

Covington: Unmatched quality of life

AGENDA CITY OF COVINGTON CITY COUNCIL REGULAR MEETING

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Tuesday, March 22, 2011
7:00 p.m.

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

Council will interview Human Services Commission applicants beginning at 6:00 p.m.

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

ROLL CALL/PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMUNICATION

- Arbor Day Proclamation (David Aldous)
- Earth Day Proclamation (David Aldous)
- International Student Exchange Day in the City of Covington (Kentlake High School)

RECEPTION TO WELCOME EXCHANGE STUDENTS AND TEACHERS

PUBLIC COMMENT *Persons addressing the Council shall state their name, address, and organization for the record. Speakers shall address comments to the City Council, not the audience or the staff. Public Comment shall be for the purpose of the Council receiving comment from the public and is not intended for conversation or debate. Public comments shall be limited to no more than four minutes per speaker. If additional time is needed a person may request that the Council place an item on a future agenda as time allows.**

APPROVE CONSENT AGENDA

- C-1. Approval of Minutes (Scott)
- C-2. Approval of Vouchers (Hendrickson)
- C-3. Approve City Manager Merit Goals for 2011 (Beaufreire)
- C-4. Approve Retirement Plan Administrator Change (Hendrickson)
- C-5. Approve Chamber of Commerce Request (Matheson)
- C-6. Approve City Manager's Employment Agreement Amendment (Beaufreire)

REPORTS OF COMMISSIONS

- Human Services Chair Haris Ahmad: January 13, February 10, and March 10 Meetings.
- Arts Chair Gregg Lobdell: March 10 Meeting.
- Parks & Recreation Chair David Aldous: March 16 Meeting.
- Planning Chair Sean Smith: March 3 and March 17 Meetings.
- Economic Development Co-Chair Hugh Kodama: February 24 Meeting.

PUBLIC HEARING

1. Receive Testimony from the Public Regarding the Shoreline Master Program (Hart)

NEW BUSINESS

2. Discuss Ordinance Adopting Shoreline Master Program (Hart)

3. Consider Appointments to the Human Services Commission (Council)
4. Consider Interlocal Agreement with the City of Black Diamond for Building Code Administration, Inspection, Plan Review; and Code Enforcement Services (Hart/Meyers)
5. Consider Ordinance Regarding Banner Signs (Hart)
6. Consider City Attorney Services (Matheson)

COUNCIL/STAFF COMMENTS

- Future Agenda Topics

PUBLIC COMMENT (*See Guidelines on Public Comments above in First Public Comment Section)

EXECUTIVE SESSION: If Needed

ADJOURN

Any person requiring disability accommodation should contact the City of Covington at (253) 638-1110 a minimum of 24 hours in advance. For TDD relay service, please use the state's toll-free relay service (800) 833-6384 and ask the operator to dial (253) 638-1110.

Consent Agenda Item C-1

Covington City Council Meeting

Date: March 22, 2011

SUBJECT: APPROVAL OF MINUTES: FEBRUARY 22, 2011 CITY COUNCIL REGULAR MEETING MINUTES

RECOMMENDED BY: Sharon G. Scott, City Clerk

ATTACHMENT(S): Proposed Minutes

PREPARED BY: Joan Michaud, Deputy City Clerk

EXPLANATION:

ALTERNATIVES:

FISCAL IMPACT:

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

Councilmember _____ moves, Councilmember _____ seconds, to approve the February 22, 2011 City Council Regular Meeting Minutes.

**City of Covington
Regular City Council Meeting Minutes
Tuesday, February 22, 2011**

(This meeting was recorded and will be retained for a period of six years from the date of the meeting).

The Regular Meeting of the City Council of the City of Covington was called to order in the City Council Chambers, 16720 SE 271st Street, Suite 100, Covington, Washington, Tuesday, February 22, 2011, at 7:05 p.m., with Mayor Harto presiding.

COUNCILMEMBERS PRESENT:

Margaret Harto, Mark Lanza, David Lucavish, Marlla Mhoon, Jim Scott, Wayne Snoey, and Jeff Wagner.

STAFF PRESENT:

Derek Matheson, City Manager; Glenn Akramoff, Public Works Director; Noreen Beaufriere, Personnel Manager; Richard Hart, Acting Community Development Director; Rob Hendrickson, Finance Director; Kevin Klason, Covington Police Chief; Scott Thomas, Parks & Recreation Director; Sara Springer, City Attorney; Sharon Scott, City Clerk/Executive Assistant.

Mayor Margaret Harto opened the meeting with the Pledge of Allegiance.

APPROVAL OF AGENDA:

Council Action: Councilmember Wagner moved and Councilmember Lucavish seconded to approve the Agenda. Vote: 7-0. Motion carried.

PUBLIC COMMUNICATION:

Council presented a proclamation to Arts Commission Chair Gregg Lobdell in recognition of Youth Art Month.

PUBLIC COMMENT:

Mayor Harto called for public comments.

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

APPROVE CONSENT AGENDA:

C-1. Approval of Minutes: February 8, 2011 City Council Regular Meeting Minutes.

C-2. Approval of Vouchers: Vouchers #24867-24948, in the Amount of \$216,437.72, Dated February 8, 2011; and Payroll Checks #8534-8542, Inclusive, Plus Employee Direct Deposits in the Amount of \$124,802.37, Dated February 4, 2011.

Council Action: Councilmember Wagner moved and Councilmember Snoey seconded to approve the Consent Agenda. Vote: 7-0. Motion carried.

REPORTS OF COMMISSIONS:

Human Services Commission – January 13 and February 10 meetings - no report.

Arts Commission – Chair Gregg Lobdell reported on the October through February meetings.

Parks & Recreation – Chair David Aldous reported on the February 16 meeting.

Planning Commission – Chair Sean Smith reported on the February 17 meeting.

Economic Development Council – Co-Chair Jeff Wagner reported on the January 27 meeting.

NEW BUSINESS:

1. Consider Acceptance of 168th/165th Place SE Capital Project (CIP 1082).

Public Works Director Glenn Akramoff recognized City Engineer Don Vondran for his outstanding work. Mayor Harto offered congratulations on behalf of the Council to Mr. Vondran on his election to the Board of Directors of the Association of Public Works.

Mr. Vondran then gave the staff report on CIP 1082.

Council provided comments on the project.

Council Action: Councilmember Wagner moved and Councilmember Lucavish seconded to accept CIP 1082 as completed and process final closeout paperwork. Vote: 7-0. Motion carried.

2. Retirement Plan Administrator Update.

Finance Director Rob Hendrickson gave the staff report on this item.

Councilmembers provided comments and asked questions.

3. Consider Ordinance Designating Downtown Street Types by Community Development Director When and Where None Exist Within CMC 18.31.060.

Acting Community Development Director Richard Hart gave the staff report on this item.

ORDINANCE NO. 02-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING SECTION 18.31.060 OF THE COVINGTON MUNICIPAL CODE RELATING TO DOWNTOWN ZONING DISTRICT STREET TYPES MAP AND THE DESIGNATION OF A PROPOSED DOWNTOWN STREET TYPE BY THE COMMUNITY DEVELOPMENT DIRECTOR WHERE NONE EXISTS (AMENDING ORD. NO. 42-02 §2, AND ORD. NO. 10-10)

Councilmember Lanza expressed his concerns on this item; and Councilmembers discussed, asked questions and provided comments.

Council Action: Councilmember Snoey moved and Councilmember Scott seconded to adopt Ordinance No. 02-11 adding new language to CMC 18.31.060 regarding designation of downtown street types by the Community Development Director when and where none exist. Vote: 6-1. (Voting yes: Harto, Lucavish, Mhoon, Scott, Snoey, and Wagner; voting no: Lanza). Motion carried.

COUNCIL/STAFF COMMENTS:

Councilmembers and staff discussed Future Agenda Topics and made comments.

PUBLIC COMMENTS:

Mayor Harto called for public comments.

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

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:15 p.m.

Prepared by:

Submitted by:

Joan Michaud
Deputy City Clerk

Sharon Scott
City Clerk

Consent Agenda Item C-2

Covington City Council Meeting

Date: March 22, 2011

SUBJECT: APROVAL OF VOUCHERS.

RECOMMENDED BY: Rob Hendrickson, Finance Director

ATTACHMENT(S): Vouchers #25007-25060, in the Amount of \$181,425.43, Dated March 8, 2011; and Payroll Checks #8551-8559, Inclusive, Plus Employee Direct Deposits in the Amount of \$127,201.00, Dated March 4, 2011.

PREPARED BY: Joan Michaud, Deputy City Clerk

EXPLANATION: Not applicable.

ALTERNATIVES: Not applicable.

FISCAL IMPACT: Not applicable.

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

Councilmember _____ moves, Councilmember _____ seconds, to approve for payment: Vouchers #25007-25060, in the Amount of \$181,425.43, Dated March 8, 2011; and Payroll Checks #8551-8559, Inclusive, Plus Employee Direct Deposits in the Amount of \$127,201.00, Dated March 4, 2011.

March 8, 2011

City of Covington

City of Covington

City of Covington
Voucher/Check Register

Check # 25007 through Check # 25060

In the Amount of \$181,425.43

We, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claims are just, due and unpaid obligations against the City of Covington, Washington, County of King, and that we are authorized to authenticate and certify said claims per the attached register.

Cassandra Parker
Accountant

Mark Lanza
City Councilmember

Wayne Snoey
City Councilmember

Marlla Mhoon
City Councilmember

Council Meeting Date Approved _____

				<u>Check Amount</u>
Check No: 25007	Check Date: 03/08/2011			
Vendor: 1705	Alpine Products, Inc.			
TM-114201	Delineator posts, bases	03/08/2011		255.63
Check Total:				255.63
Check No: 25008	Check Date: 03/08/2011			
Vendor: 1820	America West Environmental			
9305	Deicer	03/08/2011		2,979.14
Check Total:				2,979.14
Check No: 25009	Check Date: 03/08/2011			
Vendor: 2033	Aquatic Specialty Services			
107	Pool chemicals	03/08/2011		1,562.76
105	Aquatics; calibration/cleaning, February	03/08/2011		211.47
Check Total:				1,774.23
Check No: 25010	Check Date: 03/08/2011			
Vendor: 2223	ARC Imaging Resources			
941820	Plotter/Scanner maint; 2/21-3/21/11	03/08/2011		50.18
941820	Plotter/Scanner maint; 2/21-3/21/11	03/08/2011		100.34
941820	Plotter/Scanner maint; 2/21-3/21/11	03/08/2011		100.34
Check Total:				250.86
Check No: 25011	Check Date: 03/08/2011			
Vendor: 0019	AWC Employee Benefits Trust			
150280/1-0	Medical Insurance Premiums, March	03/08/2011		8,090.22
150280/1-0	Medical Insurance Premiums, March	03/08/2011		7,452.12
150280/1-0	Medical Insurance Premiums, March	03/08/2011		5,642.72
150280/1-0	Medical Insurance Premiums, March	03/08/2011		1,920.39
150280/1-0	Medical Insurance Premiums, March	03/08/2011		1,839.57
150280/1-0	Medical Insurance Premiums, March	03/08/2011		3,199.74
150280/1-0	Medical Insurance Premiums, March	03/08/2011		4,517.03
150280/1-0	Medical Insurance Premiums, March	03/08/2011		1,321.00
150280/1-0	Medical Insurance Premiums, March	03/08/2011		2,061.56
150280/1-0	Medical Insurance Premiums, March	03/08/2011		480.08
150280/1-0	Medical Insurance Premiums, March	03/08/2011		768.29
150280/1-0	Medical Insurance Premiums, March	03/08/2011		4,392.76
Check Total:				41,685.48
Check No: 25012	Check Date: 03/08/2011			
Vendor: 0499	Bank of America			
0446-3	Student Art Show; supplies, use tax	03/08/2011		-4.09
3692-3	Spam filter service; 2/23/11-2/29/12	03/08/2011		60.39
3692-3	Christenson; ICC recertifications	03/08/2011		80.00
2959-3	CD Retreat; refreshments	03/08/2011		23.49
0446-3	Student Art Show; supplies	03/08/2011		51.69
2959-3	Parker; GASB 54 webinar	03/08/2011		50.00
2959-3	Remote site battery back up, use tax	03/08/2011		-12.04
2959-3	Remote site battery back up	03/08/2011		152.02
2959-3	CD Retreat; refreshments	03/08/2011		23.48
2959-3	Computer monitor, use tax	03/08/2011		-15.48
2959-3	Computer monitor	03/08/2011		195.47
2959-3	Finance retreat; lunch	03/08/2011		54.72
6540-3	ID badge holders; use tax	03/08/2011		-2.92
0446-3	Aquatics; tissue dispensers, use tax	03/08/2011		-4.90
0446-3	Aquatics; tissue dispensers	03/08/2011		61.87
4935-3	Meyers; Partners in Emergency Prep. Conf	03/08/2011		250.00
4935-3	Junkin; Partners in Emergency Prep. Conf	03/08/2011		250.00
4935-3	Bates; Partners in Emergency Prep. Conf	03/08/2011		250.00
4935-3	Wesley; PNW Resource Management	03/08/2011		1,385.00
9115-3	PSFOA training; Thompson	03/08/2011		17.50
9115-3	PSFOA training; Thompson	03/08/2011		7.50
9115-3	PSFOA training; Hendrickson, Parker	03/08/2011		50.00
1346-3	Volunteer appreciation reception cake	03/08/2011		30.99
1346-3	Custom candy for volunteers	03/08/2011		299.69
8290-3	Hart; ULI - Seattle, Our Town	03/08/2011		16.50
8290-3	Hart; ULI - Seattle, Our Town	03/08/2011		38.50

				<u>Check Amount</u>
6540-3	ID badge holders	03/08/2011		36.87
6540-3	Notary stamp supplies	03/08/2011		52.13
3544-3	Matheson; AWC CLAC, parking	03/08/2011		1.50
6540-3	Harto; AWC registration refund	03/08/2011		-135.00
0446-3	Aquatics; cleaning gun	03/08/2011		121.14
0446-3	Patterson; NW Festival & Events	03/08/2011		295.00
6540-3	Scott; Notary bond, state license fee	03/08/2011		80.00
6540-3	Matheson; WCMA registration	03/08/2011		325.00
0446-3	Student Art Show; invitations	03/08/2011		25.17
6540-3	Management retreat; room deposit refund	03/08/2011		-100.00
3544-3	Chamber luncheon	03/08/2011		20.00
3544-3	CEDC planning agenda lunch meeting	03/08/2011		22.54
Check Total:				4,053.73
Check No:	25013	Check Date:	03/08/2011	
Vendor:	1868	The Brickman Group Ltd, LLC		
553327	Streets; landscaping, March	03/08/2011		3,677.20
553327	Parks; landscaping, March	03/08/2011		1,331.44
Check Total:				5,008.64
Check No:	25014	Check Date:	03/08/2011	
Vendor:	0026	C&B Awards		
23779	Lucavish; name badge	03/08/2011		7.88
23779	Junkin; name badge	03/08/2011		3.15
23779	Junkin; name badge	03/08/2011		3.15
23779	Junkin; name badge	03/08/2011		1.57
23732	Thomas; name badges	03/08/2011		15.75
23726	PW; 4th Quarter award perpetual plates	03/08/2011		4.62
23726	PW; 4th Quarter award perpetual plates	03/08/2011		4.61
Check Total:				40.73
Check No:	25015	Check Date:	03/08/2011	
Vendor:	2136	Carbonic Systems, Inc.		
05016961	Aquatics; carbomizer rental	03/08/2011		59.73
01224884	Aquatics; CO2 for ph control	03/08/2011		88.47
Check Total:				148.20
Check No:	25016	Check Date:	03/08/2011	
Vendor:	0364	Code Publishing Company		
37384	Municipal code; updates	03/08/2011		142.35
Check Total:				142.35
Check No:	25017	Check Date:	03/08/2011	
Vendor:	1091	Complete Office Solutions		
678810-1	Hanging file folders	03/08/2011		85.85
Check Total:				85.85
Check No:	25018	Check Date:	03/08/2011	
Vendor:	0184	Cordi & Bejarano		
134/135	Public defender; 2/4-2/18/11	03/08/2011		2,460.00
Check Total:				2,460.00
Check No:	25019	Check Date:	03/08/2011	
Vendor:	1952	Covington Copy It...Mail It		
1233-1	CIP 1082; award submittal, postage	03/08/2011		10.50
1233-2	CIP 1082; award submittal, postage	03/08/2011		18.60
1233-1	CIP 1082; award submittal, postage	03/08/2011		10.50
1233-2	CIP 1082; award submittal, postage	03/08/2011		18.60
Check Total:				58.20
Check No:	25020	Check Date:	03/08/2011	
Vendor:	0706	Covington Retail Associates		
3417	2nd floor; building lease, March	03/08/2011		3,046.58
3412	1st floor; operating expenses, March	03/08/2011		9,847.39
3412	1st floor; building lease, March	03/08/2011		23,880.83
3417	2nd floor; operating expenses, March	03/08/2011		1,534.47
Check Total:				38,309.27
Check No:	25021	Check Date:	03/08/2011	
Vendor:	0537	Covington Water District		
104587-3	Crystal view; water, 1/14-2/14/11	03/08/2011		23.48

				<u>Check Amount</u>
105731-3	SR 516; water, 1/14-2/14/11	03/08/2011		44.90
			Check Total:	68.38
Check No: 25022	Check Date: 03/08/2011			
Vendor: 2222	db General Contractors, Inc.			
10845-2	Aquatics; final door installations	03/08/2011		2,467.12
			Check Total:	2,467.12
Check No: 25023	Check Date: 03/08/2011			
Vendor: 1983	De Lage Landen Financial Srvc			
8814920	Copier lease, 2/15-3/14/11	03/08/2011		120.08
			Check Total:	120.08
Check No: 25024	Check Date: 03/08/2011			
Vendor: 1409	Delta Communications Systems			
916143	Aquatics; long distance, March	03/08/2011		51.26
			Check Total:	51.26
Check No: 25025	Check Date: 03/08/2011			
Vendor: 0913	Dept. of Transportation			
RE313ATB10	CIP 1039; engineering, 1/1-1/31/11	03/08/2011		141.41
			Check Total:	141.41
Check No: 25026	Check Date: 03/08/2011			
Vendor: 1996	Facility Maintenance Contracto			
SALES01465	Maint shop; janitorial service, February	03/08/2011		99.60
SALES01465	Maint shop; janitorial service, February	03/08/2011		49.80
SALES01465	Maint shop; janitorial service, February	03/08/2011		99.60
			Check Total:	249.00
Check No: 25027	Check Date: 03/08/2011			
Vendor: 0867	Home Depot Credit Services			
35363469	Aquatics; hose clamps	03/08/2011		21.18
5057523	Maint shop; flashlight batteries	03/08/2011		15.61
51285	#2707; supplies	03/08/2011		12.71
4016460	#2674; bolts	03/08/2011		1.46
35363469	Aquatics; tool holders, screwdriver	03/08/2011		16.93
5057523	Maint shop; flashlight batteries	03/08/2011		15.61
1563531	Aquatics; supplies to repair railing	03/08/2011		45.05
5057523	Maint shop; flashlight batteries	03/08/2011		7.81
			Check Total:	136.36
Check No: 25028	Check Date: 03/08/2011			
Vendor: 1803	Iron Mountain			
DDZ8862	Document storage through 3/31/11	03/08/2011		237.64
			Check Total:	237.64
Check No: 25029	Check Date: 03/08/2011			
Vendor: 0050	Kent School District			
0050-3	School Mitigation Payable; Oct-Dec 2010	03/08/2011		30,034.00
			Check Total:	30,034.00
Check No: 25030	Check Date: 03/08/2011			
Vendor: 0143	King County Finance			
1604452	Jail costs; January	03/08/2011		14,851.50
1603757	Street; services, 1/1-1/31/11	03/08/2011		355.42
1603756	Streets; services, 1/1-1/31/11	03/08/2011		1,313.20
1603755	Streets; services, 1/1-1/31/11	03/08/2011		1,109.92
			Check Total:	17,630.04
Check No: 25031	Check Date: 03/08/2011			
Vendor: 0204	King County Pet Licensing			
0204-3	Pet license remittance; February	03/08/2011		30.00
			Check Total:	30.00
Check No: 25032	Check Date: 03/08/2011			
Vendor: 2228	Elisa Knobloch			
1045030.00	Refund; Aquatic Academy - Amelia	03/08/2011		46.00
			Check Total:	46.00
Check No: 25033	Check Date: 03/08/2011			
Vendor: 1622	Law Offices of Thomas R Hargan			
11-CV02	Prosecution services through 2/28/11	03/08/2011		4,361.62

				<u>Check Amount</u>
Check No: 25034				Check Total:
Check Date: 03/08/2011				4,361.62
Vendor: 1131	Lincoln Equipment, Inc.			
SI156788	SeaKlear strain prevention & remover	03/08/2011		374.41
Check Total:				374.41
Check No: 25035				
Check Date: 03/08/2011				
Vendor: 1989	Richard N. Little Consulting, LLC			
1989-3	Government relations; February	03/08/2011		4,000.00
Check Total:				4,000.00
Check No: 25036				
Check Date: 03/08/2011				
Vendor: 1878	MacLeod Reckord			
6095	Covington Park; Phase 1, 1/1-1/31/11	03/08/2011		3,953.77
6056	Covington Park; Phase 1, 12/1-12/31/10	03/08/2011		8,045.81
Check Total:				11,999.58
Check No: 25037				
Check Date: 03/08/2011				
Vendor: 1866	Minuteman Press			
26530	Business cards	03/08/2011		190.05
26530	Business cards; Snoey	03/08/2011		38.01
Check Total:				228.06
Check No: 25038				
Check Date: 03/08/2011				
Vendor: 1928	Mayson Morrissey			
10-62	Morrissey; 2010 flexible spending	03/08/2011		88.00
Check Total:				88.00
Check No: 25039				
Check Date: 03/08/2011				
Vendor: 1688	Mountain Mist			
054257-3	Bottled water, February	03/08/2011		8.09
054257-3	Bottled water, February	03/08/2011		8.09
054257-3	Bottled water, February	03/08/2011		4.05
054257-3	Bottled water, February	03/08/2011		29.82
054257-3	Bottled water, February	03/08/2011		111.35
Check Total:				161.40
Check No: 25040				
Check Date: 03/08/2011				
Vendor: 1327	Ethan Newton			
1327-3	Newton; mileage reimbursement, February	03/08/2011		111.18
Check Total:				111.18
Check No: 25041				
Check Date: 03/08/2011				
Vendor: 0682	Nextel Communications			
591066496-	Internet connection card, 2/21-3/20/11	03/08/2011		61.49
591066496-	Internet connection card, 2/21-3/20/11	03/08/2011		40.99
591066496-	Internet connection card, 2/21-3/20/11	03/08/2011		40.99
591066496-	Internet connection card, 2/21-3/20/11	03/08/2011		20.49
Check Total:				163.96
Check No: 25042				
Check Date: 03/08/2011				
Vendor: 0004	Office Depot			
5527963430	Office supplies	03/08/2011		167.18
5523278280	Office supplies	03/08/2011		156.51
5523278280	Paper	03/08/2011		3.73
5523278280	Paper	03/08/2011		3.73
5515964700	Fax toner	03/08/2011		155.41
5511760210	Fax Toner	03/08/2011		126.08
5519256540	Return; fax toner	03/08/2011		-126.08
Check Total:				486.56
Check No: 25043				
Check Date: 03/08/2011				
Vendor: 0418	Olympic Environmental Resource			
20012	2011 Covington Recycling implementation	03/08/2011		1,137.50
Check Total:				1,137.50
Check No: 25044				
Check Date: 03/08/2011				
Vendor: 0188	Pacific Business Systems			
6774	Aquatics; phone line troubleshooting	03/08/2011		137.22
Check Total:				137.22

				<u>Check Amount</u>
Check No: 25045	Check Date: 03/08/2011			
Vendor: 1407	Parametrix, Inc.			
10-33148	Plan review services; 1/2-1/29/11	03/08/2011		2,355.41
			Check Total:	2,355.41
Check No: 25046	Check Date: 03/08/2011			
Vendor: 0006	Qwest			
4137665359	Aquatics; telephone, 2/26-3/26/11	03/08/2011		274.66
			Check Total:	274.66
Check No: 25047	Check Date: 03/08/2011			
Vendor: 1851	Qwest Business Services			
1153529630	Aquatics; internet/loop, February	03/08/2011		475.00
			Check Total:	475.00
Check No: 25048	Check Date: 03/08/2011			
Vendor: 1905	Sharp Electronics Corporation			
C711790-70	Copier; usage, 1/20-2/23/11	03/08/2011		26.73
			Check Total:	26.73
Check No: 25049	Check Date: 03/08/2011			
Vendor: 0632	Wayne Snoey			
0632-3	Snoey; mileage, parking, meeting meals	03/08/2011		107.65
			Check Total:	107.65
Check No: 25050	Check Date: 03/08/2011			
Vendor: 0736	Sound Security, Inc.			
0530142-IN	Security monitoring; March	03/08/2011		707.50
			Check Total:	707.50
Check No: 25051	Check Date: 03/08/2011			
Vendor: 0281	Standard Insurance Company			
0063551000	Life Insurance Premiums, March	03/08/2011		32.19
0063551000	Life Insurance Premiums, March	03/08/2011		11.25
0063551000	Life Insurance Premiums, March	03/08/2011		25.09
0063551000	Life Insurance Premiums, March	03/08/2011		199.34
0063551000	Life Insurance Premiums, March	03/08/2011		266.21
0063551000	Life Insurance Premiums, March	03/08/2011		25.75
0063551000	Life Insurance Premiums, March	03/08/2011		46.66
0063551000	Life Insurance Premiums, March	03/08/2011		18.35
0063551000	Life Insurance Premiums, March	03/08/2011		169.33
0063551000	Life Insurance Premiums, March	03/08/2011		22.50
0063551000	Life Insurance Premiums, March	03/08/2011		69.45
0063551000	Life Insurance Premiums, March	03/08/2011		85.84
0063551000	Life Insurance Premiums, March	03/08/2011		11.25
0063551000	Life Insurance Premiums, March	03/08/2011		35.03
0063551000	Life Insurance Premiums, March	03/08/2011		64.88
0063551000	Life Insurance Premiums, March	03/08/2011		42.92
0063551000	Life Insurance Premiums, March	03/08/2011		171.68
0063551000	Life Insurance Premiums, March	03/08/2011		139.06
0063551000	Life Insurance Premiums, March	03/08/2011		45.00
0063551000	Life Insurance Premiums, March	03/08/2011		111.59
0063551000	Life Insurance Premiums, March	03/08/2011		93.43
0063551000	Life Insurance Premiums, March	03/08/2011		29.25
0063551000	Life Insurance Premiums, March	03/08/2011		109.38
0063551000	Life Insurance Premiums, March	03/08/2011		97.24
0063551000	Life Insurance Premiums, March	03/08/2011		28.80
0063551000	Life Insurance Premiums, March	03/08/2011		66.38
0063551000	Life Insurance Premiums, March	03/08/2011		27.85
0063551000	Life Insurance Premiums, March	03/08/2011		8.44
0063551000	Life Insurance Premiums, March	03/08/2011		95.18
0063551000	Life Insurance Premiums, March	03/08/2011		7.91
0063551000	Life Insurance Premiums, March	03/08/2011		70.20
0063551000	Life Insurance Premiums, March	03/08/2011		44.55
0063551000	Life Insurance Premiums, March	03/08/2011		131.74
0063551000	Life Insurance Premiums, March	03/08/2011		6.75
0063551000	Life Insurance Premiums, March	03/08/2011		191.21
0063551000	Life Insurance Premiums, March	03/08/2011		42.92

				<u>Check Amount</u>
0063551000	Life Insurance Premiums, March	03/08/2011		253.23
Check Total:				2,897.83
Check No:	25052	Check Date:	03/08/2011	
Vendor:	1976	Sunshine Family Parts, LLC		
525558	#2882; battery/core deposit	03/08/2011		99.01
525568	#2882; credit core return	03/08/2011		10.86
Check Total:				109.87
Check No:	25053	Check Date:	03/08/2011	
Vendor:	2023	Mae Trepanier		
2023-3	Utility tax rebate; cellular/pager	03/08/2011		19.96
2023-3	Utility tax rebate; cable	03/08/2011		61.43
2023-3	Utility tax rebate; solid waste	03/08/2011		13.12
2023-3	Utility tax rebate; natural gas	03/08/2011		71.71
2023-3	Utility tax rebate; electricity	03/08/2011		51.31
Check Total:				217.53
Check No:	25054	Check Date:	03/08/2011	
Vendor:	0357	Valley Communications		
0011935	800 MHz access fee; February	03/08/2011		75.00
Check Total:				75.00
Check No:	25055	Check Date:	03/08/2011	
Vendor:	2216	Valpak of Western Washington E		
68081	Aquatics; program advertising	03/08/2011		828.17
Check Total:				828.17
Check No:	25056	Check Date:	03/08/2011	
Vendor:	0046	Verizon Wireless		
0952435555	Maint shop; on call phone, 2/21-3/20/11	03/08/2011		11.96
0952435555	Maint shop; on call phone, 2/21-3/20/11	03/08/2011		11.96
0952435555	Maint shop; on call phone, 2/21-3/20/11	03/08/2011		5.99
Check Total:				29.91
Check No:	25057	Check Date:	03/08/2011	
Vendor:	0819	Don Vondran		
11-11	Vondran; 2011 flexible spending	03/08/2011		151.18
Check Total:				151.18
Check No:	25058	Check Date:	03/08/2011	
Vendor:	1408	Washington Workwear Stores Inc		
226	Dalton; safety vest, hat, drivers	03/08/2011		20.71
226	Dalton; safety vest, hat, drivers	03/08/2011		20.71
233	Dalton; work pants, rain bibs	03/08/2011		16.61
233	Dalton; work pants, rain bibs	03/08/2011		33.22
233	Dalton; work pants, rain bibs	03/08/2011		33.23
6016	Buck; sweatshirt, shirts	03/08/2011		118.88
226	Dalton; safety vest, hat, drivers	03/08/2011		10.35
225	Parrish; raingear	03/08/2011		78.18
Check Total:				331.89
Check No:	25059	Check Date:	03/08/2011	
Vendor:	0274	WASPC		
DUES 2011-	Klason; 2011 active dues	03/08/2011		180.00
Check Total:				180.00
Check No:	25060	Check Date:	03/08/2011	
Vendor:	0995	Xerox Corporation		
599865303	Color copier; lease, February	03/08/2011		425.71
599866925	B&W Copier; lease, February	03/08/2011		518.30
Check Total:				944.01
Date Totals:				181,425.43
Report Total:				0.00 181,425.43

March 4, 2011

City of Covington

Payroll Approval

- Request Council approval for payment of Payroll dated 03/04/11 consisting of:

COVINGTON CHECK # 8551 through CHECK # 8559

NATIONWIDE FORFEITURE ACCOUNT

ADP CHECK # 51699989 through ADP CHECK # 51699999 inclusive, plus employee direct deposits

IN THE AMOUNT OF \$127,201.00

WE, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF COVINGTON, WASHINGTON, COUNTY OF KING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY SAID CLAIMS PER THE ATTACHED COUNCIL APPROVAL REPORT.

Robert M. Hendrickson
Finance Director

Mark Lanza
City Councilmember

Wayne Snoey
City Councilmember

Marlla Mhoon
City Councilmember

Council Meeting Date Approved: _____

03-04-2011 Payroll Voucher

<u>Employee</u>	<u>Check/Voucher Number</u>	<u>Pay Date</u>	<u>Net Pay</u>
Chapter 13 Trustee,	00008551	03/04/2011	1,466.00
City of Covington,	00008552	03/04/2011	2,618.78
Employee Fund,	00008553	03/04/2011	71.00
HRA VEBA Trust Contributions,	00008554	03/04/2011	1,050.00
ICMA Retirement Trust-457,	00008555	03/04/2011	1,828.00
Nationwide,	00008556	03/04/2011	10,366.26
United Way of King County,	00008557	03/04/2011	18.00
VantagePoint Trnsfr Agnt-457,	00008558	03/04/2011	338.40
WA State Support Registry,	00008559	03/04/2011	235.41
Nationwide,	Forfeiture Debit	03/04/2011	14,210.92
Agnish, Ashley	00090001	03/04/2011	127.55
Kirshenbaum, Kathleen M.	00090002	03/04/2011	660.38
Lyon, Valerie J.	00090003	03/04/2011	1,329.67
Matheson, Derek M.	00090004	03/04/2011	4,117.14
Mhoon, Darren	00090005	03/04/2011	1,207.66
Michaud, Joan M	00090006	03/04/2011	1,305.23
Scott, Sharon G	00090007	03/04/2011	2,372.39
Slate, Karla J.	00090008	03/04/2011	2,121.70
Van Tassel, Stacey J.	00090009	03/04/2011	66.50
Hart, Richard E.	00090010	03/04/2011	3,377.99
Nemens, David S.	00090011	03/04/2011	3,490.75
Quintanar, Louis A.	00090012	03/04/2011	944.55
Cles, Staci M	00090013	03/04/2011	1,597.70
Hagen, Lindsay K.	00090014	03/04/2011	1,314.89
Hendrickson, Robert M.	00090015	03/04/2011	3,133.27
Parker, Cassandra M	00090016	03/04/2011	2,140.63
Junkin, Ross D.	00090017	03/04/2011	2,462.36
Marchefka, Joe A.	00090018	03/04/2011	1,966.28
Wesley, Daniel A.	00090019	03/04/2011	2,600.87
Christenson, Gregg R.	00090020	03/04/2011	1,581.97
Lyons, Salina K.	00090021	03/04/2011	2,138.81
Meyers, Robert L.	00090022	03/04/2011	2,652.36
Ogren, Nelson W.	00090023	03/04/2011	2,368.75
Thompson, Kelly J.	00090024	03/04/2011	1,751.86
Morrissey, Mayson A.	00090025	03/04/2011	2,377.72
Patterson, Clifford G.	00090026	03/04/2011	2,228.20
Thomas, Scott R.	00090027	03/04/2011	3,037.35
Akramoff, Glenn A.	00090028	03/04/2011	3,060.04
Bates, Shellie L	00090029	03/04/2011	1,793.11
Buck, Shawn M.	00090030	03/04/2011	708.79
Gamlem, Diane L.	00090031	03/04/2011	1,623.62
Parrish, Benjamin A.	00090032	03/04/2011	1,592.69
Vondran, Donald M	00090033	03/04/2011	3,221.07
Bahl, Rachel	00090034	03/04/2011	1,467.33
Carrillo, Cameron G.	00090035	03/04/2011	331.17
Cox, Melissa L.	00090036	03/04/2011	106.30
Evans, Kristin D.	00090037	03/04/2011	116.82
Felcyn, Adam P.	00090038	03/04/2011	130.81
Kiselyov, Tatyana	00090039	03/04/2011	102.84
Lusebrink, Christa	00090040	03/04/2011	163.20
MacConaghy, Hailey E.	00090041	03/04/2011	586.55

03-04-2011 Payroll Voucher

<u>Employee</u>	<u>Check/Voucher Number</u>	<u>Pay Date</u>	<u>Net Pay</u>
Mathison, Matthew	00090042	03/04/2011	313.35
Middleton, Jordan M.	00090043	03/04/2011	170.98
Miller, Thomas N.	00090044	03/04/2011	67.60
Mooney, Lynell M.	00090045	03/04/2011	175.52
Newton, Ethan A.	00090046	03/04/2011	1,913.09
Praggastis, Alexander N.	00090047	03/04/2011	192.84
Reynolds, Taylor S.	00090048	03/04/2011	251.37
Beaufreere, Noreen	00090049	03/04/2011	2,551.26
Throm, Victoria J	00090050	03/04/2011	1,803.88
Dalton, Jesse J	51699989	03/04/2011	619.20
Gaudette, John J.	51699990	03/04/2011	380.54
Carkeek, Lena K.	51699991	03/04/2011	348.46
Eastin, Tatiana M.	51699992	03/04/2011	357.45
Farris, Carly	51699993	03/04/2011	472.68
Golan, Samuel C.	51699994	03/04/2011	44.20
Goldfoos, Rhyan E.	51699995	03/04/2011	92.73
Hatch, Jenessa R.	51699996	03/04/2011	42.85
Jensen, Rachel M.	51699997	03/04/2011	80.26
Milburn, Matthew M.	51699998	03/04/2011	41.60
Panzer, Erika B	51699999	03/04/2011	179.04
Taxes			15,142.46
ADP Fees			278.00
Grand Total			<u><u>127,201.00</u></u>

Consent Agenda Item C-3

Covington City Council Meeting

Date: March 22, 2011

SUBJECT: APPROVE PROPOSED CITY MANAGER MERIT GOALS FOR 2011.

RECOMMENDED BY: City Council

ATTACHMENT (S):

1. “Merit Award for Employee Performance During 2011” form for Derek Matheson, City Manager.

PREPARED BY: Noreen Beaufre, Personnel Manager

EXPLANATION:

The City’s Merit Award program was adopted for City employees under Resolution No. 08-03. It required the employee evaluation be considered as one Merit Goal in addition to three other Merit Goals that, together, will serve as the basis for later consideration in establishing an employee’s eligibility to receive a merit award and, if eligible, the amount of the merit award. In February 2010, the Council adopted Resolution No. 10-06 revising the Merit Award Program to would include the ability to recognize outstanding employee achievement during difficult economic times through an alternative performance incentive of merit award days. Although the other criteria for the Merit Award program remain unchanged, the type of merit award that will be granted for merit goals achieved during each calendar year will be determined during the budget process. Therefore, the type of Merit Award granted for employee performance during the 2011 calendar year will be determined during the 2012 budget process.

To reiterate the guidelines of the program, while the first Merit Goal—the employee evaluation process—remains constant from year to year for every employee, the three additional Merit Goals established during the first quarter of each calendar year are unique to each employee and may be changed yearly. For the City Manager, these three goals:

- should be established by the Council with the participation of the City Manager to the extent practical and possible,
- are, along with their assigned weight, at the discretion and consensus of the City Council,
- should coincide with Citywide goals and objectives,
- are meant to challenge the City Manager’s capabilities beyond minimal or standard expectations of the job description and to a degree commensurate with the City Manager’s length of service in the City in his present job description,
- should be realistically attainable, based on existing conditions at the time the goals are pre-established,
- must be clearly described in each Merit Goal “Description” box on the Merit Award form,
- must allow for progress to be reasonably measured at the end of the calendar year, even if the goal was not completely achieved,

- must have a combined weighting percentage of 50%, so when added to the 50% weight assigned to the employee evaluation, the total percentage of all four Merit Goals equals 100%.

The following three 2011 City Manager Merit Goals were suggested by Derek Matheson:

- (1) Create a multi-year public engagement process to advise the Council of options to fund the programs and projects needed to achieve the Council’s vision.
- (2) Help the Council decide whether to hire an economic development “resource” and, should the Council decide to move forward, work with the Council to determine the scope of work, service delivery method, cost, and funding source.
- (3) Continue to pursue funding (e.g., federal and state earmarks, grants, traffic impact fee and concurrency changes, SEPA mitigation from neighboring jurisdictions, etc.) for a Town Center Feasibility Study, Covington Community Park, and State Route 516.

As a result of feedback the Personnel Manager received from the City Council, all three Merit Goals were selected as the goals to be used for the City Manager’s 2011 Merit Award process. Those goals have been recorded on Exhibit 1, the “Merit Award for Employee Performance During 2011” form for Derek Matheson, City Manager, with associated weights as determined by the City Council. Once approved by the City Council and signed by the Mayor, that form will be retained in the City Manager’s personnel file until the first quarter of 2012, when the City Manager’s eligibility to receive a Merit Award based on his performance in 2011 will be evaluated.

ALTERNATIVES:

1. Alter the proposed 2011 Merit Award Goals for the City Manager.
2. Choose different 2011 Merit Award Goals for the City Manager.

FISCAL IMPACT:

Fiscal impact will occur in 2012 at the time of 2011 Merit Award program finalization, which is scheduled to occur in March 2012. While the final award percentage is dependent on the collective percentage achieved by the City Manager for all four Merit Goals, the type of award given (a percentage of year-end base salary or merit award days) depends on what is reviewed and approved by the City Council in the 2012 calendar year budget.

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

Councilmember _____ moves and Councilmember _____ seconds, to approve the 2011 Merit Goals for the City Manager.



MERIT AWARD FOR EMPLOYEE PERFORMANCE DURING 2011

Employee Name: DEREK MATHESON

Job Title: CITY MANAGER

- I. PRE-ESTABLISHMENT OF MERIT AWARD GOALS** - With employee input, immediate supervisor is to establish three Merit Goals, in addition to the Merit Goal #1, by the end of the first quarter of the calendar year during which the goals will be evaluated. Fill in titles and descriptions of Merit Goals #2 through #4, as well as each Goal Weight percentage. Note that Merit Goal #1—Employee Evaluation which is weighted at 50% will remain the same from year to year, while the type and weights of Goals #2 through #4 are at supervisory discretion. Concurrence of the Department Head and City Manager must then be promptly obtained by acquiring their signatures in the table below. Return signed original to the Personnel Manager, who will retain the original until completion of the form is due, and provide reference copies of the retained form to the supervisor and employee.

APPROVAL OF PRE-ESTABLISHED MERIT AWARD GOALS				Original to: PERSONNEL
Supervisor	Department Head	Route to Personnel	City Manager / Mayor*	
_____ <i>(Signature)</i>	_____ <i>(Signature)</i>	_____ <i>(Initials)</i>	_____ <i>(Signature)</i>	cc date to Supervisor & Employee: _____
_____ <i>(Date)</i>	_____ <i>(Date)</i>	_____ <i>(Date)</i>	_____ <i>(Date)</i>	

* The Mayor shall be the approval authority only for the City Manager's Merit Award Goals.

- II. SUBMISSION OF FINAL GOAL ACHIEVEMENT SCORES FOR EMPLOYEE MERIT AWARD** - Using original form approved in (I) above, supervisor completes requested information for Merit Goal #1 and proceeds per directions. If employee qualifies for a Merit Award, final Goal Award percentages for each Merit Goal will be calculated by the Personnel Manager to the nearest tenth and tallied on the following table:

MERIT AWARD SUMMARY		
Merit Goal #	Score	SCALE FOR ALTERNATIVE MERIT AWARD DAYS
1		5.1 to 6.0 Total Merit Award Percentage = 4.0 days
2		4.1 to 5.0 Total Merit Award Percentage = 3.0 days
3		3.6 to 4.0 Total Merit Award Percentage = 2.0 days
4		3.1 to 3.5 Total Merit Award Percentage = 1.5 days
		2.6 to 3.0 Total Merit Award Percentage = 1.0 day
		1.8 to 2.5 Total Merit Award Percentage = .5 day
Total Merit Award Percentage		<i>(Days awarded to eligible part-time employees will be pro-rated based on the percentage of their normal work schedule during year earned compared to a full-time annual work schedule of 2,080 hours.)</i>
Multiplied by year-end actual salary	X	OR ALTERNATIVE AWARD: # of Merit Award Days _____
Employee Merit Award	\$	

Concurrence of Department Head and City Manager must be promptly obtained by acquiring signatures in approval signature blocks below. Submit completed and signed original form to the Personnel Manager for processing.

APPROVAL OF FINAL GOAL ACHIEVEMENT SCORES FOR EMPLOYEE MERIT AWARD			
<input type="checkbox"/> EITHER the "Total Merit Award Percentage" shown in above table has been applied to the employee's actual year-end salary, not including any overtime pay or any other type of special pay, for the applicable calendar year, OR an alternative award of Merit Award Days shall constitute the Employee Merit Award noted in the above table.			
<input type="checkbox"/> No merit award is indicated for this employee for the applicable calendar year.			
Supervisor	Department Head	City Manager / Mayor*	Original to: PERSONNEL
_____ <i>(Signature)</i>	_____ <i>(Signature)</i>	_____ <i>(Signature)</i>	
_____ <i>(Date)</i>	_____ <i>(Date)</i>	_____ <i>(Date)</i>	_____ <i>(Date)</i>

* The Mayor shall be the approval authority only for the City Manager's Merit Award Goals.

MERIT GOAL #1 – Employee Evaluation DESCRIPTION <i>(Recurring and not subject to change)</i>	SCORING <i>(Total of all four Goal Weights must equal 100%)</i>												
<p>Employee must achieve a total average score of 3 (competent) or higher on their year-end employee evaluation (prior to normalization of that score), indicating an overall performance level of “competent” or higher. Additionally, employee must not have any individual performance factor rated “marginal”. Have both of these conditions been satisfied?</p> <p><input type="checkbox"/> YES, employee’s annual evaluation qualifies them for a merit award. Complete scoring section for this goal and the remaining form. Submit completed form to the Personnel Manager.</p> <p><input type="checkbox"/> NO, employee’s annual evaluation does not qualify them for a merit award. Complete the following information, skip ahead to the signature blocks and submit form to the Personnel Manager:</p> <p>Year-end average evaluation score prior to normalization: _____ Number of performance factors that received a “marginal” rating: _____</p> <p>Normalized Avg. Evaluation Score (divided by) _____ / _____ = _____</p> <p>Max. Average Score Possible (equals) 5 % of Goal Achieved _____ = _____</p>	<table border="0"> <tr> <td style="text-align: right;">% Goal Weight (decimal)</td> <td style="text-align: center;">% Achieved (decimal)</td> <td style="text-align: center;">Max. Award %</td> <td style="text-align: center;">Goal #1 Award %</td> </tr> <tr> <td style="text-align: right;">.50*</td> <td style="text-align: center;">x _____</td> <td style="text-align: center;">x _____</td> <td style="text-align: center;">6* = _____</td> </tr> <tr> <td></td> <td style="text-align: center;">**</td> <td></td> <td></td> </tr> </table> <p style="text-align: right;"><i>* Values not subject to change. ** Rounded to nearest tenth</i></p>	% Goal Weight (decimal)	% Achieved (decimal)	Max. Award %	Goal #1 Award %	.50*	x _____	x _____	6* = _____		**		
% Goal Weight (decimal)	% Achieved (decimal)	Max. Award %	Goal #1 Award %										
.50*	x _____	x _____	6* = _____										
	**												
<p style="text-align: center;">MERIT GOAL #2 – Public Engagement DESCRIPTION <i>(Supervisory discretion)</i></p> <p>Create a multi-year public engagement process to advise the Council of options to fund the programs and projects needed to achieve the Council’s vision.</p>	<table border="0"> <tr> <td style="text-align: right;">% Goal Weight (decimal)</td> <td style="text-align: center;">% Achieved (decimal)</td> <td style="text-align: center;">Max. Award %</td> <td style="text-align: center;">Goal #2 Award %</td> </tr> <tr> <td style="text-align: right;">.20</td> <td style="text-align: center;">x _____</td> <td style="text-align: center;">x _____</td> <td style="text-align: center;">6* = _____</td> </tr> <tr> <td></td> <td style="text-align: center;">**</td> <td></td> <td></td> </tr> </table> <p style="text-align: right;"><i>* Value not subject to change. ** Rounded to nearest tenth</i></p>	% Goal Weight (decimal)	% Achieved (decimal)	Max. Award %	Goal #2 Award %	.20	x _____	x _____	6* = _____		**		
% Goal Weight (decimal)	% Achieved (decimal)	Max. Award %	Goal #2 Award %										
.20	x _____	x _____	6* = _____										
	**												
<p style="text-align: center;">MERIT GOAL #3 – Economic Development Resource DESCRIPTION <i>(Supervisory discretion)</i></p> <p>Help the Council decide whether to hire an economic development "resource" and, should the Council decide to move forward, work with the Council to determine the scope of work, service delivery method, cost, and funding source.</p>	<table border="0"> <tr> <td style="text-align: right;">% Goal Weight (decimal)</td> <td style="text-align: center;">% Achieved (decimal)</td> <td style="text-align: center;">Max. Award %</td> <td style="text-align: center;">Goal #3 Award %</td> </tr> <tr> <td style="text-align: right;">.15</td> <td style="text-align: center;">x _____</td> <td style="text-align: center;">x _____</td> <td style="text-align: center;">6* = _____</td> </tr> <tr> <td></td> <td style="text-align: center;">**</td> <td></td> <td></td> </tr> </table> <p style="text-align: right;"><i>* Value not subject to change. ** Rounded to nearest tenth</i></p>	% Goal Weight (decimal)	% Achieved (decimal)	Max. Award %	Goal #3 Award %	.15	x _____	x _____	6* = _____		**		
% Goal Weight (decimal)	% Achieved (decimal)	Max. Award %	Goal #3 Award %										
.15	x _____	x _____	6* = _____										
	**												
<p style="text-align: center;">MERIT GOAL #4 - Pursue Funding For Various Projects DESCRIPTION <i>(Supervisory discretion)</i></p> <p>Continue to pursue funding (e.g., federal and state earmarks, grants, traffic impact fee and concurrency changes, SEPA mitigation from neighboring jurisdictions, etc.) for a Town Center Feasibility Study, Covington Community Park, and State Route 516.</p>	<table border="0"> <tr> <td style="text-align: right;">% Goal Weight (decimal)</td> <td style="text-align: center;">% Achieved (decimal)</td> <td style="text-align: center;">Max. Award %</td> <td style="text-align: center;">Goal #4 Award %</td> </tr> <tr> <td style="text-align: right;">.15</td> <td style="text-align: center;">x _____</td> <td style="text-align: center;">x _____</td> <td style="text-align: center;">6* = _____</td> </tr> <tr> <td></td> <td style="text-align: center;">**</td> <td></td> <td></td> </tr> </table> <p style="text-align: right;"><i>* Value not subject to change. ** Rounded to nearest tenth</i></p>	% Goal Weight (decimal)	% Achieved (decimal)	Max. Award %	Goal #4 Award %	.15	x _____	x _____	6* = _____		**		
% Goal Weight (decimal)	% Achieved (decimal)	Max. Award %	Goal #4 Award %										
.15	x _____	x _____	6* = _____										
	**												

Consent Agenda Item C-4

Covington City Council Meeting

Date: March 22, 2011

SUBJECT: RETIREMENT PLAN ADMINISTRATOR RECOMMENDATION

ATTACHMENT(S):

- 1) Proposed Ordinance

RECOMMENDED BY: Rob Hendrickson, Finance Director

EXPLANATION:

The City recently went through an RFP process to select a retirement plan administrator for its retirement plans. Two vendors responded – The Principal and ICMA-RC.

After extensive review of the submitted RFPs, their respective websites, forms and documents, staff concluded that ICMA-RC best fit the criteria outlined in the RFP.

Therefore, staff recommends the City move forward with the selection of ICMA-RC as its sole provider of plan administration over the employees’ retirement plans.

The attached ordinance establishes ICMA-RC as the new plan administrator and the City Manager or designee as the coordinator.

ALTERNATIVES:

Stay with the current plan administrator.

FISCAL IMPACT:

Employees will notice lower expense fees associated with their plans.

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

Councilmember _____ moves and Councilmember _____ seconds to approve the attached Ordinance 04-11 establishing ICMA-RC as the City’s retirement plan administrator and appoint the City Manager as the Plan coordinator.

ORDINANCE NO. 04-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON RESCINDING ORDINANCE NO. 36-97 AND AUTHORIZING PARTICIPATION BY CITY EMPLOYEES, APPOINTIVE AND ELECTIVE OFFICIALS, IN THE ICMA-RC, AS THE CITY'S QUALIFYING RETIREMENT PROGRAM IN LIEU OF PARTICIPATION BY THE CITY IN THE FEDERAL SOCIAL SECURITY SYSTEM, BY ADDING A MONEY PURCHASE PENSION PLAN ESTABLISHED PURSUANT TO SECTION 401(a) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND ADMINISTERED BY ICMA-RC, AS A COMPONENT OF THE CITY'S SOCIAL SECURITY REPLACEMENT PROGRAM.

WHEREAS, pursuant to RCW 41.48.450, the City of Covington ("City") has elected not to enter into a section 218 Agreement for voluntary Social Security coverage; and

WHEREAS, the Washington Public Employees' Retirement System (PERS) does not provide coverage for certain part-time, temporary and seasonal employees of the City; and

WHEREAS, the City must either contribute to Social Security or provide a social security replacement program which covers all employees of the City; and

WHEREAS, the City previously contracted with Nationwide to administer the City's retirement plan—that contract expires on July 2011 and is not being renewed; and

WHEREAS, the City completed a RFP process for a new retirement plan administrator and staff determined that ICMA-RC is the best and most responsive applicant to administer the City's retirement plan—ICMA-RC administers a money purchase plan for municipal employees nationwide, organized pursuant to Section 401(a) of the Internal Revenue Code of 1986, as amended, which has been held to be a qualified Social Security replacement program; and

WHEREAS, the City wishes employees, appointive and elected officials to participate in the ICMA-RC money purchase plan as a component of the City's Social Security replacement program;

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

Section 1. Ordinance 36-97 is hereby rescinded.

Section 2. The City authorizes and approves participation and membership of its eligible employees and appointive and elected officials in the money purchase pension plan administered by the ICMA-RC ("Plan"), pursuant to Section 401(a) of the Internal Revenue Code of 1986, as

amended, and authorizes the expenditure of the necessary funds to cover its proportionate share for participation in the money purchase pension plan, in lieu of contributions to the Federal Social Security Program. Participation in the money purchase pension plan and/or the PERS Plan is hereby declared to be the City's qualifying retirement program in lieu of participation in the Federal Social Security System under Code Section 312 (B)(7).

Section 3. Appointing ICMA-RC. The City of Covington appoints ICMA-RC to provide record keeping, employee education and other technical and administrative services relating to the Plan.

Section 4. Authorizing Plan Implementation. The City of Covington hereby authorizes and directs the City Manager or designee to perform all acts and sign all documents necessary to put said Plan into operation. The City Manager or designee shall be the coordinator of the Plan and upon acceptance, by executing the Adoption Agreement of said Plan, shall receive the necessary reports, notices, etc. from ICMA-RC or the VantageTrust; shall cast on behalf of the Employer, any required votes under the VantageTrust. The Employer hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in the VantageTrust.

Section 5. Severability. Should any section, paragraph, sentence, clause, or phrase of the Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date and Publication. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after publication.

Passed by the City Council on the 22nd day of March, 2011.

Mayor Margaret Harto

PUBLISHED: March 25, 2011

EFFECTIVE: March 30, 2011

ATTESTED:

Sharon Scott
City Clerk

APPROVED AS TO FORM:

Sara Springer
City Attorney

SUBJECT: APPROVE CHAMBER OF COMMERCE REQUEST

RECOMMENDED BY: Derek Matheson, City Manager

ATTACHMENT(S):

1. Letter from Covington Chamber of Commerce dated March 15, 2011

PREPARED BY: Derek Matheson, City Manager

EXPLANATION:

The Covington Chamber of Commerce is considering holding its May 2011 fundraising auction in a vacant retail space. The Community Development Department has determined this would require a temporary land use permit, building permit, and fire permit. The Department has estimated the fees at \$832. The Chamber has asked the City to pay the fees from the City's General Fund in exchange for a "Ruby Sponsorship" i.e. the level of sponsorship roughly equivalent to the estimated fees.

Staff recommends the Council approve the request up to \$1,000. If the Chamber decides not to use a vacant retail space and/or does not need permits, staff will purchase an appropriate sponsorship as in past years.

ALTERNATIVES:

1. Reject the request.

FISCAL IMPACT: \$1,000 or less.

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

Councilmember _____ moves, Councilmember _____ seconds to authorize the City Manager to pay the Covington Chamber of Commerce's 2011 auction-related permit fees from the General Fund up to \$1,000 in exchange for a Ruby Sponsorship.

REVIEWED BY: City Attorney; Finance Director; Community Development Director

COVINGTON CHAMBER OF COMMERCE

27112 167TH Place SE, Ste 102

PO Box 8041

Covington, WA 98042

Phone: (253) 631-6117

Fax: (253) 639-1165

e-mail: info@covingtonchamber.org



Derek Matheson – City Manager
City of Covington
16720 SE 271st St Ste 100
Covington, WA 98042

3/15/2011

Dear Mr. Matheson,

On Behalf of the Covington Chamber of Commerce Board of Directors I would like to ask the City of Covington to consider sponsoring the Chamber's Annual Gala event. The Chamber is committed to actively promoting a strong local community through business advocacy while enhancing the demand for business in Covington and the South Sound region. This Annual event has consistently helped the Chamber meet this mission statement and we could not reach our goals without valuable partners/sponsors like the City.

To this end, we hope that the City would consider joining the Chamber as a Ruby sponsor of our annual event. However, in lieu of a traditional cash sponsorship we would like the City to entertain the idea of an In-Kind sponsorship by offsetting the permit fees that may be associated with hosting this great event. As an In-Kind contributor of this nature the City would still qualify to receive all the benefits of a Ruby sponsorship which includes:

- Quarter page ad in auction program
- Listed on PP presentation, Ruby Sponsor slide
- Silent auction item identification
- Official thank you at auction & luncheons before & after auction
- 6 person table

We appreciate the City's consideration of this request and look forward to our continued collaboration on making Covington a great place to do business. If you have any questions please do not hesitate to contact me on my cell phone at 206-604-3888.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Hutchinson', is written over a horizontal line.

Jim Hutchinson
Covington Chamber of Commerce
Board of Directors - Treasurer

Consent Agenda Item C-6

Covington City Council Meeting

Date: March 22, 2011

SUBJECT: AMEND CITY MANAGER'S EMPLOYMENT AGREEMENT

RECOMMENDED BY: City Council

ATTACHMENT: None

PREPARED BY: Noreen Beaufriere, Personnel Manager

EXPLANATION:

The original City Manager Employment Agreement was approved by the City Council at the January 23, 2007 Council Meeting and became effective March 1, 2007. At the time, the local, regional and national economy was very strong. Since then, however, there has been a significant nationwide economic downturn, with recovery proceeding slowly while the unemployment rate remains high and relatively stagnant.

The original agreement, therefore, contains stipulations regarding termination benefits that do not reflect the current and foreseeable difficulty in obtaining employment, as well as what may also be considered the outdated practice of determining severance pay equal only to 75%, rather than 100%, of the city manager's highest salary within the 24 months preceding termination, as well as city-paid medical benefit premiums for a period of only six (6) months.

The current City Manager has been employed by the City of Covington for a period of four (4) years on March 1, 2011. During that time, he has received exemplary annual employee evaluations demonstrating the Council's confidence in his future with the city. The City Council, therefore, wishes to update the City Manager Employment Agreement to reflect current market practices in order to make sure that the city manager's overall benefits package remains current and competitive with the comparable market.

The City Manager Employment Agreement is, therefore, recommended to be amended as follows:

Section 10.B: Severance

From:

"If the Employee is terminated, the Employer shall provide a minimum severance payment up to a maximum of six (6) months at a rate of 75% of his highest salary within the 24 months preceding termination, as well as the same medical premium benefits provided to regular full-time City employees during that 6-month period. This severance shall be paid in installments on normal City payroll dates. Severance payments, as well as medical premium benefits, shall cease on the date terminated Employee enters into an employment agreement with another agency or after six (6) months, whichever shall occur first."

To:

“If the Employee is terminated, the Employer shall provide a minimum severance payment up to a maximum of eight (8) months at a rate of 100% of his highest salary within the 24 months preceding termination, as well as the same medical premium benefits provided to regular full-time City employees for a period of 12 months, with eight (8) of those 12 months occurring concurrently with the eight (8) months that severance payments will be made. This severance shall be paid in installments on normal City payroll dates. Severance payments shall cease on the date terminated Employee enters into an employment agreement with another agency or after eight (8) months, whichever shall occur first. Medical premium benefits shall cease on the date terminated Employee enters into an employment agreement with another agency or 12 months from the date of termination with the City of Covington, whichever shall occur first.”

ALTERNATIVES:

1. Do not make any changes to the City Manager Employment Agreement at this time.

Staff does not recommend the alternative, considering that the recommended changes reflect current employment practices and that the city manager has consistently received exemplary reviews by the City Council. It is, therefore, very likely that the recommended changes will have any foreseeable affect, other than to demonstrate to the City Manager that the Council is interested in maintaining the integrity of his employment contract.

FISCAL IMPACT:

Fiscal impact does not automatically result from the recommended amendments to the City Manager Employment Agreement. Fiscal impact would only occur if the City Manager were to be involuntarily terminated without cause.

CITY COUNCIL ACTION: Ordinance Resolution Motion Other

Councilmember _____ moves and Councilmember _____ seconds, to approve the amended City Manager Employment Agreement.

REVIEWED BY: Finance Director, City Attorney

Public Hearing Agenda Item 1
Agenda Item 2

Covington City Council Meeting
Date: March 22, 2011

SUBJECT: PUBLIC HEARING TO RECEIVE COMMENTS FROM THE PUBLIC
REGARDING THE FINAL SHORELINE MASTER PROGRAM (SMP)

DISCUSS ORDINANCE ADOPTING SMP AND RELATED DOCUMENTS.

RECOMMENDED BY: Richard Hart, Community Development Director

ATTACHMENTS:

1. Council Ordinance No. ____ -11
2. Final SMP Goals, Policies & Recommendations
3. Draft Restoration Plan
4. Final Shoreline Jurisdiction Maps and Designations
5. Draft Cumulative Impacts Analysis
6. Comments from DOE on Covington Final Draft May 2010
7. Comments with City Responses from Muckleshoot Tribe April 2010

PREPARED BY: Richard Hart, Community Development Director

EXPLANATION:

As you know, the RCWs and State Department of Ecology (DOE) require that all cities update their Shoreline Master Program (SMP) regulations by December 31, 2010. In 2007, the City of Covington obtained a 3-year grant in the amount of \$72,500 from DOE to fund our work to update the Covington SMP. That work has been completed. Cities that developed their SMP Updates under a grant with DOE were given an extension until June 30, 2011, to complete their final public hearing and adoption process.

The City has been working with our consultant AHBL Planning & Engineering and The Watershed Company for about three and a half years to undertake the substantive document preparation, including numerous public meetings with an Ad Hoc Citizen Advisory Committee, and many meetings and public hearings before both the Planning Commission and City Council. In addition, the City completed both a SEPA checklist and notification in 2010, generating a substantial public comment letter from the Muckleshoot Tribe, and a final notice of intent to adopt with a 60-day notice for comment in 2011 sent to the State Department of Commerce.

The Planning Commission held two public meetings on April 2 and April 16, 2009, and a public hearing on May 7, 2009, at which time eight individuals from the public provided comments and testimony. City staff also met with representatives of Cascade Water Alliance in 2009 to discuss their concerns about their proposed water pipeline to be constructed in the future through the City limits of Covington and how they would meet required criteria. As a result, several adjustments in the SMP policies and regulations were made to reflect concerns outlined in the comment letters to the Planning Commission. In 2009, the City Council held their first formal

public hearing on the draft SMP, endorsed all the SMP documents by resolution, and sent such documents to DOE for their preliminary review and comments. The State DOE then provided the city with some minor word and text modifications in 2010, which were also incorporated into these new final SMP documents. In addition, as part of the SEPA notification process in 2010, the city received formal comments from the Muckleshoot Tribe. Numerous modifications were made in the SMP policies and regulations to reflect many of the Tribes' concerns and incorporated into these final documents.

The final step in the SMP Update Process is to hold the final formal City Council public hearing and adopt all Shoreline Master Program documents, including the shoreline jurisdiction maps and designations; the goals, policies and recommendations for shoreline guidance; the shoreline restoration plan; and the cumulative impacts analysis by ordinance. (See Attachments 1-5) Once approved by the City Council, all revised SMP documents, the adopting ordinance, our public participation plan, and our response to public comments will then be forwarded to the State DOE for their final approval. Attachments 6 and 7 include comments from DOE and The Muckleshoot Tribe.

The City Council meeting on March 22 is for the formal public hearing only, along with any Council questions, discussion, or requests for additional information. This item, with an adopting ordinance, will then be scheduled for the Council meeting on April 26, 2011, for final adoption. We must complete our adoption and forward all documents to DOE before June 30, 2011, under the final terms of our grant funding contract with DOE, as amended and extended.

ALTERNATIVES:

Request additional information for consideration at future meetings and continue a final decision beyond April 26, 2011.

FISCAL IMPACT:

None

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

No Action Required Tonight.

However, discussion and requests for information would be appropriate.

REVIEWED BY: City Manager
City Attorney

ORDINANCE NO. ____-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, ADOPTING THE FINAL SHORELINE MASTER PROGRAM UPDATE AND ASSOCIATED DOCUMENTS, AS REQUIRED IN RCW 90.58, STATE OF WASHINGTON SHORELINE MANAGEMENT ACT INCLUDING GOALS, POLICIES AND RECOMMENDATIONS; SHORELINE ENVIRONMENTAL DESIGNATIONS; A SHORELINE RESTORATION PLAN; AND CUMULATIVE IMPACTS ANALYSIS; AND FORWARDING SUCH DOCUMENTS TO THE STATE DEPARTMENT OF ECOLOGY FOR THEIR REVIEW AND ACTION.

WHEREAS, the State of Washington Shoreline Management Act (RCW 90.58), adopted in 1972, recognizes that “shorelines are among the most valuable and fragile” resources of the state, and that to protect the public interest in preserving these shorelines, the State and local governments must establish a coordinated planning program to address the types and effects of development occurring along the state’s shorelines; and

WHEREAS, the broad policies of the Shoreline Management Act are to encourage water-dependent uses, protect shoreline natural areas, and promote public access; and

WHEREAS, the Shoreline Management Act requires all local governments, including the City of Covington, to 1) develop an inventory of the natural characteristics and land use patterns along shorelines covered by the Act; 2) prepare a “Shoreline Master Program” to determine the future of the shorelines; 3.) develop specific goals policies and recommendations for protection of such shoreline resources; 4) develop a permit system with development standards for all shoreline uses within existing shoreline designations that further the goals and policies of both the Act and the local Shoreline Master Program; and 5) develop a Restoration Plan for the long-term restoration of impaired shoreline ecological functions; and

WHEREAS, the City of Covington obtained a grant from the Washington Department of Ecology (DOE) in June, 2007 to conduct a comprehensive Shoreline Master Program (SMP) Update between June 2007 and December, 2010, which was extended to June 30, 2011; and

WHEREAS, the Shoreline Management Act and State DOE required local governments to update their Shoreline Master Programs and regulations by December 31, 2010; and the State Department of Ecology granted the City of Covington an extension to June 30, 2011, via their mutual SMP grant contract, to complete the final Council adoption process; and

WHEREAS, the City formed an Ad Hoc Citizen Advisory Committee, including stakeholders and property owners along Soos Creek, Jenkins Creek, and Pipe Lake, members of the Covington Planning Commission and the Covington Economic Development Council, the Parks and Recreation Commission, and both the Soos Creek Water & Sewer District and the Covington Water District, and other interested individuals, who reviewed and commented on the development of the SMP and proposed regulations at 6 public meetings over a 14 month time frame; and

WHEREAS, the Ad Hoc Citizen Advisory Committee recommended their endorsement of the proposed SMP Update; goals, policies and recommendations; environmental designations; restoration plan; cumulative impacts analysis; and all associated documents to the Covington Planning Commission; and

WHEREAS, the Covington Planning Commission held two public meetings on April 2, 2009, and April 16, 2009, to discuss the contents of the SMP Update, and one formal public hearing on May 7, 2009, where 26 individual stakeholders attended and 8 individuals provided public comment and testimony; and

WHEREAS, the Covington Planning Commission considered all written and verbal testimony provided, held an additional public meeting on May 21, 2009, and made certain modifications to the proposed SMP Update and proposed shoreline regulations to reflect such testimony; and

WHEREAS, the Covington Planning Commission recommended unanimously by a vote of 6-0, that the Covington City Council adopt the proposed SMP Update, goals, policies, recommendations, the proposed shoreline environmental designations, the proposed Restoration Plan, and the proposed Cumulative Impacts Analysis; and

WHEREAS, the proposed Covington Shoreline Master Program addresses the key requirement in the 2003 DOE guidelines of providing for “no net loss of ecological function” and consistency with the State Shoreline Management Act, and the City Council feels the proposed Covington SMP Update meets that standard; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. The City Council formally adopts the final City of Covington Shoreline Master Program Update, including Goals, Policies and Recommendations; Shoreline Environmental Designations; Shoreline Regulations and Permit Process; Shoreline Restoration Plan; and Cumulative Impacts Analysis (All contained in Exhibits A through D); and

Section 2. The City Council directs the City Manager to forward all the above SMP Update documents and accompanying reports, as well as the City’s public participation plan, and documentation of all public comments and city responses to such public comments to the Washington State Department of Ecology for their final review and approval.

Passed in open and regular session this 26th day of April, 2011.

Mayor Margaret Harto

Attested:

Sharon Scott, City Clerk

APPROVED AS TO FORM:

Sara Springer, City Attorney

City of Covington's FINAL Shoreline Master Program: Goals and Policies Environment Designations Development Regulations

City of Covington

~~November 2022~~, March 2011, 2010



Acknowledgments

Shoreline Ad Hoc Task Force

Barry Anderson
Pam Cobley (Soos Creek Water and Sewer District)
Sonia Foss
Kollin Higgins
Kevin Holland
Martin Larson
Paul Max
Karen Scott
Frank Sutton
Rick Zeleznik

City of Covington Staff

David Nemens, Community Development Director
Richard Hart, Planning Manager
Rose Curran, Associate Planner

Table of Contents

Chapter 1	Introduction	5
	History and Requirements of the Shoreline Management Act	5
	Master Program Development and Public Participation	5
	Purposes of the Shoreline Master Program	6
	Legislative Findings and Washington Shoreline Management Policies	6
	How the Shoreline Master Program is Used	6
	Organization of this Shoreline Master Program	7
	Relationship of this Shoreline Master Program to Other Plans	8
	Title	9
Chapter 2	Definitions	10
Chapter 3	Goals of the Shoreline Management Program	28
	Introduction	28
	Economic Development Element	28
	Public Access Element	29
	Recreational Element	29
	Circulation Element	30
	Conservation Element	30
	Shoreline Use Element	31
	Historic, Cultural, Scientific and Educational Element	31
	Flood Hazard Management Element	32
Chapter 4	General Shoreline Policies and Regulations	33
	Introduction	33
	All Uses and Development	33
	Archaeological and Historic Resources	34
	Critical Areas	35
	Environmental Impacts	38
	Public Access	40
	Vegetation Conservation	44
	Water Quality, Stormwater, and Non-Point Pollution	48
Chapter 5	Shoreline Environments	51
	Introduction to Shoreline Environment Designations	51
	Need for Consistency	52
	City of Covington Shoreline Environment Designations	52
	High-Intensity Environment	53
	Medium-Intensity Environment	55
	Shoreline Residential Environment	58
	Urban Conservancy Environment	61
	Aquatic Environment	65
Chapter 6	Specific Shoreline Use Policies and Regulations	66
	Shoreline Use and Dimensional Standards	66
	Specific Shoreline Use Regulations	73

Chapter 7	Specific Shoreline Modification Policies and Regulations	92
	Introduction	92
	Table of Shoreline Modification Activities	92
	Clearing and Grading	95
	Shoreline Stabilization	97
	Dredging and Fill	105
	Overwater Structures: Piers, Docks, Floats and Buoys	111
Chapter 8	Administration	117
	Introduction	117
	Program Administrator	117
	Shoreline Permits and Exemptions	118
	Table of Permit Process by Shoreline Permit or Action Type	125
Appendix A.	Covington Critical Area Regulations for the Shoreline Area	138

Appendices

Appendix A: Critical Area Regulations for the Shoreline Management Area
Appendix B: Shoreline Restoration Plan

Chapter 1 Introduction

History and Requirements of the Shoreline Management Act

Washington's **Shoreline Management Act** (Act) was adopted by the public in a 1972 referendum "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The Act has three broad policies:

1. **Encourage water-dependent uses:** "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines..."
2. **Protect shoreline natural resources,** including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..."
3. **Promote public access:** "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

This Act recognizes that "shorelines are among the most valuable and fragile" of the state's resources. The Act, and the City of Covington, recognize and protect private property rights along the shoreline, while aiming to preserve the quality of this unique resource for all state residents.

The primary purpose of the Act is to provide for the management and protection of the state's shoreline resources by planning for reasonable and appropriate uses. In order to protect the public interest in preserving these shorelines, the Act establishes a coordinated planning program between the state and local jurisdictions to use in addressing the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

1. Development of an inventory of the natural characteristics and land use patterns along shorelines covered by the act.
2. Preparation of a "Master Program" to determine the future of the shorelines.
3. Development of a permit system to further the goals and policies of both the act and the local Master Plan.
4. Development of a Restoration Plan that includes goals, policies and actions for restoration of impaired shoreline ecological functions.

Master Program Development and Public Participation

The City of Covington (City) obtained a grant from the Washington Department of Ecology (Ecology) in 2007 to conduct a comprehensive Shoreline Master Program (SMP) update. The first step of the update process was to inventory the City's shorelines as defined by the state's Shoreline Management Act (SMA) (RCW 90.58). The inventory describes existing biological and physical conditions. These conditions were then analyzed and characterized to create a baseline from which future development actions in the shoreline will be measured.

Environmental designations were identified for the different shoreline reaches and goals, policies, and regulations for each were developed.

The Guidelines require that the City demonstrate that its updated SMP yields “no net loss” in shoreline ecological functions relative to the baseline due to its implementation. Ideally, the SMP in combination with other City and regional efforts will ultimately produce a net improvement in shoreline ecological functions.

Purposes of the Shoreline Master Program

The purposes of this Master Program are:

1. To carry out the responsibilities imposed on the City of Covington by the Washington State Shoreline Management Act (RCW 90.58).
2. To promote the public health, safety, and general welfare, by providing a guide and regulation for the future development of the shoreline resources of the City of Covington.
3. To further, by adoption, the policies of RCW 90.58, and the goals of this Master Program, both which hereafter follow.

Legislative Findings and Washington Shoreline Management Policies

The Washington State Legislature finds the shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it finds that ever increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and uplands adjacent thereto are in private ownership and that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in navigable water, will promote and enhance the public interest. This policy is intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the water of the state and its aquatic life, while generally protecting public rights of navigation and its associated activities.

How the Shoreline Master Program is Used

The Covington Shoreline Master Program is a planning document that outlines goals and policies for the shoreline of the city and establishes regulations for development occurring in that area.

In order to preserve and enhance the shoreline of Covington it is important that all development proposals relating to the shoreline area be evaluated in terms of the City's Shoreline Master Program, and that the City Shoreline Administrator be consulted. Some developments may be exempt from permitting, while others may need ~~to stay within established guidelines~~ a substantial development, ~~or may require a~~ conditional use or variance permit ~~application or variance application~~; ALL proposals must comply with the policies and regulations established by the state Shoreline Management Act as expressed through this local Shoreline Master Program adopted by the City of Covington.

The Shoreline Management Act and Shoreline Master Program Guidelines define for local jurisdictions the content and goals that should be represented in the Shoreline Master Programs developed by each community; within these guidelines, it is left to each community to develop the specific regulations appropriate to that community. Under the Act, all shorelines of the state meeting the criteria established receive a given shoreline environmental designation. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment. Covington has designated its Big Soos Creek, Jenkins Creek and Pipe Lake shorelines under four shoreline environments: Urban Conservancy, Shoreline Residential, Medium Intensity, and High Intensity. These environments are described in Chapter 5: Shoreline Environments.

Persons proposing any shoreline development, land use, or other projects in the shoreline area must consult with the City of Covington Shoreline Master Program Administrator (the City's Community Development Director) to determine how the proposal is addressed in the Master Program.

The City's Shoreline Administrator can provide assistance in identifying if a proposal is exempt from the permit process, as well as provide information on the permit application process.

Requests for a variances, conditional use permits, and substantial development permits require review by the Covington Planning Director. Requests for conditional uses and variances require final approval by the State of Washington Department of Ecology. A description of exempt projects, shoreline application procedures and criteria are discussed in Chapter 8: Administration.

A description and map of the area within the jurisdiction of this Shoreline Master Program are presented in Chapter 5: Shoreline Environments.

Organization of this Shoreline Master Program

This Master Program is divided into eight Chapters:

Chapter 1: Introduction provides general background information on the state Shoreline Management Act; the development of the Shoreline Master Program in Covington; and a general discussion of when and how a shoreline master program is used.

Chapter 2: Definitions defines terms found in this document.

Chapter 3: Shoreline Management Goals and Policies lists the general goals and policies which guide the more detailed policies and regulations found in the individual section of the Covington Shoreline Master Program.

Chapter 4: General Policies and Regulations sets forth the general policies and regulations that apply to uses, developments, and activities in *all* shoreline areas of Covington.

Chapter 5: Shoreline Environments defines and maps the shoreline jurisdiction in the City of Covington and defines and maps the environment designations of all the shorelines of the state in the City of Covington. Policies and regulations specific to the four designated shoreline environments, (Urban Conservancy, Shoreline Residential, Medium Intensity, and High Intensity) are detailed in this chapter.

Chapter 6: Specific Shoreline Use Policies and Regulations sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. The policies and regulations cover the following uses and activities: Agriculture, Aquaculture, Commercial Development (Primary and Accessory), Industrial Development, Mining, Parking (as a primary use), Recreational Facilities, Residential Development, Scientific, Historical, Cultural, or Educational Uses, Signage, Transportation, and Utilities (Primary and Accessory).

Chapter 7: Shoreline Modification Activity Regulations provides policies and regulations for those activities that modify the physical configuration or qualities of the shoreline area.

Chapter 8: Administration provides the system by which the Covington Shoreline Master Program will be administered, and provides specific information on the application process and criteria used in evaluating requests for shoreline substantial development permits, conditional use permits, and variances.

Appendix A contains the adopted Critical Areas Regulations that apply to all critical areas and their buffers contained within shoreline jurisdiction.

Appendix B contains the adopted Flood Damage Prevention Regulations that apply to all 100-year floodplains contained within the shoreline jurisdiction.

Appendix C contains the Shoreline Restoration Plan as directed under WAC 173-26.

Relationship of this Shoreline Master Program to Other Plans

The permitting process for a shoreline development or use does not exempt an applicant from complying with any other local, state, regional or federal statutes or regulations which may also be applicable to such development or use. In Covington, other plans and policy documents that must be considered include the Covington Comprehensive Plan and the King County Surface Water Design Manual. Critical Areas within shoreline jurisdiction are regulated by the City of Covington Critical Areas Regulations for Shoreline Jurisdiction, as contained in Appendix A. Although these regulations are similar to the Critical Areas Regulations codified in Chapter 18.35 of the Covington Municipal Code, pursuant to the requirements of the Shoreline Management Act, these regulations are distinct. Please note that certain key critical area provisions, including the Reasonable Use Exception, do not apply in shoreline jurisdiction. Instead, deviations from the Critical Areas Regulations as set forth in Appendix A are processed as a shoreline variance (see Chapter 8:

Administration for discussion of shoreline permits). If there are conflicts between the regulations contained in the SMP, those that are the most protective of shoreline ecological functions will apply.

Proposals must also comply with the regulations developed by the City to implement its plans, such as the zoning code, as well as regulations relating to building construction and safety.

At the time of a permit application or of an initial inquiry, the City Shoreline Administrator should inform the applicant of those regulations and statutes which may be applicable to the best of the administrator's knowledge; PROVIDED, that the final responsibility for complying with such other statutes and regulations shall rest with the applicant.

Title

This document shall be known and may be cited as the City of Covington Shoreline Master Program. This document may refer to itself as "this Master Program."

Chapter 2 Definitions

Accessory use or accessory structure - Any subordinate use, structure, or building or portion of a building located on the same lot as the main use or building to which it is accessory.

Accretion - The growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, and hooks.

Act - The Shoreline Management Act (Chapter 90.58 RCW and WAC 173-27-030(1)).

Adjacent lands - Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). The SMA directs local governments to develop land use controls (i.e. zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules and the local shoreline master program (see Chapter 90.58.340 RCW).

Administrator - The City Community Development Director or his/her designee, charged with the responsibility of administering the shoreline master program.

Agriculture - The cultivation of the soil, production of crops, and/or raising of livestock, including incidental preparation of these products for human use. In all cases, the use of agriculture related terms shall be consistent with the specific meanings provided in WAC 173-26-020.

AKART - An acronym for "all known, available, and reasonable methods of prevention, control, and treatment" (WAC 173-201A-020). AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Anadromous fish - Species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to procreate.

Appurtenance - A structure or development which is necessarily connected to the use and enjoyment of a single family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. (On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading which does not exceed two hundred fifty cubic yards (250) [except to construct a conventional drainfield] and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark) (see WAC 173-27-040(2)(g)).

Aquaculture - The commercial cultivation of fish, shellfish, and/or other aquatic animals or plants including the incidental preparation of these products for human use.

Aquascreens - A fiberglass screen used as a bottom barrier to limit and/or control aquatic plant growth. The screen is typically anchored to an area of the lake bottom and functions as a physical barrier to prevent plants from growing on the lake bottom.

Archaeological - Having to do with the scientific study of material remains of past human life and activities.

Architectural Standards - Rules, regulations, or guidelines relating to the design, size, configuration or location of buildings and structures including setbacks, height, and bulk restrictions. It may include other structural design or configuration conditions required as part of a variance or conditional use permit intended to improve the compatibility between adjacent structures, activities, or uses.

Associated Wetlands - Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-27-030(1).

Average grade level - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided that in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure (WAC 173-14-030(3)).^[g1]

Baseline - The existing shoreline condition, in terms of both ecological function and shoreline use, established at the time this Shoreline Master Program is approved.

Best available science - Current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 925.

BMPs - see Best Management Practices.

Beach - The zone of unconsolidated material that is moved by waves, wind and tidal currents, extending landward to the coastline.

Beach enhancement/restoration - Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable.

Beach feeding - "Beach feeding" means landfill deposited on land or in the water to be distributed by natural water processes for the purpose of supplementing beach material.

Benthic organism - Organisms that live in or on the bottom of a body of water.

Benthos - Benthos are living organisms associated with the bottom layer of aquatic systems, at the interface of the sediment (or substrate) and overlying water column. Benthos commonly refers to an assemblage of insects, worms, algae, plants and bacteria.

Berm - A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Best Management Practices (BMPs) - BMPs are methods of improving water quality that can have a great effect when applied by numerous individuals. BMPs encompass a variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in stormwater runoff and in receiving waters.

Bioengineering - see Soil bioengineering

Biofiltration system - A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.

Biota - The animals and plants that live in a particular location or region.

Boat launch or ramp - Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

Boat lift - A mechanical device that can hoist vessels out of the water for storage. These devices are usually located along a pier.

Boat rail or railway - A set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

Boathouse - A structure designed for storage of vessels located over water or upland. Boathouses should not be confused with "houseboats".

Boating Facility – A moorage structure serving more than four single-family residences.

Bog - A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

Breakwater - An off-shore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect the shoreline from wave-caused erosion.

Bulkhead - means a vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund"); 1986 amendments are known as Superfund Amendments and Reauthorization Act or SARA.

CFR - Code of Federal Regulations.

CZMP - Coastal Zone Management Plan.

Certified engineer/biologist - see Professional engineer and Professional biologist.

Clean Water Act - The primary federal law providing water pollution prevention and control; previously known as the Federal Water Pollution Control Act. See 33 USC 1251 et seq.

City - The City of Covington.

Clearing - The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

Commercial - Uses and facilities that are involved in wholesale or retail trade or business activities.

Community structure - A building, dock, or other structure which is intended for the common use of the residents of a particular subdivision or community. It is not intended to serve as a public facility.

Comprehensive Plan - Comprehensive plan means the document, including maps adopted by the city council that outlines the City's goals and policies relating to management of growth, and prepared in accordance with RCW 36.70A. The term also includes adopted subarea plans prepared in accordance with RCW 36.70A.

Conditional Use - A use, development, or substantial development that is classified as a conditional use or is not classified within the applicable master program. Refer to WAC 173-27-030(4).

Conservation Easement - A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

Covered moorage - Boat moorage, with or without walls, that has a roof to protect the vessel.

Critical Areas Ordinance No. 14-05 §5, Covington - This ordinance provides the goals, policies, and implementing regulations for protecting the designated critical areas of Covington. The ordinance addresses critical area development controls; measures important for protecting and preserving these resources; preventing or mitigating cumulative adverse environmental impacts to critical areas; and serves to alert the public to the development limitations of critical areas.

Cumulative Impact - The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

DNS - Determination of Nonsignificance, under SEPA.

Degrade - To scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

Development - A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use

of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3d)).

Dock - Commonly referred to as a floating moorage structure, but can also be used in reference to fixed-pile piers (see exemptions). See “floating dock” and “float” for definition used in this Shoreline Master Program.

Downdrift - The direction of movement of beach materials.

Dredge spoil - The material removed by dredging. Same as Dredge Material.

Dredging - Excavation or displacement of the bottom or shoreline of a water body. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for shellfish harvesting or for cleanup of polluted sediments.

Dwelling unit – a single unit providing complete, independent living facilities for one or more persons, not to exceed one family, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

EIS - Environmental Impact Statement.

Ecological Functions - The work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

Ecosystem-wide Processes - The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Ecology (WDOE) - The Washington State Department of Ecology.

Ell – Terminal section of a pier which typically extends perpendicular to the pier walkway. These sections can be either on fixed-piles or floating docks and are typically wider than the pier walkway.

Endangered Species Act (ESA) - A federal law intended to protect any fish or wildlife species that are threatened with extinction throughout all or a significant portion of its range.

Emergency - An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3eiii) and WAC 173-27-040(2d)).

Enhancement - Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Environmental Impacts - The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA). Refer to WAC 197-11-600 and WAC 197-11-444.

Environments, (Shoreline Environment) - Designations given specific shoreline areas based on the existing development pattern, the biophysical capabilities and limitations, and the goals and aspirations of local citizenry, as part of a Master Program.

Erosion - The wearing away of land by the action of natural forces.

Excavation - Excavation is the artificial movement of earth materials.

Excavated moorage slip - A boat mooring location that is man-made in that it requires dredging or excavation of excess sediment to afford access. Such slips may often involve dredging of the lake bottom waterward of the OHWM, or may include excavating a segment of the existing shoreline to enable moorage of a boat.

Exemption - Certain specific developments are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit (RCW 90.58.030(3e); WAC 173-27-030(7) and -040). For a complete list of exemptions, see Chapter 8.

Fair market value - The expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation and other costs incurred for the duration of the permitted project (WAC 173-27-030(8)).

Fill – the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetland, or on shorelands in a manner that raises the elevation or creates dry land.

Finger Pier – A narrow extension to a fixed-pile pier, usually extending perpendicular to the pier walkway along with an ell to form an enclosed area for boat moorage.

Float - A floating structure that is moored, anchored, or otherwise secured in the water offshore and that is generally located at the terminal end of a fixed-pile pier.

Floating Dock - A fixed structure floating upon a water body for the majority of its length and connected to shore.

Floating home - A structure designed and operated substantially as a permanently based over water residence. Floating homes are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities.

Floodplain - Synonymous with 100-year floodplain. The land area susceptible to being inundated by stream derived waters with a 1 percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA (WAC 173-22-030(2)).

Floodway - means the area, as identified in a master program, that either: (i) has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Forest Practices – areas not covered by the Forest Practices Act, especially Class IV – General forest practices involving conversion to non-forest use.

Grading - The physical manipulation of the earth's surface and/or drainage pattern in preparation for an intended use or activity.

Grassy swale - A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

Groin - A barrier-type structure extending from, and usually perpendicular to, the backshore into a water body. Its purpose is to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. This is accomplished by building or preserving an accretion beach on its updrift side by trapping littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable.

HPA - Hydraulic Project Approval - The permit issued by the Washington State Departments of Fisheries or Wildlife pursuant to the State Hydraulic Code Chapter 75.20.100-140 RCW.

Habitat - The place or type of site where a plant or animal naturally or normally lives and grows.

Harbor - the area of navigable waters as determined in Section 1 of Article 15 of the Washington Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Hearing Examiner - The Hearing Examiner of the City of Covington.

Height - The distance measured from the average grade level to the highest point of a structure: provided, that television antennas, chimneys and similar appurtenances shall not be used in calculating height, except

where it obstructs the view of a substantial number of residences on areas adjoining such shorelines: provided further, that temporary construction equipment is excluded in this calculation (WAC 173-27-030(9)). See also Building Height.

Heliport - any landing area or other facility owned and operated, and which is designed, used or intended to be used by private aircraft for landing or taking off of aircraft, including all associated or necessary buildings and open spaces.

Houseboat - A vessel, principally used as an over water residence. Houseboats are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring and the presence of adequate self-propulsion and steering equipment to operate as a vessel. Principal use as an overwater residence means occupancy in a single location, for a period exceeding two months in any one calendar year. This definition includes liveaboard vessels.

Hydric soils - Generally, soils which are, or have had a history of being, wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants (WAC 173-22-030(5)).

Hydrophytes - Those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (WAC 173-22-030(5)).

In-kind replacement - To replace wetlands, habitat, biota or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced or degraded by an activity.

In-stream structure – a structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

Interested party - Synonymous with "party of record", and means all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-27-030(12).

Lacustrine (also lacustrian) - Of, on, or pertaining to lakes. Lake - A body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream (RCW 90.58.030(1d); WAC 173-20-030; WAC 173-22-030(4)).

Landfill - the creation of, or addition to, a dry upland area (landward of the OHWM) or the creation of, or addition to, an in-water area (waterward of the OHWM) by depositing material into waters or onto shoreline, upland dry areas, or wetland areas.

Landscaping - Vegetation ground cover including shrubs, trees, flower beds, grass, ivy and other similar plants and including tree bark and other materials which aid vegetative growth and maintenance.

Launching rail - See also Boat launch or ramp and Boat railway.

Launching ramp - See also Boat launch or ramp and Boat railway.

Liberal construction - A legal concept instructing parties interpreting a statute to give an expansive meaning to terms and provisions within the statute. The goal of liberal construction is to give full effect in implementing a statute's requirements. See RCW 90.58.900.

Littoral - Living on, or occurring on, the shore.

Littoral drift - The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

Marina - A facility that provides launching, storage, supplies, moorage, and other accessory services for six or more pleasure boats and/or commercial watercraft.

May - "May" means the action is acceptable, provided it conforms to the provisions of this chapter.

Mitigation or Mitigation Sequencing - The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal. See WAC 197-11-768 and WAC 173-26-020 (30). Mitigation or mitigation sequencing means the following sequence of steps listed in order of priority, with (a) of this subsection being top priority:

- a) Avoiding the impact all together by not taking a certain action or parts of an action;
- b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d) Reducing or eliminating the impact over time by preservation and maintenance operations;
- e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
and
- f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Moorage - Any device or structure (such as a pier or buoy) used to secure a vessel for temporary anchorage.

Moorage Piles - Structural members that are driven into the lake bed to serve as a stationary moorage point. They are typically used for moorage of small boats in the absence of, or instead of, a dock or pier. In some cases, moorage piles may be associated with a dock or pier.

Mooring buoy - A floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

Multifamily dwelling (or residence) - A building containing two or more dwelling units, including but not limited to duplexes, apartments and condominiums.

Must - “Must” means a mandate; the action is required.

NEPA - National Environmental Policy Act - NEPA requires federal agencies to consider environmental factors when making decisions, especially for development proposals of a significant scale. As part of the NEPA process, EISs are prepared and public comment is solicited.

Native plants - These are plants that occur naturally, and that distribute and reproduce without aid. Native plants in western Washington are those that existed prior to intensive settlement that began in the 1850s.

Natural riparian habitat corridor - The streamside environment designed and maintained primarily for fisheries and wildlife habitat, water quality improvements and secondarily for flood control works.

NFIP - National Flood Insurance Program.

NOAA - National Oceanic and Atmospheric Administration.

Nonconforming use or development - A shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable shoreline provisions (WAC 173-27-080).

Normal maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2b)). See also Normal repair.

Normal protective bulkhead - A bulkhead, common to single family residences, constructed at or near the ordinary high water mark to protect an existing single family residence, and which sole purpose is for protecting land from erosion, not for the purpose of creating new land (WAC 173-27-040(2c)).

Normal repair - To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040(2b)). See also Normal maintenance.

OHW, Ordinary High Water Mark - That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(b) and WAC 173-22-030(11).

Off-site replacement - To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

Oil separator - Specialized catch basins that are designed to trap oil and other materials lighter than water in the basin while allowing the water to escape through the drainage system. Commonly employed in parking lots and streets.

On-site replacement - To replace wetlands or other shoreline environmental resources at or adjacent to the site on which a resource has been impacted by a regulated activity.

Overwater structure - Any device or structure projecting above and waterward of the ordinary high water mark, including, but not limited to piers, docks, floats, and moorage.

Permit (or Shoreline Permit) - Any substantial development, variance or conditional use permit, or revision, or any combination thereof, authorized by the Act. Refer to WAC 173-27-030(13).

Pier - a fixed, pile-supported structure.

Practicable alternative - An alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, options of project scale and phasing, existing technology and logistics in light of overall project purposes.

Priority Habitat - A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus

slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

Priority Species - Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

(a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

(b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

(c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Professional biologist - A specialist with education and training in the area of natural sciences concerned with the plants and animal life of a region.

Professional engineer - A person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering and is licensed by the state of Washington or another state.

Properly Functioning Conditions (PFC) - Conditions that create and sustain natural habitat-affecting processes over the full range of environmental variation, and that support productivity at a viable population level of PTE species. PFC indicates a level of performance for a subset of the more broadly defined “ecological functions,” reflecting what is necessary for the recovery of PTE species.

Proposed, Threatened, and Endangered (PTE) Species - Those native species that are proposed to be listed or are listed in rule by the Washington State Department of Fish and Wildlife as threatened or endangered, or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the federal Endangered Species Act.

Public access - Public access is the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4).

Public interest - The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030(14)).

Public use - Public use means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis. Refer to WAC 332-30-106.

RCW - Revised Code of Washington.

RCW 90.58 - The Shoreline Management Act of 1971.

Recreational facilities - Facilities such as parks, trails, and pathways that provide a means for relaxation, play, or amusement. For the purposes of this Master Program, recreational facilities are divided into two categories:

1. Water-dependent (i.e. – boating facilities, fishing piers, swim rafts) and
2. Non-water-dependent (i.e. – sports fields, golf courses, and RV camping)

Recreational Float - A floating structure that is moored, anchored, or otherwise secured in the water off-shore and that is generally used for recreational purposes such as swimming and diving.

Residential development - Development which is primarily devoted to or designed for use as a dwelling(s). Residential development includes single family development, multi-family development, and the creation of new residential lots through land division.

Restoration - To revitalize or reestablish characteristics and processes of a wetland or habitat diminished or lost by past alterations, activities, or catastrophic events.

Retrieval Lines - A system by which a float or other floating object is retrieved to a pier, dock, or shoreland.

Riparian - Of, on, or pertaining to the banks of a river, stream or lake.

Riprap - A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Rotovating - An aquatic vegetation harvesting technique that uses rototilling technology to uproot and remove plants.

Runoff - Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

SEPA - see State Environmental Policy Act

SEPA Checklist - A checklist is required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment. The checklist will also help to reduce or avoid impacts

from a proposal, and help the responsible governmental agency decide whether a full environmental impact statement (EIS) is required (WAC 197-11-960).

SMA - see Shoreline Management Act

SMP - see Shoreline Master Program

Salmon and Steelhead Habitats - Gravel bottomed streams, creeks, and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, and cover and refuge from predators and high water; streams, creeks, rivers, used as migration corridors.

Sediment - The fine grained material deposited by water or wind.

Setback - A required open space, specified in shoreline master programs, measured [from a particular point, e.g. a lot line](#), horizontally upland from and perpendicular to the [ordinary high water mark](#) ^[Bob2] [or from the edge of a management zone, such as a regulatory buffer](#) -

Shall - “Shall” means a mandate; the action must be done.

Shorelands or Shoreland Areas – Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetland and river deltas associated with the streams and lakes which are subject to the provision of the Shoreline Management Act. Shorelands in the City of Covington include areas within 200 feet of the ordinary high water mark of shoreline jurisdiction waters and associated wetlands within shoreline jurisdiction. Optional buffers for critical areas are not included in shoreline jurisdiction. Only portions of the floodplain are included in shoreline jurisdiction, including the mapped floodway of Big Soos Creek and contiguous floodplain areas landward 200 feet are also encompassed within the shoreland area. Some additional flood plain areas are included in the Jenkins Creek SMA beyond the statutory minimum because they are located in wetland areas, which are included under mandatory provisions. Waters identified within jurisdiction include portions of Big Soos Creek, portions of Jenkins Creek, and the portion of Pipe Lake located within the City limits.

Shoreline Administrator - The City of Covington Community Development Director or his/her designee, charged with the responsibility of administering the shoreline master program.

Shoreline environment designations - The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

Shoreline Jurisdiction - The term describing all of the geographic areas covered by the SMA, related rules and the applicable master program, and such areas within a specified local government's authority under the SMA. Shorelands in the City of Covington include areas within 200 feet of the ordinary high water mark (OHWM) of shoreline jurisdiction waters, floodways, associated floodplain areas landward 200 feet from such floodways and associated wetlands. Waters identified within jurisdiction include portions of Big Soos Creek, portions of Jenkins Creek, and the portion of Pipe Lake located within the City limits. The mapped floodway

of Big Soos Creek, contiguous floodplain areas landward 200 feet from such floodways, and associated wetlands are specifically encompassed within the shoreland area. Jenkins Creek does not have a mapped floodway, but floodplain areas within 200 feet of the OHWM and associated wetlands are included in shoreline jurisdiction. Within both Jenkins Creek and Big Soos Creek, additional floodplain areas beyond the statutory minimum are included because they are located in wetland areas. However, the entire floodplain is not included and wetland buffers are not included. See definitions of Shorelands, Shorelines, Shorelines of the state, Shorelines of statewide significance, and Wetlands, jurisdictional.

Shoreline Management Act of 1971 - Chapter 90.58 RCW, as amended. Shoreline Master Program (SMP) - The comprehensive use plan and related use regulations which are used by local governments to administer and enforce the permit system for shoreline management. Master programs must be developed in accordance with the policies of the SMA, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.

Shoreline Permit - A substantial development, conditional use, revision, or variance permit or any combination thereof (WAC 173-27-030(13)).

Shoreline Stabilization – Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural and nonstructural methods.

Shorelines - All of the water areas of the state, including reservoirs and their associated shorelands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d).

Shorelines Hearings Board - A state-level quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA. See RCW 90.58.170; 90.58.180.

Shorelines of statewide significance - A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special preservationist policies apply and where greater planning authority is granted by the SMA. Permit review must acknowledge the use priorities for these areas established by the SMA. See RCW 90.58.020.

Shorelines of the State - Shorelines and shorelines of statewide significance.

Should - “Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this Master Program, against taking the action.

Sign - A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

Single-family residence - A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-27-040(2g)).

Solid waste - Solid waste means all garbage, rubbish trash, refuse, debris, scrap, waste materials and discarded materials of all types whatsoever, whether the sources be residential or commercial, exclusive of hazardous wastes, and including any and all source-separated recyclable materials and yard waste.

Soil bioengineering - An applied science that combines structure, biological and ecological concepts to construct living structures that stabilizes the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

State Environmental Policy Act - SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs may be required to be prepared and public comments solicited.

Stream - A naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel (WAC 173-22-030(8)).

Structure - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels (WAC 173-14-03015).^[g3]

Substantial Development - Any development of which the total cost or fair market value exceeds five thousand dollars (\$5,718), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. A list of activities and developments that shall not be considered substantial development is provided in Chapter 8.

Terrestrial - Of or relating to land as distinct from air or water.

Upland - Generally described as the dry land area above and landward of the ordinary high water mark.

Utilities - Services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, stormwater, sewage and communications.

Utilities, Accessory - Utilities comprised of small-scale distribution and collection facilities connected directly to development within the shoreline area. Examples include local power, telephone, cable, gas, water, sewer and stormwater service lines.

Utilities, Primary – Utilities comprised of trunk lines or mains that serve neighborhoods, areas and cities. Examples include solid waste handling and disposal sites, water transmission lines, water storage facilities, sewage treatment facilities and mains, power generating or transmission facilities, gas storage and transmission facilities and stormwater mains and regional facilities.

Variance - A means to grant relief from the specific bulk, dimensional or performance standards specified in the applicable master program. Variance permits must be specifically approved, approved with conditions, or denied by Ecology (See WAC 173-27-170).

WAC - Washington Administrative Code.

Water-dependent use- A use or a portion of a use which can not exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

"Water-enjoyment use - " Means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-oriented use- Refers to any combination of water-dependent, water-related, and/or water enjoyment uses, and along with single family residences, serves as an all encompassing definition for priority uses under the SMA. Non-water-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores and gas stations.

Water-related use- A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,
2. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent activities and storage of water-

transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

Water quality - The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through RCW 90.03.340.

Watershed restoration plan - A plan developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, and/or the Department of Transportation acting within or pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to 43.21C RCW, the State Environmental Policy Act.

Weir – a low dam built across a stream to raise its level, divert its flow and/or measure its flow. Weirs have been used to address erosion and scouring of stream channels, but can also have negative impacts depending on how they are constructed, e.g. detrimental impacts on fish habitat conditions.

Wetlands - "Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands

Zoning - To designate by ordinance, including maps, areas of land reserved and regulated for specific land uses.

Chapter 3 Goals of the Shoreline^[g4] Management Program

Introduction

This section contains goals and policies that form the foundation of the City of Covington’s Shoreline Master Program. They apply to all areas and all designated shoreline environments within the shoreline jurisdiction of the City of Covington. The Shoreline Management Act requires cities to adopt goals, or ‘elements’ to guide and support major shoreline management issues. The elements required by RCW 90.58.100(2), when appropriate are:

- Economic Development Element,
- Public Access Element,
- Recreational Element,
- Circulation Element,
- Shoreline Use Element,
- Conservation Element,
- Historic, Cultural, Scientific and Educational Element, and
- An element that gives consideration to the statewide interest in the prevention and minimization of flood damages.

Economic Development Element

The Shoreline Master Program for the City of Covington contains limited provisions for economic development along the shoreline. Big Soos Creek and Jenkins Creek are not navigable waterways. Residential and recreation uses are the only primary land uses designated in the adopted Covington Comprehensive Plan around Pipe Lake. Limited commercial uses are allowed along portions of Jenkins Creek outside of critical areas and associated buffers. Industrial uses are limited to the BPA facility along a portion of Jenkins Creek.

Goal 1: Ensure that any economic activity taking place along the shoreline does not harm the quality of the site’s environment or adjacent shorelands, and that new non-residential development provides public access to the shoreline for water-enjoyment activities.

Policy 1.1: Proposed economic use of the shoreline should be consistent with Covington’s Comprehensive Plan. Conversely, upland uses on adjacent lands outside of immediate SMA jurisdiction (in accordance with RCW 90.58.340) should be consistent with the purpose and intent of this master program as they affect the shoreline.

Public Access Element

Goal 2: Increase the amount and diversity of public access to the shoreline, and preserve and enhance views of the shoreline, consistent with the natural shoreline character, private rights and public safety.

- Policy 2.1: Identify and prioritize both long term and short term public access sites.
- Policy 2.2: Integrate public access to shorelines as a part of the City's public trail system.
- Policy 2.3: Provide and enhance shoreline access to Jenkins Creek and Big Soos Creek through fee simple acquisition, easements, signage of public access points, and designation and design of specific shoreline access areas for wildlife viewing.
- Policy 2.4: Coordinate with the owners of Camp McCullough to explore potential public access opportunities to Pipe Lake in the event of future development and conversion to a non-recreational use.
- Policy 2.5: Ensure new public access does not adversely affect the integrity and character of the shoreline, or threaten fragile shoreline ecosystems by locating new access points on the least sensitive portion of the site and providing mitigation so there is no net loss of shoreline function.
- Policy 2.6: Ensure the development of upland areas such as parking facilities and play areas, as well as the development of in-water and nearshore structures, such as docks and swimming areas, are located and designed in accordance with mitigation sequencing and ways that result in no net loss of ecological function.
- Policy 2.7: Access should be provided for a range of users including pedestrians, bicyclists, boaters and people with disabilities to the greatest extent feasible.
- Policy 2.8: Development, uses and activities on or near the shoreline should not impair or detract from the public's visual or physical access to the water.

Recreational Element

Goal 3: Encourage diverse, water-oriented recreational opportunities in those shoreline areas that can reasonably tolerate such uses without destroying the integrity and character of the shoreline.

- Policy 3.1: The City should pursue additional public access to the shoreline for recreational uses.
- Policy 3.2: Coordinate with Camp McCullough to allow opportunities for public water-oriented recreation on Pipe Lake in the event of future development and conversion to a non-recreational use.
- Policy 3.3: Encourage federal, state, and county government to acquire additional shoreline properties for public recreational uses.

Policy 3.4: Ensure existing and proposed recreational uses are of a safe and healthy nature and do not adversely affect the integrity and character of the shoreline, or threaten fragile shoreline ecosystems.

Policy 3.5: Consider both active and passive recreational needs in development of public shoreline access areas.

Circulation Element

Goal 4: Maintain safe, reasonable and adequate vehicular, bicycle, and pedestrian circulation systems to shorelines and ensure that these routes will have the least possible adverse effect on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.

Policy 4.1: Locate land circulation systems as far from the land-water interface as feasible to reduce interference with either natural shoreline resources or other appropriate shoreline uses, except when necessary to provide for appropriate public access to the shoreline. Where possible avoid creating barriers between adjacent uplands and the shoreline.

Policy 4.2: Encourage the use of bicycles, walking and transit for general access to the shoreline and improve and expand associated facilities and connections to the shoreline.

Policy 4.3: When new transportation development occurs in shoreline areas, acquire and develop physical and visual public access to the shoreline where topography, view and natural features warrant.

~~Policy 4.3:~~ Policy 4.4: New stream crossings associated with transportation should be minimized. Where necessary they should be designed such that the culvert or bridge design provides for stream functions such as passage of adult and juvenile salmon and accommodate the flow of water, sediment and woody debris during the 100 year return storm event.

Conservation Element

Goal 5: Preserve, protect, and restore to the greatest extent feasible the natural resources of the shoreline, including but not limited to scenic vistas, aesthetics, and vital riparian areas for wildlife protection.

Policy 5.1: Protect shoreline process and ecological functions through regulatory and non-regulatory means that may include acquisition of key properties, conservation easements, regulation of development within the shoreline jurisdiction, and incentives to encourage ecologically sound design.

Policy 5.2: Reclaim and restore areas which are biologically and aesthetically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.

Policy 5.3: Preserve the scenic aesthetic quality of shoreline areas and vistas to the greatest extent feasible.

Policy 5.4: Preserve and restore native vegetation along the shoreline.

Shoreline Use Element

Goal 6: Ensure that the land use patterns within shoreline areas are compatible with shoreline environment designations and will be sensitive to and not degrade habitat and ecological systems and other shoreline resources.

- Policy 6.1: New residential development should be designed to protect existing shoreline water views, promote public safety, and avoid adverse impacts to shoreline habitats.
- Policy 6.2: All development and redevelopment activities within the City’s shoreline jurisdiction should be designed to ensure public safety, enhance public access, protect existing shoreline and water views and achieve no net loss of shoreline ecological functions.
- Policy 6.3: Low Impact Development (LID) and “Green Building” practices, such as those promulgated under the Leadership in Energy and Environmental Design (LEED) and Green Built programs should be encouraged and in some cases required for new development within the shoreline jurisdiction.
- Policy 6.4: Proposed shoreline uses should not infringe upon the rights of others or upon the rights of private ownership.
- Policy 6.5: Water oriented uses shall be given preference over non-water oriented uses.
- Policy 6.6: Encourage shoreline uses which enhance their specific areas or employ innovative features for purposes consistent with this program.
- Policy 6.7: Encourage restoration of shoreline areas that have been degraded or diminished in ecological value and function as a result of past activities or catastrophic events.

Historic, Cultural, Scientific and Educational Element

Goal 7: Identify, protect, preserve and restore important archaeological, historical and cultural sites located in shoreline jurisdiction of Covington for their educational and scientific value, as well as for the recreational enjoyment of the general public.

Policy 7.1: Prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value.

Policy 7.2: Encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime activities, environmental conservation and maritime history.

~~Policy 7.2:~~ Policy 7.3: Allow scientific equipment in shoreline areas for monitoring aquatic resources, water quality and other natural features as needed.

~~Policy 7.3:~~ Policy 7.4: Ensure that new development is compatible with existing historic structures and cultural areas.

Flood Hazard Management Element

Goal 8: Protect the City of Covington from losses and damage created by flooding.

- Policy 8.1: Seek regional solutions to flooding problems through coordinated planning with county, state and federal agencies, other appropriate interests and the public.
- Policy 8.2: Work with federal, state and regional entities [and affected Indian Tribes](#) to provide additional analysis and mapping/refinement of flood hazard areas.
- Policy 8.3: Ensure that flood hazard protection projects have a positive environmental benefit that emphasizes long-term solutions over short-term solutions.

Chapter 4 General Shoreline Policies and Regulations

Introduction

Based on the goals established for the Shoreline Master Program, the following general policies and regulations apply to all uses, developments, and activities in the shoreline area of the City of Covington. General policies and regulations are broken into different topic headings and arranged alphabetically. Each topic begins with a description of its applicability, followed by general policy statements and regulations. The intent of these provisions is to be inclusive, making them applicable to all environments, as well as particular shoreline uses and activities. Topics include the following:

- All Development and Uses
- Archaeological and Historic Resources
- Critical Areas
- Environmental Impacts
- Public Access
- Shoreline Vegetation Conservation
- Water Quality, Stormwater, and Non-Point Pollution

The regulations of this chapter are in addition to other adopted ordinances and rules. Where conflicts exist between regulations, those that provide more substantive protection to the shoreline area shall apply. These interlocking development regulations are intended to make shoreline development responsive to specific design needs and opportunities along the City’s shorelines, protect the public’s interest in the shorelines’ recreational and aesthetic values and assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources.

These provisions address the elements discussed in Chapter 3 of this SMP as required by RCW 90.58.100(2) and implement the governing principles of the Shoreline Master Program Guidelines as established in WAC 173-26-186.

All Uses and Development

Applicability

The following provisions apply to all development and uses regardless of whether a shoreline substantial development permit is required.

Policies Applicable to All Uses and Development

Policy 1: The application of master program policies and regulations to all uses and related modifications shall assure no net loss of ecological functions necessary to sustain shoreline natural resources within the Covington SMA.

Regulations

Regulation 1: No use, activity or modification shall result in a net loss of shoreline ecological function. Impacts to ecological functions in the SMA shall be avoided, minimized, and mitigated to achieve this standard.

Regulation 2: No permit shall be approved and no activity shall be authorized by the Shoreline Administrator without a clear finding that the use, activity, or modification, and any required mitigation, complies with the no net loss standard.

Regulation 3: The applicant and/or party responsible for the use, activity or modification shall provide all necessary information needed to demonstrate compliance with the no net loss standard.

Regulation 4: The City should periodically review shoreline conditions to determine whether or not other actions are necessary to ensure no net loss of ecological functions, protect and enhance visual quality, and enhance residential and recreational uses on the City's shoreline. Specific issues to address in such evaluations include, but are not limited to:

a. Water quality.

b. Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions).

c. Changing visual character as result of new residential development, including additions, and individual vegetation conservation practices (both along shoreline and in upland areas).

d. Shoreline stabilization and modifications.

Regulation 3:

Archaeological and Historic Resources

Applicability

The following provisions apply to archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered.

Archaeological sites located both in and outside shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with Chapter 25-48 WAC as well as the provisions of this chapter.

Archaeological and Historic Resource Policies

Policy 1: Due to the limited and irreplaceable nature of archaeological and historic resources, prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the office of archaeology and historic preservation.

Archaeological and Historic Resource Regulations

- Regulation 1: Local developers and property owners shall immediately stop work and notify the City, the Department of Archaeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during excavation.
- Regulation 2: A site inspection or evaluation by a professional archaeologist in coordination with affected Native American tribes shall be required for all permits issued in areas documented to contain archaeological resources. Failure to comply with this requirement shall be considered a violation of the Shoreline Permit.
- Regulation 3: Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archeological, natural scientific or historical value, a Shoreline Substantial Development Permit and/or any other permit authorizing development or land modification shall not be issued which would pose a threat to the site. The City may require that a site be redesigned or that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
- Regulation 4: In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.
- Regulation 5: Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 2744 (Indian Graves and Records) and RCW 2753 (Archaeological Sites and Records) and shall comply with WAC 25-48 or its successor as well as the provisions of this master program.
- Regulation 6: Identified or suspected historical or archaeological resources shall be considered in park, open space, public access, and site planning with access to such areas designed and managed to give maximum protection to the resource and surrounding environment.
- Regulation 7: Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

Critical Areas

Applicability

The following policies and regulations must be used when making decisions affecting critical areas within Covington's shoreline jurisdiction. Detailed regulations for critical areas within shoreline jurisdiction are contained in Appendix A. In addition, specific policies and regulations are provided in Chapter 7, Shoreline Modification Policies and Regulations. Although critical area regulations within the SMP are very similar to those codified in CMC Chapter 18.65, pursuant to the requirements of the Shoreline Management Act, these

regulations are distinct. For example, provisions of Covington Critical Area Regulations that include "exceptions" shall not apply within Shoreline Jurisdiction. Specifically, CMC Section 18.65.070 has not been included in the regulations contained in Appendix A. In addition, the SMP provides an optional aquatic area buffer modification in the Shoreline Residential environment along Pipe Lake as detailed in Chapter 6.

In addition:

1. If provisions of Appendix A and other parts of the master program conflict, the provisions most protective of the ecological resource shall apply, as determined by the City.
2. If there are any provisions of Appendix A that are not consistent with the Shoreline Management Act Chapter, 90.85 RCW, and supporting Washington Administrative Code chapters, they shall not apply.
3. The provisions of Appendix A do not extend Shoreline Jurisdiction beyond the limits specified in this SMP (see definition of "shoreline jurisdiction"). For regulations addressing critical area buffer areas that are outside shoreline jurisdiction, see Covington Critical Areas Regulations in SMC Chapter 18.65.

Critical areas constitute the most environmentally fragile lands which support resources that are economically and culturally important to the state under the Shoreline Management Act. For example, they can be natural resources that provide fisheries habitat or areas that may threaten the health and safety of the public, such as floodways or unstable slopes. Critical areas include critical aquifer recharge areas, erosion hazard areas, flood hazard areas, landslide hazard areas, severe channel migration areas, steep-slope hazard areas, wetlands, aquatic areas, wildlife habitat conservation areas, wildlife network areas and related buffers, as set forth in the City's Critical Areas Regulations for the Shoreline Management Area (Appendix A).

Critical Area Policies

Policy 1: Critical areas within the shoreline jurisdiction are regulated by the City of Covington Critical Areas Regulations for the Shoreline Management Area, as contained in Appendix A.

Although these regulations are similar to the Critical Areas Regulations codified in Chapter 18.65 of the Covington Municipal Code, pursuant to the requirements of the Shoreline Management Act, these regulations are distinct. Please note that certain key sensitive area provisions, including the Reasonable Use Exception, do not apply in the shoreline jurisdiction. If there are conflicts between the regulations contained in the SMP, those that are the most protective of shoreline ecological functions will apply.

Policy 2: In addressing issues related to critical areas, use scientific and technical information, as described in WAC 173-26-201 (2)(a).

Policy 3: In protecting and restoring critical areas within the shoreline jurisdiction, integrate the full spectrum of planning and regulatory measures, including the comprehensive plan, interlocal watershed plans, local development regulations, and state, tribal, and federal programs.

Policy 4: Protect existing ecological functions and ecosystem-wide processes and restore degraded ecological functions and ecosystem-wide processes.

Policy 5: Promote human uses and values that are compatible with public access and aesthetic values, provided they do not significantly adversely impact ecological functions.

Critical Area Regulations

Regulation 1: All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile or unique in the region, and to facilitate the appropriate intensity of human use of such features, including but not limited to:

- i. Wetlands;
- ii. Aquatic areas, including streams and lakes;
- iii. Fish and wildlife habitats and spawning areas;
- iv. Critical aquifer recharge areas;
- v. Floodways; and
- vi. Geologically hazardous areas, including erosion, landslide, steep slope and seismic hazard areas.

Regulation 2: Impacts to critical areas shall be avoided, minimized, and mitigated to achieve no net loss of ecological functions necessary to sustain shoreline resources. Critical area protections shall be implemented to protect hydrologic connections between aquatic areas and associated wetlands.

Regulation 3: All uses, developments, and activities on sites within the shoreline jurisdiction must comply with all applicable federal, state and local management codes and regulations, including those administered or required by the Army Corps of Engineers, the Federal Emergency Management Agency, the U.S. Department of Agriculture, the State Department of Fisheries and Wildlife, the State Department of Ecology, the State Department of Agriculture, the State Environmental Policy Act, the City's Shoreline Master Program, the City's zoning regulations, and other applicable local land use codes and regulations.

Regulation 4: The standards of the Covington Critical Areas Regulations for the Shoreline Management Area shall apply within waters of the state and areas landward of the ordinary high water mark within the shoreline jurisdiction, where critical areas are present. The City chooses not to include land necessary for buffers in its master program for critical areas that occur within shorelines of the state as allowed by RCW 90.58.030(2)(f)(ii). Buffers outside of shoreline jurisdiction shall be governed by the City's critical area ordinance. If there are any conflicts or unclear distinctions between the Master Program and the Covington Critical Areas Regulations, those most consistent with the provisions found in RCW 90.58.020 as determined by the shoreline administrator shall ~~the most restrictive will~~ apply.

Regulation 5: The use of herbicides and pesticides to remove noxious plants in rivers, streams, and wetland areas shall be PROHIBITED ~~to remove noxious plants in rivers, streams, and wetland~~

areas, except where no reasonable alternatives exist and it is demonstrated that such activity is in the public interest. A conditional use permit shall be required in such cases, [as well as compliance with all state permits and requirements](#). Mechanical removal of noxious weeds shall be timed and carried out in a manner to minimize any disruption of wildlife or habitat.

Please see Appendix A for additional requirements within Critical Areas in the Shoreline Management Area.

Environmental Impacts

Applicability

The Shoreline Management Act (Act) is concerned with the environmental impacts that both a use and an activity may have on the fragile shorelines of the state. Problems of degrading the shoreline and its waters with contaminants such as petroleum products, chemicals, metals, nutrients, solid or human waste, or soil sediments from erosion are all issues that are addressed.

Environmental Impact Policies

Policy 1: Adverse impacts on the natural environment should be minimized during all phases of development (e.g., design, construction, operation, and management).

Policy 2: Shoreline developments that protect and/or contribute to the long-term restoration of PFC for PTE species are consistent with the fundamental goals of this Master Program. Shoreline developments that propose to enhance critical areas, other natural characteristics, [and resources of the shoreline, and provide public access and recreational opportunities to the shoreline are also consistent with the fundamental goals of this Master Program, and](#) should be encouraged.

Environmental Impact Regulations

Regulation 1: Solid waste, liquid waste, and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.

Regulation 2: The direct release of oil and hazardous materials or chemicals onto the land or into water is prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

Regulation 3: All shoreline uses and activities shall utilize best management practices (BMPs) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Physical control measures include, but are not limited to, catch basins, settling ponds, oil/water separators, filtration systems, grassy swales, interceptor drains and landscaped buffers. All types of BMPs require regular maintenance to continue to function as intended.

Regulation 4: All shoreline developments and uses shall utilize effective erosion control methods during both construction and operation.

Regulation 5: Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority; lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations;
- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

~~Regulation 5: All shoreline uses and activities shall be located, designed, constructed and managed to avoid, if feasible, and then minimize adverse impacts to water quality and fish and wildlife resources, including spawning, nesting, rearing, feeding and other habitat areas.~~

Regulation 6: All shoreline uses and activity shall be located, designed, constructed and managed in a manner that avoids, if feasible, and then minimizes adverse impacts to surrounding land and water uses and that is aesthetically compatible with the affected area.

Regulation 7: All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.

Regulation 8: Land clearing, grading, filling and alteration of natural drainage features and land forms shall be limited to the minimum necessary for development. Surface drainage systems or substantial earth modifications involving greater than 500 cubic yards of material shall be designed by a professional engineer. These designs shall seek to prevent maintenance problems, avoid adverse impacts to adjacent properties or shoreline features, and result in no net loss of shoreline ecological functions.

Regulation 9: All shoreline uses and activities shall be located and designed to prevent or minimize the need for shoreline protection structures (bulkheading, riprap, etc.) and stabilization, landfills, groins, jetties, or substantial site regrades.

Regulation 10: Identified significant short term, long term, or cumulative adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial.

Public Access

Applicability

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. There are a variety of types of potential public access, including picnic areas, pathways and trails, promenades, bridges, street ends, ingress and egress, parking and others.

Existing public access to shorelines within the shoreline jurisdiction is limited to one open space parcel within the Big Soos Creek shoreline jurisdictional area. Farther upstream, outside of shoreline jurisdiction, Big Soos Creek and Jenkins Creek have major public parks and/or trails that provide physical access to the water for passive enjoyment of the shoreline. Pipe Lake has Camp McCullough and a private park for homeowners in Aqua Vista Estates, both of which provide private access to the lake for boating and swimming. However, public access to Pipe Lake does not exist currently.

Plans for future public shoreline access exist along all three water features in the form of potential and proposed parks, trails, and open space.

Public Access Policies

- Policy 1: Public access provisions should be required for all shoreline development and uses, except for water dependent uses and individual single family residences not part of a development planned for more than four parcels.
- Policy 2: Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.
- Policy 3: Development uses and activities on or near the shoreline should not impair or detract from the public's visual or physical access to the water.
- Policy 4: Preservation and enhancement of the public's visual access to Covington's shoreline areas should be encouraged. Enhancement of views should not be construed to mean excess removal of vegetation that partially impairs views.
- Policy 5: Public access to Covington's shorelines does not include the right to enter upon or cross private property, except for dedicated easements.
- Policy 6: Specifically identify potential sites for the development of shoreline public access and prioritize sites in terms of short and long term acquisition and development.
- Policy 7: Shoreline areas that hold unique value for public enjoyment should be purchased for public use.
- Policy 8: Camp McCullough represents a particularly important public access opportunity given its location on Pipe Lake, the current use as a private recreation facility, and the high ecological functions of the site. Ensure continued recreational use of the property and consider possible future public access through an agreement, easement, or acquisition in the event of future development and conversion to a non-recreational use.

- Policy 9: Integrate shoreline public access trails with other existing and planned regional trails to provide non-motorized access and community connections.
- Policy 10: Physical access for swimming and non-motorized boating, passive recreation (such as interpretive trails) and habitat enhancement should be important objectives for the management of shoreline public access sites.
- Policy 11: Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive shoreline environment.
- Policy 12: Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and should be designed for accessibility by handicapped and physically impaired persons.
- Policy 13: Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
- Policy 14: Public access to the shoreline should be sensitive to the unique characteristics of the shoreline and should preserve the natural character and quality of the environment and adjacent wetlands.
- Policy 15: Regulations shall ensure that the development ~~of active~~ [and operation](#) recreational facilities results in no net loss of ecological function. Regulations should address upland concerns, such as the location and design of parking facilities, ~~and~~ active play areas [and trails](#), as well as the development on in-water and nearshore structures, such as non-motorized boat launches, piers and swimming areas.
- Policy 16: The level of public access should be commensurate with the degree of uniqueness or fragility of the shoreline.
- Policy 17: Public access facilities should be constructed of environmentally friendly materials, use low impact development techniques and support healthy natural processes, when feasible.
- Policy 18: Parks and trail plans should provide detailed guidance for the construction of trails in particularly environmentally sensitive shoreline segments along Jenkins and Big Soos Creek.

Planning process to address public access

- Policy 19: Plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access. This planning should be integrated with other relevant comprehensive plan elements, especially transportation and parks/recreation. The planning process shall also comply with all relevant constitutional and other legal limitations that protect private property rights.
- Policy 20: At a minimum, public access planning should result in public access requirements for shoreline permits, recommended projects, and/or actions to be taken to develop public shoreline access to shorelines on public property. The planning should identify a variety of shoreline access opportunities and circulation for pedestrians (including disabled persons), bicycles, and vehicles between shoreline access points, consistent with other comprehensive plan elements.

Public Access Regulations

- Regulation 1: Public access shall be required for all shoreline development and uses, except for water dependent uses and single family residences not part of a development planned for more than four parcels.
- Regulation 2: Subdivisions of land into more than four parcels shall include dedication and improvement of public access.
- Regulation 3: A. A shoreline development or use that does not provide public access may be authorized provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.
- i. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - ii. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;
 - iii. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
 - iv. Unacceptable environmental harm such as damage to fish spawning areas will result from the public access which cannot be mitigated; or
 - v. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
- B. Provided further, that the applicant has first demonstrated and the City has determined that all reasonable alternatives have been exhausted, including but not limited to:
- i. Regulating access by such means as limiting hours of use to daylight hours.
 - ii. Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.
 - iii. Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.
- C. Where the above conditions cannot be met, a payment in lieu of providing public access shall be required in accordance with RCW 82.02.020 (relating to fees associated with development).
- Regulation 4: Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by topping.
- Regulation 5: Public access sites shall be connected directly to the nearest public street if possible.

- Regulation 6: Public access sites shall be made barrier free for the physically disabled where feasible.
- Regulation 7: Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.
- Regulation 8: Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat or short plat as a condition running in perpetuity with the land. Recording with the Auditor's office shall occur at the time of permit approval (RCW 58.17.110; relating to subdivision approval or disapproval).
- Regulation 9: The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. In accordance with Public Access Regulation #1 in this section, signs controlling or restricting public access may be approved as a condition of permit approval.
- Regulation 10: Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.
- Regulation 11: Development on or over the water shall be constructed as far landward as possible to avoid interference with views from surrounding properties to the shoreline and adjoining waters.
- Regulation 12: Physical public access shall be designed to prevent significant impacts to sensitive natural systems. [Where impacts to shoreline ecological functions cannot be avoided, mitigation shall be required to meet the no net loss standard.](#)
- Regulation 13: The City shall require the use of environmentally friendly materials and technologies in such things as building materials, porous pavement, site preparation, drainage, landscaping, etc., when public access to the shoreline is required.
- Regulation 14: Where public access is to be provided by a trail the following requirements shall apply:
- a. The trail shall be no greater than 12 feet in total improved width, not including landscaping; no more than 8 feet of paved surface is preferable in most cases.
 - b. Where feasible, the trail shall be placed on the furthest landward edge of the riparian management zone.
 - c. Landscaping should be native and drought tolerant or site appropriate.
 - d. Other specific conditions described in a trail plan.
- Regulation 15: Public entities, including the City of Covington, are required to incorporate public access measures as part of each public shoreline development project, unless access is incompatible with safety, security, or environmental protection.

Vegetation Conservation^[g5]

Vegetation within and adjacent to water bodies provides a valuable function for the health of aquatic ecosystems. Vegetation management involves both a passive and active management system. The intent of both systems is to minimize habitat loss and the impact of invasive plants, erosion, sedimentation, and flooding. "Passive" vegetation management deals with protection and enhancement of existing diverse native plant communities along all shorelines including creeks, streams, wetlands, and lakes. "Active" vegetation management involves aquatic weed control as well as the restoration of altered or threatened shorelines using a technology called soil bioengineering. Soil bioengineering reestablishes native plant communities as a dynamic system that stabilizes the land from the effects of erosion.

Applicability

Vegetation conservation includes activities to protect and restore vegetation along or near freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

Unless otherwise stated, vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practice activities over which local governments have authority. As with all master program provisions, vegetation management provisions apply even to those shorelines and uses which are exempt from a permit requirement. Like other master program provisions, vegetation conservation standards do not apply retroactively to existing uses and structures, such as existing agricultural practices.

Shoreline Vegetation Conservation Policies

Policy 1: Conserve vegetation along shorelines to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines.

Policy 2: Protect human safety and property, to increase the stability of stream banks and the Pipe Lake shoreline, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses^[g6].

Policy 3: Assure no net loss of shoreline ecological functions and ecosystem-wide processes, avoid adverse impacts to soil hydrology, and reduce the hazard of slope failures or accelerated erosion.

Policy 4: Address ecological functions and ecosystem-wide processes provided by vegetation as described in WAC 173-26-201 (3)(d)(i).

Policy 5: Implement a variety of measures, where consistent with Shoreline Management Act policy, including clearing and grading regulations, Low Impact Development requirements, setback and buffer standards, critical area regulations, conditional use requirements for specific uses or areas, mitigation requirements, incentives and nonregulatory programs.

Policy 6: In establishing vegetation conservation regulations, use available scientific and technical information, as described in WAC 173-26-201 (2)(a). Consult shoreline management assistance materials provided by the Department of Ecology and Management Recommendations for

Washington's Priority Habitats, prepared by the Washington state department of fish and wildlife where applicable.

- Policy 7: Conserve sufficient vegetation around Pipe Lake to maintain and enhance water and sediment storage, removal of excess nutrients and toxic compounds, large woody debris recruitment, bank stability, shade, and organic matter recruitment, all of which are currently considered to be functioning at a low level along Reach 2 of Pipe Lake.
- Policy 8: Conserve sufficient vegetation along Jenkins Creek to maintain and enhance water and sediment storage, removal of excess nutrients and toxic compounds, large woody debris recruitment, and organic matter recruitment, all of which are currently considered to be functioning at a low to moderate level along Reach 1 of Jenkins Creek.
- Policy 9: Conserve sufficient vegetation along Big Soos Creek, to maintain and enhance large woody debris recruitment, shade, and organic matter recruitment, all of which are currently considered to be functioning at a low to moderate level along Big Soos Creek.
- Policy 10: Vegetation conservation areas are not necessarily intended to be closed to use and development but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline ecological functions.
- Policy 11: Native plant communities within the shoreline environment should be protected and maintained to minimize damage to the ecology and environment of the shoreline area.
- Policy 12: The removal of non-hazardous mature trees should generally be prohibited within critical areas in the shoreline management area. Limited removal of trees may be allowed within the Pipe Lake shoreline management area, provided mitigation is required and no net loss of ecological function is maintained. The City shall regulate tree removal and land clearing to protect the shoreline environment.
- Policy 13: Restoration of degraded shorelines due to natural or manmade causes should, wherever feasible, use soil bioengineering techniques to minimize the processes of erosion, sedimentation, and flooding.
- Policy 14: Aquatic weed management should involve usage of native plant materials wherever possible in soil bioengineering applications and habitat restoration activities. Where active removal or destruction of aquatic vegetation is necessary, it should be done only to the extent necessary to allow water-dependent activities to continue. Removal or modification of aquatic vegetation should be conducted in a manner that minimizes adverse impacts to native plant communities and/or salmonid habitat, and should include appropriate handling or disposal of weed materials and attached sediments.
- Policy 15: Incentives should be provided for the retention and planting of native vegetation, particularly in areas recommended for designation as Shoreline Residential. Incentives could include additional flexibility with building setbacks from Pipe Lake.
- Policy 16: The City of Covington should provide information to the public about environmentally appropriate vegetation management, salmon-friendly landscaping for shoreline properties and alternatives to the use of pesticides and herbicides which impact water quality and aquatic stream habitat.
- Policy 17: Property owners should use the following Best Management Practices (BMPs) when maintaining residential landscapes:

- a. Avoid use of herbicides, fertilizers, insecticides, and fungicides along banks of streams, drainage channels, and shores of Pipe Lake, as well as in the water.
- b. Limit the amount of lawn and garden watering so that there is no surface runoff.
- c. Dispose of grass clippings, leaves, or twigs properly; do not sweep these materials into the street, into a body of water, or near a storm drain.

Policy 18: The removal of mature trees and native vegetation in the Urban Conservancy designation along Big Soos Creek and Jenkins Creek should be regulated in a manner that provides protection that is equal to ~~or greater than the~~ current Critical Area Regulations.

Policy 19: Vegetation removal in wetland areas and associated buffers within the majority of the Big Soos Creek and portions of the Jenkins Creek Shoreline management areas should also be restricted to only allow the removal of hazardous trees. Additional flexibility can be provided for areas within currently developed yards and non-wetland areas where more intensive urban development is anticipated. In these areas, removal of trees shall be limited to the minimum necessary to safely construct and operate a permitted shoreline use.

Policy 20: Vegetation removal should be restricted within portions of the Pipe Lake shoreline that are recommended for Urban Conservancy designation. Upland areas can be regulated in a manner that provides greater flexibility, but a higher level of protection should be provided than currently afforded these areas. In particular, removal of non-hazardous mature trees and native vegetation within at least 60 feet of the shoreline should be severely restricted to maintain the current level of high ecological function and value.

Policy 21: Include provisions for continued monitoring and control of aquatic invasive species in Pipe Lake to maintain eradication of Brazilian elodea and prevent establishment of other aquatic invasive species.

Policy 22: Encourage projects that restore and enhance shoreline resources. Strategies may include but are not limited to a simplified permit process, reduced or waiver of permit fees, development incentives, public outreach, encouraging landowners to replant with native vegetation, and city participation in a pilot-project that promotes shoreline restoration.

Policy 23: Consider implementing tools to provide incentives for restoration such as: modifying the buffers that would apply to the restored areas or allowing a greater range of uses or flexible development standards (i.e. – setbacks, height limits, lot coverage) on properties providing restoration and/or affected by restoration buffers.

Shoreline Vegetation Conservation Regulations

Regulation 1: All shorelines shall be protected from degradation caused by vegetation removal and modifications of the land surface within the shoreline area and/or the adjacent uplands.

Regulation 2: The removal of non-hazardous mature trees and associated understory vegetation shall be prohibited within critical areas and associated buffers in the shoreline management area, unless such removal is determined to be necessary to support a water ~~related-oriented~~ use or in connection with an allowed alteration or poses a documented hazard to existing development. Tree replacement shall be required at an appropriate ratio to assure no net loss

is achieved. The City shall require a report prepared by a qualified professional to assure impacts are mitigated

- Regulation 3: The City shall regulate tree removal and land clearing within shoreline jurisdiction to protect ecological functions. Outside of critical areas and associated buffers, tree removal shall be minimized and significant trees shall be replaced at an appropriate ratio to assure no net loss is achieved. The City shall require a report prepared by a qualified professional to assure impacts are mitigated.
- Regulation 4: Limited removal of trees may be allowed within the Pipe Lake shoreline management area, provided mitigation is required and no net loss of ecological function occurs. Native understory vegetation shall be preserved outside of areas used for active recreation and shoreline access.
- Regulation 5: Restoration of any shoreline or streambank that has been disturbed or degraded shall use native plant materials, unless such restoration occurs within a developed and maintained ornamental landscape, in which case noninvasive plant materials similar to that which most recently occurred on-site may be used.
- Regulation 6: Tree pruning for safety, view maintenance or other purposes is authorized and shall be done in accordance with accepted arboricultural practices.
- Regulation 7: Removal of noxious weeds is authorized in all portions of the SMP and erosion control and/or revegetation is required.
- Regulation 8: Stabilization of exposed erosion-prone surfaces within the shoreline environment shall, wherever feasible, utilize soil bioengineering techniques.
- Regulation 9: Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including Washington Department of Fish and Wildlife requirements. Control of aquatic vegetation by mechanical methods is exempt from the requirement to obtain a shoreline substantial development permit only if the bottom sediment or benthos is not disturbed in the process. It is assumed that mechanical removal of accumulated vegetation at a level closer than two (2) feet to the root level will disturb the bottom sediment and benthos layer.
- Regulation 10: The control of aquatic vegetation by derooting, rotovating or other methods which disturb the bottom sediment or benthos shall be considered development for which a shoreline substantial development permit is required.
- Regulation 11: The application of herbicides or pesticides in lakes, rivers, streams, wetlands, or ditches requires a permit from the Washington Department of Ecology and may require preparation

of a SEPA checklist for review by other agencies. The individual(s) involved must obtain a pesticide applicator license from the Washington State Department of Agriculture.

Water Quality, Stormwater, and Non-Point Pollution

Applicability

Water quality is affected in numerous ways by human occupation and development of shoreline areas. Typically the increase in impermeable surfaces as a result of development increases stormwater runoff volumes, causing higher peak stormwater discharges at higher velocities that cause scouring and erosion of stream banks. Erosion increases suspended solids concentrations and turbidity in receiving waters, and carries heavy metals, household wastes, excess nutrients, and other pollutants into these waters. Increased nitrogen and phosphorus enrichment results in algal growth that depresses levels of dissolved oxygen in receiving waters. The degradation of water quality adversely impacts wildlife habitat and public health.

Maintaining high water quality standards and restoring degraded systems has been mandated in RCW 90.58. Water quality is impacted by a variety of uses and modifications and clearly needs broad policies and regulations to protect the shorelines and the associated waters of the state.

Water Quality, Stormwater, and Non-Point Pollution Policies

- Policy 1: All shoreline uses and activities should be located, designed, constructed and maintained to minimize adverse impacts to water quality and fish and wildlife resources including spawning, nesting, rearing, and feeding areas and migratory routes.
- Policy 2: The City should require property owners with failing septic systems to connect to the public sewer system where feasible.
- Policy 3: The City should encourage those property owners along Jenkins Creek and Pipe Lake who currently have on-site septic systems to connect to the public sewer.
- Policy 4: The City should re-examine its current policy and regulations which require property owners to connect to the public sewer as a condition of major redevelopment when the public sewer is located within 300 feet, to see if more stringent requirements are necessary.
- Policy 5: The City should require reasonable setbacks, buffers and stormwater treatment and detention facilities to achieve the objective of no net loss of shoreline ecological functions and maintenance of good water quality.
- Policy 6: The City should provide development incentives to private property owners to improve the water quality functions of shoreline buffers.
- Policy 7: All measures for controlling erosion, reducing stream flow rates, or controlling floodwaters through the use of stream control works should be located, designed, constructed and maintained so existing water quality is protected or enhanced.
- Policy 8: All measures for the treatment of runoff to maintain and/or enhance water quality should be conducted on-site at the source of contamination.

Policy 9: Dredging and filling activities should be limited to the protection of private property when all practicable alternatives have been exhausted and as part of an approved restoration plan conducted in a manner that protects the City's water quality. For detailed information on requirements and policies related to dredging, see the Shoreline Modification Activity Regulations section entitled Dredging.

Policy 10: The City should provide general information to the public about the use of land and human activities which impact water quality. This could be accomplished by encouraging educational curricula that provides students with first hand exposure to the issues and solutions, and through community activities, such as Adopt-A-Stream programs.

Policy 11: The following BMPs regarding water quality management should be supported:

- a. Hazardous materials should always be disposed of properly if they cannot be reused or recycled. Household products identified by such labels as poisonous, corrosive, caustic, flammable, volatile, explosive, or dangerous, and their associated containers, should never be dumped outdoors at a residence.
- b. Ground cloths or drip pans should be used beneath any outdoor work involving hazardous materials such as paints, wood preservatives, finishes, stains, and rust removers. Collected drips and spills should be recycled or disposed of properly.
- c. The runoff from automobile washing should drain to vegetated areas, such as lawns. If soaps or detergents are used, products without phosphates should be selected. Use a high pressure hose with trigger to minimize water usage.
- d. Limit the amount of lawn and garden watering so that surface water runoff containing pesticides, herbicides and fertilizers does not leave the property. Application of these chemicals should be avoided if precipitation is expected.
- e. Paint and solvent mixing, fuel mixing, and similar handling of liquids should be performed on shore, or such that no spillage can occur directly in surface water bodies.
- f. Feeding Canada geese and other waterfowl along the shoreline should be discouraged to prevent them from gathering in large numbers and potentially contaminating the water from bird droppings.

Policy 12: Target water quality improvements in Pipe Lake for phosphorous. Currently Pipe Lake is on the 303(d) list for total phosphorus impairment.

Policy 13: Target water quality improvements in Big Soos Creek for fecal coliform and dissolved oxygen. Currently Big Soos Creek is on the 303(d) list for total fecal coliform and dissolved oxygen impairments.

Policy 14: Incorporate policies that result from the City's efforts to comply with its NPDES Phase II stormwater permit requirements in the City's SMP.

Water Quality, Stormwater, and Non-Point Pollution Regulations

Regulation 1: All shoreline development, both during and after construction, shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such

that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grassy swales, planted buffers, and fugitive dust controls.

Regulation 2: Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins.

Regulation 3: Property owners with failing septic systems and applicants seeking required building, land use and shoreline permits for a major redevelopment shall be required to connect to the public sewer if such connection can be made within 300 feet of the subject property.

Regulation 4: All shoreline development shall comply with the applicable requirements of the most recent edition of the Adopted Surface Water Design Manual and all applicable City stormwater regulations. The City will also rely on source control standards and other BMPs contained in the most recent versions of the Department of Ecology Stormwater Management Manual for Western Washington and The Low Impact Development Manual: Technical Guidance for Puget Sound.

Chapter 5 Shoreline Environments

Introduction to Shoreline Environment Designations

The basic intent of a shoreline environment designation is to encourage development that will enhance the present or desired character of the shoreline. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and the aspirations of the local citizenry.

Environment designations are categories that reflect the type of development that has or should take place in a given area. The Shoreline Master Program Guidelines recommend classifying shoreline environments using the following categories: “high intensity,” “shoreline residential,” “urban conservancy,” “rural conservancy,” “natural,” and “aquatic.”

These categories represent a relative range of development, from high to low intensity land use:

- "High-intensity" is appropriate for areas of high intensity water oriented commercial, transportation, and industrial development.
- “Shoreline residential” is intended to accommodate residential development, and appropriate public access and recreational uses consistent with other elements of shoreline management.
- "Urban conservancy" is a designation designed to protect and restore the ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed areas.
- "Rural conservancy" is intended for areas that protect ecological functions and conserve existing natural resources and that support, or have the capability to support, agricultural and recreational uses.
- "Natural" is intended to protect shorelines that remain relatively free of human influence or that include intact or minimally degraded shoreline functions that cannot support human use.
- And finally, “Aquatic” is a designation intended to protect, restore, and manage the areas waterward of the ordinary high water mark.

Additionally, local governments may establish an alternative environment designation(s), provided that it is consistent with the purposes and policies of the Shoreline Management Act and the Guidelines, including WAC 173-26211(5). For the City of Covington, a Medium-Intensity parallel environmental designation is established for areas planned for medium intensity residential and limited commercial uses in upland areas. DOE acknowledges the need for parallel designations in some cases to balance between use and protection. A more protective designation like Urban Conservancy is assigned to waterward areas and a more use oriented designation like Medium Intensity is assigned to landward areas.

Once a shoreline segment has been given an environment designation, management policies are developed. These management policies are used as the basis for determining uses and activities that can be permitted in each environment designation. Specific development standards are also established, which specify how and where permitted development can take place within each shoreline environment.

Need for Consistency

The Shoreline Management Act requires that policies for lands adjacent to the shorelines be consistent with the Shoreline Management Act, implementing rules, and the local shoreline master program. Conversely, local comprehensive plans provide the underlying framework within which master program provisions should fit. The Growth Management Act requires that shoreline master program policies be incorporated as an element of the comprehensive plan, and that all elements be internally consistent. In addition, under the Growth Management Act, all development regulations must be consistent with the comprehensive plan.

The Shoreline Guidelines identify three criteria for use in evaluating the consistency between master program environment designation provisions and the corresponding comprehensive plan elements and development regulations. In order for shoreline designation provisions, local comprehensive plan land use designations, and development regulations to be internally consistent, all three of the conditions below should be met:

(a) Provisions not precluding one another.

Comprehensive plan provisions and shoreline environment designation provisions should not preclude one another. To meet this criterion, the provisions of both the comprehensive plan and the master program must be able to be met. Further, when considered together and applied to any one piece of property, the master program use policies and regulations and the local zoning or other use regulations should not conflict in a manner that all viable uses of the property are precluded.

(b) Use compatibility.

Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses. The intent is to prevent existing or potential future water oriented uses, especially water dependent uses, from being restricted on shoreline areas because of impacts to nearby non-water-oriented uses. To be consistent, master programs, comprehensive plans, and development regulations should prevent new uses that are not compatible with preferred uses from locating where they may restrict preferred uses or development.

(c) Sufficient infrastructure.

Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Infrastructure plans must also be mutually consistent with shoreline designations. Where they do exist, utility services routed through shoreline areas shall not be a sole justification for more intense development.

City of Covington Shoreline Environment Designations

This Master Program establishes four shoreline environments for the City of Covington. These shoreline environments shall include the shorelines of the City of Covington, including shorelands, surface waters, and bedlands.

These environments are derived from the Covington Shoreline Analysis Report the Covington Comprehensive Plan, and the environments recommended by the Shoreline Management Act and the Shoreline Guidelines. The Shoreline Analysis Report provides an inventory of natural and built conditions in the City’s shoreline jurisdiction. The conditions identified in the inventory have been compared with the recommended shoreline environments and the most appropriate environments selected. The five (5) Covington shoreline environment designations are:

1. High-Intensity,
2. Medium-Intensity,
3. Shoreline Residential,
4. Urban Conservancy, and
5. Aquatic.

These shoreline environments are illustrated for the City of Covington in Figure 1, located at the end of this chapter, and described in the text below. Each shoreline description includes a definition and statement of purpose, followed by designation criteria, management policies, and development standards. Any undesignated shorelines are automatically assigned an Urban Conservancy environment designation.

High-Intensity Environment

Purpose

The purpose of the High-Intensity environment designation is to provide for high-intensity water-oriented and non-water oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

Designation criteria

Assign a High-Intensity environment designation to shoreline areas within incorporated municipalities and urban growth areas, if they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.

Designated Areas

Description

The only High-Intensity area is that portion of Jenkins Creek adjacent to the Bonneville Power Authority utility site as shown in Figure 1. Specifically, the High-Intensity area includes the shorelands of Jenkins Creek from the City boundary, upstream to eastern edge of the public right-of-way that contains the bridge at Covington Way SE.

Rationale

High Intensity designation is appropriate for shoreline areas of existing industrial use in Covington. The area of shoreline designated as High-Intensity is zoned Industrial under the Covington’s development regulations

and is developed as the Bonneville Power Authority utility site. Although the site lies adjacent to the stream, utility activities are physically separated from the stream by a buffer of vegetation.

Management policies

1. Full utilization of existing High-Intensity area should be achieved before further expansion of the High-Intensity environment is allowed.
2. Priority shall be given first to water-dependent uses, then to water-related and water-enjoyment uses. Certain commercial uses allowed in the underlying zoning that are non-water oriented are allowed, provided public access is provided for new development. Mixed-use development and residential development are allowed, but must be buffered from existing and future industrial activity.
3. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
4. Where feasible, visual and physical public access should be required for in all new non-residential development.
5. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.
6. Work with BPA to develop a more ecologically sound bank treatment than the current riprap and add additional vegetation immediately adjacent to the stream channel to widen the effective buffer.

Development Standards

Shoreline Use

Regulation 1: The following uses are prohibited in the Shoreline High-Intensity environment:

- (a) Forest Practices
- (b) Mining
- (c) Parking as a primary use
- (d) Solid Waste Disposal or Transfer Sites (excluding storage of recyclable materials)

Additional allowed, conditional and prohibited uses for the High-Intensity environment are listed in Chapter 6, Specific Shoreline Use Policies and Regulations, Table I.

Height Limit

Regulation 2: Development shall also be subject to the height limits established by the underlying zoning, but in no case shall the height exceed forty-five feet (45) above average grade level. The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. A height of more than thirty-five feet (35) can only be achieved if the applicant prepares a view corridor study indicating that the proposed structure would not

~~diminish views of the Lake from surrounding properties. No new or expanded building or structure shall exceed a building height of forty-five (45) feet, except the height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances.~~

Setbacks

~~Regulation 3:~~ Regulation 2: _____ Unless otherwise specified herein, permanent and temporary structures shall be setback from ordinary high water mark as indicated in Chapter 6, Table II and the related Development Regulations for Industrial Development. Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline.

~~Regulation 4:~~ Regulation 3: _____ Development associated with public access and ecological restoration is not required to meet the minimum setback. However, where such development is approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the feasible operation of the use while maintaining no net loss of ecological function.

Other Development Standards

~~Regulation 5:~~ Regulation 4: _____ The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development in the Shoreline High Intensity environment shall have no more than 50% impervious surface coverage. Impervious surface coverage is further restricted in the critical area buffer as indicated in Appendix A. Outside of critical areas, a credit towards the total impervious surface coverage may be provided through the use of permeable materials, such as pervious concrete, subject to approval by the Shoreline Administrator in consultation with the City Engineer. The City will encourage practices that further minimize impervious surfaces and stormwater runoff, including use of best available technologies.

~~Regulation 6:~~ Regulation 5: _____ All development shall comply with the standards for interior setbacks, yard requirements and all applicable provisions in the Covington Municipal Code (CMC) for the zone in which the development occurs. In the event of a conflict between a provision in this SMP and a provision in another part of the CMC, the requirement that provides the most protection to the shoreline management area shall be applied.

Dimensional standards for the High Intensity environment are listed in Chapter 6, Specific Shoreline Use Policies and Regulations, Table II.

Medium-Intensity Environment

Purpose

The purpose of the Medium-Intensity environment designation is to provide for water oriented and non-water oriented commercial, mixed-use, and residential uses while protecting existing ecological functions and

restoring ecological functions in areas that have been previously degraded. Adaptive reuse of existing structures for office uses is emphasized, along with public access and water-enjoyment uses.

Designation criteria

Assign a Medium-Intensity environment designation to shoreline areas if they currently support residential, water-enjoyment or commercial uses, are located in upland areas outside of stream buffers, and are suitable and planned for limited intensity commercial, residential or water-enjoyment uses.

Designated Areas

Description

Shoreline areas located outside of the 115 foot stream buffer along Jenkins Creek have a Medium-Intensity environment designation as shown in Figure 1. These areas include shorelands located at least 115 feet from the OHWM of Jenkins Creek up to 200 feet from OHWM of Jenkins Creek, and beyond to the boundary of any associated wetlands where these are found to exist. The linear extent of the Medium-Intensity environment extends to the eastern edge of the right of way that contains the Covington Way SE bridge, upstream to the point where two tributaries join and the 20 cfs mean annual threshold is no longer met. This designation runs parallel to an Urban Conservancy designation for shorelands adjacent to Jenkins Creek that meet the designation criteria.

Rationale

A parallel designation of Urban Conservancy and Medium-Intensity reflects the complex management objectives for the shoreline segment in areas currently zoned DN-7B. Somewhat more intensive urban development is anticipated along Wax Road on portions of sites currently developed as single-family homes. However, there are important recreational improvements planned for this area and a need to protect high value habitat resources such as wetlands.

Management policies

1. Full utilization of the existing Medium Intensity area should be achieved before further expansion of the Medium Intensity environment is allowed.
2. Regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration to comply with any relevant state and federal law.
3. Where feasible, visual and physical public access shall be required for all new non-residential development.
4. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.
5. Water-dependent, water-related, and water enjoyment uses shall be given priority over non-water oriented uses. Limited commercial uses consistent with the underlying DN-7B zoning that are non-

water oriented are allowed, provided public access is provided for new development. Residential uses are allowed.

Development Standards

Shoreline Use

Regulation 1: The following uses are prohibited in the Shoreline Medium-Intensity environment:

- (a) Agriculture
- ~~(b) Aquaculture~~
- ~~(c)(b)~~ Forest Practices
- ~~(d)(c)~~ Industrial uses
- ~~(e)(d)~~ Mining
- ~~(f)(e)~~ Parking as a primary use
- ~~(g)(f)~~ Solid Waste Disposal or Transfer Sites (excluding storage of recyclable materials)

Additional allowed, conditional and prohibited uses for the Shoreline Medium-Intensity environment are listed in Chapter 6, Specific Shoreline Use Policies and Regulations, Table I.

Height Limit

Regulation 2: ~~No new or expanded building or structure shall exceed a building height of forty-five (45) feet, except the height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. Development shall also be subject to the height limits established by the underlying zoning, but in no case shall the height exceed forty-five feet (45) above average grade level . The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. A height of more than thirty-five feet (35) can only be achieved if the applicant prepares a view corridor study indicating that the proposed structure would not diminish views of the Lake from surrounding properties.~~

Other Development Standards

Regulation 3: The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development shall have no more than 50% impervious surface coverage. A credit towards the total impervious surface coverage may be provided through the use of permeable materials, such as pervious concrete, subject to approval by the Shoreline Administrator in consultation with the City Engineer. The City will encourage practices that

further minimize impervious surfaces and stormwater runoff, including use of best available technologies.

Regulation 4: All development shall comply with the standards for interior setbacks, yard requirements and all applicable provisions in the Covington Municipal Code (CMC) for the zone in which the development occurs. In the event of a conflict between a provision in this SMP and a provision in another part of the CMC, the requirement that provides the most protection to the shoreline management area shall be applied.

Dimensional standards for the Medium Intensity environment are listed in Chapter 6, Specific Shoreline Use Policies and Regulations, Table II.

Shoreline Residential Environment

Purpose

The Shoreline Residential environment designation is designed to provide for residential needs where the necessary facilities for development can be provided. An additional purpose is to provide appropriate public access and recreational uses.

Designation criteria

Assign a Shoreline Residential environment designation to shoreline areas if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

Designated Areas

Description

Shoreline Residential areas in Covington include those areas adjacent to Pipe Lake that are currently developed as single family or appurtenances, where that use is anticipated to continue in the future. Specifically, the Shoreline Residential environment includes all Pipe Lake shorelands with Covington City limits, with the exception of the Camp McCullough property.

Rationale

The segments of shoreline designated as Shoreline Residential are predominately residential and are planned for low to moderate residential density.

Management policies

1. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

2. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.
3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
4. Low impact development (LID) techniques, such as minimizing effective impervious surfaces, infiltration of run-off, use of green roofs and pervious pavers, and other techniques, shall be encouraged.
5. Encourage private property owners to preserve and enhance native shoreline vegetation and use environmentally friendly landscaping practices by providing incentives, information and other assistance.
6. Limited non-residential uses, such as parks, day cares, home occupation businesses may be allowed, provided they are consistent with the residential character.

Development Standards

Shoreline Use

Regulation 5: The following are prohibited in the Shoreline Residential environment:

(a) Agriculture

~~(b) Aquaculture.~~

~~(e)(b)~~ Commercial uses as a primary use (commercial uses that are incidental to the primary residential use and are compatible with the residential character of the neighborhood, such as home occupations, may be permitted).

~~(d)(c)~~ Forest Practices

~~(e)(d)~~ Industrial uses

~~(f)(e)~~ Mining

~~(g)(f)~~ Parking as a primary use

~~(h)(g)~~ Multi-family residential development

~~(f)(h)~~ Solid Waste Disposal or Transfer Sites (excluding storage of recyclable materials)

Regulation 6: The following may be permitted as conditional uses in the Shoreline Residential environment:

(a) Aquaculture

(a)(b) Non-water oriented recreational facilities as a primary use and multi-use trails (non-water oriented recreational facilities as an accessory use and minor trails are permitted).

Additional allowed, conditional and prohibited uses for the Shoreline Residential environment are listed in Chapter 6, Specific Shoreline Use Policies and Regulations, Table 1.

Height Limit

Regulation 7: No new or expanded building or structure shall exceed a building height of thirty (30) feet, except the height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances.

Buffers and Setbacks

Regulation 8: Unless otherwise specified herein, permanent and temporary structures shall be setback from ordinary high water mark as indicated in Chapter 6, Table II and the related Development Regulations for Residential Development in Chapter 6. Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline.

Regulation 9: All development shall comply with the dimensional standards, including required yard setbacks, provided in the underlying zoning. Where a conflict exists between a requirement of this SMP and the zoning code, the SMP shall prevail.

Regulation 10: Development associated with public access and ecological restoration is not required to meet the minimum setback. However, where such development is approved within the minimum setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the feasible operation of the use and all impacts mitigated to achieve no net loss.

Lot Width

Regulation 11: The minimum required width of a lot in the Shoreline Residential environment shall be sixty (60) feet.

Other Development Standards

Regulation 12: The amount of impervious surface shall be the minimum necessary to provide for the intended use. The maximum allowed impervious surface coverage on a lot is 50%. A credit towards the total impervious surface coverage may be provided through the use of permeable materials, such as pervious concrete, subject to approval for the Shoreline Administrator the City Engineer. The City will encourage practices that further minimize impervious surfaces and stormwater runoff, including use of best available technologies.

Regulation 13: All development shall comply with the standards for interior setbacks, yard requirements and all applicable provisions in the Covington Municipal Code (CMC) for the zone in which the development occurs. In the event of a conflict between a provision in this SMP and a

provision in another part of the CMC, the requirement that provides the most protection to the shoreline management area shall be applied.

Dimensional standards for the Shoreline Residential environment are listed in Chapter 6, Specific Shoreline Use Policies and Regulations, Table II.

Urban Conservancy Environment

Purpose

The purpose of the Urban Conservancy environment designation is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Designation criteria

Areas designated Urban Conservancy are those areas where one or more of the following characteristics apply:

1. They are suitable for water-related or water-enjoyment uses;
2. They are open space, flood plain, stream buffer or other sensitive areas that should not be more intensively developed;
3. They have potential for ecological restoration;
4. They retain important ecological functions, even though partially developed; or
5. They have the potential for development that is compatible with ecological restoration.

Designated Areas

Description

Urban Conservancy areas includes all shorelands adjacent to Big Soos Creek and shorelands adjacent to Jenkins Creek upstream or eastern edge of the Covington Way SE bridge right-of-way and at Pipe Lake on the Camp McCullough property where open space, stream buffers and other sensitive lands exist as shown in Figure 1.

Please note: where the Urban Conservancy designation exists along Jenkins Creek, a “parallel designation” of Medium-Intensity is located in upland areas beyond the 115 foot stream buffer.

Rationale

The area zoned “Urban Separator” along Big Soos Creek is severely constrained by current zoning regulations and wetlands. Much of this area is undeveloped, but portions of it have the potential to experience additional low-density development.

While somewhat more intensive urban development is anticipated along Wax Road, there are important recreational improvements planned for the shoreline area adjacent to Jenkins Creek within Covington’s shoreline jurisdiction. These include extension of the Jenkins Creek and 191st Place SE trails, and

development of South Covington Park located directly adjacent to Jenkins Creek and accessible from SE Wax Road. There is also a need to protect high value habitat resources in this shoreline area such as wetlands.

Camp McCullough on Pipe Lake is designated as Urban Conservancy to preserve and enhance the ecological functions of the undeveloped portions of the shoreline and the City should make efforts to retain future options for passive and active shoreline recreation and public access in the event of future development and conversion to a non-recreational use.

Management policies

1. Priority shall be give to water-oriented uses over non-water oriented uses.
2. Uses that preserve the natural character of the area or promote preservation of open space, flood plain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
4. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the Urban Conservancy designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
5. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

Development Standards

Shoreline Use

Regulation 1: Land uses that are permitted in the Urban Conservancy shoreline environment include:

(a) Aquaculture

~~(a)~~(b) Boating Facilities

~~(b)~~(c) Water-oriented recreation

~~(c)~~(d) Non-water oriented recreation as an accessory use

~~(d)~~(e) Minor and Multiuse Trails

~~(e)~~(f) Scientific, historical, cultural and educational uses

~~(f)~~(g) Single-family residential development in the Jenkins Creek shoreline area (subject to critical area restrictions)

~~(g)~~(h) Restoration activities

~~(h)~~(i) Accessory Utilities

Regulation 2: The following may be permitted as conditional uses in the Urban Conservancy environment:

- (a) ~~Ancillary Water-oriented Commercial-commercial Developments as an accessory use~~
- (b) Parking as an Accessory Use
- (c) Non-water oriented recreational facilities (primary)
- (d) Single-family residential development within the Big Soos Creek shoreline area only
- (e) Transportation Facilities
- (f) Utilities (Primary) – See Specific Use Regulations in Chapter 6, only if no feasible location exists outside of the shoreline area

Regulation 3: All new uses and developments, permitted or allowed as conditional, in the Urban Conservancy environment must be compatible with conserving, protecting and restoring ecological conditions of the shoreline.

Regulation 4: The following are prohibited in the Urban Conservancy environment:

- (a) Agriculture
- ~~(b) Aquaculture~~
- ~~(b)~~ Commercial uses (Primary)
- ~~(c)~~ Industrial uses
- ~~(d)~~ Mining
- ~~(c)~~ Single-family residential development within the Pipe Lake shoreline Environment
- ~~(f)~~ Multi-family residential development
- ~~(g)~~ Roads, utilities and parking areas that can be located outside of the shoreline area

Regulation 5: New uses and developments must demonstrate consistency with the Urban Conservancy management policies.

Additional allowed, conditional and prohibited uses for the Urban Conservancy shoreline environment are listed in Chapter 6, Specific Shoreline Use Policies and Regulations, Table I.

Height Limit

Regulation 6: No new or expanded building or structure shall exceed a building height of thirty (30) feet, except for cupolas, water tanks, flagpoles, transmission lines and radio towers and other similar structures.

Setbacks

Regulation 7: Permanent and temporary structures shall be set back from the ordinary high water mark as indicated in Chapter 6, Table II and the related Development Regulations for Recreation in Chapter 6. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.

Regulation 8: Developments associated with a water-dependent uses and public access are not required to meet the minimum setback. However, where such development can be approved within the minimum setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. In no case shall parking be allowed within the minimum setback without a shoreline variance.

Lot Width

Regulation 9: The minimum required width of a lot in the Urban Conservancy environment shall be one hundred (100) feet. Where the Urban Conservancy environment is a parallel shoreline environment along Jenkins Creek with the Medium-Intensity environment, no minimum lot width shall be required for residential development, provided a conservation easement shall be required for all portions of lots within the Urban Conservancy designation, native vegetation shall be preserved and joint consolidated access shall be provided.

Other Development Standards

Regulation 10: The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development shall have no more than 10% impervious surface coverage, unless a variance is approved [pursuant to criteria established in state law. In addition to relief through the variance procedure, o](#)Outside of the critical area buffer defined in Appendix A, a credit towards the total impervious surface coverage may be provided through the use of permeable materials, such as pervious concrete, subject to approval ~~for by~~ the Shoreline Administrator [and](#) the City Engineer. [The use of this credit is limited and may only be applied to 20% of the site area.](#) The City will encourage practices that further minimize imperious surfaces and stormwater runoff, including use of best available technologies.

Regulation 11: All development shall comply with the standards for interior setbacks, yard requirements and all applicable provisions in the Covington Municipal Code (CMC) for the zone in which the development occurs. In the event of a conflict between a provision in this SMP and a provision in another part of the CMC, the requirement that provides the most protection to the shoreline management area shall be applied.

Additional dimensional standards for the Urban Conservancy environment are listed in Chapter 6, Specific Shoreline Use Policies and Regulations, Table II.

Aquatic Environment

Purpose

The purpose of the Aquatic environment designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high- water mark.

Designation criteria

Assign an Aquatic environment designation to all areas waterward of the ordinary high-water mark.

Designated Areas

Description

Aquatic areas include all areas waterward of the ordinary high-water mark as shown in Figure 1.

Management policies

1. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. To reduce the impacts of shoreline development and increase effective use of water resources, shared use of over-water facilities should be encouraged.
4. All developments and uses on waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

Development Standards

Regulations and performance standards that apply to individual uses and developments are listed in Chapter 6 Table I and Chapter 7 Table II.

Chapter 6 Specific Shoreline Use Policies and Regulations

As required by the Shoreline Management Act, this Master Program sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. The policies and regulations cover the following uses and activities: Agriculture, Aquaculture, Boating Facilities, Commercial Development (Primary and Accessory), Forest Practices, Industrial Development, Mining, Parking (as a primary use), Recreational Facilities, Residential Development, Scientific, Historical, Cultural, or Educational Uses, Signage, Transportation, and Utilities (Primary and Accessory). The policies and regulations, which provide basic criteria for evaluating shoreline permit applications, are used to implement the broader goals, policies and intent of the Shoreline Management Act and this Program.

Shoreline Use and Dimensional Standards

KEY

P = Permitted Use

C = Conditional Use

X = Prohibited

Shoreline uses are allowed only if the underlying zoning allows the use.

TABLE 1. SHORELINE USES

SHORELINE USES	HIGH INTENSITY	MEDIUM INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	AQUATIC
Agriculture	X	X	X	X	X
Aquaculture	<u>XP</u>	<u>XP</u>	<u>XC</u>	<u>XP</u>	See adjacent Upland Environment X
Boating Facilities (Public or serving 4 or more single family residences)	X	X	C	C	See adjacent Upland Environment
Commercial Development					
Primary	P	P	X	X	X
Accessory	P	P	P	C	X
Forest Practices	X	X	X	X	X
Industry	P	X	X	X	X
In Stream Structures	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>
As Part of a Fish Habitat Enhancement Project	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Other	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

	HIGH INTENSITY	MEDIUM INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	AQUATIC
SHORELINE USES					
Mining	X	X	X	X	X
Parking					
As a Primary Use	X	X	X	X	X
As an Accessory Use	P	P	P	C	X
Recreational Facilities					
Water related	P	P	P	P	P
Non-water oriented					
As a Primary Use	P	P	C	C	X
As an Accessory Use	P	P	P	P	X
Multi-use Trails	P	P	C	C	X
Minor Trails	P	P	P	P	X
Residential Development					
Single family	P	P	P	P/C/X*	X
Multi-family	P	P	X	X	X
Scientific, Historical, Cultural, or Educational Uses					
	P	P	P	P	P
Transportation Facilities					
New Circulation Routes related to Permitted Shoreline Activities	C	C	C	C	C**
Expansion of Existing Circulation Systems	P	P	C	C	C**
Multi-Use Trails	P	P	C	C	C**
Utilities (Primary)					
Solid Waste Disposal or Transfer Sites (excluding storage of recyclable materials)	X	X	X	X	X
Power generation, substations and gas storage facilities	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>
All Other, including power generation, substations and high voltage transmission facilities, gas storage and	C	C	C	C	C

	HIGH INTENSITY	MEDIUM INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	AQUATIC
SHORELINE USES					
pipelines, sewage mains and treatment facilities, water mains and storage facilities, and stormwater mains and regional treatment facilities.					
Utilities (Accessory)					
Local Public Water, Electric, and Natural Gas Distribution, Public Sewer collection, Cable and Telephone Service, and Appurtenances	P	P	P	C	C

*Allowed as a Permitted Use in the Jenkins Creek SMA, as a Conditional Use within the Big Soos Creek SMA, and Prohibited within the Pipe Lake SMA. In addition, all development must meet applicable critical area regulations in Appendix A.

** Bridges only in accordance with the Use standards for Transportation in Chapter 6 and Modification standards in Chapter 7.

TABLE 2. DIMENSIONAL STANDARDS FOR ALL USES IN ALL SHORELINE ENVIRONMENTS

SHORELINE STANDARD	HIGH INTENSITY	MEDIUM INTENSITY	SHORELINE RESIDENTIAL (23)	URBAN CONSERVANCY	AQUATIC
Maximum Height (1)	45 ft.	45 ft. (g7)	30 ft.	30 ft.	NA(4)
Shoreline Buffer (24)	115 ft.	115 ft.	115 ft. (standard) may be reduced to 60 ft. (minimum) with enhancement ¹	115 ft.	NA
Building Setback from Buffer	15 ft.	15 ft.	15 ft.	15 ft.	NA
Impervious Surface Coverage	60%	50%	50%	10%	NA
Minimum Lot Width	60 ft.	60 ft. (34)	60 ft.	100 ft.	NA

(1) Development shall also be subject to the height limits established by the underlying zoning, but in no case shall the height exceed forty-five feet (45) above average grade level. The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. A height of more than thirty-five feet (35) can only be achieved if the applicant prepares a view corridor study indicating that the proposed structure would not diminish views of the Lake from surrounding properties.

(24) Buffer widths may also be modified subject to the critical area provisions of XX.65.356, in Appendix A. Use and management of the buffer shall comply with all critical area standards unless a provision would preclude a water dependent use, e.g. pier.

(32) The maximum buffer along Pipe Lake applies unless the applicant implements voluntary enhancements as described in the Residential Development Subsection a(1)(b) below. The buffer may be reduced by the Shoreline Administrator up to the minimum buffer based on the criteria therein.

(43) Where the Urban Conservancy environment is a parallel shoreline environment along Jenkins Creek with the Medium-Intensity environment, no minimum lot width shall be required for residential development, provided a conservation easement shall be required for all portions of lots within the Urban Conservancy designation, native vegetation shall be preserved and joint consolidated access shall be provided.

(4) Structures shall be the minimum necessary to accommodate a water dependent or other allowed use. Elevated decks, storage buildings, and other structures on docks are generally prohibited unless necessary for the operation of a water dependent use and no reasonable alternative exists.

Bulk Regulations for Development

In addition to the specific requirements for particular uses, the following standards shall apply to development in all environments:

Shoreline Buffers and Building Setbacks

Regulation 1: A one hundred fifteen (115)-foot standard buffer shall be established from the ordinary high water mark (OHWM) for all lots. The City may require that the standard buffer be applied from the edge of the channel migration zone instead of the OHWM where one is found to occur, based on a study submitted by a qualified professional. Water dependent development, such as docks, viewing platforms and boardwalks, and structures and development which are accessory to a recreational use, such as benches and trails, and other allowed alterations may be located within the buffer as provided herein.

Regulation 2: The standard buffer may be reduced by the Shoreline Administrator down to a minimum of sixty (60) feet in the Shoreline Residential Environment only, when buffer reduction impacts are mitigated using a combination of the mitigation options provided in the table below to achieve an equal or greater protection of lake ecological functions.

- (a) Any further buffer reduction shall require approval of a shoreline variance application.
- (b) Existing structures may be replaced in their current location and configuration to the extent allowed by local, state and federal agencies with jurisdiction.
- (c) At least one Water Related Action must be undertaken in order to achieve the full buffer reduction allowed. A maximum of 35 feet in cumulative buffer reduction may be achieved under Upland Related Actions.
- (d) Shoreline buffers may also be modified through the provisions contained in the Critical Area Regulations for the Shoreline Management Area contained in Appendix A. However, in no case shall the buffer be reduced to less than an average minimum of 60 feet except through a shoreline variance.

- (e) Buffer averaging as described in Appendix A may be used in combination with buffer reduction described above, however the buffer shall not be reduced to less than 50 feet at any location along a lot except through a shoreline variance.

Regulation 3: A fifteen foot building setback shall be required from the landward edge of the required shoreline buffer for all structures, except for those structures that are allowed within the buffer itself (e.g. water dependent docks and other allowed alterations).

Regulation 4: All property owners who obtain approval for a reduction in the buffer must record the final approved buffer and corresponding conditions in a Notice on Title, and provide a copy of the Notice on Title to the Shoreline Administrator.

Regulation 5: All property owners who obtain approval for a reduction in the buffer must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality. This plan shall be added to a Notice on Title, and a copy of the Notice on Title provided to the Shoreline Administrator.

Regulation 6: Restoration of native vegetation as discussed below shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions. Preparation of a revegetation plan shall be completed by a qualified professional and include a monitoring and maintenance program that shall, at a minimum, include the following:

- i. The goals and objectives for the mitigation plan;
- ii. The criteria for assessing the mitigation;
- iii. A monitoring plan that includes annual progress reports submitted to the Shoreline Administrator and that lasts for a period sufficient to establish that performance standards have been met as determined by the Shoreline Administrator, but no less than five years; and
- iv. A contingency plan.

Regulation 7: Whenever the Shoreline Administrator determines that monitoring has established a significant adverse deviation from predicted impacts, or that mitigation or maintenance measures have failed, the applicant or the property owner shall be required to institute correction action, which shall also be subject to further monitoring as provided in this section.

Regulation 8: The Shoreline Administrator may require a performance bond(s) or other security in an amount sufficient to guarantee that all required mitigation measures will be completed in a manner that complies with conditions of approval and to guarantee satisfactory workmanship and materials for a period not to exceed five years. The Shoreline

Administrator shall establish the conditions of the bond or other security according to the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures.

Regulation 9: All costs associated with the mitigation/monitoring and planning including city expenses, shall be the responsibility of the applicant.

Regulation 10: Shoreline buffers may be reduced by the following:

TABLE 3. SHORELINE BUFFER REDUCTION MECHANISMS

REDUCTION MECHANISM		REDUCTION ALLOWANCE
Water Related Actions		
1	Removal of an existing bulkhead covering at least 75 percent of the shoreline frontage which is located at, below, or within 5 feet landward of the shoreline's ordinary high water mark (OHWM) and subsequent restoration of the shoreline to a natural or semi-natural state, including restoration of topography, and beach/substrate composition.	30 feet
2	Removal of an existing bulkhead covering at least 25 percent of the shoreline frontage which is located at, below, or within 5 feet landward of the shoreline's OHWM and subsequent restoration of the shoreline to a natural or semi-natural state, including restoration of topography, beach/substrate composition, and vegetation.	15 feet
3	Preservation of existing natural shoreline conditions (e.g. no bulkhead or other unnatural shoreline features such as upland impervious surfaces or other structural alterations) within 5 feet of the OHWM, including preservation of existing native vegetation.	10 feet
4	Preservation of existing trees and native vegetation and restoration of native vegetation, as necessary in at least 75 percent of the remaining buffer area. Up to 25 percent of the buffer area can be comprised of existing non-invasive, non-native vegetation. Up to 15 feet of the shoreline frontage (from OHWM landward to the building setback line) may be permitted for improved shoreline access, provided access areas shall be located to avoid areas of greater sensitivity and habitat value. (Note: this incentive cannot be used by any properties that currently have native vegetation in 75% of the remaining buffer area. The reduction would only be granted if ecological functions would be improved relative to the existing condition.)	20 feet

REDUCTION MECHANISM		REDUCTION ALLOWANCE
5	Preservation of existing trees and native vegetation and restoration of native vegetation in at least 25 percent of the remaining buffer area. Up to 15 feet of the shoreline frontage (from OHWM landward to the building setback line) may be permitted for improved shoreline access, provided access areas shall be located to avoid areas of greater sensitivity and habitat value.. (Note: this incentive cannot be used by any properties that currently have native vegetation in 25% of the remaining setback area. The reduction would only be granted if ecological functions would be improved relative to the existing condition.)	10 feet
Upland Related Actions		
6	Installation of biofiltration/infiltration mechanisms such as bioswales, created and/or enhanced wetlands, or ponds that exceed standard stormwater requirements.	15 feet
7	Installation of a “green” roof in accordance with the standards of the LEED Green Building Rating System.	15 feet
8	Installation of pervious material for driveway or road construction.	10 feet
9	Limiting total impervious surface in the reduced setback area to less than 5 percent.	10 feet
10	Preserving or restoring at least 20 percent of the total lot area outside of the reduced setback as native vegetation. No more than 20 percent of the total lot area can be lawn.	10 feet

Regulation 11: Accessory structures greater than two hundred (200) square feet that are not water dependent or water-related are prohibited within the residential shoreline buffer from the OHWM on Pipe Lake. Accessory structures that are not water dependent or related are not allowed within the buffers of Big Soos Creek and Jenkins Creek. Accessory structures shall not exceed a maximum height of twelve (12) feet.

Specific Shoreline Use Regulations

Agriculture

Applicability

Agriculture refers to livestock, crop, vegetation and soil management. These activities are generally not applicable to the City of Covington. However, some legally non-conforming agricultural activities may occur within the Urban Conservancy environment along Big Soos Creek.

Regulations

- Regulation 1: Only existing agricultural uses that pre-dated the incorporation of Covington in 1998 are permitted, subject to all requirements of the SMP, provided:
- i. All uses and development shall be located and designed to assure no net loss of ecological functions and not have a significant adverse impact on other shoreline resources and values;
 - ii. A shoreline substantial development permit is requirements for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv);
 - iii. Any barn, shed or other structure constructed in conjunction with the permitted agricultural activity shall not be constructed within the floodway;
 - iv. All existing agricultural activity along shorelines of the state shall conform to the best management practices developed pursuant to the Federal Water Pollution Control Act of 1972 and adopted by the King County Soil Conservation District.
 - v. Lagoons, ponds or other waste retention facilities shall be subject to the same standard as described in subsection ii. above.
 - vi. Agricultural uses shall comply with all applicable critical area requirements in Appendix A.

Aquaculture

Applicability

Aquaculture is the farming of food fish, shellfish, or other aquatic plants and animals. This activity is of statewide interest. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. The technology associated with some forms of aquaculture is still in its formative stages and experimental. This shoreline master program recognizes the necessity of some latitude in the development of this use.
~~Aquaculture is the farming or culturing of food fish or other aquatic plants and animals in lakes, streams and other natural or artificial water bodies.~~

Regulations

Regulation 1: ~~Aquaculture is prohibited within all shoreline environments~~ shall be allowed as a conditional or permitted use as indicated in Table 1.

Regulation 2: Aquaculture shall not be permitted in areas where it would result in a net loss of ecological functions or significantly conflict with navigation and other water-dependent uses.

Regulation 3: Aquacultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this SMP to ensure no net loss of ecological function.

Regulation 4: Aquaculture facilities shall be designed and located such that they do not spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

Regulation 5: Impacts to ecological functions shall be mitigated in accordance with the sequence described in Chapter 4, Environmental Impacts, Regulation 5.

Boating Facilities

Applicability

Boating facilities are commercial or non-commercial moorage structures serving more than four single-family residences.

Regulations

Regulation 1: Boating facilities are restricted to suitable locations where such development can comply with the requirement for no net loss of ecological processes and functions and existing navigation rights and channels can be protected

Regulation 2: Extended moorage on waters of the state without a lease or permission is prohibited, except as allowed by applicable state regulations and unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

Regulation 3: It is the applicant's responsibility to comply with all state agency policies and regulations, including all applicable health, safety and welfare requirements associated with the primary use or accessory use.

~~Regulation 3:~~ Regulation 4: _____ The traffic generated by such a facility must be safely and conveniently handled by the streets serving the proposed facility.

~~Regulation 4:~~ Regulation 5: _____ The design of new boating facilities must avoid, then minimize potential aesthetic impacts. Where such impacts cannot be avoided they shall be mitigated, included the use of vegetation and screening and placement.

~~Regulation 5:~~ Regulation 6: _____ Public access is required for all new boating facilities, unless such access is determined to not be feasible, subject to all requirements in Chapter 4 of this SMP.

~~Regulation 6:~~ Regulation 7: _____ Live-aboards are not allowed; sleeping on boats and nighttime use of boats are prohibited.

~~Regulation 7:~~ Regulation 8: _____ The facility must have provisions available for cleanup of accidental spills of contaminants.

Commercial Development

Applicability

Commercial development means those uses that are involved in wholesale, retail, service and business trade. The SMP gives preference to first to water-dependent uses, then to other water oriented commercial uses, through the environment designations, regulations and public access and restoration requirements contained in it.

Regulations

- Regulation 1: Water -enjoyment and water-related commercial uses shall be required to provide public access and ecological restoration where feasible based on the Public Access standards in Chapter 4 and shall avoid, minimize and mitigate impacts to existing vegetation, recreation and public access.
- Regulation 2: New non-water-oriented commercial uses shall be prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with regards to SMA objectives.
- Regulation 3: Non-water dependent commercial uses are prohibited over water, except in existing structures and where necessary to support water-dependent uses.
- Regulation 4: Primary commercial uses are permitted outright only in the High Intensity and Medium Intensity environment (the latter of these is not contiguous with the ordinary high water mark).
- Regulation 5: Home occupations are allowed within the Shoreline Residential environment provided they meet the requirements of CMC 18.80.100.
- Regulation 6: Commercial development may be allowed with a Conditional Use Permit in the Urban Conservancy environment as an accessory use to a permitted recreational use or facility. Examples of limited accessory commercial uses to permitted recreational uses and/or facilities are as follows:
- (a) Concession stands, and
 - (b) Private parties or receptions and banquets (one-time CUP to establish scope of activity allowed).
- Regulation 7: Outside commercial vendors may not establish business facilities in shoreline jurisdiction. This prohibition does not preclude a vendor from being hired to provide services in connection with a permitted use.

Forest Practices

Applicability

Forest practices are those activities not covered by the Forest Practices Act involving conversion to non-forest use.

Regulations

Regulation 1: Forest practices are prohibited in all shoreline environments.

Industry

Applicability

Industrial developments are facilities for processing, manufacturing and storage of finished or semifinished goods and food stuffs. The SMP gives preference to first to water-dependent uses, then to water oriented uses, through the environment designations, regulations and public access and restoration requirements contained in it. The High-Intensity environment, the only location where Industrial uses are allowed, is located along Big Soos Creek, a non-navigable water body.

Regulations

Regulation 1: Industrial activity is permitted only in the High Intensity environment.

Regulation 2: The location, design and construction of industrial uses, development and redevelopment shall not result in a net loss of ecological processes and functions.

Regulation 3: New industrial uses and redevelopment shall include cleanup and restoration of impacted sites.

Regulation 4: Public access shall be required, unless such a requirement would interfere with operations or create hazards to life or property.

Regulation 5: Industrial activity shall utilize the best techniques in design and siting to prevent the release of contaminants into the adjoining water bodies in order to comply with the water quality standards promulgated under the provisions of RCW Chapter 90.48;

Regulation 6: All new non-water oriented industrial uses must be part of a mixed-use project and provide a significant public benefit such as ecological restoration, environmental clean-up, historic preservation, or public access.

Mining

Applicability

Mining is the removal of naturally occurring materials from the earth for beneficial uses. There are no mining activities existing or anticipated within the shoreline jurisdiction. If such uses are established in the future, regulations will be established by amendment to this program.

Regulations

Regulation 1: Mining is a prohibited use activity within shoreline jurisdiction.

Parking

Applicability

Parking is the temporary storage of automobiles or other motorized vehicles. The following provisions apply only to parking that is accessory to a permitted shoreline use. Parking as a primary use and parking which serves a use not permitted in shoreline jurisdiction is prohibited.

Policies

Policy 1: Parking in shoreline areas should be minimized [and should primarily be used to provide appropriate disabled access.](#)

Policy 2: Parking facilities in shoreline areas should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance.

Policy 3: Parking in shoreline areas should not restrict access to the site by necessary public safety vehicles, utility vehicles, or other vehicles requiring access to shoreline properties.

Regulations

Regulation 1: Parking in shoreline areas must directly serve a permitted shoreline use.

Regulation 2: Parking facilities shall provide adequate provisions to control surface water runoff to prevent it from contaminating water bodies.

Regulation 3: Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.

Regulation 4: Exterior parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Exterior parking facilities for nonresidential uses shall be landscaped with vegetation in such a manner that plantings provide effective screening within three years of project completion.

Regulation 5: New and reconstructed parking areas within the Urban Conservancy shoreline environment shall utilize Low Impact Development (LID) techniques as appropriate and as described in the most recent edition of the Low Impact Development Manual: Technical Guidance for Puget Sound.

Recreational Development

Applicability

Recreational uses include passive activities, such as walking, viewing and fishing. Recreational development also includes facilities for active uses, such as swimming, boating, and other outdoor recreation uses. This section applies to both public and private shoreline recreational facilities (excluding private residences) in Covington. Commercial recreational development shall be consistent with the provisions for commercial development.

Policies

- Policy 1: Recreational facilities in the shoreline jurisdiction should emphasize water-oriented uses. Non-water-oriented recreational facilities as a primary facility should be located outside of the shoreline area in the Shoreline Residential and Urban Conservancy environments where possible. Non-water-oriented recreational facilities as an accessory facility are allowed, except in the Aquatic environment, where they are prohibited.
- Policy 2: The coordination of local, state and federal recreation planning should be encouraged. Shoreline recreational developments should be consistent with the City’s adopted park, recreation and open space plans.
- Policy 3: Recreational developments should be designed to preserve, enhance or create scenic views and vistas.
- Policy 4: The use of shoreline street ends and publicly owned lands for public access and development of recreational opportunities should be encouraged. The City should identify existing encroachments on City property and work with private property owners to resolve such encroachments.
- Policy 5: The City encourages land acquisitions for open space that preserve critical areas, provide wildlife habitat, and offer opportunities for education and interpretation within shoreline jurisdiction.
- Policy 6: Shoreline areas with a potential for providing recreation or public access opportunities should be identified for this use and acquired by lease or purchase, or through partnerships with nonprofit and service organizations, and incorporated into the park and open space system.
- Policy 7: Covington supports linking existing and future shoreline parks, recreation areas and public access points with a nonmotorized trail system.
- Policy 8: Recreational activities should be designed to avoid conflict with private property rights, and to minimize and mitigate objectionable impacts on adjoining property.
- Policy 9: Public access should not contribute to the net loss of ecological functions of Covington’s critical areas, such as wetlands and wildlife habitats.

Regulations

- Regulation 1: All structures associated with a recreational use, other than accessory or water dependent structures, such as docks and boardwalks, that provide access to the water for that use, shall maintain the required setback from the OHWM pursuant to Table 2: Table of Dimensional Standards. However, existing structures may be replaced in their current location and

configuration to the extent allowed by local, state and federal agencies with jurisdiction. Any further setback reduction shall require approval of a shoreline variance application.

- Regulation 2: Private and public recreation areas shall protect existing native vegetation in the shoreline area and restore vegetation impacted by development activities. Recreational use and development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial. The City may request necessary studies by qualified professionals to determine compliance with this standard.
- Regulation 3: Water-dependent or water-related activities such as swimming, boating, and fishing, and activities that benefit from waterfront scenery such as picnicking, hiking and bicycling shall be given priority in planning public and private recreation sites in the shoreline area.
- Regulation 4: All recreational developments shall make adequate provisions for:
- i. Motorized, nonmotorized and pedestrian access;
 - ii. The prevention of trespass onto adjacent properties, including but not limited to landscaping and fencing;
 - iii. Protection and restoration of critical areas and shoreline processes and functions;
 - iv. Signs indicating the public's right of access to shoreline areas, installed and maintained in conspicuous locations at the point of access and the entrance; and
 - v. Buffering of such development from adjacent private property or natural area.
- Regulation 5: In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features.
- Regulation 6: Swimming areas shall be separated from boat launch areas.
- Regulation 7: The construction of swimming facilities, piers, moorages, floats and launching facilities waterward of the OHWM shall be governed by the regulations relating to overwater structure construction in the Shoreline Modifications Section of this SMP.
- Regulation 8: Public boat launching facilities may be developed, provided the traffic generated by such a facility can be safely and conveniently handled by the streets serving the proposed facility.
- Regulation 9: Fragile and unique shoreline areas with valuable ecological functions, such as wetlands and wildlife habitats, shall be used only for non-intensive recreation activities that do not involve the construction of structures.

- Regulation 10: Recreation developments such as golf courses and playfields that require periodic use of fertilizers, pesticides or other chemicals, or that support high-intensity activities as a primary use, such as sporting events, shall be located outside of shoreline jurisdiction.
- Regulation 11: Proposals for new or expanded recreational development shall include provisions for public access to the shoreline.
- Regulation 12: A new or expanded shoreline recreational development or use that does not provide public access may be authorized provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.
- i. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - ii. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;
 - iii. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
 - iv. Unacceptable environmental harm such as damage to fish spawning areas will result from the public access which cannot be mitigated; or
 - v. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
 - vi. Provided further, that the applicant has first demonstrated and the City of Covington has determined that all reasonable alternatives have been exhausted, including but not limited to:
 1. Regulating access by such means as limiting hours of use to daylight hours.
 2. Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.
 3. Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.
 - vii. Whenever a requirement of 12, 1-6 cannot be met, the City shall, as a condition of granting a permit, require the applicant to make an in-lieu of payment in accordance with RCW 82.02.020.
- Regulation 13: Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and

the shorelines. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by topping.

Regulation 14: Public access sites shall be connected directly to the nearest public street or other public access.

Regulation 15: Public access sites shall be made barrier free for the physically disabled where feasible.

Regulation 16: Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.

Regulation 17: Physical public access shall be designed to prevent significant impacts to sensitive natural systems and shall prevent the net loss of ecological functions. [Mitigation sequencing as described in Chapter 4, Environmental Impacts, Regulation 5 shall be required.](#)

Regulation 18: Whenever financially feasible and practical, the City shall require the use of building materials and technologies whose production and use result in reduced environmental impacts when developing public access to the shoreline. Porous pavements shall be used unless the applicant demonstrates to the satisfaction of the Shoreline Administrator that such materials would restrict accessibility, pose a safety hazard or are not sufficiently durable.

Residential Development

Applicability

Residential development means one or more buildings, structures, lots, parcels, or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings, including single family residences and other detached dwellings together with accessory uses and structures normally applicable to residential uses located landward of the OHWM, including, but not limited to, swimming pools, garages, sheds, fences and saunas.

Single-family residential development is prohibited in the Aquatic environment and the Pipe Lake Urban Conservancy environment, and is conditionally permitted within the Big Soos Creek Urban Conservancy environment. Single-family residential development is allowed in the Jenkins Creek Urban Conservancy environment and the Shoreline Residential environment. Multi-family residential development is allowed only in the High Intensity and Medium Intensity environments.

Permit Exemptions

A substantial development permit is not required for construction within the Shoreline Residential environment by an owner, lessee or contract purchaser of a single-family residence for his own use or the use of his family. However, such construction and all normal appurtenant structures must otherwise conform to this Master Program. An "appurtenance" means a structure that is necessarily connected to the use and enjoyment of a single family residence and includes a garage, deck, driveway, utilities, fences and grading which does not exceed two hundred fifty (250) cubic yards (see WAC 173-27-040 (2g)).

Policies

~~Policy 1:~~ Policy 1: Residential development should be permitted only where there are adequate provisions for utilities, circulation and access.

~~Policy 1:~~~~Policy 2:~~ Policy 2: The City shall notify Affected Indian Tribes when a single family home or other exempt development is proposed in the Jenkins Creek or Big Soos Creek shoreline areas.

~~Policy 2:~~~~Policy 3:~~ Policy 3: Single family residences are a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

~~Policy 3:~~~~Policy 4:~~ Policy 4: Recognizing the single purpose, irreversible and space consumptive nature of shoreline residential development, new development should provide adequate setbacks and natural buffers from the water and ample open space among structures to protect natural features, preserve views and minimize use conflicts.

~~Policy 4:~~~~Policy 5:~~ Policy 5: The City shall provide development incentives, including reduced shoreline setbacks, to encourage the protection, enhancement and restoration of high functioning buffers and natural or semi-natural shorelines.

~~Policy 5:~~~~Policy 6:~~ Policy 6: Residential development should be designed to preserve shoreline aesthetic characteristics, views, and minimize physical impacts to shoreline ecological functions.

~~Policy 6:~~~~Policy 7:~~ Policy 7: Residential development should be designed so as to preserve existing shoreline vegetation, control erosion and protect water quality using best management practices and where possible, utilizing low impact development technologies.

~~Policy 7:~~~~Policy 8:~~ Policy 8: The City encourages the use of joint-use piers and docks in lieu of individual piers and docks for each waterfront lot to protect the ecological functions of the lake.

~~Policy 8:~~~~Policy 9:~~ Policy 9: The City shall encourage the use of alternative paving products, such as pervious pavers, as a mechanism for reducing impervious surfaces and surface water runoff.

~~Policy 9:~~~~Policy 10:~~ Policy 10: Development shall, at a minimum, achieve a no net loss of ecological functions necessary to sustain shoreline natural resources, even for exempt development.

Regulations

Regulation 1: Single-family development is permitted in the High Intensity, Medium Intensity, Shoreline Residential and Jenkins Creek Urban Conservancy environment, and is conditionally permitted in the Big Soos Creek Urban Conservancy environment, subject to the general regulations of this Shoreline Master Program, provided single family development is permitted in the underlying zone classification.

Regulation 2: Multifamily residential is permitted in the High Intensity and Medium Intensity shoreline environments, subject to the general regulations of this Shoreline Master Program, provided multi- family development is permitted in the underlying zone classification.

Regulation 3: Structures or other development accessory to residential uses are permitted in shoreline jurisdiction, subject to the provisions of the City's zoning code and this shoreline master program.

- Regulation 4: View and vistas are currently regulated by residential height restrictions and setbacks, as established by the City's zoning code and this master program.
- Regulation 5: Over-water residences and floating homes are prohibited.
- Regulation 6: All new residential lots created through subdivision or short subdivision must be designed, configured and developed to:
- A. Prevent the loss of ecological functions at full build-out;
 - B. Prevent the need for new shoreline stabilization or flood hazard reductions measures; and
 - C. Must be consistent with SMP environment designations and standards.
- Regulation 7: New multiunit residential development, including the subdivision of land for more than four parcels, must provide community and/or public access in conformance with local public access plans.
- Regulation 8: Residential development shall result in no net loss of shoreline ecological functions. [Mitigation sequencing as described in Chapter 4, Environmental Impacts, Regulation 5 shall be required.](#) ~~Mitigation shall be provided as necessary to meet this requirement.~~ Failure to meet this standard will result in permit denial. The City may request necessary studies by qualified professionals to determine compliance with this standard.

Signs

Applicability

A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises.

Policies

- Policy 1: Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
- Policy 2: Signs should not block or otherwise interfere with visual access to the water or shorelines.
- Policy 3: Outdoor advertising and billboards are not an appropriate use of the shoreline area within shoreline jurisdiction.

Regulations

- Regulation 1: Signs shall comply with the City's sign regulations.
- Regulation 2: Sign plans and designs shall be submitted for review and approval at the time of shoreline permit approval.

- Regulation 3: All signs shall be located and designed to minimize interference with vistas, viewpoints and visual access to the shoreline.
- Regulation 4: Overwater signs shall be related to water-dependent uses only.
- Regulation 5: Temporary or obsolete signs shall be removed within ten (10) days of elections or termination of any other functions. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, and construction signs.
- Regulation 6: Signs that do not meet the policies and regulations of this program shall be removed or required to conform within two years of the adoption of this master program.

Allowable Signs

- Regulation 7: The following types of signs may be allowed in all shoreline environments:
- i. Water navigational signs and highway signs necessary for operation, safety and direction.
 - ii. Public information signs directly relating to a shoreline use or activity.
 - iii. Off-premise, freestanding signs for community identification, information, or directional purposes.
 - iv. National, site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.

Prohibited Signs

- Regulation 8: The following signs are prohibited:
- i. Off-premises detached outdoor advertising signs.
 - ii. Spinners, streamers, pennants, flashing lights, and other animated signs used for commercial purposes.
 - iii. Signs placed on trees or other natural features.
 - iv. Commercial signs for products, services, or facilities located off-site.

Transportation Facilities

Applicability

Transportation facilities are those structures and developments that aid in land, air, and water surface movement of people, goods, and services. They include roads and highways, bridges, bikeways, trails, heliports, and other related facilities. In Covington, these uses account for a minimal percentage of the shoreline land inventory. However, the impact of these facilities on shorelines can be substantial.

Policies

Policy 1: Road and bridge construction or expansion in the shoreline jurisdiction should be avoided, unless necessary to serve a permitted shoreline use or found to be within the public interest.

Policy 2: Joint use of transportation corridors within the shoreline jurisdiction for roads, utilities and motorized and nonmotorized forms of transportation should be encouraged.

Policy 3: In determining the use of the City's share of any future mitigation monies from large public infrastructure projects (e.g. major transportation facility construction, expansion or replacement) consideration shall be given towards the use of a significant portion of such monies for shoreline restoration and public access projects and priorities identified in the City's SMP and Restoration Plan.

Regulations

~~Regulation 1:~~ Regulation 1: New road and bridge construction in shoreline jurisdiction shall be avoided and minimized and allowed only through a CUP when related to and necessary for the support of permitted shoreline activities.

~~Regulation 9:~~ Regulation 2: [New stream crossings associated with transportation uses shall be avoided if possible and minimized in number and total area impacted \(e.g. perpendicular crossings\). Culverts and bridges shall be designed to allow passage of adult and juvenile salmon pursuant to WDFW Fish Passage Guidelines and accommodate the flow of water, sediment and woody debris during the 100 year return storm event. Bridge abutments shall be located outside of floodplains and channel migration zones if feasible.](#)

~~Regulation 10:~~ Regulation 3: The expansion of existing roadways may be allowed if found to be within the public interest; a CUP is required in certain shoreline environments – see Table 1 (Uses).

~~Regulation 11:~~ Regulation 4: All proposed transportation facilities must demonstrate how they have been planned, located and designed where routes will have the least possible adverse effect on unique or fragile shoreline features.

~~Regulation 12:~~ Regulation 5: Transportation facility development shall result in no net loss of shoreline ecological functions and no adverse impacts on existing or planned water dependent uses. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.

~~Regulation 13:~~ Regulation 6: Expansion of existing roadways shall be allowed only when the proponent demonstrates that:

- i. No alternative route is feasible; and
- ii. The roadway is constructed and maintained to cause the least possible adverse impact on the land and water environment.
- iii. The roadway is found to be in the public interest.

~~Regulation 14:~~ Regulation 7: _____ Where feasible, transportation and utility facilities shall be required to make joint use of rights-of-way, and to consolidate crossings of water bodies to minimize adverse impacts to the shoreline.

~~Regulation 15:~~ Regulation 8: _____ Developers of roads must be able to demonstrate that efforts have been made to coordinate with existing land use plans including the Shoreline Master Program and the City's Comprehensive Plan.

~~Regulation 16:~~ Regulation 9: _____ All debris and other waste materials from roadway construction shall be disposed of in such a way as to prevent their entry into any water body.

~~Regulation 17:~~ Regulation 10: _____ Road designs must provide safe pedestrian and nonmotorized vehicular crossings where public access to shorelines is intended.

~~Regulation 18:~~ Regulation 11: _____ Circulation system plans within the shoreline shall consider and include appropriate provisions for pedestrian, bicycle and public transportation.

~~Regulation 19:~~ Regulation 12: _____ Any road expansion affecting streams and waterways shall be designed to allow fish passage and minimum impact to habitat.

~~Regulation 20:~~ Regulation 13: _____ Streets within shoreline jurisdiction shall be designed with the minimum pavement area required. Gravel and more innovative materials shall be used where feasible for pathways and road shoulders to minimize the amount of impermeable surfaces and help to maintain a more natural appearance.

~~Regulation 21:~~ Regulation 14: _____ The City shall give preference to mechanical means for roadside brush control on roads in shoreline jurisdiction rather than the use of herbicides.

Utilities (Primary)

Applicability

Utilities are services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, stormwater, sewage and communications. Utilities are split into primary and accessory based on type and scale. The provisions of this section apply to primary utilities, such as solid waste handling and disposal, water transmission lines, sewage treatment facilities and mains, power generating or transfer facilities, gas distribution lines and storage facilities, stormwater mains and regional treatment facilities.

Policies

Policy 1: New primary utilities are discouraged in the SMA jurisdiction and should utilize existing transportation and utility sites, rights-of-way and corridors whenever possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.

Policy 2: Primary utilities should avoid locating in critical areas unless no feasible alternatives exist.

- Policy 3: New primary utility facilities should be located so that extensive shoreline protection is not required, and water flow and motorized and nonmotorized circulation or navigation are not restricted.
- Policy 4: Wherever primary utility facilities and corridors must be placed in a shoreline area, they should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or designed to minimize impacts on the aesthetic qualities of the shoreline area.
- Policy 5: Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.
- Policy 6: Solid waste disposal activities and facilities should be prohibited in shoreline areas. "Solid waste facilities" are not to be construed as storage of recyclable materials.
- Policy 7: The City should participate in watershed management planning programs and implement measures to maintain, enhance and restore Covington's shoreline areas, including measures to control and reduce nonpoint pollution and sedimentation.
- Policy 8: In determining the use of the City's share of any future mitigation monies from significant utility projects (e.g. major facility construction, expansion or replacement), consideration shall be given towards the use of a significant portion of such monies for shoreline restoration and public access projects and priorities identified in the City's SMP and Restoration Plan.

Regulations

- Regulation 1: Primary utilities shall be located outside of SMA jurisdiction, unless no other feasible option exists. When allowed under this regulation, primary utilities shall be located landward of the ordinary high water mark, unless such location is not feasible or would result in potentially greater environmental impacts.
- Regulation 2: Primary utility facilities shall avoid disturbance of unique and fragile areas, as well as wildlife spawning, nesting and rearing areas. Utility facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement, [with consideration given to ongoing impacts, such as permanent restrictions on vegetation growing under transmission lines or within utility corridors.](#) Failure to meet this standard will result in permit denial.
- Regulation 3: Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant and disproportionate liability for the owner.
- Regulation 4: Utility lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible and shall avoid duplication and construction of new corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.

Regulation 5: Stream and water crossings should be minimized according to standard mitigation sequencing. Boring shall be the preferred method unless it is demonstrated that this is not feasible. Utilities that need to cross water shall be deep enough to avoid the need for bank stabilization or fill. Consideration shall be given to flooding and erosion when considering appropriate depth.

~~Regulation 5:~~Regulation 6: _____ Solid waste disposal sites and facilities are prohibited in the shoreline environment. "Solid waste facilities" are not to be construed as storage of recyclable materials.

~~Regulation 6:~~Regulation 7: _____ Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.

~~Regulation 7:~~Regulation 8: _____ Primary utility development shall provide screening of facilities from water bodies and adjacent properties in a manner that is compatible with the surrounding environment. Type of screening required shall be determined by the City on a case-by-case basis.

~~Regulation 8:~~Regulation 9: _____ Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.

~~Regulation 9:~~Regulation 10: _____ The City shall hold public meetings prior to the issuance of a Substantial Development Permit for a major primary utility project in accordance with the administrative procedures outlined in this Master Program to allow for the greatest amount of public input to help guide utility-related decisions.

~~Regulation 10:~~Regulation 11: _____ In the case of a new primary utility corridor serving multiple municipalities and districts, the determination as to the feasibility of alternative routes outside the shoreline area and/or the possibility of using existing rights-of-way may include, but is not necessarily limited to, consideration of: (1) construction impacts on the community, including impacts on traffic and adjacent land uses; (2) engineering considerations, including restoration or disruption issues related to the presence of existing public improvements and utility facilities; (3) environmental considerations, including impacts on the ecological function both within and outside of the shoreline; and (4) project considerations, including construction cost, construction schedule and expenditures or contractual commitments made by the proponent of the corridor, prior to the adoption of this SMP, in acquiring rights for the proposed route.

~~Regulation 11:~~Regulation 12: _____ Utility production and processing facilities such as power plants, and sewage treatment plants, or parts of those facilities that are non-water-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.

Utilities (Accessory)

Applicability

Utilities have been split into primary and accessory, with accessory meaning utilities that affect small-scale distribution services connected directly to the uses along the shoreline. For example, power, telephone, cable, water service, sewer service lines, stormwater collection and conveyance, are all considered as utilities accessory to shoreline uses. They are covered in this section because they concern all types of development and have the potential of impacting the quality of the shoreline and its waters.

Policies

- Policy 1: Utilities are necessary to serve shoreline uses and should be properly installed to protect the shoreline and water from contamination and degradation.
- Policy 2: Utility facilities and right-of-ways should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
- Policy 3: Utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecology, and minimize conflicts with present and planned land uses.

Regulations

- Regulation 1: Utility developments shall, through coordination with government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, or endanger public health and safety.
- Regulation 2: In shoreline areas, utility transmission lines, pipelines, and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.
- Regulation 3: Utility facilities shall be located and designed to avoid destruction of, or damage to, important wildlife areas, and other unique and fragile areas. Utility facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- Regulation 4: Clearing for the installation or maintenance of utilities shall be kept to a minimum, and upon project completion, any disturbed area shall be restored as nearly as possible to pre-project conditions, including replanting with native species, or other species as approved by the City, and maintenance care. If the previous condition is identified as being undesirable, then landscaping and other improvements shall be undertaken.
- Regulation 5: The location and construction of outfalls shall comply with all appropriate federal, state, county and city regulations.

- Regulation 6: The City of Covington shall maintain, enhance and restore the natural drainage systems to protect water quality, reduce flooding, reduce public costs and prevent associated environmental degradation for a no net loss of shoreline ecological functions.
- Regulation 7: The City shall establish maintenance procedures to assure continued proper functioning of surface water management and drainage systems.
- Regulation 8: New utility lines including electricity, communications, and fuel lines shall be located underground. Existing above ground lines shall be moved underground when properties are redeveloped or in conjunction with major system upgrades or replacements.
- Regulation 9: Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
- Regulation 10: Proposals for new utility corridors shall fully substantiate the infeasibility of using existing utility corridors.
- Regulation 11: Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way.

Chapter 7 Specific Shoreline Modification Policies and Regulations

Introduction

Shoreline modification activities are those actions that modify the physical configuration or qualities of the shoreline area. Shoreline modification activities are, by definition, undertaken in support of or in preparation for a permitted shoreline use. A single use may require several different shoreline modification activities.

Shoreline modification activity policies and regulations are intended to assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to prevent, reduce and mitigate the negative environmental impacts of proposed shoreline modifications consistent with the goals of the Shoreline Management Act. A proposed development must meet all of the regulations for both applicable uses and activities as well as the general and environment designation regulations.

This chapter has been divided into four sections: Clearing and Grading, Shoreline Stabilization, Dredging and Fill, and Overwater Structures.

Table of Shoreline Modification Activities

Interpretation of shoreline modification table.

The shoreline modification table below determines whether a specific shoreline modification is allowed within each of the shoreline environments. See standards following the table for a full explanation of activities and required conditions for permitted activities. The shoreline environment is located on the vertical column of the table and the specific modification is located on the horizontal row of the table.

The table should be interpreted as follows:

- A. If the letter "X" appears in the box at the intersection of the column and the row, the modification is not allowed in that shoreline environment.
- B. If the letter "P" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment, and only if the underlying zoning allows the modification.
- C. If the letters "CU" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in this SMP, and only if the underlying zoning allows the modification.

Note that Medium and High-Intensity environments are located along stream systems that do not generally accommodate navigation. No overwater structures exist in these areas currently, and future demand for overwater structures, with the exception of bridges for motorized or non-motorized uses, is not anticipated. Overwater structures, with the exception of bridges, are therefore prohibited in these two shoreline environments.

TABLE 4: SHORELINE MODIFICATIONS

Shoreline Modification Activity	High-Intensity	Medium-Intensity	Shoreline Residential	Urban Conservancy	Aquatic
CLEARING AND GRADING	P	P	P	CU	See adjacent upland environment
SHORELINE STABILIZATION					
Beach Restoration and Enhancement (on Pipe Lake)	X	X	P	CU	
Soil Bioengineering	P	P	P	P	
Bulkheads (on Pipe Lake)	X	X	P	CU	
Breakwaters	X	X	X	X	
Groins	X	X	X	X	
Jetties	X	X	X	X	
Riprap (on streams)	CU	X	CU X	X	
Weirs	X	X	X	X	
DREDGING AND FILL					See adjacent upland environment
Dredging	CU	CU	CU	CU	
Fill	CU	CU	CU	CU	
OVERWATER STRUCTURES					
Accessory to Residential Structures:					
Recreational Float	X	X	P	CU X*	
Boathouse	X	X	X	X	
Pier, Dock, Float, Joint Use Structure	X	X	P	X	
Launching Ramp	X	X	X	X	
Launching Rails	X	X	CU	X	
Excavated Moorage	X	X	X	X	
Foot or Bike Bridge	CU	CU	CU	CU	
Road Bridge	CU	CU	CU	CU	
Not Accessory to Residential Structures:	X	X			
Recreational Float	X	X	CU	CU /X *	
Boathouse	X	X	X	X	
Joint Use Pier, Dock, Float	X	X	P	CU /X *	
Non-Joint Use Pier, Dock Float	X	X	CU	CU /X *	
Launching Ramp	X	X	X	CU /X *	
Launching Rails	X	X	CU	CU /X *	
Excavated Moorage	X	X	X	X	

Shoreline Modification Activity	High-Intensity	Medium-Intensity	Shoreline Residential	Urban Conservancy	Aquatic
Road Bridge	CU	CU	CU	CU	
Foot or Bike Bridge	CU	CU	CU	CU	

[*Not allowed in the Big Soos Creek and/or Jenkins Creek SMA](#)

Clearing and Grading

Applicability

Clearing and grading is the activity associated with developing property for a particular use including commercial, industrial, recreational, and residential. Specifically, "clearing" means the destruction or removal of vegetative ground cover and/or trees including, but not limited to, root material removal and/or topsoil removal. "Grading" means any excavating, filling, removing the duff layer, or combination thereof. Grading can also involve either the export of materials off-site, or the import of materials from an off-site source. Both of these activities may cause erosion, siltation, increased runoff and flood volumes, reduced flood storage capacity, and habitat damage.

~~Although it may not technically be considered "development," clearing as an activity, will be regulated in order to achieve the design goals and objectives of the SMA. Grading is considered a development activity for the purposes of this SMP and should be managed accordingly. A shoreline substantial development permit may be required for grading alone or with clearing. A shoreline substantial development permit cannot be required for clearing alone.~~

Policies

- Policy 1: All clearing and grading activities should be designed and conducted to minimize impacts to wildlife habitat; to minimize sedimentation of creeks, streams, ponds, lakes, wetlands and other water bodies; and to minimize degradation of water quality.
- Policy 2: Clearing and grading activities in shoreline areas should be limited to the minimum necessary to accommodate shoreline development. Such activities should be discouraged in designated (structural) setback areas and allowed in other shoreline locations only when associated with a permitted shoreline development.
- Policy 3: Adverse environmental and shoreline impacts of clearing and grading should be avoided wherever possible through proper site planning, limiting such activity to minimum necessary for the construction of access and improvements, construction timing and practices, bank stabilization, soil bioengineering and use of erosion and drainage control methods. Maintenance of drainage controls should be a high priority to ensure continuing, effective protection of habitat and water quality.
- Policy 4: Cleared and disturbed sites remaining after completion of construction should be promptly replanted with native vegetation in those locations where there was previously native vegetation or with other species as approved by the City in those areas where clearing occurred in areas vegetated with non-native or ornamental species. Where necessary to assure no net loss, applicants should be required to replant with native vegetation to mitigate for project impacts.
- Policy 5: Extensive lawns are discouraged due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications.
- Policy 6: All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age, and cover density.
- Policy 7: For proposed land clearing, landfill, or grading activities that require a grading permit under Covington's Municipal Code, a clearing and grading plan addressing species removal, replanting,

irrigation, erosion and sedimentation control and other methods of riparian corridor protection shall be required.

Regulations

- Regulation 1: All clearing and grading activities must adhere to the requirements of the City's code pertaining to land, clearing and grading (Covington Municipal Code, Chapters 18.45 and 18.60).
- Regulation 2: More specific and stringent clearing and grading performance standards, including relevant requirements from the City of Covington Critical Areas Regulations for the Shoreline Management Area, as contained in Appendix A, may be required as a condition of permit issuance to ensure the proposal will result in no net loss of shoreline ecological functions.
- Regulation 3: Clearing and grading activities may only be allowed when associated with a permitted shoreline development. All shoreline development shall comply with the applicable requirements of the most recent edition of the [King County adopted](#) Surface Water Design Manual and all applicable City stormwater regulations. The City ~~may shall also~~ rely on source control standards and other BMPs contained in the most recent version of the Department of Ecology Stormwater Management Manual for Western Washington and The Low Impact Development Manual: Technical Guidance for Puget Sound.
- Regulation 4: Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not developed must be replanted with native species or other species as approved by the City within one (1) year. Replanted areas shall be planned and maintained such that, within three (3) years time, the vegetation is at least ninety (90) percent reestablished.
- Regulation 5: Any normal and routine maintenance of existing trees, provided, that said maintenance does not involve removal of healthy trees and is not detrimental to the health of any trees shall not be subject to these clearing and grading regulations.
- Regulation 6: Any significant placement of materials from off-site (other than surcharge or preload), or the substantial creation or raising of dry upland shall be considered fill and shall also comply with the fill provisions in Chapter 8: Shoreline Modification Activity Regulations.
- Regulation 7: Alteration of the natural landscape shall only be allowed in association with a permitted shoreline use or development with limited exceptions as set forth below:
- A. Removal of noxious weeds as listed by the state in Chapter 16-750 WAC, provided such activity shall be conducted in a manner consistent with best management practices and the City of Covington's engineering design standards, and native vegetation shall be promptly reestablished in the disturbed area.
 - B. Modification of vegetation in association with a legal, non-conforming use or development provided that said modification is conducted in a manner consistent with this

Master Program and results in no net loss to ecological functions or critical fish and wildlife habitats.

C. Maintenance or restoration of view sheds situated on public lands provided that said activity is conducted in a manner consistent with this Master Program and results in no net loss to ecological functions or critical fish and wildlife habitat areas.

Regulation 8: In all cases where clearing is followed by revegetation, native plants shall be preferred. Native vegetation with similar species in quantities designed to achieve no net loss of ecological function shall be required for revegetation of cleared areas that contain existing native vegetation. Existing ornamental landscapes, including grass, may be replaced with similar species, unless mitigation is necessary to address project impacts.

Regulation 9: Clearing and grading within areas classified by the City's Critical Areas Regulations as critical areas or their buffers is prohibited unless no other feasible alternative exists and then only when the proposal complies with all of the requirements of the City of Covington Critical Areas Regulations for the Shoreline Management Area, as contained in Appendix A.

Regulation 10: Within stream buffers, hazard trees shall be turned into snags if feasible, and/or resulting woody debris shall be put into the stream channel if it can be done in a manner that does not create a hazard on the site or to downstream properties.

~~Regulation 9:~~

Shoreline Stabilization

Applicability

Shoreline stabilization includes actions taken to address erosion impacts to property caused by natural processes, such as current, flood, wake or wave action. These actions include all structural and nonstructural methods. "Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete or boulder bulkheads, while "soft" structural measures rely on less rigid materials, such as bioengineered vegetation measures or beach enhancement. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. The means taken to reduce damage caused by erosion, accretion, and flooding must recognize the positive aspects of each of these processes in order to retain the benefits of these natural occurrences. Erosion does not occur without accretion (deposition and accumulation) of material eroded, such as formation of a beach. Likewise, accretion cannot occur unless material has been eroded. Specific methods for stabilization include beach restoration and enhancement, soil bioengineering and bulkheads along Pipe Lake, and in-stream structures, weirs and rip-rap along Big Soos and Jenkins Creeks.

General policies and regulations addressing shoreline stabilization methods applicable to the City are presented in the following sections. Additional discussion of the individual stabilization methods, and policies and regulations specific to them, are provided following the general policies and regulations section.

Beach Restoration or Enhancement on Pipe Lake

Beach enhancement is the alteration of exposed and submerged shorelines for the purpose of stabilization, recreational enhancement, and or/aquatic habitat creation or restoration using native or similar material. The materials used are dependent on the intended use. For recreation purposes, various grades of clean sand or pea gravel are often used to create a beach above the ordinary high water mark. Restoration or re-creation of a shore feature may require a rock and gravel matrix and/or creation of other materials appropriate for the intended use.

Soil Bioengineering

Soil bioengineering is the term given to the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material; fabric or other soil stabilization techniques; and limited rock toe protection, where appropriate. Soil bioengineering projects often include fisheries habitat enhancement measures such as anchored logs or root wads, in project design. Soil bioengineering techniques may be applied to shoreline areas and the upland areas away from the immediate shoreline.

The use of soil bioengineering as a shoreline stabilization technique is a viable and proven alternative to riprap, concrete and other structural solutions. It provides habitat while maintaining and preserving the natural character of the shoreline. Soil bioengineering is the preferred "best practices" choice when considering shoreline stabilization.

Bulkheads

Bulkheads are shoreline structures, either sloped or vertical, usually constructed parallel to the shore. The primary purpose they serve is to contain and prevent the loss of soil caused by erosion or wave action.

Bulkheads have historically been constructed of poured-in-place or precast concrete, concrete blocks, steel or aluminum sheet piling, wood or wood and structural steel combinations, and boulders. Bulkheads may be either thin structures penetrating deep into the ground or more massive structures resting on the surface.

Uses and activities related to bulkheads which are identified as separate use activities in this program, such as Fill and Residential Development, are subject to the regulations for those uses in addition to the standards for bulkheads established in this section.

Groins

Groins are barrier-type structures of rock, wooden piling or other materials constructed across the beach itself and extending into the water with the intent to obstruct sand and sediment carried by the littoral drift action along shorelines. Groins have limited applicability in Covington's shoreline jurisdiction.

Riprap

Riprap is a layer, facing, or protective mound of stones placed along streams to prevent erosion, scour, or sloughing of a structure or embankment. Riprap is also the term for the stone so used. Currently riprap can be found along Jenkins Creek adjacent to the BPA site.

Weirs

A weir is a small overflow-type dam commonly used to raise the level of a river or stream. Because a weir will typically increase the oxygen content of the water as it passes over the crest, a weir can have a detrimental effect on the local ecology of a river system. A weir will also artificially reduce the upstream water velocity, which can lead to an increase in siltation. And a weir may pose a barrier to migrating fish. Currently one low, rock-and-mortar weir exists in Jenkins Creek, a short distance below the Covington Way SE crossing. The weir was constructed to prevent channel downcutting at the bridge site and eliminate the risk of exposing the footings.

NOTE: EXEMPTIONS ARE DESCRIBED IN FULL IN CHAPTER 8 –ADMINISTRATION

General Policies

Policy 1: Proposals for shoreline stabilization activities should address the impact of these activities on the shoreline environment. This planning should consider off-site erosion, accretion, or flood damage that might occur as a result of shoreline stabilization structures or activities.

Policy 2: Shoreline stabilization should be permitted only when it has been demonstrated that shoreline stabilization is necessary for the protection of existing legally established structures and public improvements, and that there are no other feasible options to the proposed shoreline stabilization that have less impact on the shoreline environment.

Policy 3: Hard structural solutions to reduce shoreline damage from erosion should be allowed only after it is demonstrated that nonstructural or soft structural solutions would not provide sufficient protection to existing improvements. Nonstructural and soft structural solutions include (but are not limited to) soil bioengineering, beach enhancement, alternative site designs, drainage improvements and increased building setbacks (for proposed structures).

Policy 4: Shoreline stabilization shall not be used to create new or newly usable land.

Policy 5: Shoreline stabilization structures should allow passage of ground and surface waters into water bodies.

Policy 6: The burden of proof for the need for shoreline stabilization to protect existing developments rests on the applicant(s).

Policy 7: Shoreline stabilization structures should be located, designed and constructed to minimize adverse impact on the property of others.

Policy 8: All new shoreline development should be located and designed to prevent or minimize the need for shoreline modification activities.

- Policy 9: Areas of significance in the spawning, nesting, rearing, or residency of aquatic and terrestrial biota should be given special consideration in the review of shoreline stabilization actions.
- Policy 10: Breakwater construction, jetties and groins are generally unnecessary within Covington’s shoreline jurisdiction and should be prohibited.
- Policy 11: Allow repair and maintenance of existing weirs, but encourage removal or modification of the weir if a more environmentally sensitive solution is feasible.
- Policy 12: Give special attention to the effect shoreline modification structures will have on aesthetic qualities of the shoreline, public access and use of the water.
- Policy 13: Consider the effect that proposed shoreline modification structures have on ecosystem-wide processes (e.g., sediment movement) and functions (e.g., habitat). Make provisions to avoid and minimize impacts where feasible.
- Policy 14: Mitigation for shoreline stabilization must be provided to achieve no net loss of ecological functions necessary to sustain shoreline natural resources.
- Policy 15: Explore a range of solutions to reduce the amount of bulkheads and shoreline armoring over time around Pipe Lake and restore natural bank conditions. Alternative methods to typical shoreline armoring using native vegetation and other natural shoreline features should be considered.

Regulations

General Shoreline Stabilization^[g8]

- Regulation 1: Shoreline stabilization and modification projects shall avoid and then minimize adverse impacts to the environment to the greatest extent feasible, and where such impacts cannot be avoided, mitigation shall be provided to achieve no net loss of shoreline ecological functions. [Mitigation sequencing as described in Chapter 4, Environmental Impacts, Regulation 5 shall be required.](#)
- Regulation 2: All clearing and grading activities associated with shoreline stabilization must adhere to the requirements of the City's code pertaining to land, clearing and grading (Covington Municipal Code, Chapters 18.45 and 18.60).
- Regulation 3: An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves.
- A. Shoreline stabilization solutions developed to replace existing shoreline stabilization shall be placed along the same alignment as, or landward of, the shoreline stabilization being replaced, except as noted below.
 - B. Where existing structural stabilization is replaced by soft shoreline stabilization using bioengineering techniques and results in a documented improvement of shoreline functions, such stabilization may be allowed waterward of the ordinary high-water mark subject to state and federal approvals.

Regulation 4: New structural stabilization measures and enlargement of existing structural stabilization measures shall be limited to the minimum size necessary and shall be permitted only when it has been conclusively demonstrated through scientific analysis that shoreline stabilization is necessary to protect existing primary structures, public improvements, ecological function restoration projects or hazardous substance remediation projects from erosion, and that nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.

Regulation 5: Structural (soft and hard) solutions to reduce shoreline damage from erosion shall be allowed only after it is demonstrated through a geotechnical report that non-structural solutions would not provide sufficient protection to existing improvements. The geotechnical report shall evaluate the necessity of structural stabilization measures by estimating timeframes and rates of erosion (damage within 3 years), urgency of replacement, alternative solutions and other pertinent factors. Non-structural solutions include (but are not limited to) soil bioengineering, beach enhancement, alternative site designs, drainage improvements and increased building setbacks (for proposed structures).

~~Regulation 5:~~Regulation 6: All new shoreline development, including the division of land into new parcels, shall be located and designed to prevent the need for shoreline stabilization activities based on geotechnical analysis.

~~Regulation 6:~~Regulation 7: New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.

~~Regulation 7:~~Regulation 8: New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited, and where stabilization is allowed, impacts to sediment transport shall be avoided or minimized and stabilization measures shall be specifically designed so as not to create a need for shoreline stabilization elsewhere.

~~Regulation 8:~~Regulation 9: Shoreline stabilization shall not be used to create new lands.

~~Regulation 9:~~Regulation 10: Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the water body.

~~Regulation 10:~~Regulation 11: Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.

~~Regulation 11:~~Regulation 12: Professional design (as approved by the City) of all shoreline stabilization or modification structures is required.

~~Regulation 12:~~Regulation 13: All shoreline modification activities shall be in support of a permitted shoreline use that is in conformance with the provisions of this Master Program unless it can be demonstrated that such activities are necessary and in the public interest.

~~Regulation 13:~~ Regulation 14: All shoreline modification activities within the City must comply with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

~~Regulation 14:~~ Regulation 15: ~~Alternative methods to typical shoreline armoring using native vegetation and other natural shoreline features shall be considered when replacing existing and constructing new shoreline stabilization solutions.~~

~~Regulation 15:~~ Regulation 16: Public access shall be required as part of publicly financed shoreline stabilization measures unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

Beach/Bank Restoration and Enhancement

~~Regulation 16:~~ Regulation 17: Bank restoration and enhancement along Big Soos and Jenkins Creeks shall be subject to critical area regulations for shorelines contained in Appendix A.

~~Regulation 17:~~ Regulation 18: Beach enhancement along Pipe Lake may be permitted when the applicant has demonstrated that the project will not detrimentally interrupt littoral processes, redirect waves, current, or sediment to other shorelines, or adversely affect adjacent properties or habitat.

Natural Beach Restoration/Enhancement

~~Regulation 18:~~ Regulation 19: Design Standards. Natural beach restoration/enhancement shall not:

- a. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
- b. Disturb significant amounts of valuable shallow water fish/wildlife habitat without appropriate mitigation of the impacts.

~~Regulation 19:~~ Regulation 20: Natural Beach Restoration Construction Standards:

- a. The size and/or mix of new materials to be added to a beach shall be as similar as possible to that of the natural beach sediment, but large enough to resist normal current, wake, or wave action at the site.
- b. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk or profile (but not as much as to obviously create additional dry land).

~~Regulation 20:~~ Regulation 21: Beach enhancement is prohibited within fish and/or wildlife spawning, nesting, or breeding habitat that would be adversely affected by it and also where littoral drift

of the enhancement materials would adversely affect adjacent spawning grounds or other areas of biological significance.

Soil Bioengineering

~~Regulation 21:~~Regulation 22: All soil bioengineering projects shall use native plant materials appropriate to the specific area including trees, shrubs, and groundcovers, unless demonstrated infeasible for the particular site.

~~Regulation 22:~~Regulation 23: Unless more specific and restrictive Critical Area Regulations apply, all cleared areas shall be replanted immediately following construction and irrigated (if necessary) to ensure that within three (3) years all vegetation is one hundred (100) percent reestablished to achieve no net loss of ecological functions of the shoreline area. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable. Additional performance standards may be established by the Shoreline Administrator in administrative rules.

~~Regulation 23:~~Regulation 24: Bank stabilization in the form of a vegetated buffer zone shall be maintained (e.g., weeding, watering, dead plant replacement) for a minimum of three (3) years. The buffer zone shall exclude activities that could disturb the site. Where determined necessary by the Shoreline Administrator, fencing may be required to ensure protection of buffer plantings.

~~Regulation 24:~~Regulation 25: All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

~~Regulation 25:~~Regulation 26: More specific and stringent performance standards, including relevant requirements from the City of Covington Critical Areas Regulations for the Shoreline Management Area, as contained in Appendix A, may be required as a condition of permit issuance to ensure the proposal will result in no net loss of shoreline ecological functions.

Breakwaters

~~Regulation 26:~~Regulation 27: Breakwaters, jetties, and groins are not a permitted shoreline modification activity in Covington.

Bulkheads^[g]

~~Regulation 27:~~Regulation 28: Bulkhead design and development shall conform to all other applicable local, state, and federal agency regulations.

~~Regulation 28:~~Regulation 29: On all shorelines, bulkheads shall not be placed waterward of the ordinary high water mark (OHWM), unless as provided below. In addition:

A. On shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall tie in with the contours of the adjoining shorelines, as feasible, such that the proposed bulkhead would not cause erosion of the adjoining properties.

B. Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that the new bulkhead does not extend waterward of OHWM, except that which is necessary to make the connection to the adjoining bulkhead. In such circumstances, the remaining portion of the bulkhead shall be placed landward of the existing OHWM such that no net loss of lake occurs and the design complies with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

~~Regulation 29:~~Regulation 30: Replacement bulkheads may be permitted if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves provided that:

A. The replacement bulkhead is designed, located, sized, and constructed to assure no net loss of ecological functions.

B. Replacement bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

C. The existing bulkhead is removed.

D. The proposal includes a report prepared by a geotechnical engineer or other qualified professional that evaluates the necessity of the bulkhead by estimating time frames, rates of erosion and other pertinent factors.

~~Regulation 30:~~Regulation 31: New bulkheads and enlarged bulkheads shall be allowed only for existing structures when evidence is presented through a report prepared by a geotechnical engineer or other qualified professional that conclusively demonstrates that one (1) of the following conditions exists:

A. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with this Master Program, PROVIDED that all alternatives have proven infeasible (i.e., use relocation, use design, nonstructural shore stabilization options) and that such bulkheads meet other policies and regulations of this chapter; or

B. Serious wave erosion threatens an established use or existing building(s) on upland property; and

C. Proposals for bulkheads have first demonstrated that use of natural materials and processes (soft structural solutions) and alternative site designs, including increased shoreline setbacks (nonstructural solutions), are either not feasible or will not provide the necessary protection for existing development.

~~Regulation 31:~~ Regulation 32: When a bulkhead is required at a public access site, provisions for safe public access to the water shall be incorporated into bulkhead design.

~~Regulation 32:~~ Regulation 33: Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of a bulkhead.

~~Regulation 33:~~ Regulation 34: Fill behind bulkheads shall be limited to an average of one (1) cubic yard per ~~running~~ linear foot of bulkhead. Any filling in excess of this amount shall be considered a regulated activity subject to the policies and regulations in this SMP pertaining to fill activities and the requirement for obtaining a shoreline substantial development permit.

Weirs

~~Regulation 34:~~ Regulation 35: Repair and maintenance of existing weirs shall be permitted. However, when a more environmentally solution is feasible, existing weirs shall be removed or modified.

~~Regulation 35:~~ Regulation 36: New weirs shall not be allowed ~~as a conditional use only when evidence is presented through a report prepared by a geotechnical engineer or other qualified professional that conclusively demonstrates that a weir is necessary and all alternatives have proven infeasible.~~

~~Regulation 36:~~ Regulation 37: New Replacement weirs must be constructed using natural materials and must be consistent with other policies and regulations of this chapter.

Dredging and Fill

Applicability

Although these activities may occur separately from one another, they are often all parts of the same shoreline modification process and are, therefore, considered together in the following policies and regulations.

Dredging and Dredge Material Disposal

Dredging is the removal or displacement of earth or sediments such as gravel, sand, mud or silt and/or other materials or debris from any stream, or lake and associated shorelines, side channels, and wetlands. In a lake setting, dredging is normally done for specific purposes or uses such as deepening a navigational channel or obtaining bottom material.

Dredge material is disposed of on land or into water bodies and may be intended for the purpose of creating new or additional lands for other uses. Dredge spoil varies from clean river sand to organic sludge. While some of this material is deposited on land, a significant portion is dumped, intentionally or unintentionally, back into the water or immediately adjacent to the water.

Of all activities on shorelines, dredging poses one of the greatest threats to water quality and aquatic life. In most cases, dredging occurs in shallow areas and may disturb the aquatic environment in the following ways: (1) temporary reduction of water clarity from suspended sediments, (2) loss of aquatic plants and animals by

direct removal or from the sedimentation of suspended materials, (3) alteration of the nutrient and oxygen levels of the water column, and (4) suspension of toxic materials from the sediments into the water column.

Fill

Fill is the placement of soil, sand, rock, gravel, sediment, earth retaining structure or other material to an area waterward of the OHWM, in wetlands, or on shorelands in that manner that raises the elevation or creates dry land.

Fill is usually considered in locations where the water is shallow and where rooted vegetation often occurs. In their natural condition, these same areas provide valuable habitat for fish and wildlife feeding, breeding, and shelter. Biologically, the shallow vegetation areas tend to be highly productive portions of the lake. For these reasons, governmental agencies and scientific experts have generally sought to prohibit or restrict fill.

The policies contained herein are intended to focus on the aspects of natural systems affected by dredging and the disposal of dredge material, man-made fill, cuts, excavations and site grading actions, while at the same time recognizing the community's needs.

Fill occurring on dry land landward of the OHWM which does not exceed a cost of five thousand seven hundred eighteen (5,718) dollars or 250 cubic yards of material (per WAC 173-27-040), does not require a shoreline substantial development permit, as noted elsewhere in this Master Program. This development, however, must comply with all other applicable policies and regulations as defined in this Master Program.

Policies

Dredging

Policy 16: Dredging is only allowed as a conditional use in all shoreline environments. Dredging should be restricted to the minimum necessary to support water-dependent uses, for expansion or alteration of public utility facilities, for bridges within a public right-of-way, and for environmental restoration and enhancement projects, and only when other solutions would result in greater environmental impact.

Policy 17: Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill or construction material is prohibited.

Policy 18: In all cases, dredging operations should be planned and conducted to protect and maintain existing aquatic habitat and other shoreline uses, properties, and values.

Policy 19: Dredging operations should be designed and scheduled to avoid impacts to fish, including impacts to fish migration, rearing, feeding and spawning.

Policy 20: Dredging and dredge material disposal should be located and conducted in a manner that minimizes damage to existing ecological values and natural resources of the area to be dredged and of the disposal site. Proposals that include dredging shall provide mitigation to achieve no net loss of shoreline ecological functions.

Policy 21: Dredge material disposal in water bodies should be prohibited, except for habitat improvement projects.

Policy 22: Dredging and dredge material disposal should be prohibited in wetlands, except for the purposes of enhancing valuable wetland functions. A design prepared by a qualified wetland scientist is required prior to allowing dredging and/or disposal of dredge spoils into a wetland.

Policy 23: Dredging should utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.

Policy 24: The City of Covington may impose limitations on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.

Policy 25: If suitable alternatives for land disposal are not available or are infeasible, water disposal sites should be identified consistent with the following criteria:

- A. Disposal will not interfere with geohydraulic processes;
- B. The dredge spoil has been analyzed by qualified personnel and found to be nonpolluting;
- C. Aquatic life will not be adversely affected; and
- D. The site and method of disposal meets all requirements of applicable regulatory agencies.

Fill

Policy 26: Shoreline fill should only be permitted as a conditional use in all shoreline environments.

Policy 27: Fills waterward of the OHWM should be restricted to the minimum necessary to support water-dependent uses, public access, cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, disposal of dredged sediments in accordance with DNR rules, expansion or alteration of transportation facilities of statewide significance when other alternatives are not feasible, and for mitigation actions, environmental restoration and enhancement projects, and only when other solutions would result in greater environmental impact.

Policy 28: Shoreline fills should be designed and located so that there will be no significant damage to existing ecological systems or natural resources, and no alteration of local currents, channel migration, surface and subsurface drainage, or flood waters which would result in hazard to adjacent life, property, or natural resource systems.

Policy 29: Where permitted, fill coverage should be the minimum necessary to provide for the proposed use. Fills should be permitted only when tied to a specific development proposal that is permitted by the master program.

Policy 30: In evaluating fill projects, factors such as current and potential public use of the shoreline and water surface area, navigation, water flow and drainage, water quality and habitat should be considered and protected to the maximum extent feasible. Further, the City should assess the overall value of the fill site in its present state versus the proposed shoreline use to be created to ensure consistency with the Shoreline Management Act and this Master Program.

Policy 31: The perimeter of fills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time. Natural appearing and self-sustaining control methods are preferred over structural methods.

Policy 32: Replenishing sand on public and private community beaches should be allowed, subject to the assurance of no net loss of ecological functions in the process.

Policy 33: Sanitary landfills should not be located in shoreline jurisdiction.

Regulations

Dredging [g10]

~~Regulation 37:~~ Regulation 38: _____ Dredging and disposal of dredge material shall avoid, then minimize significant ecological impact; impacts that cannot be avoid shall be mitigated to achieve no net loss of ecological processes and functions.

~~Regulation 38:~~ Regulation 39: _____ New development siting and design shall avoid the need for new and maintenance dredging.

~~Regulation 39:~~ Regulation 40: _____ Dredging may be permitted as a conditional use activity only:

- A. When necessary to support a water-dependent use;
- B. For expansion or alteration of public utility facilities or bridges within a public right-of-way;
- C. As part of mitigation actions, environmental restoration and habitat enhancement projects;
- C. When technical information demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially impaired; and
- E. When other solutions would result in greater environmental impact;
- F. As part of an approved habitat improvement project;
- F. If it improves water quality; and
- G. When applicable permits of other local, state and federal agencies have been obtained.

Regulation 41: Dredging to establish, expand, relocate or reconfigure navigation channels is allowed only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is required consistent with standard mitigation sequencing.

Regulation 42: Maintenance dredging of established navigation channels and basins shall be restricted to maintaining the previously dredged and/or existing authorized location, depth and width.

~~Regulation 40:~~ Regulation 43: _____ When dredging is permitted, the extent of dredging shall be the minimum necessary to accommodate the proposed use.

~~Regulation 41:~~ Regulation 44: Dredging for the primary purpose of obtaining fill or construction material is prohibited.

~~Regulation 42:~~ Regulation 45: Proposals for dredging and dredge disposal shall include details on all feasible mitigation measures to protect aquatic habitats. Dredging and dredge disposal shall not create a net loss of shoreline ecological functions.

~~Regulation 43:~~ Regulation 46: Dredging material which will not subsequently cause violation of State Water Quality Standards may be used in permitted landfill projects.

~~Regulation 44:~~ Regulation 47: Excavations on beaches shall include precautions to prevent the migration of fine grain sediments, disturbed by the excavation, onto adjacent beach areas. Excavations on beaches shall be backfilled promptly using material of similar composition and similar or coarser grain size.

~~Regulation 45:~~ Regulation 48: Dredging shall be timed so that it does not interfere with aquatic life.

~~Regulation 46:~~ Regulation 49: Individual disposal operations shall comply with Department of Natural Resources leasing practices, the Department of Ecology Water Quality Certification process, and the permit requirements of the State Department of Fish and Wildlife and the U.S. Army Corps of Engineers.

~~Regulation 47:~~ Regulation 50: Depositing dredge materials in water areas may be allowed only by conditional use permit for one (1) or more of the following reasons:

- A. For wildlife habitat improvement;
- B. To correct problems of material distribution adversely affecting fish;
- C. For permitted beach enhancement;
- E. When the alternative of depositing material on land is demonstrated to be more detrimental to shoreline resources than depositing it in water areas; or
- F. In approved open-water disposal sites as identified by appropriate agencies.

~~Regulation 48:~~ Regulation 51: Disposal of dredge material shall be done only in approved sites.

~~Regulation 49:~~ Regulation 52: Dredging and dredge material disposal is prohibited in wetlands, except for the purposes of enhancing valuable wetland functions. A design prepared by a qualified wetland scientist is required prior to allowing dredging and/or disposal of dredge spoils into a wetland.

~~Regulation 50:~~ Regulation 53: Dredging shall utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.

~~Regulation 54:~~ Regulation 54: ___ The City of Covington may impose limitations on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.

~~Regulation 52:~~ Regulation 55: ___ If suitable alternatives for land disposal are not available or are infeasible, water disposal sites shall be identified consistent with the following criteria:

- A. Disposal will not interfere with geohydraulic processes;
- B. The dredge spoil has been analyzed by qualified personnel and found to be nonpolluting;
- C. Aquatic life will not be adversely affected; and
- D. The site and method of disposal meets all requirements of applicable regulatory agencies.

Fill

~~Regulation 53:~~ Regulation 56: ___ Fills waterward of the OHWM shall be permitted as a conditional use only:

- A. In conjunction with a water-dependent or public use permitted by this Master Program;
- B. In conjunction with a bridge for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; and
- C. For fisheries, aquaculture, or wildlife enhancement projects.

~~Regulation 54:~~ Regulation 57: ___ Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area.

~~Regulation 55:~~ Regulation 58: ___ All perimeters of fills shall be provided with vegetation, retaining walls, or other satisfactory mechanisms for erosion prevention and sediment capture.

~~Regulation 56:~~ Regulation 59: ___ Fill proposals must demonstrate, at a minimum, that they will result in no net loss of shoreline ecological functions.

~~Regulation 57:~~ Regulation 60: ___ Fill shall be permitted only where it is demonstrated that the proposed action will not:

- A. Result in significant damage to water quality, fish, aquatic habitat, and/or wildlife habitat; or
- B. Adversely alter natural drainage and circulation patterns, currents, or stream flows, or significantly reduce flood water holding capabilities.

~~Regulation 58:~~ Regulation 61: ___ No refuse disposal sites, solid waste disposal sites, or sanitary fills shall be permitted along the Pipe Lake shoreline in Covington.

~~Regulation 59:~~ Regulation 62: _____ Any placement or removal of materials landward of the OHWM shall comply with the provisions in the Clearing and Grading section of this chapter.

Overwater Structures: Piers, Docks, Floats and Buoys

Applicability

Piers and docks are structures which abut the shoreline and are used as a landing or moorage place for commercial transport or recreational watercraft. Piers are built on fixed platforms supported by piles above the water, while docks float upon the water. Some piers may terminate in a float section that is connected by a ramp.

Recreational floats are also addressed in this section. These floats are independent, anchored, off-shore platforms used for water-dependent recreational activities such as swimming and diving.

Certain mooring structures such as moorage piles, buoys and boat lifts are not generally used on Pipe Lake since motorized boats are not allowed on the Lake.

All of these types of facilities have positive and negative environmental aspects. Floating docks generally have less of a visual impact than piers on pilings. However, in the nearshore, docks can interrupt littoral drift of sediments and other suspended materials, and significantly shade the aquatic environment throughout their length. Pile piers can provide diverse habitat for both desirable and undesirable aquatic life. Excavated moorage involves dredging and will disturb bottom sediments and aquatic life. Docks and piers alike create impediments to boat traffic. Pier construction requires regulation to protect navigation rights, to protect shoreline aesthetics, and to maintain the useable water surface and aquatic lands for life forms characteristic and important to those areas.

Exemptions

Piers for private, noncommercial pleasure craft, common to a single-family residence, and costing less than ten thousand (\$10,000) dollars are exempt from the requirement for a shoreline substantial development permit pursuant to RCW 90.58.030(3)(e)(vii) and WAC 173-27-040(h).

The ten thousand dollar (\$10,000) threshold will be adjusted for inflation by the State Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. The City will review all development proposals for piers to determine if:

1. The proposal is or is not exempt from the requirement for a substantial development permit;
2. The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated such that there is no net loss of shoreline ecological functions; and
3. The proposal is consistent with the intent, policies, and regulations of the Act and this Master Program.

Policies

Policy 34: New piers and docks should be allowed only for public access and water-dependent uses.

Policy 35: New piers and docks should be restricted to the minimum size necessary and permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.

Policy 36: Piers and docks should be discouraged where conflicts with recreational boaters and other recreational water activities would be created by pier construction.

Policy 37: The further proliferation of single-purpose piers and docks should be discouraged. Preference should be given to the shared use piers in shoreline areas.

Policy 38: Substantial additions or alterations to overwater structures, including, but not limited to, substantial developments, should be in conformance with the policies and regulations set forth in this Master Program.

Policy 39: Preference should be given to fixed-pile piers elevated above the OHWM. Floating docks shall not be allowed unless the applicant can demonstrate why a fixed pile pier is not feasible or will result in greater impacts. Recreational floats should be allowed where they are intended to support public or private recreational uses, or in lieu of fixed piers adjacent to residential land uses.

Policy 40: New moorage covers should not be allowed.

Policy 41: Overwater structures, including piers, and boatlifts, should only be authorized after consideration of:

A. The effect such structures have on wildlife and aquatic life, water quality, scenic and aesthetic values, environmental sensitive resources, submerged lands, and submerged vegetation.

B. The effect such structures have on navigation, water circulation, recreational boating, sediment movement and littoral drift and shoreline access.

Policy 42: Overwater structures and mooring buoys should be designed to cause minimum interference with navigable waters and the public's safe use of the lake and shoreline.

Policy 43: Use of non-reflective materials in construction should be encouraged.

Policy 44: The proposed size of the structure and intensity of use or uses of any overwater structure should be compatible with the surrounding environment and land and water uses.

Policy 45: Lighting facilities should be limited to the minimum extent necessary to locate the pier or dock at night.

Regulations

~~Regulation 60:~~ Regulation 63: All new, reconstructed, repaired, or modified overwater structures must comply with Covington's Critical Area Regulations for the shoreline environment contained in Appendix A, meet the requirement for no net loss of ecological function, and comply with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

~~Regulation 61:~~ Regulation 64: New piers and docks shall be allowed only for public access and water-dependent uses, which includes a structure associated with a single family residence provided

that it is designed and intended as a facility for access to watercraft and otherwise complies with the regulations contained in the this section.

Regulation 65: Overwater structures are prohibited in the Soos Creek and Jenkins Creek SMA.

~~Regulation 62:~~Regulation 66: ___ New piers and docks that are not accessory to single family residences shall be permitted only when intended for public use or when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.

~~Regulation 63:~~Regulation 67: ___ New residential development of more than two dwellings shall provide a joint use or community dock facilities, when feasible, rather than individual docks.

~~Regulation 64:~~Regulation 68: ___ Proposed overwater structures which are not an accessory use to residential development and are not joint-use structures must obtain a conditional use permit. A conditional use permit may be granted if:

- A. The overwater structure does not create any potential adverse impacts to navigation or public safety;
- B. The overwater structure does not cause environmental impacts that cannot be sufficiently mitigated; and
- C. The overwater structure complies with all other conditional use criteria in WAC 173-27-160 as outlined in Chapter 8 of this Master Program.

~~Regulation 65:~~Regulation 69: ___ **Except for recreational floats**, proposed overwater structures which are not accessory to a residential use and are granted a conditional use permit, must comply with the regulations of this section for overwater structures which are accessory to single-family residential development.

~~Regulation 66:~~Regulation 70: ___ Proposed overwater structures which do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a variance.

~~Regulation 67:~~Regulation 71: ___ No portion of the deck of a pier shall, during the course of the normal fluctuations of the elevation of the water body, protrude more than five (5) feet above the OHWM.

~~Regulation 68:~~Regulation 72: ___ No residential dwelling unit may be constructed on a pier.

~~Regulation 69:~~Regulation 73: ___ Piers and docks may be permitted accessory to a residential development provided:

- A. The applicant has demonstrated to the satisfaction of the Shoreline Administrator that a shared or joint-use pier is not feasible.
- B. No more than one (1) pier/dock for each single-family residence is permitted.

C. On lots with less than fifty (50) feet of waterfront, joint-use (shared) piers/docks shall be required, except when both lots abutting the subject lot have legal pre-existing piers or docks and the applicant demonstrates to the satisfaction of the Shoreline Administrator that a shared use agreement is not feasible. Only in this case may the lot with less than fifty (50) feet of waterfront be permitted an individual pier.

4. Length.

~~Regulation 70:~~Regulation 74: All pier lengths shall be minimized to the maximum extent feasible and comply with regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction. The proposed length must be the minimum necessary to support the intended use. The maximum waterward intrusion as measured from the ordinary high water mark of any portion of any pier shall be limited to the following:

- A. Forty (40) feet for a single property owner;
- B. Fifty (50) feet for a joint-use structure utilized by two or more residential property owners;
- C. Eighty (80) feet for a pier that allows public access.

~~Regulation 71:~~Regulation 75: The maximum square footage of ells and fingers is 120 feet.

5. Width.

~~Regulation 72:~~Regulation 76: The maximum width of a pier walkways and additional fingers shall be minimized to the maximum extent practical. All pier walkways must be fully grated and ells and floats must have a minimum 2-foot strip of grating down the center.

~~Regulation 73:~~Regulation 77: Size. Surface coverage, including all floats, ramps and ells, shall be limited to the following:

- A. Four hundred (400) square feet for a single property owner;
- B. Six hundred (600) square feet for a joint-use structure utilized by two or more residential property owners;
- C. Eight hundred (800) square feet for pier that allows public access.

~~Regulation 74:~~Regulation 78: Launching rails may be permitted as a conditional use in the Shoreline Residential environment, and in the [Pipe Lake](#) Urban Conservancy environment when not accessory to residential structures, in lieu of a moorage pier, provided the applicant shall demonstrate that the proposed length of the rail is the minimum necessary to safely launch the intended craft and comply with all regulations as stipulated by State and Federal agencies,

local Tribes, or others that have jurisdiction. Launching rails shall meet the following standards:

- A. In no case shall the rail extend beyond the point where the water depth is ten (10) feet below the OHWM.
- B. Launching rails shall be anchored to the ground with the use of tie-type construction.
- C. No more than one (1) launching rail per single-family residence or duplex is permitted.

~~Regulation 75:~~Regulation 79: Launching ramps may be permitted as a conditional use for recreational uses in the [Pipe Lake](#) Urban Conservancy Shoreline Environment provided the applicant shall demonstrate that the proposed length of the ramp is the minimum necessary to safely launch the intended craft and comply with all regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction. In no case shall the ramp extend beyond the point where the water depth is ten (10) feet below the OHWM.

~~Regulation 76:~~Regulation 80: Recreational floats may be permitted, provided:

- A. Area. The area of a recreational float shall be minimized to the maximum extent feasible and comply with regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction. No recreational float shall have more than two hundred (200) square feet when associated with a public or private recreation land use.
- B. Distance waterward from the OHWM. Recreational floats must be in water with depths of 8 feet or more at the landward end of the float and may be located up to a maximum waterward distance of fifty (50) feet, or where the water depth is demonstrated safe for swimming, whichever is reached first.
- C. Recreational floats shall be designed and intended for swim use or other non-motorized use.
- D. Recreational floats shall have fully grated decks.
- E. Retrieval lines shall not float at or near the surface of the water.
- F. Height. Recreational floats must be built so that the deck surface is one (1) foot above the water's surface and they must have reflectors for nighttime visibility.
- G. All float tubs shall be fully encapsulated.

~~Regulation 77:~~Regulation 81: Boat houses are not permitted.

~~Regulation 78:~~Regulation 82: Boatlifts, moorage piles and moorage covers are not permitted.

~~Regulation 79:~~ Regulation 83: All overwater structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe overwater structures shall be removed or repaired promptly by the owner.

~~Regulation 80:~~ Regulation 84: Piles, floats or other structures in direct contact with water shall not be treated or coated with herbicides, fungicides, paint, or pentachlorophenol.

Chapter 8 Administration^[g11]

Introduction

There is hereby established an administrative system designed to assign responsibilities for implementation of the Master Program and shoreline permit review, to prescribe an orderly process by which to review proposals and permit applications, and to ensure that all persons affected by this Master Program are treated in a fair and equitable manner.

Program Administrator

Regulation 1: The City's Community Development Director or designee is hereby vested with:

- A. Overall responsibility for administering the Shoreline Management Act and this Master Program as the Shoreline Administrator;
- B. Authority to approve, approve with conditions, or deny shoreline permit revisions in accordance with the policies and provisions of this Master Program; and
- C. Authority to grant statements of exemption from shoreline substantial development permits in accordance with the policies and provisions of this Master Program.

Regulation 2: The duties and responsibilities of the Shoreline Administrator shall include:

- A. Preparing and using application forms deemed essential for the administration of this Master Program.
- B. Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this Master Program.
- C. Making administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act.
- D. Collecting applicable fees, as established by the City in CMC 16.05.050.
- E. Determining that all applications and necessary information and materials are provided.
- F. Conducting field inspections, as necessary,
- G. Reviewing, insofar as possible, all provided and related information deemed necessary for appropriate applications needs.
- H. Determining if a shoreline substantial development permit, conditional use permit or variance permit is required.

- I. Providing copies of permit applications to relevant staff and agencies for review and comment.
- J. Conducting a thorough review and analysis of shoreline exemption applications; reviewing other staff and agency comments; making written findings and conclusions; and approving, approving with conditions, or denying such exemptions.
- K. Conducting a thorough review and analysis of shoreline substantial development permit applications; reviewing other staff and agency comments; making written findings and conclusions; and approving, approving with conditions, or denying such permits.
- L. Submitting shoreline variance and conditional use permit applications and written recommendations and findings on such permits to the City's Hearing Examiner for their consideration and action.
- M. Submitting shoreline redesignation permit applications and written recommendations and findings on such permits to the City Council.
- N. Assuring that proper notice is given to appropriate persons and the public for all hearings.
- O. Providing technical and administrative assistance to the City's Hearing Examiner and City Council as required for effective and equitable implementation of this program and the Act.
- P. Investigating, developing, and proposing amendments to this Master Program as deemed necessary to more effectively and equitably achieve its goals and policies.
- Q. Seeking remedies for alleged violations of this program, the provisions of the Act and this Master Program or of conditions of any approved shoreline permit issued by the City of Covington.
- R. Acting as the primary liaison between local and state agencies in the administration of the Shoreline Management Act and this Master Program.
- S. Forwarding shoreline permits to the Department of Ecology for filing or action.

Shoreline Permits and Exemptions

- Regulation 3: All proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act, its implementing rules and this master program, whether or not a permit is required.
- Regulation 4: A substantial shoreline development permit is required per the following guidelines:

A. A development, use, or activity shall not be undertaken within the jurisdiction of the SMA, Chapter 90.58 RCW, and this shoreline Master Program unless it is consistent with the policy and procedures of the SMA, applicable state regulations and this shoreline Master Program.

B. A substantial development shall not be undertaken within the jurisdiction of the SMA, Chapter 90.58 RCW, and this Shoreline Master Program unless a shoreline substantial development permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the applicant has been given permission to proceed by the proper authority.

Regulation 5: The following guidelines are to be used in determining whether or not a development proposal is exempt from the substantial shoreline development permit.

A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

B. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or this Shoreline Master Program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this Shoreline Master Program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to this Shoreline Master Program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this Shoreline Master Program, such development or use can only be authorized by approval of a variance.

C. The burden of proof that a development or use is exempt from the permit process is on the applicant.

D. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

E. The City's Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this Shoreline Master Program.

Regulation 6: The following list outlines twelve (12) exemptions that shall not be considered substantial developments for the purpose of this Master Program:

A. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand (\$5,718) dollars, if such development does not materially interfere with the normal public use of the water or "shorelines of statewide significance." The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on "shorelines of statewide significance." The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

B. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

C. Construction of a normal protective bulkhead common to single family residences. A "normal protective bulkhead" includes those structural and nonstructural developments installed at or near, and parallel to the ordinary high water mark for the sole purpose of protecting an existing single family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Washington Department of Fish and Wildlife;

D. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the Act or this Master Program. Emergency construction does not include development of new permanent protective structures where none previously

existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to the Act and this Master Program, obtained. All emergency construction shall be consistent with the policies of the Act and this Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

E. Construction by an owner, lessee, or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level and meets all requirements of the City of Covington having jurisdiction thereof, other than requirements imposed pursuant to the Act. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Construction authorized under this exemption shall be located landward of the ordinary high water mark and shall be subject to required setbacks;

F. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed ten thousand dollars (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

G. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface waters;

H. Any project with certification from the Governor pursuant to Chapter 80.50 RCW.

I. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

- i. The activity does not interfere with the normal public use of the surface waters;
- ii. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
- iii. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

iv. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions.

J. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW;

K. Watershed restoration projects as defined in WAC 173-27-040. The Shoreline Administrator shall review the projects for consistency with the Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects.

i. Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

1. A project that involves less than ten miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
2. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
3. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

ii. "Watershed restoration plan" means a plan, developed or sponsored by the Washington Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

L. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

- i. The project has been approved in writing by the Washington Department of Fish and Wildlife;
- ii. The project has received Hydraulic Project Approval by the Washington Department of Fish and Wildlife pursuant to chapter 77.55 RCW; and
- iii. The Shoreline Administrator has determined that the project is substantially consistent with this Shoreline Master Program. The Shoreline Administrator shall make such determination in a timely manner and provide it by letter to the project proponent. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with this Master Program, as follows:

1) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the following criteria:

a) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

- Elimination of human-made fish passage barriers, including culvert repair and replacement;
- Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

b) The Department of Fish and Wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

c) A fish habitat enhancement project must be approved in one of the following ways:

- By the Department of Fish and Wildlife pursuant to chapter 77.95 or 77.100 RCW;
- By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

- By the Department of Ecology as a Department of Fish and Wildlife-sponsored fish habitat enhancement or restoration project;
- Through the review and approval process for the Jobs for the Environment program;
- Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service;
- Through a formal grant program established by the legislature or the Department of Fish and Wildlife for fish habitat enhancement or restoration; and
- Through other formal review and approval processes established by the legislature.

2) Fish habitat enhancement projects meeting the criteria of (l)(iii)(A) of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of (l)(iii)(A) of this subsection and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030 (2)(c).

3) A hydraulic project approval permit is required for projects that meet the criteria of (l)(iii)(A) of this subsection and are being reviewed and approved under this section. An applicant shall use a Joint Aquatic Resource Permit Application form developed by the Office of Regulatory Assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the Department of Fish and Wildlife and to the Shoreline Administrator. The Shoreline Administrator shall accept the application as notice of the proposed project. The Department of Fish and Wildlife shall provide a fifteen-day (15) comment period during which it will receive comments regarding environmental impacts. Within forty-five (45) days, the Department of Fish and Wildlife shall issue a permit with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The Department of Fish and Wildlife shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the Department of Fish and Wildlife determines that the review and approval process created by this section is not appropriate for the proposed project, the Department of Fish and Wildlife shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

II) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the Hydraulic Appeals Board pursuant to the provisions of this chapter.

D) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of (l)(iii)(A) of this subsection and that are reviewed and approved according to the provisions of this section.

2. Whenever a development falls within the exemption criteria outlined above and the development is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the City’s Shoreline Administrator shall prepare a Statement of Exemption, and transmit a copy to the applicant and the Washington State Department of Ecology. Exempt development as defined herein shall not require a substantial development permit, but may require a conditional use permit, variance and/or a Statement of Exemption.

3. Before determining that a proposal is exempt, the City’s Shoreline Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the Master Program and the Shoreline Management Act.

Note: EXEMPTION FROM SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENTS DOES NOT CONSTITUTE EXEMPTION FROM THE POLICIES AND USE REGULATIONS OF THE SHORELINE MANAGEMENT ACT; THE PROVISIONS OF THIS MASTER PROGRAM; AND OTHER APPLICABLE CITY, STATE, OR FEDERAL PERMIT REQUIREMENTS.

Table of Permit Process by Shoreline Permit or Action Type

Type of Shoreline Permit or Shoreline Related Action	Classification of Decisions	Decision Maker	Decision Timeframe	Appeal Authority
Exemption	Type I	Shoreline Administrator	Not to exceed 120 days unless the City makes written findings that a specified amount of additional time is needed.	No administrative appeal
Shoreline Substantial Development Permit (SDP)	Type II	Shoreline Administrator*	Not to exceed 120 days unless the City makes written findings that a specified amount of additional time is needed.	Hearing Examiner

Type of Shoreline Permit or Shoreline Related Action	Classification of Decisions	Decision Maker	Decision Timeframe	Appeal Authority
Shoreline Conditional Use Permit (CUP)	Type III	Recommendation by Shoreline Administrator, hearing and decision by Hearing Examiner and Ecology	Not to exceed 120 days unless the City makes written findings that a specified amount of additional time is needed.	State of Washington Shoreline Hearings Board
Shoreline Variance	Type III	Recommendation by Shoreline Administrator, hearing and decision by Hearing Examiner and Ecology	Not to exceed 120 days unless the City makes written findings that a specified amount of additional time is needed.	State of Washington Shoreline Hearings Board
Shoreline Environment Redesignation	Type IV	Recommendation by Shoreline Administrator, hearing and recommendation by Hearing Examiner, decision by Council on the record; or hearing and decision by Council <u>and Ecology</u>	Not to exceed 120 days unless the City makes written findings that a specified amount of additional time is needed.	State of Washington Shoreline Hearings Board

The applicant must complete the necessary application forms provided by the Administrator for shoreline substantial development, conditional use and variance permits, in accordance with WAC 173-14-110

* When applications for shoreline permits are combined with other permits requiring Type 3 or 4 land use decisions, the Examiner, not the Shoreline Administrator, makes the decision.

Permit Process

Regulation 7: A completed application and documents for all shoreline permits shall be submitted to the Administrator for processing and review. Any deficiencies in the application or document shall be corrected by the applicant prior to further processing.

Regulation 8: Application fees in an amount established by ordinance shall be paid to the City of Covington at the time of the application.

Regulation 9: Posting and Publishing

A. Within fourteen (14) days from receiving a complete application and associated information, the Administrator shall mail notice of the proposed project by certified mail to all real property owners of record within five hundred (500) feet of the boundaries of the property involved in the application, and shall require the applicant to post notice in accordance with notice requirements listed in CMC 14.30.060.

B. [C. The City shall also send a notice of application to the Muckleshoot Tribe Fisheries Division for all projects seeking approval under the SMP.](#)

C. The Administrator shall be responsible for delivering the legal notice containing the information required by WAC 173-~~44-070~~[27-110](#) to the newspaper to be published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed. Advertising costs will be the responsibility of the applicant.^[Bob12]

Regulation 10: Application Review - Administrator Action:

A. The burden of proving that a proposed development is consistent with the approval criteria and Master Program policies and regulations rests with the applicant.

B. The Shoreline Administrator shall make recommendations in the case of variance and conditional use permits and decisions in the case of substantial development permits, exemptions, or requests for revisions to approved permits pursuant to the following section in this chapter on Revisions to Permits.

Regulation 11: Hearing Examiner Review

A. The Covington Hearing Examiner shall make the final decision at the local level for conditional use, variance and shoreline redesignation applications.

B. The Covington Hearing Examiner shall review the recommendations prepared by the Covington Shoreline Administrator and make the final decision to approve, approve with conditions, or deny substantial development permit applications. The Hearing Examiner may choose to take additional public testimony.

C. The decisions of the Hearing Examiner shall be the final decision of the City of Covington on all applications, unless appealed, and the Hearing Examiner shall render a written decision including findings, conclusions, and a final order, and transmit copies of the decision within fourteen (14) days of the final decision to the following:

1. The applicant;
2. The Washington State Department of Ecology;

3. The Washington State Attorney General;
4. Interested parties; and
5. Appellants.
6. Public Hearings

Regulation 12: For the purposes of scheduling a public hearing, the date of submittal of a complete application shall be considered the date of application. The minimum allowable time required from the date of application to the Covington Hearing Examiner review shall be ninety (90) days; a final decision on the application will be made by the Hearing Examiner following this period. Any interested person may submit his or her written views upon the application to the City within thirty (30) days of application or notify the City of his or her wish to receive a copy of the action taken upon the application. All persons who so submit their views shall be notified in a timely manner of the action taken upon the application.

Regulation 13: Washington State Department of Ecology Review

A. After City approval of a conditional use or variance permit, the City shall submit the permit to the Department of Ecology for Ecology's approval, approval with conditions, or denial. Ecology shall render and transmit to the City and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty (30) days of the date of submittal by the City pursuant to WAC 173-27-110.

B. The Department of Ecology shall review the complete file submitted by the City on conditional use and variance permits and any other information submitted or available that is relevant to the application. The Department of Ecology shall base its determination to approve, approve with conditions or deny a conditional use permit or variance on consistency with the policy and provisions of the Shoreline Management Act and, except as provided in WAC 173-27-210, and the criteria in WAC 173-27-160 and 173-27-170. The City and the Department of Ecology may, in addition, apply the more restrictive criteria where they exist in the shoreline master programs.^[Bob13]

C. The City shall provide timely notification of the Department of Ecology's final decision to those interested persons having requested notification from the City pursuant to WAC 173-27-130.

Regulation 14: Performance Bonds

To guarantee that conditions imposed in conjunction with permit approval are completed, the City may require the applicant to post a performance bond in an amount satisfactory to the City. Any such bond shall be from a reputable bonding company in a form acceptable to the City Attorney.

Regulation 15: Commencement of Activity

If a permit is approved, the applicant or any other party authorized to conduct activities or uses by the decision shall not begin construction, development, or any authorized use or activity until after the fourteen (14) day appeal period is over and any appeals concluded. Construction or use may occur during the time a court appeal is underway provided: (1) the permit was approved by the local government and the State of Washington Shorelines Hearing Board and (2) permission is granted for the construction, use or activity under RCW 90.58.140(5)(b) or its successor.

Regulation 16: Duration of Permits.

The time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized by this chapter. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and this chapter, the City may adopt different time limits from those set forth in subsections (A) and (B) of this section as a part of action on a substantial development permit. [Bob14]

A. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two (2) years of the effective date of the permit.

B. Authorization to conduct development activities shall terminate five (5) years after the effective date of the permit: provided, that the City may authorize a single extension before the end of the time limit, if a request for extension has been filed before the expiration date and with prior notice to parties of record and the Department of Ecology, for up to one (1) year based on reasonable factors.

C. The running of a permit time period shall not include the time during which an activity was not actually pursued due to the pendency of reasonably related administrative appeals or legal action or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

D. When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity: provided, that an alternative compliance limit may be specified in the permit.

E. Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired under subsection (b) of this section: provided, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

Revisions to Permits

Regulation 17: A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Master Program or the policies and provisions of chapter 90.58 RCW. Changes that are not substantive in effect do not require approval of a revision.

Regulation 18: When an applicant seeks to revise a substantial development, conditional use, or variance permit, the Shoreline Administrator shall request from the applicant detailed plans and text describing the proposed changes.

Regulation 19: If the Shoreline Administrator determines that the proposed changes are within the scope and intent of the original permit, and are consistent with this Master Program and the Act, the Shoreline Administrator may approve a revision.

A. "Within the scope and intent of the original permit" means the following:

1. No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less.
2. Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit.
3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this Master Program except as authorized under a variance granted as the original permit or a part thereof.
4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this Master Program.
5. The use authorized pursuant to the original permit is not changed.
6. No adverse environmental impact will be caused by the project revision.

B. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW and this Shoreline Master Program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

C. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection D of this section, the City shall require that the applicant apply for a new permit.

D. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section, shall be filed with Ecology. In addition, the Shoreline Administrator shall notify parties of record of their action.

E. If the revision to the original permit involves a conditional use or variance, the Shoreline Administrator shall submit the revision to Ecology for Ecology's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Ecology shall render and transmit to the Shoreline Administrator and the applicant its final decision within fifteen (15) days of the date of Ecology's receipt of the submittal from the Shoreline Administrator. The Shoreline Administrator shall notify parties of record of Ecology's final decision.

F. The revised permit is effective immediately upon final decision by the Shoreline Administrator or, when appropriate under subsection F of this section, upon final action by Ecology.

Regulation 20: Appeals. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one (21) days from the date of receipt of the Shoreline Administrator's action by Ecology or, when appropriate under subsection F of this section, the date Ecology's final decision is transmitted to the Shoreline Administrator and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection D of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

Local Appeals

Regulation 21: Any decision made by the Administrator on an exemption, Master Program policy or regulation interpretation, permit revision, or other action within the responsibility of the Administrator, may be appealed by the applicant, private or public organization, or individual to the Hearing Examiner within fourteen (14) calendar days following the issuance of a written decision by the Administrator, or otherwise becomes effective. Such appeals shall be initiated by filing with the Administrator a notice of appeal setting forth the action being appealed and the principal points upon which the appeal is based, together with a filing fee as prescribed by ordinance.

Appeal to the State Shoreline Hearings Board

Regulation 22: Any person aggrieved by the granting or denying of a substantial development permit, variance, or conditional use permit, the upholding of an exemption appeal, or by the

rescinding of a permit pursuant to the provisions of this Master Program, may seek review from the State of Washington Shorelines Hearing Board by filing a request for the same within twenty-one (21) days of the date of filing as defined in RCW 90.58.140(6) and by concurrently filing copies of such request with the Department of Ecology and the Attorney General's office. State Hearings Board regulations are provided in RCW 90.58.180 and Chapter 461-08 WAC. A copy of such appeal notice shall also be filed with the City of Covington Shoreline Administrator.

Variations and Conditional Use Permits

Regulation 23: The Shoreline Management Act states that Master Programs shall contain provisions covering variations and conditional uses that are consistent with WAC 173-27. These provisions should be applied in a manner which, while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.

Regulation 24: Variations:

- A. The purpose of a variation permit is strictly limited to granting relief to specific bulk dimensional, or performance standards set forth in the Master Program, and where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020.
- B. Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

~~C. Boat houses are not permitted.~~

Regulation 25: Application: An application for a Shoreline variation shall be submitted on a form provided by the City accompanied by maps, completed environmental checklist, applicable fees, and any other information specified in this Master Program or requested by the Administrator. An applicant for a substantial development permit who wishes to request a variation shall submit the variation application and the substantial development permit application simultaneously.

Regulation 26: Criteria for Granting Variations: Variation permits for development that will be located landward of the ordinary high water mark and landward of any wetland may be authorized provided the applicant can demonstrate consistency with the following variation criteria as listed in WAC 173-27-170:

A. That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes, or significantly interferes with, reasonable use of the property.

B. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program and not, for example, from deed restrictions or the applicant's own actions.

C. That the design of the project is compatible with other permitted activities within the area and with uses planned for the area under the Comprehensive Plan and Master Program and will not cause adverse impacts to the shoreline environment.

D. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.

E. That the variance requested is the minimum necessary to afford relief.

F. That the public interest will suffer no substantial detrimental effect.

Regulation 27: Variance permits for development and/or uses that will be located waterward of the ordinary high water mark or within any wetland may be authorized provided the applicant can demonstrate all of the following:

A. That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes all reasonable use of the property.

B. That the proposal is consistent with the criteria established under subsection (2)(a) through (f) of this section.

C. That the public rights of navigation and use of the shorelines will not be adversely affected.

Regulation 28: In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

Regulation 29: Variances from the use regulations of the Master Program are prohibited.

Regulation 30: Conditional Uses. The purpose of a conditional use permit is to provide a system within the Master Program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City of Covington or the Department of

Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the Master Program. Uses that are specifically prohibited by this Master Program may not be authorized with the approval of a conditional use permit.

Regulation 31: Criteria for Granting Shoreline Conditional Use Permits. Uses which are classified or set forth as conditional uses in the Master Program may be authorized, provided the applicant demonstrate all of the following conditional use criteria as listed in WAC 173-27-160:

A. That the proposed use is consistent with the policies of RCW 90.58.020 and the Master Program;

B. That the proposed use will not interfere with the normal public use of public shorelines;

C. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Master Program;

D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

E. That the public interest suffers no substantial detrimental effect.

Regulation 32: In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

Regulation 33: Other uses which are not classified or set forth in this Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the Master Program.

Regulation 34: Uses which are specifically prohibited by the Master Program may not be authorized.

Nonconforming Use and Development Standards^[g15]

Regulation 35: "Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or this Master Program, or amendments thereto, but which does not conform to present regulations or standards of this Master Program. In such cases, the following standards shall apply:

A. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement

does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses;

B. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances upon approval of a conditional use permit.

C. A use which is listed as a conditional use, but which existed prior to adoption of the Master Program or any relevant amendment and for which a conditional use permit has not been obtained, shall be considered a nonconforming use. A use which is listed as a conditional use, but which existed prior to the applicability of the Master Program to the site and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.

D. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

E. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

1. No reasonable alternative conforming use is practical; and
2. The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.
3. In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

F. A nonconforming structure which is moved any distance must be brought into conformance with the Master Program and the Act.

G. If a nonconforming development is damaged to an extent not exceeding seventy-five (75) percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance;

H. If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two (2)-year period, the nonconforming rights shall expire and any subsequent use shall be conforming; it shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire. A use authorized pursuant to subsection 5 of this section shall be considered a conforming use for purposes of this section;

Regulation 36: An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established prior to the effective date of the Act or the Master Program, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the Master Program and the Act.

Enforcement and Penalties

Regulation 37: The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.

Regulation 38: Enforcement: All provisions of the Master Program shall be enforced by the Shoreline Administrator and/or his/her designated representatives. For such purposes, the Shoreline Administrator or his/her duly authorized representative shall have the power of a police officer.

Regulation 39: Penalty: Any person found to have willfully engaged in activities on the City's shorelines in violation of the Shoreline Management Act of 1971 or in violation of the City's Master Program, rules or regulations adopted pursuant thereto, is guilty of a gross misdemeanor, and shall be subject to the penalty provisions of the Covington Municipal Code (civil citation penalties and criminal penalties).

Regulation 40: Violator's Liability: Any person subject to the regulatory program of the Master Program who violates any provision of the Master Program or permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The Attorney General or Covington attorney shall bring suit for damages under this section on behalf of the State or City governments. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorneys' fees and costs of the suit to the prevailing party.

Master Program Review

Regulation 41: This Master Program shall be periodically reviewed and amendments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with the requirements of WAC 173-26 or its successor and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

Amendments to the Master Program

Regulation 42: Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Any amendments shall also be subject to the procedures in CMC Chapter 14.25. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by the Department of Ecology.

Severability

Regulation 43: If any provisions of this Master Program, or its application to any person or legal entity or parcel of land or circumstances, are held invalid, the remainder of the Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

Conflict of Provisions

Regulation 44: Should a conflict occur between the provisions of this SMP or between this SMP and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within the City, the most restrictive requirement which most supports the provisions of 90.58.020 [Bob16] shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this SMP.

Appendix A. Covington Critical Area Regulations for the Shoreline Area

Sections:

- [XX.65.010](#) Purpose.
- [XX.65.020](#) Applicability.
- [XX.65.030](#) Appeals.
- [XX.65.040](#) Critical areas rules.
- [XX.65.050](#) Allowed alterations of critical areas.
- [XX.65.060](#) Agricultural activities development standards.
- [XX.65.090](#) Disclosure by applicant.
- [XX.65.100](#) Critical area review.
- [XX.65.110](#) Critical area report requirement.
- [XX.65.120](#) Avoiding impacts to critical areas.
- [XX.65.130](#) Mitigation and monitoring.
- [XX.65.135](#) Off-site mitigation.
- [XX.65.136](#) Resource mitigation reserve.
- [XX.65.140](#) Financial guarantees.
- [XX.65.150](#) Vegetation management plan.
- [XX.65.160](#) Critical area markers and signs.
- [XX.65.170](#) Notice on critical areas.
- [XX.65.180](#) Critical area tracts and designations on site plans.
- [XX.65.190](#) Alteration.
- [XX.65.200](#) Building setbacks.
- [XX.65.220](#) Erosion hazard areas – Development standards and permitted alterations.
- [XX.65.230](#) Flood hazard areas – Components.
- [XX.65.240](#) Flood fringe development standards and alterations.
- [XX.65.250](#) Zero-rise floodway development standards and alterations.
- [XX.65.260](#) FEMA floodway development standards and alterations.
- [XX.65.270](#) Flood hazard areas certification by engineer or surveyor.
- [XX.65.275](#) Channel migration zones – Development standards and alterations.
- [XX.65.280](#) Landslide hazard areas – Development standards and alterations.
- [XX.65.310](#) Steep slope hazard areas – Development standards and alterations.
- [XX.65.311](#) Critical aquifer recharge areas – Maps adopted.
- [XX.65.312](#) Critical aquifer recharge areas – Reclassification or declassification.
- [XX.65.313](#) Critical aquifer recharge areas – Categories.
- [XX.65.314](#) Critical aquifer recharge areas.
- [XX.65.315](#) Critical aquifer recharge areas – Development regulations.
- [XX.65.316](#) Critical aquifer recharge areas – Evaluation and implementation.
- [XX.65.319](#) Wetlands – Categories.
- [XX.65.320](#) Wetlands – Buffers.
- [XX.65.340](#) Wetlands – Specific mitigation requirements.

XX.65.345	Wetlands – Specific mitigation requirements – Wetland mitigation banking.
XX.65.350	Wetlands – Limited exemption.
XX.65.355	Aquatic areas – Water types.
XX.65.356	Aquatic areas – Buffers.
XX.65.360	Aquatic areas – Development standards and alterations.
XX.65.370	Streams – Permitted alterations.
XX.65.380	Aquatic areas – Specific mitigation requirements.
XX.65.381	Wildlife habitat conservation areas – Development standards.
XX.65.382	Wildlife habitat conservation areas – Modification.
XX.65.383	Wildlife habitat network – Applicability.
XX.65.384	Wildlife habitat network – Development standards and alterations.
XX.65.385	Wildlife habitat conservation area and wildlife network – Specific mitigation requirements.
XX.65.390	Critical areas mitigation fee – Creation of fund.
XX.65.400	Critical areas mitigation fee – Source of funds.
XX.65.410	Critical areas mitigation fee – Use of funds.
XX.65.420	Critical areas mitigation fee – Investment of funds.
XX.65.430	Critical area designation.
XX.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)

(6) If provisions of the Critical Areas Regulations and other parts of the master program conflict, the provisions most ~~protective of the ecological resource~~representative of the policies found in RCW 90.58.020 shall apply, as determined by the City.

(7) Provisions of the Critical Areas Regulations that are not consistent with the Shoreline Management Act Chapter, 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in Shoreline jurisdiction.

(8) The provisions of Covington Critical Areas Regulations do not extend Shoreline Jurisdiction beyond the limits specified in this SMP. For regulations addressing critical area buffer areas that are outside Shoreline Jurisdiction, see Covington Critical Areas Regulations.

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
<p>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.</p>					
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
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

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	A 48	A 48	A 48	A 48	A 3, 48

facility, trail or publicly improved recreation area					
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](#);
 - 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. New stabilization structures for existing primary residential structures is allowed only where no alternatives, including relocation or reconstruction of existing structures), are feasible, and less expensive than the proposed stabilization measure, and then only if no net loss of ecological functions will result.

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 re-growth 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 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 a 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 where demonstrated necessary to address or~~ 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 and structural methods are only used when non-structural methods are infeasible and mitigation is accomplished, ~~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 the trail surface materials meet the storm water requirements; 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 pulpwood, 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. 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)~~

18.65.070 Shoreline Variance Required

Any alteration of critical areas, critical area setbacks, critical area buffers, or other specific bulk, dimensional, or performance standards set forth in the Master Program, other than those allowed explicitly in the standards themselves, shall require a Shoreline Variance as described in Chapter 6 of the SMP based on the variance criteria listed therein and in WAC 173-27-170.

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 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. 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 King County surface water design manual 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. 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 King County surface water design manual 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. 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, provided that new structural flood hazard reduction measures are only allowed where demonstrated to be necessary and when nonstructural methods are infeasible and mitigation is provided to achieve no net loss; such facilities must be located landward of associated wetlands and buffer areas except where no alternative exists as documented in a geotechnical analysis;

(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 1998) 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. 14-05 § 5)

(10) New structural public flood hazard reduction measures, such as dikes or levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological

impacts, unavoidable conflict with proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

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 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 below the upper surface of the saturated ground water that could be used for potable water supply;
 - (d) Processing, storage, and disposal of radioactive wastes, as defined in Chapter 43.200 RCW;
 - (e) Hydrocarbon extraction;
 - (f) Commercial wood treatment facilities on permeable surfaces;
 - (g) Underground storage tanks with hazardous substances, as defined in Chapter 70.105 RCW;
 - (h) Above-ground storage tanks for hazardous substances, as defined in Chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;
 - (i) Golf courses;
 - (j) Cemeteries;
 - (k) Wrecking yards;
 - (l) Landfills for hazardous waste, municipal solid waste, or special waste; and
 - (m) On lots smaller than one acre, 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 King County Surface Water Design Manual 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. 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
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 [or as required in the Shoreline Master Program](#);

(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.

(c) In no case shall a buffer be reduced to less than 50 feet at any location, unless a shoreline variance is approved.

(d) Buffer mitigation is implemented pursuant to CMC xx.65.380.

(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, unless specifically allowed under another provision of the City's adopted Shoreline Master Program;

(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 Streams – Permitted alterations.

Alterations to streams and buffers may be allowed pursuant to CMC [18.65.075](#), as provided in the City's Shoreline Master Program 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 from a flow control or water quality treatment facility, sediment pond or other surface water management activity or facility may be allowed if the discharge is in compliance with the surface water design manual;

(b) A Type S or F stream or buffer may be used for a regional storm water management facility if:

(i) All requirements of the surface water design manual are met;

(ii) The use will not alter the rating or the factors used in rating the stream;

(iii) There are no significant adverse impacts to the stream; and

(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 surface water design manual 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. 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 its buffer, mitigation measures must meet the following standards:
- (a) Located on the site of the illegal alteration at a 1:1 ratio of area of mitigation to area of alteration; and
 - (b) To the maximum extent practical, replicates the natural pre-alteration configuration at its natural pre-alteration location including the factors in subsection (2) of this section; 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:

- (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 [14.30](#) CMC. The periods in CMC [14.30.100](#) are excluded from the 120-day period. The written determination made under this section as to the existence, location, 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. 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 §

City of Covington
Grant No. G0800106

Shoreline Restoration Plan Component of the Shoreline Master Program for the City of Covington

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Table of Contents

<u>Section</u>	<u>Page</u>
1. Introduction	1
2. Shoreline Inventory Summary.....	2
2.1 Introduction.....	2
2.2 Shoreline Boundary.....	2
2.3 Inventory	3
2.3.1 Land Use and Physical Conditions	3
2.3.2 Biological Resources and Critical Areas	4
3. Restoration Goals and Objectives	5
4. List of Existing and Ongoing Projects and Programs.....	7
4.1 Water Resource Inventory Area (WRIA) 9 Participation.....	7
4.2 Comprehensive Plan Policies	10
4.3 Critical Areas Regulations	11
4.4 Stormwater Management and Planning.....	11
4.5 Public Education.....	11
4.6 Other Covington Programs	12
Adopt-A-Park	12
5. List of Additional Projects and Programs to Achieve Local Restoration Goals.....	13
5.1 Unfunded WRIA 9.....	13
5.2 Other Recommended Projects.....	13
Big Soos Creek.....	13
Jenkins Creek	13
Pipe Lake.....	14
5.3 Public Education/Outreach	14
6. Proposed Implementation Targets and Monitoring Methods.....	15
7. Restoration Priorities.....	17
7.1 Priority 1 – Continue and Increase Water Resource Inventory Area (WRIA) 9 Participation.....	18
7.2 Priority 2 – Improve Water Quality and Reduce Sediment and Pollutant Delivery.	18
7.3 Priority 3 – Public Education and Involvement.....	19 18
7.4 Priority 4 – Improve Riparian Vegetation, Reduce Impervious Coverage.....	19
7.5 Priority 5 – Reduce Aquatic Invasive Weeds in Pipe Lake.....	19
7.6 Priority 6 – Acquisition of Shoreline Property for Preservation, Restoration, or Enhancement Purposes	20
7.7 Priority 7 – Reduce Shoreline Armoring along Pipe Lake, Create or Enhance Natural Shoreline Conditions	20
7.8 Priority 8 – Reduction of In-water and Over-water Structures	20
7.9 Priority 9 – City Zoning, Regulatory, and Planning Policies.....	21

8. References..... 22

Appendix A: City of Covington #05-57 Ratifying the WRIA 9 Salmon Habitat Plan

List of Tables

Table 1. WRIA-wide Programs Recommended to Support Habitat and Status of Implementation in Covington 8

Table 2. Implementation Schedule and Funding for Restoration Projects, Programs and Plans. 15

SHORELINE MASTER PROGRAM UPDATE SHORELINE RESTORATION PLAN

1. INTRODUCTION

A jurisdiction's Shoreline Master Program applies to activities in the jurisdiction's shoreline zone. Activities that have adverse effects on the ecological functions and values of the shoreline must provide mitigation for those impacts. By law, the proponent of that activity is not required to return the subject shoreline to a condition that is better than the baseline level at the time the activity takes place. How then can the shoreline be improved over time in areas where the baseline condition is severely, or even marginally, degraded?

Section 173-26-201(2)(f) WAC of the Shoreline Master Program Guidelines¹ says:

“master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.”

However, degraded shorelines are not just a result of pre-Shoreline Master Program activities, but also of unregulated activities and exempt development. The new Guidelines also require that “[l]ocal master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline.” While some actions within shoreline jurisdiction are exempt from a permit, the Shoreline Master Program should clearly state that those actions are not exempt from compliance with the Shoreline Management Act or the local Shoreline Master Program. Because the shoreline environment is also affected by activities taking place outside of a specific local master program's jurisdiction (e.g., outside of city limits, outside of the shoreline zone within the city), assembly of out-of-jurisdiction actions, programs and policies can be essential for understanding how the City fits into the larger watershed context. The latter is critical when establishing realistic goals and objectives for dynamic and highly inter-connected environments.

As directed by the Guidelines, the following discussions provide a summary of baseline shoreline conditions, lists restoration goals and objectives, and discusses existing or potential programs and projects that positively impact the shoreline environment. Finally, anticipated scheduling, funding, and monitoring of these various comprehensive restoration elements are provided. In total, implementation of the Shoreline Master Program (with mitigation of project-related impacts) in combination with this Restoration Plan (for restoration of lost ecological

¹ The Shoreline Master Program Guidelines were prepared by the Washington Department of Ecology and codified as WAC 173-26. The Guidelines translate the broad policies of the Shoreline Management Act (RCW 90.58.020) into standards for regulation of shoreline uses. See <http://www.ecy.wa.gov/programs/sea/sma/guidelines/index.html> for more background.

functions that occurred prior to a specific project) should result in a net improvement in the City of Covington's shoreline environment in the long term.

In addition to meeting the requirements of the Guidelines, this Restoration Plan is also intended to support the City's or other non-governmental organizations' applications for future grant funding to implement elements of this Restoration Plan.

2. SHORELINE INVENTORY SUMMARY

2.1 Introduction

The City conducted a comprehensive inventory of its shoreline jurisdiction in 2008. The purpose of the shoreline inventory was to facilitate the City of Covington's compliance with the State of Washington's Shoreline Management Act (SMA) and updated Shoreline Master Program Guidelines. The inventory describes existing physical and biological conditions in the shoreline zone within City limits, including recommendations for restoration of ecological functions where they are degraded. The full *Shoreline Analysis Report* is included as an appendix to the Shoreline Master Program, and is summarized below.

2.2 Shoreline Boundary

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands." Shorelands are defined as:

"those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter...Any county or city may determine that portion of a one-hundred-year-floodplain² to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom (RCW 90.58.030)"

In addition, rivers or streams with a mean annual flow of 20 cfs or more are considered shorelines of statewide significance.

Shorelands in the City of Covington include only areas within 200 feet of the ordinary high water mark of shoreline jurisdiction waters and any associated wetlands within shoreline jurisdiction. The floodway of Big Soos Creek is encompassed entirely within the associated wetland boundary. Waters identified within jurisdiction include portions of Big Soos Creek, portions of Jenkins Creek, and the portion of Pipe Lake located within the City limits.

² According to RCW 173-220-030, 100-year floodplain is "that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act;"

2.3 *Inventory*

The shoreline inventory is divided into seven main sections: Introduction, Current Regulatory Framework Summary, Elements of the Shoreline Inventory, Shoreline-Specific Conditions, Analysis of Ecological Functions and Ecosystem-wide Processes, Land Use Analysis, and Shoreline Management Recommendations. For purposes of distinguishing varying levels of ecological function as well as potential future differences in environment designations, the Jenkins Creek and Pipe Lake shorelines were each divided into two segments. These segments, along with the description of the Big Soos Creek shoreline, have been delineated based on existing land use and current location within the City.

2.3.1 Land Use and Physical Conditions

1. Land Use and Zoning: Land uses within the City of Covington shoreline area vary in type and intensity depending on their location within the city. The majority of the shoreline area is single-family residential, but current land uses also include industrial/commercial, public utility and open space/private recreation uses. Some single-family residential and industrial areas adjacent to Big Soos Creek and Jenkins Creek will likely redevelop over time into mixed-use, multi-family residential, office or retail. Land use along Pipe Lake will primarily be limited to new residential development on vacant lands and redevelopment of existing single-family homes. Camp McCulloch, owned by First Presbyterian Church, comprises about a third of the shoreline area of Pipe Lake within the City of Covington. There is the potential for conversion of Camp McCulloch to residential use or possibly public recreation/open space use, both of which would be allowed under current zoning.

The City's current zoning of the entire Pipe Lake shoreline is Low Density Residential (4 units per acre). Zoning along Jenkins Creek includes Industrial along the BPA substation and Downtown (DN-7B) upstream of Covington Way, a designation which allows a variety of professional office, mixed-use and residential uses. Shoreline areas along Big Soos Creek are primarily zoned Urban Separator, a designation which allows one residential unit per acre. A very small strip of land within the shoreline area of Big Soos Creek is zoned Downtown (DN-3), a designation which allows a wide variety of uses, including commercial, residential and industrial uses. However, the DN-3 zoned area within the shoreline jurisdiction is mapped as a wetland, which would limit development if wetland conditions in fact exist at this location. The City is currently re-examining the uses, standards and the range of Downtown zones. There is currently a moratorium on new industrial uses in the DN-3 zone.

2. Parks and Open Space/Public Access: The City provides limited public access within shoreline jurisdiction, with only one open space parcel located along Big Soos Creek. Further upstream of the 20 cfs cutoff point the majority of the creek is surrounded by the Gary Grant Soos Creek Park, owned by King County. This 500-acre park provides access to the 7-mile Soos Creek Trail which also provides picnic areas.

Pipe Lake has Camp McCullough and a private park for homeowners of Aqua Vista Estates, both of which provide private access to the lake. However, public access to Pipe Lake does

not exist currently. There are no public access opportunities along the Jenkins Creek shoreline areas.

3. Shoreline Modifications: Shoreline modifications along Big Soos Creek within the City of Covington occur at the SR 18 highway crossing. Two SR 18 bridge spans modify Big Soos Creek shoreline areas within Covington shoreline jurisdiction. Modifications include floodplain clearing, placement of road embankment fill, armoring, footings, pilings, and the bridge spans. The south span has no pilings and the stream banks are armored with quarry spalls. The north span includes some concrete piling supports outside of the active channel and the banks are lined with only gravelly soils. The floodplain has also been constricted considerably at the SR 18 crossing location.

Pipe Lake has been altered with a variety of armoring and alteration types, including piers, boatlifts, boathouses, and moorage covers. There are approximately 30 piers in Covington's Pipe Lake shoreline, and at least five small swimming platforms. The longest pier on the lake is owned by Camp McCullough and is approximately 100 feet long.

Jenkins Creek has extensive channel modifications within the City of Covington at the Bonneville Power Administration property, as well a three-bay concrete box culvert under Covington Way SE and a rock-and-mortar weir.

The full shoreline inventory includes a more in-depth of discussion of the above topics, as well as information about transportation, stormwater and wastewater utilities, impervious surfaces, and historical/archaeological sites, among others.

2.3.2 Biological Resources and Critical Areas

With the exception of the shoreline along Camp McCullough, the Pipe Lake shoreline within the City of Covington is generally deficient in high-quality biological resources and critical areas, primarily because of the extensive residential development and associated shoreline modifications. The Pipe Lake segment along Camp McCullough, which has 800 feet of natural shoreline, is the last remaining underdeveloped site along the Lake and has high habitat quality. The shoreline area along Big Soos Creek contains an floodplain and limited residential development. The Big Soos Creek shoreline area received a moderate overall rating for ecological function. Erosion hazard areas are located along the entirety of Big Soos Creek shoreline jurisdiction and large trees are limited. The portion of Jenkins Creek upstream of Covington Way has high quality vegetation near the stream, and generally high ecological function. Downstream of Covington Way, adjacent to the BPA site, the stream banks are heavily modified, the effective riparian area is constrained and this reach received a low/moderate overall ecological function rating.

Wetlands mapped within shoreline jurisdiction include large wetland areas along the Big Soos Creek corridor (approximately 70 acres) and a stretch of wetlands located along Jenkins Creek northeast of Covington Way NE. There are no documented wetland areas located around Pipe Lake within shoreline jurisdiction.

An important non-shoreline stream in the City is Little Soos Creek, a tributary of Big Soos Creek. This stream is used by Chinook and Coho salmon, as well as steelhead and cutthroat trout.

WDFW mapping of Priority Habitat and Species (WDFW 2007) also indicate the only Priority species within shoreline jurisdiction are fish, including Chinook and Coho salmon, steelhead, and resident trout. A bald eagle nest is mapped farther upstream outside the shoreline jurisdiction of Jenkins Creek.

3. RESTORATION GOALS AND OBJECTIVES

According to the *Green/Duwamish and Central Puget Sound Watershed (WRIA 9) Near-Term Action Agenda For Salmon Habitat Conservation*, the Green/Duwamish watershed suffers from detrimental conditions for fish and fish habitat due to major engineering changes, land use changes which have resulted in direct and indirect impacts to salmon habitat, and water quality which has declined due to wastewater and industrial discharges, erosion, failing septic systems and the use of pesticides.” (WRIA 9 Steering Committee 2002). The City of Covington’s *Shoreline Analysis Report* (The Watershed Company/AHBL 2008) provides supporting information that validates these claims specifically in the City’s shoreline jurisdiction. The *WRIA 9 Near Term Action Agenda* established three high priority watershed goals for salmon conservation and recovery:

- “Protect currently functioning habitat primarily in the Middle Green River watershed and the nearshore areas of Vashon/Maury Island.
- Ensure adequate juvenile salmon survival in the Lower Green River, Elliot Bay/Duwamish, and nearshore subwatersheds. Meeting this goal involves several types of actions, including protecting currently functioning habitat, restoring degraded habitat, and maintaining or restoring adequate water quality and flows.
- Restore access for salmon (efficient and safe passage for adults and juveniles) to and from the Upper Green River subwatershed.”

The WRIA 9 restoration goals, in combination with the results of the City’s *Shoreline Analysis Report*, the direction of Ecology’s *Shoreline Master Program Guidelines*, and the City’s commitment (Appendix A) to support the *Salmon Habitat Plan: Making our Watershed Fit for a King*, are the foundation for the following goals and objectives of the City of Covington’s restoration strategy. Although the *Green/Duwamish and Central Puget Sound Watershed (WRIA 9) Near-Term Action Agenda For Salmon Habitat Conservation* and the *Salmon Habitat Plan: Making our Watershed Fit for a King* are salmon-centered, pursuit of ecosystem-wide processes and ecological functions performance that favors salmon generally captures those processes and functions that benefit all fish and wildlife.

Goal 1 – Maintain, restore or enhance watershed processes, including sediment, water, wood, light and nutrient delivery, movement and loss.

Goal 2 – Maintain or enhance fish and wildlife habitat during all life stages and maintain functional corridors linking these habitats.

Goal 3 – Contribute to conservation and recovery of chinook salmon and other anadromous fish, focusing on preserving, protecting and restoring spawning and rearing habitat in Big Soos and Jenkins Creek with the intent to recover listed species, including sustainable, genetically diverse, harvestable populations of naturally spawning chinook salmon.

System-wide restoration objectives

- Improve the health of shoreline waterbodies by managing the quality and quantity of stormwater runoff, consistent at a minimum with the latest Washington Department of Ecology *Stormwater Management Manual for Western Washington*. Make any additional efforts to meet and maintain state and county water quality standards in contributing systems.
- Improve tributary stream health by eliminating man-made barriers to anadromous fish passage, preventing the creation of new barriers, and providing for transport of water, sediment and organic matter at all stream crossings.
- Improve tributary stream and lake health by identifying hardened and eroding lakeshores and streambanks, and correcting to the extent feasible with bioengineered stabilization solutions.
- Improve tributary stream and lake health by increasing large woody debris recruitment potential through plantings of trees in the riparian corridors, particularly conifers. Where feasible, install large woody debris to meet short-term needs.
- Increase quality, width and diversity of native vegetation in protected corridors adjacent to stream and lake habitats to provide safe migration pathways for fish and wildlife, food, nest sites, shade, perches, and organic debris. Strive to control non-indigenous plants or weeds that are proven harmful to native vegetation or habitats.
- Continue to work collaboratively with other jurisdictions and stakeholders in WRIA 9 to implement the *Salmon Habitat Plan: Making our Watershed Fit for a King*.
- Use the scientific foundation and the conservation strategy as the basis for local actions recommended in the *Salmon Habitat Plan: Making our Watershed Fit for a King* and as one source of best available science for future projects, ordinances, and other appropriate local government activities.
- Use the comprehensive list of actions, and other actions consistent with the *Salmon Habitat Plan: Making our Watershed Fit for a King*, as a source of potential site-specific projects and land use and public outreach recommendations.
- Use the start-list to guide priorities for regional funding in the first ten years of implementation of the *Salmon Habitat Plan: Making our Watershed Fit for a King*, and implementing start-list actions through local capital improvement projects, ordinances, and other activities.

- Seek funding for various restoration actions and programs from local sources and by working with other WRIA 9 jurisdictions and stakeholders to seek federal, state, grant and other funding opportunities.
- Develop a public education plan to inform private property owners in the shoreline zone and in the remainder of the City about the effects of land management practices and other unregulated activities (such as vegetation removal, pesticide/herbicide use, car washing) on fish and wildlife habitats.
- Where feasible, protect, enhance, and restore riparian areas surrounding wetlands where functions have been lost or compromised.

Big Soos Creek and Jenkins Creek restoration objectives

- Improve the health of Jenkins Creek and its tributary streams by identifying hardened and eroding streambanks, and correcting to the extent feasible with bioengineered stabilization solutions.
- Improve the health of both Big Soos and Jenkins Creeks and its tributary streams by increasing large woody debris recruitment potential through plantings of trees in the riparian corridors, particularly conifers. Where feasible, install large woody debris to meet short-term needs.

Pipe Lake restoration objectives

- Decrease the amount and impact of overwater and in-water structures along Pipe Lake through minimization of structure size and use of innovative materials.
- Participate in lake-wide efforts at Pipe Lake to reduce populations of non-native aquatic vegetation.
- Improve the health of lake shorelines by removing bulkheads, where feasible, utilizing bioengineering or other soft shoreline stabilization techniques to improve aquatic conditions.

4. LIST OF EXISTING AND ONGOING PROJECTS AND PROGRAMS

The following series of existing projects and programs are generally organized from the larger watershed scale to the City-scale, including City projects and programs and finally non-profit organizations that are also active in the City of Covington area.

4.1 Water Resource Inventory Area (WRIA) 9 Participation

The City was one of 16 members of the WRIA 9 Forum, which participated in financing and developing the *Salmon Habitat Plan: Making Our Watershed Fit for a King*. This effort includes the City of Covington's implementation commitment in the form of City Council Resolution #05-57, approved October 25, 2005 (Appendix A). The City's preparation of the *Shoreline*

Analysis Report Including Shoreline Inventory and Characterization for City of Covington's Shorelines: Big Soos Creek, Jenkins Creek, and Pipe Lake (The Watershed Company/AHBL 2008) and this *Shoreline Restoration Plan* are important steps toward furthering the goals and objectives of the WRIA 9 Plan. The City's Shoreline Master Program update materials rely heavily on the science included in the WRIA 9 products.

The *Salmon Habitat Plan: Making Our Watershed Fit for a King* (Steering Committee 2005), which was adopted by the City, lists a number of programs that can and do occur in Covington, but also across the entire watershed, that would contribute to the recovery of habitat basin-wide. The 16 WRIA-wide (WW) actions listed in Chapter 7 of the *Salmon Habitat Plan: Making our Watershed Fit for a King* and in Table 1 below are programmatic in nature and range from public education and stewardship to incentives to regulations and regulatory enforcement.

Table 1. WRIA-wide Programs Recommended to Support Habitat and Status of Implementation in Covington

Program WW-#	Program	Covington Implementation
1	Conduct Shoreline Stewardship Workshops and Outreach	King County has been coordinating public education efforts on Pipe Lake regarding invasive aquatic vegetation control. The City has provided joint financial support (along with Ecology and the City of Maple Valley) for eradication efforts conducted by King County
2	Increase/Expand Water Conservation Incentive Programs	The City assists Covington Water with the distribution of materials for this program. Covington Water District has a model program for irrigation practices. The City will also work with
3	Increase/Expand Natural Yard Care Programs for Landscapers	Homeowners have been the City's initial target efforts - no progress to date on landscapers, but this area should be targeted in the future.
4	Increase/Expand the Natural Yard Care Program for Single Family Homeowners	Covington Water implements this program, while the City may provide additional assistance in the future.
5	Promote the Planting of Native Trees	The City currently requires the replanting of native trees when the City's tree preservation ordinance is applicable to site development plans. The City also publishes a preferred native tree list of Pacific Northwest trees.
6	Promote Better Volunteer Carwash Practices	King County provides water quality kits to local citizens, which is a requirement for NPDES.
7	Increase Public Awareness about What Healthy	The City has collaborated with

Program WW-#	Program	Covington Implementation
	Streams and Rivers Look Like and How to Enjoy Recreating on Them	Covington Rotary and King County to involve young people in planting native trees and shrubs for the purpose of restoring and enhancing fish and wildlife habitat, increase public awareness and education on forest habitat functions and values, and improve public access to Jenkins Creek Park.
8	Increase Involvement of Volunteers in Habitat Stewardship	Water quality testing (for the 2012 NPDES permit) is a volunteer task initiated by the City. The Mid-Green River Coalition is a resource in this area and conducts water quality projects.
9	Green/Duwamish Volunteer Revegetation Program	King County led effort
10	Support/Expand the Natural Resource/Basin Steward Programs	King County led effort.
11	Expand existing incentives and develop new incentives for property owners to protect salmon habitat.	The proposed SMP includes incentives for homeowners to improve nearshore ecological functions.
12	Improve Enforcement of Existing Land Use and Other Regulations	Code enforcement is responsible for enforcing regulations which address public health and safety issues, including regulations related to rubbish, garbage, specific nuisances, removal of vegetation, zoning, housing, dangerous buildings, and inoperable and unlicensed vehicles on private property. Enforcement actions are taken both proactively and in response to requests for action received from citizens. The City has recently refined its code enforcement process to provide consistency in evaluation of violations, notification of violators, sending letters seeking compliance, and filing of "Notices of Violation", as well as improved education programs with homeowner's associates and downtown businesses.
13	Increase Use of Low Impact Development (LID) and Porous Concrete	A grant request has been submitted by the City to reconstruct the Wood Creek Retention Pond using LID techniques. This project would be a working model for homeowners and contractors to see how to install and maintain a LID. Construction is scheduled for 2009. The Comprehensive Plan and the

Program WW-#	Program	Covington Implementation
		proposed SMP also contain provisions which promote LID.
14	Provide Incentives for Developers to Follow Built Green™ Checklist Sections Benefiting Salmon	The City does not yet provide incentives for Built Green, but may consider this as part of new planned development standards in the downtown area.
15	Develop a Coordinated Acquisition Program for Natural Areas	Covington requires an easement as a condition of major redevelopment along Jenkins Creek for Wax Road properties below 272 nd to preserve land for the future Jenkins Creek Regional Trail. A conservation easement currently exists for a major portion of the 180 th /240 St. Park along upper Little Soos Creek (upstream from shoreline jurisdiction)
16	Develop Salmon Restoration Tools Consistent with Agricultural Land Uses	King County administered program

4.2 Comprehensive Plan Policies

The City of Covington completed a major update to its Comprehensive Plan in 2003 pursuant to Growth Management Act requirements. The updated Comprehensive Plan contains a number of general and specific goals and policies that direct the City to permit and condition development in such a way that the natural environment is preserved and enhanced. Specific relevant goals include:

- LNG 1.0 The City of Covington will encourage a future growth and development pattern that implements the Vision Statement, minimizes urban sprawl, protects critical areas, enhances quality of life for all residents, and supports a healthy economy and employment growth.
- EVG 1.0 Foster recognition of the significant role played by natural features and systems in determining the overall environmental quality and livability of the community.
- EVG 4.0 Develop and implement a comprehensive water quality plan that will protect and restore stream habitats, and other surface and groundwater resources. The intent is to protect and enhance water resources for multiple benefits, including recreation, fish and wildlife resources and habitat, flood protection, water supply, and open space.
- EVG 9.0 Minimize the loss of vegetation as new development occurs. Continue to recognize the value of trees and other vegetation in increasing the livability of the City of Covington.

- EVG 11.0 Regulate development in environmentally critical areas such as steep slopes and landslide-prone areas to prevent harm, to protect public health and safety, and to preserve the remaining sensitive areas in the City.

Techniques suggested by the various policies to protect the natural environment include requiring setbacks from sensitive areas, preserving habitats for sensitive species, preventing adverse alterations to water quality and quantity, promoting low impact development, preserving existing native vegetation, educating the public, and mitigating necessary sensitive area impacts, among others.

4.3 Critical Areas Regulations

The City of Covington critical areas regulations are found in Covington Municipal Code Chapter 18.65. The City adopted a Critical Areas Ordinance (CAO) in August 2005 consistent with best available science and all other requirements of the GMA to provide a high level of protection to critical areas in the City, particularly for streams and wetlands. The regulations categorize waterbodies into four types based on documented salmonid fish use and size (for lakes and ponds), with standard buffers ranging from 25 feet for Type O waters and 115 feet for Type S and F waters. Standard wetland buffers range from 50 to 225 feet and are classified using the Department of Ecology's latest *Washington State Rating System for Western Washington*. Pipe Lake is currently regulated as a wetland by the City of Covington. Management of the City's critical areas using these regulations should help insure that ecological functions and values are not degraded, and impacts to critical areas are mitigated. These critical areas regulations are one important tool that will help the City meet its restoration goals. The City's critical areas regulations are adopted by reference into the Shoreline Master Program to regulate critical areas found within the shoreline zone.

4.4 Stormwater Management and Planning

The City issued a first draft of its Stormwater Management Plan in March 2008 and is working toward a final draft by 2012 for full compliance for the City's NPDES Phase II permit from Department of Ecology. The City has adopted by reference the *Washington Department of Ecology 2005 Stormwater Management Manual for Western Washington*.

In January 2007, Ecology approved the City's NPDES Phase II permit. The NPDES Phase II permit is required to cover the City's stormwater discharges into regulated lakes and streams. Under the conditions of the permit, the City must protect and improve water quality through public education and outreach, detection and elimination of illicit non-stormwater discharges (e.g., spills, illegal dumping, wastewater), management and regulation of construction site runoff, management and regulation of runoff from new development and redevelopment, and pollution prevention and maintenance for municipal operations.

4.5 Public Education

The City of Covington's Comprehensive Plan identifies 3 policy statements based on the goal of environmental public involvement (see below). These items help guide City staff and local

citizen groups in developing mechanisms to educate the public and broaden the interest in protecting and enhancing local environmental resources.

Goal

EVG 1.0 Foster recognition of the significant role played by natural features and systems in determining the overall environmental quality and livability of the community.

Policies

EVP 1.7 Provide incentives for environmental protection and compliance with environmental regulations. Foster greater cooperation and education among City staff, developers, and other citizens. Determine the effectiveness of incentives by establishing monitoring programs.

EVP 1.8 Protect and enhance environmental quality via maintenance of accurate and up-to-date environmental data, and by City support of environmental management programs, park master programs, and environmental education and incentive programs.

EVP 1.9 Provide to property owners and prospective property owners general information concerning natural resources, critical areas, and associated regulations. Ensure developers provide site-specific environmental information to identify possible on- and off-site constraints and special development procedures.

As part of the City of Covington's efforts to abide by these goals and policies, the City supports volunteer efforts and other programs in cooperation with special districts, non-profit groups and public agencies. For example, the Covington Water District sponsors information on low-water gardening and lawn care techniques that promote chemical and pesticide-free methods.

4.6 Other Covington Programs

The City's Parks and Recreation Department could leverage the efforts of volunteers to enact additional restoration projects to benefit shoreline conditions. This could include enabling volunteers to donate time and energy to improving natural systems.

Adopt-A-Park

The City has a limited Adopt-A-Park program at this time, but would like to expand this effort with improved guidelines. The goal of the program is to encourage environmental stewardship and maintenance of the City's park, trails and open space system through a community partnership program of volunteer groups, local businesses, individuals and Parks staff. Projects developed through the Adopt-A-Park program could include park beautification efforts, litter control, trail development and maintenance and other special City-initiated projects. These efforts can help ensure that the City's parks, trails and open spaces remain safe and enjoyable for all residents and park users. The City has had a recent success implementing this program at Gerry Crick Skate Park, where a local contractor has adopted the Park. The City has also worked with other parties to develop and improve parks, including assistance from Walmart with

funding for the skate park and the Covington Rotary Club with removal of invasive vegetation and aesthetic improvements at Jenkins Creek Park.

5. LIST OF ADDITIONAL PROJECTS AND PROGRAMS TO ACHIEVE LOCAL RESTORATION GOALS

The following series of additional projects and programs are generally organized from the larger watershed scale to the City-scale, including City projects and programs and finally non-profit organizations that are also active in City of Covington area.

5.1 *Unfunded WRIA 9*

Although no specific projects are identified in the WRIA 9 studies within the City of Covington, several actions could be taken to achieve broad restoration goals for improvements to habitat and ecological functions. These may include implementation of one or more of the WRIA-wide actions listed in Table 1.

5.2 *Other Recommended Projects*

The following is partially developed from a list of opportunity areas identified within the *Shoreline Analysis Report*. The list of potential projects was created after assessing field conditions, and is intended to contribute to improvement of impaired functions.

Big Soos Creek

The stretch of Big Soos Creek with the City of Covington could be enhanced on both public and private land by vegetation planting with a buffer of native trees and shrubs, particularly conifer species, as well as placement of large woody debris to enhance in-stream fish habitat.

Jenkins Creek

The Jenkins Creek shoreline area will benefit most from continued preservation and protection of the remaining functions. As previously mentioned in the *Shoreline Analysis Report*, the habitat above Covington Way SE is fairly good, with extensive vegetated areas and functional buffers. However, additional improvements could be made along the stretch below Covington Way SE, specifically along the BPA substation. Existing vegetation could be supplemented with native trees and shrubs to provide a wider functioning buffer than currently exists.

In 1993, the King County Wastewater Treatment Division constructed the BPA Substation Habitat Diversity Improvement Project. This project consisted of locating 12 single and multiple log structures along the stream bank in conformance with the Soos Creek Basin Plan. The project was constructed approximately .25 miles downstream of Covington Way. This project was inspected and monitored for ten years, with assistance from the City of Covington. The last monitoring was done in 2003. This effort is an example of a habitat improvement project that could be replicated elsewhere on Jenkins Creek and there are likely lessons learned from this effort that could inform future projects.

Pipe Lake

As previously mentioned, most of the lake edge within Covington jurisdiction remains in a “natural” (not armored) state, the largest stretch of which is located along the western shoreline at Camp McCullough. This stretch of shoreline should remain a priority for long-term protection and preservation of shoreline ecological function. Where single-family residences exist along the shoreline, the City should encourage private homeowners to implement bulkhead removal and shoreline enhancement projects and replace deteriorating piers to reduce overall impacts. This could be achieved through a variety of mechanisms, including development incentives and/or public education/outreach. Since a majority of lake is located within Maple Valley jurisdiction, a coordinated effort should be implemented.

Control and monitoring of aquatic invasive vegetation, specifically hydrilla, should continue. Hydrilla is legally designated as a Class A noxious weed and has only been found in Pipe Lake and Lake Lucerne in the state. Once established, the plant grows rapidly, overcoming native species and filling the water column from bottom to surface, greatly restricting recreational uses. Efforts to eradicate hydrilla from Pipe Lake over that past nine years, including herbicide treatment and hand pulling, have been effective. However, on-going maintenance and monitoring need to continue in order to prevent its return and potential spread to other state waterbodies.

5.3 Public Education/Outreach

Chapter 7 of the WRIA 9 *Salmon Habitat Plan: Making our Watershed Fit for a King* (Steering Committee 2005) identifies 16 WRIA-wide (“watershed-wide”) actions that could contribute to the recovery of ecosystem health. These actions range from public education and stewardship to incentives to regulations and regulatory enforcement. Specific public education and stewardship efforts listed in the report include:

- Conduct Shoreline Stewardship Workshops and Outreach
- Increase/Expand Water Conservation Incentive Programs
- Increase/Expand Natural Yard Care Programs for Landscapers
- Increase/Expand the Natural Yard Care Program for Single Family Homeowners
- Promote the Planting of Native Trees
- Promote Better Volunteer Carwash Practices
- Increase Public Awareness about What Healthy Streams and Rivers Look Like and How to Enjoy Recreating on Them
- Increase Involvement of Volunteers in Habitat Stewardship
- Green/Duwamish Volunteer Revegetation Program
- Support/Expand the Natural Resource/Basin Steward Programs
- Expand/Improve Incentives Programs
- Improve Enforcement of Existing Land Use and Other Regulations
- Increase Use of Low Impact Development and Poured Concrete

- Provide Incentives for Developers to Follow Built Green™ Checklist Sections Benefiting Salmon
- Develop a Coordinated Acquisition Program for Natural Areas
- Develop Salmon Restoration Tools Consistent with Agricultural Land Uses

Specific details about these public education, outreach and stewardship programs may be found at <http://your.kingcounty.gov/dnrp/library/2005/kcr1876/CHAPTERS/Ch7-Actions.pdf>.

6. PROPOSED IMPLEMENTATION TARGETS AND MONITORING METHODS

As previously noted, the City’s shoreline zones are currently occupied by industrial, professional office, single-family residences, public facility and public and private open space areas. Therefore, efforts should be made to improve shoreline ecological function through the promotion of restoration and healthy practices at all levels, from industrial users to single-family property owners. Continued improvement of shoreline ecological functions on the shorelines requires a more comprehensive watershed approach.

The following table (Table 2) outlines a possible schedule and funding sources for implementation of a variety of efforts that could improve shoreline ecological function, and are described in previous sections of this report.

Table 2. Implementation Schedule and Funding for Restoration Projects, Programs and Plans.

Restoration Project/Program	Schedule	Funding Source or Commitment
4.1 WRIA 9 Participation	Ongoing	The City is an active member of the WRIA 9 Forum. Membership at this time entails a commitment of time from a City Council member.
4.2 Comprehensive Plan Policies	Last updated in December 2003 and amended in December 2005	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with the updated Comprehensive Plan.
4.3 Critical Areas Regulations	Updated	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with their updated Critical Areas Regulations.

Restoration Project/Program	Schedule	Funding Source or Commitment
4.4 Storm Water Planning	Ongoing, Update by August 2009	The City currently commits staff time and materials to this effort. In addition, the City expects to hire a consultant to update the Comprehensive Storm Water Plan and spend up to \$50,000 for that purpose. The purpose of the update is to create a plan that guides decisions about development and the protection of natural resources in the City of Covington as it pertains to surface water. The update is necessary to meet National Pollutant Discharge Elimination System (NPDES) Phase II requirements. Some of these changes include the adoption of DOE's Stormwater Management Manual for Western Washington and a greater emphasis on Low Impact Development (LID) in current regulations and recommendations, rather than the previous focus on regional storm water facilities.
4.5 Public Education/ Outreach	Ongoing	Currently, staff time and materials are provided in developing public education and outreach efforts to educate the public and broaden the interest in protecting and enhancing local environmental resources. On-going and future education efforts should be coordinated with partnering agencies (such as utilities and King County), including funding sources (grant funding, monetary donations, volunteer hours).
4.6 Adopt-A-Park	Ongoing	Currently, staff time and materials are the only City resource commitments. The City only has a limited program at this time, but would like to expand this effort.
5.1 Unfunded WRIA 9 Projects	As funds and opportunity allow	The City Council passed a resolution in 2005 expressing its approval and support for the <i>Salmon Habitat Plan: Making our Watershed Fit for a King</i> (Steering Committee 2005). Projects will be funded by the City, partnering agencies and non-profit organizations, and grants as projects and funding opportunities arise.
5.2 Recommended Projects	As funds and opportunity allow	Projects identified in this section would likely be implemented either when grant funds are obtained, when partnerships are formed between the City and other agencies or non-profit groups, or as may be required by the critical areas regulations and the Shoreline Master Program during project-level reviews by the City.

The City is required to monitor development under the Shoreline Master Program to ensure no net loss. We recommend that City planning staff track all land use and development activity, including exemptions, within shoreline jurisdiction, and incorporate actions and programs of the Parks and Recreation and Public Works departments as well. We recommend that a report be

assembled that provides basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of native vegetation planted or maintained, reductions in chemical usage to maintain turf, linear feet of eroding stream bank stabilized through plantings, linear feet of shoreline armoring removed or modified levees, or number of fish passage barriers corrected. The report could also update Tables 1 and 2 above, and outline implementation of various programs and restoration actions (by the City or other groups) that relate to watershed health.

The staff report could be assembled to coincide with Comprehensive Plan updates and could be used, in light of the goals and objectives of the Shoreline Master Program, to determine whether implementation of the Shoreline Master Program is meeting the basic goal of no net loss of ecological functions relative to the baseline condition established in the *Shoreline Analysis Report* (The Watershed Company/AHBL 2008). In the long term, the City should be able to demonstrate a net improvement in the City of Covington's shoreline environment.

Based on the results of this assessment, the City may make recommendations for changes to the Shoreline Master Program.

7. RESTORATION PRIORITIES

The process of prioritizing actions that are geared toward restoration of Covington's shoreline areas involves balancing ecological goals with a variety of site-specific constraints. Briefly restated, the City's goals include 1) protecting watershed processes, 2) protecting fish and wildlife habitat, and 3) contributing to chinook conservation efforts. Constraints that are specific to Covington include a heavily developed residential shoreline area along Pipe Lake, excluding Camp McCullough, and moderate commercial development along Big Soos and Jenkins Creeks. While some of these areas may already offer fairly good ecological functions, they still tend to include opportunities to further enhance ecological functions. These goals and constraints were used to develop a hierarchy of restoration actions to rank different types of projects or programs associated with shoreline restoration. Programmatic actions, like continuing WRIA 9 involvement and conducting outreach programs to local residents, tend to receive relatively high priority opposed to restoration actions involving small private landowners. Other factors that influenced the hierarchy are based on scientific recommendations specific to WRIA 9, potential funding sources, and the projected level of public benefit.

Although restoration project/program scheduling is summarized in the previous section (Table 2), the actual order of implementation may not always correspond with the priority level assigned to that project/program. This discrepancy is caused by a variety of obstacles that interfere with efforts to implement projects in the exact order of their perceived priority. Some projects, such as those associated with riparian planting, are *relatively* inexpensive and easy to permit and should be implemented over the short and intermediate term, despite the perception of lower priority than projects involving extensive shoreline restoration or large-scale capital improvement projects. Straightforward projects with available funding should be initiated immediately for the worthwhile benefits they provide and to preserve a sense of momentum

while permitting, design, site access authorization, and funding for the larger, more complicated, and more expensive projects are under way.

7.1 Priority 1 – Continue and Increase Water Resource Inventory Area (WRIA) 9 Participation

Of basic importance is the continuation of ongoing, programmatic, basin-wide programs and initiatives such as the WRIA 9 Forum. However, the City should explore ways to increase participation in this regional effort. This may include expanding collaborative work with other jurisdictions and stakeholders in WRIA 9 to implement the *Salmon Habitat Plan: Making our Watershed Fit for a King*. This process provides an opportunity for the City to keep in touch with its role on a basin-wide scale and to influence habitat conditions beyond its borders, which, in turn, come back to influence water quality and quantity and habitat issues within the City.

7.2 Priority 2 – Improve Water Quality and Reduce Sediment and Pollutant Delivery

Although most of the streams and their basins located within the City are outside of shoreline jurisdiction, their impacts to shoreline areas should not be discounted. Many of these streams have the potential to provide fish and wildlife habitat. They are also a common receiving body for non-point source pollution, which in turn delivers those contaminants to shoreline waterbodies.

Watershed-wide programmatic actions listed in the *Salmon Habitat Plan: Making our Watershed Fit for a King* (Steering Committee 2005) include four actions focused on addressing water quality and stormwater controls.

- Program WW-11: Expand/Improve Incentives Programs (Note: for Covington this is largely a matter of developing and/or implementing incentive programs).
- Program WW-12: Improve Enforcement of Existing Land Use and Other Regulations
- Program WW-13: Increase Use of Low Impact Development and Porous Concrete
- Program WW-14: Provide Incentives for Developers to Follow Built Green™ Checklist Sections Benefiting Salmon

Incentives to consider include the King County Transfer of Development Rights Program; education of property owners about the King County current use assessment programs; stormwater fee reduction programs to encourage forest cover and low impact development; and permit streamlining, fee waivers, and zoning flexibility for projects that include restoration. These recommendations also emphasize the use of low impact development techniques, on-site stormwater detention for new and redeveloped projects, and control of point sources that discharge directly into surface waters. They involve protecting and restoring forest cover, riparian buffers, wetlands, and creek mouths by revising and enforcing critical areas ordinances and Shoreline Master Programs while also providing incentives and flexible development tools.

7.3 Priority 3 – Public Education and Involvement

Public education and involvement should be a high priority in the City of Covington. Opportunities for restoration on public property exist along Big Soos Creek, but are limited along Jenkins Creek and Pipe Lake. Most of the shoreline jurisdiction along Jenkins Creek is either residential or owned by the Bonneville Power Administration. Pipe Lake is also predominantly residential except for the large, privately-owned Camp McCullough parcel. Therefore, in order to achieve the goals and objectives set forth in this Restoration Plan, the City should focus on balancing restoration on public and private land.

Potential restoration projects that may occur along Big Soos Creek as described in Section 5.2 include native vegetation enhancement and installation of large woody debris to increase available fish habitat. Providing education opportunities and involving the public is key to success, and would possibly entail coordinating the development of a long-term Public Education and Outreach Plan to gain public support. Restoration efforts on private property would also benefit from public outreach and education. This could include local workshops to educate shoreline property owners and other shoreline users on maintaining healthy shoreline environments, promoting enhancement and restoration opportunities, and use of low impact development techniques.

7.4 Priority 4 – Improve Riparian Vegetation, Reduce Impervious Coverage

Similar to the priority listed above to improve water quality and reduce sediment and pollutant delivery, improved riparian vegetation and reduction in impervious surfaces are emphasized throughout the *Salmon Habitat Plan: Making our Watershed Fit for a King* (Steering Committee 2005). Watershed-wide programmatic actions described in the Salmon Habitat Plan include many references to improving vegetative conditions and reducing impervious surface coverage. Specific reference to planting vegetation is listed in Program WW-5: Promote the Planting of Native Trees. The reduction of impervious surface and stormwater runoff can be mitigated through use of low-impact development techniques, pervious paving materials and development incentives as listed in Program WW-13: Increase Use of Low Impact Development and Porous Concrete.

In addition to the items listed in the Salmon Habitat Plan, Section 5.2 above lists areas where improvements to riparian vegetative cover and reductions in impervious surfaces are warranted.

7.5 Priority 5 – Reduce Aquatic Invasive Weeds in Pipe Lake

While not specifically listed in the Salmon Habitat Plan, control and monitoring of aquatic invasive weeds from Pipe Lake is emphasized in Section 5.2. The lake has experienced growth of non-native and often-times invasive aquatic vegetation. In particular, hydrilla created the most impact along the nearshore area. Not only are aquatic weeds a problem for boats and swimmers, but they also tend to reduce dissolved oxygen to lethal levels for fish, hampering foraging opportunities. As noted in the Analysis Report, King County DNR conducted an extensive hydrilla removal effort between 1995 and 2007. As of November 2007, no hydrilla plants remained in the lake. The County plans to treat the lake with herbicide for two more years

and will monitor for another five years beyond the treatment completion (King County DNR 2007).

7.6 Priority 6 – Acquisition of Shoreline Property for Preservation, Restoration, or Enhancement Purposes

Due to the shortage of City-owned shoreline property, the City should explore opportunities to purchase shoreline property both for the purposes of increasing public recreation and shoreline access, and constructing demonstration shoreline conservation and restoration projects. A prioritized list of acquisition actions could be developed through a collaborated effort with stakeholder groups including representatives from local government, business and the general public. Such a coordinated effort is listed as a watershed-wide programmatic action in the *Salmon Habitat Plan: Making our Watershed Fit for a King* (Steering Committee 2005). Ongoing efforts to develop South Covington Park should be used as a model for acquisition and development of shoreline access opportunities and subsequent preservation, restoration, or enhancement of the shoreline ecological functions. Acquisition of large relatively undeveloped parcels, such as Camp McCullough, should be a priority for securing future public access if such undeveloped parcels become available.

7.7 Priority 7 – Reduce Shoreline Armoring along Pipe Lake, Create or Enhance Natural Shoreline Conditions

Approximately 20 percent of the Pipe Lake shoreline within the City of Covington is armored at or below the ordinary high water mark and much of the remaining 80 percent remains in a natural state (The Watershed Company/AHBL 2008). Although existing armoring is fairly minimal, a reduction in shoreline armoring along Pipe Lake should be considered. While no specific lake project sites have been identified under this restoration priority, emphasis should be given to future project proposals that involve or have the potential to restore shoreline areas to more natural conditions, including revegetation of the nearshore with native plants. The City should explore ways in which to assist local property owners, whether through financial assistance, permit expedition, or guidance, to team together with restoration of multiple contiguous lots.

7.8 Priority 8 – Reduction of In-water and Over-water Structures

Reduction of in- and over-water cover by piers, docks, and other boat-related structures is one mechanism to improve shoreline ecological functions. Pier and docks are extensive along Pipe Lake, although within the City of Covington the number is minimal. Approximately 30 pier or docks are located in Covington's Pipe Lake shoreline. The Washington Department of Fish and Wildlife already regulates the size and materials for in- and over-water structures throughout the State and generally recommends finding ways to reduce both the size and density of these structures. Although no specific project sites to reduce in-water and over-water structures within residential areas are identified here, future project proposals involving reductions in the size and/or quantity of such structures should be emphasized. Such future projects may involve joint-use pier proposals or pier reconstruction and may be allowed an expedited permit process or promoted through project incentives.

7.9 Priority 9 – City Zoning, Regulatory, and Planning Policies

City Zoning, Regulatory, and Planning Policies are listed as being of lower priority in this case simply because they have been the subject of review and have recently been updated accordingly. Notably, the City's Critical Areas Ordinance was recently updated in 2005 consistent with the Best Available Science for critical areas, including those within the shoreline zone.

The City received its final National Pollutant Discharge Elimination System (NPDES) Phase II permit on January 17, 2007 from Ecology and it became effective on February 16, 2007. The NPDES Phase II permit is required to cover the City's stormwater discharges into regulated lakes and streams. Under the conditions of the permit, the City must protect and improve water quality through public education and outreach, detection and elimination of illicit non-stormwater discharges (e.g., spills, illegal dumping, wastewater), management and regulation of construction site runoff, management and regulation of runoff from new development and redevelopment, and pollution prevention and maintenance for municipal operations.

The City has adopted Ecology's 2005 *Stormwater Management Manual for Western Washington*, as the NPDES Phase II permit requires. The DOE Manual references the *Low Impact Development: Technical Guidance Manual for Puget Sound* as a viable source of appropriate low impact techniques for drainage control. The City should consider exploring broader code revisions that would encourage, or in some cases possibly require, Low Impact Development techniques in the shoreline area as detailed in the *Low Impact Development: Technical Guidance Manual for Puget Sound*.

Watershed-wide programmatic actions listed in the *Salmon Habitat Plan: Making our Watershed Fit for a King* (Steering Committee 2005) include three actions focused on regulatory mechanisms to restore ecological functions discussed previously in Section 7.2.

8. REFERENCES

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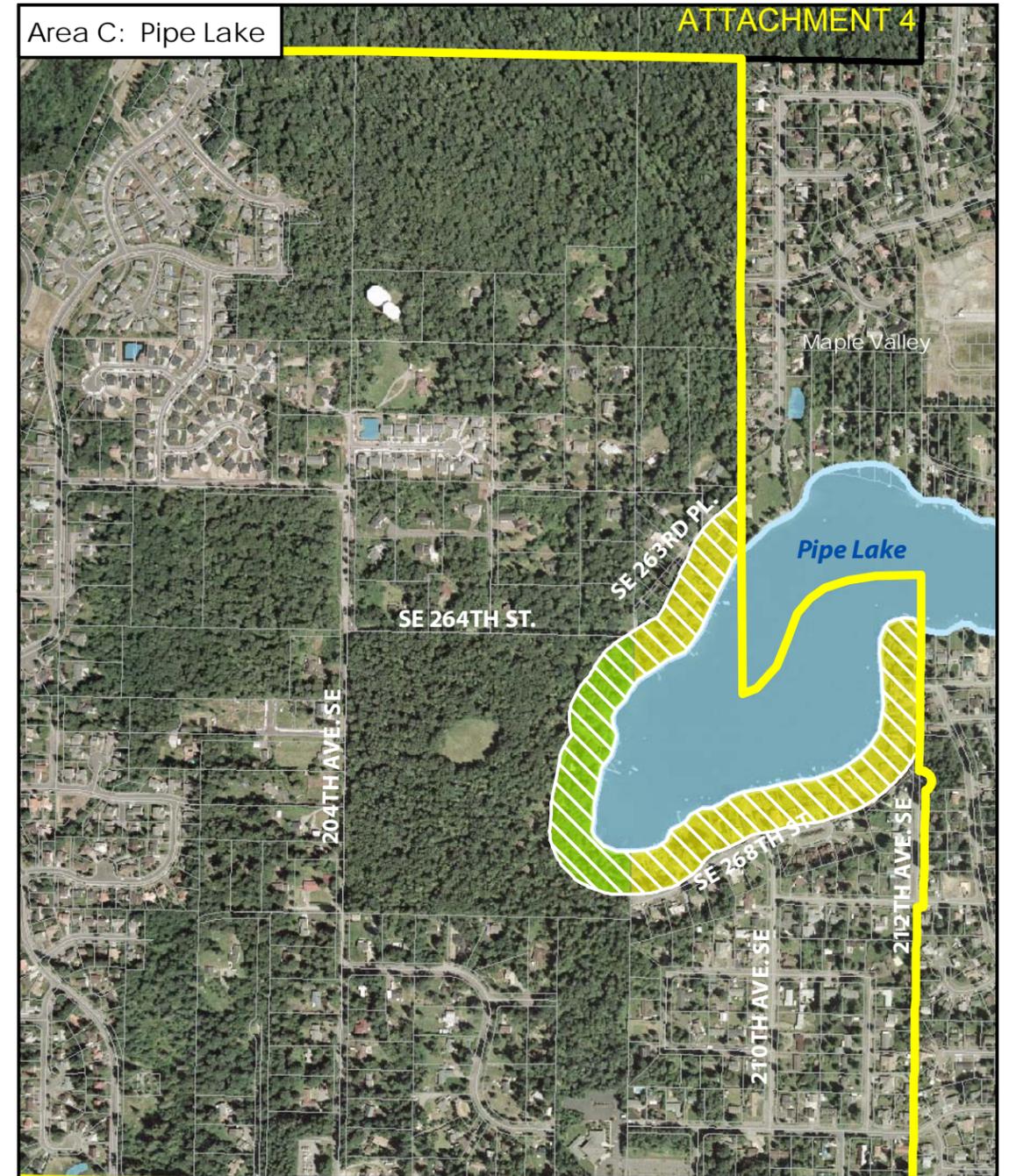
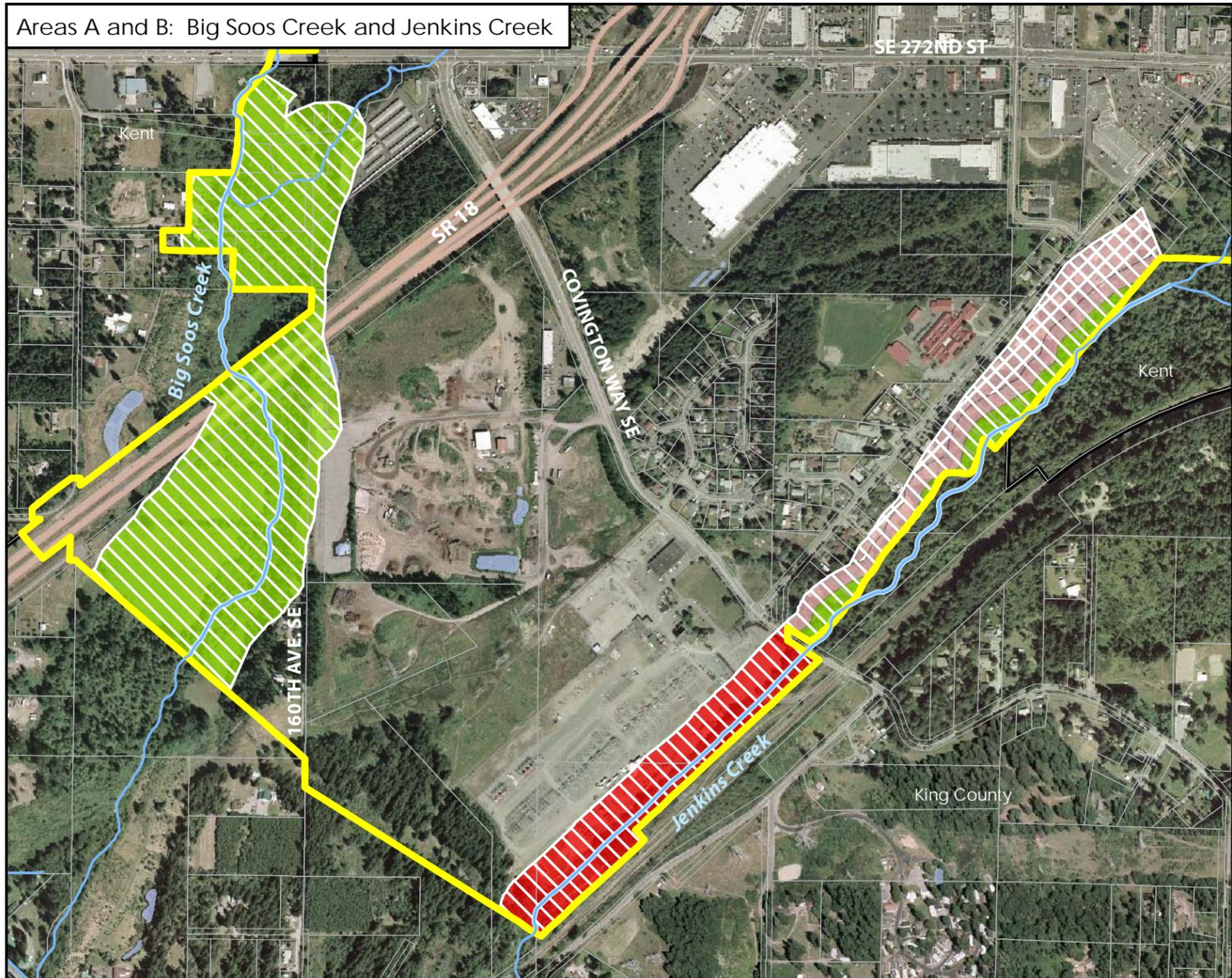
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APPENDIX A

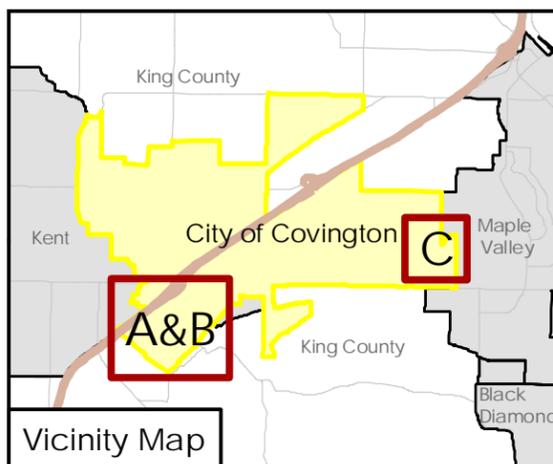
CITY OF COVINGTON RESOLUTION #05-57 RATIFYING THE WRIA 9 SALMON HABITAT PLAN

APPENDIX B

WRIA 9 SALMON HABITAT PLAN EXECUTIVE SUMMARY



ATTACHMENT 4



Proposed Shoreline Management Environmental Designations

Proposed Environmental Designations	Proposed SMA (2)	Roads
High Intensity	Shoreline Approximate OHWM (3)	State Route 18
Medium Intensity	Streams	Tax Parcels
Medium Intensity Subject to Wetland Study	Water Bodies	Covington City Limits
Shoreline Res		
Urban Conservancy		

1. This area is shown within the SMA because it is as a wetland. If site specific studies by a qualified biologist determine that wetland designation criteria is not met in a given location, by definition, these areas would be excluded from SMA jurisdiction.

2. SMA = Shoreline Management Area

3. OHWM = Ordinary High Water Mark

1 inch = 750 feet

0 290 580 1,160 Feet

Shoreline jurisdiction and wetland boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

Source: King County GIS

Map Date: August 2008

Figure 20

**City of Covington
Grant No. G0800106**

DRAFTFINAL

**CUMMULATIVE IMPACTS ANALYSIS COMPONENT for
City of Covington's Shorelines: Big Soos Creek, Jenkins
Creek and Pipe Lake**

**Project Title: Shoreline Master Program Update
Task 4.1 and 4.3: Cumulative Impacts Analysis**

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The views expressed herein are those of the authors and do not necessarily reflect the views of NOAA or any of its subagencies.

April 2009 March 22, 2011

TABLE OF CONTENTS

<u>Section</u>	<u>Page No.</u>
TABLE OF CONTENTS.....	i
1.0 INTRODUCTION	1
1.1 Department of Ecology direction and Guidance	1
1.2 Relationship to SEPA	2
1.3 Assumptions	3
1.4 Document roadmap	3
2.0 EXISTING CONDITIONS	3
2.1 Pipe Lake	3
2.1.1 Shoreline Environments	3
2.1.2 Land Use	4
2.1.3 Parks and Open Space/Public Access	4
2.1.4 Shoreline Modifications	4
2.1.5 Biological Resources and Critical Areas	5
2.2 Big Soos Creek.....	5
2.2.1 Shoreline Environments	5
2.2.2 Land Use	5
2.2.3 Parks and Open Space/Public Access	6
2.2.4 Shoreline Modifications	6
2.2.5 Biological Resources and Critical Areas	7
2.3 Jenkins creek.....	8
2.3.1 Shoreline Environments	8
2.3.2 Land Use	8
2.3.3 Parks and Open Space/Public Access	9
2.3.4 Shoreline Modifications	9
2.3.5 Biological Resources and Critical Areas	10
2.0 ECOLOGICAL FUNCTIONS AND PROCESSES AT RISK	12
3.1 Hydrologic	12
3.1.1 Pipe Lake.....	12
3.1.2 Jenkins Creek	13
3.1.1 Big Soos Creek	14
3.2 Shoreline vegetation and habitat.....	15
3.2.1 Pipe Lake.....	16
3.2.2 Jenkins Creek	16
3.2.3 Big Soos Creek	17
3.3 Hyporheic functions	17
3.3.1 Pipe Lake.....	18
3.3.2 Jenkins Creek	18
3.3.3 Big Soos Creek	19
3.4 Habitat.....	20
3.4.1 Pipe Lake.....	20
3.4.2 Jenkins Creek	21
3.4.3 Big Soos Creek	22

4.0	REASONABLY FORESEEABLE DEVELOPMENT AND THE RELATIONSHIP TO PROPOSED STANDARDS IN THE SMP	<u>242423</u>
4.1	Pipe lake.....	<u>242423</u>
4.1.1	Patterns of Shoreline Activity	<u>242423</u>
4.1.2	Residential Development	<u>242423</u>
4.1.3	Commercial and Industrial Development.....	<u>272726</u>
4.1.4	Recreational Development.....	<u>272726</u>
4.1.5	Overwater Structures	<u>282827</u>
4.1.6	Shoreline Stabilization.....	<u>292928</u>
4.2	Jenkins Creek.....	<u>303029</u>
4.2.1	Patterns of Shoreline Activity	<u>303029</u>
4.2.2	Residential Development	<u>303029</u>
4.2.3	Commercial and Industrial Development.....	<u>313130</u>
4.2.4	Recreational Development.....	<u>323231</u>
4.2.5	Overwater Structures	<u>323231</u>
4.2.6	Shoreline Modifications	<u>333332</u>
4.4	Big Soos Creek.....	<u>333332</u>
4.4.1	Patterns of Shoreline Activity	<u>333332</u>
4.4.2	Residential Development	<u>333332</u>
4.4.3	Commercial and Industrial Development.....	<u>333332</u>
4.4.4	Recreational Development.....	<u>343432</u>
4.4.5	Overwater Structures	<u>343433</u>
4.4.6	Shoreline Stabilization.....	<u>343433</u>
5.0	STATE, LOCAL AND FEDERAL REGULATIONS	<u>353534</u>
5.1	CITY MASTER PROGRAM	<u>353534</u>
5.2	BENEFICIAL EFFECTS OF OTHER ESTABLISHED REGULATORY PROGRAMS.....	<u>373736</u>
5.2.1	Other Laws and Programs	<u>373736</u>
5.2.2	Washington Department of Fish and Wildlife.....	<u>383837</u>
5.2.3	Washington Department of Ecology	<u>383837</u>
5.2.3	U.S. Army Corps of Engineers	<u>383837</u>
6.0	NET EFFECT ON ECOLOGICAL FUNCTIONS AND PROCESSES.....	<u>393938</u>

Appendices

Appendix A: Cumulative Impact Analysis Table

1.0 INTRODUCTION

1.1 DEPARTMENT OF ECOLOGY DIRECTION AND GUIDANCE

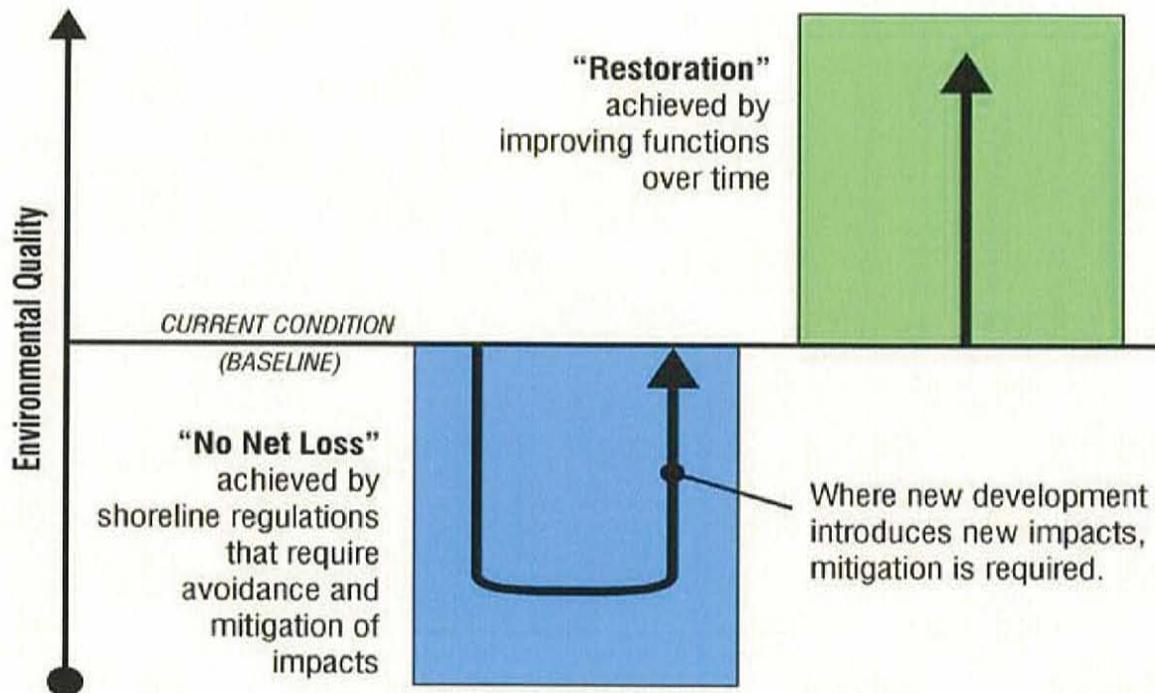
The Shoreline Management Act guidelines require local shoreline master programs to regulate new development to “achieve no net loss of ecological function.” The guidelines (WAC 173-26-186(8)(d)) state that, “To ensure no net loss of ecological functions and protection of other shoreline functions and/or uses, master programs shall contain policies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts.”

The guidelines further elaborate on the concept of net loss as follows:

“When based on the inventory and analysis requirements and completed consistent with the specific provisions of these guidelines, the master program should ensure that development will be protective of ecological functions necessary to sustain existing shoreline natural resources and meet the standard. The concept of “net” as used herein, recognizes that any development has potential or actual, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to assure that the end result will not diminish the shoreline resources and values as they currently exist. Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.”
[WAC 173-206-201(2)(c)]

In short, updated SMPs shall contain goals, policies and regulations that prevent degradation of ecological functions relative to the existing conditions as documented in that jurisdiction’s characterization and analysis report. For those projects that result in degradation of ecological functions, the required mitigation must return the resultant ecological function back to the baseline. This is illustrated in the figure below. The jurisdiction must be able to demonstrate that it has accomplished that goal through an analysis of cumulative impacts that might occur through implementation of the updated SMP. Evaluation of such cumulative impacts should consider:

- (i) current circumstances affecting the shorelines and relevant natural processes;
- (ii) reasonably foreseeable future development and use of the shoreline; and
- (iii) beneficial effects of any established regulatory programs under other local, state, and federal laws.”



Source: Department of Ecology

As outlined in the *Shoreline Restoration Plan* prepared as part of this SMP update, the SMA also seeks to restore ecological functions in degraded shorelines. This cannot be required by the SMP at a project level, but Section 173-26-201(2)(f) of the Guidelines says: “master programs shall include goals and policies that provide for restoration of such impaired ecological functions.” See the *Shoreline Restoration Plan* for additional discussion of SMP policies and other programs and activities in Lake Forest Park that contribute to the long-term restoration of ecological functions relative to the baseline condition.

The following summarizes for each shoreline environment (Figure 1) the existing conditions, anticipated development, relevant Shoreline Master Program (SMP) and other regulatory provisions, and the expected net impact on ecological function.

1.2 RELATIONSHIP TO SEPA

The State Environmental Protection Act (SEPA) requires an assessment of environmental impacts. This cumulative impact analysis is a supplement to the environmental review done under SEPA and is intended to address cumulative rather than isolated or individual impacts that might not otherwise be considered as part of the environmental checklist.

The SEPA review process is intended to provide a list of possible environmental impacts that may occur as a result of a project or change in policy. This helps identify potential impacts that may need to be mitigated, conditioned, or this may result in the denial of a project or proposal. This cumulative impact analysis is intended to look at impacts as a whole on the basis of whether or not multiple similar projects collectively result in gradual, but significant impacts. While

SEPA looks at impacts by topic and the effects they may have as a whole for the project area, the cumulative impacts analysis examines impacts that may result from multiple projects over time.

1.3 ASSUMPTIONS

This analysis is looking at foreseeable impacts over time. Impacts are examined in each of the shoreline management areas and segments, as done in the rest of the SMP document and in the Covington Shoreline Characterization Report. Site specific impacts are also expected to be addressed on a case-by-case basis during individual project reviews. The segments used in this analysis correspond with the proposed shoreline environment designations and were previously analyzed for alterations to key processes.

Due to current adopted land use regulations and current land use, it is assumed that only two areas have significant redevelopment potential. These include the portion of Jenkins Creek upstream of Covington Way SE that has been recently zoned for more intensive use, and the Camp McCullough property on Pipe Lake. Other areas, such as the shoreline residential portion of Pipe Lake, are likely to see more slow and incremental changes associated with on-going uses. This is discussed in detail in this document.

1.4 DOCUMENT ROADMAP

This cumulative impacts analysis summarizes the existing conditions in each of the shoreline segments, details the potential impacts and risks to shoreline functions and processes, identifies anticipated development in each shoreline segment and how the SMP regulations would address this development, discusses how other local, state and federal regulations would address these potential impacts, and describes the net effect on ecological functions and processes. A cumulative impacts table is include in Appendix A that looks describes the relationship between ecological function, potential alteration, resource at risk and proposed SMP regulations and non-regulatory measures designed to assure no net loss at a minimum. In addition, this table provides a summary of both the current performance and the anticipated future performance for that function.

2.0 EXISTING CONDITIONS

The following summary of existing conditions in the three shoreline areas and the relevant natural processes is based on the Final Shoreline Analysis Report (The Watershed Company/AHBL, June 2008), and additional analysis needed to perform this assessment. The full report includes a more in-depth of discussion of the topics below, as well as information about transportation, stormwater and wastewater utilities, impervious surfaces, and historical/archaeological sites and other information.

2.1 PIPE LAKE

2.1.1 Shoreline Environments

Approximately 66.5% of the upland shoreline jurisdiction is proposed to be designated as Shoreline Residential environment. Approximately 33.5% of the upland shoreline jurisdiction is

proposed to be designated as Urban Conservancy. The Pipe Lake Shoreline Management Area also include the open water areas of Pipe Lake within the City limits of Covington, which are proposed to be designated as Aquatic, consistent with WAC 173-26-211(5)(c).

2.1.2 Land Use

Within the 200 foot upland portion of the Pipe Lake Shoreline Management Area, approximately 55% is developed as single family residential housing, 32% is the private recreation facility Camp McCullough, 7% is a private shoreline tract belonging to Aqua Vista Estates and 6% is vacant single family lots. The entire Pipe Lake Shoreline Management Area is zoned R-4 (Single Family Residential, 4 Units per Acre). Future land uses, as indicated by the current designations in the Comprehensive Plan, include Open Space (4% of Pipe Lake SMA), Public (33.5%) and Low Density Residential – 4du/ac (62.5%).

Proposed shoreline environments reflect both the existing conditions and proposed future use along Pipe Lake. Designation of Camp McCullough as Urban Conservancy in the proposed SMP, is consistent with the Covington Comprehensive Plan, which indicates a strong intent to encourage public access at this site at some point in the future. Urban Conservancy also provides greater ecological protection for this portion of the shoreline, which is less developed and has the highest level of ecological function of any portion of the lake in the City. Designation of single family areas as Shoreline Residential also reflects the City's intent to encourage this use for the foreseeable future and recognizes the more developed and modified nature of this area.

2.1.3 Parks and Open Space/Public Access

There is currently no public access to Pipe Lake in Covington. In addition to access by single family homeowners, private recreation access is available at Camp McCullough and the shoreline tract owned by available to residents of Aqua Vista Estates. The City has indicated a desire to provide future public access to the Pipe lake shoreline, and the potential for a possible future public park, at Camp McCullough. If implemented, this would result in an increase in the amount of shoreline public access available in Covington. However, no funds have been allocated for this and the current owner has no plans to change the current private use.

2.1.4 Shoreline Modifications

The most common shoreline modifications on Pipe Lake are anthropogenic alterations to the natural lake edge, and include a variety of armoring types (some associated with fill), piers and docks, and other in-water structures such as boatlifts, boathouses, and moorage covers. These shoreline modifications alter the function of the lake edge, change erosion and sediment movement patters, affect the distribution of aquatic vegetation, and are often accompanied by upland vegetation loss.

According to aerial photos and a brief site visit, there is very minimal shoreline armoring along the lake within City limits. In fact, based on aerial photos and site visits, more than 80 percent of the lake within the City's jurisdiction is natural shoreline. The largest stretch of natural shoreline is located along the western shore at Camp McCullough, owned by the First Presbyterian Church of Tacoma. The limited current armoring of the lake is significant and the potential for and

regulation of future shoreline armoring along Pipe Lake is a specific concern of both the SMP and this cumulative impacts analysis.

There are approximately 30 docks or piers (additional docks or piers by be obscured by trees in the aerial photo) on Covington's Pipe Lake shoreline, and at least five small swimming platforms. Most of the piers are less than 60 feet long. The longest pier is located at Camp McCullough, and is approximately 100 feet long. Digital layers of piers in Pipe Lake are not available, so details statistical analyses of pier length and area were not generated. There are 34 parcels on Covington's Pipe Lake Shoreline, indicating the potential for an increase of approximately four more piers. There is also the potential for an increase in the size, width and coverage of piers at Pipe Lake and this potential is a significant concern of both the SMP and this cumulative impacts analysis.

Total overwater cover and number of structures are relative to ecological function assessment and thus cumulative impacts assessment. Total overwater cover is an indication of the amount of the lake surface that is shaded, which can impact growth of aquatic vegetation and subsequently the food chain as a whole. The number of structures is relevant as it indicates the number of artificial objects that can alter fish behavior and species interactions.

2.1.5 Biological Resources and Critical Areas

According to GIS data, there are no known erosion, landslide or seismic hazard areas mapped around the lake (see Figure 15). An erosion hazard area is identified just to the east of Lake Lucerne in Maple Valley. Pipe Lake does not have a mapped flood hazard area. There are no known wetland systems adjacent to Pipe Lake (Figure 14). According to aerial photos, there is one very small Category IV wetland located to the west of the lake (outside of shoreline jurisdiction) on the Camp McCullough property. This has not been field verified. However, we would expect that there may be possible emergent wetlands along the lakeshore at Camp McCullough. There are no streams which flow into or out of Pipe Lake within Covington's shoreline jurisdiction. However, Lake Lucerne in Maple Valley drains northward to Jenkins Creek. Overall, biological resources and habitat functions are highest on the Camp McCullough and relatively low on single family properties. Current water quality in the lake is quite good, as discussed in the Shoreline Inventory and Analysis Report.

2.2 BIG SOOS CREEK

2.2.1 Shoreline Environments

The entire upland portion of Big Soos Creek Shoreline Management Area is proposed to be designated as Urban Conservancy. Areas below the Ordinary High Water Mark of Big Soos Creek are proposed to be designated as Aquatic.

2.2.2 Land Use

The shorelands of Big Soos Creek are predominantly very large lot single family residential, with some accessory agricultural use and an average density of .16 units per acre. For example, 25 acres of the 53 acres in the Big Soos SMA is associated with just one individual single family

property. Mapped wetlands extend the shoreline management area beyond the typical 200 foot zone, particularly to the west and northeast of Big Soos Creek. According to the King County Assessor, 67.6% of the Big Soos Creek SMA is single family, 27.2% is vacant, and 5.3% is classified as industrial or resource processing. Industrial and resource processing areas are included in the mapped boundary of the SMA only because the mapped wetland extent includes these areas. However, site specific studies would be required to determine if these areas are in fact wetlands and the current level of development and modification would appear to perhaps preclude a finding of wetland conditions in some of those areas.

Most of the land (87% of the Big Soos Creek SMA) is zoned and designated in the Comprehensive Plan as Urban Separator, which allows only one unit per acre. Wetland regulations also preclude extensive development of this area. Under the proposed SMA, single family development would require a conditional use permit, as well as a wetland study in the Big Soos SMA. 13% of the land in the mapped Big Soos Creek SMA is zoned Downtown Commercial. However, this area is only within the SMA if it is in fact a wetland, in which case wetland regulations would provide additional restrictions on development and the SMP would prohibit primary commercial uses. Uses other than recreation are either not allowed or require a conditional use permit under the proposed regulations for the Big Soos Creek Urban Conservancy environment.

2.2.3 Parks and Open Space/Public Access

Currently the only existing public shoreline access within the Big Soos shoreline jurisdictional area is a parcel of open space the City owns just north of SR 18. Public access to Big Soos Creek also exists within Soos Creek Park, which is located outside of the shoreline jurisdictional area in the northern part of the City. The 701.89-acre park acts as an urban separator between Kent and Covington, providing critical habitat and recreation areas. King County operates the regional trail system through the park.

Plans to expand the Soos Creek trail system along both Big and Little Soos Creeks are listed in the Park CIP. Both of these would provide additional opportunities and a net increase in public access to the shoreline. However, no funding has been dedicated for their development at this time. The SMP contains an emphasis on increasing public access to the shoreline, including the Big Soos Creek area.

2.2.4 Shoreline Modifications

The two SR 18 bridge spans and associated embankment, fill, armoring, footings, and pilings are the only known shoreline modifications in the Big Soos Creek shoreline area within City limits. The south span has no pilings, and the stream banks at that location are armored with quarry spalls. In contrast, the north span includes some concrete piling supports outside of the active channel and banks are lined only with gravelly soils. The floodplain of the creek has been constricted considerably at the SR 18 crossing location as a result of these shoreline modifications.

Rip rap and weirs would be prohibited in the proposed Urban Conservancy designation for Big Soos Creek. Bridges and associated improvements would require a conditional use permit and standards calling for using more ecologically sensitive techniques wherever possible and

mitigating to achieve no net loss of function. Wetland regulations provide additional protections. The creek is not navigable so there are no docks or piers and there is no potential for docks or piers.

2.2.5 Biological Resources and Critical Areas

Geologically Hazardous Areas

City maps do not show any geologically hazardous areas in the Big Soos Creek shoreline. However, landslide-type soils, steep slopes, and seismic hazards flank the creek farther upstream where the channel is more confined (Figure 15).

Flood Hazard Areas

The Big Soos Creek 100-year floodplain falls entirely within the shoreline jurisdiction (see Figure 14). Based on the maps, no built structures are found within the floodplain in City limits. The north edge of shoreline jurisdiction is just south of SE 272nd Street (SR 516/Kent Kangley Road) where the floodplain narrows underneath the roadway. The floodplain also narrows downstream, under SR-18, expands for a short distance immediately downstream of SR-18, and then narrows once more (due to natural topography) as it exits the City limits.

Wetlands

City, King County, and WDFW PHS (2007) wetland mapping all show that much of the Big Soos Creek shoreline within the City limits is wetland (Figure 14). Based on aerial photos and a brief site visit, the wetland is a mix of forested, scrub-shrub and emergent communities (Figure 17). Forested areas contained willows, red alder, and black cottonwood; shrub areas contained spiraea and rose; and emergent areas were dominated by reed ~~canarygrass~~ canary grass. Non-native, invasive species include patches of bittersweet nightshade throughout and Himalayan blackberry around the fringes. According to King County iMAP, the wetland is 62 acres in size and is classified as Category I.

Streams

Little Soos Creek, which headwaters in Lake Youngs, crosses Covington's shorelands and joins Big Soos Creek north of SR 18 from the east. According to WDFW (2007), the stream is used by chinook and coho salmon, as well as steelhead and cutthroat trout.

Other Fish and Wildlife Habitat Conservation Areas

Priority Habitats: WDFW mapping of Priority Habitat and Species classifies the riparian wetland as a Priority Habitat and maps it as palustrine (WDFW 2007). To be considered a "Priority" wetland, it must have met the following criteria in WDFW's estimation: "Comparatively high fish and wildlife density, high fish and wildlife species diversity, important fish and wildlife breeding habitat, important fish and wildlife seasonal ranges, limited availability, high vulnerability to habitat alteration."

Vegetation mapping by King County Department of Natural Resources shows the stream to be vegetated with primarily "shrub" and "young deciduous" (Kerwin and Nelson 2000). DNR's vegetation maps do not distinguish between upland and wetland vegetation types. Vegetation mapping conducted as part of this study and based on aerial photograph interpretation shows that

the Big Soos Creek shoreline includes relatively large areas of forested and wetland habitats (Figure 17). These habitat types provide a variety of opportunities for foraging, nesting, breeding and denning to a large variety of wildlife, including birds, amphibians, reptiles, and mammals. Some areas identified as “urban landscape” (which includes impervious surfaces and buildings) are present, and a few areas of “residential landscape.”

Priority Species: The only Priority species identified in this section of Big Soos Creek are fish, including: chinook and coho salmon, steelhead, and resident cutthroat trout (WDFW 2007). At the time of the December 2007 site visit, coho salmon were observed on redds from the SR 516 crossing just upstream from the City’s designated shoreline area. A great blue heron colony is mapped farther upstream outside of shoreline jurisdiction.

2.3 JENKINS CREEK

2.3.1 Shoreline Environments

Approximately 14.5 acres of 45% of the Jenkins Creek SMA is proposed to be designated as High Intensity. This portion of the Jenkins Creek SMA is located from the eastern boundary of the City right-of-way containing the Covington Way SE bridge, downstream to the City limits and the southwest corner of the City. The entire extent of this reach or segment of Jenkins Creek fronts the Bonneville Power Administration (BPA) Covington Substation.

The remaining portion of the Jenkins Creek upstream of Covington Way SE is proposed to be given the parallel designations of Urban Conservancy and Medium Intensity. Areas within the 115 foot stream and shoreline buffer are designated as Urban Conservancy. Areas beyond 115 feet from the Ordinary High Water Mark to the SMA boundary are designated as Medium Intensity. Throughout most of this reach, the mapped Jenkins Creek SMA includes areas beyond the standard 200 foot shoreline area because of the presence of mapped, but not delineated, wetlands. A wetland study is required for development proposals in this area and will determine the actual presence of absence of wetland conditions per the proposed Critical Areas for the Shoreline Management Area in the SMP. If wetland conditions do not exist, these areas would not be regulated under the SMA.

The proposed shoreline environments for Jenkins Creek reflect the existing ecological conditions, current land use, proposed future land use and the need to assure no net loss along Jenkins Creek as described below.

2.3.2 Land Use

Currently, over half of the shoreland area surrounding Jenkins Creek (53 percent) is in low density residential use. Another 42 percent is in public utility use by the Bonneville Power Administration’s (BPA) Covington substation, and the remaining six percent are undeveloped or unknown. The BPA site is zoned Industrial and designated as Utility in the Comprehensive Plan. The area upstream is zoned DN-7B and DN7-A, downtown transition sub-districts that allow single family residential, townhomes, cottage housing, small professional offices of varying sizes and the potential for mixed use development. Existing and proposed land use is

consistent with proposed environment designations in the SMP because the utility site is designated as High Intensity and the future downtown transition area is designated with parallel environments that reflect the complex combination of desired future mix of uses, protection of environmentally sensitive areas, and public access objectives as described below.

The potential for land use change at the BPA site is very low. The potential for land use change upstream of Covington Way SE is relatively high due to the current single family use and the more intensive uses allowed under current zoning. In addition to the requirements for both Urban Conservancy and Medium Intensity, development in this reach may also be subject to wetland regulations, which in many cases would preclude most development other than public access in the SMA.

2.3.3 Parks and Open Space/Public Access

There are no existing parks, open space, or public access to Jenkins Creek with the SMA. Potential future projects that would provide additional opportunities for shoreline access within the SMA of Jenkins Creek are identified in the Park CIP. They include development of South Covington Park, and expansion of Jenkins Creek and 191st Place SE trails. South Covington Park would be located directly adjacent to Jenkins Creek and accessible from SE Wax Road. In addition to featuring playfields for softball and soccer, the park would tie in to the proposed Jenkins Creek Trail. The 191st Place SE trail would cross Jenkins Creek at Covington Way SE. Both of these projects would provide additional opportunities for public access to the shoreline. However, no funding has been dedicated for their development at this time. In addition to the proposed Jenkins Creek Trail and South Covington Park, development of multi-family residential and commercial sites along Wax road consistent with zoning requirements and the SMP would require compliance with public access regulations. This is also expected to result in a net increase in public access opportunities in the SMA.

2.3.4 Shoreline Modifications

A review of aerial photography indicates that the Jenkins Creek channel bordering the Bonneville Power Administration (BPA) substation has been straightened. This is confirmed by a report titled *Lower Jenkins Creek Salmonid Fish Habitat Inventory and Recommended Improvement Projects* (The Watershed Company 1991), prepared in conjunction with the *Covington Master Drainage Plan* (R.W. Beck and Associates 1991). According to that report, the creek was indeed rerouted and narrowed along the border of the substation site, presumably to prevent bank erosion and flooding and to accommodate construction by providing a large contiguous construction area. Jenkins Creek was realigned to flow through a straightened channel paralleling the fence along the southeast substation boundary. The soils at depth as exposed along this alignment are naturally quite gravelly, and it appears that a coarse gravel substrate was provided to the new stream channel simply by exposing these gravelly soils during the course of excavating the new channel. The new channel was cut to a depth of 5 to 7 feet below the Covington Way SE crossing, deepening to 15 to 20 feet extending downstream, and then moderating in depth approaching the railroad crossing just outside of the City limits. Channel widths ranged from approximately 15-35 feet, narrower upstream widening approaching the downstream end. Federal law prohibits access to this site, so current stream conditions along this stretch have not been confirmed.

Just upstream of the Bonneville Power Administration site, the stream passes through a three-bay concrete box culvert under Covington Way SE. A short distance below this crossing is a low, rock-and-mortar weir followed by relatively steep cascades over a cobble and boulder substrate. According to the *Soos Creek Basin Plan Salmonid Habitat Improvement Study* (King County 1990), the weir was constructed to prevent channel downcutting at the bridge site and eliminate the risk of exposing the footings. It was also implied that this weir raised the channel profile at that location and resulted in an enlargement of the riparian wetlands extending upstream of the roadway. The feature was recommended for modification to improve fish passage by the County report, stating that the correction of man-caused fish passage problems were of relative high priority in basin planning and that it would be a high visibility project with significant demonstration project potential. However, The Watershed Company (1991) placed this potential project at a lower priority since it does not constitute a fish migration barrier. There are no other known shoreline modifications along Jenkins Creek within City limits.

The potential for additional shoreline modifications in the Jenkins Creek SMA is limited. The addition of rip rap is not allowed in the Urban Conservancy designation and would require a conditional use permit in the High Intensity designation. Jenkins Creek is not navigable so docks and piers are prohibited. New weirs would require a CUP (per requirements for Aquatic environment). Soil bioengineering would have to meet strict standards in the SMP but is permitted.

2.3.5 Biological Resources and Critical Areas

Geologically Hazardous Areas

City maps do not show any geologically hazardous areas in the Jenkins Creek shoreline jurisdiction. However, landslide-type soils and steep slopes are located to the southeast, outside of shoreline jurisdiction.

Flood Hazard Areas

The mapped Jenkins Creek 100-year floodplain is almost fully contained within shoreline jurisdiction, extending beyond shoreline jurisdiction on a portion of the Bonneville Power Administration site and on a few of the residential properties east of Covington Way SE. In Jenkins Creek shoreline jurisdiction, there are approximately 19 single-family lots within the mapped floodplain, and approximately five of those lots appear to have residences and outbuildings at least partially in the floodplain. There are several structures and facilities associated with the Bonneville Power Administration within shoreline jurisdiction along the north side of the creek. As mentioned above, large floods exceed the mapped floodplain boundary, possibly affecting the additional four single-family lots in shoreline jurisdiction. However, anecdotal information from a shoreline resident provided during the review of this report indicated that Jenkins Creek seldom overflows its banks on the NW side, and that properties on the NW side of Jenkins Creek did not sustain any appreciable flood damage during the storms of November and February 1996.

Wetlands

City, King County, and WDFW PHS (2007) wetland mapping all show that much of the Jenkins Creek shoreline on the parcels northeast of Covington Way SE and south of Wax Road within

the City limits is wetland. Based on aerial photos and a brief site visit, the wetland is forested with red alder, black cottonwood and willow. According to King County iMAP, the wetland is more than 65 acres in size and is classified as Category II.

Streams

No mapped or known streams discharge into the Jenkins Creek shoreline within City limits. There are several small tributaries that feed into the creek farther upstream and one (Cranmar Creek) feeds into the creek just outside jurisdiction from the City of Kent watershed area to the south.

Other Fish and Wildlife Habitat Conservation Areas

Priority Habitats: WDFW mapping of Priority Habitat and Species classifies the riparian wetland upstream of Covington Way SE as a Priority Habitat and maps it as palustrine (WDFW 2007). To be considered a “Priority” wetland, it must have met the following criteria in WDFW’s estimation: “Comparatively high fish and wildlife density, high fish and wildlife species diversity, important fish and wildlife breeding habitat, important fish and wildlife seasonal ranges, limited availability, high vulnerability to habitat alteration.” This forested wetland provides a variety of opportunities for foraging, nesting, and breeding to a large variety of wildlife, including birds, amphibians, reptiles, and mammals. Outside of this Priority forested wetland upstream of Covington Way SE, the vegetation is characterized by “residential landscape”.

The sideslopes of the relocated Jenkins Creek channel along the BPA substation are well-vegetated with a good variety of native vegetation, but the vegetation does not extend far beyond the top of the cut sideslopes on either side, with the barren substation grounds occupying the northwest side and an area of grasses, Scotch broom, and weeds growing in sandy soils along the railroad tracks to the southeast. Well-vegetated buffers range up to about 30 feet wide on each side. Species include red alder, bigleaf maple, black cottonwood, Douglas-fir, willow, ninebark, salmonberry, rose, red-osier dogwood, ferns, and spiraea. Invasive species include bittersweet nightshade and Himalayan blackberry (The Watershed Company 1991).

Priority Species: The only Priority species identified in this section of Jenkins Creek are fish species, including: chinook and coho salmon, steelhead, and resident cutthroat trout (WDFW 2007). The streambed gravels occurring along the lower portion of the straightened channel bordering the BPA substation are well-suited for the spawning of salmon and trout, with a gradient allowing for the formation of short spawning riffles between longer pools. A bald eagle nest is mapped farther upstream outside of shoreline jurisdiction.

2.0 ECOLOGICAL FUNCTIONS AND PROCESSES AT RISK

The intent of the Covington SMP is to assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources. Managing shorelines for protection of their natural resources depends on sustaining the functions provided by:

- Ecosystem-wide processes such as those associated with the flow and movement of water, sediment and organic materials; the presence and movement of fish and wildlife and the maintenance of water quality.
- Individual components and localized processes such as those associated with shoreline vegetation, soils, water movement through soil and across the land surface, and the composition and configuration of the best and banks of water bodies.

The following subsections outline specific ecologic functions of the Covington SMA and related processes that are at risk and must be protected by the SMP.

3.1 HYDROLOGIC

The hydrologic functions in Pipe Lake include:

- Storing water and sediment
- Attenuating wave energy,
- Removing excessive nutrients and toxic compounds, and
- Recruitment of large woody debris and other organic material.

Hydrologic functions of wetlands which are or may be found in association with Pipe Lake, Jenkins Creek, and Big Soos Creek, include:

- Storing water and sediment
- Attenuating wave energy,
- Removing excessive nutrients and toxic compounds, and
- Recruitment of woody debris and organic material.

Hydrologic functions in Jenkins Creek, Soos Creek and its associated floodplain include:

- The transport of water and sediment across the natural range of flow variability;
- Attenuating flow energy;
- Development pools, riffles, gravel bars; and
- Recruitment and transport of large wood debris and other organic materials.

These functions are addressed in more detail for each of the three shoreline areas below.

3.1.1 *Pipe Lake*

A lake by definition provides excellent water and sediment storage functions. However, uplands surrounding Pipe Lake have a range of water and sediment storage capacities and functions depending on soils conditions and level of development. Pipe Lake is divided into two reaches

in the Analysis Report and two separate shoreline environments in the SMP to reflect very different levels of function. Reach 1 (Urban Conservancy – Camp McCullough) on the west shore is mostly forested with very little shoreline development. Reach 2 (Shoreline Residential – single family) in the remaining areas on the north and south shores, is almost entirely developed with extensive impervious surfaces, non-native vegetation, areas of shoreline armoring and a pier or dock associated with most of the properties.

Water and sediment storage functions are at risk from potential loss of native vegetation and additional impervious surface development. Wave energy attenuation functions are not as critical on Pipe Lake because the lake is not large enough to generate very large waves, boat wakes are not an issue on Pipe Lake due to the prohibition on gas engines, and the prevailing winds from the south or west often blow the wind offshore. However, loss of vegetation in combination with bulkheads and other shoreline modifications has the potential to further impact the natural ability of the shoreline to attenuate wave energy.

Common impacts of urban development, such as the increase in impervious surfaces and polluted run-off, elimination of natural vegetation and the increased use of lawn and garden chemicals both in the shoreline area and the larger basin containing Pipe Lake have the potential to increase nutrients and toxic compounds entering the lake. Removal of native vegetation and the armoring of the shoreline also reduces the potential for recruitment of large woody debris and organic material that are needed in a healthy system. In all cases, the potential for negative impact to hydrologic functions on Pipe Lake are highest in Reach 1 because of the high level of current function and the limited level of current development. However, the flip side of this is that there is substantial potential for enhancement of the hydrologic functions of Reach 2 over time. The hydrologic functions are also impacted by potential alterations outside of shoreline jurisdiction, such as the overall increase in impervious surfaces associated with the urbanization of this once rural area.

3.1.2 Jenkins Creek

Jenkins Creek was also broken into two major reaches for the purposes of this project. Reach 1 is downstream of Covington Way SE and includes shoreline area impacted by utility facility development. Reach 2 upstream of Covington Way SE contains floodplain wetlands and is flanked by single-family development. Reach 2 was further divided into parallel shoreline environments during the development of the SMP to reflect very different management objectives for different portions of the shoreline area.

Hydrologic functions vary between the two reaches and thus the potential for additional cumulative negative impact and improvement to these processes also varies accordingly. The channel of Jenkins Creek along Reach 1 is artificial and was dug in the past to make more room for the adjoining BPA substation. As such it has a greatly reduced floodplain and has little capacity to store water and sediment, but transports both efficiently. Pools, riffles and gravel bars are absent from Reach 1 as a result of the human modification. The lack of a floodplain results in this Reach being relatively poor at removing excess nutrients and toxic compounds. Vegetation is growing and maturing near the channel and improving the natural ability of the channel to attenuate wave energy, as well as provide potential recruitment and transport of the LWD and organic material in the future. The relatively low hydrologic function of Reach 1

means there is significant room for future improvement through restoration and enhancement and less risk that additional development will significantly further degrade these functions. Restoration projects as discussed in the Restoration Plan have also occurred within this reach in the last 10 years.

Within Reach 2, Jenkins Creek flows within a densely wooded area containing extensive wetlands. Areas on the right bank are within the City of Covington and contain large lot single family residential development. Areas on the left bank that border the stream to the southeast are managed as City of Kent watershed with restricted access. This reach has a larger floodplain that high flows can spread out in and the soils beneath it are sandy, gravelly, and permeable. Hydrologic functions in this reach are accordingly high in terms of the ability of this reach to store water and sediment, attenuate flow energy, develop a natural stream structure with pools and riffles, remove toxic compounds and nutrients, and recruit large woody debris. These functions are potentially at risk from future development both within, but as upstream and upland of the SMA. Development upstream has increased peak flows to the point where erosion and sedimentation are becoming issues.

Any future removal of vegetation, placement of impervious surfaces, filling of wetlands, armoring of banks or the straightening of the channel would all negatively impact the hydrologic functions of this reach. In addition, stormwater inputs from the larger basin (both inside and outside of the City) have the potential to negatively impact hydrologic functions in Jenkins Creek. This requires a local and regional emphasis on effective stormwater management and ideally low impact development which has proven more effective at replicating natural hydrology.

Development within and just outside of the shoreline area along Reach 2 is expected as this area transitions to a broader range of uses that are allowed under current zoning and the SMP. This is discussed in detail in Section 4. As such, the protection of the high ecological function of this reach is a particular focus of the SMP and is reflected in a variety of ways, from the parallel designation of Urban Conservancy and Medium Intensity, to wetland regulations, vegetation conservation regulations, and restrictive use standards, etc.

3.1.1 Big Soos Creek

The Soos Creek subbasin, which extends well beyond the City of Covington, is in the process of changing from a rural and forested condition to a more heavily urbanized area, particularly in the western areas. The subbasin has an extensive system of interacting lakes, wetland, and gravelly, infiltrating soils that collectively help to attenuate peak stream flows. Wetland mapping by the City, King County, and WDFW PHS (2007) wetland mapping show that much of the Big Soos Creek shoreline within the City limits is a wetland. According to King County, the wetland is 62 acres in size and is classified as Category I, the highest category and level of protection.

Existing flow related problems occur in the upper reaches of the creek, which are subject to low and high stream flows. As discussed in the Inventory and Analysis Report, in the 1980's, Soos Creek discharged about 8 to 10 cfs to the Green River during the summer and 400 cfs during one-year event high flows. Soos Creek is one of the largest tributaries of the Green River and its hydrologic regime is dominated by winter rain events, with low flows in the late summer. The

topography is typified by rolling hills formed on glacial deposits. Lakes and wetlands in the headwaters of the basin help sustain stream flows by slowly releasing groundwater during the summer months. The primary impacts on the hydrology of Soos Creek include stormwater runoff, urban development and consumptive water use. The effects of urbanization and groundwater withdrawals have reduced summer low flows, which may delay the upstream migration of adult chinook salmon (Kerwin and Nelson 2000). The increased sediment delivery to alluvial fans and low gradient reaches of the Green River, in combination with the decrease in low flows, impedes adult chinook attempting to migrate upstream into Soos Creek and other tributaries.

Dense stands of young trees or shrubs are sufficient to provide good sediment filtration where the riparian zone is at least 150 feet wide. Approximately 45 percent of the existing riparian zone along Soos Creek provides good sediment filtration. Elsewhere roads, development, or other contributing activities near the stream reduce the ability of riparian area to filter fine sediment (Kerwin and Nelson 2000). Overall, the current condition and potential future impacts to ecological functions in the Big Soos Creek SMA are heavily influenced by what occurs outside of the City of Covington boundary.

Within the City of Covington, hydrologic functions, such as water and sediment storage would be negatively impacted by urban development in this designated wetland. Impervious surface development and loss of vegetation would have negative impacts on hydrologic function. Protection of wetlands associated with Big Soos Creek is important to prevent and reduce downstream flooding. Though shrubby willow and similar species occur with the Big Soos Creek SMA in the City Covington, little mature vegetation remains in the riparian zone along the creek. This appears to be the result of past human modification and agricultural practices, including grazing, and possibly existing soil conditions as discussed later in this section. Where trees do occur, they are generally small. This means that there is relatively low potential or recruitment of large wood debris.

Big Soos Creek has an extensive floodplain within Covington which does provide competent biofiltration function (i.e. removal of excess nutrients, sediment and toxic compounds). The moderate level of hydrologic function means there is significant room for improvement within the Big Soos SMA. Limited future development potential as discussed in Section 4.0 and significant restrictions on development, including agriculture, should help improve conditions in this area overtime. However, from a hydrologic standpoint, the impacts of urbanization, in the overall basin (including increased peak flows and reduced summer flows) that is largely outside of the control of the City have the potential to negate potential positive impacts at the site scale.

3.2 SHORELINE VEGETATION AND HABITAT

Shoreline vegetation functions in Pipe Lake, Jenkins Creek, Big Soos Creek and associated wetlands and floodplains include:

- Maintaining temperature,
- Removing excessive nutrients and toxic compounds,
- Sediment removal and stabilization, and
- Attenuation of flow energy;

- Provision of large woody debris and other organic matter.

The potential for these functions to be impacted is addressed in more detail for each of the three shoreline areas below.

3.2.1 Pipe Lake

Reach 1 (Urban Conservancy – Camp McCullough) has a combination of a healthy forest and east facing shoreline which provides good shading, particularly in the warmer afternoon hours. As the trees mature, shade and thus temperature regulation functions of this vegetation should improve unless they are removed. The maturing mixed forest areas line the lake and macrophytic vegetation in the nearshore, combined with native understory, helps capture and breakdown toxics and nutrients, filter run-off, and stabilize banks. This also provides opportunities for large wood debris recruitment and the naturally vegetated banks provide wave attenuation functions. These processes are potentially at risk from future development, including recreational development which could disturb, shade or remove lakeshore and nearshore vegetation. Removal of understory, tree removals and swim beach creation through aquatic vegetation removal and substrate modification would all negatively impact these functions.

Reach 2 (Shoreline Residential – Single Family Areas) has sparse shoreline vegetation and limited shading of the shallow-water nearshore area. The function of vegetation and the related habitat in this reach is poor. Native nearshore vegetation is largely absent. Upland vegetation is also less effective at shading south and west-facing shoreline areas due to midday sun from the south and afternoon sun from the west. Residential landscaping in this reach is dominated by lawns rather than dense buffers of native vegetation. These areas are likely to be sources of water quality contaminants such as fertilizers, herbicides and pesticides. In addition the lack of vegetation and the presence of upland pollution generating impervious surfaces means that water quality is impacted by urban stormwater runoff and related hydrocarbons, metals, sediments and other pollutants. The lack of shoreline vegetation means that the current condition provides very little wave attenuation function in this reach. Bulkheads on some properties have replaced natural land forms and vegetation. This condition also limits the natural recruitment of sediment for lakebed materials, large woody debris, and other organic matter. Substantial room exists for improvement of vegetation functions in Reach 2. However, additional residential development also has the potential to further negatively impact vegetation through tree removal, native vegetation conversion and bulkheading.

3.2.2 Jenkins Creek

Reach 1 along the BPA site has low to moderate shoreline vegetation function. The strip of native vegetation near the stream is relatively narrow, but it is maturing and the condition can thus be expected to improve in the future if it is not removed or otherwise significantly modified. Temperature regulation is moderate and the vegetation does help to protect the bank from erosion currently. Sediment removal functions and water quality improvement functions in this narrow area of vegetation that does not have floodplain are limited. Loss of this maturing vegetation would negatively impact these functions, but alternatively, significant potential exists for restoration and enhancement of this area. It is important to note that improvement in

vegetation function in this area over time is likely even if no direct action is taken as the existing vegetation matures.

Reach 2, upstream of Covington Way SE, has very high vegetation function. The combination of a well-established and maturing forest in the shoreline buffer area and a relatively narrow active channel during low-flow periods results in excellent temperature regulation from the resulting shade. This is not true for upstream areas beyond the SMA, so water may already be elevated in temperature in this reach. Nonetheless, the high quality and multi-layered vegetation in this reach provide a high level of functions, including bank stabilization, flow attenuation, sediment removal and LWD and organic matter recruitment. These functions are potentially at risk from residential, commercial, mixed-use and recreational development, if not done in an appropriate manner. As discussed in Section 4.0 this area has been a focus of the regulations to ensure protection of the existing functions. This includes specific standards which address the impacts of impervious surfaces, buffers and building setbacks from Jenkins Creek, tree conservation, wetland protection and low impact development standards for recreational facilities.

3.2.3 Big Soos Creek

Big Soos Creek has existing problems with the low density and small size of shoreline vegetation with Covington. The creek is currently on the State's 303(d) list as Category 5 waters for dissolved oxygen. Despite these problems, the existing willows, grasses, emergent vegetation and other vegetation types do provide a moderate level of water quality improvement, bank stabilization, and sediment removal. Other vegetation functions, such as LWD recruitment, temperature regulation and the attenuation of flow energy would also benefit from larger and denser vegetation in the shoreline area. As discussed in more detail in Section 4.0, additional residential development in this area is unlikely due to continuing floodplain and wetland restrictions, as well as the proposed requirements in the SMP. However, if allowed such development, which typically includes the conversion of native plant communities to residential landscapes and resulting removal of vegetation, would negatively impact vegetation functions. This could lead to reduced water quality, decreased bank stability, higher temperatures and more sediment and pollutants in Big Soos Creek.

3.3 HYPORHEIC FUNCTIONS

The hyporheic zone is the transition region between groundwater and surface water, and represents an important interface between terrestrial and aquatic ecosystems where groundwater combines with surface water. Hyporheic functions in Pipe Lake, Jenkins Creek, Big Soos Creek and associated wetlands and floodplains include:

- Removing excessive nutrients and toxic compounds,
- Water storage;
- Support of vegetation;
- Sediment storage, and
- Maintenance of base flows.

The potential for these functions to be impacted is addressed in more detail for each of the three shoreline areas below.

3.3.1 Pipe Lake

The hyporheic zone along the mostly natural lakeshore in Reach 1 likely provides a relatively high nutrient and toxic compound removal function. Water likely infiltrates into the hyporheic zone rather than running off into the lake as surface flow. This helps support aquifer recharge. Water quality is generally protected in part due to upland runoff moving through the hyporheic zone or moving towards the lake as shallow groundwater flow or interflow. The lake currently has good water quality with chemical conditions that discourage algal blooms and favor water clarity. This supports beneficial uses such as swimming, boating and fishing. Protection of the hyporheic zone is important for maintaining these positive current conditions.

The hyporheic zone in Reach 1 also provides a relatively high water storage function, although water storage is not particularly important in a lake with a high average retention time and relatively low fluctuations in water surface elevation. Granular soils in the basin are not conducive to wicking water very far upwards from the static water table, restricting the shoreline areas where the roots of vegetation would be within the range of the hyporheic zone. These porous, gravelly soils provide moderate support for base flows (lake level) and likely support aquifer recharge. As is the case with the other functions discussed, all of these processes could potentially be impacted from urban development and recreational development in Reach 1. Specifically, the filling and bulkheading of beaches and creation of impervious surfaces near the shoreline could negatively impact the hyporheic zone.

Reach 2, which comprises the single family homes along the south and north shores of Pipe Lake, likely has reduced hyporheic functions when compared to Reach 1, due to the shoreline armoring present. Lawns and landscaping in this area are generally supported by irrigation and precipitation rather than hyporheic water storage. Additional shoreline armoring, impervious surface development, and conversion of remaining native vegetation to lawn and other species would negatively impact hyporheic and relative vegetation functions. However, as with other functions, there is substantial room for enhancement and improvement. The SMP targets the maintenance of existing natural conditions and the enhancement of altered shoreline functions in Reach 2 of Pipe Lake. Specifically, incentives are provided for bulkhead removal in the form of reductions from the standard buffer of 115 feet plus a 15 feet building setback.

3.3.2 Jenkins Creek

Throughout both reaches of Jenkins Creek the soils are very gravelly and permeable and hence the creek has a highly interactive hyporheic zone. This flow supports groundwater recharge. Stream flows supplement shallow groundwater flows or hyporheic flows and vice versa, thereby increasing the proportion of flow which routinely flows in and out of the zone that is filtered through this process. Thus even in Reach 1, where the floodplain has been confined and the stream has been placed in an artificial channel, the hyporheic zone provides a moderate degree of function in terms of removing pollutants, storing water, recharging aquifers, and maintaining base flows, primarily due to the nature of the soils present.

However, these functions are higher in Reach 2, where there is a wider and more complex floodplain which provides a broader area over which this hyporheic interaction can occur. Within Reach 1, the combination of steeper streambanks and very permeable soils means only a narrow band of vegetation along the streambanks would have access to hyporheic water through their root systems. Support of vegetation functions are better in Reach 2, but again, the gravelly outwash soils can be so well-draining and poor at wicking water that plants growing above these soils can be deprived of water even when an active water table is near the surface. However, precipitation usually provides ample support for vegetation in this climate in most areas. Sediment storage also varies considerably between the two reaches due to the narrowness of the floodplain in Reach 1. A much wider floodplain in Reach 2 upstream of Covington Way SE, provides a wider area for this interaction, including sediment storage.

Hyporheic functions can be negatively impacted by channel armoring, channel modification and realignment, flood control structures and development of the floodplain and associated wetlands. In addition, if sediment loading in Jenkins Creek (from increased flows related to upstream development, erosion and bank failures) is too high, gravels of the hyporheic zone could become clogged, their sediment storage capacity used up, and the overall function of the hyporheic zone could be impaired.

3.3.3 *Big Soos Creek*

The Soos Creek Basin is dominated by highly infiltrative, glacial outwash soils which provide for a high degree of interaction between ground and surface waters. These soils can be so well draining that they do not support forest vegetation very well. Big Soos Creek in the City of Covington has a large floodplain, which provides an increased area for these hyporheic interactions to occur. The hyporheic zone also provides some nutrient and toxic compound removal when water from the developed uplands infiltrates into the permeable soils instead of funning off of the surface. Though overall water quality parameters show mixed results and include specific problems related to oxygen, temperature, and fecal coliform, water quality is likely improved due to its infiltration as groundwater prior to entering stream flow. Likewise, this interaction across the broad floodplain of Big Soos Creek, likely contributes to aquifer recharge. Water stored in the hyporheic zone is also available to supplement dry season low stream flows.

Hyporheic functions can be negatively impacted by channel armoring, channel modification and realignment, flood control structures and development of the floodplain and associated wetlands. In addition, if sediment loading in Big Soos Creek (from increased flows related to upstream development, erosion and bank failures) is too high, gravels of the hyporheic zone could become clogged, their sediment storage capacity used up, and the overall function of the hyporheic zone impaired.

3.4 HABITAT

3.4.1 *Pipe Lake*

Upland habitat conditions vary widely between Reach 1 (Camp McCullough) and Reach 2 (Single Family Areas). The shoreline along Reach 1 is lined with dense native vegetation which provides physical space and conditions suitable for terrestrial species - birds, mammals, and amphibians. These species likely use the shoreline more in Reach 1 since cover, food, nesting sites, travel corridors, etc. are more available. Shallow nearshore areas include both emergent and submerged vegetation, which provides refuge for small fish and amphibians. These shallow nearshore areas also provide rearing, foraging and migration habitat for fish. Food production from the uplands in Reach 1 is available in a variety of forms, including native seed and fruit bearing vegetation. This provides food directly for wildlife, as well as a source of insects and other organic matter that drop into the water to provide food for fish and aquatic life. The emergent wetland areas present along sections of the lakeshore in this reach provide productive foraging areas for small mammals, wading birds and waterfowl.

Within Reach 2, habitat conditions are generally poor. Within the lake and nearshore, the presence of bulkheads and non-native vegetation makes these areas less hospitable for fish and amphibians. Under natural conditions, the lake bottom would gradually rise in a shallow wedge such that incoming waves would roll up the bottom, and onto the shore, losing energy. This reduced energy environment would be more hospitable to emergent vegetation, which further attenuates wave energy and provides a refuge for small fish and amphibians. Shallow nearshore areas in lakes typically provide rearing, foraging and migration habitat for fish. Shoreline armoring, however, generally reduces this low-energy shallow-water environment, creating a deeper, more turbulent nearshore area that is less hospitable to small fish and amphibians, as well as to emergent vegetation. The deeper water may also allow larger fish predators to prey on small fish.

The absence of dense shoreline vegetation in Reach 2 is a limiting factor in terrestrial species' (birds, mammals, amphibians) use of the shoreline, since cover, food, nesting sites, travel corridors, etc. are limited or largely absent. Food production from the uplands is limited by the lack of native seed- and fruit-bearing vegetation. This may be made up for, in part, by fruit trees and other non-native vegetation in yards which supplies some food for wildlife. Not only does native upland vegetation provide food directly for terrestrial wildlife, but it is a source of insects and other organic matter that drop into the water to provide food for fish and other aquatic life. The historical emergent wetland areas that are now reduced or absent also provided productive foraging areas for small mammals, wading birds and waterfowl.

Habitat functions are at potential risk from future development, including both upland and aquatic development. Shoreline stabilization, including bulkheads, in particular is an important source of potential negative impact to aquatic habitat functions. In addition, conversion of native vegetation to lawn and other species with limited value can eliminate food, cover, and insects for wildlife. Fragmentation of existing habitat, particularly in Reach 1, through additional roads, developed trails, parking, etc. could diminish the existing functions. Development of additional docks or larger docks can also negatively impact nearshore vegetation (impacting the entire food chain), substrate, and provide habitat for fish that prey on salmonids.

3.4.2 Jenkins Creek

Habitat conditions vary widely from Reach 1 (BPA site) to Reach 2 (Upstream of Covington Way SE). Within Reach 1, although streamside vegetation is maturing well and provides a moderately good source of cover for fish and other types of wildlife, the vegetated buffer width is fairly narrow. Also, the lack of maturity of the streamside forest vegetation means that few, if any, cavity nesting sites would be available for the birds or small mammals that need them, nor perching sites for larger birds. In-stream, the lack of channel meandering and a moderately low abundance of large woody debris and the habitat types and cover which it engenders limits the functionality of habitat. Streambed substrate consists of high-quality, relatively clean gravels in large part due to the soils which the channel passes through. Maturing streamside vegetation provides a limited source of food for wildlife, including a source of terrestrial insects for use as food by fish. Again, however, the vegetated buffer width is narrow, and it would provide a better source of more abundant food if it were wider.

The maturing second-growth forest in the City's Jenkins Creek shoreline area along Reach 2 provides habitat of good quality and complexity and in good quantity for fish and wildlife. The forested vegetative community is complex and maturing, with accumulating downed wood and snags, resulting in more places for various wildlife species to find cover or suitable nesting and rearing sites. This increase in dense shoreline vegetation increases the quantity and quality of habitat available for use by terrestrial species (birds, mammals, amphibians) since cover, food, nesting sites, travel corridors, etc. are available and functioning.

Within the stream channel itself along Reach 2, an increase in logs and overall wood similarly results in more available protective cover, the creation of pool/riffle sequences, and an increase in habitat complexity as described above. Shallow, low-energy aquatic areas provide critical rearing, foraging, and refuge habitat for amphibians and juvenile fish, particularly salmonids. Streambed substrate materials, however tend to be sandier than would be ideal for salmonids, in part due to the lower-gradient, lower-energy environment.

The natural forest in the City's Jenkins Creek shoreline area along Reach 2 provides food sources for native wildlife, including native seed- and fruit-bearing vegetation from wetland, floodplain, and upland areas. Not only does such vegetation provide food directly for terrestrial wildlife, but it is a source of insects and other organic matter that drop into the water and provide food, either directly or indirectly, for fish and other aquatic life. Emergent wetland areas associated with side channels, backwaters, and extensive floodplain wetlands also provide productive foraging areas for juvenile fish, small mammals, wading birds, and waterfowl.

Habitat functions are potentially at risk from residential, commercial, mixed-use and recreational development, if not done in an appropriate manner. This risk is much higher in Reach 2 due to the high level of current habitat function. As discussed in Section 4.0 this area has been a focus during development of draft SMP regulations to ensure protection of the existing functions. This includes specific standards which address the impacts of impervious surfaces, buffers and building setbacks from Jenkins Creek, tree conservation, wetland protection and low impact development standards for recreational facilities. Sensitive habitat functions in this area are also

considered through the designation of all areas within 115 feet of Jenkins Creek as Urban Conservancy, with restrictive standards and a minimum 115 feet ~~uffer~~buffer for all non-water related development and 130 feet combined buffer/setback for nearly all structures other than bridges.

3.4.3 Big Soos Creek

Habitat in and along Soos Creek has been reduced in quality, quantity, and complexity compared to its original condition. The vegetative community is now much sparser and with a much lower level of accumulated downed wood and snags, resulting in fewer places for various wildlife species to find cover or suitable nesting and rearing sites. The absence of dense shoreline vegetation is a limiting factor for terrestrial species' (birds, mammals, amphibians) use of the shoreline, since cover, food, nesting sites, travel corridors, etc. are absent. Because existing stands of riparian trees (where present) are small, LWD recruitment is currently considered poor all along Soos Creek. Bank stability, shade, and organic matter recruitment are also considered poor along approximately 65 percent to 80 percent of Soos Creek (overall, not just in the City) because of the small size of trees in the riparian zone. Summer low flow discharges are also decreasing, which limits available rearing production for species of salmonids that require over-summer residency (Kerwin and Nelson 2000).

Within the channel itself, fewer log jams and less wood overall similarly results in less available protective cover, and diminishes the creation of pool/riffle sequences as well. Some beaver dams along the course of the creek have helped to maintain the abundance of in-channel wood, however. A reduction in side channels and backwaters has reduced the amount of valuable edge habitat available, and further reduced overall complexity. Shallow, low-energy aquatic areas provide critical rearing, foraging, and refuge habitat for amphibians and juvenile fish, particularly salmonids. Bank armoring has reduced the amount of low-energy shallow-water environment, creating deeper, higher-velocity water that is inhospitable to small fish and amphibians, as well as to emergent vegetation.

Food production from developed floodplain and upland areas is limited by a reduction in native seed- and fruit-bearing vegetation. Not only does such vegetation provide food directly for terrestrial wildlife, but it is a source of insects and organic matter that drop into the water and provide food, either directly or indirectly, for fish and other aquatic life. The historic, but now reduced, emergent wetland areas that were associated with side channels, backwaters, and extensive floodplain wetlands also provided productive foraging areas for juvenile fish, small mammals, wading birds, and waterfowl.

Big Soos Creek has significant potential for enhancement. Discontinuation of agricultural uses can also be expected to improve conditions in this shoreline area. Future urban development in the sensitive floodplain and wetland area would negatively impact habitat that has already been impacted by past practices and upstream impacts that have changed the flow regime. This area is currently zoned for low density single family development, but the SMP includes significant protections to ensure the protection of the existing functions and processes in this area. These include mandatory 115 foot buffers, wetland regulations that prohibit development on Class I

wetlands, no new agricultural uses allowed, conditional use permit requirements for single family homes, prohibitions on armoring of stream channels, and other necessary protections.

4.0 REASONABLY FORESEEABLE DEVELOPMENT AND THE RELATIONSHIP TO PROPOSED STANDARDS IN THE SMP

Cumulative impacts to the shoreline environment may result from a wide range of possible actions. Consistent with the guidelines, an appropriate evaluation of cumulative impacts on ecological functions will consider reasonably foreseeable future development and use of the shoreline that is regulated by the shoreline master program, as well as actions that are caused by unregulated activities and development exempt from permitting. The guidelines state,

“Recognize that methods of determining reasonably foreseeable future development may vary according to local circumstances, including demographic and economic characteristics and the nature and extent of shorelines.”

The focus of foreseeable development thus is on those actions that have been identified as potential impacts to the shoreline environment and that are or would be foreseeable based on past development patterns, dependent on shoreline regulations. This section provides a description of how elements of the SMP address the potential impacts of reasonably foreseeable development, including exempt and unpermitted development.

4.1 PIPE LAKE

4.1.1 *Patterns of Shoreline Activity*

No record exists of any shoreline permits being issued since incorporation.

4.1.2 *Residential Development*

Residential development would not be allowed within the Urban Conservancy environment on the current Camp McCullough property within the shoreline management area of Pipe Lake (200 feet, plus any wetlands,) consistent with the standards in the proposed SMP (Chapter 6, Table 1, Shoreline Uses). This is a significant change from current regulation which allows single family residential development along this portion of the Pipe Lake shoreline.

Within the existing single family areas that are designated as Shoreline Residential in the draft SMP, there is limited potential for new residential development, with perhaps as many as five (5) additional homes theoretically possible within shoreline jurisdiction over the medium to long term based on the application of the proposed dimensional standards for all uses in Table 2 in Chapter 6 of the SMP. Key standards include the 60 ft. minimum lot width and the maximum density of four units per acre for the R-4 zone in the City’s zoning code. However, it is unlikely that any new homes will be constructed on Pipe Lake in the near to medium term due to the factors discussed below.

According to the King County Assessor records, there are three vacant lots on the northwestern shoreline of Pipe Lake. However, one of these lots is located contiguous with an existing single family home and is currently being used as part of the developed site. There does not appear to

be any major structures on this contiguous lot, so new development is possible. However, there is no sewer currently available to this property, so major new development is generally not possible under current Covington utility requirements (also articulated in the SMP) without connecting to sewer. Bringing sewer to the property is a major investment (likely too much for one to three lots to shoulder) and development of this property is therefore not likely at this time. Similarly, the two other vacant lots appear to be too small and too close to the lake for on-site septic systems, indicated by the designation of "private-restricted" under the sewer system heading in the assessor's records, even if the City did allow septic systems. Therefore, development of these properties is also not likely in the near term.

It is also possible, but unlikely, that the approximately .75 acre private recreation tract owned by Aqua Vista Estates could be converted and subdivided at some future date into up to three single family lots based on existing density standards. However, based on the lot width requirements in the proposed SMP and the existing lot configuration, it appears that only two lots (i.e. one new lot) could be provided in shoreline jurisdiction on this property. Furthermore, this parcel is a designated as a Tract and the conversion to a residential lot would require a subdivision amendment and may not be allowed by the City.

Based on density requirements, three additional parcels on Pipe Lake appear to have subdivision potential. However, application of the proposed lot width requirements in the SMP would likely mean that only one property could be subdivided for one additional lot. This lot is located three lots to the northeast of Camp McCullough). However, subdivision of this lot would require removal of the existing home and is not expected in the short term.

Development of vacant lots and expansion of existing residences often results in replacement of pervious, vegetation areas with impervious surfaces and a landscape management regime that often includes chemical treatments of lawn and landscaping. These impacts can occur to various degrees, for example, some of the potential future lots along Pipe Lake are already part of a developed site. It would certainly be applicable for the two vacant lots to the northeast of Camp McCullough that are currently forested. Development of vacant sites can have multiple effects on shoreline ecological functions, including the potential for:

- Reduction in ability of site to improve quality of waters passing through the untreated vegetation and healthy soils.
- Potential contamination of surface water from chemical and nutrient applications.
- Increase in surface water runoff due to reduced infiltration area and increased impervious surfaces, which can lead to excessive soil erosion and subsequent in-lake sediment deposition.
- Elimination of upland habitat occupies by wildlife that use riparian areas.

Re-builds and substantial remodels of existing homes are anticipated in the Pipe Lake Shoreline Residential portion of the SMA. The City has no record of shoreline permits and exemptions since incorporation, so it is not known how frequently structures along Pipe Lake have been modified and expanded. Redevelopment of lots along Pipe Lake under current and proposed

development regulations also has the potential to improve shoreline functions if done under appropriate standards. Specifically,

- New development and major redevelopment are required to meet current stormwater standards in adopted Stormwater Manual, including improved water quality and quantity standards, improving stormwater discharge to Pipe Lake,
- New development and major redevelopment are required to connect to sewer. Conversion of Camp McCullough and some remaining single family properties along the lake to sewer will reduce potential water quality impacts from failing septic systems.
- Proposed standards in the SMP require natural vegetation to be protected, including mature trees and native understory.

In addition, enhancements to shoreline ecological functions along Pipe Lake are expected from the proposed new shoreline buffer standards in Chapter 6, Table 2 on page 68. Specifically, the standards establish a flexible buffer of between 115 feet and 60 feet with a building setback from the buffer of an additional 15 feet. Applicants can propose various combinations of enhancement actions as part of their proposal to reduce the buffer from the standard of 115 feet down to a minimum of 60 feet (plus an additional 15 foot building setback) pursuant to the Shoreline Buffer reduction mechanisms in Table 3 on page 71. In this way, the regulations provide a strong incentive for enhancement. Enhancements are tiered with more beneficial actions receiving correspondingly higher buffer reduction allowances. Enhancements include bulkhead removal, vegetation protection and enhancement in various upland zones, landform protection, stormwater enhancements, use of pervious materials, more restrictive impervious surface limits and limits on lawn area and lot-wide standards for native vegetation. Please see the SMP for more details.

Currently, roughly half of the 33 lots on Pipe Lake in Covington have structures that are less than 75 ft. from the OHWM (52%) and roughly half of the lots have structures that are more than 75 feet from the OHWM (i.e. 48%). 42% of the structures are currently less than 65 feet from the OHWM. Based on closer air photo interpretation, primary structures are located closer than 50 feet to the OHWM on approximately 8 parcels or 24% of the lots on Pipe Lake, with the closest primary structures located about 30 feet away. However, in many cases impervious surfaces and other minor improvements, such as decks, are located closer to the OHWM, including lots with such improvements less than 10 feet from the OHWM. Approximately 6 homes are located at least 100 feet from the OHWM of Pipe Lake, or less than 20%.

Under the proposed regulations, non-water dependent structures would not be allowed closer than 75 feet from the OHWM. New impervious surfaces would be restricted within 60 feet of the lake. Homes that are closer to the Lake than 75 feet could only be rebuilt in their existing footprint. Furthermore, enhancements would be needed to get closer than 130 feet to the Lake. The proposed new shoreline buffer and building setback regulations can be expected to have beneficial impacts on ecological function over time, as homes are brought into conformance and homeowners institute vegetation enhancements, bulkhead removals, limit lawn area and make other voluntary enhancements in exchange for meeting the new buffer and setback requirements that impact nearly all new development, including remodels, tear downs and homes on vacant or

subdivided lots. The average setback for homes is expected to slightly increase, while the typical ecological function on a particular lot is expected to moderately increase under the proposed new standards in the SMP.

4.1.3 Commercial and Industrial Development

No potential existing for primary commercial or industrial development along Pipe Lake pursuant to Table 1, Shoreline Uses, in Chapter 6. Under the proposed regulations, accessory commercial development may be allowed on the Camp McCullough property with a Conditional Use Permit, provided no net loss can be achieved. Within the Shoreline Residential environment, commercial uses would be limited to home occupations, consistent with the current zoning standards.

4.1.4 Recreational Development

Shoreline Residential Environment

Only limited potential exists for additional recreational development with the proposed Shoreline Residential Environment along Pipe Lake. There are only three vacant lots on Pipe Lake and as previously discussed these sites are likely to continue as vacant lots of as extensions of adjacent developed sites. Additional recreational development could occur at the private tract owned by the residents of Aqua Vista Estates. However, the site is already used for water oriented recreation and this use, including a dock is currently located on this site, is expected to continue.

Pursuant to Table 1, Shoreline Uses, in Chapter 6, water related recreational facilities are a permitted use and non-water oriented recreational facilities require a conditional use permit unless they are accessory to a permitted use. All development would also be required to meet all standards in the SMP, including Table 2, Dimensional Standards, in Chapter 6, as well as specific Shoreline Use Regulations for Recreational Development in Chapter 6. These standards are designed to ensure no net loss of ecological function.

Urban Conservancy Environment

Potential for private and public recreation development exists at Pipe Lake, primarily at the Camp McCullough property. This site is identified in both the SMP and the City's comprehensive plan as a potential site for future public access. Because of this high potential for future public and private recreational development, the proposed regulations in the SMP are intended to provide a high degree of environmental protection with the Urban Conservancy designation at Pipe Lake.

Pursuant to Table 1, Shoreline Uses, in Chapter 6, water related recreational facilities are a permitted use and non-water oriented recreational facilities require a conditional use permit unless they are accessory to a permitted use. All transportation facilities would require a conditional use permit. Parking would not be allowed as a primary use in the shoreline area and would only be allowed as an accessory use with a conditional use permit. Parking use regulations in Chapter 6 of the proposed SMP provide significant restrictions on how parking can be sited, designed, and constructed in the shoreline area. Significantly, new and reconstructed parking areas shall use low impact development techniques as appropriate and adequate controls to prevent contamination of water bodies with polluted run-off.

All development would also be required to meet all standards in the SMP, including Table 2, Dimensional Standards, in Chapter 6, as well as specific Shoreline Use Regulations for Recreational Development in Chapter 6. These standards are designed to ensure no net loss of ecological function. Under the proposed dimensional standards in Chapter 6, Table 2, impervious surface coverage would be limited to 10% within the shoreline management area, and all non-water dependent development would be required to meet a 115 foot shoreline buffer, with an additional 15 foot building setback. Because of the high ecological function on the Camp McCullough property, no buffer reduction would be allowed in the Urban Conservancy Environment.

4.1.5 Overwater Structures

There are approximately 30 piers (some may be obscured by trees in the aerial photo) in Covington's Pipe Lake shoreline, and at least five small swimming platforms. Most of the piers are less than 60 feet long. The longest pier is located at Camp McCullough, and is approximately 100 feet long. There are 34 parcels on Covington's Pipe Lake shoreline, indicating that there is potential for an increase of approximately four more piers. Digital layers of piers in Pipe Lake are not available, so detailed statistical analyses of pier length and area were not generated. Total overwater cover and number of structures are relevant to ecological function assessment. Total overwater cover is an indication of the amount of lake surface that is shaded, which can impact growth of aquatic vegetation and subsequently the food chain as a whole. The number of structures is relevant as it indicates the number of artificial objects that that can alter fish behavior and species interactions.

Under the proposed SMP standards for Overwater Structures in Chapter 7 of the SMP, piers and docks are only allowed for a water dependent use (which includes single family where needed for a boat), and pier length, width and area must be limited to the "minimum necessary to support the intended use". Specially, pier length is limited to 40 feet for a single property owner, 50 feet for a joint use structure and 80 feet for a pier that allowed public access. Pier walkways must be fully grated and all ells and floats must have a minimum 20 foot wide strip of grating down the center. Surface coverage, including all floats, ramps and ells, shall be limited to 400 feet for a single property owner, 600 hundred feet for a joint-use structure and 800 feet for a pier that allows public access.

Outside of the Urban Conservancy environment, recreational floats would be allowed in lieu of a moorage pier. Within the Urban Conservancy designation, both a moorage pier and a recreational float are allowed, but both would require a conditional use permit. Because of the existing presence of docks, only a very limited potential exists for additional floats (e.g. approximately 5). Under the new proposed standards, recreational floats must have fully grated decks, encapsulated float tubs and are limited to a maximum of 200 square feet. Recreational floats must be in water depths of 8 feet or more at the landward end of the float and may be located up to a maximum distance of 50 feet or where the water depth is demonstrated safe for swimming, whichever is reached first.

Launching rails would be permitted as a conditional use in the shoreline residential environment in the Urban Conservancy environment when not accessory for residential structures, but only in lieu of a moorage pier. Therefore limited potential exists for these modifications. Launching

ramps are only permitted in the Urban Conservancy environment with a Conditional Use Permit and are restricted to the minimum length to safely launch the intended craft.

All shoreline modifications would be required to comply with the SMP (e.g. Regulation 1, Chapter 4, “no use activity or modification shall result in a net loss of shoreline ecological function. Impacts to ecological functions in the SMA shall be avoided, minimized and mitigated to achieve this standard”. Based on the existing developed condition of the single family residential areas in combination with the requirements of the SMP, which provide for effective reductions in future dock size when compared to a typical existing dock, no net loss of ecological function is expected. Within the Urban Conservancy environment, there is an existing overwater structures and in addition, in some cases, more restrictive regulations apply to both in overwater and upland modifications. Therefore, no net loss of ecological function is expected in this proposed environment.

4.1.6 Shoreline Stabilization

Shoreline Residential Environment

According to aerial photos and a brief site visit, there is very minimal shoreline armoring along the lake within City limits. In fact, based on aerial photos and site visits, more than 80 percent of the lake within the City’s jurisdiction is natural shoreline. Potential exists for new shoreline stabilization in the Shoreline Residential Environment. However, under the proposed SMP standards, new structural stabilization measures and enlargement of existing structural stabilization measures shall be limited to the minimum size necessary and shall be permitted only when it has been conclusively demonstrated through scientific analysis that shoreline stabilization is necessary to protect existing primary structures, public improvements, ecological function restoration projects or hazardous substance remediation projects from erosion, and that nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.

There are only three vacant lots on Pipe Lake and as previously stated, there is no significant short term potential for subdivision of existing residential lots. Standards in the SMP also prohibit the creation of new lots that would require shoreline stabilization (see Chapter 7, Shoreline Stabilization). Furthermore, based on the size of Pipe Lake and the fact that motorized boats are not allowed and that there are no steep or landslide prone slopes within the Pipe Lake SMA, there is very little potential for erosion based on wave action. As previously described, the vast majority of structures are more than 50 feet from the Lake and most of the existing shoreline stabilization appears to be installed for primarily aesthetic reasons. Based on these factors, it is unlikely that there will be new structural stabilization permitted with the Shoreline Residential Environment of Pipe Lake because such proposals would not meet the new requirements.

There is somewhat greater potential for existing shoreline stabilization measures to be replaced. Under the proposed SMP, an existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves. Shoreline stabilization solutions developed to replace existing shoreline stabilization shall be placed along the same alignment as, or landward of, the shoreline stabilization being replaced, except as noted below. Where existing structural

stabilization is replaced by soft shoreline stabilization using bioengineering techniques and results in a documented improvement of shoreline functions, such stabilization may be allowed waterward of the ordinary high-water mark subject to state and federal approvals.

However, the Shoreline Buffer Reduction Mechanisms in Table 3 in chapter 6 of the SMP provide significant incentives for the removal of existing shoreline stabilization during redevelopment. For example, a property owner could reduce the required buffer of 115 feet to 85 feet by removing an existing bulkhead consistent with the specific requirements. Based on the proposed regulations, it is expected that over time there will be a net reduction in shoreline armoring along Pipe Lake because it generally is not needed to prevent any real threat of erosion, it is not allowed unless the applicant demonstrates this need and meets certain other conditions, and the proposed standards create significant incentives for removal of existing bulkheads.

Urban Conservancy Environment

The largest stretch of natural shoreline is located along the western shore (800 feet). This shoreline is owned by Camp McCullough (First Presbyterian Church of Tacoma). Based on the proposed regulations as previously discussed, it is not likely that shoreline stabilization measures would be allowed at this site. Furthermore, shoreline stabilization other than bioengineering using plant materials would require a Conditional Use Permit.

4.2 JENKINS CREEK

4.2.1 *Patterns of Shoreline Activity*

No record exists of any shoreline permits being issued since incorporation.

4.2.2 *Residential Development*

Reach 1 of Jenkins Creek is currently developed as the BPA Substation. There is no current residential development in this segment. Although residential development is allowed under the proposed SMP, none is expected because of the current and likely future use of this property as a major utility facility.

The vast majority of Reach 2 of Jenkins Creek is developed as large lot single family, with two vacant lots. Sewer is not available to the majority of lots in this reach of Jenkins Creek and would be necessary for additional major development. Therefore no new residential development is expected in the near term in the majority of this area.

In the medium to long term, single family and multifamily residential development is possible. Under the existing DN7-B Zone, up to 36 dwelling units per acre are allowed. Under the existing DN7-A zone, up to 12 units per acre are allowed. Approximately 15 lots are located in the DN7-B zone within shoreline jurisdiction. Up to 8 lots may be located within the DN7-A zone in shoreline jurisdiction. These 23 lots amount to approximately 26 acres of land. However, at the most, only 17 acres is located within the Shoreline Management Area of this reach of Jenkins Creek. This figure could be as little as 10 acres in shoreline jurisdiction if areas currently mapped as wetlands do not meet the criteria for wetlands. Lots along this stretch of

Jenkins Creek abut Wax Road and most of the lots appear to contain buildable area outside of shoreline designation. The mapped landward edge of the boundary of the shoreline management area in this reach of Jenkins Creek is based largely upon the location of a mapped wetland. However, site specific studies would be required to determine the actual boundary. Areas that do not meet wetland criteria and are located outside more than 200 feet from the OHWM or floodway would not be subject to the requirements of the SMP.

There is a 115 foot buffer and an additional 15 foot building setback proposed from the Jenkins Creek OHWM under the draft SMP to provide the necessary protection for this shoreline reach. Furthermore, wetlands associated with Jenkins Creek are also known to exist in this area. Critical area regulations contained in Appendix A of the SMP would provide additional restrictions on residential development where these features are located. Based on these factors particularly wetland requirements that would be applied based on site specific conditions, it is difficult to say with any certainty the actual number of new residential units that could be constructed with this reach of the Jenkins Creek SMA. If the mapped boundary of the suspected wetlands is accurate this could be as little as 36 new units up to perhaps 200 units.

4.2.3 Commercial and Industrial Development

Reach 1 of Jenkins Creek is currently developed as the BPA Substation, which can be considered a type of industrial site. There is no current commercial development in this segment. Although allowed under the proposed SMP, commercial development in this reach is not likely as the BPA Substation is expected to remain for the long term. Additional intensification of this site and the utility use may occur. The Dimensional Standards in Table 2 of Chapter 6 establish a 115 foot buffer and 15 foot building setback. However, it is not clear whether the federal government would follow these local standards. No development is expected beyond the existing graded, leveled and fenced compound however.

According to the King County Assessor, there are no current commercial uses in Reach 2 of the Jenkins Creek SMA. However, limited commercial uses are allowed in the DN7-A and DN7-B zones are previously described. Although some commercial uses would be allowed in the Medium Intensity environment closer to Wax road in areas that are currently used for single family home sites, commercial uses would not be allowed as a primary use within the Urban Conservancy environment (i.e. 115 feet from the OHWM of Jenkins Creek) and all structures would be required to be setback 130 feet from the Creek as previously described.

Commercial uses in the Medium Intensity environment would also be subject to wetland standards as previously described, which in some cases may preclude development of this use on a site. Buildings of up to 45 feet would be allowed in the Medium Intensity Environment. Within the DN7-B zone there is approximately 2,400 feet of street frontage along Wax Road and an additional 740 feet of street frontage in the DN-7A zone within potential shoreline jurisdiction, for a total of 3,140 feet. Based on the minimum lot width of 60 feet for non-residential construction in the Medium Intensity environment, this area could be reconfigured into a maximum of 52 lots. CMC Section 18.30.045 allows a building footprint of up to 5,000 square feet in the DN-7B zone and 77,000 square feet in the DN-7A zone.

Based on these factors, and particularly wetland requirements that would be applied based on site

specific conditions, it is difficult to say with any certainty the actual amount of commercial development that could be constructed with this reach of the Jenkins Creek SMA. At the very most, no more than 300,000 square feet of commercial and office space would be constructed along this portion of Wax Road, with less than 30% or about 90,000 square feet of commercial development actually located in the shoreline management area where it would be confined to the Medium Intensity environment, where it is allowed. However, this amount of development appears to be unlikely in the foreseeable future. Short term to medium development potential is more limited as approximately the northern half of this area is not currently connected to sewer. Alternatively, wetland restrictions could mean as little as only one acre of actual land could be available in the Jenkins Creek SMA for commercial development. Based on a maximum building sizes of 5,000 square feet in the DN-7B Zone, maximum expected floor area ratio of perhaps 1:1 for development with surface parking, 20,000 to 50,000 square feet of commercial in the Jenkins Creek SMA might be closer to the range of commercial square footage expected over the long-term in the Medium Intensity portion of the SMA.

4.2.4 Recreational Development

Reach 1 of Jenkins Creek is currently developed as the BPA Substation. This is no current recreational development in this segment. Although recreational development is allowed under the proposed SMP, none is expected because of the current and likely future use of this property as a major utility facility.

Recreational development is likely in Reach 2 of Jenkins Creek, upstream of the Covington Way SE bridge. Potential future projects that would provide additional opportunities for shoreline access within the SMA of Jenkins Creek are identified in the Park CIP. They include development of South Covington Park, and expansion of Jenkins Creek and 191st Place SE trails. South Covington Park would be located directly adjacent to Jenkins Creek and accessible from SE Wax Road. In addition to featuring playfields for softball and soccer, the park would tie in to the proposed Jenkins Creek Trail. The 191st Place SE trail would cross Jenkins Creek at Covington Way SE. Both of these projects would provide additional opportunities for public access to the shoreline. However, no funding has been dedicated for their development at this time. Recreational development would be required to meet all standards in the SMP. Most structures would not be allowed (e.g. bridges would be allowed). Trails would be required to meet specific standards in the SMP to minimize impacts and mitigation would be required to meet no net loss.

4.2.5 Overwater Structures

Jenkins Creek is not navigable. Overwater structures other than a foot, bike or road bridge would not be permitted under the regulations contained in Chapter 7 of the proposed SMP. The only anticipated overwater structures would be potential expansion of the Covington Way SE road bridge and the potential for a bridge that would link the potential Jenkins Creek Trail with the existing King County Open Space parcel to the south, which is primarily on the left bank of Jenkins Creek, looking downstream.

4.2.6 Shoreline Modifications

Reach 1 of Jenkins Creek is currently developed as the BPA Substation and shoreline armoring and other modifications exist along most of this reach as previously in this report. New rip rap is not permitted, unless associated with the bridge, however spoil bioengineering is allowed pursuant to Table 4 in Chapter 7. ~~Wiers~~Weirs would require a conditional use permit in all aquatic areas, however, pursuant to the standards in Chapter 7 related to this shoreline modification, new weirs shall be allowed as a conditional use only when evidence is presented through a report prepared by a geotechnical engineer or other qualified professional that conclusively demonstrates that a weir is necessary and all other alternatives have proven infeasible. Repair and maintenance of existing weir is permitted, but when a more environmentally sound solution exists, weirs must be modified or removed. Weirs must be constructed of natural materials and meet no net loss, with mitigation as necessary to meet this standard.

No known shoreline modifications exist along Reach 2. New rip rap is not permitted, unless associated with a bridge and is determined to be necessary, however spoil bioengineering is allowed pursuant to Table 4 in Chapter 7. Additional shoreline modifications are expected to be limited to abutments and erosion protection associated with future public access to the Creek.

4.4 BIG SOOS CREEK

4.4.1 Patterns of Shoreline Activity

No record exists of any shoreline permits being issued since incorporation.

4.4.2 Residential Development

Additional residential development is expected to be extremely limited along Big Soos Creek because virtually the entire Big Soos Creek SMA is mapped as a large, high quality wetland. Although up to one house per acre would be allowed with a conditional use permit in the Big Soos Creek SMA, we do not expect virtually any residential development in this area because of wetland as well as flood plain restrictions. There is potential for perhaps one additional home in the extreme northeast corner of the Big Soos Creek SMA, the only portion of the SMA that is believed to be outside ~~of a~~of designated wetlands. However, development would be required to meet wetland setbacks, the 115 foot buffer and an additional 15 foot building setback.

4.4.3 Commercial and Industrial Development

Industrial development and commercial development as a primary use are prohibited in the Urban Conservancy environment in the proposed SMP. Limited accessory commercial development could be allowed with a Conditional Use Permit, however this use (other than a home occupation) is considered unlikely in the Big Soos Creek SMA.

4.4.4 Recreational Development

Future recreational development is likely in the Big Soos Creek SMA. The City currently has a public access site north of SR 18 and has plans to expand the Soos Creek trail system along Big Soos Creek. However, no funding has been dedicated for this trail at this time.

4.4.5 Overwater Structures

Other than potential modifications to the SR 18 highway bridge and foot or bike trail bridges under a conditional use permit, there is no potential for additional overwater structures at this time because Big Soos Creek is not navigable and other types of overwater structures are prohibited.

4.4.6 Shoreline Stabilization

Shoreline stabilization would be limited to bioengineering under the proposed SMP, unless such stabilization is necessary for a road, bike or trail bridge. Weirs would be allowed under specific conditions with a conditional use permit.

5.0 STATE, LOCAL AND FEDERAL REGULATIONS

5.1 CITY MASTER PROGRAM

As discussed in detail in Section 4.0, the SMP has been crafted after consideration of reasonably foreseeable development and how this development could impact the functions and processes that are potentially at risk that were discussed in Section 3.0. In addition to the specific details provided in these previous sections, this section provides a brief overview of the entire master program and how it generally addresses the protection of ecological functions and processes from cumulative impacts. The section is intended to put the SMP regulations within context of the other regulations that apply to this area.

The first level of protection provided by the SMP is the recognition of five different shoreline environment types in Covington: High Intensity, Medium Intensity, Shoreline Residential, Urban Conservancy, and Aquatic. These environments were assigned based primarily on existing and proposed land uses, which implicitly encompasses differing levels of ecological functions and different probabilities and potentials for improvements of ecological functions.

The High Intensity Environment along Jenkins Creek contains the BPA Substation and has been heavily modified. The intent of this designation is to allow for this utility use and the restoration of degraded functions. The Medium Intensity Environment along Jenkins Creek, is limited to those areas at least 115 feet from the Ordinary High Water Mark of the stream. This area is intended to allow a greater range of uses and public access and encourage needed sewer improvements for environmental protection in areas currently developed as single family residential lots on septic systems. The Shoreline Residential Environment is very developed with residential uses, with reduced structure setbacks, increased shoreline modifications, and high imperviousness. This area is intended to allow these uses to continue, along with encouraging environmental enhancement of degraded functions through redevelopment incentives. Finally the Urban Conservancy Environment has been designated in those area that have high or moderate environmental function, limited development, that are susceptible to negative impacts, and where improvement of public access is a high priority along with enhancement of ecological function.

The proposed SMP contains numerous policies, with supporting regulations intended to protect the ecological functions of the shoreline and maintain, at a minimum, the current level of function. Key relevant policies and regulations were provided as examples in Sections 3.0 and Section 4.0. Major sections of the proposed SMP are referenced and summarized below and in more detail in the Cumulative Impact Analysis Tables in Appendix A.

Table 1. Summary of Shoreline Master Program Policies and Regulations

SMP Goal, Policy or Regulation	Purpose/Result of SMP Provision	Key general ecological functions protected
Chapter 3, Goals of the Shoreline Management Program	Identifies the major elements of the SMP, including conservation, and outlining the intent of economic development, public access, recreation, circulation, shoreline uses, flood hazard management and all uses and development to be consistent with ecological protection to the maximum extent possible.	All, with specific focus on key concepts, balancing major and at times competing objectives while achieving no net loss
Chapter 4, General Shoreline Policies and Regulations	Identifies general policies and regulations that apply to uses, developments and activities in all shoreline areas. Specifically, it contains the requirement that all development and uses meet no net loss, and provides specific standards for areas such as critical areas, vegetation conservation, and water quality.	All, with focus on critical areas, vegetation and water quality, including wastewater and stormwater.
Chapter 5, Shoreline Environments	Identifies the system to classify shoreline areas into specific designations based on existing use, biologic and physical character and the goals and aspirations of the community. Specifically, the environments are the key to providing appropriate and specific regulations to ensure no net loss in both developed and relatively undeveloped areas with high functions.	All, with specific focus on protecting upland soils, vegetation and habitat and aquatic areas based on the specific needs and conditions of that land area.
Chapter 6, Specific Shoreline Use Policies and Regulations	Contains a matrix that tells you what uses are allowed in what shoreline environments. Sets forth policies and regulations necessary to achieve no net loss for specific categories of uses and activities found in the shoreline area. The policies and regulations cover the following uses and activities: Agriculture, Aquaculture, Commercial Development (Primary and Accessory), Industrial Development, Mining, Parking (as a primary use), Recreational Facilities, Residential Development, Scientific, Historical, Cultural, or Educational Uses, Signage, Transportation, and Utilities (Primary and Accessory). This section contains important dimensional standards and key buffer and setback reductions provisions.	All, with specific focus on the unique aspects of specific uses (e.g. utilities, parking, transportation and recreation) that require specific and unique requirements to assure no net loss.
Chapter 7, Shoreline Modification Policies and Regulations	Provides policies and regulations for those activities that modify the physical configuration or qualities of the shoreline area, such as clearing and grading, shoreline stabilization, dredging and fill and overwater structures, such as docks, floats and piers. Contains the important shoreline modification matrix that tells you what modifications are allowed where.	All, with specific focus on protecting aquatic habitat, organic matter and sediment recruitment, attenuating wave energy, water quality and stabilization

5.2 BENEFICIAL EFFECTS OF OTHER ESTABLISHED REGULATORY PROGRAMS

5.2.1 *Other Laws and Programs*

There are a number of established local, state, and federal laws and regulatory programs that provide beneficial effects on shorelines, besides the SMP and the state SMA. City regulations and programs include: Critical Areas Ordinance, Comprehensive Plan, Tree Protection Regulations, Stormwater and Clearing and Grading Regulations, and Parks, Recreation and Open Space Plan. The City is currently working on updating its stormwater manual and other efforts related to NPDES Phase II stormwater compliance under the federal clean water act. These efforts will have major positive impacts on water quality and water quantity in the SMA of Covington. This will impact the full range of related functions.

State and federal regulations and programs include: Growth Management Act (GMA), State Environmental Policy Act (SEPA), Regulatory Reform (ESHB 1724), Clean Water Act, Public Trust Doctrine, and Aquatic Lands. In addition, there are numerous regional programs that provide benefits to the City's shoreline. These include the Puget Sound Water Quality Management Plan, King County Flood Hazard Reduction Plan, King County Basin Reconnaissance Program, Watershed Forums, and WRIA 9 Chinook Salmon Conservation Plan.

Through its planning goals, the Growth Management Act (GMA) encourages economic development that is consistent with adopted comprehensive plan and that is within the capacities of the state's natural resources. The GMA also requires local governments to maintain and enhance natural-resource-based industries, including anadromous fisheries and agricultural industries. Policies that give preference to development that is dependent on the economic resources of the shoreline, including anadromous fisheries and agriculture, would be consistent with these GMA goals. Discouraging intense economic development in critical salmon spawning areas would be consistent with other GMA goals for protecting fish and wildlife habitat, and protecting the environment. Encouraging water-enjoyment uses in appropriate locations would further GMA's directive to increase access to natural resource lands and water.

The Comprehensive Plan directs that businesses shall limit adverse impacts such as noise, vibration, smoke, fumes, surface or groundwater pollution, air pollution, hazardous wastes and risk of explosion. The Plan also contains numerous policies that direct land uses to respond to important natural or community features, and that limit development in areas with significant natural resource values, reflecting the city's goals for a high quality of life and for protecting the quality of the environment. The Comprehensive plan contains policies designed to protect critical areas, water quality, fish and wildlife habitat and wildlife corridors. These policies limit development in areas with significant natural resource values. Policies that establish guidelines for managing the impacts of shoreline development would be consistent with the Comprehensive Plan. The Covington Municipal Code guides the character and quality of development relative to shoreline features, especially through critical areas regulations, landscaping regulations and tree protection regulations.

5.2.2 Washington Department of Fish and Wildlife

The Washington Department of Fish and Wildlife has jurisdiction over in- and over-water activities up to and including the ordinary high water mark, as well as any other activities that could “use, divert, obstruct, or change the bed or flow of state waters” (<http://www.wdfw.wa.gov/hab/hpapage.htm>). Practically speaking, these activities in the City of Lake Forest Park include, but are not limited to, installation or modification of shoreline stabilization measures, piers and accessory structures such as boatlifts, culverts, and bridges and footbridges. These types of projects must obtain a Hydraulic Project Approval from WDFW, which will contain conditions intended to prevent damage to fish and other aquatic life, and their habitats. In some cases, the project may be denied if significant impacts would occur that could not be adequately mitigated.

5.2.3 Washington Department of Ecology

The Washington Department of Ecology may review and condition a variety of project types in Covington, including any project that needs a permit from the U.S. Army Corps of Engineers (see below), any project that requires a shoreline Conditional Use Permit or Shoreline Variance, and any project that disturbs more than 1 acre of land. Project types that may trigger Ecology involvement include pier and shoreline modification proposals and wetland or stream modification proposals, among others. Ecology’s three primary goals are to: 1) prevent pollution, 2) clean up pollution, and 3) support sustainable communities and natural resources (<http://www.ecy.wa.gov/about.html>). Their authority comes from the State Shoreline Management Act, Section 401 of the Federal Clean Water Act, the Federal Water Pollution Control Act, the Federal Coastal Zone Management Act of 1972, the State Environmental Policy Act, the Growth Management Act, and various RCWs and WACs of the State of Washington.

5.2.3 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers has jurisdiction over any work in or over navigable waters (including Pipe Lake) under Section 10 of the Federal Rivers and Harbors Act of 1899, and discharges of dredged or fill material into waters of the United States (including Lake Washington, streams, and non-isolated wetlands) under Section 404 of the Federal Clean Water Act.

6.0 NET EFFECT ON ECOLOGICAL FUNCTIONS AND PROCESSES

As described above, the proposed SMP provides a substantially increased level of protection to shoreline ecological functions relative to the existing SMP. On its own, the proposed SMP is expected to protect shorelines within the City of Covington, resulting in no net loss of shoreline ecological function. In addition, the application of the SMP may improve ecological functions over time in several areas due to these areas being degraded from past practices that will no longer be allowed under the new SMP and significant enhancement incentives in targeted areas, such as the shoreline residential environment. State and federal regulations, acting in concert with this SMP, will provide further assurances of improved shoreline ecological functions over time. Together with the implementation of the Shoreline Restoration Plan over time, the SMP is expected to begin to address the enhancement and restoration of shoreline functions in ~~those~~ areathose areas where they are currently impaired.

APPENDIX A

CUMMULATIVE IMPACT ANALYSIS TABLE

4.1 PIPE LAKE

Shoreline Process and Function	Potential Alteration and Resource at Risk	Proposed SMP Policies and Regulations	Non-regulatory Measures	Current Performance	Future Performance
Hydrologic					
Storing water and sediment (water quantity and quality)	Removal of vegetation and impervious surface development Camp McCullough property in Reach 1 is largely undeveloped with natural shoreline conditions and is the most important conservation objective on Pipe Lake, in addition there are two undeveloped vacant single family properties and potential for additional impacts through redevelopment of larger homes on existing single family sites.	List key policies and regs here	List any items from restoration plan	Reach 1 (Urban Conservancy): MODERATE/HIGH Reach 2 (Shoreline Residential): LOW/MODERATE	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT
Attenuating wave energy	Vegetation removal, increased runoff from impervious surfaces and the development of bulkheads all have potential impacts on this function. Only 30% of the shoreline			Reach 1: MODERATE/HIGH Reach 2: LOW/	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED

	has been bulkheaded, but many lots of grass down to water. Camp McCullough has largely natural shoreline conditions.				IMPROVEMENT
Removing excess nutrients and compounds				Reach 1: MODERATE/ HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT
Recruitment of LWD and other organic material				Reach 1: LOW/ MODERATE Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT
Vegetation					
Temperature regulation				Reach 1: HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT
Water Quality Improvement				Reach 1: MODERATE/ HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED

					IMPROVEMENT
Attenuating wave energy				Reach 1: HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE /EXPECTED IMPROVEMENT
Sediment removal and bank stabilization				Reach 1: HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT
LWD and organic matter recruitment				Reach 1: MODERATE/HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT
Hyporehic					
Removing excess nutrients and toxic compounds				Reach 1: MODERATE/HIGH Reach 2: MODERATE/LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT

Water storage				Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT
Support of vegetation			Reach 1: MODERATE Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT
Sediment storage and maintenance of base flows			Reach 1: MODERATE Reach 2: LOW/ MODERATE	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT
Habitat				
Physical space and conditions for life history			Reach 1: MODERATE/ HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: EXPECTED IMPROVEMENT
Food production			Reach 1: MODERATE/	Reach 1: NO CHANGE

and delivery				HIGH Reach 2: LOW	Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT
Overall Pipe Lake Ecological Function					Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT

4.2 JENKINS CREEK

Ecological Function	Potential Alteration and Resource at Risk	Proposed SMP Policies and Regulations	Non-regulatory Measures	Current Performance	Future Performance
Hydrologic					
Storing water and sediment				Reach 1 (Urban Conservancy): MODERATE/HIGH Reach 2 (Shoreline Residential): LOW/MODERATE	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT NT
Attenuating wave energy				Reach 1: MODERATE/HIGH	Reach 1: NO CHANGE Reach 2: NO

					Reach 2: LOW/MODERATE	CHANGE/ EXPECTED IMPROVEMENT NT
Removing excess nutrients and compounds					Reach 1: MODERATE/HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT NT
Recruitment of LWD and other organic material					Reach 1: LOW/ MODERATE Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT NT
Vegetation						
Temperature regulation					Reach 1: HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT NT
Water Quality Improvement					Reach 1: MODERATE/HIGH	Reach 1: NO CHANGE Reach 2: NO

t					Reach 2: LOW	CHANGE/ EXPECTED IMPROVEMENT NT
Attenuating wave energy					Reach 1: HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE /EXPECTED IMPROVEMENT NT
Sediment removal and bank stabilization					Reach 1: HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT NT
LWD and organic matter recruitment					Reach 1: MODERATE/HI GH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT NT
Hyporethic						
Removing excess nutrients and toxic compounds					Reach 1: MODERATE/HI GH Reach 2: MODERATE/L	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED

					OW	IMPROVEMENT
Water storage					Reach 1: MODERATE/HIGH Reach 2: MODERATE	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT
Support of vegetation					Reach 1: MODERATE Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT
Sediment storage and maintenance of base flows					Reach 1: MODERATE Reach 2: LOW/MODERATE	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT
Habitat						
Physical space and conditions for life history					Reach 1: MODERATE/HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: EXPECTED IMPROVEMENT

					NT
Food production and delivery				Reach 1: MODERATE/HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT NT
Overall Pipe Lake Ecological Function					Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT NT

4.2 BIG SOOS CREEK

Ecological Function	Potential Alteration and Resource at Risk	Proposed SMP Policies and Regulations	Non-regulatory Measures	Current Performance	Future Performance
Hydrologic					
Storing water and sediment				Reach 1 (Urban Conservancy): MODERATE/HIGH Reach 2 (Shoreline Residential): LOW/MODERATE	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT NT

Attenuating wave energy				TE Reach 1: MODERATE/HIGH Reach 2: LOW/MODERATE	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT
Removing excess nutrients and compounds				Reach 1: MODERATE/HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT
Recruitment of LWD and other organic material				Reach 1: LOW/MODERATE Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT
Vegetation					
Temperature regulation				Reach 1: HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT

Water Quality Improvement				Reach 1: NO MODERATE/HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT NT
Attenuating wave energy				Reach 1: HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT NT
Sediment removal and bank stabilization				Reach 1: HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT NT
LWD and organic matter recruitment				Reach 1: MODERATE/HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT NT

Hyporehic					Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT
Removing excess nutrients and toxic compounds				Reach 1: MODERATE/HIGH Reach 2: MODERATE/LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT
Water storage				Reach 1: MODERATE/HIGH Reach 2: MODERATE	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT
Support of vegetation				Reach 1: MODERATE Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT
Sediment storage and maintenance of base flows				Reach 1: MODERATE Reach 2: LOW/MODERATE	Reach 1: NO CHANGE Reach 2: NO CHANGE/ EXPECTED IMPROVEMENT

Habitat					
Physical space and conditions for life history				Reach 1: MODERATE/HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: EXPECTED IMPROVEMENT
Food production and delivery				Reach 1: MODERATE/HIGH Reach 2: LOW	Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT
Overall Pipe Lake Ecological Function					Reach 1: NO CHANGE Reach 2: NO CHANGE/EXPECTED IMPROVEMENT

Summary of Comments from DOE on Draft Covington SMP
Bob Fritzen
May 11, 2010

- 1.) Page 23: Definition of Setback- write out “ordinary high water mark”.
- 2.) Page 37: Regulation #4 under Critical Area Regulations-replace with the following new language “those most consistent with the provisions found in RCW 90.58.020 as determined by the Shoreline Administrator shall apply”.
- 3.) Page 124: Regulation #9 B Posting & Publishing-replace with the following new language “The Administrator shall be responsible for delivering the legal notice containing the information required by WAC 173-14-070 to the newspaper to be published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed. Advertising costs will be the responsibility of the applicant.”
- 4.) Page 125: Regulation #13 B Washington State Department of Ecology Review-add the following new language “The City and the Department of Ecology may, in addition, apply the more restrictive criteria where they exist in the shoreline master programs”.
- 5.) Page 126: Regulation #16 Duration of Permits-add the following new language “Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the shoreline master program and this chapter, the City may adopt different time limits from those set forth in subsections (A) and (B) of this section as a part of action on a substantial development permit”.
- 6.) Page 134: Regulation #44 under Conflict of Provisions-replace with the following new language “the requirement which most supports the provisions of 90.58.020”.



MUCKLESHOOT INDIAN TRIBE
Fisheries Division

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February 18, 2010

Mr. Richard Hart
Planning Manager
City of Covington
16720 SE 271st Street
Covington, WA 98042

RE: City of Covington, Shoreline Master Program Update, Determination of Non-Significance

Dear Mr. Hart:

The Muckleshoot Indian Tribe Fisheries Division (MITFD) has reviewed the City of Covington's Draft Shoreline Master Program (SMP), its associated maps, the Draft Shoreline Analysis Report, the Draft Shoreline Restoration Plan, and the Draft Cumulative Impacts Assessment. As we noted in a previous email, the MITFD was not sent any of the Draft SMP update documents as previously requested; therefore, this was the first opportunity that we had to review these documents. You will find our attached comments to these documents in the interest of protecting and restoring the Tribe's treaty protected fisheries resources.

In general, we appreciate the City's commitment and ongoing efforts to protect and restore salmonid habitat. The Shoreline Master Program is one tool that City can use for this purpose. It is important to note that the Muckleshoot Indian Tribe relies, in part, on the salmon production capabilities of Big Soos and Jenkins Creeks for the Tribe's ceremonial, commercial and subsistence fisheries. The City needs to ensure that the SMP and its implementation do not continue the degradation of treaty protected fisheries resources.

We appreciate the opportunity to review and comment on the SMP. We are available to meet to discuss these comments and answer any questions that the City may have. Please call me at 253-876-3116 to set up this meeting.

Sincerely,

Karen Walter
Watersheds and Land Use Team Leader

Cc: Bob Fritzen, WDOE, NW Region

Covington Shoreline Master Program Comments

The following are specific comments from the Muckleshoot Indian Tribe Fisheries Division in response to the City of Covington's Draft Shoreline Master Program documents. Each comment is shown by Chapter, Section, Page Number and Specific item as described in the specific draft SMP document to assist with identification of the comments. Some comments also refer to the SMP figures as noted.

[In general the City agrees with over 20 of the specific comments and will make those changes in wording or the addition of new and revised policies. There are also other areas where the City believes that we must balance the need for public access to the shoreline areas with the desire of the Tribe to prohibit trails and access to the shoreline area. Of course the City will always encourage that those minimally needed trails and access to the shoreline areas of the Jenkins Creek and Soos Creek be located as far away from the streams as feasible, hopefully 80-100 feet away from the stream centerline. The SMA does require that Cities provide for public access and consider Handicapped Accessibility, which suggests that locations be as near to near the streams as feasible. And the City will always meet the "no net loss" standard when allowing those trail provisions. The City is striving for a balance of the SMA goals, which can often be difficult.]

I. Covington Shoreline Master Program Comments

Chapter 3 Goals of the Shoreline Management Program

1. Public Access Element policies, page 29

These policies should include a policy for new trails to be located outside of the regulated shoreline area. Where trails cannot be located outside of the regulated shoreline area because of limited parcel size (i.e. less than 200 feet in width so entire parcel is within regulated shoreline area), then trails should be limited in width and located in the very outer portion of the regulated shoreline area. As written now, trails could be located adjacent to Big Soos Creek and Jenkins Creek. Figure 12 shows new trails paralleling shoreline areas for both streams, which will result in an increase in human access and associated disturbance to fish, increased soil erosion, as well as trails that preclude riparian growth and restoration and all of the functions for riparian areas, especially wood recruitment for instream habitat.

[The SMA does require that cities allow shoreline access. Our intent is to manage the process of trails and public access with the intent of locating such trails at the outer edges of the shoreline area (80-100 feet from the actual stream. We will look at some possible language modification to emphasize our intent for location and to reinforce the use of the "no net loss" standard when allowing such trails. The City can't include a policy that would prohibit them, but we will consider making some wording adjustments to limit widths and focus location at the very outer limits of the shoreline regulated areas.]

2. Public access structures should be required to fully mitigate for impacts to the shoreline and shoreline buffers.

[The City will adjust language to make it clear that public access structures should "fully mitigate for impacts" to the shoreline & buffers.]

3. Circulation Element policies, page 30

New stream crossings should be minimized and designed such that the culvert or bridge passes adult and juvenile salmon without interference as well as passes wood, water, and sediment for the 100 year return storm event. All stream crossings should be required to fully mitigate for their impacts. Many of these

impacts are described within the Washington Department of Fish and Wildlife's Fish Passage Guidelines (see <http://wdfw.wa.gov/hab/engineer/cm/>).

[The city agrees that stream crossing should be minimized and culverts & bridge allow passage of salmon. We don't want to tie all construction to only the WDFW guidelines, as the science may change. While we will use those standards as a guide, there may be greater standards that prove feasible in the future that we want to impose. We don't want to be so specific that we would actually limit our actions for better or greater standards that could be appropriate as the science changes. We will fully mitigate to a no net loss standard using the most appropriate guidelines based upon the current best available science.]

4. Historic, Cultural, Scientific, and Educational Element policies, page 31

A new policy should be added that allows scientific equipment for monitoring aquatic resources, water quality and other natural features as needed.

[The City agrees. We can add such a policy.]

5. Flood Hazard Management Element, page 31, Policies 8.1 and 8.2

Affected Indian Tribes should be added to the list of entities that the City should work with when flood mapping and flood solutions are developed.

[The City agrees. We can add such a policy.]

Chapter 4 General Shoreline Policies and Regulations

6. Critical Areas regulations, Regulation 5, page 37

Herbicide and pesticide use in streams and rivers should be required to obtain state permits where required by state law.

[The City must comply with State law and such permits will be required-see Regulation 3 on page 37- but we don't need to add such a statement at this location.]

7. Environmental Impact Policies, policy 2, page 38

As written, this policy will likely result in conflicts between successful restoration of habitat based on properly functioning conditions and public access and recreation.

[The City does not necessarily believe the policy will result in conflicts between restoration and public access and recreation. We must allow public access according to SMA. Our intent is not to make the shorelines of Jenkins & Soos Creeks a playground. We will do a site specific analysis on every project that involves public access and any proposed recreation such as trails to ensure full mitigation and "no net loss".]

8. Environmental Impact Regulations, regulation 5, page 38

This regulation should also require that shoreline uses that impact shoreline areas to fully mitigate their impacts.

[This regulation does require that they "fully mitigate" such impacts. See Regulation 1 on page 34.]

9. Public Access Policies, policy 18, page 40

Parks and Trails should be held to the same no net loss of shoreline functions as active recreation sites.

See also our previous comments regarding trail impacts.

[The City understands the concern, and any parks and trails will be held to the same "no net loss" standard. See Regulation 1 on page 34. We will look at adding language that says it.]

10. Public Access regulations, page 42

A new regulation needs to be added that requires no net loss of shoreline functions for trails and public access facilities and full mitigation for environmental impacts to the regulated shoreline area.

[The City does not believe a new regulation is necessary, as it's stated elsewhere. All trails and public access will be held to the same standard of "no net loss"]

11. Shoreline Vegetation Conservation Policies, Policy 14, page 44

Herbicide and pesticide use in streams and rivers should be required to obtain state permits where required by state law.

[The City believes it's already required by State law and they will be required to obtain permits. We don't need to add additional language in our SMP that already is in State law. See Regulation 3 on page 37.]

12. Shoreline Vegetation Conservation Policies, Policy 18, page 45

Existing mature native trees should not be removed unless in absolute emergencies that threaten human life and built structures. As the shoreline inventory indicates that most shoreline regulated areas in Covington lack wood and future wood recruitment; therefore, a loss of these trees will result in at least a temporal impact until replacement trees are equivalent to those removed. Furthermore, if mature native trees are removed under an emergency, then these trees should be placed back into the affected stream or river to partially mitigate for their removal and associated temporal impacts.

[The City believes that vacant land must be allowed to develop for a permitted use, and such use will fully mitigate for its use. Prohibiting removal of native trees except in emergencies is not feasible as this implies no new development. We must be allowed to remove trees if there are new structures. We can't be too restrictive to not allow removal. We have to have some flexibility. However, we will require mitigation, including placement of trees and wood in the affected stream where practical and feasible to partially mitigate. We will explore some modified language to reach that intent.]

13. Shoreline Vegetation regulations, regulations 2 and 3, pages 45-46

See the previous comment.

[The City has the same response as outlined in #12 above.]

14. Water Quality, Stormwater, and Non-Point Pollution Policies, Policy 14, page 48

The City of Covington should adopt and implement the most current stormwater manual applicable to western Washington (i.e. King County or Ecology).

[The City has adopted the most current stormwater manual (2005 Ecology Manual). We will articulate that, and we are up to date with our NPDES work.]

15. Water Quality, Stormwater, and Non-Point Pollution Regulations, Regulation 4, page 49,

See the previous comment.

[The City has the same response as outlined in #12 above.]

Chapter 5 Shoreline Environments

16. Shoreline designations, Medium Intensity Environment, pages 54-56

This proposed "split designation" that will occur starting at 115 feet to 200 feet from the Ordinary High Water Mark of Jenkins Creek with the parallel designation of Urban Conservancy will result in additional adverse impacts to the ecologically based riparian area of Jenkins Creek and future restoration opportunities. The split designation will force the proposed trail and along Jenkins Creek shown in Figure 12 and public access points to be located in the Urban Conservancy designation along the stream. In combination with the likely tree removal and up to 50% impervious surface creation from development in the Medium Intensity Environment portion means that a significant portion of the Jenkins Creek riparian area on the east side (right bank) will incur tree removal and the permanent lost opportunity to restore a fully functional buffer. Therefore, the designation is in direct conflict with the vegetation conservation standards of the draft SMP.

[The City does not feel that the existing development pattern along Jenkins Creek and the potential future development based upon our Comp Plan and existing zoning is consistent with the SMP guideline of Urban Conservancy. Therefore we used the approach of a split designation. The split designation we feel meets our community vision for the area and the rights of existing private property rights for redevelopment consistent with required environmental controls. We will ensure that all new development is fully mitigated and that there is "no net loss" in ecological function. This already developed corridor is not a good fit for a pure Urban Conservancy designation. The City also feels it doesn't necessarily mean that any new trail will be forced into the Urban Conservancy designated area. It could be within the outer half (Medium Intensity Residential) of the split designation.]

17. Also, there is no explanation why aquaculture is not allowed in the Medium Intensity designation. While we know of no plans for any aquaculture activities, aquaculture should be allowed as it could include small scale facilities, such as egg boxes/incubators and projects necessary to propagate fish. Aquaculture is a preferred use in the State's Shoreline WACs.

[The City agrees and will change the use table to allow aquaculture in the Medium Intensity designation and other areas where appropriate and viable.]

18. Urban Conservancy Environment, Regulation 2, page 61

Allowing ancillary commercial development and parking within the shoreline area of the Urban Conservancy Environment is inconsistent with the shoreline policies and will likely result in a net loss of shoreline functions.

[Our intent was to allow water-oriented uses as an accessory use and only by CUP, as allowed in the SMP guidelines. Maybe we can rewrite it to exclude boat rentals and concessions or limit the scope & scale.]

19. Urban Conservancy Environment, Regulation 4, page 62

There is no explanation why aquaculture is not allowed in the Medium Intensity designation. Aquaculture could include small scale facilities and projects necessary to propagate aquatic life. Aquaculture is a preferred use in the State's Shoreline WACs. The only designation where aquaculture is allowed is in the High intensity environment which may have uses that are incompatible with the water dependent aquaculture use.

[The City agrees. We will change it to allow aquaculture in the Urban Conservancy Designation where appropriate and viable.]

20. Urban Conservancy Environment, Regulation 10, page 63

The criteria that will be used to allow an impervious surface variance needs to be discussed.

[The City will provide additional discussion on how this is handled. They can either be established by administrative rule, as was envisioned, or we can write into the regulations an administrative process that gives credit for certain LID methods and pervious surfaces when reviewing "variances". Actually we will be forced to use the standard criteria in the State law when we review variances, so the criteria are already outlined in State law for cities to follow.]

Chapter 6 Specific Shoreline Use Policies and Regulations

21. Table 1: Shoreline Uses, page 65 comments

- This table prohibits aquaculture in all designations, including aquatic which is contrary to the State Shoreline WAC's for aquaculture and is inconsistent with the regulations for high intensity designations as it is not prohibited in this environment as currently written. It is a water dependent use. *[The City agrees and will change the table as pointed out in #17 & #19 above.]*
- The table should break out instream structures for those structures that are part of a fish habitat restoration or mitigation project. The table would require these projects obtain a shoreline conditional use permit, which is likely to increase costs and decrease the desire to do such projects due to the permitting. Other instream structures such as docks, pipelines, culverts, etc should probably get a conditional use permit. *[The City believes it does have a separate line for instream structures on page 65 and it's allowed only by a CUP. That is our intent. We will review to make sure.]*
- Parking as an accessory use in the urban conservancy environment should not be allowed. *[The City believes differently and that we are consistent with the SMP guidelines and the SMA. It is designed to minimize impacts, but parking as an accessory use should not be prohibited totally. That is too restrictive in case there are any park facilities and we must have ADA handicapped Access.]*
- Non-water oriented uses in the urban conservancy environment should not be allowed. *[The City disagrees. We feel we are consistent with the SMA. We discourage these types of uses and only allow limited uses for parks and recreation development. We will still meet "no net loss" criteria.]*
- Trails should not be allowed in the urban conservancy environment. *[The City disagrees. We must balance the need for access to shorelines and park trails along shorelines. We will limit such uses to the outer edges of the shoreline-80-100 feet.]*

- The utilities allowed in the urban conservancy and aquatic environments is too broad and should be restricted to only those that are absolutely necessary. For example, pipelines may need to cross streams but they should do so by boring underneath them, not on the bottom of the streambed. Power substations should not be allowed in the aquatic environment nor should gas storage facilities. Regulations need to be developed for these uses and reflected in this Table. *[The City will look at pulling out the use of power substations and gas storage facilities from the Aquatic Environment. Or we could possibly provide notes to restrict size footprint and location.]*

23. Bulk Regulations for development, Regulation 1, page 69

Shoreline buffers and setbacks need to be based on channel migration zones, where they exist, not ordinary high water mark.

[This is problematic in that we don't have channel migration zones mapped or designated, so we can't really do it. Many times we can't require such studies and base our setbacks on that. On large new development projects we can require it as it's difficult and costly to administer. The best approach would be to fund a study for the entire system not on a site by site basis. The problem you would have requiring it on each and every project is that each scientist tends to approach the subject differently and they can disagree and say the zone is on the next person's property.]

24. Specific shoreline use regulations, aquaculture, page 73

See previous comments 17 and 19 regarding aquaculture.

[The City agrees and will make the change.]

25. Specific shoreline use regulations, parking, page 76

Parking within regulated shoreline areas should not be allowed.

[The City disagrees as stated before and the SMP guidelines allow such uses as long as they are mitigated and meet the "not net loss standard.]

26. Residential Development, permit exemptions, pages 80-81

If single family residences are allowed as a permitted use in the Jenkins Creek urban conservancy environment and as a conditional use in the Big Soos Creek urban conservancy environment but are exempt from a shoreline permit, we request that the Tribe be noticed when a single family residence is proposed in these areas that may seek buffer reductions as allowed in Table 3.

[The City agrees and will provide in the regulations that the Muckleshoot Tribe is always notified so they can comment before decisions are made.]

27. Transportation Facilities, regulation 1, page 84

Bridges, culverts and other river and stream crossings should be designed to sufficiently pass wood, sediment, and fish. Bridge abutments should be located outside of floodplains and channel migration zones.

[The City agrees and will address this and make language changes.]

28. Utilities (primary and accessory), regulations, pages 86-89

Utilities that need water crossings should be deep enough to avoid bank stabilization and stream/riverbed filling when constructed and over time with flooding and bank erosion. Also, boring should be the preferred method of crossing streams and rivers over open trenching.

[The City agrees and will add the specific language to reflect such.]

29. New powerlines, pipelines, and cables proposed to be constructed within the regulated shoreline area, where no other feasible option exists, should be required to fully mitigate their impacts including the permanent loss of to restore trees and vegetation due to their restrictions on trees within the utility corridor.

[The City feels they are required to mitigate impacts and meet the "no net loss" standard. Where no feasible option exists to locate outside of the regulated shoreline, they must be allowed subject to these standards.]

Chapter 7 Specific Shoreline Modification Policies and Regulations

30. Table 4: Shoreline Modifications, page 91

Floats (either accessory or non-accessory to residential structures) should not be allowed in the urban conservancy or aquatic areas of Big Soos Creek and Jenkins Creek due to their potential impacts to salmon and their habitats. Similarly, joint use docks, non-joint use docks and floats, launching rails and ramps should not be allowed in the urban conservancy or aquatic areas of Big Soos Creek and Jenkins Creek. New weirs should not be allowed in the aquatic environment of Big Soos Creek and Jenkins Creek.

[The City generally agrees and can look at cleaning up the language in the table so it's more evident. That was our intent to not allow them. However, as a side note, if no other option exists to control erosion, then how do we provide for that without allowing a new weir?]

31. Clearing and Grading policies, policy 4, page 93

The City should allow only native plants within the regulated shoreline area to ensure no net loss of functions.

[The city feels it should not go beyond its current language of "encourage" native plants. WE feel that meets the SMP guideline. Otherwise we would be telling people to tear up existing lawns and trees and we feel that goes beyond the "no net loss" standard.]

32. Clearing and Grading regulations, regulation 3, page 94

The City should require source control standards and use the low impact development techniques to the fullest extent when regulating stormwater within the shoreline regulated zone.

[The City feels we meet the SMP guidelines and do require such in our Stormwater Plan and our NPDES Standards. We still meet "no net loss". We will take a look and possibly revise.]

33. Clearing and Grading regulations, regulation 5, page 94

As written, this regulation could allow the removal of trees that may otherwise recruit to streams and create fish habitat. Some of ways that trees naturally recruit is through wind damage, ice/snow damage, and general rot. Normal and routine maintenance should be better defined, along with standards for when

a tree is a hazard to structures and needs to be removed. If trees are hazards and need to be removed and the tree could recruit to Big Soos Creek or Jenkins Creek, then the tree should be placed into the affected stream as partial mitigation for its removal.

[The City feels it can't add a new standard to require that wood is placed in the water if no hazard is created. We will look at the language and possibly modify the language for clarifying our intent.]

34. Clearing and Grading regulations, regulation 8, page 95

By allowing ornamental plant species and grass to be replaced with the same species, this regulation will limit the success of restoring shoreline areas with native vegetation and providing ecological functions.

[The City feels it can't totally outlaw grass and oriental plant species. We can encourage it and require a "no net loss" standard to fully mitigate when there is clearing and grading.]

35. Shoreline stabilization, regulation 14, page 99

Alternative methods to shoreline armoring should be considered first and implemented where they are feasible to be consistent with State and Federal mitigation sequencing requirements. Furthermore, where traditional shoreline armoring methods are the only option, these projects should be required to fully mitigate their impacts and the SMP regulations written as such.

[The City agrees with your statement and that is our intent. One can't take Regulation 14 in isolation, but it should be reviewed with Regulation #1 and #4. We do require it where feasible, and we require such to fully mitigate.]

36. Shoreline stabilization regulations, 36, page 102

New weirs should not be allowed in Big Soos or Jenkins Creeks.

[The City agrees and will make changes as stated in #30 above.]

37. Overwater Structures: Piers, Docks, Floats and Buoys, pages 108-113

See our previous comments to Table 4.

[The City agrees as stated in #30 above and will make adjustments.]

Chapter 8: Program Administrator

38. Program Administrator, Regulation 8, page 115

The Muckleshoot Indian Tribe Fisheries Division (MITFD) requests to receive all notices of application for projects seeking approval under the City's Shoreline Master Program regardless if the projects are seeking shoreline variances, exemptions, or Substantial Development Permits so that we may review these proposals and provide the City and Ecology with any comments that we may have.

[The City agrees and will notify the Tribe of all notices.]

39. Shoreline Permits and Exemptions, pages 115-133

See previous comment regarding notice the MITFD.

[The City agrees and will notice the Tribe.]

40. Appendix A: Covington Critical Area Regulations for the Shoreline Area, pages 135-191

We have several questions and some initial comments that are too numerous to list here. We would like to

meet with the City staff to discuss these questions and our initial comments. We may have additional comments subsequently.

[The City believes our Critical Area Regulations meet all State requirements, and they were just recently adopted. They are only referenced here in the Appendix. We believe they are consistent with the proposed SMP. WE don't intend to change or modify our CAO with these regulations. We intend to make the SMP compatible with our CAO.]

II. Shoreline Restoration Plan Comments

41. Goal 2, page 5- The shoreline restoration plan should include a goal to protect and restore salmon spawning and rearing habitat in Big Soos and Jenkins Creeks for the variety of salmon species that can be found in these streams.

[The City agrees and will add a new goal.]

42. Section 4.4, Page 11 As commented previously, the City of Covington should be regulating stormwater using either Ecology's or King County's most current stormwater manual.

[The City agrees and we will articulate the fact that we use the 2005 Ecology Manual, the same as our NPDES Plan and Program as we stated in #14 above.]

43. Pages 16 and 17, We agree with the recommendation that the City track all land use and development activity, including exemptions, within shoreline jurisdiction, and incorporate actions and programs of the Parks and Recreation and Public Works departments as well into the tracking system to determine if there is or is not a "no net loss of shoreline functions" over the SMP review periods.

[The City agrees and will make sure we track all land use and development activity for "no net loss".]

III. Shoreline Inventory and Analysis Report

44. Figure 14 shows a portion of Little Soos Creek being within the 100 year of Big Soos Creek and proposed as Shoreline Management Area. Section 4.17, on page 27 should include some discussion about the inclusion of this portion of Little Soos Creek into the SMA for Big Soos. The section implies that only wetland would be included.

[The City will have its consultant examine the figure and possibly adjust the language to make it clear that we are including both the stream and wetland.]

45. Section 4.2.7, page 31 and Figure 14. The entire floodplain of Jenkins Creek should be included within the regulated shoreline management areas.

[The City somewhat disagrees. The SMP guidelines do not actually require cities to include the entire floodplain. They indicate the cities can or can not do it. Therefore we chose not to do it.]

SUBJECT: CONSIDER APPOINTMENTS TO OPENINGS ON THE HUMAN SERVICES COMMISSION

RECOMMENDED BY: Victoria Throm, Personnel & Human Services Analyst
Noreen Beaufrere, Personnel Manager

ATTACHMENTS: See Interview Schedules and Applications provided separately.

PREPARED BY: Joan Michaud, Deputy City Clerk

EXPLANATION:

Human Services Commission – Seven Members (two of which must be youth):

- Two positions open (both terms are adult three-year, expiring on March 31, 2014). *
 - One position is open only to a person living or working inside the Covington city limits.
 - One position is open to a person living or working in Covington **or living outside city limits** (but within a three mile radius).

<u>Name of Applicant</u>	<u>Resides or Works</u>
Leslie Hamada	Resides Outside Covington (within three miles)
Joseph Cimaomo, Sr.	Resides Outside Covington (within three miles)
Helen “Fran” McGregor (reapplying)	Resides Inside Covington
Debi Rosales	Resides Inside Covington
Debbie Solatka (interviewed March 8)	Resides Outside Covington (within three miles)

NOTE: Ordinance No. 13-10. *Membership, terms, residence requirement:* “Three members shall be adults residing or working within the City of Covington, two shall be adults residing inside or outside of the City of Covington but within a three-mile radius of the city limits and two shall be youth members between the ages of 14 and 18 years at the start of their terms residing in or within a three mile radius of the City of Covington.” Staff has verified that all applicants who live outside the City limits are within the required three-mile radius.

*Youth members Saqib Ahmad and Aunna Moriarty are both exercising their option of continuing their youth terms for a second year. Their terms will expire on March 31, 2012.

ALTERNATIVES:

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

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

Councilmember _____ moves, Councilmember _____ seconds, to appoint _____ to fill open Position No. 1 on the Human Services Commission with a term expiring March 31, 2014.

Councilmember _____ moves, Councilmember _____ seconds, to appoint _____ to fill open Position No. 2 on the Human Services Commission with a term expiring March 31, 2014.

REVIEWED BY: Derek Matheson, City Manager
Noreen Beaufriere, Personnel Manager
Victoria Throm, Personnel & Human Services Analyst

Agenda Item 4

Covington City Council Meeting

Date: March 22, 2011

SUBJECT: CONSIDER ENTERING INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITIES OF BLACK DIAMOND AND COVINGTON RELATING TO BUILDING CODE ADMINISTRATION, BUILDING INSPECTION, BUILDING PLAN REVIEW, AND CODE ENFORCEMENT SERVICES.

RECOMMENDED BY: Richard Hart, Community Development Director

ATTACHMENT(S):

1. Proposed Interlocal Agreement for Building Plan Review, Code Administration, Inspection Services and Code Enforcement Services.

PREPARED BY: Robert Meyers, Building Official

EXPLANATION:

The City of Black Diamond wishes to enter in to an Interlocal Agreement with Covington for Building Division and Code Enforcement Services. The ILA will mutually benefit both Covington and Black Diamond. Covington benefits by being able to retain skilled staff while maintaining institutional memory during a period when staff hours have been reduced, including part-time hours for several staff. Black Diamond benefits by being able to utilize Covington's qualified staff without the cost of hiring full-time staff at a time when the overall need for these services is reduced. Covington is proposing the attached Interlocal Agreement (ILA) with the City of Black Diamond. The ILA includes provisions for:

1. Building Code Administration.
2. Building Plan Review.
3. Building Inspections.
4. Code Enforcement.

ALTERNATIVES:

Decline Interlocal Agreement with Black Diamond at this time.

Refer Interlocal Agreement to staff for revision of specified terms.

FISCAL IMPACT:

None, as the revenue generated, approximately \$38,000 for the remainder of 2011, will cover the costs associated with additional hours for the building division personnel under this agreement.

CITY COUNCIL ACTION: Ordinance Resolution Motion Other

Council member _____ moves, Council member _____ seconds, to authorize the City Manager to enter into an Interlocal Agreement Between the Cities of Black Diamond and Covington Relating to Building Division Services and Code Enforcement Services.

REVIEWED BY: City Manager; City Attorney; & Finance Director.

**INTERLOCAL AGREEMENT BETWEEN
THE CITIES OF BLACK DIAMOND & COVINGTON
RELATING TO BUILDING CODE ADMINISTRATION, PLANS EXAMINATION,
BUILDING INSPECTION, & CODE ENFORCEMENT SERVICES**

THIS INTERLOCAL AGREEMENT, hereinafter "Agreement", is entered into between the CITY OF BLACK DIAMOND, WA hereinafter "Black Diamond", and the CITY OF COVINGTON, WA hereinafter "Covington".

WHEREAS, Black Diamond and Covington are public agencies as defined by Ch. 39.34 of the Revised Code of Washington ("RCW"), and are authorized to enter into interlocal agreements on the basis of mutual advantage and thereby to provide services and facilities in the manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs of local-communities; and

WHEREAS, Covington's Community Development Department maintains a building division that regularly enforces and administers the building code requirements, reviews building permit applications, conducts building inspections, and engages in code enforcement activities; and

WHEREAS, Black Diamond desires to utilize the resources of Covington to assist Black Diamond in performing building code administration, plan review, building inspection, and code enforcement; and

WHEREAS, Black Diamond has agreed to compensate Covington for performing these services; and

NOW THEREFORE, in consideration of the terms and provisions contained herein, it is agreed between Black Diamond and Covington as follows:

1. Purpose. It is the purpose of this Agreement to establish the framework to effectuate Black Diamond's desire to have Covington perform these services for payment.

2. Services—Generally.

2.1. **Approval and Priority.** All services provided by Covington to Black Diamond, as detailed in this Agreement, will be performed by Covington's building and code enforcement staff as approved and directed by Covington's Community Development Director (the "Director") or Covington's Building Official ("Building Official") and subsequent to regularly assigned duties for Covington staff.

2.2. **Request for Services.** Covington's building staff will maintain a regular schedule of office hours at Black Diamond. Unless otherwise provided for in this Agreement, Black Diamond shall submit all requests for additional hours of service in writing. Requests submitted via e-mail qualify as "in writing" for purposes of this Agreement.

3. Building Official Services. Covington will provide Building Official services in accordance with the current construction codes as adopted and amended by the State of Washington and Black Diamond.

3.1 **Building Official.** Covington's Building Official will perform the duties of Building Official to enforce and administer the provisions of Black Diamond's building code and is authorized to render interpretations of the code in accordance with the adopted construction codes.

3.2 **Meetings.** Covington's Building Official will attend meetings as requested, such as pre-application meetings, pre-submission meetings, enforcement hearings, and City Council meetings, to represent Black Diamond in the role of Building Official.

3.3 **Inspections, Plan Review, Code Enforcement.** Covington's building and code enforcement staff will perform inspections, plan review, and/or code enforcement duties upon request by Black Diamond and pursuant to the procedures provided in this Agreement.

3.4 **Office Hours.** Covington's building staff will hold a minimum of thirteen (13) office hours at Black Diamond per week, with no more than 10 hours per week being provided by the Building Official in the event that the Building Official is unavailable, other Covington building and code enforcement staff will be directed to cover the minimum thirteen (13) office hours per week. Changes or alterations to the scheduled hours can be requested in writing monthly by either party.

4. Building Plan Review Services. Covington Plan Review Staff will review plans for code compliance upon request and in accordance with the current construction codes as adopted and amended by the State of Washington and Black Diamond.

4.1. Black Diamond shall submit requests for any plan review services to the Building Official.

4.2. If corrections or additions are required, Covington Plan Review Staff will draft comments and send an electronic copy to Black Diamond within four (4) weeks of receipt. A longer timeline may be given to allow sufficient review of more time intensive projects, including but not limited to commercial and multi-family projects.

4.3. If approved, Covington Plan Review Staff will indicate in writing that the drawings have been reviewed for code compliance. Approved sets of plans shall be returned to Black Diamond for issuance. Denied or expired permit applications will be returned to Black Diamond after 180 days of inactivity on the application.

4.4. Covington Plan Review Staff will attend meetings upon request, such as pre-application meetings, pre-construction meetings, and enforcement hearings, to represent Black Diamond in the role of Plans Examiner.

5. Building Inspection Services. Covington Building Inspection Staff shall perform building inspections, including building, plumbing, and mechanical inspections, upon request. The governing codes used for inspection shall be the International Building

Code, International Residential Code, International Mechanical Code and Uniform Plumbing Code as adopted by Black Diamond in the Black Diamond Municipal Code. Inspections will be performed according to the regular inspection schedule set by the Director or Building Official.

5.1. Black Diamond shall submit requests for inspections to the Building Official by 3 pm the business day prior of the requested inspection. Generally, inspections will not be conducted on Fridays, unless Covington notifies Black Diamond that staff will be available.

5.2. Covington Building Inspection staff shall maintain electronic records of inspections in Black Diamond's permit system software and provide Black Diamond with copies of any correction notices and the results of the inspections performed within one (1) business day of the date of the inspection. The correction notices may be provided in electronic or paper format.

6. Code Enforcement Services. Covington Code Enforcement Staff will perform code enforcement upon request and in accordance with the Black Diamond Municipal Code and the International Property Maintenance Code.

6.1. Covington Code Enforcement Staff will perform investigations as directed by Black Diamond's Community Development Director.

6.2. Covington Code Enforcement Staff will prepare all written notices and document case history electronically in Black Diamond's permit system software as directed by the Community Development Director.

6.3. Covington Code Enforcement Staff will attend meetings as requested, such as enforcement hearings and City Council meetings, to represent Black Diamond in the role of Code Enforcement Officer.

7. Term of Agreement. This Agreement shall become effective on the last date this Agreement is ratified by the legislative body of Covington and the legislative body of Black Diamond. Unless terminated by either party pursuant to the terms of this Agreement, this Agreement shall remain in full force and effect for two (2) years from the effective date. This Agreement may be extended by mutual written agreement of the parties subject to the ratification of such extension by the legislative body of each city.

8. Payment to Covington. In consideration of this Agreement and the services provided, Black Diamond shall pay Covington an hourly rate for all services provided by Covington under this Agreement, as listed in Exhibit A. In years subsequent to 2011, Covington and Black Diamond shall negotiate and set the hourly rate for the next year of service. A two (2) hour minimum shall be charged to Black Diamond for each date of any service by Covington. After the two (2) hour minimum is reached for a single date, Black Diamond shall pay for each fifteen (15) minute increment, which shall be rounded to the nearest fifteen (15) minute increment. Black Diamond shall be required to pay Covington regardless of whether Black Diamond is paid or collects fees for the services that involved the work of Covington. Payments for services rendered shall be made by Black Diamond each month within thirty (30) days of receipt of the billing statement from Covington.

8.1. **Billing Statement.** Covington shall submit a monthly statement to Black Diamond that shall contain the following:

Date of Service

Hours of work

8.2. **Billing Statement Dispute.** In the event that there is a dispute regarding the amount of money owed by Black Diamond to Covington, staff shall make every effort to resolve such dispute. In the event that there is no resolution to the dispute, the disputed amount shall be placed into the registry of the King County Superior Court until the dispute is resolved by agreement of the parties or in a court with jurisdiction over the subject matter of the dispute.

8.3. **Reconciliation of Amount Due After Termination or Expiration.** Within thirty (30) days of the effective date of this Agreement's expiration or earlier termination, Covington shall submit to Black Diamond a statement as described in subsection 7.1 of this Agreement for the past quarter or part thereof. Within thirty (30) days of submitting the statement, the parties shall reconcile the account and determine how much money Black Diamond owes to Covington for unpaid services. Final payment and settlement of accounts shall occur within ninety (90) days of the effective date of termination of the Agreement.

9. **Ownership of Property.** The parties to this Agreement do not contemplate the acquisition of any property to carry out the purposes of this Agreement. Any property owned by Black Diamond shall remain the property of Black Diamond, and any property owned by Covington shall remain the property of Covington.

10. **Independent Contractor.** The Parties understand and agree that Covington is acting hereunder as an independent contractor and shall maintain control of all Covington employees, including but not limited to hiring, firing, discipline, evaluation, and establishment of standards of performance thereof. All Covington personnel rendering service hereunder shall be, for all purposes, employees of Covington, although they may from time to time act as officers of Black Diamond.

11. **Termination.**

11.1. **Termination by Notice.** This Agreement may be terminated by either party upon it providing the other party with sixty (60) days advance written notice of such termination.

11.2. **Termination by Mutual Written Agreement.** This Agreement may be terminated at any time by mutual written agreement of the parties.

11.3. **Termination for Breach.** Covington may terminate this Agreement with fourteen (14) days advance written notice upon the failure of Black Diamond to make payments as required by this Agreement. Black Diamond may terminate this Agreement upon fourteen (14) days advance written notice in the event Covington fails to provide services as required in this Agreement except disputes handled per Section 7.2.

12. **Indemnification and Hold Harmless.** Covington agrees to defend, indemnify, and hold harmless Black Diamond and each of its employees, officials, agents, and volunteers from any and all losses, claims, liabilities, lawsuits, or legal judgments arising out of any negligent or tortious actions or inactions by Covington or any of its employees, officials, agents, or volunteers, while acting within the scope of the duties required by

this Agreement. All costs, including but not limited to attorneys fees, court fees, mediation fees, arbitration fees, settlements, awards of compensation, awards of damages of every kind, etc., shall be paid by Covington or its insurer. This provision shall survive the expiration of this Agreement. This provision shall also survive and remain in effect in the event that a court or other entity with jurisdiction determines that this interlocal Agreement is not enforceable.

Black Diamond agrees to defend, indemnify, and hold harmless Covington and each of its employees, officials, agents, and volunteers from any and all losses, damages, claims, liabilities, lawsuits, or legal judgments arising out of any negligent or tortious actions or inactions by Black Diamond or any of its employees, officials, agents, or volunteers, while acting within the scope of the duties required by this Agreement. All costs, including but not limited to attorneys fees, court fees, mediation fees, arbitration fees, settlements, awards of compensation, awards of damages of every kind, etc., shall be paid by Black Diamond or its insurer. This provision shall survive the expiration or earlier termination of this Agreement. This provision shall also survive and remain in effect in the event that a court or other entity with jurisdiction determines that this interlocal Agreement is not enforceable.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES EACH PARTY'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY TO CARRY OUT THE PURPOSES OF THIS INDEMNIFICATION CLAUSE. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER.

13. Miscellaneous.

13.1. **Non-Waiver of Breach.** The failure of either party to insist upon strict performance of any of the covenants and agreements contained in this Agreement, or to exercise any option conferred by this Agreement in one or more instances, shall not be construed to be a waiver or relinquishment of those covenants, agreements or options, and the same shall be and remain in full force and effect.

13.2. **Resolution of Disputes and Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. If the parties are unable to settle any dispute, difference or claim arising from the parties' performance of this Agreement, the exclusive means of resolving that dispute, difference or claim, shall only be by filing suit exclusively under the venue, rules and jurisdiction of the King County Superior Court, King County, Washington, unless the parties agree in writing to an alternative dispute resolution process. In any claim or lawsuit for damages arising from the parties' performance of this Agreement, each party shall pay all its legal costs and attorney's fees incurred in defending or bringing such claim or lawsuit, in addition to any other recovery or award provided by law; provided, however, nothing in this paragraph shall be construed to limit the parties' right to indemnification under this Agreement.

13.3. **Assignment.** Any assignment of this Agreement by either party without the prior written consent of the non-assigning party shall be void. If the

non-assigning party gives its consent to any assignment, the terms of this Agreement shall continue in full force and effect and no further assignment shall be made without additional written consent.

13.4. **Modification.** No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of each party and subject to ratification by the legislative body of each City.

13.5. **Compliance with Laws.** Each party agrees to comply with all local, federal and state laws, rules, and regulations that are now effective or in the future become applicable to this Agreement.

13.6. **Entire Agreement.** The written terms and provisions of this Agreement, together with any exhibits attached hereto, shall supersede all prior communications, negotiations, representations or agreements, either verbal or written of any officer or other representative of each party, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner this Agreement. All of the exhibits are hereby made part of this Agreement. Should any of the language of any exhibits to this Agreement conflict with any language contained in this Agreement, the language of this document shall prevail.

13.7. **Severability.** If any section of this Agreement is adjudicated to be invalid, such action shall not affect the validity of any section not so adjudicated.

13.8. **Interpretation.** The legal presumption that an ambiguous term of this Agreement should be interpreted against the party who prepared the Agreement shall not apply.

13.9. **Notice.** All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the Agreement, unless notified to the contrary. Any written notice hereunder shall become effective upon personal service or three (3) business days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.

IN WITNESS, the parties below execute this Agreement, which shall become effective on the last date entered below.

<p>COVINGTON:</p> <p>CITY OF COVINGTON:</p> <p>By: _____ <i>(signature)</i></p> <p>Print Name: <u>Derek M. Matheson</u> Its <u>City Manager</u></p> <p>DATE: _____</p>	<p>BLACK DIAMOND:</p> <p>CITY OF BLACK DIAMOND:</p> <p>By: _____</p> <p>Print Name: <u>Rebecca Olness</u> Its <u>Mayor</u></p> <p>DATE: _____</p>
<p>NOTICES TO BE SENT TO:</p> <p><u>Derek M. Matheson, City Manager</u></p>	<p>NOTICES TO BE SENT TO:</p> <p><u>Rebecca Olness, Mayor</u></p>

<p>City of Covington 16720 SE 271st Street, Suite 100 Covington, WA 98042</p> <p>(253) 638-1110 (telephone) (253) 638-1122 (facsimile)</p>	<p>City of Black Diamond PO Box 599 24301 Roberts Drive Black Diamond, WA 98042</p> <p>(360) 886-2560 (telephone) (360) 886-2592 (facsimile)</p>
<p>APPROVED AS TO FORM:</p> <hr/> <p>City Attorney</p>	<p>APPROVED AS TO FORM:</p> <hr/> <p>City Attorney</p>

**A. EXHIBIT A
BUILDING DEPARTMENT SERVICES FEES**

2011 Hourly Rates

Building Official\$83.00
Code Enforcement Officer\$58.00
Plans Examiner\$62.00

SUBJECT: ORDINANCE AMENDING CMC 18.55.050 REGARDING NEW STANDARDS FOR TEMPORARY BANNER SIGNS

RECOMMENDED BY: Richard Hart, Community Development Director

ATTACHMENTS:

1. Proposed Ordinance Amending CMC 18.55.050-Table Governing Temporary Banner Signs with Exhibit A; Changes to Table 1 for Banner Signs

PREPARED BY: Richard Hart, Community Development Director

EXPLANATION:

Scope and Rational for Study of Changes to Temporary Banner Sign Regulations:

On October 26, 2010, the City Council, by ordinance, extended the time period that any banner signs could be posted from thirty days to ninety days, and allowing them to remain in place until April 30, 2011. The City Manager also temporarily waived fees for banner sign permits until April 30, 2011. This action was taken after several requests by local businesses for some leniency in banner sign regulations as an economic stimulus to Covington businesses, given the recent economic downturn.

The City Council also directed the Community Development Department staff and the Planning Commission to examine the existing banner sign regulations and determine if it might be appropriate to permanently extend the allowed time per calendar year that temporary banner signs may be installed on existing and new businesses within the city (the Covington Municipal Code temporarily allows a maximum of 90 days). Council directed that revisions be strictly limited to only banner signs, and not any other sign code issues, and also indicated that staff may analyze any other provisions of the temporary banner sign regulations that might need clarification.

Existing Temporary Banner Sign Regulations:

Currently, Covington's sign regulations for temporary banner signs are located in the Table in CMC 18.55.050, under Special sale/promotional events and Grand openings. The code allows temporary banner signs, on an interim basis until April 30, 2011, to be posted for a maximum of 90 days during a calendar year for "Special sale/promotional events", and an additional 90 days for "Grand openings." Thus, a new business could have a total of 180 days for temporary banner signs within the same calendar year. An existing business is currently allowed only 90 days total for a special sale or promotional event during any calendar year. There is an incentive to a new business for doubling the time for a temporary banner sign.

The only other existing proscriptive provision in the existing banner sign code relates to the placement of the banner sign on the business storefront. The code currently requires the banner sign be attached to an “exposed building face”.

All other requirements and standards, such as the number of banner signs, maximum banner sign area, and height of banner signs indicate “handled on a case-by-case basis”, with no specific numerical standards. This provision has presented some difficulty over the past years when the City receives banner sign permit requests. Staff and the Planning Commission feel it’s much more appropriate to place specific numerical maximums for these provisions to make the regulations more explicit and predictable, and thus more user-friendly and potentially reduce the time for permit reviews.

If everyone knows the standards ahead of time there is no question about granting the permit, and our staff review time is reduced. If these provisions are changed, staff envisions that a temporary banner sign can then be issued as an “over-the-counter” permit the same day it’s submitted. This will reduce staff time involved, benefit local businesses, and result in same day service for banner sign permits.

Past Practice & Suggestions for Change on Standards for Banner Sign Permits:

Size: Research of previous banner signs over the past few years indicates that the size of banner sign requests range from 18 square feet to 32 square feet, with most signs being 24 or 32 square feet. Staff and the Planning Commission suggest a maximum size at the upper limit of 32 square feet. A 4x8 foot banner sign seems to be a standard for many temporary signs and would suggest that as an appropriate maximum.

Number: Staff has approved either one or two banner permits for many businesses, depending upon the street frontages, parking lot frontages, etc. Again, for ease of reviewing and consistency, staff and the Commission would suggest that a maximum of two (2) temporary banner signs be allowed. Many businesses will choose one sign, merely from the standpoint of cost or exposure to vehicular traffic.

Height: Staff has always maintained consistency on the height of temporary banner sign permits, requiring them to be “located below the bottom of the roof line” so they do not appear intrusive roof banners, not on poles or on the roof itself. We suggest maintaining this provision and stating it clearly in the code.

Number of Days within a Calendar Year: Staff has followed the 90 day provision strictly over the years, and it has caused some enforcement problems as businesses just leave the signs posted until neighboring businesses complain, citizens complain, or we discover non-compliance through other permit/inspection requirements. In addition businesses have also complained that the cost of printing the banner sign (sometimes \$250 to \$400) is expensive to amortize over only 90 days of time. Staff and the Commission would suggest adding a 30% increase to the time period for posting, increasing it to 120 days within any calendar year. If a longer time period was allowed for each type of sign, businesses have reached half of a year, and banner signs become more permanent signs, especially if they are concentrated over the city. With new businesses allowed to have a grand opening sign, as

ORDINANCE NO. 03-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, AMENDING CMC 18.55.050 TABLE 1, STANDARDS FOR TEMPORARY AND SPECIAL SIGNS, INCLUDING BANNER SIGNS-SIZE, HEIGHT, LOCATION, NUMBER AND LENGTH OF TIME FOR DISPLAY DURING A CALENDAR YEAR. (AMENDING ORDINANCE NOS. 42-02 AND 01-08).

WHEREAS, the Section 18.55.050 Table 1 of the Covington Municipal Code (CMC) currently permits the use of temporary banners to advertise a “special sale / promotional event” and “grand openings” for up to ninety (90) days per calendar year; and

WHEREAS, in recognition of the economic challenges that continue to face Covington businesses, and in response to feedback from the business community, the City desires to extend the ninety (90) day limit on “special sale / promotional event” and “grand opening” signs to one hundred twenty (120) days as outlined in Table 1 of CMC 18.55.050; and

WHEREAS, the Planning Commission has held a public hearing on February 17, 2011, and reviewed and discussed the banner sign standards for special sale/promotional events and grand openings and made a recommendation to the City Council in favor of increasing the length of time for such banner displays, as well as providing for more specific standards for the maximum number, maximum sign area, maximum height, and location of such banner signs;

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

Section 1. Amendment to CMC 18.55.050. Table 1 in Section 18.55.050 of the CMC shall be amended as indicated in Exhibit A, incorporated herein by this reference as if fully set forth.

Section 2. Severability. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provision of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days after proper posting and publication, or on the date specified below, whichever is later. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

PASSED by the City Council of the City of Covington this 22nd day of March, 2011.

Mayor Margaret Harto

PUBLISHED: March 25, 2011
EFFECTIVE: March 30, 2011

ATTESTED:

Sharon Scott, City Clerk

APPROVED AS TO FORM:

Sara Springer, City Attorney

**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	Handled on a case-by-case basis 2 banner signs	Handled on a case-by-case basis 32 square feet	Handled on a case-by-case basis Not located above the base of the roof line	On site. Banners must be attached to an exposed building face	Special promotions: 90 120 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	Handled on a case-by-case basis 2 banner signs	Handled on a case-by-case basis 32 square feet	Handled on a case-by-case basis Not located above the base of the roof line	On site. Banners must be attached to an exposed building face	Grand openings: 90 120 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	

SUBJECT: CONSIDER CITY ATTORNEY SERVICES

RECOMMENDED BY: Derek Matheson, City Manager

ATTACHMENT(S):

1. Current contract with Kenyon Disend, PLLC
2. Proposed contract with SBS Legal Services, PLLC
3. Sara Springer resume

PREPARED BY: Derek Matheson, City Manager

EXPLANATION:

The City has contracted with Kenyon Disend (“Kenyon”) for legal services since 2006. The current contract provides approximately 30 hours per month of general legal services for \$5,500 per month. If the City uses Kenyon for litigation or special legal services, the City pays the hourly rate of the attorney(s) involved. If the City uses a different firm for litigation or special legal services, the City pays a negotiated rate to that firm. The Kenyon contract has a 30-day termination clause.

Sara Springer, Covington’s City Attorney since 2009, recently announced her decision to leave Kenyon and create her own law firm. SBS Legal Services (“SBS”) would provide up to 35 hours per month of general legal services and ordinary litigation for \$5,000 per month. If the City were to exceed 35 hours in any one month, the City would pay an hourly rate of \$145. If the City were to use less than 30 hours in any one month, the City would receive a credit at the same hourly rate. If the City were to use a different firm for complex litigation or special legal services, the City would pay a negotiated rate to that firm. SBS would provide a substitute attorney to cover any absences. SBS would also provide general legal services to the City at no cost during any portion of the Kenyon termination period during which the City has to pay Kenyon.

Sara is a solid attorney and respected member of the City’s Management Team. Therefore, staff recommends the Council direct the City Manager to terminate the existing Kenyon contract, enter into the attached contract with SBS, and negotiate a new contract with Kenyon for on-call litigation and special legal services. Staff is already using and will continue to use Kenyon to assist with cable franchise negotiations and to manage a pending claim by AT&T against several Washington cities alleging an overpayment of utility taxes.

ALTERNATIVES:

1. Continue to contract with Kenyon.

FISCAL IMPACT: Savings of approximately \$500 per month in typical months.

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

Councilmember _____ moves, Councilmember _____ seconds to direct the City Manager to terminate the current contract with Kenyon Disend, enter into the attached contract with SBS Legal Services, and negotiate a new contract with Kenyon Disend for on-call litigation and special legal services.

REVIEWED BY: City Attorney; Finance Director

AGREEMENT FOR LEGAL SERVICES – 2010

THE PARTIES

The parties to this Agreement are Kenyon Disend, PLLC, and the City of Covington, Washington, hereinafter referred to as the "City." The purpose of this Agreement is to identify the terms and conditions under which Kenyon Disend, PLLC ("KD") will perform the duties of City Attorney.

AGREEMENT

The parties hereto agree as follows:

A. Performance of Duties. KD shall at all times faithfully, and to the best of its ability and experience, perform all of the duties that are required of it pursuant to the express terms of this Agreement, the rules of professional responsibility, and the direction of city management.

B. Compensation. The City shall compensate KD for its services as follows:

1. The City shall pay KD a flat monthly fee of \$5,500.00 for legal services. The flat monthly fee is based upon KD providing up to thirty-five hours of associate attorney and paralegal time each week, exclusive of litigation. Litigation shall be billed on an hourly basis at the firm's 2010 rates. In the event that monthly services are regularly performed in excess of the hours provided herein, KD reserves the right to seek an amendment to this agreement for the purpose of revising the compensation amount. No change to the compensation amount shall be made without the prior written consent of both parties.

2. Noel Treat shall serve as lead City Attorney for Covington, with principal back-up provided by Sara Springer.

3. KD shall not bill nor be entitled to payment for travel time for the first three round trips each calendar month between Covington and KD's office. Any other travel by KD on behalf of the City shall be billed at the regular hourly rate of the particular attorney. KD shall also not bill the City nor be entitled to payment for telephone, photocopy, fax and mileage expenses incurred in the performance of its duties; provided, however, that the City shall make a reasonable accommodation to reimburse KD for unusual photocopy and fax costs, if any, that may arise in the course of litigation to which the City is a party or other extraordinary projects. In all events, the City shall reimburse KD for legal messenger service expenses, court filing fees, transcripts, and other similar expenses advanced on the City's behalf.

4. KD shall submit monthly payment invoices to the City after such services have been performed. The City shall pay the full amount of the invoice within thirty (30) days of receipt, unless there is a dispute. In the event of a dispute, the City shall pay any

amount not in dispute, and the parties shall meet to resolve any differences. If the parties are unable to resolve any such differences, the parties shall submit the disputed amount to the Fee Arbitration Board of the Washington State Bar Association for arbitration and prompt resolution. The parties agree to be bound by the results of such arbitration. In the event of non-payment following arbitration, the City shall pay KD the costs of collecting the debt, including court costs and fees, and reasonable attorneys fees.

C. Qualifications and Independent Contractor Status.

1. Throughout the term of this Agreement, KD shall utilize only attorneys licensed by the State of Washington and in good standing with the Washington State Bar Association.

2. The independent contractor status of KD shall be governed by this Agreement. KD is an independent contractor and shall provide professional services to the City pursuant to this Agreement. KD is not an employee of the City and shall be responsible for paying federal income tax and other taxes, fees, or other charges imposed by law upon independent contractors from the compensation paid to it by the City. KD shall not be entitled to any benefits provided to City employees and shall specifically not be entitled to sick leave, vacation, unemployment insurance, worker's compensation, overtime, compensatory time or any other benefit not specifically addressed and provided for in this Agreement.

In addition, the parties acknowledge that KD will provide work and services for other clients in its independent law practice. KD agrees not to perform such services for other clients where a conflict of interest or ethical violation as defined in the Rules of Professional Conduct for attorneys exists.

D. Indemnification. KD agrees to indemnify, defend and hold the City harmless for any and all claims or liabilities of any nature for any acts or omissions of KD, intentional or otherwise, that are outside of the scope of its official duties as described herein.

E. Term. This Agreement shall commence on January 1, 2010 and terminate on December 31, 2011, unless extended or earlier terminated as provided in this Agreement. This Agreement may be terminated by either party with or without cause by providing a thirty (30) day written notice of termination to the other party.

F. Integration. The written provisions and terms of this Agreement shall supersede all prior verbal statements of any officer or representative of the City, or any prior agreements between the parties, and such statement or prior agreements shall not be effective or construed as entering into, forming a part of, or altering this Agreement in any way. The entire agreement between the parties is contained in this Agreement document.

G. Notice. Notice given pursuant to this Agreement shall be given in writing to the parties as follows:

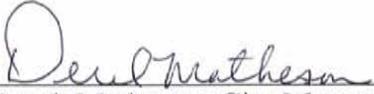
Attorney: Bruce L. Disend
Kenyon Disend, PLLC
11 Front Street South
Issaquah, WA 98027
(425) 392-7090

City: Derek Matheson
City Manager
City of Covington
16720 SE 271st Street, Suite 100
Covington, WA 98042-4964
(253) 638-1110

I. Waiver and Modification. No waiver or modification of this Agreement shall be valid unless in writing and duly executed by both parties. The failure of either party to insist upon strict performance of any of the provisions of this Agreement shall not be construed to be a waiver or relinquishment of said Agreement provision, and the same shall remain in full force and effect.

DATED this 9th day of December, 2009.

CITY OF COVINGTON



Derek Matheson, City Manager

KENYON DISEND, PLLC



Bruce L. Disend

ATTEST:



City Clerk

CONTRACT FOR SERVICES

This Agreement is entered into by and between the City of Covington, Washington (the "City"), and SBS Legal Services, PLLC, (the "Contractor").

IN CONSIDERATION OF the mutual benefits and conditions hereinafter contained, the parties hereto agree as follows:

1. Scope and Schedule of Services to be Performed by Contractor. The Contractor shall provide City Attorney services to the City and Sara B. Springer, a member attorney of the Contractor, shall serve as the City Attorney, providing the traditional scope of attorney services. The Contractor shall also be responsible for providing an equally qualified coverage attorney, when necessary. In performing such services, the Contractor shall at all times faithfully, and to the best of its ability and experience, perform all of the duties that are required of it pursuant to the express terms of this Agreement, the rules of professional responsibility, and the direction of city management.

2. Compensation and Method of Payment.

a. Compensation. The City shall pay the Contractor a flat monthly fee of \$5,000.00 for legal services. The flat monthly fee is based upon the Contractor providing up to thirty-five (35) hours of attorney time each month. Any legal services performed above thirty-five (35) hours in a given month shall be billed to the tenth (1/10) of the hour at the regular hourly rate of \$145.00. Should the Contractor perform less than thirty (30) hours of legal services in a given month, the Contractor shall apply a pro-rated credit, calculated to the tenth(1/10) of the hour at the regular hourly rate of \$145.00, to the flat fee owed by the City to the Contractor. Any legal services provided by a coverage attorney shall be included within the above compensation provisions.

b. Travel. The Contractor shall not bill nor be entitled to payment for travel time to and from the City. Any other travel by the Contractor on behalf of the City shall be billed at to the tenth (1/10) of the hour at 50% of the regular hourly rate of the Contractor.

c. Miscellaneous Expenses. The Contractor shall not bill nor be entitled to payment for telephone, photocopy, fax, and mileage expenses incurred in the performance of its duties; provided, however, that the City shall make a reasonable accommodation to reimburse the Contractor for unusual photocopy and fax costs, if any, that may arise in the course of litigation to which the City is a party or other extraordinary projects. In all events, the City shall reimburse the Contractor for legal messenger service expenses, court filing fees, transcripts, and other similar expenses advanced on the City's behalf.

d. Payment. The Contractor shall submit monthly payment invoices to the City after such services have been performed. The City shall pay the full amount of the invoice within thirty (30) days of receipt, unless there is a dispute. In the event of a dispute, the City shall pay any amount not in dispute and the parties shall meet to resolve any differences. If the parties are unable to resolve any such differences, the parties shall submit the disputed amount to the Fee Arbitration Board of the State of Washington Bar Association for arbitration and prompt resolution. The parties agree to be bound by the results of such arbitration. In the event of non-payment following arbitration, the City shall pay the Contractor the costs of collecting the debt, including court costs and fees, and reasonable attorneys fees.

3. Duration of Agreement. This Agreement shall be in full force and effect for a period of twelve (12) months, commencing on the date executed by the parties below unless sooner terminated under the provisions hereinafter specified.

4. Independent Contractor. Throughout the term of this Agreement, the Contractor shall utilize only attorneys licensed by the State of Washington and in good standing with the Washington State Bar Association. The Contractor and the City agree that the Contractor is an independent contractor with respect to the services provided pursuant to this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties

hereto. Neither the Contractor nor any employee of the Contractor shall be entitled to any benefits accorded City employees by virtue of the services provided under this Agreement. The City shall not be responsible for withholding or otherwise deducting federal income tax or social security or contributing to the State Industrial Insurance Program, or otherwise assuming the duties of an employer with respect to the Contractor, or any employee of the Contractor.

The parties acknowledge that the Contractor will provide work and services for other clients in its independent law practice. The Contractor agrees not to perform such services for other clients where a conflict of interest or ethical violation as defined in the Rules of Professional Conduct for attorneys exists.

5. Indemnification. The Contractor releases and shall defend, indemnify and hold harmless the City, its elected officials, officers, employees, agents and volunteers from any and all claims, demands, losses, actions and liabilities (including costs and all attorney's fees) arising from the negligent and intentionally wrongful acts or omissions of the Contractor in the performance of legal services under this Agreement, or by the Contractor's breach of this Agreement. To the maximum extent permitted by applicable law, this indemnification provision shall apply. However, this shall not require the Contractor to indemnify the City against any liability for damages arising out of bodily injury or property damages caused by or resulting from negligence of the City. Further, the City shall protect, defend and indemnify and save harmless the Contractor, its attorneys and other employees from all costs, claims, judgments or damages arising out of the negligent acts or omissions of the City, its officers, employees or volunteers or due to the City's breach of this Agreement.

6. Insurance. The Contractor shall procure and maintain in full force throughout the duration of the Agreement professional liability insurance including Errors and Omissions as appropriate to the services performed and shall be written on a claims made form basis with limits of in no case less than \$500,000.00 per occurrence. Cancellation of the required insurance shall automatically result in termination of this Agreement. A declaration of professional liability insurance as required above shall be delivered to the City within fifteen (15) days of execution of this Agreement.

7. Record Keeping and Reporting.

a. The Contractor shall maintain accounts and records, including personnel, property, financial and programmatic records which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed in the performance of this Agreement and other such records as may be deemed necessary by the City to ensure the performance of this Agreement.

b. These records shall be maintained for a period of seven (7) years after termination hereof unless permission to destroy them is granted by the office of the archivist in accordance with RCW Chapter 40.14 and by the City.

8. Termination. This Agreement may be terminated by either party with or without cause by providing a thirty (30) day written notice of termination to the other party.

9. Discrimination Prohibited. The Contractor shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Contractor to be provided under this Agreement on the basis of race, color, religion, creed, sex, age, national origin, marital status or presence of any sensory, mental or physical handicap.

10. Entire Agreement. This Agreement contains the entire Agreement between the Parties hereto and no other Agreements, oral or otherwise, regarding the subject matter of this Agreement, shall be deemed to exist or bind any of the parties hereto. Either Party may request changes in the agreement. Proposed changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

11. Notices. Notices to the City of Covington shall be sent to the following address:

City Clerk, City of Covington
16720 SE 271st St, Suite 100
Covington, Washington 98042

Notices to the Contractor shall be sent to the address provided by the Contractor upon the signature line below.

12. Assignment. Neither the Contractor nor the City shall have the right to transfer or assign, in whole or in part, any or all of its obligations and rights hereunder without the prior written consent of the other party.

13. Applicable Law; Venue; Attorney's Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be properly laid in King County, Washington. The prevailing party in any such action shall be entitled to its attorney's fees and costs of suit.

DATED this _____ day of _____, 2011.

CITY OF COVINGTON

CONTRACTOR: _____

By: _____
Title:

By: _____
Title: _____

ATTEST/AUTHENTICATED:

Printed Name: _____

Sharon Scott, City Clerk

Address: _____

Date approved by City Council: _____
(If Applicable)

SARA B. SPRINGER

1340 N. 79TH ST. APT. 301 ▪ SEATTLE, WA 98103
 206.313.2896 ▪ sara_springer@hotmail.com ▪ WSBA #39898

EDUCATION**Seattle University School of Law**

Juris Doctor, *cum laude*

Ranked 49/337, Academic Merit Scholarship

Executive Editor, *Seattle Journal for Social Justice*

2L Transfer from Hofstra University School of Law, Hempstead, NY—Ranked 30/236, Dean's List

Seattle, WA

May 2007

University of Washington Evans School of Public Affairs

Master in Public Administration

Seattle, WA

June 1999

Washington State University

Bachelor of Arts, *with honors*, Political Science

Dean's List, Honors Program, ASWSU Senator, Presidential Service Award, New Student Orientation Counselor

Pullman, WA

May 1997

SELECTED LEGAL EXPERIENCE**Kenyon Disend, PLLC**

City Attorney

City Attorney for Covington and South Cle Elum; Assistant City Attorney for Tukwila; advise on all municipal law issues including land use, real estate, open government, public works, and personnel; draft contracts for services, capital projects, lease agreements, and easement agreements; draft legislation and code language; litigate actions such as contract disputes, code enforcement, land use disputes, and condemnation; draft interlocal agreements and memorandums of understanding.

Seattle, WA

Jan. 2009 to Present

Honorable Mary I. Yu, King County Superior Court

Law Clerk and Bailiff

Actively managed civil case load of 200+ cases; reviewed motions to ensure compliance with court rules; supervised law student externs; researched legal issues; drafted legal memoranda and orders; managed all aspects of the court's proceedings.

Seattle, WA

Sept. 2007 to Sept. 2008

Forsberg & Umlauf, P.S.

Summer Associate

Drafted summary judgment motions on tort issues; drafted various motions, responses to motions, proposed orders, and client correspondence; assisted in discovery for class action case; attended depositions, mediations, arbitrations, and motion arguments; researched and drafted legal memorandum on numerous areas of law.

Seattle, WA

May 2006 to Oct. 2006

Aoki, Sakamoto, Grant, L.L.P.

Legal Intern

Performed legal research, analysis, and writing; examined briefs, case records, and legal authorities; assisted in case management; assisted in complex litigation discovery.

Seattle, WA

Sept. 2005 to April 2006

SELECTED PROFESSIONAL EXPERIENCE

Catalysis Corporation

Seattle, WA

E-Marketing Producer

Dec. 2002 to Aug. 2004

Worked with Microsoft as a primary client to define strategic direction of online projects; led project team including developers, designers, testers, and data analysts; managed all projects to time and budget; produced all project documentation.

Shoreline Community College

Seattle, WA

International Program Manager

Nov. 2001 to Nov. 2002

Counseled and advised international students; implemented and managed study abroad programs in London, Florence, Costa Rica, Guatemala, Mexico, Jamaica, Japan, Indonesia, China, and Kenya; coordinated and facilitated regional and local conferences and workshops; attended international recruitment fairs; served as faculty advisor to international student groups.

Akasha Media

London, England

Account Executive

January 2000 to Nov. 2001

Assisted in assessment and direction of clients' online presence, including strategic workshops and project specifications; produced all internal procedural manuals and project documentation; served as technical writer to develop project-based deliverable templates and documents.

Office of Port JOBS (Job Opportunities & Business Success)

Seattle, WA

Research Associate

June 1998 to Dec. 1999

Developed and implemented workforce development program for economically disadvantaged individuals; conducted qualitative and quantitative research and analysis; produced reports of findings; facilitated program steering committee; lobbied for funding partners; performed marketing and public relations for all programs.

References available upon request.

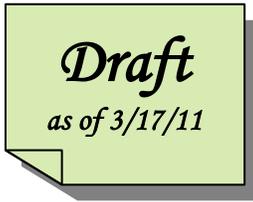
**DISCUSSION OF
FUTURE AGENDA TOPICS:**

**April 12, 2011 – City Council Joint Meeting with
Planning Commission**

April 12, 2011 – Regular City Council Meeting

(Draft Agendas Attached)

Covington: Unmatched quality of life



**CITY OF COVINGTON
SPECIAL MEETING AGENDA
CITY COUNCIL JOINT STUDY SESSION WITH PLANNING COMMISSION
Council Chambers – 16720 SE 271st Street, Suite 100, Covington**

Tuesday, April 12, 2011 - 6:00 p.m.

****Please note meeting start time ****

GENERAL INFORMATION:

The study session is an informal meeting involving discussion between and among the City Council, Commission (if applicable) and city staff regarding policy issues. Study sessions may involve presentations, feedback, brainstorming, etc., regarding further work to be done by the staff on key policy matters.

CALL CITY COUNCIL JOINT STUDY SESSION TO ORDER

ROLL CALL

APPROVAL OF AGENDA

ITEM(S) FOR DISCUSSION

1. Planning Commission Recommendation of 2011 Comprehensive Plan Amendment Docket

PUBLIC COMMENT *Persons addressing the Council shall state their name, address, and organization for the record. Speakers shall address comments to the City Council, not the audience or the staff. Public Comment shall be for the purpose of the Council receiving comment from the public and is not intended for conversation or debate. Public comments shall be limited to no more than four minutes per speaker. If additional time is needed a person may request that the Council place an item on a future agenda as time allows.*

ADJOURN

Any person requiring disability accommodation should contact the City of Covington at (253) 638-1110 a minimum of 24 hours in advance. For TDD relay service, please use the state's toll-free relay service (800) 833-6384 and ask the operator to dial (253) 638-1110. www.ci.covington.wa.us

****Note* A Regular Council meeting will immediately follow at approximately 7:00 pm***



Covington: Unmatched quality of life



AGENDA CITY OF COVINGTON CITY COUNCIL REGULAR MEETING

www.ci.covington.wa.us

Tuesday, April 12, 2011
7:00 p.m.

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

****Note**** A Special Meeting is scheduled from 6:00 to 7:00 p.m.

CALL CITY COUNCIL REGULAR MEETING TO ORDER

ROLL CALL/PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMUNICATION

- Anderson, Baugh & Associates, LLC Presentation on "The Northern Notch"

PUBLIC COMMENT *Persons addressing the Council shall state their name, address, and organization for the record. Speakers shall address comments to the City Council, not the audience or the staff. Public Comment shall be for the purpose of the Council receiving comment from the public and is not intended for conversation or debate. Public comments shall be limited to no more than four minutes per speaker. If additional time is needed a person may request that the Council place an item on a future agenda as time allows.**

APPROVE CONSENT AGENDA

- C-1. Approval of Minutes (Scott)
- C-2. Approval of Vouchers. (Hendrickson)

NEW BUSINESS

1. Discuss Planning Commission Recommendation on 2011 Comprehensive Plan Amendment Docket (Lyons)
2. Interlocal Agreement with Cities of Black Diamond and Maple Valley Re Operations (Akramoff)

COUNCIL/STAFF COMMENTS

- Future Agenda Topics

PUBLIC COMMENT (**See Guidelines on Public Comments above in First Public Comment Section*)

EXECUTIVE SESSION: If needed

ADJOURN

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