technology, current location options, siting, future available locations, innovative siting techniques, and siting possibilities beyond the jurisdictional boundaries of the City;

(9) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

(10) Provide for the removal of wireless communication facilities that are abandoned or no longer inspected for safety concerns and building code compliance, and provide a mechanism for the City to cause these abandoned wireless communication facilities to be removed to protect citizens from imminent harm and danger;

(11) Avoid potential damage to adjacent properties from tower failure through engineering, careful siting, and maintenance of wireless communication facilities;

(12) Provide a means for public input on major wireless communication facility placement, construction, and modification; and

(13) Establish clear and nondiscriminatory local regulations concerning wireless telecommunications providers and services that are consistent with Federal and State laws and regulations pertaining to telecommunications providers. (Ord. 09-12 § 1 (Exh. A))

18.70.020 Exemptions.

The following are exempt from the provisions of this chapter:

(1) Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.

(2) Radar systems for military and civilian communication and navigation.

(3) Any wireless internet facility that is owned and operated by a Federal, State, or local government.

(4) Antennas for the receiving and sending of licensed amateur (HAM) radio stations and citizen band stations; provided, that the antennas do not exceed the base height requirements of the applicable zoning district and are owned and operated by a Federally licensed amateur radio station operator or are used exclusively for receive-only antennas. In order to reasonably accommodate licensed amateur radio operators as required by Federal Code of Regulations 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communications Commission of September 1985 and RCW 35A.21.260, a licensed amateur radio operator may locate a tower not to exceed the base height requirements of the applicable zoning district, provided the following requirements are met for such towers located in a single-family residentially zoned district:

(a) The tower and any antennas located thereon shall not have any lights of any kind on them and shall not be illuminated either directly or indirectly by any artificial means;

(b) The color of the tower and any antennas located thereon shall all be the same and such that they blend into the sky to the extent allowed under the requirements set forth by the Federal Aviation Administration;

(c) No signs shall be used in conjunction with the tower, except for one sign no larger than eight and one-half inches high and 11 inches wide, or as required by Federal regulations;

(d) No advertising logo, trademark, figurine, or other similar marking or lettering shall be placed on the tower or any wireless communication facilities mounted or otherwise attached thereto or any building used in conjunction therewith;

(e) A telescoping tower and any antennas may exceed the base height of the underlying zoning district when fully extended, up to a maximum 75 feet in height, if the tower and any antennas attached do not exceed the base height of the zoning district when it is retracted; when the antenna is not in use it must be fully retracted (nested);

(f) The tower shall be located a distance equal to or greater than its height, at full extension, from any existing residential structure located on adjacent parcels of property, including any attached accessory structures;

(g) A tower shall be located a distance at least three-quarters of its height, at full extension, from any property line on the parcel of property on which it is located, unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that, in the event of collapse, it falls within itself, and, in that event, it shall be located at least one-third of its height, at full extension, from any property line;

(h) Towers shall not be leased or rented to commercial users and shall not otherwise be used for commercial purposes; and

(i) All towers shall meet all applicable State and Federal statutes, rules, and regulations, including obtaining a building permit from the City, if necessary.

(5) An antenna that is designed to receive or send direct broadcast satellite service and/or broadband signals, or other means for providing internet service including direct-to-home satellite services, and that is 3.28 feet (one meter) or less in diameter or diagonal measurement, and the antenna is attached to the residence or business that is utilizing the service.

(6) An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is 3.28 feet (one meter) or less in diameter or diagonal measurement.

(7) An antenna that is designed to receive television broadcast signals.

(8) Routine maintenance or repair of wireless communication facilities, excluding structural work or changes in height or dimensions of antennas, towers, or buildings; provided, that the wireless communication facility received approval from the City of Covington or King County for the original placement, construction, or subsequent modification. Changing of antennas on wireless communication facilities is permitted, provided the new antennas have the same area or less of those removed. The total number of antennas must remain the same. Additional ground equipment shall be placed within an approved equipment enclosure, provided the height of the equipment does not extend above the screen fence.

(9) Emergency communications equipment during a declared public emergency when the equipment is owned and operated by an appropriate public agency. In the event a building permit is required for any emergency maintenance, reconstruction, repair, or replacement, filing of the building permit application shall occur within 30 days after the commencement of such emergency activities. The work performed must constitute a true emergency. Scheduled replacement or repair work does not constitute an emergency. In the event a building permit is required for nonemergency maintenance, reconstruction, repair, or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities.

(10) Antennas and related equipment used by electric utility providers for the noncommercial communication, operation, and monitoring of their utility system may be collocated on their transmission structures or utility poles, provided the color of the antennas and equipment shall be the same as the pole or structure they are located on or a color that blends into the sky. (Ord. 09-12 § 1 (Exh. A))

18.70.030 Applicability, review, and permits required.

The standards and process requirements of this chapter shall apply to the placement, construction, or modification of all wireless communication facilities, except as specifically exempted in CMC 18.70.020.

(1) No person may place, construct, or modify a wireless communication facility subject to this chapter without first obtaining the required permit(s), issued in accordance with this chapter. Except as otherwise provided herein, the requirements of this chapter are in addition to the applicable requirements of CMC Title 18.

(2) Any land use or other permit application submitted pursuant to this chapter shall be reviewed and evaluated by the Director for all wireless communication facility projects located on public or private property.

(3) The applicant shall be responsible for obtaining any necessary local, State, and Federal permits and approvals for the project, and is responsible for complying with any conditions of approval placed on the application by local or other State or Federal permits or approvals.

(4) No provisions of this chapter shall be interpreted to allow the installation of a wireless communication facility to reduce the minimum parking or landscaping requirements on a site.

(5) Wireless communication facilities that are governed under this chapter shall not be eligible for variances under CMC 18.125.030, development conditions under CMC 18.30.030(B)(4), or exceptions to height limits under CMC 18.30.210. Any request to deviate from this chapter shall be based on the modifications set forth in this chapter.

(6) The City may, at its discretion, contract with an independent engineering and technical review consultant to review the land use or other permit application. The applicant shall be responsible for actual costs charged by the consultant, in addition to any base fees and application fees set forth in the City's fee resolution. Based on the results of the independent technical review, the City may require changes or request additional information to complete the application review. The technical review shall address the following:

(a) The accuracy and completeness of the application;

(b) The applicability of analysis techniques and methodologies;

(c) The validity of conclusions reached;

(d) The viability of other sites in the City for the use intended by the applicant; and

(e) Any specific engineering or technical issues designated by the City.

(7) No alterations or changes shall be made to an approved wireless communications land use permit. Modifications which exceed the conditions of approval will require a new wireless communications land use permit and shall be reviewed based on the laws and rules in effect at the time of application. The Director has sole discretion to approve or deny any request for modifications to the land use approval. (Ord. 09-12 § 1 (Exh. A))

18.70.040 Types of permits – Priority – Preferences – Restrictions.

(1) Applications will be reviewed based on the type of wireless communication facility requested to be permitted. Each wireless communication facility requires a specific type of project review as provided for in the table in subsection (2) of this section.

(2) Table.

Type of Permit Required Based on Type of Wireless Communication (WC) Facility[3]

	Zoning		
Type of WC Facility[3]	**Residential**	**Commercial**	**Resource/Industrial**
	R-4, R-6, R-8, R-18	**CC, GC, NC, TC, MC, MHO**	**M, I**
Transmission tower collocation	Type 1	Type 1	Type 1
Adding antennas to an existing tower	Type 1 [1]	Type 1 [1]	Type 1 [1]
Utility pole collocation	Type 2	Type 2	Type 2
Concealed building attached	Type 2 [2]	Type 2 [2]	Type 1
Nonconcealed building attached	Type 2	Type 2	Type 1
New tower or height modification request	Type 3	Type 3	Type 3

Notes:

(1) Provided, that the height of the tower does not increase and the square footage of the enclosure area does not increase. If the enclosure area is increased it shall be a Type 2 review.

(2) An applicant may request to install a nonconcealed building-attached facility under CMC 18.70.110.

(3) In the event of uncertainty on the type of wireless facility, the Director shall have the authority to determine how a proposed facility is incorporated into Table 18.70.040(2) and the type of permit required.

(3) Priorities. The priorities for the type of wireless communication facility shall be based upon their placement in subsection (2) of this section; most desirable facilities are located toward the top of the table and the least desirable facilities toward the bottom. An application for a wireless communication facility shall follow the hierarchy provided in subsection (2) of this section. For example, an applicant shall demonstrate, by engineering evidence, that collocation on an electrical transmission structure is not feasible before moving to a utility pole collocation, and so forth, with the last possible siting option being a new wireless communication facility tower or height modification request.

(4) Preferences. The City's preferences for locating new wireless communications facilities are as follows:

(a) Place antennas on existing structures, such as buildings, wireless communication facility towers, water towers, utility poles, or electrical transmission structures.

(b) Place wireless communication facilities in nonresidentially zoned districts and on nonresidential property.

(c) Place wireless communication facilities on public property and on appropriate rights-of-way; provided, that no obligation is created herein for the City to allow the use of City property or public right-of-way for this purpose. The placement of personal wireless communication facilities on City-owned property and public right-of-way will be subject to other applicable sections of the Covington Municipal Code and review by other City departments. A wireless communication facility mounted to any City-owned property, utility pole, or other structure shall be removed if the City deems removal is necessary for the undergrounding of utilities, the sale, development, or redevelopment of City-owned property, or the demolition or alteration of a City-owned building or other structure. The wireless communication facility shall be removed at no expense to the City.

(5) Restrictions on Light Poles and Standards. Light poles and light standards located within the public rights-of-way are prohibited from use as a wireless communication facility or for the attachment of an antenna.

(6) Application Procedure. The applicant shall submit a completed application in a form established by the Director along with the initial application fee as set forth in the City's current fee resolution. The application shall contain such information as the Director may deem necessary or useful, and shall include:

(a) Type 1 Permit Requirements.

(i) A written description outlining the proposed project and an evaluation of how the proposal meets the City's code requirements;

(ii) Applicants who are not the property owner of record of the land and/or structure on which a wireless communication facility is to be located are required to have the application cosigned by the property owner(s) and provide a signed statement by the property owner(s) and/or building or structure owner(s) (if different) authorizing the submittal of the application by the applicant;

(iii) Plan sets prepared by a design professional that include a vicinity map, site map, architectural elevations, method of attachment, proposed screening, location of proposed antennas, and all other information which accurately depicts the proposed project and existing conditions or as otherwise determined necessary by the Director;

(iv) Written statement from a radio frequency engineer that demonstrates that the facility meets Federal Communications Commission requirements for allowed radio frequency emissions;

(v) A vicinity map depicting the proposed extent of the service area;

(vi) Critical areas study and proposed mitigation (if required);

(vii) If an outdoor generator is proposed, a report prepared by an acoustical engineer demonstrating compliance with Chapter 8.20 CMC, Noise Control; and

(viii) SEPA application (if required).

(b) Type 2. The applicant shall submit all of the information required for a Type 1 application, plus the following:

(i) Photo simulations that depict the existing and proposed view of the proposed facility;

(ii) Data sheet depicting the materials, textures, and colors proposed for use;

(iii) Landscaping plan prepared by a Washington State-licensed landscape architect (if required);

(iv) Service coverage area map (radio frequency (RF) modeling);

(v) If the facility is located within a residential zone, a report from a radio frequency engineer explaining the need for the proposed wireless communication facility. Additionally, the applicant shall provide detailed discussions on why the wireless communication facility cannot be located within a commercial or industrial/resource zone; and

(vi) Mailing labels for all property owners and tenants/residents within 500 feet of the subject property.

(c) Type 3. The applicant shall submit all of the information required for Type 1 and Type 2 applications, plus the following:

(i) All information required for new towers under CMC 18.70.130 and 18.70.140;

(ii) All information required for a height modification or setback modification request under CMC 18.70.150 and 18.70.160 respectively (if applicable);

(iii) The radio frequency engineer report shall include a discussion of the information required under CMC 18.70.050. The report shall also explain why a tower must be used instead of any of the other location options outlined in the table in subsection (2) of this section;

(iv) Engineering plans for the proposed tower, including a letter of certification by a licensed engineer that the proposed height and equipment comply with the requirements of this chapter;

(v) Evidence that the tower has been designed to meet the minimum structural standards for wireless communication facilities for a minimum of three providers of voice, video, or data transmission services, including the applicant, and including a description of the number and types of antennas the tower can accommodate;

(vi) A graphic simulation showing the appearance of the proposed tower and ancillary structures and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the Director and applicant. All plans and photo simulations shall include the maximum build-out of the proposed facility; and

(vii) Evidence of compliance with Federal Aviation Administration standards for height and lighting and certificates of compliance from all affected agencies. (Ord. 09-12 § 1 (Exh. A))

18.70.050 General requirements.

The following shall apply to all wireless communication facilities regardless of the type of facility:

(1) Noise. Any facility that requires a generator or other device that will create noise must demonstrate compliance with Chapter 8.20 CMC, Noise Control. A noise report prepared by an acoustical engineer shall be submitted with any application to construct and operate a wireless communication facility that will have a generator or similar device. The City may require that the report be reviewed by an independent technical expert at the sole expense of the applicant.

(2) Business License Requirement. Any person, corporation, or entity that operates a wireless communication facility within the City shall obtain and maintain a valid Covington business license, issued annually by the City. Any person, corporation, or other business entity that owns a tower is also required to obtain and maintain a valid Covington business license.

(3) Signage. Only safety signs or those mandated by other public agencies may be located on wireless communication facilities. No other types of signs are permitted on wireless communication facilities.

(4) Parking. Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.

(5) Finish. A tower shall either maintain a galvanized steel finish or, subject to the applicable standards of the FAA or FCC, be painted a neutral color so as to reduce its visual obtrusiveness.

(6) Design. Wireless communication facilities shall be screened or camouflaged by employing the best available technology. The design of all antennas, towers, support structures, buildings, and ancillary structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and built environment.

(7) Color. All antennas and ancillary wireless communication facilities located on buildings or structures other than towers shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

(8) Lighting. Wireless communication facilities shall not be artificially lighted unless required by the FAA, FCC, or other applicable government authority. If lighting is required, the reviewing

authority shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding areas. No strobe lighting of any type is permitted on any tower.

(9) Advertising. No advertising is permitted at wireless communication facility sites or on any ancillary structures or facilities equipment compound.

(10) Ancillary Wireless Communication Facilities. All ancillary wireless communication facilities shall meet the underlying zoning district's setback requirements unless a zoning setback modification is granted pursuant to CMC 18.70.160.

(11) Equipment Enclosures. If feasible, equipment enclosures shall be located within existing buildings or located underground. If some other placement is proposed the applicant shall demonstrate to the satisfaction of the City that it is not feasible to locate the equipment below ground. All equipment and cabinets that will be visible to the traveling public, workers, or residents shall be as small and unobtrusive as is practicable and designed to blend in with existing surrounds. The applicant shall size any equipment enclosure and other facilities to minimize visual clutter. Each applicant shall be limited to an equipment enclosure of 360 square feet at each site. However, this size restriction shall not apply to enclosures located within an existing commercial, industrial, residential, or institutional building.

(12) Owner Approval. At the time of application the applicant must submit proof that they have contacted and received approval for the placement of the antenna at the specified location from the support structure owner (e.g., building, water tower, utility pole, electrical transmission structure, monopole) and, if different, the land owner upon which the structure is located.

(13) Building Standards. Wireless communication support structures shall be constructed so as to meet or exceed the most recent Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled: "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), and as it may be updated or amended. Utility poles and transmission structures that are owned and/or maintained by the serving electric utility shall be designed to meet the National Electric Safety Code. Prior to issuance of a building permit the Building Official shall be provided with an engineer's certification that the support structure's design meets or exceeds the preceding applicable standards.

(14) Maintenance. Wireless communication carriers shall maintain their wireless communication facility in a good and safe condition. They shall preserve its original appearance and concealment, disguise, or camouflage elements incorporated into the design at the time of approval and in a manner which complies with all applicable Federal, State, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping.

(15) Critical Areas. Wireless communication facilities shall not be allowed in designated critical areas (except aquifer recharge areas) unless they are collocated on existing facilities.

(16) Radio Frequency Emissions. The applicant shall demonstrate that the wireless communication facility will comply with the radio frequency emission standards adopted by the Federal Communications Commission (FCC).

(17) State or Federal Requirements. All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. (Ord. 09-12 § 1 (Exh. A))

18.70.060 Landscaping/screening.

(1) The visual impacts of wireless communication facilities shall be mitigated and softened through landscaping or other screening materials at the base of the tower, equipment compounds, equipment enclosures, and ancillary structures, with the exception of wireless communication facilities located on electrical transmission structures, or if the antenna is mounted flush on an existing building or camouflaged as part of the building and ancillary equipment is housed inside an exist-

ing structure. The use of appropriate native plant species is encouraged. The Director or Hearing Examiner, as appropriate, may reduce or waive the standards for those sides of the wireless communication facility that are not in public view and when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; or in locations where large wooded lots and natural growth around the property perimeter may be sufficient buffer.

(2) Landscaping shall be installed on the outside of fences associated with wireless communication facility equipment compounds and around equipment enclosures located at ground level. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:

(a) Screening landscaping shall be placed around the perimeter of the equipment compound, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.

(b) The landscaping area shall be Type 1 landscaping as described in CMC 18.40.040(1) and a minimum of eight feet in depth around the perimeter of the enclosure in all zoning districts; except that Type II landscaping as defined in CMC 18.40.040(2) may be used in residential zoning districts and shall be a minimum of 10 feet in depth.

(c) The applicant shall utilize evergreens that shall be a minimum of six feet tall at the time of planting, unless located in a transmission or utility corridor where clearance requirements apply; then landscaping that will be appropriate in size at maturity so as not to grow into the clear zone shall be planted.

(3) The applicant shall replace any unhealthy or dead plant materials in conformance with the approved landscaping development proposal plan and shall maintain all landscaping materials in a healthy growing condition for the life of the facility. Landscape areas shall be kept free of trash. (Ord. 09-12 § 1 (Exh. A))

18.70.070 Electrical transmission structure collocation – Specific development standards.

The following requirements shall apply to collocation of antennas on an existing electrical transmission structure (as defined in CMC 18.20.1256):

(1) Height. The height requirements for antennas that are collocated on electrical transmission structures is limited to 12 feet above the existing tower or pole height. If a replacement electrical transmission structure is proposed, the maximum height shall be no greater than 12 feet above the original electrical transmission structure's height.

(2) Antenna Aesthetics. There are no restrictions on the type of antenna(s) that may be collocated on the electrical transmission structure. The antenna(s) must be painted to match the color of the electrical transmission tower/pole.

(3) Antenna Intensity. There is no limit on the number of antennas that may be collocated on an electrical transmission structure.

(4) Feed Lines and Coaxial Cables. Feed lines and coaxial cables shall be attached to the existing pole or to one of the legs of the electrical transmission tower. The feed lines and cables must be painted to match the color of the electrical transmission structure. If a replacement structure is proposed the feed lines and coaxial cables shall be located within the structure or in a covered raceway of similar color and material to the tower or pole.

(5) Equipment Enclosures. Cabinet equipment shall be located directly under the electrical transmission tower where the antennas are located, or in a concealed location.

(6) Setbacks. Setback requirements shall not apply to wireless communication facilities collocated on an existing electrical transmission structure. (Ord. 09-12 § 1 (Exh. A))

18.70.080 Adding antennas to an existing wireless communication facility tower – Specific development standards.

The following requirements shall apply to adding antennas to existing wireless communication facility tower(s) (as defined in CMC 18.20.1284):

(1) Height. The height of the antenna(s) must not exceed what was approved under the original application to construct the tower. If the proposed antenna(s) height shall exceed what was originally approved, a variance approval as a Type 3 decision is required.

(2) Antenna Aesthetics. Antenna(s) shall be painted to match the color scheme of the tower. Antenna mounts shall be flush-mounted onto the existing tower; unless it is demonstrated through

radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network coverage objective.

(3) Antenna Intensity. There is no limit on the number of antennas that may be located on an existing tower.

(4) Feed Lines and Coaxial Cables. Feed lines and coaxial cables shall be located within the tower. Any exposed feed lines or coaxial cables (such as when extended out of the tower to connect to the antennas) must be painted to match the tower.

(5) Equipment Enclosures. Any new cabinet or equipment shall be located within the equipment enclosure that was approved as part of the original application. If the applicant wishes to expand the equipment enclosure or compound from what was approved by the City or County under a previous application, the application shall seek a wireless communication facility (Type 2) application for only the equipment enclosure increase.

(6) Setbacks. Setback requirements shall not apply when an applicant installs new antennas on an existing tower and uses an existing equipment enclosure. If the equipment enclosure is increased it must meet the setback requirements for the underlying zoning district and may not exceed the total area restrictions for equipment enclosures as set forth in CMC 18.70.050. (Ord. 09-12 § 1 (Exh. A))

18.70.090 Utility pole collocation – Specific development standards.

The following requirements shall apply to all wireless communication facilities collocated on a utility pole (as defined in CMC 18.20.1351):

(1) Height. The antenna height of a utility pole collocation is limited to 12 feet above the existing utility pole and may not be greater than 50 feet in total height in residential zones.

(2) Antenna Aesthetics. The first preference for any collocation is to utilize flush-mounted antennas. If the utility pole collocation includes an antenna array, the array shall be painted to match the support structure and shall be flush mounted within six inches of the support structure. If it is demonstrated through RF propagation analysis that six-inch flush-mounted antennas will not meet the network coverage objective, then the distance may be increased up to 12 inches or may be contained in a canister that is a continuation of the diameter of the support structure.

(3) Replacement Pole. An existing utility pole may be removed and replaced with a new utility pole so long as the replacement pole is of similar color and material as the existing, and adjacent, pole(s) and is located within 10 feet of the existing pole (measured from the center point of the existing pole to the center point of the replacement pole). The replaced utility pole must be used by the owner of the utility pole to support its utility lines. A replacement utility pole shall be designed such that coaxial cables and feed lines can be located within the pole or in a covered raceway of similar color and material as the pole.

(4) Coaxial Cables and Feed Lines. Coaxial cables limited to one-half-inch diameter may be attached directly to an existing utility pole. Coaxial cables greater than one-half inch must be placed within the utility pole or within a covered raceway of similar color and material as the existing pole. The size of the cables is the total size of all coaxial cables being utilized on the utility pole.

(5) Pedestrian Impact. The proposed wireless communications facility collocation shall not result in a significant change in the pedestrian environment or preclude the City from making pedestrian improvements. If a utility pole is being replaced, consideration must be made to improve the pedestrian environment, if necessary.

(6) Equipment Enclosures. Unless approved by the Director of Public Works, all equipment enclosures must be placed outside of the City right-of-way. Equipment enclosures shall be located underground consistent with CMC 18.70.050(11).

(7) Setbacks. Any portion of the wireless communication facilities located within City right-of-way is not required to meet setback requirements if it is located underground. The City will evaluate setback modifications on private property under the setback requirements set forth in CMC 18.70.160. (Ord. 09-12 § 1 (Exh. A))

18.70.100 Building-mounted concealed facility – Specific development standards.

The following requirements shall apply to wireless communication facilities that are attached to an existing building and concealed from view (as defined in CMC 18.20.1428):

(1) Height. The proposed concealed wireless communication facility must meet the height requirement of the underlying zoning district. Antennas may be located in existing church spires, clock towers, chimneys, water towers, elevator towers, mechanical equipment rooms, or other

similar rooftop appurtenances usually required to be placed above the roof level and not intended for human occupancy or the provision of additional floor area. Stand-alone antennas or towers shall not qualify as rooftop appurtenances.

(2) Antennas Aesthetics. Antennas must be concealed from view by blending with the architectural style of the building. This could include, but not be limited to, steeple-like structures and parapet walls. The screening must be made out of the same material and be the same color as the building. Antennas shall be painted to match the color scheme of the building(s).

(3) Feed Lines and Coaxial Cables. Feed lines and coaxial cables shall be located below the parapet of the rooftop.

(4) Cabinet Enclosure. If a cabinet enclosure cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with CMC 18.70.050.

(5) Setbacks. The proposed wireless communication facilities must meet the setback requirements of the applicable zoning category where the facility is to be located. (Ord. 09-12 § 1 (Exh. A))

18.70.110 Request to use nonconcealed facilities attached to a building in lieu of a concealed building attachment.

The use of concealed building facilities shall have first priority in all residential and commercial zones. However, an applicant may request to construct a nonconcealed building-attached wireless communication facility in lieu of a concealed wireless communication facility. The Director will use the following criteria to determine whether to allow this request:

(1) Due to the size of the building and the proposed location of the antennas, the visual impact of the exposed antennas will be minimal in relation to the building.

(2) Cables are concealed from view and any visible cables are reduced in visibility by sheathing or painting to match the building where they are located.

(3) Equipment enclosure is adequately screened from view.

(4) Due to the style or design of the building the use of a concealed facility would reduce the visual appearance of the building.

(5) The proposal meets the development standards of CMC 18.70.120. (Ord. 09-12 § 1 (Exh. A))

18.70.120 Nonconcealed building-mounted specific development standards.

The following requirements shall apply to wireless communication facilities that are attached to an existing building and not concealed from view (as defined in CMC 18.20.1427):

(1) Height. The proposed facility must meet the height requirement of the underlying zoning category. If the building where the facility is located is at or above the maximum height requirements, the nonconcealed antennas are permitted to extend a maximum of three feet above the existing roof line.

(2) Antenna Aesthetics. The first preference for any proposed facility is to utilize flush-mounted antennas. Nonflush-mounted antennas may be used when their visual impact will be negated by the scale of the antennas to the building. Shrouds, canisters or other visually opaque, radio-frequency transparent materials which hide the wireless antennas from public view are not required unless they provide a better visual appearance than exposed antennas. Antennas shall be painted to match the color scheme of the building(s).

(3) Feed Lines and Coaxial Cables. Feed lines and coaxial cables should be located below the parapet of the rooftop. If the feed lines and cables must be visible they must be painted to match the color scheme of the building(s).

(4) Equipment Enclosures. If cabinet equipment cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the equipment enclosure cannot be located within the building or on the

roof and is located on the ground, the enclosure shall be fenced with a six-foot-tall fence. The fence shall include slats, wood panels, or other materials to screen the equipment from view. (Ord. 09-12 § 1 (Exh. A))

18.70.130 Requests for new towers.

(1) New towers are not permitted within the City unless the Hearing Examiner finds that the applicant has demonstrated by a preponderance of the evidence that:

(a) Coverage Objective. There exists an actual (not theoretical) significant gap in service and the proposed wireless communication facility will eliminate such significant gap in service; and

(b) Alternates. No existing tower, structure, other feasible site, or other alternative technologies not requiring a new tower in the City can accommodate the applicant's proposed wireless communication facility; and

(c) Least Intrusive. The proposed new wireless communication facility is designed and located to remove the significant gap in service in a manner that is, in consideration of the goals, policies, objectives, standards and regulations set forth in this chapter, CMC Title 18, and the comprehensive plan, the least intrusive upon the surrounding area.

(2) The Hearing Examiner is the reviewing body on the application to construct a new tower and shall determine whether or not each of the above requirements is met. Examples of evidence the applicant shall provide demonstrating the foregoing requirements include, but are not limited to, the following:

(a) That the tower height is the minimum necessary in order to achieve the coverage objective;

(b) That no existing towers or structures or alternative sites are located within the geographic area required to meet the applicant's engineering requirements to meet its coverage objective (regardless of the geographical boundaries of the City);

(c) That the existing towers or structures are not of a sufficient height or could not feasibly be extended to a sufficient height to meet the applicant's engineering requirements to meet its coverage objective;

(d) That the existing structures or towers do not have sufficient structural strength to support the applicant's proposed antenna and ancillary facilities;

(e) That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing structure would cause interference with the applicant's proposed antenna;

(f) That an alternative technology that does not require the use of a new tower, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireless system, is unsuitable. Costs of alternative technology that exceed the new tower or antenna development shall not be presumed to render the technology unsuitable; and

(g) The applicant demonstrates other limiting factors that render existing towers and structures or other sites or alternative technologies unsuitable.

(3) The Hearing Examiner, after holding a public hearing, shall approve, approve with conditions, or deny the application, or remand the application back to staff for further investigation in a manner consistent with the Hearing Examiner's order. (Ord. 09-12 § 1 (Exh. A))

18.70.140 Tower-specific development standards.

The following requirements shall apply to all wireless communication towers (as defined in CMC 18.20.1284):

(1) Height. Any proposed tower with antennas shall meet the height standards of the zoning district where the tower will be located. A height modification may be applied for under CMC 18.70.150.

(2) Antenna and Tower Aesthetics. The applicant shall utilize a concealed facility as defined in CMC 18.20.1428. The choice of concealing the wireless communication facility must be consistent with the overall use of the site. For example, having a tower appear like a flagpole would not be consistent if there are no buildings on the site. If a flag or other wind device is attached to the pole, it must be appropriate in scale to the size and diameter of the tower.

(3) Setbacks. The proposed wireless communication facilities must meet the setback requirements of the underlying zoning district. If a height modification is granted under CMC 18.70.150, the setback of the proposed wireless communication facility shall increase two feet for every foot in excess of the maximum permitted height in the zoning district.

(4) Color. The color of the tower shall be based on the surrounding land uses and type of concealment proposed.

(5) Feed Lines and Coaxial Cables. All feed lines and coaxial cables must be located within the tower. Feed lines and coaxial cables connecting the tower to the equipment enclosure, which are not located within the wireless communication facility equipment compound, must be located underground.

(6) Tower Design. Any new tower constructed shall be designed to meet the minimum structural standards for future collocation of wireless communication facilities by a minimum of three providers (including the applicant) of voice, video, or data transmission services. (Ord. 09-12 § 1 (Exh. A))

18.70.150 Height modification.

(1) Where the Hearing Examiner finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the height limitations of the underlying zoning district, or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve a height modification to the zoning code height limit; provided the applicant demonstrates that the modification will meet the goals, policies, objectives, standards, and requirements of this chapter, CMC Title 18, and the comprehensive plan, and demonstrates the following:

(a) The granting of the height modification will not be detrimental to public safety, health, or welfare, or injurious to other property, and will promote the public's interest; and

(b) A particular and identifiable hardship exists or a specific circumstance warrants the granting of a modification. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:

(i) Topography and other site features;

(ii) Availability of alternative site locations;

(iii) Geographic location of property; and

(iv) Size/magnitude of the project being evaluated and availability of collocation.

(2) In approving the height modification request, the Hearing Examiner may impose such conditions as he deems appropriate to substantially secure the goals, policies, objectives, standards, and requirements of this chapter, CMC Title 18, and the comprehensive plan.

(3) A request for any such modification shall be submitted in writing by the applicant with the application for Hearing Examiner review. The applicant shall state fully the grounds for the modification and all of the facts relied upon by the applicant. (Ord. 09-12 § 1 (Exh. A))

18.70.160 Setback modification.

(1) Wireless communication facilities must meet the setback requirements of the underlying zoning district.

(2) The Director or Hearing Examiner, depending on the type of application, may permit modifications to be made to setback requirements when:

(a) An applicant for a wireless communication facility can demonstrate that placing the facility on certain portions of a property within the required setback will provide better screening and aesthetic considerations than provided under the existing setback requirements; or

(b) The modification will aid in retaining open space and trees on the site; or

(c) The proposed location allows for the wireless communication facility to be located at a greater distance from residentially zoned properties.

(3) Zoning setback modifications shall not be used to reduce any setback required under the State Building Code or Fire Code. (Ord. 09-12 § 1 (Exh. A))

18.70.170 Expiration.

Any application to install or operate a wireless communication facility shall expire exactly one year from the date of issuance of the Director or Hearing Examiner's decision, unless significant progress has been made to construct the facility. The City may extend the expiration period by up to one additional year due to circumstances outside of the control of the applicant. However, the City shall not issue an extension if any revisions have occurred to the City's Municipal Code that would affect the wireless communication facility approved. (Ord. 09-12 § 1 (Exh. A))

18.70.180 Removal of abandoned wireless communication facilities.

Any antenna or tower that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing the appli-

cation for a continuous period of 12 months shall be considered abandoned. The wireless telecommunication carrier of such abandoned antenna or tower and ancillary wireless communication facilities shall remove the same within 90 days of receipt of a notice from the City notifying the owner or operator of such abandonment. Whenever a facility is abandoned or ceases operation, the entire facility shall be removed, including, but not limited to, all antennas, antenna supports, feeder lines, base stations, electronic equipment, and the concrete pad upon which the structure is located. Failure to remove such an abandoned facility shall result in declaring the antenna and/or tower a public nuisance. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower. (Ord. 09-12 § 1 (Exh. A))

Chapter 18.75

DEVELOPMENT STANDARDS – ADEQUACY OF PUBLIC FACILITIES AND SERVICES

Sections:

18.75.010 Purpose.
18.75.020 General requirements.
18.75.030 Adequate sewage disposal.
18.75.040 Adequate water supply.
18.75.050 Surface water management.
18.75.060 Adequate streets.
18.75.070 Adequate vehicular access.
18.75.080 Adequate fire protection.
18.75.090 School concurrency – Applicability and relationship to fees.
18.75.100 Findings, recommendations, and decisions regarding school capacities.
18.75.110 Submission of district capital facilities plan and data.
18.75.120 School concurrency standard.
18.75.130 Credit for improvements.

18.75.010 Purpose.

The purpose of this chapter is to ensure that public facilities and services necessary to support development are adequate or will be provided in a timely manner consistent with the public facilities and services planning goal of the Washington State Growth Management Act of 1990 by:

(1) Specifying the on-site and off-site facilities and services that must be in place or otherwise assured of timely provision prior to development;

(2) Allocating the cost of those facilities and services fairly; and

(3) Providing a general framework for relating development standards and other requirements of this code to:

(a) Adopted service level standards for public facilities and services;

(b) Procedural requirements for phasing development projects to ensure that services are provided as development occurs; and

(c) The review of development permit applications. (Ord. 42-02 § 2 (21A.28.010))

18.75.020 General requirements.

(1) All new development proposals including any use, activity or structure allowed by Chapter 18.25 CMC that requires City of Covington approval shall be adequately served by the follow-

ing facilities and services prior to the time of occupancy, recording or other land use approval, as further specified in this chapter:

(a) Sewage disposal;
(b) Water supply;
(c) Surface water management;
(d) Roads and access;
(e) Fire protection service; and
(f) Schools.

(2) All new development proposals for building permits, plats, short plats, urban planned developments, fully contained communities and binding site plans, that will be served by a sewer or water district, shall include a certificate of water availability and a certificate of sewer availability to demonstrate compliance with this chapter and other provisions of the City of Covington Municipal Code, the City of Covington comprehensive plan and the Growth Management Act.

(3) Regardless of the number of sequential permits required, the provisions of this chapter shall be applied only once to any single development proposal. If changes and modifications result in impacts not considered when the proposal was first approved, the City shall consider the revised proposal as a new development proposal. (Ord. 42-02 § 2 (21A.28.020))

18.75.030 Adequate sewage disposal.

All new development shall be served by an adequate public or private sewage disposal system, including both collection and treatment facilities as follows:

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

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

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

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

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

(2) A private individual sewage system is adequate, if an on-site sewage disposal system for each individual building or lot is installed to meet the requirements and standards of the Department of Public Health as to lot size, soils and system design prior to issuance of a certificate of occupancy for a building or change of use permit. (Ord. 01-09 § 19; Ord. 42-02 § 2 (21A.28.030))

18.75.040 Adequate water supply.

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

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

(a) For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant must demonstrate that the existing water supply system available to serve the site:

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

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

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

(b) Prior to issuance of a certificate of occupancy for a building or change of use permit, the approved public water system and any system improvements set forth in subsection (1)(a) of this

section shall be installed to serve each building or lot respectively;

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

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

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

(a) In an urban area if:

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

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

(iii) The Seattle-King County Department of Public Health has approved the proposed method of water supply in accordance with the applicable King County Board of Health rules and regulations and this section. The applicant shall provide appropriate information to demonstrate to the Department and the Seattle-King County Department of Public Health that a private individual water system will be adequate. The Seattle-King County Department of Public Health may require installation of private individual water systems prior to final approval of a plat or short plat where information is insufficient to show an adequate water supply can be made available. (Ord. 42-02 § 2 (21A.28.040))

18.75.050 Surface water management.

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

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

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

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

18.75.060 Adequate streets.

(1) All new development shall be served by adequate roads. Streets are adequate if the development's traffic impacts on surrounding public roads are acceptable under the level-of-service standards and the compliance procedures established in CMC Title 12.

(2) The renewal of permits or the issuance of a new permit for existing uses constitutes a new development proposal only if it will generate additional traffic above that currently generated by the use.

(3) A variance request from the road cross section or construction standards established by CMC Title 12, Streets, Sidewalks and Bridges, shall be reviewed as set forth in CMC 12.60.050 and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 18.30 through 18.80 CMC. (Ord. 42-02 § 2 (21A.28.060))

18.75.070 Adequate vehicular access.

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

(1) The property upon which the development proposed is to be located has direct access to:

(a) A public or private street that meets City design and construction standards and specifications or is formally declared acceptable by the City Engineer; or

(b) The property has access to such a street over a private driveway approved by the City;

(2) The proposed circulation system of a proposed subdivision, short subdivision or binding site plan shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the Department and the City Engineer; and

(3) Every lot upon which one or more buildings are proposed to be erected or traffic-generating use is proposed to be established shall establish safe access as follows:

(a) Safe passage from the street right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the City design and construction standards and specifications set forth in Chapter 18.50 CMC;

(b) Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services in accordance with adopted City design and construction standards and specifications (e.g., fire protection, emergency medical service, mail delivery or trash collection); and

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

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

18.75.080 Adequate fire protection.

All new development shall be served by adequate fire protection as set forth below:

(1) The site of the development proposed is served by a water supply system that provides at least minimum fire flow and a road system or fire lane system that provides life safety/rescue access, and other fire protection requirements for buildings as required by CMC Title 15, Buildings and Construction;

(2) For a zone reclassification or urban planned development, the timing of installation of required fire protection improvements shall be stated in the approving ordinance, secured with a bond or similar security, and deposited with the City of Covington; and

(3) A variance request from the requirements established by CMC Title 15, Fire Code, shall be reviewed as set forth in CMC Title 15, and/or in Article 2 of the currently adopted edition of the International Fire Code and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in Chapters 18.30 through 18.80 CMC. (Ord. 06-05 § 1; Ord. 23-04 § 17; Ord. 42-02 § 2 (21A.28.130))

18.75.090 School concurrency – Applicability and relationship to fees.

(1) The school concurrency standard set out in CMC 18.75.120 shall apply to applications for preliminary plat or urban planned development (UPD) approval, mobile home parks, requests for multifamily zoning, and building permits for multifamily housing projects which have not been previously evaluated for compliance with the concurrency standard.

(2) The City's finding of concurrency shall be made at the time of preliminary plat or UPD approval, at the time that a request to actualize potential multifamily zoning is approved, at the time a mobile home park site plan is approved, or prior to building permit issuance for multifamily housing projects which have not been previously established for compliance with the concurrency standard. Once such a finding has been made, the development shall be considered as vested for purposes of the concurrency determination.

(3) Excluded from the application of the concurrency standard are:

(a) Building permits for individual single-family dwellings;

(b) Any form of housing exclusively for senior citizens, including nursing homes and retirement centers;

(c) Shelters for temporary placement, relocation facilities and transitional housing facilities;

(d) Replacement, reconstruction or remodeling of existing dwelling units;

(e) Short subdivisions;

(f) Building permits for residential units in recorded planned unit developments approved pursuant to this code that have not yet expired;

(g) Any residential building permit for any development proposal for which a concurrency determination has already been made pursuant to the terms of this title.

(4) All of the development activities which are excluded from the application of the concurrency standard are subject to school impact fees imposed pursuant to Chapter 18.120 CMC.

(5) The assessment and payment of impact fees are governed by and shall be subject to the provisions in Chapter 18.120 CMC addressing school impact fees.

(6) A certification of concurrency for a school district shall not preclude the City from collecting impact fees for the district. Impact fees may be assessed and collected as long as the fees are used to fund capital and system improvements needed to serve the new development, and as long as the use of such fees is consistent with the requirements of Chapter 82.02 RCW and this chapter. Pursuant to Chapter 82.02 RCW, impact fees may also be used to recoup capital and system improvement costs previously incurred by a school district to the extent that new growth and development will be served by the previously constructed improvements or incurred costs. (Ord. 20-07 § 129; Ord. 42-02 § 2 (21A.28.140))

18.75.100 Findings, recommendations, and decisions regarding school capacities.

(1) In making a threshold determination pursuant to SEPA, the Director and/or the Hearing Examiner, in the course of reviewing proposals for residential development including applications for plats or UPDs, mobile home parks, or multifamily zoning, and multifamily building permits, shall consider the school district's capital facilities plan as adopted by the Council.

(2) Documentation which the district is required to submit pursuant to CMC 18.75.110 or CMC Title 14, Division I, shall be incorporated into the record in every case without requiring the district to offer such plans and data into the record. The school district is also authorized to present testimony and documents demonstrating a lack of concurrency in the district and the inability of the district to accommodate the students to be generated by a specific development.

(3) Based upon a finding that the impacts generated by the plat, manufactured home park or the multifamily development were generally not anticipated at the time of the last Council review and approval of a school district capital plan and were not included in the district's long-range forecast, the Director may require or recommend phasing or provision of the needed facilities and/or sites as appropriate to address the deficiency or deny or condition approval, consistent with the provisions of this chapter, the State Subdivision Act, and the State Environmental Policy Act.

(4) Determinations of the Examiner or Director regarding concurrency can be appealed only pursuant to the provisions for appeal of the development permit process for which the determination has been made. Where no other administrative appeal process is available, an appeal may be taken to the Hearing Examiner using the appeal procedures for variances. Any errors in the formula identified as a result of an appeal should be referred to the Council for possible modifications.

(5) Where the Council has not adopted an impact fee ordinance for a particular school district, the language of this section shall not affect the authority or duties of the Examiner or the Director pursuant to the State Environmental Policy Act or the State Subdivision Act. (Ord. 42-02 § 2 (21A.28.150))

18.75.110 Submission of district capital facilities plan and data.

(1) On an annual basis, each school district shall submit the following materials to the City:

(a) The district's capital facilities plan adopted by the school board, which is consistent with the Growth Management Act.

(b) The district's enrollment projections over the next six years, its current enrollment and the district's enrollment projections and actual enrollment from the previous year.

(c) The district's standard of service.

(d) An inventory and evaluation of district facilities which address the district's standard of service.

(e) The district's overall capacity over the next six years, which shall be a function of the district's standard of service as measured by the number of students which can be housed in district facilities.

(2) To the extent that the district's standard of service reveals a deficiency in its current facilities, the district's capital facilities plan must demonstrate a plan for achieving the standard of service, and must identify the sources of funding for building or acquiring the necessary facilities to meet the standard of service.

(3) Facilities to meet future demand shall be designed to meet the adopted standards of service. If sufficient funding is not projected to be available to fully fund a capital plan which meets the standard of service, the district's capital plan should document the reason for the funding gap.

(4) If an impact fee ordinance has been adopted on behalf of a school district, the district shall also submit an annual report to the City showing the capital improvements which were financed in whole or in part by the impact fees. (Ord. 42-02 § 2 (21A.28.152))

18.75.120 School concurrency standard.

(1) Schools shall be considered to have been provided concurrently with the development which will impact the schools if:

(a) The permanent and interim improvements necessary to serve the development are planned to be in place at the time the impacts of development are expected to occur; or

(b) The necessary financial commitments are in place to assure the completion of the needed improvements to meet the district's standard of service within three years of the time that the impacts of development are expected to occur. Necessary improvements are those facilities identified by the district in its capital facilities plan as reviewed and adopted by the City of Covington.

(2) Any combination of the following shall constitute the "necessary financial commitments" for the purposes of subsection (1) of this section.

(a) The district has received voter approval of and/or has bonding authority;

(b) The district has received approval for Federal, State, or other funds;

(c) The district has received a secured commitment from a developer that the developer will construct the needed permanent school facility, and the school district has found such facility to be acceptable and consistent with its capital facilities plan; and/or

(d) The district has other assured funding, including but not limited to school impact fees which have been paid.

(3) Compliance with this concurrency requirement of this section shall be sufficient to satisfy the provisions of RCW 58.17.060 and 58.17.110. (Ord. 42-02 § 2 (21A.28.160))

18.75.130 Credit for improvements.

Whenever a development is granted approval subject to a condition that the development proponent actually provide a school facility acceptable to the district, the development proponent shall be entitled to a credit for the actual cost of providing the facility, against the fee that would be chargeable under the formula provided by CMC Title 14, Division II. The cost of construction shall be estimated at the time of approval, but must be documented and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee. (Ord. 42-02 § 2 (21A.28.180))

Chapter 18.80

DEVELOPMENT STANDARDS – ANIMALS, HOME OCCUPATION, HOME INDUSTRY

Sections:

18.80.010 Purpose.
18.80.020 Animal regulations – Small animals.
18.80.030 Animal regulations – Livestock – Purpose.
18.80.040 Animal regulations – Livestock – Densities.
18.80.050 Animal regulations – Livestock – Farm management plans.
18.80.060 Animal regulations – Livestock – Management standards.
18.80.070 Animal regulations – Livestock – Building requirements.
18.80.080 Animal regulations – Livestock – Education and enforcement.
18.80.090 Existing livestock operations.
18.80.100 Home occupation.
18.80.110 Home industry.
18.80.120 Protection of agricultural uses.

18.80.010 Purpose.

The purpose of this chapter is to enhance and preserve the compatibility between neighboring properties by regulating the scope and intensity of accessory uses or activities. (Ord. 42-02 § 2 (21A.30.010))

18.80.020 Animal regulations – Small animals.

The raising, keeping, breeding or fee boarding of small animals are subject to Chapter 11.04 KCC, Animal Control Regulations (adopted by Chapter 6.05 CMC), and the following requirements:

(1) Small animals which are kept indoors as household pets in aquariums, terrariums, cages or similar containers shall not be limited in number, except as may be provided in KCC Title 11 (adopted by Chapter 6.05 CMC). Other small animals excluding cats kept indoors as household pets shall be limited to five, of which not more than three may be unaltered cats or dogs. Cats kept indoors shall not be limited in numbers.

(2) Other small animals kept outside, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square feet, five per household on lots of 20,000 to 35,000 square feet, with an additional two per acre of site area over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use

pursuant to subsection (5) of this section; provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a hobby kennel or cattery or commercial kennel or cattery pursuant to Chapter 11.04 KCC (adopted by Chapter 6.05 CMC).

(3) Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three.

(4) Animals considered to be household pets shall be treated as other small animals pursuant to subsection (5) of this section when they are kept for commercial breeding, boarding or training.

(5) Small animals and household pets kept as an accessory use outside the dwelling shall be raised, kept or bred only as an accessory use on the premises of the owner, or in a kennel or cattery approved through the conditional use permit process, subject to the following limitations:

(a) Birds shall be kept in an aviary or loft that meets the following standards:

(i) The aviary or loft shall provide one-half square foot for each parakeet, canary or similarly sized birds, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird.

(ii) Aviaries or lofts shall not exceed 2,000 square feet, provided this limit shall not apply in rural, forestry, or agricultural zones.

(iii) The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.

(b) Small animals other than birds shall be kept according to the following standards:

(i) No property owner shall keep or house more than three small animals.

(ii) All animals shall be confined within a building, pen, aviary or similar structure.

(iii) Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line, except structures used to house mink and fox shall be a distance of not less than 150 feet from any property line.

(iv) Mink and fox are not permitted within City limits.

(v) Beekeeping is limited as follows:

(A) Beehives are limited to 50 on sites less than five acres;

(B) The number of beehives shall not be limited on sites of five acres or greater;

(C) Colonies shall be maintained in movable-frame hives at all times;

(D) Adequate space shall be provided in each hive to prevent overcrowding and swarming;

(E) Colonies shall be requeened following any swarming or aggressive behavior;

(F) All colonies shall be registered with the City extension agent prior to April 1st of each year, on a State registration form acceptable to the City; and

(G) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in this code;

(c) Kennels and catteries are subject to the following requirements:

(i) For kennels located on residential zoned sites:

(A) The minimum site area shall be five acres; and

(B) Structures housing animals and outdoor animal runs shall be a minimum distance of 100 feet from property lines abutting residential zones;

(ii) For kennels located on nonresidential zoned sites, run areas shall be completely surrounded by an eight-foot solid wall or fence, and be subject to the requirements in KCC 11.04.060 (adopted by Chapter 6.05 CMC); and

(iii) Catteries shall be on sites of 35,000 square feet or more, and buildings used to house cats shall be a minimum distance of 50 feet from property lines abutting residential zones. (Ord. 42-02 § 2 (21A.30.020))

18.80.030 Animal regulations – Livestock – Purpose.

The primary purpose of CMC 18.80.040 through 18.80.090 is to support the raising and keeping of livestock in the City in a manner that minimizes the adverse impacts of livestock on the environment particularly with regard to their impacts on water quality and salmonid fisheries habitat in the City of Covington watersheds. Maintaining and enhancing the viability of fisheries, livestock-raising and farming are essential to the long-term economic vitality, recreation opportunities and quality of life in rural and resource lands of the City of Covington. The following sections establish regulations which set livestock densities and require implementation of best management

practices for minimizing nonpoint pollution from livestock in a manner that recognizes the need for integrated resource management within the City of Covington watersheds. They are intended to be consistent with livestock welfare; however, these concerns are more appropriately addressed through Chapter 11.04 KCC (adopted by Chapter 6.05 CMC). (Ord. 42-02 § 2 (21A.30.030))

18.80.040 Animal regulations – Livestock – Densities.

The raising, keeping, breeding or fee boarding of livestock are subject to Chapter 11.04 KCC (adopted by Chapter 6.05 CMC), Animal Control Regulations, and the following requirements:

(1) The minimum lot size on which large livestock may be kept shall be 20,000 square feet; provided, that the amount of site area available for use by the livestock may be less than 20,000 square feet; and provided further, that the portion of the total lot area used for confinement or grazing meets the requirements of this section.

(2) The maximum number of livestock shall be as follows:

(a) Commercial dairy farms in full compliance with a Washington State Department of Ecology NPDES general or special use permit, as consistent with the permit requirements. Otherwise, subsection (2)(c) of this section applies. Commercial dairies shall have five years from the adoption of this section to either comply with the State permit requirements or come into compliance with King County Ordinance 11168.

(b) Six resident animal units per gross acre in stables, barns and other livestock operations with covered confinement areas; provided, that no more than three animal units per gross acre are allowed to use uncovered grazing or confinement areas on a full-time basis, and the standards in CMC 18.80.060 are met or a farm management plan is implemented and maintained pursuant to King County Ordinance 11168; provided further, that higher densities may be allowed subject to the conditional use permit process to confirm compliance with the management standards. This conditional use permit process is not required for existing operations which operate with higher densities, provided the standards in King County Ordinance 11168 are met or a farm management plan is implemented for such operations.

(c) For all large livestock not covered by subsections (2)(a) or (b) of this section, three animal units per gross acre of vegetated site area; provided, that the standards in CMC 18.80.060 are met or a farm management plan is implemented and maintained.

(i) If a farm management plan is implemented and maintained as required or, in the alternative, all of the management standards of CMC 18.80.060 are met, three horses, cows or similarly sized animals per gross acre of total site area; provided further, that two ponies shall be counted as being equivalent to one horse and that miniature horses shall be treated as small livestock subject to subsection (2)(d) of this section.

(ii) If subsection (2)(c)(i) of this section is not met, one animal unit per two acres of vegetated area; provided, that the standards for storage and handling of manure, as set out in CMC 18.80.050, are met;

(d) For purposes of these regulations, an animal unit shall consist of one adult horse or bovine, two ponies, five small livestock, or equivalent thereof (excluding sucklings); provided, that miniature horses and feeder calves (up to one year of age) shall be considered small livestock. (Ord. 42-02 § 2 (21A.30.040))

18.80.050 Animal regulations – Livestock – Farm management plans.

(1) To achieve the maximum density allowances using a farm management (conservation) plan, the plan must be developed according to the following criteria:

(a) The plan must be developed by the King County Conservation District.

(b) The plan shall require site-specific management measures for minimizing nonpoint pollution from agricultural activities including but not limited to:

(i) Livestock watering, wetland and stream corridor management;

(ii) Grazing and pasture management;

(iii) Confinement area management;

(iv) Manure management.

(c) The plan shall be implemented within a timeframe established in the plan and maintained such that nonpoint pollution attributable to livestock-keeping is minimized.

(d) A monitoring plan shall be developed as part of the farm management plan, and implemented to demonstrate no significant impact to water quality and salmonid fisheries habitat. Monitoring data shall be available to the City.

(2) Farm management plans (FMPs) shall, at a minimum:

(a) Generally seek to achieve a 25-foot buffer of diverse, mature vegetation between grazing areas and the ordinary high water mark of all Class 1 and 2 streams and any naturally occurring pond and the wetland edge of any Class 1 or 2 wetland on the site, using buffer averaging where necessary to accommodate existing structures. No buffer for Class 1 or 2 streams shall be less than 10 feet. The plan must include best management practices which avoid having manure accumulate in or within 10 feet of Class 3 streams; provided, that forested lands being cleared for grazing areas shall comply with the sensitive areas ordinance setbacks for Class l, 2 and 3 streams and Class 1 and 2 wetlands.

(b) Assure that drainage ditches on the site do not channel animal waste to such streams and wetlands.

(c) Achieve an additional 20-foot buffer downslope of any confinement areas within 200 feet of Class 1 and 2 streams. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if:

(i) A minimum buffer of 25 feet of diverse, mature vegetation is achieved;

(ii) Manure within the confinement area is removed daily during the winter season (October 15th to April 15th) and stored per CMC 18.80.060(4);

(iii) Additional BMPs, as recommended by the Community Development Director, are implemented and maintained.

(d) Include a schedule for implementation.

(3) A copy of the final plans shall be provided to the City within 60 days of completion.

(4) The completed plan may be appealed to the Hearing Examiner pursuant to the provisions of Chapter 14.35 CMC. The appeal must be filed within 30 days of being received by the Clerk. Only the property owner may file appeals. Any plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of CMC 13.35.030. (Amended at request of department 2/08; Ord. 42-02 § 2 (21A.30.045))

18.80.060 Animal regulations – Livestock – Management standards.

Property owners with farms containing large livestock at densities greater than one animal unit per two acres, and/or small livestock at densities greater than five animals per acre are not required to follow an FMP if said owners adhere to the following management standards. This section shall apply as long as farm practices do not result in violation of any Federal, State or local water quality standards.

(1) Livestock Watering, Wetland and Stream Corridor Management. To minimize livestock access to streams, property owners shall utilize the following livestock watering options:

(a) The preferred option shall be a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from the stream so that livestock are not required to enter streams for their water supply.

(b) Livestock access to Class 1 and 2 streams and their buffers shall be limited to stream crossing and watering points which have been addressed by a crossing or watering point plan designed to SCS/KCD specifications which shall prevent free access along the length of the streams.

(i) Fencing shall be used as necessary to prevent livestock access to Class 1 and 2 streams.

(ii) Bridges may be used in lieu of stream crossings; provided, that piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish the flood carrying capacity of the stream; these bridges may be placed without a City building permit; provided, that such permit waiver shall not constitute any assumption of liability by the City with regard to such bridge or its placement. The waiver of City building permit requirements does not constitute a waiver from other required agency permits.

(2) Grazing and Pasture Management.

(a) Existing grazing areas not addressed by Chapter 18.65 CMC shall maintain a vegetative buffer of 50 feet from any naturally occurring pond, wetland edge of a Class 1 or 2 wetland (except those wetlands meeting the definition of grazed wet meadows), or the ordinary high water mark of a Class 1 or 2 stream.

(b) Forested lands being cleared for grazing areas shall comply with the sensitive areas ordinance setbacks for Class 1, 2 and 3 streams, and Class 1 and 2 wetlands.

(c) The grazing area buffer may be reduced to 25 feet where a 25-foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when forested lands are being cleared for grazing areas.

(d) Fencing shall be used to establish and maintain the buffer.

(e) Fencing installed pursuant to the 1990 SAO prior to the effective date of the ordinance codified in this section at setbacks other than those specified in subsections (2)(a) and (b) of this section shall be deemed to constitute compliance with those requirements.

(f) Grazing areas within 200 feet of a Class 1 or 2 stream or wetland shall not be plowed during the rainy season (October 1st through April 15th).

(g) Grazing areas may extend to the property line; provided, that Class 1 or 2 streams and wetlands adjacent to the property line are buffered in accordance with subsection (2)(a), (b) or (c) of this section.

(3) Confinement Area Management.

(a) In addition to the buffers in subsection (2)(a) and (b) section, confinement areas located within 200 feet of any Class 1 or 2 streams, wetlands or drainage ways shall:

(i) Have a 20-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and which may also include tree cover;

(ii) Not be located in any Class 1 or 2 stream or wetland buffer area required by the sensitive areas ordinance in effect at the time the confinement area is built, or within 50 feet of any naturally occurring pond, wetland edge of any Class 1 or 2 wetland or the ordinary high water mark of any Class 1 or 2 stream. Fencing shall be used to establish and maintain the buffer. Existing confinement areas which do not meet these requirements shall be modified as necessary to provide the buffers specified herein within five years of the effective date of the ordinance codified in this section; provided further, that the footprint of existing buildings need not be so modified;

(iii) Have roof drains of any buildings in the confinement area diverted away from the confinement area.

(b) Confinement areas may extend to the property line; provided, that streams and wetlands adjacent to the property line are buffered in accordance with subsection (3)(a) of this section.

(4) Manure Management.

(a) Manure storage areas shall be managed as follows:

(i) Surface flows and roof runoff shall be diverted away from manure storage areas.

(ii) During the winter months (October 15th to April 15th), all manure stockpiled within 200 feet uphill of any Class 1 or 2 stream or wetland shall be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger; or, in the alternative, shall be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle or other facility designed to prevent leachate from reaching any streams or any Class 1 or 2 wetlands. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made.

(iii) Manure shall be stored in a location that avoids having runoff from the manure enter streams or wetlands. Manure piles shall not be closer than 50 feet uphill from any wetland edge, the ordinary high water mark of any stream, or any ditch to which the topography would generally direct runoff from the manure, nor within any stream buffer.

(b) Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

(5) Noxious Weeds. None of these standards shall preclude the removal of noxious weeds; provided, that such removal is achieved without the use of chemicals or mechanical methods which would be damaging to stream banks or other vegetation in the buffer.

(6) For purposes of this section, "buffer maintenance" means allowing vegetation in the buffer which provides shade for the stream or acts as a filter for storm water entering the stream, other than noxious weeds, to grow to its mature height; provided, that grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities permitted pursuant to the sensitive areas ordinance, with the appropriate permits.

(7) Properties which have existing fencing already installed at distances other than those specified in these standards, and for which farm management plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards.

(8) Buffer areas shall not be subject to public access, use or dedication by reason of the establishment of such buffers. (Ord. 42-02 § 2 (21A.30.060))

18.80.070 Animal regulations – Livestock – Building requirements.

(1) In residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a resident on the subject property.

(2) A barn or stable may contain a caretaker's accessory living quarters under the following conditions:

(a) Only one accessory living quarters per primary detached dwelling unit, except in zones where accessory living quarters are specifically prohibited;

(b) The accessory living quarters shall not exceed 500 square feet; and

(c) The structure must be constructed in conformance with the International Building Code; and

(3) A barn or stable may contain a caretaker's accessory dwelling unit as allowed pursuant to these provisions of this title relating to accessory dwelling units. (Ord. 06-05 § 1; Ord. 23-04 § 18; Ord. 42-02 § 2 (21A.30.062))

18.80.080 Animal regulations – Livestock – Education and enforcement.

(1) Education. Enforcement of these livestock standards shall initially emphasize achieving compliance with the standards as the primary objective, rather than the collection of fines or penalties. Fines or penalties are appropriate when a property owner or livestock operator has been advised of necessary corrective actions and has not made those corrections. Where violations of the standards do occur, and such violations are directly linked to identified hazards or the discharge of prohibited contaminants, as enumerated in the City civil penalty ordinance, Chapter 1.30 CMC, code enforcement must emphasize immediate correction of the practices resulting in the hazard or prohibited discharge.

(2) Both the property owner and any renter or lessee of the property, hereinafter referred to "livestock operator," shall be held responsible for compliance with these standards.

(3) Prima Facie Evidence. Establishment and adherence to a farm management plan as allowed by CMC 18.80.050 or the management standards provided by CMC 18.80.060 shall be prima facie proof of compliance with the regulatory provisions of CMC 13.35.030.

(4) Violations of Specific Standards. The Department shall be responsible for enforcement of the standards set out in this chapter. The Surface Water Management Division shall be responsible for enforcement of water quality violations pursuant to Chapter 13.35 CMC for prohibited discharges and hazards. If a specific standard identified in this chapter is not being adhered to, the operator and owner shall be given notice of noncompliance. The notice shall specify what actions must be taken to bring the property into compliance. The operator and owner shall be given 45 days in which to adhere to the management standards of CMC 18.80.060, or establish a farm management plan pursuant to CMC 18.80.050 as the owner and/or livestock operator may elect for the purpose of compliance. Should the owner and/or livestock operator fail to bring the property into compliance with the standards, the City, after notice, may commence abatement proceedings and impose civil fines 30 days thereafter, to the extent necessary for compliance. Thereafter, upon exhaustion of any appeals, failure of the operator and owner to comply with any continuing order to abate, the operator and owner shall be subject to civil and criminal penalties, and other procedures, as set forth in this title and Chapter 1.30 CMC. (Ord. 10-07 § 13; Ord. 42-02 § 2 (21A.30.066))

18.80.090 Existing livestock operations.

All existing livestock operations shall either implement a farm management plan or meet the management standards in CMC 18.80.060, within five years of the adoption date of this title: existing buildings are exempt from this provision. State standards for fecal coliform, turbidity, and nutrients must be met within five years from the date of adoption of the ordinance codified in this chapter. The Metropolitan Services Department/Water Quality Division shall monitor stream systems for progress in meeting this goal, and report annually to the Council. (Ord. 42-02 § 2 (21A.30.070))

18.80.100 Home occupation.

Residents of a dwelling unit may conduct one or more home occupations as accessory activities, provided:

(1) The total area devoted to all home occupation(s) shall not exceed 20 percent of the floor area of the dwelling unit. Areas with attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation;

(2) In urban residential zones, all the activities of the home occupation(s) shall be conducted

indoors, except for those related to growing or storing of plants used by the home occupation(s);

(3) One full-time or full-equivalent nonresident may be employed and work in the dwelling unit where the home occupation is located. A home occupation may have additional nonresident employees if the employees work off-site and do not visit the premises except as otherwise allowed in this section;

(4) The home occupation shall not be used as a headquarters or meeting location for the assembly of employees or subcontractors, including staging or dispatch of employees or subcontractors to other locations, except that meetings with off-site employees of the home occupation may occur up to four times in a calendar year;

(5) The following activities, as a home occupation, shall be prohibited in urban residential zones only:

(a) Repair of automobiles, trucks, watercraft, recreation vehicles, other motor vehicles, heavy equipment, and devices with internal combustion engines;

(b) Body work or painting of automobiles, trucks, watercraft, recreation vehicles, other motor vehicles, heavy equipment, and devices with internal combustion engines;

(c) Parking and storage of automobiles, trucks, watercraft, recreation vehicles, heavy equipment, and devices with internal combustion engines; and

(d) Storage of building materials for use on other properties;

(6) In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:

(a) One stall for a nonresident employed by the home occupation(s); and

(b) One stall for patrons when services are rendered on-site;

(7) Sales shall be limited to:

(a) Mail order sales; and

(b) Telephone sales with off-site delivery;

(8) Services to patrons shall be arranged by appointment or provided off-site;

(9) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

(a) No more than one such vehicle shall be allowed;

(b) Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and

(c) Such vehicle shall not exceed a weight capacity of one ton;

(10) The home occupation(s) shall not use electrical or mechanical equipment that results in:

(a) A change to the occupancy type of the structure(s) used for the home occupation(s);

(b) Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or

(c) Fluctuations in line voltage off-premises.

(11) Home occupations shall be permitted to continue as a legal nonconforming use so long as the use continues to comply with the criteria that were in effect at the time of original approval and so long as the business complies with local and state regulations, including renewal of a required business license as set forth in Chapter 5.10 CMC.

(12) A home occupation shall not be transferable to any other person, nor shall a home occupation be valid at any address other than the one appearing on the issued permit.

(13) Uses not allowed as home occupations may be allowed as a home industry pursuant to CMC 18.80.110. (Ord. 15-09 § 1 (Exh. 1); Ord. 42-02 § 2 (21A.30.080))

18.80.110 Home industry.

A resident may establish a home industry as an accessory activity, provided:

(1) The site area shall be no less than one acre;

(2) The area of the home industry shall not exceed 50 percent of the floor area of the dwelling unit. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home industry area but may be used for storage of goods associated with the home occupation;

(3) No more than four nonresidents shall be employed in a home industry;

(4) In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:

(a) One stall for each nonresident employee of the home industry; and

(b) One stall for customer parking;

(5) Additional customer parking shall be calculated for areas devoted to the home industry at the rate of one stall per:

(a) One thousand square feet of building floor area; and

(b) Two thousand square feet of outdoor work or storage area;

(6) Sales shall be limited to items produced on-site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;

(7) Ten feet of Type I landscaping shall be provided around portions of parking and outside storage areas which are otherwise visible from adjacent properties or public rights-of-way; and

(8) The Director shall ensure compatibility of the home industry by:

(a) Limiting the type and size of equipment used by the home industry to those which are compatible with the surrounding neighborhood;

(b) Providing for setbacks or screening as needed to protect adjacent residential properties;

(c) Specifying hours of operation;

(d) Determining acceptable levels of outdoor lighting; and

(e) Requiring sound level tests for activities determined to produce sound levels which may be in excess of those set forth in the Covington noise ordinance, Chapter 8.20 CMC. (Ord. 42-02 § 2 (21A.30.090))

18.80.120 Protection of agricultural uses.

(1) Agricultural uses, having long-term commercial significance and existing at the time of adoption of this code, may request that any approval of a development permit, on abutting property, be required to take reasonable steps to protect the existing agricultural use. The determination of long-term commercial significance must first be made by the City Council. The Council, in making such determination, will consider the following:

(a) The property owner, requesting such determination, must submit written verification that the property is in active agricultural production. Such verification may include, but not be limited to, income tax statements showing that the agricultural land is primarily devoted to the commercial production of agricultural uses listed in RCW 36.70A.030(2), and that the property has long-term commercial significance for agricultural production.

(2) The property owner of the long-term agricultural use desiring protection, upon receipt of a notice of a proposed development, must submit, in writing, verified, detailed information what adverse impacts the proposed development will have on the agricultural use and what specific protective measures are needed to protect the agricultural use from such impacts.

(3) In reviewing development permit applications, where an agricultural property owner has requested protection of the agricultural use, the reviewing agency will take the following into consideration:

(a) The unique need(s) of the agricultural use.

(b) The protective measure will be the minimum necessary to provide for the continued operation of the agricultural use, while not adversely impacting the rights of the abutting property owners.

(c) The verified information that the agricultural use is subject to adverse impacts. (Ord. 42-02 § 2 (21A.30.095))

Chapter 18.85

NONCONFORMANCE, TEMPORARY USES, AND RE-USE OF FACILITIES

Sections:

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18.85.010 Purpose.

The purposes of this chapter are to:

(1) Establish the legal status of a nonconformance by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated;

(2) Provide for the temporary establishment of uses that are not otherwise permitted in a zone and to regulate such uses by their scope and period of use; and

(3) Encourage the adaptive re-use of existing public facilities, which will continue to serve the community, and to ensure public review of redevelopment plans by allowing:

(a) Temporary re-uses of closed public school facilities retained in school district ownership, and the reconversion of a temporary re-use back to a school use;

(b) Permanent re-use of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in school district ownership; or

(c) Permanent re-use of historic structures listed on the National Register or designated as City landmarks by the City Historian and accepted by the City Council. (Ord. 42-02 § 2 (21A.32.010))

18.85.020 Nonconformance – Applicability.

(1) With the exception of nonconforming extractive operations identified in Chapter 18.60 CMC, all nonconformances shall be subject to the provisions of this chapter.

(2) Nonconformance standards referenced in Chapter 18.31 CMC shall be applicable within the downtown zone. Where all other standards in this section may conflict with Chapter 18.31 CMC, the standards contained in Chapter 18.31 CMC shall apply.

(3) The provisions of this chapter do not supersede or relieve a property owner from compliance with:

(a) The requirements of the International Building and Fire Codes; or

(b) The provisions of this code beyond the specific nonconformance addressed by this chapter. (Ord. 10-10 § 3 (Exh. C); Ord. 06-05 § 1; Ord. 23-04 § 19; Ord. 42-02 § 2 (21A.32.020))

18.85.030 Nonconformance – Creation, continuation, and forfeiture of nonconformance status.

Once created pursuant to CMC 18.20.800, a nonconformance may be continued in a manner consistent with the provisions of this chapter. However, nonconformance status is forfeited if the nonconformance is discontinued beyond the provi-

sions of CMC 18.85.050. Once nonconformance status is forfeited, the nonconformance shall not be re-established. (Ord. 42-02 § 2 (21A.32.025))

18.85.040 Nonconformance – Abatement of illegal use, structure or development.

Any use, structure or other site improvement not established in compliance with use and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to the provisions of Chapter 1.30 CMC. (Ord. 10-07 § 14; Ord. 42-02 § 2 (21A.32.040))

18.85.050 Nonconformance – Re-establishment of discontinued nonconforming use, or damaged or destroyed nonconforming structure or site improvement.

A nonconforming use which has been discontinued or a nonconforming structure or site improvement which has been damaged or destroyed may be re-established or reconstructed if:

(1) The nonconforming use, structure, or site improvement, which previously existed, is not expanded;

(2) A new nonconformance is not created; and

(3) The use has not been discontinued for more than 12 months prior to its re-establishment, or the nonconforming structure or site improvement is reconstructed pursuant to a complete permit application submitted to the Department within 12 months of the occurrence of damage or destruction. (Ord. 42-02 § 2 (21A.32.045))

18.85.060 Nonconformance – Modifications to nonconforming use, structure, or site improvement.

Modifications to a nonconforming use, structure, or site improvement may be reviewed and approved by the Department pursuant to the code compliance review process of Chapter 14.30 CMC; provided, that:

(1) The modification does not expand any existing nonconformance; and

(2) The modification does not create a new type of nonconformance. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.32.055))

18.85.070 Nonconformance – Expansions of nonconforming uses, structures, or site improvements.

A nonconforming use, structure, or site improvement may be expanded as follows:

(1) The Department may review and approve, pursuant to the Type I process of Chapter 14.30 CMC, an expansion of a nonconformance; provided, that:

(a) The expansion shall conform to all other provisions of this title, except that the extent of the project-wide nonconformance in each of the following may be increased up to 10 percent:

(i) Building square footage;

(ii) Impervious surface;

(iii) Parking; or

(iv) Building height.

(b) No subsequent expansion of the same nonconformance shall be approved under this subsection if the cumulative amount of such expansion exceeds the percentage prescribed in subsection (1)(a) of this section.

(2) A special use permit shall be required for expansions of a nonconformance within a development authorized by an existing special use or unclassified use permit if the expansions are not consistent with the provisions of subsection (1) of this section.

(3) A conditional use permit shall be required for expansions of a nonconformance:

(a) Within a development authorized by an existing planned unit development approval; or

(b) Not consistent with the provisions of subsections (1) and (2) of this section. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.32.065))

18.85.080 Nonconformance – Required findings.

Modifications or expansions approved by the Department shall be based on written findings that the proposed:

Modification or expansion of a nonconformance located within a development governed by an existing conditional use permit, special use permit, unclassified use permit, or planned unit development shall provide the same level of protection for and compatibility with adjacent land uses as the original land use permit approval. (Ord. 42-02 § 2 (21A.32.075))

18.85.090 Nonconformance – Residences.

Any residence nonconforming relative to use may be expanded, after review and approval

through the Type I process of Chapter 14.30 CMC, subject to all other applicable codes besides those set forth in this chapter for nonconformances. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.32.085))

18.85.100 Temporary use permits – Uses requiring permits.

Except as provided by CMC 18.85.110 and CMC 18.85.125, a temporary use permit shall be required for:

(1) Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency; or

(2) Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval.

Applications for temporary use permits shall be accompanied by the required fee as set forth in the current fee resolution. (Ord. 09-09 § 7; Ord. 20-07 § 130; Ord. 42-02 § 2 (21A.32.100))

18.85.110 Temporary use permits – Exemptions to permit requirement.

(1) The following uses shall be exempt from requirements for a temporary use permit when located in the DN, CC, NC, or I zones for the time period specified below:

(a) Uses not to exceed a total of 30 days each calendar year:

(i) Christmas tree lots;

(ii) Fireworks stands; and

(iii) Produce stands.

(b) Uses not to exceed a total of 14 days each calendar year:

(i) Amusement rides, carnivals, or circuses;

(ii) Community festivals; and

(iii) Parking lot sales.

(2) Any use not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.

(3) Any community event held in a park and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.32.110))

18.85.120 Temporary use permits – Duration and frequency.

Temporary use permits shall be limited in duration and frequency as follows:

(1) The temporary use permit shall be effective for no more than 180 days from the date of the first event;

(2) The temporary use shall not exceed a total of 60 days; provided, that this requirement applies only to the days that the event(s) actually take place;

(3) The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

(4) A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period. (Ord. 42-02 § 2 (21A.32.120))

18.85.125 Temporary use permits – Farmers' markets and public markets.

A temporary use permit shall be required for each location of a temporary farmers' market or temporary public market. The following additional requirements shall apply for these uses:

(1) Application. Application shall be made by the market manager or his/her designee. The manager and/or designee shall provide a vendor register with contact information for all vendors, to be updated when new vendors are added.

(2) Permit Duration. The temporary use permit shall be effective for no more than 180 days from the date of the first event.

(3) Days of Operation. Markets may operate any day of the week at any time of the year, subject to an approved 180-day temporary use permit. Markets that sell food items other than produce, or that prepare foods, are subject to permanent food establishment guidelines under the King County Board of Health Code.

(4) Hours of Operation. Sales are permitted from 9:00 a.m. to 6:00 p.m. between November 1st and April 30th, and from 9:00 a.m. to 9:00 p.m. between May 1st and October 31st. Vendors must assemble and disassemble their spaces during these hours. The market manager or his/her designee shall be on site at all times of market operation.

(5) Tents/Canopies.

(a) The arrangement of tents/canopies to create vendor spaces shall meet all building and fire code requirements.

(b) A vendor space shall be a maximum of 120 square feet (e.g., a 10-foot by 12-foot tent), with no side being less than six feet in length.

(c) All tents and other market items shall be dismantled and stored safely on site or removed from the site at the end of each selling day, unless the structure is approved through a City-issued building permit. A structure requiring a building permit that is not used for two or more consecutive days, or is not used five or more days per week, shall be dismantled and removed from the site.

(6) Accessory Uses. Crafts sales, processed food sales, and prepared food sales shall be accessory uses to farmers' and public markets.

(7) Vendors. Up to 30 percent of the vendors of a farmers' market and up to 50 percent of the vendors of a public market may consist of resellers and other accessory uses allowed for that use. A single vendor using multiple spaces shall count as multiple vendors for the purpose of calculating primary to accessory vendors (e.g., a single vendor selling crafts that is using three spaces counts as three craft vendors).

(8) Signs. Two temporary signs advertising the market itself are permitted. Such signs shall be no more than six square feet in area and may be placed within 300 feet of the market entrance, excluding the public right-of-way. Individual vendor space signs shall be located only on vendor tables or tent structures. Vendor signs shall not project above the roofline of a tent.

(9) Parking. Two on-site parking spaces are required for each vendor space. Two bicycle parking spaces are required for markets with 10 or more vendor spaces; one additional bicycle parking space is required for every additional 10 vendor spaces.

(10) Revocation of Permit. A temporary use permit for a farmers' market or public market issued pursuant to this section shall be revoked upon a finding that the market no longer complies with the terms of this section and all other applicable sections of the Covington Municipal Code. A market manager or his/her designee may appeal a revocation to the hearing examiner in accordance with Chapter 14.45 CMC. (Ord. 09-09 § 8)

18.85.130 Temporary use permits – Parking.

Parking and access for proposed temporary uses shall be approved by the City. (Ord. 42-02 § 2 (21A.32.130))

18.85.140 Temporary use permits – Traffic control.

The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the City of Covington Police Department. (Ord. 42-02 § 2 (21A.32.140))

18.85.150 Temporary construction buildings.

Temporary structures for storage of tools and equipment or for supervisory offices may be permitted for construction projects; provided, that such structures are:

(1) Allowed only during periods of active construction; and

(2) Removed within 30 days of project completion or cessation of work. (Ord. 42-02 § 2 (21A.32.150))

18.85.160 Temporary construction residence.

(1) A mobile home may be permitted on a lot as a temporary dwelling for the property owner, provided a building permit for a permanent dwelling on the site has been obtained.

(2) The temporary mobile home permit shall be effective for a period of 12 months. The permit may be extended for one additional period of 12 months if the permanent dwelling is constructed with a finished exterior by the end of the initial approval period.

(3) The mobile home shall be removed within 90 days of:

(a) The expiration of the temporary mobile home permit; or

(b) The issuance of a certificate of occupancy for the permanent residence, whichever occurs first. (Ord. 42-02 § 2 (21A.32.160))

18.85.170 Temporary mobile home for medical hardship.

(1) A mobile home may be permitted as a temporary dwelling on the same lot as a permanent dwelling, provided:

(a) The mobile home together with the permanent residence shall meet the setback, height, building footprint, and lot coverage provisions of the applicable zone; and

(b) The applicant submits with the permit application a notarized affidavit that contains the following:

(i) Certification that the temporary dwelling is necessary to provide daily care, as defined in Chapter 18.20 CMC;

(ii) Certification that the primary provider of such daily care will reside on-site;

(iii) Certification that the applicant understands the temporary nature of the permit,

subject to the limitations outlined in subsections (2) and (3) of this section;

(iv) Certification that the physician's signature is both current and valid; and

(v) Certification signed by a physician that a resident of the subject property requires daily care, as defined in Chapter 18.20 CMC.

(2) Temporary mobile home permits for medical hardships shall be effective for 12 months. Extensions of the temporary mobile home permit may be approved in 12-month increments subject to demonstration of continuing medical hardship in accordance with the procedures and standards set forth in subsection (1) of this section.

(3) The mobile home shall be removed within 90 days of:

(a) The expiration of the temporary mobile home permit; or

(b) The cessation of provision of daily care. (Ord. 42-02 § 2 (21A.32.170))

18.85.180 Temporary real estate offices.

One temporary real estate office may be located on any new residential development; provided, that activities are limited to the initial sale or rental of property or units within the development. The office use shall be discontinued within one year of recording of a short subdivision or issuance of a final certificate of occupancy for an apartment development, and within two years of the recording of a formal subdivision. (Ord. 42-02 § 2 (21A.32.180))

18.85.190 Temporary school facilities.

Temporary school structures may be permitted during construction of new school facilities or during remodeling of existing facilities; provided, that such structures:

(1) Are allowed only during periods of active construction or remodeling;

(2) Do not expand the student capacity beyond the capacity under construction or remodeling; and

(3) Are removed within 30 days of project completion or cessation of work. (Ord. 42-02 § 2 (21A.32.190))

18.85.200 Re-use of facilities – General standards.

The interim or permanent re-use of surplus nonresidential facilities in residential zoned areas shall require that no more than 50 percent of the original floor area be demolished for either permanent or interim re-use of facilities. (Ord. 42-02 § 2 (21A.32.200))

18.85.210 Re-use of facilities – Re-establishment of closed public school facilities.

The re-establishment or reconversion of an interim nonschool use of school facilities back to school uses shall require a site plan and the issuance of a change of use permit, and is subject to payment of a fee as set forth in the current fee resolution. (Ord. 20-07 § 131; Ord. 42-02 § 2 (21A.32.210))

18.85.220 Re-use of facilities – Standards for conversion of historic buildings.

In order to ensure that significant features of the property are protected pursuant to Chapter 18.47 CMC, the following standards shall apply to conversion of historic buildings:

(1) Gross floor area of building additions or new buildings required for the conversion shall not exceed 20 percent of the gross floor area of the historic building, unless allowed by the zone;

(2) Conversions to apartments shall not exceed one dwelling unit for each 3,600 square feet of lot area, unless allowed by the zone; and

(3) Any construction required for the conversion shall require certification of appropriateness from the City of Covington Historian in accord with Chapter 18.47 CMC. (Ord. 42-02 § 2 (21A.32.220))

Chapter 18.90

RESIDENTIAL DENSITY INCENTIVES

Sections:

18.90.010 Purpose.
18.90.020 Permitted locations of residential density incentives.
18.90.030 Maximum densities permitted through residential density incentive review.
18.90.040 Public benefits and density incentives.
18.90.050 Rules for calculating total permitted dwelling units.
18.90.060 Review process.
18.90.070 Minor adjustments in final site plans.
18.90.080 Applicability of development standards.

18.90.010 Purpose.

The purpose of this chapter is to provide density incentives to developers of residential lands in urban areas and rural activity centers, in exchange for public benefits to help achieve comprehensive plan goals of affordable housing, open space protection, historic preservation and energy conservation, by:

(1) Defining in quantified terms the public benefits that can be used to earn density incentives;

(2) Providing rules and formulae for computing density incentives earned by each benefit;

(3) Providing a method to realize the development potential of sites containing unique features of size, topography, environmental features or shape; and

(4) Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment. (Ord. 42-02 § 2 (21A.34.010))

18.90.020 Permitted locations of residential density incentives.

Residential density incentives (RDI) shall be used only on sites served by public sewers and only in the following zones:

(1) In R-4 through R-18 zones; and

(2) In CC, NC, and DN zones when part of a mixed-use development. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.34.020))

18.90.030 Maximum densities permitted through residential density incentive review.

The maximum density permitted through RDI review shall be 150 percent of the base density of the underlying zone of the development site or 200 percent of the base density for RDI proposals with 100 percent affordable units. (Ord. 42-02 § 2 (21A.34.030))

18.90.040 Public benefits and density incentives.

(1) The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are in subsection (6) of this section. The density incentive is expressed as additional bonus dwelling unit, or fractions of dwelling units, earned per amount of public benefit provided.

(2) Bonus dwelling units may be earned through any combination of the listed public benefits.

(3) The guidelines for affordable housing bonuses, including the establishment of rental levels, housing prices and asset limitations, will be updated and adopted annually by the Council in the consolidated housing and community development plan.

(4) Bonus dwelling units may also be earned and transferred to the project site through the transfer of density credit (TDC) process in Chapter 18.95 CMC, by providing any of the open space, park site or historic preservation public benefits set forth in subsection (6)(b) or (c) of this section on sites other than that of the RDI development.

(5) Residential development in R-4 through R-18 zones with property specific development standards requiring any public benefit enumerated in this chapter shall be eligible to earn bonus dwelling units in accordance with subsection (6) of this section if the public benefits provided exceed the basic development standards of this title. If a development is located in a special overlay district, bonus units may be earned if the development provides public benefits exceeding corresponding standards of the special district.

(6) The following are the public benefits eligible to earn density incentives through RDI review:

BENEFIT	DENSITY INCENTIVE
(a) AFFORDABLE HOUSING.	
(i) Benefit units consisting of rental housing permanently priced to serve nonsenior citizen low-income households (i.e., no greater than 30 percent of gross income for households at or below 50 percent of the City of Covington median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the City of Covington shall be recorded at final approval.	1.5 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.
(ii) Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (i.e., no greater than 30 percent of gross income for one- or two-person households, one member of which is 62 years of age or older, with incomes at or below 50 percent of the City of Covington median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the City of Covington shall be recorded at final approval.	1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.
(iii) Benefit units consisting of senior citizen assisted housing units 600 square feet or less.	1 bonus unit per benefit unit.
(iv) Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of the City of Covington median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to the City of Covington on both buyer eligibility and housing prices.	0.75 bonus unit per benefit unit.
(v) Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of the City of Covington median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15-year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to the City of Covington on both buyer eligibility and housing prices.	1 bonus unit per benefit unit.

BENEFIT	DENSITY INCENTIVE
(vi) Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of the City of Covington median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to the City of Covington shall be recorded at final approval.	1.5 bonus units per benefit unit.
(vii) Projects in which 100 percent of the units are reserved for moderate income- and asset-qualified buyers (total household income at or below 80 percent of the City of Covington median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15 years from date of first sale. Final approval conditions shall specify requirements for reporting to the City of Covington on both buyer eligibility and housing prices.	200 percent of the base density of the underlying zone. Limited to parcels five acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zone shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.
(viii) Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or non-insignia mobile home, that has been or will be displaced due to closure of a mobile home park located in the City of Covington.	1.0 bonus unit per benefit unit.
(b) OPEN SPACE, TRAILS AND PARKS.	
(i) Dedication of park site or trail right-of-way meeting the City of Covington location and size standards for neighborhood, community or regional park, or trail, and accepted by the Parks Department.	0.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of Chapter 18.35 CMC for on-site recreation space or trail corridors, computed on the number of dwelling units permitted by the site's base density.
(ii) Improvement of dedicated park site to the City of Covington standards for developed parks.	0.75 bonus unit per acre of park improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
(iii) Improvement of dedicated trail segment to the City of Covington standards.	1.8 bonus units per quarter-mile of trail constructed to City standard for pedestrian trails; or 2.5 bonus units per quarter-mile of constructed to City standard for multi-purpose trails (pedestrian/bicycle/ equestrian).

BENEFIT	DENSITY INCENTIVE
	Shorter segments shall be awarded bonus units on a pro rata basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
(iv) Dedication of open space, meeting the City of Covington acquisition standards to the City or a qualified public or private organization such as a nature conservancy.	0.5 bonus unit per acre of open space.
(c) HISTORIC PRESERVATION.	
(i) Dedication of a site containing an historic landmark in accordance with Chapter 18.47 CMC to the City of Covington or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by the City Historian.	0.5 bonus unit per acre of historic site.
(ii) Restoration of a site or structure designated as an historic landmark in accordance with Chapter 18.47 CMC to a specific architectural or site plan approved by the City Historian.	0.5 bonus unit per acre of site or 1,000 square feet of floor area of building restored.
(d) ENERGY CONSERVATION.	
(i) Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by electricity that save at least 20 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. No more than 50 percent of the required savings may result from the installation of heat pumps. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).	0.15 bonus unit per benefit unit that achieves the required savings.
(ii) Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by natural gas, or other nonelectric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).	0.10 bonus unit per benefit unit that achieves the required savings.
(iii) Developments located within one-quarter mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime nonpeak hours.	10 percent increase above the base density of the zone.

BENEFIT	DENSITY INCENTIVE
(e) PUBLIC ART.	
(i) Devoting one percent of the project budget to public art on-site.	5 percent increase above the base density of the zone.
(ii) Contributing one percent of the project budget to the City of Covington public art fund for development of art projects. The contribution shall be used for projects located within a one mile radius of the development project.	5 percent increase above the base density of the zone.

NOTE: If proposed energy conservation bonus units of this section are reviewed in conjunction with a subdivision or a short subdivision, the applicant shall provide data and calculations for a typical house of the type to be built in the development that demonstrates to the Department's satisfaction how the required savings will be achieved. A condition of approval shall be recorded with the plat and shown on the title of each lot specifying the required energy savings that must be achieved in the construction of the dwelling unit. The plat notation shall also specify that the savings shall be based on the energy code in effect at the time of preliminary plat application.

(Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.34.040))

18.90.050 Rules for calculating total permitted dwelling units.

(1) The formula for calculating the total number of dwelling units permitted through RDI review is as follows:

DUs allowed by RDI site base density	+	Bonus DUs	+	DUs allowed by sending site density (if any)	=	TOTAL RDI DUs

(2) The total dwelling units permitted through RDI review shall be calculated using the following steps:

(a) Calculate the number of dwellings permitted by the base density of the site in accordance with Chapter 18.30 CMC;

(b) Calculate the total number of bonus dwelling units earned by providing the public benefits listed in CMC 18.90.040;

(c) Add the number of bonus dwelling units earned to the number of dwelling units permitted by the base density;

(d) Add the number of dwelling units permitted by the base density of the site sending TDCs, if any;

(e) Round fractional dwelling units to the nearest whole number; .49 or less dwelling units are rounded down; and

(f) On sites with more than one zone or zone density, the maximum density shall be calculated for the site area of each zone. Bonus units may be reallocated within the zones in the same manner set forth for base units in CMC 18.30.210. (Ord. 42-02 § 2 (21A.34.050))

18.90.060 Review process.

(1) All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density as follows:

(a) For the purpose of this section, a primary proposal is defined as a proposed subdivision, conditional use permit or commercial building permit;

(b) When the primary proposal requires a public hearing under this code or CMC Title 17, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of RDI;

(c) When the primary proposal does not require a public hearing under this code or CMC Title 17, the RDI proposal shall be subject to the decision criteria for conditional use permits outlined in Chapter 18.125 CMC and to the procedures set forth in Chapter 14.30 CMC; and

(d) The notice for the RDI proposal also shall include the development's proposed density and a general description of the public benefits offered to earn extra density.

(2) RDI applications which propose to earn bonus units by dedicating real property or public facilities shall include a letter from the applicable City receiving agency certifying that the proposed

dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.34.060))

18.90.070 Minor adjustments in final site plans.

When issuing building permits in an approved RDI development, the Department may allow minor adjustments in the approved site plan involving the location or dimensions of buildings or landscaping, provided such adjustments shall not:

(1) Increase the number of dwelling units;

(2) Decrease the amount of perimeter landscaping (if any);

(3) Decrease residential parking facilities (unless the number of dwelling units is decreased);

(4) Locate structures closer to any site boundary line; or

(5) Change the locations of any points of ingress and egress to the site. (Ord. 42-02 § 2 (21A.34.070))

18.90.080 Applicability of development standards.

(1) RDI developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI development; provided, that an RDI proposal in the R-4 through R-18 zones shall conform to the height requirements of the underlying zone in which it is located.

(2) RDI developments in the R-4 through R-18 zones shall be landscaped as follows:

(a) When 75 percent or more of the units in the RDI development consists of townhouses or apartments, the development shall provide perimeter landscaping and tree retention in accordance with Chapter 18.40 CMC for townhouse or apartment projects.

(b) When less than 75 percent of the units in the RDI consists of townhouses or apartments, the development shall provide landscaping and tree retention in accordance with Chapter 18.40 CMC for townhouses or apartments on the portion(s) of the development containing such units; provided, that if buildings containing such units are more than 100 feet from the development's perimeter, the required landscaping may be reduced by 50 percent.

(c) All other portions of the RDI shall provide landscaping or retain trees in accordance with Chapter 18.40 CMC.

(3) RDI developments in all other zones shall be landscaped or retain trees in accordance with Chapter 18.40 CMC.

(4) RDI developments shall provide parking as follows:

(a) Projects with 100 percent affordable housing shall provide one off-street parking space per unit. The Director may require additional parking, up to the maximum standards for attached dwelling units, which may be provided in common parking areas.

(b) All other RDI proposals shall provide parking for:

(i) Market rate/bonus units at levels consistent with Chapter 18.50 CMC; and

(ii) Benefit units at 50 percent of the levels required for market rate/bonus units.

(5) RDI developments shall provide on-site recreation space as follows:

(a) Projects with 100 percent affordable housing shall provide recreation space at 50 percent of the levels required in Chapter 18.35 CMC.

(b) All other RDI proposals shall provide recreation space for:

(i) Market rate/bonus units at levels consistent with Chapter 18.35 CMC; and

(ii) Benefit units at 50 percent of the levels required for market rate/bonus units. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.34.080))

Chapter 18.95

TRANSFER OF RESIDENTIAL DENSITY CREDITS

Sections:

18.95.010 Purpose.
18.95.020 Authority and application.
18.95.030 Sending sites.
18.95.040 Receiving sites.
18.95.050 Transfer rules.
18.95.060 Review process.

18.95.010 Purpose.

The purpose of the transfer of residential density credit system is to supplement land use regulation and open space acquisition programs and to encourage increased residential development density where it can be accommodated with the least impacts on the natural environment and public services, by:

(1) Providing an incentive for private property owners to protect open space, environmentally sensitive areas, park sites, historic sites, rural and resource areas beyond the minimum requirements of the code;

(2) Using the community planning process as one mechanism for involving the City of Covington residents, landowners, cities and other public agencies in designating appropriate sending and receiving areas; and

(3) Providing a review system to ensure that transfers of residential density credits to receiving sites are balanced with other City goals and policies, and are adjusted to the specific conditions of each receiving site. (Ord. 42-02 § 2 (21A.36.010))

18.95.020 Authority and application.

The transfer of residential density credit (TDC) system for the City of Covington is established. The base residential density of a sending site may be transferred and credited to a noncontiguous receiving site only when the TDC is approved in accordance with the rules and procedures in this chapter. (Ord. 42-02 § 2 (21A.36.020))

18.95.030 Sending sites.

(1) Sending sites shall be maintained in a natural state, except for agricultural lands, proposed park or trail sites suitable for active recreation, shoreline access areas or historic sites.

(2) Sending sites must contain one or more of the following features, as defined in the comprehensive plan, open space plan, other functional plan or a community plan:

(a) Open spaces;
(b) Wildlife habitat;
(c) Woodlands;
(d) Shoreline access;
(e) Community separator;
(f) Regional trail/natural linkage;
(g) Historic landmark designation;
(h) Park site that meets adopted size, distance and other standards for serving the receiving sites to which the density credits are being transferred.

(3) Sending sites shall have zoning consistent with the comprehensive plan map designation.

(4) A community plan may develop policies that set priorities for protection of the types of features to be preserved at sending areas. (Ord. 42-02 § 2 (21A.36.030))

18.95.040 Receiving sites.

(1) Receiving sites shall be zoned R-4 through R-18, NC, CC, or DN, or any combination thereof, and may be designated by community, neighborhood or subarea plan policies as appropriate for the transfer of residential density credits before being eligible to participate in a TDC.

(2) Except as provided in this chapter, development of a receiving site shall remain subject to all use, lot coverage, height, setback and other requirements of its zone.

(3) A receiving site may accept density credits, up to the maximum density permitted pursuant to Chapter 18.30 CMC, from any sending site or combination of sending sites unless a community, neighborhood or subarea plan adopts specific policies to allow only transfers from within the same community planning area or within a distance outside of the planning area as specified by the community plan. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.36.040))

18.95.050 Transfer rules.

(1) The number of density credits that a sending site is eligible to send to a receiving site shall be determined by applying the base density of the zone the sending site is located in to the total sending site area, less any portion of the sending site already in a conservation easement or other encumbrance, or any land area already used to calculate residential density for other development. A plot plan showing environmentally sensitive areas and buffers, conservation easements or other encum-

brances shall be submitted as part of the development application to demonstrate compliance with the density calculation rules set forth in Chapter 18.30 CMC.

(2) Sending sites with environmentally sensitive areas that have been declared unbuildable under Chapter 18.30 CMC shall be considered to have a base density calculated in accordance with that chapter, except that the areas of the sending and receiving sites shall be combined to calculate the overall site percentage of sensitive areas and buffers necessary for determining the allowable density credit as set forth in Chapter 18.65 CMC.

(3) Density credits from one sending site may be allocated to more than one receiving site. The credit from each segment shall be allocated to a specified receiving site.

(4) When the sending site consists only of a portion(s) of an unsubdivided parcel, said portion(s) shall be segregated from the remainder of the lot pursuant to CMC Title 17 or deed restrictions documenting the density credit transfers shall be recorded with the title to both the sending and receiving site. A parcel need not segregate a sending site from the remainder of the parcel when the entire parcel is subject to a conservation easement pursuant to subsection (5) of this section.

(5) Conservation easements shall be required for land contained in the sending site, whether or not such land is dedicated, as follows:

(a) A conservation easement as defined in the open space plan shall be recorded on the sending site to indicate development limitations on the sending site.

(6) Upon submitting an application to develop a receiving site under the provisions of this chapter, the applicant shall provide evidence of ownership or full legal control of all sending sites proposed to be used in calculating total density on the receiving site. It shall be the applicant's responsibility, prior to application, to ascertain what form of permanent protection of the sending site will be acceptable to the City of Covington.

(7) Density credits from a sending site shall be considered transferred to a receiving site when the sending site is permanently protected by a completed and recorded land dedication or conservation easement.

(8) TDC developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the TDC development. (Ord. 42-02 § 2 (21A.36.050))

18.95.060 Review process.

All TDC proposals shall be reviewed concurrently with a primary proposal as follows:

(1) For the purpose of this section, a primary proposal is defined as a proposed subdivision, conditional use permit, or commercial building permit.

(2) When the primary proposal requires a public hearing under this title or CMC Title 17, that public hearing shall also serve as the hearing on the TDC proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of TDC.

(3) When the primary proposal does not require a public hearing under this title or CMC Title 17, that TDC proposal shall be subject to the decision criteria for conditional use permits outlined in Chapter 18.125 CMC and to the procedures set forth for the Director in Chapter 14.30 CMC. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.36.060))

Chapter 18.100

PROPERTY-SPECIFIC DEVELOPMENT STANDARDS/SPECIAL DISTRICT OVERLAYS

Sections:

18.100.010 Purpose.
18.100.020 Authority and application.
18.100.030 Special district overlay – General provisions.
18.100.040 Special district overlay – Urban planned development (UPD) purpose and designation.
18.100.050 Special district overlay – Economic redevelopment.
18.100.060 Special district overlay – Ground water protection.
18.100.070 Special district overlay – Urban aquifer protection area.
18.100.080 Special district overlay – Erosion hazards near sensitive water bodies.
18.100.090 Special district overlay – Urban stream protection area.
18.100.100 *Repealed.*
18.100.110 Special district overlay – Floodplain density.

18.100.010 Purpose.

The purposes of this chapter are to provide for alternative development standards to address unique site characteristics and to address development opportunities which can exceed the quality of standard developments, by:

(1) Establishing authority to adopt property-specific development standards for increasing minimum requirements of this title on individual sites; or

(2) Establishing special district overlays with alternative standards for special areas designated by community plans or the comprehensive plan. (Ord. 42-02 § 2 (21A.38.010))

18.100.020 Authority and application.

(1) This chapter authorizes City of Covington to increase development standards or limit uses on specific properties beyond the general requirements of this title through property-specific development standards, and to carry out comprehensive plan policies and map designations and community, subarea, or neighborhood plan policies through special overlay districts which supplement or modify standard zones through different uses, design or density standards or review processes;

(2) Property-specific development standards shall be applied to specific properties through either area zoning or reclassifications of individual properties; and

(3) Special district overlays shall be applied to specific properties or areas containing several properties through the area zoning process as provided in Chapter 14.15 CMC. (Ord. 01-09 § 20; Ord. 42-02 § 2 (21A.38.020))

18.100.030 Special district overlay – General provisions.

Special district overlays shall be designated on the zoning maps and Department files as follows:

(1) A special district overlay shall be designated through the area zoning process as provided in Chapter 14.15 CMC. Designation of an overlay district shall include policies that prescribe the purposes and location of the overlay;

(2) A special district overlay shall be applied to land through an area zoning process as provided in Chapter 14.15 CMC and shall be indicated on the zoning map and shall be designated in files maintained by the Department;

(3) The special district overlays set forth in this chapter are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies shall be adopted as part of this chapter and be available for use in all appropriate community, subarea or neighborhood planning areas;

(4) The special district overlays set forth in this chapter may waive, modify and substitute for the range of permitted uses and development standards established by this title for any use or underlying zone;

(5) Unless they are specifically modified by the provisions of this chapter, the standard requirements of this title and other City ordinances and regulations govern all development and land uses within special district overlays; and

(6) A special district overlay on an individual site may be modified by property-specific development standards as provided in this chapter. (Ord. 42-02 § 2 (21A.38.040))

18.100.040 Special district overlay – Urban planned development (UPD) purpose and designation.

(1) The purpose of the UPD special district overlay is to provide a means for community; sub-

area or neighborhood plans to designate urban areas, which are appropriate for development on a large-scale basis.

(2) In designating an overlay district, the comprehensive plan, subarea plan, neighborhood plan or area zoning shall delineate UPD overlay district boundaries.

(3) The community plan, subarea plan, neighborhood plan; or area zoning shall designate and adopt urban residential zoning consistent with comprehensive plan policies.

(4) In designating an overlay district, the community plan, subarea plan, neighborhood plan or area zoning may:

(a) Set a maximum or range of the number of dwelling units within the UPD; and

(b) Incorporate project description elements or requirements to the extent known, including but not limited to the following: conceptual site plan; mix of attached and detached housing; affordable housing goals and/or programs; major transportation or other major infrastructure programs and the UPD's participation therein; and any other provision or element deemed appropriate. (Ord. 42-02 § 2 (21A.38.070))

18.100.050 Special district overlay – Economic redevelopment.

(1) The purpose of the economic redevelopment special district overlay is to provide incentives for the redevelopment of large existing, under-utilized concentrations of commercial/ industrial lands within urban areas.

(2) The economic redevelopment special district overlay shall only be designated through the area zoning process; located in areas designated within a community, subarea or neighborhood; and zoned DN.

(3) The standards of this title and other City codes shall be applicable to development within the economic redevelopment special district overlay except as follows:

(a) Commercial or industrial uses that exist within an area as of the effective date of legislation applying the economic redevelopment special district overlay, but that are not otherwise permitted by the zoning, shall be considered permitted uses upon only the lots that they occupied as of that date.

(b) The minimum parking requirements of this title shall be reduced as follows; provided, that such reductions do not apply to new construction on vacant property or the vacant portions of partially developed property where that construction is not an enlargement or replacement of an existing building:

(i) The parking stall requirements are reduced 100 percent; provided, that:

(A) The square footage of any enlargement or replacement of an existing building does not in total exceed 125 percent of the square footage of the existing building;

(B) The building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved to urban standards as a capital improvement project, that accommodates on-street parking; and

(C) There is no net decrease in existing off-street parking space.

(ii) The parking stall requirements are reduced 50 percent; provided, that:

(A) The square footage of any enlargement or replacement of an existing building in total exceeds 125 percent of the square footage of the existing building;

(B) The height of the enlarged or replacement building does not exceed the base height of the zone in which it is located;

(C) The building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved as a capital improvement project, that accommodates on-street parking; and

(D) There is no net decrease in existing off-street parking spaces, unless it exceeds the minimum requirements of subsection (3)(b)(ii) of this section.

(c) The landscaping requirements of this title shall be waived; provided, that:

(i) Street trees, installed and maintained by the adjacent property owner, shall be substituted in lieu of landscaping; and

(ii) Any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a landscape buffer area no less than 50 percent of that required by this title.

(d) The setback requirements of this title shall be waived; provided, that:

(i) Setback widths along any street forming a boundary of the overlay district shall comply with this title; and

(ii) Any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a setback no less than 50 percent of that required by this title.

(e) The building height limits of this title shall be waived; provided, that the height limit within 50 feet of the perimeter of the overlay district shall be 30 feet.

(f) Signage shall be limited to that allowed within the DN zone.

(g) The roadway improvements of the City of Covington Municipal Code shall be waived, provided a no-protest agreement to participate in future road improvement districts (RID) is signed by an applicant and recorded with the City.

(h) The pedestrian circulation requirements of this title shall be waived.

(i) The impervious surface and lot coverage requirements of this title shall be waived.

(j) On I zoned lands that are designated in the comprehensive plan as unincorporated activity centers, conditional use permits shall not be issued where the resulting impacts such as noise, smoke, odor and glare would be inconsistent with the maintenance of nearby viable commercial and residential areas.

(4) For properties that have frontage on pedestrian street(s) or routes as designated in an applicable plan or area zoning process, the following conditions shall apply:

(a) Main building entrances shall be oriented to the pedestrian street;

(b) At the ground floor (at grade), buildings shall be located no more than five feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the public right-of-way;

(c) Building facades shall comprise at least 75 percent of the total pedestrian street frontage for a property, and if applicable, at least 75 percent of the total pedestrian route frontage for a property;

(d) Minimum side setbacks of the underlying zoning are waived;

(e) Building facades of ground floor retail, general business service, and professional office land uses, that front onto a pedestrian street or route shall include windows and overhead protection;

(f) Building facades, along a pedestrian street or route, that are without ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and

(g) Vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.38.090))

18.100.060 Special district overlay – Ground water protection.

(1) The purpose of the ground water protection special district overlay is to limit land uses that have the potential to severely contaminate ground water supplies and to provide increased areas of permeable surface to allow for infiltration of surface water into ground resources.

(2) For all commercial and industrial development proposals, at least 40 percent of the site shall remain in natural vegetation or planted with landscaping, which area shall be used to maintain predevelopment infiltration rates for the entire site. For purposes of this special district overlay, the following shall be considered commercial and industrial land uses:

(a) Amusement/entertainment land uses as defined by CMC 18.25.040 except golf facilities;

(b) General services land uses as defined by CMC 18.25.050 except health and educational services, day care I, churches, synagogues, and temples;

(c) Government/business services land uses as defined by CMC 18.25.060 except government services;

(d) Retail/wholesale land uses as defined by CMC 18.25.070 except forest product sales and agricultural product sales;

(e) Manufacturing land uses as defined by CMC 18.25.080; and

(f) Mineral extraction and processing land uses as defined by CMC 18.25.090.

(3) Permitted uses within the area of the ground water protection special district overlay shall be those permitted in the underlying zone, excluding the following as defined by Standard Industrial Classification number and type:

(a) SIC 4581 – Airports, flying fields, and airport terminal services;

(b) SIC 4953 – Refuse systems (including landfills and garbage transfer stations operated by a public agency);

(c) SIC 4952 – Sewerage systems (including wastewater treatment facilities);

(d) SIC 7996 – Amusement parks; SIC 7948 – Racing, including track operation; or other commercial establishments or enterprises involving large assemblages of people or automobiles except where excluded by subsection (2) of this section;

(e) SIC 0752 – Animal boarding and kennel services;

(f) SIC 1721 – Building painting services;

(g) SIC 3260 – Pottery and related products manufacturing;

(h) SIC 3599 – Machine shop services;

(i) SIC 3732 – Boat building and repairing;

(j) SIC 3993 – Electric and neon sign manufacturing;

(k) SIC 4226 – Automobile storage services;

(l) SIC 7334 – Blueprinting and photocopying services;

(m) SIC 7534 – Tire retreading and repair services;

(n) SIC 7542 – Car washes;

(o) SIC 8731 – Commercial, physical and biological research laboratory services;

(p) SIC 02 – Interim agricultural crop production and livestock quarters or grazing on properties five acres or larger in size;

(q) SIC 0752 – Public agency animal control facility;

(r) SIC 2230, 2260 – Textile dyeing;

(s) SIC 2269, 2299 – Textile and textile goods finishing;

(t) SIC 2700 – Printing and publishing industries;

(u) SIC 2834 – Pharmaceuticals manufacturing;

(v) SIC 2844 – Cosmetics, perfumes and toiletries manufacturing;

(w) SIC 2893 – Printing ink manufacturing;

(x) SIC 3000 – Rubber products fabrication;

(y) SIC 3111 – Leather tanning and finishing;

(z) SIC 3400 – Metal products manufacturing and fabrication;

(aa) SIC 3471 – Metal electroplating;

(bb) SIC 3691, 3692 – Battery rebuilding and manufacturing;

(cc) SIC 3711 – Automobile manufacturing; and

(dd) SIC 4600 – Petroleum pipeline operations. (Ord. 42-02 § 2 (21A.38.150))

18.100.070 Special district overlay – Urban aquifer protection area.

(1) The purpose of the urban aquifer protection area special district overlay is to provide additional protection for urban areas that are highly susceptible to ground water contamination. An urban aquifer protection area special district overlay shall only be established within areas designated in the comprehensive plan as highly susceptible to ground water contamination, including the surrounding area up to one-half mile, and zoned R, NC, CC, DN and M.

(2) Permitted uses shall be those permitted in the underlying zone, excluding the following as defined by Standard Industrial Classification (SIC) number and type:

(a) SIC 4953, refuse systems (including hazardous waste recycling or treatment and solid waste landfills);

(b) SIC 461, pipelines, except natural gas (including petroleum pipelines); and

(c) Businesses maintaining open storage of toxic substances.

(3) New septic tank drain field systems shall be prohibited. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.38.170))

18.100.080 Special district overlay – Erosion hazards near sensitive water bodies.

(1) The purpose of the erosion hazards near sensitive water bodies special overlay district is to provide a means to designate sloped areas posing erosion hazards which drain directly to lakes or streams of high resource value which are particularly sensitive to the impacts of increased erosion and the resulting sediment loads from development.

(2) The following development standards shall be applied in addition to all applicable requirements of Chapter 18.65 CMC to development proposals located within erosion hazards near a sensitive water bodies district overlay:

(a) A no-disturbance area shall be established on the sloped portion of the special district overlay to prevent damage from erosion. Land clearing or development shall not occur in the no-disturbance area, except for the clearing activities listed in subsection (2)(a)(i) of this section. Clearing activities listed in subsection (2)(a)(i) of this section shall only be permitted if they meet the requirements of subsection (2)(a)(ii) of this section.

(i) Clearing activities may be permitted as follows:

(A) For the construction of single-family residences on pre-existing separate lots;

(B) For the construction of utility corridors to service existing development along existing rights-of-way including any vacated portions of otherwise contiguous rights-of-way;

(C) For the construction of roads providing sole access to buildable property and associated utility facilities within those roadways; or

(D) For the construction of development within an isolated no-disturbance area of two acres or less in size. The isolated no-disturbance area is either geologically separated from other no-disturbance areas or lies completely within a separate drainage sub-basin and is, therefore, hydrologically isolated from the rest of the no-disturbance area.

(ii) The clearing activities listed in subsection (2)(a)(i) of this section may be permitted only if the following requirements are met:

(A) A report which meets the requirements of CMC 18.65.120 shall show that the clearing activities will not subject the area to risk of landslide or erosion and that the purpose of the no-disturbance area is not compromised in any way;

(B) The clearing activities shall be mitigated, monitored and bonded consistent with the mitigation requirements applicable to sensitive areas regulated in Chapter 18.65 CMC;

(C) The clearing activities are limited to the minimal area and duration necessary for construction; and

(D) The clearing activities are consistent with Chapter 18.65 CMC.

(3) The following conditions shall apply to the wetland or along the main channel of the stream riparian zone containing the heron rookery (tributary streams are excluded).

(a) The upslope boundary of the no-disturbance area lies at the first obvious break in slope from the upland plateau over onto the steep valley walls. The downslope boundary of this zone includes those areas designated as erosion or landslide hazard areas pursuant to CMC 18.65.220 and 18.65.280. The sensitive areas folio indicates the general location of these hazard areas, but it cannot be used to specify the areas' precise boundaries. Maps of the approximate boundaries of these no-disturbance zones shall be available at the Department. Single-family or multifamily residential density from the no-disturbance area may be reallocated onto any buildable portion of the site

pursuant to CMC 18.30.080, or transferred to other sites pursuant to Chapter 18.95 CMC.

(b) New development proposals for sites which drained predeveloped runoff to the no-disturbance zone shall evaluate the suitability of on-site soils for infiltration. All runoff from newly constructed impervious surfaces shall be retained on site unless this requirement precludes the ability to meet minimum density requirements in Chapter 18.30 CMC. When minimum density cannot be met, runoff shall be retained on site as follows:

(i) Infiltration of all site runoff shall be required in granular soils as defined in the stormwater manuals adopted pursuant to Chapter 13.25 CMC;

(ii) Infiltration of downspouts shall be required in granular soils and in soil conditions defined as allowable in the stormwater manuals when feasible to fit the required trench lengths on site;

(iii) When infiltration of downspouts is not feasible, downspout dispersion trenches shall be required when minimum flow paths defined in the stormwater manuals can be met on site or into adjacent open space; and

(iv) When dispersion of downspouts is not feasible, downspouts shall be connected to the drainage system via perforated pipe.

(c) For the portions of proposed subdivisions, short subdivisions and binding site plans that cannot infiltrate runoff up to the 100-year peak flow, at least 25 percent shall remain undisturbed and set aside in an open space tract consistent with CMC 18.65.150 through 18.65.180.

(d) For the portions of all development proposals that cannot infiltrate runoff up to the 100-year peak flow, no more than 35 percent of the gross site area shall be covered by impervious surfaces. For new subdivisions and short subdivisions, maximum lot coverage should be specified for subsequent residential building permits on individual lots.

(e) If the application of this section would deny all reasonable use of property, the applicant may apply for a reasonable use exception pursuant to CMC 18.65.070(2).

(f) The Director may modify the property specific development standards required by subsections (3)(a) through (e) of this section, when a development proposal complies with the following:

(i) The proposed development is subject to public/private partnerships such as an approved community block grant or other such water quality program designed to improve water quality in the basin;

(ii) The proposed development is designated by City of Covington as a demonstration project designed to implement best management practices and state of the art technology that assures the greatest possible improvement to water quality; and

(iii) A site-specific study is conducted by the applicant and approved by the Director, which demonstrates that the proposed development substantially increases water quality by showing the following:

(A) Water quality on-site is improved;

(B) The development project will not subject downstream channels to increased risk of landslide or erosion;

(C) The development project will not subject the nearest sensitive water body to additional erosion hazards; and

(D) The project is consistent with subsections (3)(f)(i) and (ii) of this section, and provides predictable improvements to water quality. (Ord. 13-09 § 38; Ord. 42-02 § 2 (21A.38.200))

18.100.090 Special district overlay – Urban stream protection area.

(1) The purpose of the urban stream protection area special district overlay is to provide a means to designate areas with substantial fisheries resources that have severe flooding and stream damage problems from high storm water volumes. This district overlay limits land coverage along significant urban stream corridors to reduce storm water volumes and the costs associated with flooding problems and loss of salmon resources.

(2) The following development standards shall be applied to development proposals on R-1 zoned parcels located within an urban stream protection area district overlay:

(a) Clearing is limited to and development shall be clustered on 30 percent of the site. Parcels adjacent to streams or wetlands shall place structures as far as feasible from streams and wetlands. For binding site plans, subdivisions and short subdivisions, the remaining 70 percent of the site shall be placed in a contiguous permanent open-space tract retaining the native vegetation. For individual lots, the remaining 70 percent of the parcel shall retain the native vegetation and be placed in a

County-approved conservation easement, or notice shall be placed on the title of the lot. The notice shall be approved by the City of Covington and filed with the Records and Elections Division. The notice shall inform the public of the presence and location of an urban stream protection area on the property and that limitations on actions in or affecting the corridor exist;

(b) Where existing clearing has already exceeded 30 percent of the gross acreage of the site, reforestation according to a County-approved plan shall be provided to restore native forested cover to 70 percent of the site;

(c) The maximum impervious surface area shall be eight percent of the gross acreage of the site. Proposed short subdivisions, subdivisions, and binding site plans shall record the distribution of allowable impervious area among individual parcels on the face of the plat. Impervious surface of roads shall not be counted towards the allowable impervious area. This condition may be modified by the Director only as necessary to accommodate unusual site access conditions;

(d) Keeping or grazing of livestock shall be prohibited; and

(e) No road crossings of streams defined in CMC 18.20.1240 shall be allowed. Crossing of streams by utilities shall be limited to existing road or utility rights-of-way unless no feasible alternative exists. (Ord. 42-02 § 2 (21A.38.220))

18.100.100 Special district overlay – Significant trees.

Repealed by Ord. 04-08. (Ord. 42-02 § 2 (21A.38.230))

18.100.110 Special district overlay – Floodplain density.

(1) The purpose of the floodplain density special district overlay is to provide a means to designate areas that cannot accommodate additional density due to severe flooding problems. This district overlay limits development in sensitive areas to reduce potential future flooding.

(2) The following development standards shall be applied to all development proposals on RA-5 zoned parcels located within a floodplain density special district overlay:

(a) Density is limited to one home per 10 acres for any property that is located within a sensitive area; and

(b) All development shall be clustered outside of the identified sensitive areas, unless the entire parcel is a mapped sensitive area. (Ord. 42-02 § 2 (21A.38.240))

Chapter 18.105

APPLICATION REQUIREMENTS/ NOTICE METHODS

(Repealed by Ord. 10-10)

Chapter 18.110

COMMERCIAL SITE DEVELOPMENT PERMITS

Sections:

18.110.010 Purpose.
18.110.020 Applicability.
18.110.030 Complete application.
18.110.040 Public comments.
18.110.050 Application of development standards.
18.110.060 Approval.
18.110.070 Financial guarantees.
18.110.080 Limitation of permit approval.
18.110.090 Modification to an approved permit.
18.110.100 Administrative rules.

18.110.010 Purpose.

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

(a) Site development requirements specified prior to building and/or grading permit applications.

(b) Site review and application of rules and regulations generally applied to the whole site without regard to existing or proposed internal lot lines.

(c) Site development coordination and project phasing occurring over a period of years.

(d) Evaluation of commercial, industrial, mineral and multifamily zoned property for the creation or alteration of lots when reviewed concurrently with a binding site plan application.

(2) Review and approval procedures shall be in accordance with applicable Washington State and City of Covington laws, rules and regulations, including permit processing procedures required by Chapter 14.35 CMC, and shall be subject to fees as set forth in the current fee resolution.

(3) Compliance with the supplemental town center criteria, pursuant to CMC 18.31.040, shall be required for all development within the town center district of the downtown zone, other than the reuse, modification, or expansion of any existing development. The supplemental town center criteria are in addition the requirements of this chapter.

(4) The Director has the authority to determine if an applicant is required to hold a public meeting after a commercial site development application has been submitted for development within the town center district of the downtown zone. (Ord. 10-10 § 3 (Exh. C); Ord. 02-09 § 15; Ord. 20-07 § 132; Ord. 42-02 § 2 (21A.41.010))

18.110.020 Applicability.

(1) An application for commercial site development permit shall be submitted for all commercial, industrial or multifamily development projects on sites consisting of one or more contiguous lots legally created and zoned to permit the proposed uses.

(2) A commercial site development permit is separate from and does not replace other required permits such as conditional use permits or shoreline substantial development permits. A commercial site development permit may be combined and reviewed concurrently with other permits. (Ord. 42-02 § 2 (21A.41.020))

18.110.030 Complete application.

A complete application for site development review must include, but not be limited to, the items listed in subsections (1) through (9) of this section:

(1) A completed application on a form supplied by the Department.

(2) A water and sewer availability certificates as provided by the appropriate service purveyor.

(3) A transportation concurrency certificate as provided by the Director of Community Development.

(4) A completed environmental checklist, unless categorically exempt.

(5) A list of names and mailing addresses of property owners of all property within 500 feet of the exterior boundaries of the subject site and any contiguous property under the same ownership.

(6) A property owner declaration.

(7) Affidavit concerning sensitive area compliance.

(8) Legal description.

(9) The following drawings, with dimensions, at a scale of one inch equals 30 feet, unless otherwise approved by the Director:

(a) Site Review.

(i) Site plan showing the location and size of all proposed structures, and existing structures to remain, buffer areas, setbacks, open spaces, common areas or plazas, walkways and parking areas, all abutting streets, contours at five-foot intervals, a north arrow and the scale.

(ii) Pedestrian circulation plan showing the location and dimensions of all sidewalks, walkways, plazas and pedestrian areas, including disabled accessibility routes of travel. Indicate likely pedestrian-oriented trip origins and destinations and indicate methods of connection.

(iii) Building elevations of all structures including, but not limited to, elevations, trim details, dimensions, the materials proposed for the roof, siding and windows.

(iv) Paving plan describing all pedestrian and vehicular paving materials, including type, color, texture, and the locations of travel detectable warnings as required by Washington State barrier free requirements.

(b) Engineering Review.

(i) Clearing, grading and drainage plan including, but not limited to, the location of all trees having a diameter of four inches or more and indicating which trees are to be retained. The plan must also show all streams, marshes and other natural features; cuts and fills; retaining walls; and the method of retaining all surface water on site, in accordance with the stormwater manuals adopted pursuant to Chapter 13.25 CMC.

(ii) Utility plan showing the existing/proposed location of all utility lines necessary to serve the development, and their relation to landscape and buffer areas and natural features.

(iii) Contour map at two-foot intervals indicating existing and proposed grades, unless waived by the Department.

(iv) Parking plan.

(v) Landscape plan listing the type, size, species and spacing of all landscaping to remain and all new landscaping pursuant to all City landscape, tree and design ordinances.

(vi) Irrigation plan showing the method of irrigation of all vegetation.

(vii) Exterior lighting plan showing the location of all existing/proposed lighting features other than those to be installed on the structure.

(viii) Utility screening plan showing the type, color, location and specifications of all fencing and landscape screening.

(ix) Outdoor furniture and accessory plan showing the type, color and location of all outdoor furniture, trash receptacles and other outdoor accessories.

(x) Master sign plan showing the approximate size, height, location, color, material, etc., of all existing/proposed signs.

(xi) Fire protection system locations and access including proposed fire lanes, fire hydrants, fire Department connections, building construction type and sprinkler system designation. (Ord. 10-10 § 3 (Exh. C); Ord. 13-09 § 39; Amended at request of department 2/08; Ord. 04-08 § 5; Ord. 42-02 § 2 (21A.41.030))

18.110.040 Public comments.

All public notification and comment periods shall be in accord with the provisions of Chapter 14.40 CMC. (Ord. 02-09 § 16; Ord. 42-02 § 2 (21A.41.050))

18.110.050 Application of development standards.

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

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

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

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

18.110.060 Approval.

(1) The Director may approve, deny, or approve with conditions an application for a commercial site development (Type II). The decision shall be based on the following factors:

(a) Conformity with adopted City and State rules and regulations in effect on the date the complete application was filed, including but not limited to those listed in CMC 18.110.050.

(b) Consideration of the recommendations or comments of interested parties and those agencies having pertinent expertise or jurisdiction, consistent with the requirements of this title.

(2) Subsequent permits for the subject site shall be issued only in compliance with the approved commercial site development plan. Additional site development conditions and site review will not be required for subsequent permits provided the approved plan is not altered.

(3) Approval of the proposed site development permit shall not provide the applicant with a vested right to build without regard to subsequent changes in the building and fire codes.

(4) The Director shall mail a copy of the decision to the applicant and any other person who has presented written comment to the Department. (Ord. 42-02 § 2 (21A.41.070))

18.110.070 Financial guarantees.

Performance guarantees consistent with the provisions of CMC Title 14 may be required to assure that development occurs according to the approved plan. If required, said guarantees, including type and amount, are subject to review and approval by the Finance Director and City Attorney. (Ord. 20-07 § 134; Ord. 42-02 § 2 (21A.41.080))

18.110.080 Limitation of permit approval.

(1) A site development permit approved without a phasing plan shall be null and void if the applicant fails to file a complete building permit application(s) for all buildings within three years of the approval date, or by a date specified by the Director; and fails to have all valid building permits issued within three years of the site development permit approval date.

(2) A site development permit approved with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan, unless otherwise approved through a development agreement pursuant to Chapter 18.114 CMC.

(3) A site development permit approved without a building permit shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved plan. If no time schedule is specified in the approved plan, then the applicant has one year to obtain a valid business license.

(4) The Director may approve one two-year extension of the above stated limits if the applicant can show good faith progress, a justifiable basis for delay not occasioned by the applicant's own action or failure to act, and that the extension is reasonably necessary to complete the project. Requests for extension must be submitted in writing to the Director at least 14 days prior to the permit expiration date. Said request shall explain in detail the circumstances surrounding the request.

(5) Commercial site development permits associated with an approved and valid development agreement shall be subject to the terms and extension requirements in Chapter 18.114 CMC. (Ord. 06-13 § 2 (Exh. A); Ord. 06-11 § 1; Ord. 42-02 § 2 (21A.41.100))

18.110.090 Modification to an approved permit.

(1) A subsequent building permit application may contain minor modifications to an approved commercial site development plan provided a modification does not:

(a) Increase the building floor area by more than 10 percent;

(b) Increase the number of dwelling units;

(c) Increase the total impervious surface area; provided, that relocatable facilities for schools shall be exempt from this restriction;

(d) Result in an insufficient amount of parking and/or loading;

(e) Locate buildings outside an approved building envelope; provided, that relocatable facilities for schools shall be exempt from this restriction;

(f) Change the number of ingress and egress points to the site;

(g) Significantly increase the traffic impacts of peak hour trips to and from the site;

(h) Significantly increase the quantity of imported or exported materials or increase the area of site disturbance.

(2) The Director has sole discretion to approve, deny or modify any request. Modifications which exceed the conditions of approval as stated in this section and require a new review as determined by the Director shall only be accomplished by applying for a new commercial site development permit for the entire site. The new application shall be reviewed according to the laws and rules in effect at the time of application.

(3) Commercial site development permits associated with an approved and valid development agreement shall be subject to the development agreement procedures in Chapter 18.114 CMC. (Ord. 06-13 § 2 (Exh. A); Ord. 42-02 § 2 (21A.41.110))

18.110.100 Administrative rules.

The Director may promulgate administrative rules and regulations to implement the provisions and requirements of this chapter. (Ord. 42-02 § 2 (21A.41.120))

Chapter 18.114

DEVELOPMENT AGREEMENTS

Sections:

18.114.010 Purpose.
18.114.020 Authority.
18.114.030 General provisions of development agreements.
18.114.040 Processing procedure for development agreements.
18.114.050 No deadline for final decision, form of agreement, term, recording.
18.114.060 Judicial appeal.

18.114.010 Purpose.

A development agreement provides the opportunity for the City and a developer to agree on the scope and timing of a project, applicable regulations and requirements, mitigation requirements, and other matters relating to the development process. A development agreement promotes the general welfare by balancing public and private interests, providing reasonable certainty for a development project, and addressing other matters, including reimbursement over time for the financing of public facilities. Development agreements may provide public benefits such as affordable housing, pedestrian-oriented communities, mixed-use development, and creation of public amenities such as parks and open spaces. (Ord. 06-13 § 1 (Exh. A))

18.114.020 Authority.

(1) The execution of a development agreement is a proper exercise of the City's police power and contract authority. The City may consider, and enter into, a development agreement with a person having ownership or control of real property within the City limits. The City may consider a development agreement for real property outside of the City limits but within the urban growth area ("UGA"), as defined in RCW 36.70A.030(15), or as designated by the County pursuant to RCW 36.70A.110 as part of a proposed annexation or a service agreement.

(2) A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall be consistent with applicable development regulations adopted by the City under Chapter 36.70A RCW.

(3) A development agreement shall reserve authority to impose new or different regulations to the extent required by serious threat to public health and safety. (Ord. 06-13 § 1 (Exh. A))

18.114.030 General provisions of development agreements.

(1) Comprehensive Plan. A development agreement shall be consistent with the applicable policies and goals of the City of Covington's Comprehensive Plan.

(2) Development Standards. A development agreement shall be consistent with all applicable development regulations; provided, a development agreement may extend the durations of approval of project permits and allow phasing plans different from those otherwise imposed under the Covington Municipal Code.

(a) A development agreement related to property in the Covington downtown zone, town center district (TC), may allow further deviations from development regulations imposed under Chapter 18.31 CMC for the following reasons:

(i) To provide flexibility to achieve public benefits; or

(ii) To respond to changing community needs; or

(iii) To encourage deviations that provide the functional equivalent or adequately achieve the purposes of otherwise applicable City standards.

(b) A development agreement may not authorize deviations from development regulations governing the uses, minimum and maximum densities, maximum gross floor area, or maximum structure height.

(c) A development agreement may not authorize deviations from the requirements of CMC Title 15, Buildings and Construction. Building permit applications shall be subject to the building codes in effect when a complete building permit application is submitted.

(d) A development agreement may not authorize deviations from the minimum requirements of CMC Title 16, Environment, and Chapter 18.65 CMC, Critical Areas.

(e) Any deviation from development standards in the Covington Municipal Code shall not require any further rezone, variance from City standards, or other City approval apart from development agreement approval by the City Council. Deviations from development standards as approved through a development agreement shall

apply to and govern the development and implementation of each covered property in lieu of any conflicting or different standards or requirements elsewhere in the Covington Municipal Code.

(f) Subsequent amendments to the development standards in the Covington Municipal Code that differ from those deviations approved by the City Council in a development agreement shall apply to the covered property only where necessary to address imminent public health and safety hazards or where the development agreement specifies a time period or phase after which certain identified standards can be modified.

(3) As a minimum, the development agreement shall specify the following:

(a) Project components that define and describe the permitted uses, residential densities, nonresidential densities, and intensities or building sizes;

(b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

(c) Mitigation measures, development conditions, and other requirements of Chapter 43.21C RCW, State Environmental Policy Act;

(d) Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements, and other development features;

(e) Provisions for affordable housing, if applicable;

(f) Parks and common open space preservation;

(g) Signage;

(h) Parking;

(i) Phasing;

(j) Financial guarantees for performance and maintenance of public improvements;

(k) Maintenance and operation standards for public improvements;

(l) A build-out or vesting period for applicable standards;

(m) Duration of agreement; and

(n) Any other appropriate development requirement or procedure that is based upon a City policy, rule, regulation, or standard.

(4) As provided in RCW 36.70B.170, the development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety. (Ord. 06-13 § 1 (Exh. A))

18.114.040 Processing procedure for development agreements.

A proposed development agreement shall accompany and be processed in conjunction with the associated underlying land use application, approval, or annexation request. The type of land use application or other approval shall control the type of application set forth in CMC 14.30.040.

(1) A proposed development agreement associated with a legislative action, such as a Comprehensive Plan amendment or area-wide rezone, shall be processed in accordance with the procedures established in this title and pursuant to the noticing requirements set forth in CMC 14.30.060. The Planning Commission shall make a recommendation to the City Council on any proposed development agreement relating to legislative action. The City Council shall hold a public hearing on the proposed development agreement and, if approved, shall authorize the City Manager to execute the development agreement on behalf of the City.

(2) A proposed development agreement associated with a land use application shall be processed in accordance with the permit application procedures established in Chapter 14.35 CMC and as further provided in this title as follows:

(a) If the underlying land use application is a Type 2 final decision by the Director, then the Director shall consider both the land use application and the proposed development agreement together. The Director shall make a recommendation to the City Council on the proposed development agreement. The Director's final decision on the underlying land use application shall not be made until the City Council holds a public hearing on the proposed development agreement and subsequently approves or rejects the proposed development agreement. If the City Council approves the development agreement, the City Council shall authorize the City Manager to execute the development agreement on behalf of the City. Nothing in this section obligates the Director to forward a recommendation to the City Council for further consideration of a proposed development agreement if the Director denies the underlying land use application.

(b) If the underlying land use application is a Type 3 final decision by the Hearing Examiner, then the Hearing Examiner shall consider both the land use application and the proposed development agreement together during the required public hearing for a Type 3 land use application. The Hearing Examiner shall make a recommendation

to the City Council on the proposed development agreement. The Hearing Examiner's final decision on the underlying land use application shall not be made until the City Council holds a public hearing on the proposed development agreement and subsequently approves or rejects the proposed development agreement. If the City Council approves the development agreement, the City Council shall authorize the City Manager to execute the development agreement on behalf of the City. Nothing in this section obligates the Hearing Examiner to forward a recommendation to the City Council for further consideration of a proposed development agreement if the Hearing Examiner denies the underlying land use application.

(c) If a final decision on an underlying land use application has been previously made by the Hearing Examiner or Director, and the application was approved, the Director shall make a recommendation to the City Council on the proposed development agreement. The City Council shall hold a public hearing on the proposed development agreement. If the City Council approves the development agreement, the City Council shall authorize the City Manager to execute the development agreement on behalf of the City.

(3) Public Notice. All public meetings and public hearings on a development agreement shall be noticed pursuant to underlying land use type as set forth in Chapter 14.40 CMC. (Ord. 06-13 § 1 (Exh. A))

18.114.050 No deadline for final decision, form of agreement, term, recording.

(1) Pursuant to RCW 36.70B.020, development agreements are not land use applications and are not subject to processing deadlines. A signed written waiver of the deadline to issue a final decision on any land use application for the covered property shall accompany a request for a development agreement.

(2) No proposed development agreement shall be presented to the decision-making body unless in a form approved by the City Attorney. Prior to any public hearing held for the purpose of authorizing execution of the development agreement, a development agreement shall be signed by the property owner and all other parties with a substantial beneficial interest in the property that is the subject of the development agreement.

(3) Term.

(a) A development agreement may be approved up to a maximum period of 20 years.

(b) In determining the appropriate term for a development agreement, the City Council should consider the type, size, and location of development and phasing, if proposed. The City Council may consider shorter terms with extensions.

(c) Extensions. If extensions are authorized in a development agreement, an applicant must request the extension at least 60 days prior to expiration of the development agreement. For a development agreement associated with a land use application, the Director may grant an extension for up to five years, not to exceed a total of 25 years, if the applicant can satisfactorily show that at least 50 percent of the gross floor area is constructed. All other requests for extensions shall be reviewed by the City Council unless another process is expressly provided for in the development agreement.

(4) Recording. A development agreement shall be recorded against the property in the real property records of the King County Assessor's office. Recording costs shall be paid by the applicant as provided for in the current fee schedule. During the term of the development agreement the agreement is binding on the parties and their successors, including the property owners in any area that is annexed to the City. (Ord. 06-13 § 1 (Exh. A))

18.114.060 Judicial appeal.

If the development agreement relates to a land use application, the provisions of Chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement and in accordance with the appeal procedures in Chapter 14.45 CMC for a Type 4 decision type. (Ord. 06-13 § 1 (Exh. A))

Chapter 18.115

REVIEW PROCEDURES/NOTICE REQUIREMENTS

(Repealed by Ord. 10-10)

Chapter 18.120

SCHOOL IMPACT FEES

Sections:

18.120.005 Authority.
18.120.010 Purpose.
18.120.020 School impact fee program elements.
18.120.030 Fee calculations.
18.120.040 Fee collection.
18.120.050 Assessment of impact fees.
18.120.060 Effective date.
18.120.070 Adjustments, exceptions, and appeals.
18.120.080 Exemption or reduction for low or moderate income housing.
18.120.090 School impact fee accounts and refunds.

18.120.005 Authority.

The provisions of this chapter for the assessment and collection of school impact fees are adopted pursuant to Chapter 82.02 RCW. (Ord. 20-07 § 136; Ord. 42-02 § 2 (21A.43.005))

18.120.010 Purpose.

The purpose of this chapter is to implement the capital facilities element of the comprehensive plan and the Growth Management Act by:

(1) Ensuring that adequate public school facilities and improvements are available to serve new development;

(2) Establishing standards whereby new development pays a proportionate share of the cost for public school facilities needed to serve such new development;

(3) Ensuring that school impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact; and

(4) Providing needed funding for growth-related school improvements to meet the future growth needs of City of Covington. (Ord. 42-02 § 2 (21A.43.010))

18.120.020 School impact fee program elements.

(1) School impact fees will be assessed on every new dwelling unit within the City of Covington.

(2) Impact fees will be imposed, on behalf of any school district which provides to the City a capital facilities plan, the district's standards of service for the various grade spans, estimates of the cost of providing needed facilities and other capital improvements, and the data from the district called for by the formula in CMC 18.120.030. The actual fee schedule for the district will be adopted by ordinance based on this information and the fee calculation set out for CMC 18.120.030. Any impact fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the cost of system improvements that are reasonably related to the development. The impact fee formula shall account in the fee calculation for future revenues the district will receive from the development. The ordinance adopting the fee schedule shall specify under what circumstances the fee may be adjusted in the interests of fairness.

(3) The impact fee shall be based upon a capital facilities plan developed by the district and approved by the school board, and adopted by reference by the City as part of the capital facilities element of the comprehensive plan for the purpose of establishing the fee program. (Ord. 20-07 § 137; Ord. 42-02 § 2 (21A.43.020))

18.120.030 Fee calculations.

(1) School impact fees shall be calculated and assessed for the indicated types of development according to the most recent fee schedule adopted by City ordinance. All development permits subject to the school impact fees shall also pay an administrative fee as set forth in the current fee resolution.

(2) Separate fees shall be calculated for single-family and multifamily residential units and separate student generation rates must be determined by the district for each type of residential unit. For purposes of this chapter, single-family units shall mean single detached dwelling units, and multi-family units shall mean townhouses and apartments.

(3) The fee shall be calculated using the appropriate factors and data to be supplied by the district. The fee calculations shall be made on a district-wide basis to assure maximum utilization of all school facilities in the district used currently or within the last two years for instructional purposes.

(4) The formula in the most recent fee schedule also provides a credit for the anticipated tax contributions that would be made by the development based on historical levels of voter support for bond issues in the school district.

(5) The formula in the most recent fee schedule also provides for a credit for school facilities or sites actually provided by a developer which the school district finds to be acceptable. (Ord. 20-07 §§ 78, 138; Ord. 42-02 § 2 (21A.43.030). Partially from former 14.95.010(2))

18.120.040 Fee collection.

Fees shall be collected by the Department of Community Development and maintained in a separate account for the school district, pursuant to CMC 18.120.090. Fees shall be paid to the district pursuant to administrative rules of an interlocal agreement between the City and the district. (Amended at request of department 2/08; Ord. 42-02 § 2 (21A.43.040))

18.120.050 Assessment of impact fees.

(1) In school districts whose impact fees have been adopted by City ordinance, the City shall collect those fees in accordance with the ordinance establishing the fee. The fees shall be collected on behalf of the district from any applicant seeking development approval from the City where such development activity requires the issuance of a single-family or multifamily residential building permit, a mobile home permit or a site plan with a residential component, and the fee for the lot or unit has not been previously paid, except as provided in CMC 18.120.080. No permit shall be issued until the required school impact fees set forth in the district's impact fee schedule have been paid.

(2) For existing lots, application for single-family and multifamily residential building permits, mobile home permits, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued, using the school impact fee schedules in effect at the time of building permit application. (Ord. 20-07 § 139; Ord. 17-05 § 1; Ord. 42-02 § 2 (21A.43.050))

18.120.060 Effective date.

As of September 10, 1993, no fee shall be assessed or collected on any pending building permit which had been applied for prior to the effective date of the impact fee. (Ord. 42-02 § 2 (21A.43.060))

18.120.070 Adjustments, exceptions, and appeals.

(1) The following are excluded from the application of the impact fees:

(a) Any form of housing exclusively for the senior citizen, including nursing homes and retirement centers, so long as these uses are maintained;

(b) Reconstruction, remodeling, or replacement of existing dwelling units which does not result in additional new dwelling units. In the case of replacement of a dwelling, a complete application for a building permit must be submitted within three years after it has been removed or destroyed;

(c) Shelters for temporary placement, relocation facilities, transitional housing facilities and community residential facilities as defined in CMC 18.20.220;

(d) Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act;

(e) Any development activity for which school impacts have been mitigated pursuant to a condition of plat, PUD or UPD approval to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat, PUD or UPD approval provides otherwise; provided, that the condition of the plat, PUD or UPD approval predates the effective date of a school district's fee implementing ordinance;

(f) Any development activity for which school impacts have been mitigated pursuant to a voluntary agreement entered into with a school district to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise; provided, that the agreement predates the effective date of a school district's fee implementing ordinance;

(g) Housing units which fully qualify as housing for persons age 55 and over meeting the requirements of the Federal Housing Amendments Act of 1988, 42 USC 3607(b)(2)(c) and (b)(3), as subsequently amended, and which have recorded covenants or other legal arrangements precluding school-aged children as residents in those units;

(h) Mobile homes permitted as temporary dwellings pursuant to CMC 18.85.170; and

(i) Accessory dwelling units as defined in CMC 18.20.350 and 18.25.030(7).

(2) Arrangement may be made for later payment with the approval of the school district only if the district determines that it will be unable to use or will not need the payment until a later time; provided, that sufficient security, as defined by the district, is provided to assure payment. Security shall be made to and held by the school district, which will be responsible for tracking and documenting the security interest.

(3) The fee amount established in the schedule shall be reduced by the amount of any payment previously made for the lot or development activity in question, either as a condition of approval or pursuant to a voluntary agreement with a school district entered into after the effective date of a school district's fee implementing ordinance.

(4) After the effective date of a school district's fee implementing ordinance, whenever a development is granted approval subject to a condition that the developer actually provide school sites, school facilities, or improvements to school facilities acceptable to the district, or whenever the developer has agreed, pursuant to the terms of a voluntary agreement with the school district, to provide land, provide school facilities, or make improvements to existing facilities, the developer shall be entitled to a credit for the value of the land or actual cost of construction against the fee that would be chargeable under the formula provided by this chapter. The land value or cost of construction shall be estimated at the time of approval, but must be documented. If construction costs are estimated, the documentation shall be confirmed after the construction is completed to assure that an accurate credit amount is provided. If the land value or construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee.

(5) Impact fees may be adjusted by the City, at the City's discretion, if one of the following circumstances exists; provided, that the discount set forth in the fee formula fails to adjust for the error in the calculation or fails to ameliorate for the unfairness of the fee:

(a) The developer demonstrates that an impact fee assessment was incorrectly calculated; or

(b) Unusual circumstances identified by the developer demonstrate that if the standard impact fee amount was applied to the development, it would be unfair or unjust.

(6) A developer may provide studies and data to demonstrate that any particular factor used by the district may not be appropriately applied to the

development proposal, but the district's data shall be presumed valid unless clearly demonstrated to be otherwise by the proponent.

(7) Any appeal of the decision of the Director or the Hearing Examiner with regard to imposition of an impact for or fee amounts shall follow the appeal process for the underlying permit and not be subject to a separate appeal process. Where no other administrative appeal process is available, an appeal may be taken to the Hearing Examiner using the appeal procedures for variances. Any errors in the formula identified as a result of an appeal should be referred to the Council for possible modification.

(8) Impact fees may be paid under protest in order to obtain a building permit or other approval of development activity, when an appeal is filed. (Ord. 42-02 § 2 (21A.43.070))

18.120.080 Exemption or reduction for low or moderate income housing.

(1) Low- or moderate-income housing projects being developed by public housing agencies or private nonprofit housing developers may be exempt from the payment of school impact fees. The amount of the school impact fees not collected from low- or moderate-income household development shall be paid from the school district's public funds other than impact fee accounts. The impact fees for these units shall be considered paid for by the school district through its other funding sources, without the district actually transferring funds from its other funding sources into the impact fee account. The Department shall review all school impact fee exemption applications for low- or moderate-income housing developments pursuant to criteria and procedures adopted by administrative rule and shall advise the Community Development Director as to whether the project qualifies for the exemption. The Community Development Director shall notify the school district of all applications for exemptions and reductions and whether the project qualifies for the exemption.

(2) Private developers who dedicate residential units for occupancy by low- or moderate-income households may apply to the Department for reductions in school impact fees pursuant to subsection (1) of this section. If the Department recommends the exemption to the school district, the calculated school impact fee for the development shall be reduced by an amount that is proportionate to the number of units in the development that satisfy the adopted criteria.

(3) Individual low- or moderate-income home purchasers (as defined pursuant to the City of Covington Comprehensive Housing Affordability Strategy (CHAS)) who are purchasing homes at prices within their eligibility limits based on standard lending criteria and meet other means tests established by rule by the Department are exempted from payment of the school impact fee; provided, that at such time as the property in question is transferred to another owner who does not qualify for the exemption, the full school impact fee according to the current fee resolution shall be due and payable upon the property transfer.

(4) Any claim or request for an exemption under this section shall be made no later than the time of application for a building permit. If a building permit is not required for the development activity, the claim shall be made when the fee is tendered. Any claim not made when required by this section shall be deemed waived.

(5) The Department is hereby instructed and authorized to adopt administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

(a) Encourage the construction of housing for low- or moderate-income households by public housing agencies or private nonprofit housing developers participating in publicly sponsored or subsidized housing programs;

(b) Encourage the construction in private developments of housing units for low- or moderate-income households that are in addition to units required by another housing program or development condition;

(c) Ensure that housing that qualifies as low- or moderate-cost meets appropriate standards regarding household income, rent levels or sale prices, location, number of units and development size;

(d) Ensure that developers who obtain an exemption from or reduction of school impact fees will in fact build the proposed low- or moderate-cost housing and make it available to low- or moderate-income households for a minimum of 15 years; and

(e) Ensure that individual low- or moderate-income purchasers meet appropriate eligibility standards based on income and other financial means tests.

(6) As a condition of receiving an exemption under this section, the owner must execute and record a City-drafted lien, covenant, and/or other contractual provision against the property for a period of 10 years for individual owners, and 15 years for private developers, guaranteeing that the proposed development will continue to be used for low- or moderate-income housing. In the event that the housing unit(s) is no longer used for low- or moderate-income housing during the term of the provision herein, the owner shall promptly pay to the school district the school impact fee owed according to the current fee resolution. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners and assigns. (Ord. 03-12 § 1 (Exh. A); amended at request of department 2/08; Ord. 42-02 § 2 (21A.43.080))

18.120.090 School impact fee accounts and refunds.

(1) Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by the City solely for the district's school impact fees. All interest shall be retained in the account and expended for the purpose or purposes identified in subsection (2) of this section. Annually, the City, based in part on the report submitted by the district pursuant to CMC 18.75.110, shall prepare a report on each impact fee account showing the source and amount of all monies collected, earned or received, and capital or system improvements that were financed in whole or in part by impact fees.

(2) Impact fees for the district's system improvements shall be expended by the district for capital improvements including but not limited to school planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, relocatable facilities, capital equipment pertaining to educational facilities, and any other expenses which could be capitalized, and which are consistent with the school district's capital facilities plan.

(3) In the event that bonds or similar debt instruments are issued for the advanced provision of capital facilities for which impact fees may be expended and where consistent with the provisions of the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section.

(4) Impact fees shall be expended or encumbered (i.e., committed as part of the funding for a facility for which the publicly funded share has been assured, or building permits applied for, or construction contracts let) by the district for a permissible use within six years of receipt by the City, unless there exists an extraordinary and compelling reason for fees to be held longer than six years. Such extraordinary or compelling reasons shall be identified to the City by the district. The City must prepare written findings concurring with the district's reasons, and authorizing the later encumbrance or expenditure of the fees prior to the district so encumbering or expending the funds, or directing a refund of the fees.

(5) The current owner of property on which an impact fee has been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within six years of receipt of the funds by the City. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The City shall notify potential claimants by first-class mail deposited with the United States Postal Service addressed to the owner of the property as shown in the City tax records.

(6) An owner's request for a refund must be submitted to the City Council in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any impact fees that are not expended or encumbered within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended consistent with the provisions of this section. Refunds of impact fees shall include any interest earned on the impact fees.

(7) Should the City seek to terminate any or all school impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which a school impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail addressed to the owner of the property as shown in the City tax records. All funds available for refund shall be retained for a period of one year.

At the end of one year, any remaining funds shall be retained by the City, but must be expended for the district, consistent with the provisions of this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

(8) A developer may request and shall receive a refund, including interest earned on the impact fees, when:

(a) The developer does not proceed to finalize the development activity as required by statute or City code or the International Building Code; and

(b) No impact on the district has resulted. "Impact" shall be deemed to include cases where the district has expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the district has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three years the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the City and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The City shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in CMC 18.120.070.

(9) Interest due upon the refund of impact fees required by this section shall be calculated according to the average rate received by the City or the district on invested funds throughout the period during which the fees were retained. (Ord. 20-07 § 140; Ord. 06-05 § 1; Ord. 23-04 § 20; Ord. 42-02 § 2 (21A.43.090))

Chapter 18.122

PARKS, RECREATIONAL FACILITIES AND OPEN SPACE IMPACT FEES

Sections:

18.122.010 Short title.
18.122.020 Statutory authority.
18.122.030 Findings.
18.122.040 Definitions.
18.122.050 Assessment of impact fees.
18.122.060 Exemptions.
18.122.070 Park impact fee schedule.
18.122.080 Independent fee calculation.
18.122.090 Impact fee credits and adjustments.
18.122.100 Use of funds.
18.122.110 Impact fee accounts.
18.122.120 Review of park impact fees.
18.122.130 Refunds.
18.122.140 Appeals.
18.122.150 Establishment of service area.
18.122.160 Existing authority unimpaired.

18.122.010 Short title.

The ordinance codified in this chapter may be referred to or cited as the "City of Covington Community Parks, Open Space and Recreation Facilities Impact Fee Ordinance." (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.010)

18.122.020 Statutory authority.

This chapter is enacted pursuant to Chapters 36.70A and 82.02 RCW. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.020)

18.122.030 Findings.

The City finds and declares that new residential growth and development will create increased demand on public facilities including parks, recreational facilities and open space, and further finds that growth and development should pay a proportionate share of the cost of such planned facilities needed to serve that growth and development activity. It is the desire of the City to have new development assessed park impact fees in an orderly and uniform manner and to have common formulae and administrative processes for the levying of those fees. Therefore, pursuant to Chapter 82.02 RCW, the City Council adopts this chapter to assess park impact fees. The provisions of this chapter shall be liberally construed in order to

carry out the purpose of establishing the City park impact fee program. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.030)

18.122.040 Definitions.

The following words, terms and phrases shall have the ascribed meaning for the purpose of this chapter, unless the context clearly requires otherwise. Terms otherwise not defined hereby shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

(1) "Building permit" means a permit authorized pursuant to Chapter 14.30 CMC for new construction or addition. The term "building permit," as used herein, shall not be deemed to include permits required for the remodeling, rehabilitation or other improvement to an existing structure or rebuilding a damaged or destroyed structure; provided, there is no increase in the number of dwelling units resulting therefrom.

(2) "Capital facilities" means the facilities or improvements included in the most recent capital facilities plan element of a comprehensive plan adopted pursuant to Chapter 36.70A RCW, and such plan as subsequently amended and adopted by the City Council.

(3) "Capital facilities plan" means the most recent capital facilities plan element of a comprehensive plan adopted pursuant to Chapter 36.70A RCW, and such plan as subsequently amended and adopted by the City Council.

(4) "City" means the City of Covington.

(5) "Department" means the City of Covington Community Development Department.

(6) "Development activity" means any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land, that creates additional demand and need for parks, recreational facilities and/or open space.

(7) "Director" means the Director of the City of Covington Community Development Department or the Director's duly designated representative.

(8) "Duplex" means two dwelling units within the same building. For the purpose of impact fee calculation, duplexes shall be considered equivalent to multiple-family.

(9) "Dwelling unit" means one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupants. Dwelling units include, but are not limited to, bachelor, efficiency and studio apartments, factory-built housing and "mobile homes."

(10) "Encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for planned activities.

(11) "Fee payer" means a person, corporation, partnership, incorporated association, limited liability company or any other similar entity, department or bureau including, without limitation, any government entity or municipal corporation, commencing a development activity which creates a demand for park facilities and which requires development approval and/or the issuance of a building permit. "Fee payer" includes an applicant for impact fee credit.

(12) "Impact fee" means a fee levied pursuant to this chapter as a condition of issuance of a building permit or development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit fee, an application fee, an administrative fee, an administrative fee for collecting and processing impact fees, the cost of reviewing independent fee calculations or the administrative fee required for an appeal pursuant to this chapter.

(13) "Impact fee account" or "account" means the account or accounts established for the deposit of collected park impact fees. Impact fee accounts shall comply with the requirements of RCW 82.02.070.

(14) "Impact fee schedule" means the fee schedule and associated formula as set forth in CMC 18.122.070.

(15) "Independent fee calculation" means the park impact calculation prepared by a fee payer to support the assessment amount of an impact fee different from the amount derived from use of the impact fee schedules.

(16) "Multiple-family" means a detached or attached building containing two or more dwelling units. For impact fee calculations, this term will include duplexes, triplexes, fourplexes, apartments, townhouses, and group and retirement apartments. Congregate care facilities, nursing

homes and other types of assisted care facilities are not considered to be multiple-family for purposes of this chapter.

(17) "Municipal code," "code" or "CMC" means the municipal code of the City of Covington.

(18) "Open space" means any area left predominately in a natural state to create urban separators and greenbelts, sustain native ecosystems, connect and increase protective buffers for environmentally sensitive areas, provide a visual contrast to continuous development, reinforce community identity and aesthetics, or provide links between important environmental or recreational resources.

(19) "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

(20) "Park" means a site designed or developed for recreational use by the public, including those dedicated parklands, developed parks and associated improvements so designated in the parks and community services element of the City's comprehensive plan.

(21) "Park, developed" means any parcel or area and the improvements on those areas controlled by the City that have been designated for public passive or active recreational use.

(22) "Park impact fee" means the impact fee designated to assist in funding the acquisition and development of publicly owned parks, outdoor recreational facilities and open space.

(23) "Parkland, dedicated" means any undeveloped or underdeveloped parcel or area of land or water that is controlled by the City for the intent of future park development.

(24) "Project" means a development with the necessary site improvements on a specific parcel of land.

(25) "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project, and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. An improvement or facility included in a capital facilities plan approved by the City shall be not considered a project improvement.

(26) "Public facilities" means the following capital facilities planned, owned or operated by the City: publicly owned parks, recreational facilities and open space.

(27) "Service area" means a geographic area defined by the City in which a defined set of public facilities provides service to development within the area.

(28) "Single-family" means a detached building which meets the requirements of the Uniform Building Code or portions thereof and is used exclusively for occupancy by one family, including their guests, servants and employees, and including one dwelling unit.

(29) "Structure" means anything that is permanently constructed in or on the ground, or over the water; excluding fences six feet or less in height, decks less than 18 inches above grade, paved areas and structural or nonstructural fill.

(30) "System improvements" means public facilities that are included in the City's capital facilities plan and are designed to provide service to service areas within the City, in contrast to project improvements. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.040)

18.122.050 Assessment of impact fees.

(1) Park impact fees shall be based on the calculations set forth in this chapter and shall be collected from all applicants seeking approval for residential development activity within the areas controlled by the City. The City shall collect the park impact fee charges prior to preliminary plat approval. No permit shall be issued and no development activity approved until the required park impact fee is paid in full.

(2) If the development for which the approval is sought contains a mixture of residential use types, the impact fee must be separately calculated for each type of use. If the site on which development is sought contains an existing use, the impact of that use shall be subtracted from the calculation of the demand caused by the proposed development so that the impact fee is assessed only for the additional demand created by the proposed development. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.050)

18.122.060 Exemptions.

(1) The following shall be exempt from the required payment of park impact fees:

(a) Alteration, expansion, enlargement, remodeling or rehabilitation of an existing dwelling unit where no additional units are created and the use is not changed;

(b) Miscellaneous improvements, including but not limited to fences, walls, signs, decks, swimming pools, drives, walkways, docks and/or piers;

(c) Demolition or moving of a structure;

(d) The construction of accessory structures, as defined in CMC 18.20.350, that will not create significant impacts on public facilities;

(e) Replacement of a previously demolished structure with the same number of dwellings which previously occupied the property, provided, the demolition occurred no more than three years prior to the date of application for a building permit;

(f) New nonresidential development; provided, that a nonresidential development may still be required to dedicate land, or, based on the Director's written findings, an equivalent in-lieu payment for parks under the State Environmental Policy Act, Chapter 43.21C RCW. Mixed-use developments will be charged park impact fees based on the number of dwelling units at multiple-family residential rates;

(g) Shelters for temporary placement, relocation facilities, transitional housing facilities, and community residential facilities as defined in CMC 18.20.220;

(h) Congregate care facilities, nursing homes and other types of assisted care facilities;

(i) Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act; and

(j) Any development activity for which park impacts have been mitigated pursuant to a voluntary agreement entered into with the applicant to pay fees, dedicate land or construct or improve park facilities, unless the terms of the voluntary agreement provide otherwise; provided, said park facilities are constructed or improved to applicable City standards.

(2) The Director is authorized to determine whether a particular development activity falls within the exemption identified in this section, or any other section or under other applicable law. Determinations of the Director shall be in writing and are subject to a payment of a fee for a Type 1 decision letter as set forth in the current fee resolution. Such determinations shall be subject to the appeal procedures set forth in CMC 18.122.140. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.060)

18.122.070 Park impact fee schedule.

A park impact fee shall be assessed on all new residential and the residential portion of mixed use development according to the type of residential land use and based on the formula set forth in Exhibit "A"* attached to the ordinance codified in this chapter and incorporated herein by this reference.

Any residential development type not listed in Exhibit "A" will be assessed the impact fee for the most similar type of development, as determined by the Director. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.070)

*Code reviser's note: Exhibit A, attached to Ordinance No. 14-06, may be found on file in the City Clerk's office.

18.122.080 Independent fee calculation.

(1) If, in the sole discretion of the Director, none of the categories of fee amounts set forth in CMC 18.122.070 accurately reflect the impacts of the new development, the Director may conduct independent park impact fee calculations, and the Director may impose alternative fees on a specific development based on those calculations.

(2) If a fee payer opts not to have the park impact fees determined according to the fee schedules in CMC 18.122.070, then the fee payer shall prepare and submit to the Director an independent fee calculation for the development activity for which a building permit or development approval is sought. The documents submitted shall show the basis upon which the independent fee calculation was made and the proposed amount of the fee.

(a) A fee payer submitting an independent fee calculation shall be required to pay the Department an administrative fee pursuant to the City's fee schedule.

(b) While there is a presumption that the calculations set forth in CMC 18.122.070 are valid for each type of development, the Director shall consider the independent fee calculation documentation submitted by the fee payer. However, the Director is not required to accept any documentation that the Director reasonably deems to be inaccurate or unreliable and may, in the alternative, require the fee payer to submit additional or different documentation for consideration. Based on the information within the Director's possession, the Director is authorized to adjust the park impact fee calculation to the specific characteristics of the

development. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.080)

18.122.090 Impact fee credits and adjustments.

(1) The fee payer shall be entitled to a credit, against the park impact fee that would be chargeable under the formula set forth in this chapter, for the present value of any dedication of land for, improvement to, or new construction of any system improvements provided by the development applicant for facilities that are identified in the capital facilities plan and that are required as a condition of approval for the development activity; provided, that said improvement or new construction is built to applicable City standards. The amount of the credit shall be determined no later than the time of application for the related building permit. Any claim not so made shall be deemed to be waived.

(2) Credit for dedication of land or improvements shall be based upon the cost assumptions contained within the capital facilities plan, or established by an appraiser retained by the fee payer and approved by the Department to determine the value of the dedicated land improvements or construction provided by the fee payer. The cost of said appraisal shall be borne by the fee payer.

(3) After receiving the request for credit, the Director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the credit may be applied. Costs for preparing the legal description shall be borne by the fee payer. If the accepted credit value is less than the calculated fee amount, the difference remaining shall be chargeable as a park impact fee. In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, the development applicant may apply such excess credit toward impact fees imposed on similar capital facilities for other developments within the service area. Such credits are not transferable between fee payers.

(4) Notwithstanding the foregoing, in any subdivision in excess of 100 lots, the City may require the applicant to build a park on-site to the standards of a community park. The City will grant an appropriate credit against any fee imposed hereinabove for the value of the undeveloped land utilized and actual cost of improvements constructed, including capital assets as well as labor. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.090)

18.122.100 Use of funds.

Pursuant to this chapter:

(1) Park impact fees collected for system improvements shall be used only in conformance with the most recent capital facilities plan element of the comprehensive plan adopted by the City Council.

(2) Park impact fees shall not be used to eliminate or reduce deficiencies in existing facilities serving existing development.

(3) Park impact fees shall not be used for maintenance or operation expenses.

(4) Park impact fees may be spent for public improvements for planned facilities, including but not limited to planning, land acquisition, right-of-way acquisition, easement or access acquisition, construction, permitting, financing, engineering, architectural design and any other expenses which are consistent with the most recent capital facilities plan element adopted by the City Council.

(5) Park impact fees may be used to recoup public improvement costs previously incurred by the City to the extent that new growth and development activity will be served by the previously constructed improvements; provided, such fee shall not be imposed to make up for any system improvement deficiencies. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.100)

18.122.110 Impact fee accounts.

(1) Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by the City solely for park impact fees. The fees received shall be prudently invested in a manner consistent with the investment policies of the City. Funds withdrawn from this account must be used in accordance with the provisions of CMC 18.122.100.

(2) There is hereby established a park impact fee account for the fees collected pursuant to this chapter. All interest shall be retained in the account and expended for the purpose or purposes identified in CMC 18.122.100.

(3) On an annual basis, the City Finance Director shall provide a report to the City Council on the park impact fee account showing the source and amount of all monies collected, earned or received, and capital or system improvements that were financed in whole or in part by the park impact fees.

(4) Park impact fees shall be expended or encumbered within six years of receipt, unless the City Council identifies in written findings an

extraordinary and compelling reason(s) for the City to hold the fees beyond the six-year period. Under such circumstances, the City Council shall establish the period of time within which the park impact fees shall be expended or encumbered. A "first-in, first-out" basis will be used for determining which impact fees have been used or encumbered. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.110)

18.122.120 Review of park impact fees.

The fee schedule set forth in this chapter shall be reviewed and may be amended by the City Council as it may deem necessary and appropriate in conjunction with the update of the capital facilities plan element of the City's comprehensive plan. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.120)

18.122.130 Refunds.

(1) The current owner of property on which a park impact fee has been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within six years of when the funds were paid or within such other time periods as established pursuant to CMC 18.122.110(4). In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a "first-in, first-out" basis.

(a) The City shall notify potential claimants by first class mail, postage prepaid, deposited with the United States Postal Service addressed to the owner of the property as shown on the City tax records. A potential claimant must be the legal owner of record for the property.

(b) An owner's request for a refund must be submitted to the City Council in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later.

(c) Any park impact fees that are not expended or encumbered within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended on appropriate park facilities.

(d) Refunds of park impact fees shall include any interest earned on the impact fees. Interest due on any refund of park impact fees shall be calculated according to the average rate received by the City on investing funds throughout the period during which the funds were retained.

(2) An owner may request and shall receive a refund, including interest earned on the park impact fee, when the owner does not proceed to finalize the development activity and no impact has resulted. "Impact" shall be deemed to include cases where the City has expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the City has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three years, the same or subsequent owner of the real property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the City and provide receipts of park impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The City shall determine whether to grant a credit.

(3) When the City seeks to terminate any or all components of the park impact fee requirements, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded to the current owner of the property for which the impact fee was paid, pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail addressed to the owner of the property as shown in the City tax records. All funds available for refund shall be retained for a period of one year from the date of the notice. At that time, any remaining funds shall be retained by the City, but must be expended for appropriate public facilities. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered funds within the account being terminated. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.130)

18.122.140 Appeals.

(1) Any fee payer may pay the park impact fee under protest in order to obtain a building permit or other development activity approval. No appeals shall be permitted unless and until the park impact fee at issue has been paid.

(2) Any appeal of the decision of the Director with respect to the applicability of the impact fees to a given development activity, the availability or value of a credit, the independent fee calculation or any other determination which the Director is

authorized to make pursuant to this chapter shall follow the appeal process for the underlying permit and not be subject to a separate appeal process. Where no other administrative appeal process is available, an appeal may be taken to the Hearing Examiner using the appeal procedures for variances. Any errors in the formula identified as a result of an appeal should be referred to the City Council for possible modification. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.140)

18.122.150 Establishment of service area.

The service area for parks, recreation facilities and open space shall be the corporate limits of the City. (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.150)

18.122.160 Existing authority unimpaired.

Nothing in this chapter shall impair the authority of the City to require the fee payer or the proponent of a development activity to provide parks, park improvements, trails, open space or other park and/or recreational facilities under other provisions of the code; provided, that the exercise of this authority is consistent with the provisions of RCW 82.02.050(1)(c). (Ord. 20-07 § 76; Ord. 14-06 § 1. Formerly 14.92.160)

Chapter 18.125

DECISION CRITERIA

Sections:

18.125.010 Purpose.
18.125.020 Temporary use permit.
18.125.030 Variance.
18.125.040 Conditional use permit.
18.125.045 Expiration or renewal.
18.125.050 Modifications and expansions of a conditional use permit – When use is not permitted outright.
18.125.060 Modifications or expansions of a conditional use permit authorized by existing land use permits – Required findings.
18.125.070 Modifications and expansions – Uses or development authorized by existing conditional use, or unclassified use permits.

18.125.010 Purpose.

The purposes of this chapter are to allow for consistent evaluation of land use applications and to protect nearby properties from the possible effects of such requests by:

(1) Providing clear criteria on which to base a decision;

(2) Recognizing the effects of unique circumstances upon the development potential of a property;

(3) Avoiding the granting of special privileges;

(4) Avoiding development, which may be unnecessarily detrimental to neighboring properties;

(5) Requiring that the design, scope and intensity of development is in keeping with the physical aspects of a site and adopted land use policies for the area; and

(6) Providing criteria, which emphasize protection of the general character of neighborhoods. (Ord. 42-02 § 2 (21A.44.010))

18.125.020 Temporary use permit.

A temporary use permit shall be granted by the City only if the applicant submits an application and application fee as set forth in the current fee resolution, demonstrating that:

(1) The proposed temporary use will not be materially detrimental to the public welfare;

(2) The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation;

(3) The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-site parking if necessary to protect against soil compaction;

(4) Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and

(5) The proposed temporary use is not otherwise permitted in the zone in which it is proposed. (Ord. 20-07 § 141; Ord. 42-02 § 2 (21A.44.020))

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 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. (Ord. 09-12 § 2 (Exh. B); Ord. 10-10 § 3 (Exh. C); Ord. 20-07 § 142; Ord. 42-02 § 2 (21A.44.030))

18.125.040 Conditional use permit.

(1) Conditional Use Permit Authority. The Hearing Examiner shall have the authority to issue a conditional use permit. When considering a request for a conditional use permit, the Hearing Examiner shall consider the applicable standards, criteria, intent and policies established by this title and the comprehensive land use plan as they pertain to the proposed use.

(2) The Hearing Examiner may impose specific conditions upon the use, including an increase in the standards of this title, which will enable the Hearing Examiner to make the required findings below. The Hearing Examiner may impose conditions which include, but are not limited to, restrictions in hours of operations; location restrictions for structures and uses; structural requirements,

including safety, noise reduction, view protection, and aesthetics; and increased buffering requirements, including open space, berms, fencing and landscaping.

(3) Required Findings. The Hearing Examiner shall not grant a conditional use permit unless the Hearing Examiner finds that the conditional use permit request meets all of the following criteria and the Hearing Examiner makes written findings to that effect:

(a) The conditional use is designed in a manner which is compatible with the character and appearance of an existing or proposed development in the vicinity of the subject property;

(b) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

(c) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

(d) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards;

(e) The conditional use is not in conflict with the health and safety of the community;

(f) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

(g) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities; and

(h) The proposed use is consistent with the goals and policies of the comprehensive plan.

(4) Applications for a conditional use permit 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. (Ord. 10-10 § 3 (Exh. C); Ord. 20-07 § 143; Ord. 42-02 § 2 (21A.44.040))

18.125.045 Expiration or renewal.

(1) A variance or conditional use permit shall automatically expire in accordance with the approval timeframe specified for the underlying land use application for subdivisions, short plats, binding site plan, commercial site development permit applications or other land use process specified in Chapter 14.20 CMC, CMC Title 17 and/or this title.

(2) Variances from development standards associated with a building permit, tenant improvement, or reuse shall expire within one year from date of issuance, or time specified by the Hearing Examiner.

(3) The Hearing Examiner may grant one renewal for a variance or conditional use permit if the party seeking renewal can demonstrate extraordinary circumstances or conditions which were not known or foreseeable at the time of original application. A renewed variance or conditional use permit shall be substantially acted upon within six months or the variance or permit shall automatically expire. (Ord. 10-10 § 3 (Exh. C))

18.125.050 Modifications and expansions of a conditional use permit – When use is not permitted outright.

Proposed modifications or expansions to a use or development authorized by an existing land use permit shall not require an amendment to the existing land use permit if the use is now permitted outright in the zone in which it is located. (Ord. 10-10 § 3 (Exh. C))

18.125.060 Modifications or expansions of a conditional use permit authorized by existing land use permits – Required findings.

Modifications or expansions approved by the Department shall be based on written findings that the proposed modifications or expansions provide the same level of protection for and compatibility with adjacent land uses as the original land use permit. (Ord. 10-10 § 3 (Exh. C))

18.125.070 Modifications and expansions – Uses or development authorized by existing conditional use, or unclassified use permits.

(1) The Department may review and approve pursuant to the Type I process in Title 14.30 CMC an expansion of a use or development authorized by an existing conditional use permit; provided, that it meets one of the following:

(a) The expansion shall conform to all provisions of this title and the original land use permit, except that the project-wide amount of each of the following may be increased up to 10 percent:

(i) Building square footage;

(ii) Impervious surface;
(iii) Parking; or
(iv) Building height.

(b) No subsequent expansions shall be approved under this subsection (1) if the cumulative amount of such expansion exceeds the percentage prescribed in subsection (1)(a) of this section.

(2) A conditional use permit shall be required for expansions within a use or development authorized by an existing conditional use permit if the expansions are not consistent with the provisions of subsection (1) of this section.

(3) This section shall not apply to modifications or expansions of telecommunication facilities, the provisions for which are set forth in CMC 18.70.130, or to modifications or expansions of nonconformities, the provisions for which are set forth in CMC 18.85.070. (Ord. 10-10 § 3 (Exh. C))