



## City of Covington

*Unmatched Quality of Life.*

*The City of Covington is a place where community, business, and civic leaders work together with citizens to preserve and foster a strong sense of community.*

City of Covington

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

**Special Order of Business  
Planning Commission Public Open House  
on the Draft Hawk Property Subarea Plan and Draft Planned Action EIS  
August 15, 2015  
6:00-7:00 PM**

Open House on the Hawk Property Draft Planned Action EIS and Draft Subarea Plan. Staff will be on hand to answer questions and provide references within the draft documents. Written comments may be submitted at the open house; oral comments may be provided during the Planning Commission meeting. See agenda item #2 below.

### **PLANNING COMMISSION REGULAR MEETING**

#### **AGENDA**

**August 15, 2013**

**7:00 PM**

CALL TO ORDER

ROLL CALL

Chair Daniel Key, Vice Chair Paul Max, Jennifer Gilbert-Smith, Ed Holmes, Bill Judd, Sean Smith, & Alex White.

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

1. Planning Commission Minutes for July 18, 2013.

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

CONTINUED BUSINESS- No Action Required

2. Overview of the Draft Hawk Property Subarea Plan and Draft Planned Action EIS. Opportunity for members of the public to provide public comments before the Planning Commission on the draft documents.

PUBLIC HEARING -

3. New Clearing and Grading Regulations Section 14.60 of the Covington Municipal Code (CMC) and Proposed SEPA Threshold Changes

UNFINISHED BUSINESS – Action Required

4. Planning Commission Discussion and Final Recommendation to City Council on Proposed Clearing and Grading Regulations CMC 14.60 and SEPA Threshold Changes

NEW BUSINESS – No Action Required

5. Discuss Codification of Shoreline Development Regulations in Accordance with Adopted Shoreline Master Program

ATTENDANCE VOTE

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

COMMENTS AND COMMUNICATIONS OF COMMISSIONERS AND STAFF

ADJOURN

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

*Web Page: [www.covingtonwa.gov](http://www.covingtonwa.gov)*

**CITY OF COVINGTON  
Planning Commission Minutes**

**July 18, 2013**

**City Hall Council Chambers**

**CALL TO ORDER**

Chair Key called the regular meeting of the Planning Commission to order at 6:30 p.m.

**MEMBERS PRESENT**

Chair Daniel Key, Vice Chair Paul Max, Jennifer Gilbert-Smith, Ed Holmes, Bill Judd, Sean Smith and Alex White (arrived at 6:37).

**MEMBERS ABSENT - NONE**

**STAFF PRESENT**

Richard Hart, Community Development Director  
Salina Lyons, Principal Planner  
Derek Matheson, City Manager  
Darren Mhoon, Management Assistant  
Ann Mueller, Senior Planner  
Kelly Thompson, Planning Commission Secretary

**APPROVAL OF CONSENT AGENDA**

- **1. Commissioner Smith moved and Commissioner Gilbert-Smith seconded to approve the consent agenda and the minutes for June 20, 2012. Motion carried 6-0.**

**CITIZEN COMMENTS – NONE**

**PUBLIC HEARING – NONE**

**NEW BUSINESS**

**2. Briefing on Proposed Transportation Benefit District (TBD)  
Ballot Measure from City Manager, Derek Matheson**

Mr. Matheson introduced a presentation on the sales tax measure that will be on the ballot this November.

He outlined the current shortfalls:

- The city's street fund pays for the maintenance of city streets. Statewide ballot measures, the recession, higher gas prices and inflation have contributed to a \$56k shortfall this year.
- There is no current overlay program or capital project unless it is grant funded. Grants are difficult to obtain without matching funds.
- The number of police officers per 1000 residents is below the King County average. The city is not currently meeting the city council policy of two officers on duty at all times.
- Code enforcement is half time position.

The city's options are to reduce expenses or increase revenues. Property taxes can only grow by 1% per year and sales tax and utility tax are capped without voter approval.

The city has already implemented several measures to reduce expenses. The aquatics center fees and permit fees have been increased and 15-20% of the workforce has been reduced. The city has eliminated employee merit pay, instituted lower quality, lower cost insurance, and lower priced retirement plan.

The Budget Priorities Advisory Committee (BPAC) was created and met for 9 months. Early in the process the board's initial expectation was they were going to identify and cut waste within the city's budget. After 9 months of examining the budget, their final impression was that the city is well run and recommended that a Transportation Benefit District (TBD) be created and to ask voters for a 0.2% sales tax. The TBD is governed by city council acting as a separate board.

The TBD will be on the ballot November 2013. The tax would be paid by everyone who shops in Covington and is estimated to generate \$750,000 per year. The tax would expire in 10 years and can be renewed once. The TBD board commits to use the increase sales tax revenues to sustain existing maintenance, reinstate street overlays, enhance asphalt patching, crack sealing, provide for small capital projects, and would allow for matching funds to help obtain state grants.

Mr. Matheson explained that the BPAC recommended the full 0.2% increase which is the maximum allowed by state law. This is the only proposed tax increase on the ballot in November.

## **CONTINUED BUSINESS**

### **3. Discussion and Update of Draft Hawk Property Subarea Plan and Planned Action EIS**

Mr. Hart distributed a handout and provided an update on the Hawk Property sub-area plan. Beginning July 26<sup>th</sup>, the draft sub-area plan and planned action Environmental Impact Statement (EIS) will be available on the website which will begin a 30 day comment period. Following the 30 day comment period, staff will make any necessary changes and issue a final sub-area plan and EIS.

During the August 15<sup>th</sup> Planning Commission meeting, an open house will be held which will allow the public an opportunity to provide comment. The city is notifying property owners via mail and posting social media in effort to solicit feedback.

Three new zoning areas will be developed and added to our existing zoning district classifications. The developer is considering a unique urban village with a mix of large format retail, iconic retail, and different types of housing projects.

## **UNFINISHED BUSINESS –NONE**

## **ATTENDANCE VOTE- NONE**

## **PUBLIC COMMENT – NONE**

## **COMMENTS AND COMMUNICATIONS FROM STAFF**

Ms. Muller shared that the September 5<sup>th</sup> Planning Commission meeting is the Hazard Plan open house and reminded the Commission of a survey link on the city's website.

Ms. Lyons received the Commercial Site Development application for the Red Canoe credit union and another multi-family development across from Home Depot is planned. Also Maple Hills is being revived and will soon begin construction on 204<sup>th</sup>.

Mr. Hart shared that the first meeting in August has been cancelled. A new schedule has been distributed and a special meeting on August 29<sup>th</sup> has been added to the calendar. A Land Use Boot Camp is being held at Sammamish City Hall October 15, 2013 from 8:00 a.m. to 5:00 p.m. This is a great training opportunity and space is limited.

## **ADJOURN**

The July 18, 2013 Planning Commission Meeting adjourned at 7:50 .m.

Respectfully submitted,

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Kelly Thompson, Planning Commission Secretary

# Memo

**To:** Planning Commission  
**From:** Richard Hart, Community Development Director  
Ann Mueller, Senior Planner  
**CC:** Salina Lyons, Principal Planner  
**Date:** Thursday, August 15, 2013  
**Re:** Hawk Property Draft EIS and Subarea Plan Public Meeting

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Attached are the Hawk Property [Draft Subarea Plan](#) and chapter 1 of the [Draft Planned Action Environmental Impact Statement](#) (EIS). Both documents in their entirety are available on the city's website at [http://covingtonwa.gov/city\\_departments/communitydevelopment/northern\\_gateway\\_study.html](http://covingtonwa.gov/city_departments/communitydevelopment/northern_gateway_study.html)

These draft documents became publicly available on July 26, 2013, with a 30-public comment period on the Draft Planned Action EIS which will end at 5pm on Monday, August 26, 2013. The following is a summary of the outreach and public notification efforts made to date to provide the public with information on the availability of the draft documents, public comment period and open house:

#### July 26, 2013

- Legal notice published in the Covington Reporter on Friday, July 26, 2013.
- Notice of Availability was posted on the City's website.
- Notice of Availability posted at City Hall.
- City webpage on the Hawk Property Subarea Plan and Environmental Review updated with links to PDFs of the draft documents and information on commenting and the August 15, 2013 Open House.
- Notice of Availability mailed to all parties of record (people and agencies that provided written comments during the scoping period).
- Notice of Availability mailed to attendees of the March 25, 2013, Community Workshop who provided a mailing address on the sign-in sheet.
- Notice of Availability mailed to the expanded SEPA Distribution List (see Chapter 5 of the DEIS).
- Informational postcard mailed to all property owners of parcels within 500 feet of the Hawk Property subarea boundary (369).
- Informational postcard mailed to all property owners of parcels abutting 204<sup>th</sup> Ave SE & SE 256<sup>th</sup> St. between SR 18 and 180<sup>th</sup> Ave SE.

- Informational postcard mailed to all attendees of the May 15, 2012, Phase 1 Northern Gateway Open House who provided a mailing address on the sign-in sheet.
- Hardcopies of the Draft Planned Action EIS and Subarea Plan available for review at City Hall and at the Covington Chamber of Commerce.
- Copies of the draft documents were available for purchase from Covington Copy It Mail It.
- Information was posted on the city's Facebook page with a link to the city's webpage for the Hawk Property Subarea Plan and Environmental Review (additional Facebook post made on August 1) .

### July 29, 2013

- Informational email sent to attendees who provided their email address on the sign-in sheets at the March 25, 2013 Community Workshop or the May 15, 2012 Open House and to members of the public who had called or emailed requesting to be placed on our courtesy email list for project updates.

### August 7, 2013

- Notice of the August 15, 2013 Open House and Planning Commission Public Meeting posted on the city's homepage.

### **Open House and Planning Commission Public Meeting on August 15, 2013**

An Open House on public on the Hawk Property Draft Planned Action EIS and Draft Subarea Plan will be held from 6-7pm prior to the start of the Planning Commission's regularly scheduled meeting tonight (Aug. 15, 2013). The Open House is an opportunity for members of the public to learn more about the Hawk Property Draft Planned Action EIS and Draft Subarea Plan and to talk with staff and our consultants about the content of the documents and ask questions.

An overview of the draft documents will be provided during the Planning Commission's public meeting. During the public meeting, the public will also have an opportunity to provide public comments before the Planning Commission on these draft documents. Written comments on the Draft Planned Action EIS may also be submitted at the meeting or anytime up until 5pm on Monday, August 26, 2013. Responses to comments on the Draft Planned Action EIS will be presented in a Final EIS together with clarifications and corrections to the Draft Planned Action EIS. A workshop meeting on the Draft Subarea Plan will follow on August 29<sup>th</sup> with a public hearing on the Draft Subarea Plan scheduled for October 17<sup>th</sup>. It is anticipated that the Final EIS will be issued later in the fall.

Written comments on the Draft Planned Action EIS may be submitted at the August 15, 2013 open house and public meeting or sent by 5pm on August 26, 2013 to:

Ann Mueller  
City of Covington  
16720 SE 271<sup>st</sup> Street  
Covington, WA 98042  
amueller@covingtonwa.gov

### **Special Planning Commission Meeting on August 29, 2013 –Draft Subarea Plan Workshop**

After the close of the 30-day public comment period on the Draft Planned Action EIS a special Planning Commission workshop will be held on Thursday, August 29, 2013 to present and discuss the draft Hawk Property Subarea Plan and provide direction to city staff and our consultant on the Draft Subarea Plan. Public comments on the content of the Draft Subarea Plan will be taken at the workshop..

### Attachments:

1. Hawk Property Draft Subarea Plan
2. Chapter 1 from the Hawk Property Draft EIS

# Hawk Property Draft Subarea Plan

July 2013



CITY OF  
**Covington**  
WASHINGTON



# HAWK PROPERTY SUBAREA PLAN

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# INTRODUCTION

## Purpose

The purpose of the Hawk Property Subarea Plan is to guide future development in the Hawk Property Subarea of Covington's Northern Gateway by establishing land use and urban design options consistent with the vision established by the community. This subarea plan is the result of an extensive planning process conducted by the City of Covington to determine the future of the Hawk Property subarea, which has been active as a gravel mine since the 1970's.

In 2012, the City commissioned the Northern Gateway Area Study, which evaluated the Hawk Property and surrounding area with regard to suitability for urban development and possible annexation to the City for the portion of the Northern Gateway outside city limits. Based on this study, the City refined the boundary of the subarea to focus on the Lakeside gravel mine and has prepared this subarea plan to facilitate the transition of this area from resource extraction use to urban development.

The City is also preparing an Environmental Impact Statement (EIS) concurrent with this subarea plan. The EIS establishes several land use alternatives and evaluates the potential environmental impacts of each. If adverse impacts are anticipated under any of the alternatives, the EIS proposes mitigation measures to reduce or eliminate these effects. The City is also considering the adoption of a Planned Action Ordinance for the Hawk Property Subarea. A planned action allows for streamlined environmental review at the development permit stage by evaluating a range of development alternatives in the EIS and then reviewing subsequent development proposals for consistency with the range of alternatives studied. Future development proposals deemed consistent with the planned action ordinance and EIS will not have to undergo a new environmental threshold determination, though they will have to comply with local permit review standards and the development standards established in this subarea plan and the code amendments adopted in the Covington Municipal Code.

## Local and Regional Context

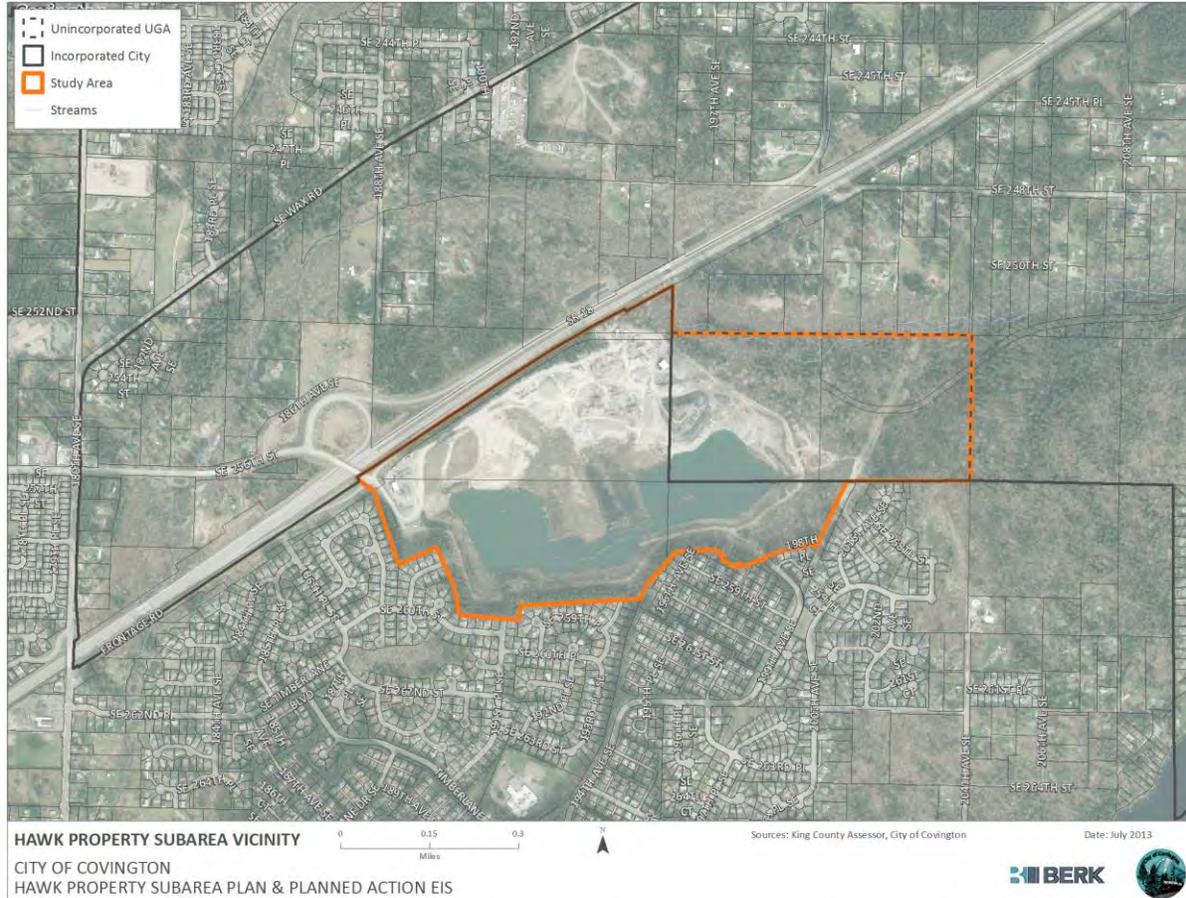
The Hawk Property subarea is located in the northern portion of the City abutting SR18 on its northwest boundary, and contains both land within the Covington city limits and land in unincorporated King County but the entire subarea is located within the city's Urban Growth Area (UGA). The subarea encompasses approximately 212 acres on the southeast side SR 18. The Hawk Property Subarea primarily consists of the Lakeside gravel mine, an asphalt batch plant, vacant land, and a highway interchange. Approximately 132 acres of this area lies within the City's corporate limits; the remainder lies within one of the City's assigned Potential Annexation Areas (PAAs) in the UGA. The subarea comprises the southern portion of the area analyzed in phase one of the Covington Northern Gateway Area Study, published by the City in 2012.

At present, structures in the subarea consist of two maintenance facilities, two offices, one concrete plant, one asphalt plant, one rock crusher, and one wash plant. Approximately 8 acres of land along the southern edge of the property have already been reclaimed in accordance with the standards of a Reclamation Plan approved by the Washington State Department of Natural Resources (DNR Surface Mine Reclamation Permit #70-011068 and Federal Mine ID #45-01582) and has moderate to heavy vegetative cover. The northern portion of the subarea consists of undeveloped land and is characterized by a series of wetlands associated with Jenkins Creek.

The Hawk Property subarea is strategically located at the northern gateway to Covington and adjacent to SR 18, a major regional transportation link. The subarea is therefore positioned to take advantage of

HAWK PROPERTY SUBAREA PLAN | INTRODUCTION

regional travel patterns and serve as a regional commercial retail and employment hub. Its location at the northern edge of the city makes it more suitable for these uses than the Town Center, which is located in the southwestern portion of the city’s downtown core. The Covington Downtown and Zoning Study Final Report, dated September 30, 2009, identifies the downtown, Town Center as a pedestrian-oriented village with limited larger format retail and a greater focus on social and civic uses.



**Community Vision for the Hawk Property Subarea**

The vision for the Hawk Property Subarea is the creation of an Urban Village at Covington’s northern gateway that provides a mix of commercial development and a variety of housing types. This village would provide regional shopping and employment opportunities for residents of both Covington and neighboring communities, as well as new housing opportunities for the Covington community. In addition to commercial and residential development, the village would offer public recreational amenities, such as parks, natural open space, a lake, and bicycle and pedestrian trails that link to the regional trail system. The Hawk Property Subarea, while providing both economic and lifestyle benefits would be a secondary center within Covington, providing an experience that is distinct from Covington’s town center, not competing with it.

This vision for the Hawk Property subarea was crafted with the input of area residents and stakeholders. The City hosted a community workshop in March 2013, which was attended by approximately 37 members of the public. In addition to taking comments from the public, the City answered questions about the subarea plan and the EIS process and engaged attendees in a planning exercise to graphically illustrate their preferred vision for the future of the Hawk Property Subarea. The participants were

HAWK PROPERTY SUBAREA PLAN | INTRODUCTION

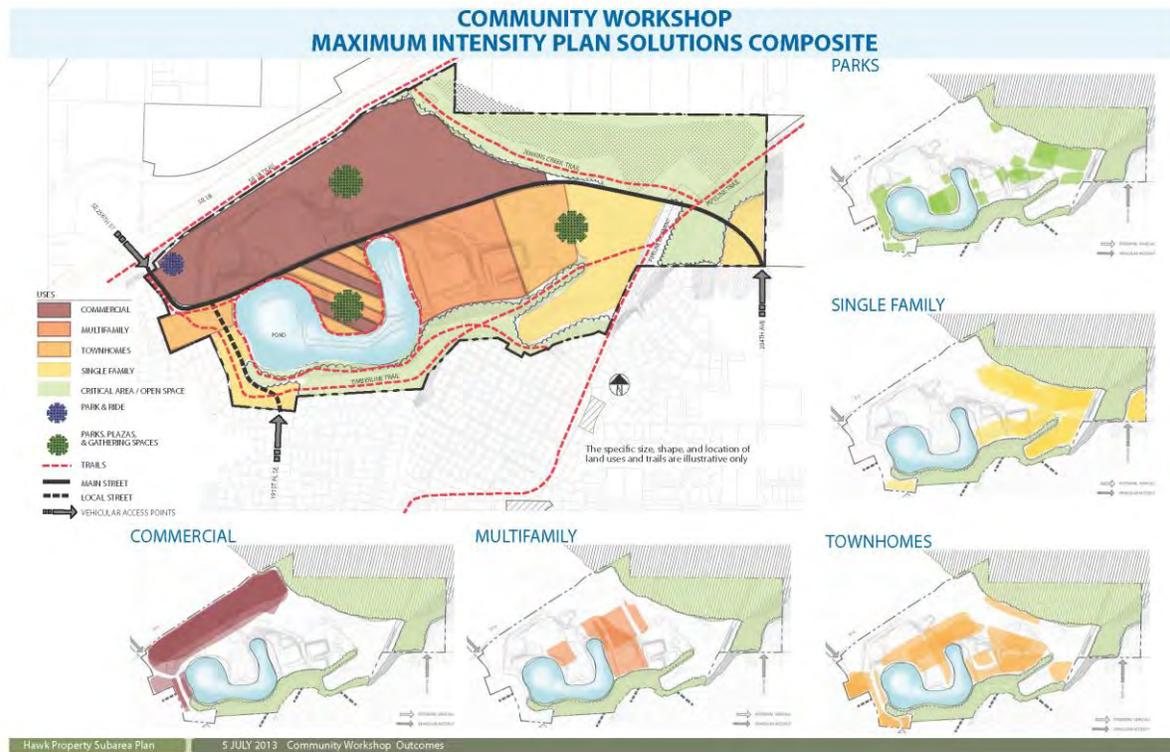
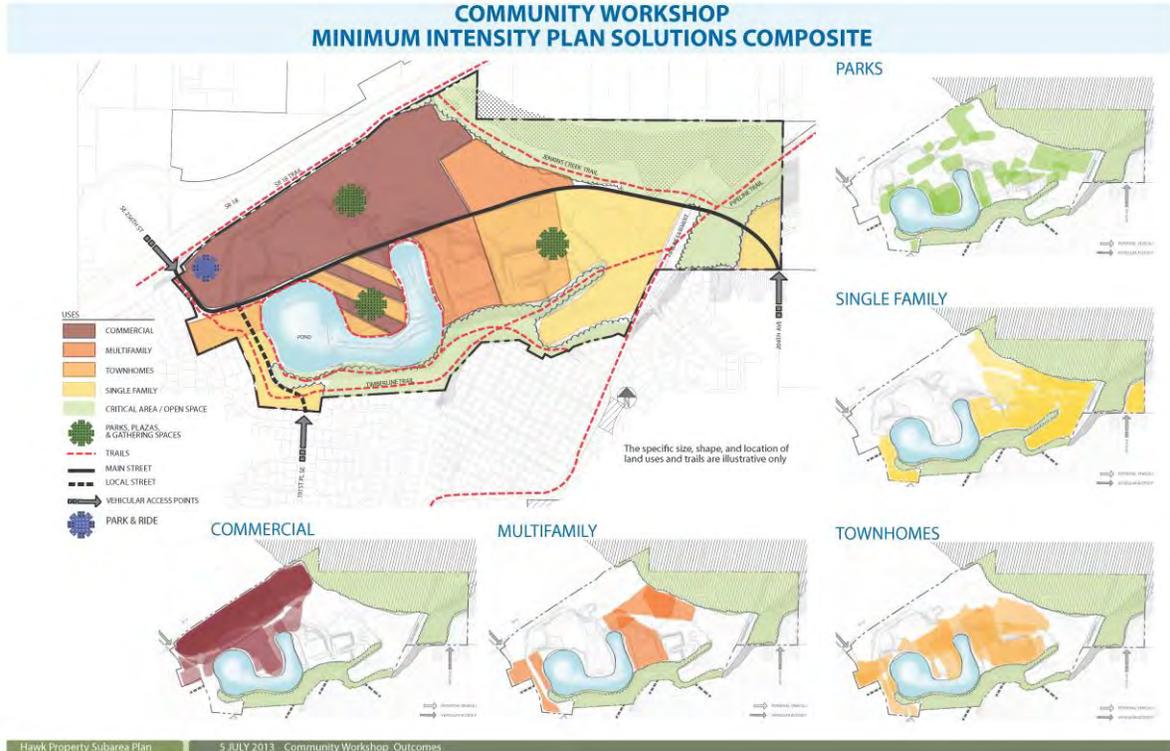
divided into teams and asked to arrange development types (single family residential, townhomes, multifamily residential, and commercial) on the site, as well as parks, open space, and a trail system. Each team was asked to evaluate both higher and lower-intensity development scenarios. Composites of the participants' preferred development solutions for the subarea are illustrated in the figures on the following page.



**Covington residents participate in a site planning exercise for the Hawk Property Subarea in March 2013.**

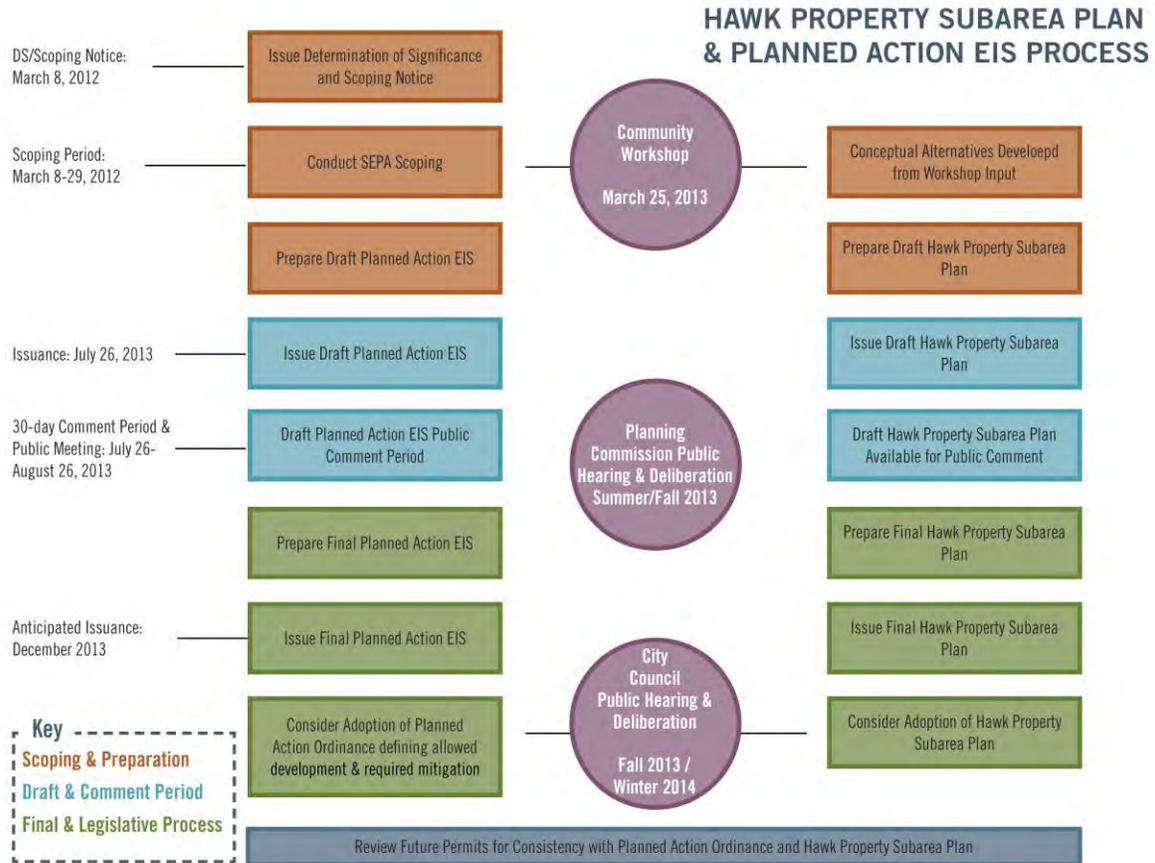


**A collection of site plan options for the Hawk Property Subarea produced by citizen break-out groups at the community workshop in March 2013.**



## Anticipated Timeline and Outcomes

The planning process for the Hawk Property Subarea is anticipated to continue through late 2013. This subarea plan and the associated proposed development regulations will undergo public review in the summer of 2013, with revisions in the fall and adoption of the final plan and development regulations in December 2013. Preparation of a development agreement and master site plan is anticipated in 2014. Annexation of the unincorporated portion of the subarea is also anticipated in 2014. A schematic of the subarea plan and environmental review process is included below.



## SUBAREA SENSE OF PLACE

### Overview

As described in the Introduction, the community vision for the subarea is an urban village with a mix of commercial, residential, and recreation uses. The specific development goals for the subarea, based on concepts and ideas from the property owners, community residents, and city staff and officials, include the following:

- To plan for future development of the Hawk Property Subarea in Covington’s Northern Gateway area by defining land use options;
- To protect environmentally sensitive areas while fostering economic development;
- To create an urban village for regional and local commercial uses and related employment, a mix of housing types, as well as community gathering and recreation spaces that is unique from and secondary to Covington’s downtown;
- To plan for an orderly transition of the Hawk Property Subarea from mineral extraction to urban uses appropriate for its location as Covington’s Northern Gateway;
- To improve transportation mobility in the area with a new arterial connection between SR 18 and 204<sup>th</sup> Avenue SE through the subarea and the connection to SE 272<sup>nd</sup> Street;
- To provide housing options, such as multifamily, townhomes, and small lot single family homes, that are not widely available in Covington; and
- To provide unique open space amenities such as an on-site pond and parks, and provide access to the regional trail system such as the Tri-City/Covington Highlands Trail.

Designed and developed as urban village, the focus of the Hawk Property Subarea is on convenient access to retail goods and services, housing choice, public amenities and conservation of natural areas. In this way, it is distinct from the city’s Town Center, which serves as the dense social and civic heart of Covington for live, work, play and learning.

### Key Features

Key features that define the sense of place for the Hawk Property Subarea urban village include:

- A mixture of large-format retail and local/iconic retail that will provide regional shopping and employment opportunities that will draw visitors from neighboring communities;
- A mixture of high-quality single-family neighborhoods, townhome clusters, and multifamily buildings at varying densities that will provide a range of housing choices and distinct residential experiences within the subarea;
- A central pond feature that will serve as a focal point, with public gathering space and recreational amenities for residents and visitors to the urban village;
- Protected natural features along Jenkins Creek and the steep slope area the southern edge of the subarea; and
- On-site parks and trails that will serve the recreational needs of area residents and provide access to regional recreational resources.

These key features are illustrated in two conceptual site plans on the following pages.

Conceptual Site Plan – Minimum Urban Village Alternative



Conceptual Site Plan – Maximum Urban Village Alternative



## Land Use and Zoning

Predominant land uses in the subarea will be large format retail, local and iconic retail, single-family residences, townhomes, and multifamily residential units. Because this represents a mix of uses not commonly found elsewhere in Covington, zoning for the subarea would be a combination of existing and new zoning districts. Three new zoning districts are being proposed for the Hawk Property Subarea to accommodate a mix of uses not commonly found in other zoning districts in Covington. Development in these new zones will be subject to Covington's existing development standards, as amended, and a new section of Chapter 18.35 specifically for the Hawk Property Subarea.

Portions of the subarea intended exclusively for single family residences and townhomes would use the proposed new High Density Residential (R-12) zone. Single family residences, townhomes, and multifamily residences would be accommodated by the new Mixed Residential (MR) zone. The MR zone would also allow those small-scale commercial uses that are supportive of residential areas, such as coffee shops and neighborhood food stores. Large format retail uses and multifamily housing would be allowed in the new Regional Commercial Mixed Use (RCMU) zone. Similar to Covington's existing Community Commercial and General Commercial zones, the RCMU zone is tailored specifically for large commercial uses which serve both a regional and local consumer base.

## Implementation

The vision and community design philosophies, will be implemented through a combination of new Comprehensive Plan goals and policies, design standards, zoning code revisions, and a development agreement as applicable between the City of Covington and the property owner of the subarea. These implementation measures are presented in the following sections and are summarized below.

- **Goals and Policies.** New goals and policies will be added to the City's Comprehensive Plan to create connections between the objectives of the Hawk Property Subarea Plan and the City's existing policy framework.
- **Zoning Code Revisions.** This section describes changes that will be made to Covington's Municipal Code (CMC) to implement the vision for the Hawk Property Subarea, including three new zoning districts and associated development regulations governing permitted uses, height, bulk, and density.
- **Design Standards.** A set of design standards in a new section of Chapter 18.35 will inform both site planning and building design in the subarea. These guidelines will provide standards for developers and City staff as they review future development proposals.

## GOALS & POLICIES

This section contains goals and policies that will be incorporated into the appropriate elements of the City's Comprehensive Plan. These goals and policies are designed to guide future development in the Hawk Property Subarea, as well as guide the development of future land use plans, zoning, environmental regulations, and capital plans for the area.

### Land Use

#### 2.6.12 Hawk Property Subarea (New Section)

The Hawk Property Subarea designation is intended to provide commercial and residential opportunities in an urban village setting with associated recreational and open space amenities. The Hawk Property Subarea should provide both regional and local commercial opportunities, as well as housing options not widely available in Covington, including multifamily, townhome, and small-lot residential development. This designation is appropriate for those properties included in the Hawk Property Subarea, as mapped in the Hawk Property Subarea Plan.

#### 2.8.19 Hawk Property Subarea Urban Village (New Section)

***LNG 19.0 Plan for and create a new Urban Village within the Hawk Property Subarea that serves as a safe, vibrant, well-planned commercial and residential center that offers opportunities to live, shop, and recreate in proximity to regional commercial and park and greenspace facilities . (New Goal)***

- LNP 19.1 Encourage a variety of commercial, residential, and recreational development types. (New Policy)
- LNP 19.2 Encourage a variety of housing types at various densities to provide housing choices not currently available in one location within Covington. (New Policy)
- LNP 19.3 Adopt design guidelines to development in the urban village that emphasize the Hawk Property Subarea as the northern entrance to Covington. (New Policy)
- LNP 19.4 Ensure that the public realm provides places for a variety of ages, interests, and experiences and is easily accessible. (New Policy)
- LNP 19.5 Ensure that the pond serves as a major amenity with extensive public access and a surrounding area with a mix of residential and commercial uses that offer a place for the community to gather, stroll, dine, shop, and live. (New Policy)
- LNP 19.6 Encourage development of larger, public park and greenspace amenities in the Hawk Property Subarea that are accessible to all residents and visitors, as opposed to small, fragmented, private park facilities. (New Policy)

## Economic Development

### 12.5.5 Commercial and Mixed Use Development

***EDG 5.0 Encourage commercial retail, service and complementary mixed use development that serves the residents of Covington and nearby communities, attracts visitors, and enhances the City's tax base while addressing transportation and other public service issues as they arise. (Existing Goal)***

- EDP 5.8 Encourage regional commercial and employment uses along major transportation corridors to strengthen Covington's economic position within the region. (New Policy)

### 12.5.9 Hawk Property Subarea (New Section)

***EDG 9.0 Develop a secondary economic center in the Hawk Property Subarea that offers shopping, employment, and residential opportunities without competing with the Town Center. (New Goal)***

- EDP 9.1 Encourage both regional and local-serving commercial uses that meet community shopping needs and provide jobs. (New Policy)
- EDP 9.2 Formulate an image and branding strategy to provide a unique identity distinct from the Covington Town Center. (New Policy)
- EDP 9.3 Implement land use and zoning standards that will encourage a mix of regional and local commercial uses and housing densities. (New Policy)
- EDP 9.4 Encourage commercial development comprised of a mix of regional retail, iconic/local retail and related uses that will serve local residents as well as residents of neighboring communities. (New Policy)
- EDP 9.5 Ensure that commercial areas are sensitive to the natural features around them. (New Policy)

## Transportation

### 5.15.5 Transit and TDM Strategies

***TRG 5.2 Enhance use of transit and TDM strategies by supporting appropriate land use. (Existing Goal)***

- TRP 5.8 Encourage the development of higher-density commercial and residential centers that can be efficiently served by transit. (New Policy)

### 5.15.6 Street Improvement Standards

***TRG 6.3 In general, all arterials shall accommodate pedestrian and bicycle movement, as well as automobile and transit traffic. (Existing Goal)***

- TRP 6.11 Link local street networks through subdivisions to provide efficient local circulation, as appropriate, and provide additional collector arterial access for major residential areas. (Existing Policy)
- TRP 6.14 Link SR 18 and 204<sup>th</sup> Ave SE with an arterial solution that provides efficient circulation while promoting a safe shopping and pedestrian environment. (New Policy)

- TRP 6.15 Provide an interconnected system of streets and non-motorized facilities that minimizes vehicular/bicycle/pedestrian conflicts. Employ a grid street pattern where practicable. (New Policy)
- TRP 6.16 Implement streetscape improvements that promote walkability and commercial activity. (New Policy)

## Parks & Recreation

### 6.6.3 Parks, Natural Areas, & Trails

***PRG 3.0 Acquire and develop a high-quality, diversified system of parks, recreation facilities and open spaces that is attractive, function, accessible and safe – providing equitable access to all residents. (Existing Goal)***

- PRP 3.12 Encourage large residential and mixed-use developments to include publicly accessible gathering spaces to serve as neighborhood focal points and event venues. (New Policy)

***PRG 4.0 Protect and manage the City’s environmentally-sensitive lands, remnant open spaces and natural and cultural resources to highlight their uniqueness and local history. (Existing Goal)***

- PRP 4.15 Where feasible, encourage use of wetland buffers, stream buffers, and habitat corridors for passive recreational use, such as wildlife viewing and trails, provided that such uses would not have a negative impact upon the protected natural resources. (New Policy)
- PRP 4.16 In the Hawk Property Subarea, incorporate park and greenspace areas as both publicly accessible recreational and habitat amenities. (New Policy)

***PRG 5.0 Develop a high-quality system of shared-use park trails and bicycle & pedestrian corridors that connect significant local landscapes, public facilities, neighborhoods and the downtown core. (Existing Goal)***

- PRP 5.11 In the Hawk Property Subarea create a multi-purpose trail network that connects to the surrounding neighborhoods and regional trail system. (New Policy)
- PRP 5.12 In the Hawk Property Subarea create a walkable and safe community with an integrated and layered system of sidewalks and trails is important to the success of commercial, residential and recreational areas and to the health of area residents. (New Policy)

## Surface Water Resources

### 7.5.2 General Water Resources Protection

***EVG 2.0 Insure that land use development policies protect the City’s water quality. (Existing Goal)***

- EVP 2.9 In the Hawk Property Subarea, actively promote the use of Low Impact Development (LID) techniques to reduce stormwater runoff quantity and pollutant loading, particularly in areas adjacent to Jenkins Creek. (New Policy)
- EVP 2.10 In the Hawk Property Subarea, transform the existing detention facilities into a unique publicly accessible community amenity, which may continue to serve as a stormwater management facility. (New Policy)

### 7.5.6 Wetlands

***EVG 6.0 Protect wetlands with a standard of no net loss of wetland functions or values within each drainage basin. Wetland functions are natural processes performed by wetlands. Wetlands promote food chain production, provide fish and wildlife habitat, maintain and improve water quality, retain water for recharge and discharge into groundwater aquifers, moderate surface water and stormwater flows. Other functions include, but are not limited to those discussed in U.S. Army Corps of Engineers regulations (33 CFR 320.4(b)(2), 1988). Wetland values are estimates, usually subjective, of the benefits of wetlands to society, and include aesthetics, education, scientific research, and recreation. (Existing Goal)***

- EVP 6.6 Locate development adjacent to wetlands such that wetland functions are protected, an adequate buffer around the wetlands is provided, and significant adverse impacts to wetlands are prevented. (Existing Policy)



## DEVELOPMENT REGULATIONS

This Chapter presents zoning and development regulations for the Hawk Property Subarea. Adoption of this subarea plan would entail amendments to the City's current zoning code; proposed development regulations are therefore presented in the format of the Covington Municipal Code, using ~~strikethrough~~ text to indicate proposed deletions from the existing code and underline text to indicate proposed additions to the code.

### Definitions

The definitions established in Chapter 18.20 of the Covington Municipal Code fully apply within the Hawk Property Subarea. The following additional definitions shall be added to Chapter 18.20.

#### 18.20 Technical Terms and Land Use Definitions

##### **18.20.613 Hotel**

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

##### **18.20.893 Physical Fitness/Recreation Club**

"Physical Fitness/Recreation Club " means a private facility including uses such as, but not limited to, game courts, exercise equipment, gym, exercise rooms, locker rooms, swimming pool, sauna, steam room, showers, and tanning salons.

### Zoning Districts

Zoning in the Hawk Property Subarea shall consist of the Urban Residential, Mixed Residential (MR) and Regional Commercial-Mixed Use (RCMU) districts. The City's existing zoning code will be amended as follows to implement the goals and policies of the Hawk Property Subarea Plan.

## 18.15 Zones, Maps and Designations

### 18.15.010 Zones and Map Designations Established.

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

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



**18.15.050 Urban Residential Zone**

- (1) The purpose of the urban residential zone (R) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use urban residential land, public services and energy. These purposes are accomplished by:
- (a) Providing, in the R-1 (urban separator) through ~~R-8R-12~~ zones, for a mix of predominantly single detached dwelling units and other development types, with a variety of densities and sizes;
  - (b) Providing, in the R-18 (multifamily) zone, a mix of higher densities and greater variety of housing uses;
  - (c) Allowing only those accessory and complementary nonresidential uses that are compatible with urban residential communities; ~~and~~
  - (d) Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally sensitive sites from overdevelopment.; ~~and~~
  - (e) Providing, in the MR (Mixed Residential) zone, a variety of housing types at a range of densities not provided by the other Urban Residential zoning districts. These purposes are accomplished by allowing a mixture of single-family development and multi-story multifamily uses while limiting non-residential uses to convenience retail and personal services that are complementary and supportive of higher-density housing development.
- (2) Use of this zone is appropriate as follows:
- (a) The urban separator (R-1) zone on or adjacent to lands with area-wide environmental constraints where development is required to cluster away from sensitive areas, on lands designated urban separators or wildlife habitat network where development is required to cluster away from the axis of the corridor on critical aquifer recharge areas, and on regionally and locally significant resource areas (RSRAs/LSRAs) or in well-established subdivisions of the same density, which are served at the time of development by public or private facilities and services adequate to support planned densities; and
  - (b) The R-4 through R-18 zones and the MR zone on lands that are predominantly environmentally unconstrained and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2 (21A.04.080))

**18.15.090 Regional Commercial-Mixed Use Zone**

- (1) The purpose of the Regional Commercial-Mixed Use Zone (RCMU) is to provide regional-scale retail and service uses in a well-designed urban village setting that may include a limited amount of high-density residential uses. These purposes shall be accomplished by:
- (a) Concentrating large-scale commercial uses to facilitate efficient provision of public services and to minimize incompatibilities with residential uses;
  - (b) Encouraging compact development to accommodate integrated open space and natural features, as well as recreational amenities; and
  - (c) Allowing for both horizontal and vertical mixed-use development, including a mix of commercial and residential uses.
  - (d) Other public benefits consistent with the Comprehensive Plan polices as approved by the city council.
- (2) Use of this zone is appropriate in commercial centers with adequate access to the regional transportation network.

**18.25 Permitted Uses**

**18.25.030 Residential Land Uses.**

A. Table

Key												
P – Permitted Use												
C – Conditional Use												
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I	
*	<b>DWELLING UNITS, TYPES:</b>											
*	Single detached		P C2	P C2	<u>P</u> <u>C2</u>	P4 C2	<u>P</u>					
*	Townhouse		P	P	<u>P</u>	P	<u>P</u>	P3	P3			
*	Multifamily					P4	<u>P</u>	P3	P3	<u>P</u>		
*	Manufactured home park			C8		C8						
	<b>GROUP RESIDENCES</b>											
*	Community residential facility-I		C	C	<u>C</u>	C	<u>C</u>	P3	P3			
*	Community residential facility-II							C	C			
*	Senior citizen assisted housing		P	P	<u>P</u>	P	<u>P</u>	P3				
	<b>ACCESSORY USES:</b>											
*	Residential accessory uses		P6	P6,8	<u>P6,8</u>	P6,8	<u>P 6, 8</u>	P6				
*	Home occupation		P	P	<u>P</u>	P	<u>P</u>	P		<u>P</u>		
	<b>TEMPORARY LODGING</b>											
*	Bed and breakfast guesthouse		P7	P7	<u>P7</u>	P7	<u>P7</u>	P	P			
*	<u>Hotel</u>						<u>P</u>			<u>P</u>		

B. Development Conditions

- (1) For all single-family preliminary plats of 20 lots or more, 18 percent of the units must be constructed as multiple-family dwelling units. The City will consider a reduction in the required number of multiple-family units if an agreement can be reached to assure the affordable

housing income figures mandated by the comprehensive plan can be achieved. This condition shall not apply within the Hawk Property Subarea.

- (2) Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in Condition No. 7.
- (3) Only as part of a mixed-use/integrated development subject to the conditions of Chapter 18.35 CMC.
- (4) Permitted only in the R-18 zone.
- (5) Must be in accord with Chapter 18.35 CMC.
- (6) Accessory Dwelling Units.
  - (a) Only one accessory dwelling per primary single detached dwelling unit;
  - (b) Only in the same building as the primary dwelling unit on an urban lot that is less than 10,000 square feet in area, on a rural lot that is less than the minimum lot size, or on a lot containing more than one primary dwelling;
  - (c) The primary dwelling unit or the accessory dwelling unit shall be owner-occupied;
  - (d) One of the dwelling units shall not exceed a floor area of 1,000 square feet except when one of the dwelling units is wholly contained within a basement or attic;
  - (e) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;
  - (f) One additional off-street parking space shall be provided;
  - (g) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied;
  - (h) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the Department with the Records and Elections Division which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the Department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, either the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone; and
  - (i) Must be in accord with Chapter 18.35 CMC.
- (7) Only as an accessory to the permanent residence of the operator, provided:
  - (a) Serving meals to paying guests shall be limited to breakfast; and
  - (b) The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the International Building Code for R-1 occupancies may accommodate up to 10 persons per night.
- (8) On-street electric vehicle charging stations are not permitted in the R-1 through R-18 zones. Individual electric vehicle charging stations for a single-family residence shall follow the Installation Guide for Charging Stations, prepared by Puget Sound Regional Council, and as amended. (Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 06-05 § 1; Ord. 23-04 § 10; Ord. 42-02 § 2(21A.08.030))

**18.25.040 Recreational/Cultural Land Uses**

A. Table

Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
*	<b>PARK/RECREATION:</b>										
*	Park	P1	P	P1	<u>P1</u>	P1	<u>P1</u>	P	P	<u>P1</u>	P
*	Trails	P	P	P	<u>P</u>	P	<u>P</u>	P	P	<u>P</u>	P
	<b>AMUSEMENT/ENTERTAINMENT:</b>										
*	Adult entertainment businesses (2)										P
793	Bowling center									<u>P</u>	P
*	Golf facility			P3	<u>P3</u>						
799 9(4) (6)	Amusement and recreation services			P5	<u>P5</u>						
*	Commercial recreation	C									C
<u>*</u>	<u>Physical Fitness/ Recreation Clubs</u>									<u>P</u>	
<u>*</u>	<u>Theaters</u>									<u>P</u>	
	<b>CULTURAL:</b>										
823	Library			C6	<u>C5</u>	C6	<u>C5</u>	P	P	<u>P</u>	
841	Museum			C	<u>C</u>	C	<u>C</u>	P	P	<u>P</u>	P
842	Arboretum			P	<u>P</u>	P	<u>P</u>	P	P		

B. Development Conditions

- (1) Lighting for structures and fields shall be directed away from residential areas through the use of exterior full cut-off shields or through optics within the fixture.
- (2) Adult entertainment businesses shall be prohibited within 550 feet of any property zoned R or containing schools, licensed day care centers, public parks or trails, community centers, public libraries or churches. In addition, adult entertainment businesses shall not be located closer than 3,000 feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned R or that contain the uses identified in this subsection.

- (3) Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. Ancillary facilities associated with a golf course are limited to practice putting greens, maintenance buildings and other structures housing administrative offices or activities that provide convenience services to players. These convenience services are limited to a pro shop, food services and dressing facilities and shall occupy a total of no more than 10,000 square feet.
- (4) Excluding amusement and recreational uses classified elsewhere in this chapter.
- (5) A conditional use permit is required unless the use is an accessory to a park or in a building listed on the National Register as a historic site or designated as a King County landmark subject to Chapter 18.47 CMC.
- (6) The operation of an indoor shooting range, as defined in CMC 18.20.1080, is not permitted. Outdoor shooting ranges are not permitted. (Ord. 01-12 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2(21A.08.040))

**18.25.050 General Services Land Uses**

A. Table

Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
*	<b>PERSONAL SERVICES:</b>										
72	General personal service						<u>P</u>	P	P	<u>P</u>	P
7216	Dry-cleaning plants										P
7218	Industrial laundrers										P
7261	Funeral home/crematory			C4	<u>C4</u>	C4	<u>C4</u>				
*	Cemetary, columbarium or mausoleum (5)			C3	<u>C3</u>	C3	<u>C3</u>	C3	C3		
*	Day care I			P6	<u>P6</u>	P	<u>P</u>	P	P	<u>P</u>	P7
*	Day care II			P8	<u>P8</u>	P	<u>P</u>	P	P	<u>P</u>	P7
074	Veterinary clinic (12)										P
753	Automotive repair (1) (12)										P

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<b>Key</b>											
<b>P – Permitted Use</b>											
<b>C – Conditional Use</b>											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
754	Automotive service (2)									<u>P</u>	P
76	Miscellaneous repair										P
866	Churches, synagogue, temple		C	C	<u>C</u>	C	<u>C</u>	P	P	<u>C</u>	
83	Social services						<u>P</u>	P		<u>P</u>	
81/872	Legal/financial offices					P9	<u>P13</u>	P		<u>P</u>	
8748	Business consulting services					P9	<u>P13</u>	P		<u>P</u>	
*	Kennel or cattery										
*	Artist studios					P9	<u>C</u>	P		<u>P</u>	P
*	Interim recycling facility		P10								P
<b>HEALTH SERVICES:</b>											
801-804	Office/outpatient clinic					P9		P		<u>P</u>	P
805	Nursing and personal care facilities					P9					
807	Medical/dental lab					P9					P
808-809	Miscellaneous health					P9					
<b>EDUCATIONAL SERVICES:</b>											
	Schools: Elementary, middle/junior high, secondary or high school			P	<u>P</u>	P	<u>P</u>				
	Vocational school			C	<u>C</u>	C	<u>C</u>				P
	Specialized instruction school			C	<u>C</u>	C	<u>C</u>	P			P

Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
	School district support facility			P11	<u>P11</u>	P11	<u>P11</u>	C			P

B. Development Conditions

- (1) Except SIC Industry No. 7534 – Tire retreading; see manufacturing permitted use table.
- (2) Not abutting or taking access from SE 270th Place.
- (3) A conditional use permit is required unless a columbarium is an accessory to a church.
- (4) Only as an accessory to a cemetery.
- (5) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- (6) Only as an accessory to residential use, and:
  - (a) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and
  - (b) Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.
- (7) Permitted as an accessory use. See commercial/industrial accessory uses, CMC 18.25.060.
- (8) Only as a re-use of a public school facility subject to Chapter 18.85 CMC, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, and:
  - (a) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet;
  - (b) Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
  - (c) Direct access to a developed arterial street shall be required in any residential zone; and
  - (d) Hours of operation may be restricted to assure compatibility with surrounding development.
- (9) Permitted only in existing single-family structures.
- (10) Limited to source-separated yard or organic waste processing facilities.
- (11) Only if adjacent to an existing or proposed school.
- (12)
  - (a) No burning of refuse or dead animals is allowed;
  - (b) The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
  - (c) The provisions of Chapter 18.80 CMC relative to animal keeping are met. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2(21A.08.050))
- (13) Limited to 3,000 square feet of gross floor area unless located in a multi-story, mixed-use building in which case the limitation does not apply.

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**18.25.060 Government/Business Services Land Uses**

A. Table

Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
*	<b>GOVERNMENT SERVICES:</b>										
*	Public agency or utility office		C3	C3	<u>C3</u>	C3	<u>C3</u>	P	P	<u>P</u>	P
*	Public agency or utility yard	P5	C3	P8	<u>P8</u>	P8	<u>C3</u>	P8	P8	<u>P8</u>	P
*	Public agency archives	P5	C3	C3	<u>C3</u>	C3	<u>C3</u>	P	P	<u>P</u>	P
921	Court										
922 1	Police facility			P7	<u>P7</u>	P7	<u>P7</u>	P7	P7	<u>P7</u>	P
922 4	Fire facility			C6	<u>C6</u>	C6	<u>C6</u>	P	P	<u>P6</u>	P
*	Utility facility	P4 C14	P4 C14	P4 C14	<u>P4</u> <u>C14</u>	P4 C14	<u>P4</u> <u>C14</u>	P10	P4 C14	<u>P10</u>	P
*	Commuter parking lot			P13	<u>P13</u>	P13	<u>P13</u>			<u>P17</u>	P
	<b>BUSINESS SERVICES:</b>										
*	Construction and trade										P
*	Individual transportation and taxi										P
421	Trucking and courier service										P
*	Warehousing (1) and wholesale trade										P
47	Transportation service										P
473	Freight and cargo service										P
48	Communication offices										P

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Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
482	Telegraph and other communications										P
*	General business service						<u>P10, 18</u>	P10, 16		<u>P10</u>	P
*	Professional office					P11	<u>P18</u>	P		<u>P</u>	P
735	Miscellaneous equipment rental (12)										P
751	Automotive rental and leasing										P
873	Research, development, and testing										P2
*	Heavy equipment and truck repair										P
<b>ACCESSORY USES:</b>											
*	Commercial/ industrial accessory uses	P				P15	<u>P15</u>	P9,15	P15	<u>P9,15</u>	P15
*	Off-street required parking lot			P	<u>P</u>	P	<u>P</u>	P	C	<u>P</u>	P

B. Development Conditions

- (1) Except self-service storage.
- (2) Except SIC Industry No. 8732 – Commercial economic, sociological, and educational research, see general business service/office.
- (3) A conditional use permit is not required if the use is:
  - (a) A reuse of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.85 CMC; or
  - (b) An accessory to a fire facility and the office is no greater than 1,500 square feet of floor area.
- (4) Excluding bulk gas storage tanks.
- (5) Subject to industrial criteria.
- (6) (a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

- (c) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street;
- (d) No outdoor storage.
- (7) Limited to “storefront” police offices. Such offices shall not have:
  - (a) Holding cells;
  - (b) Suspect interview rooms (except in the NC zone); or
  - (c) Long-term storage of stolen properties.
- (8) (a) Utility yards only on sites with utility district offices; or
  - (b) Public agency yards are limited to material storage for road maintenance facilities.
- (9) Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
- (10) Provided, that all material and/or equipment of any kind is stored in a fully enclosed building.
- (11) Permitted only in existing single-family structures.
- (12) Not abutting or taking access from SE 270th Place.
- (13) Limited to new commuter parking lots designed for 30 or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting; provided, that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the Department of Transportation.
- (14) Limited to bulk gas storage tanks which pipe to individual residences but excluding liquefied natural gas storage tanks.
- (15) Electric vehicle charging stations are permitted in accordance with CMC 18.50.170.
- (16) Gasoline service stations and battery exchange stations are limited to the community commercial (CC) zone and subject to the following conditions:
  - (a) A gasoline service station shall be limited to four pumps and eight price gauges to service no more than eight vehicles.
  - (b) A battery exchange station shall provide a minimum of three stacking spaces.
  - (c) Stacking spaces and drive-through facilities shall be designed in accordance with CMC 18.50.080.
  - (d) Any associated materials, equipment storage, outdoor storage tanks and battery exchange activities shall be within a fully enclosed structure, unless otherwise determined by the Director. (Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 08-07 § 1; Ord. 16-05 § 1; Ord. 08-05 § 1; Ord. 24-04 § 1; Ord. 42-02 § 2(21A.08.060))
- (17) Limited to Park-and-Ride facilities associated with a public or private transit facility provider. Any such commuter parking lot shall not exceed 125 surface spaces. Parking stalls in excess of this amount shall be located within a parking structure.
- (18) Limited to 3,000 square feet of gross floor area unless located in a multi-story, mixed-use building in which case the limitation does not apply.

**18.25.070 Retail Land Uses**

A. Table

Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
*	Building, hardware and garden materials						<u>P2</u>	P1	P1	<u>P 1, 7</u>	
*	Department and variety stores							P	P	<u>P</u>	
54	Food stores						<u>P2</u>	P	P2	<u>P</u>	P2
56	Apparel and accessory stores							P	P	<u>P</u>	
58	Eating and drinking places						<u>P6</u>	P	P	<u>P</u>	P
592	Liquor stores							P	P	<u>P</u>	
*	Book, stationary, video and art supply stores						<u>P2</u>	P	P	<u>P</u>	
*	Hobby, toy, game shops						<u>P2</u>	P	P	<u>P</u>	
*	Photographic and electronic shops							P	P	<u>P</u>	
*	Fabric shops						<u>P2, 7</u>	P	P	<u>P</u>	
*	Florist shops						<u>P2, 7</u>	P	P	<u>P</u>	
*	Farmers' and public markets						<u>P5</u>	P5	P5	<u>P5</u>	
	Medical/dental					P4	<u>P2, 7</u>		P	<u>P</u>	
	Laundromat/dry cleaner						<u>P2</u>		P	<u>P</u>	
	Commercial printing and publishing						<u>P2</u>		P	<u>P</u>	
	Legal/financial offices					P(3) (4)	<u>P2</u>		P3	<u>P</u>	

B. Development Conditions

- (1) Only hardware and garden materials stores shall be permitted; provided, that all material and/or equipment of any kind is stored in a fully enclosed building.

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- (2) Limited to a maximum of 3,000 square feet of gross floor area, unless located in a multi-story, mixed-use building, in which case the limitation does not apply.
- (3) Excluding banks.
- (4) Permitted only in existing single-family structures.
- (5) Farmers’ and public markets are permitted. Temporary markets require a temporary use permit in accordance with CMC 18.85.125. (Ord. 10-10 § 3 (Exh. C); Ord. 09-09 § 4; Ord. 06-06 § 1; Ord. 42-02 § 2(21A.08.070))
- (6) Limited to a maximum of 8,000 square feet of gross floor area, and drive-through facilities are not permitted.
- (7) Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

**18.25.080 Manufacturing Land Uses**

A. Table

Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
205	Bakeries						<u>C3</u>	P	P	<u>P</u>	P
20	Food and kindred products (except 205)										P1
2082/ 2084	Winery/brewery						<u>C3</u>			<u>P</u>	P
22	Textile mill products										C
23	Apparent and other textile products										P
24	Wood products, except furniture										P
25	Furniture and fixtures										P
26	Paper and allied products										C
27	Printing and publishing							P2			P
28	Chemicals and allied products										C
2911	Petroleum refining and										C

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Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
	related industries										
30	Rubber and miscellaneous plastics products										C
31	Leather and leather goods										P
32	Stone, clay, glass, and concrete products										P
33	Primary metal industries										C
34	Fabricated metal products										P
35	Industrial and commercial machinery										P
351-355	Heavy machinery and equipment										C
357	Computer and office equipment										P
36	Electronic and other electric equipment										P
374	Railroad equipment										C
376	Guided missile and space vehicle parts										C
379	Miscellaneous transportation vehicles										C
38	Measuring and controlling										P

Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
	instruments										
39	Miscellaneous light manufacturing										P
*	Motor vehicle and bicycle manufacturing										C
*	Aircraft, ship and boat building										C
7534	Tire treading										P
781-782	Movie production/distribution										P

B. Development Conditions

- (1) Except slaughterhouses.
- (2) Limited to photocopying and printing services offered to the general public. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2(21A.08.080))
- (3) Limited to 3,000 square feet of gross floor area unless located in a multi-story, mixed-use building, in which case the limitation does not apply.

**18.25.090 Resource Land Uses**

A. Table

Key											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
*	Agriculture training facility										
	<b>FORESTRY:</b>										
	Growing and harvesting forest product	P4		P	<u>P</u>	P					P

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*	Forest research											P
<b>FISH AND WILDLIFE MANAGEMENT:</b>												
092 1	Hatchery/fish preserve (1)			C	<u>C</u>	C						P
027 3	Aquaculture (1)			C	<u>C</u>	C						P
*	Wildlife shelters											
<b>MINERAL:</b>												
10, 12, 14	Mineral extraction and processing	P										
295 1 327 1 327 3	Asphalt/concrete mixtures and block	P5										P
<b>ACCESSORY USES:</b>												
*	Resource accessory uses	P3										P2

B. Development Conditions

- (1) May be further subject to Chapter 16.05 CMC, Shoreline Management Plan.
- (2) Excluding housing for agricultural workers.
- (3) Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
- (4) Only in conjunction with a mineral extraction site plan approved in accordance with Chapter 18.60 CMC.
- (5) Only as accessory to a primary mineral extraction use, or as a continuation of a mineral processing use established prior to the effective date of or consistent with this title. (Ord. 10-10 § 3 (Exh. C); Ord. 42-02 § 2(21A.08.090))

**18.25.100 Regional Land Uses**

A. Table

<b>Key</b>											
P – Permitted Use											
C – Conditional Use											
SIC #	SPECIFIC LAND USE	M	US	R4-8	<u>R-12</u>	R-18	<u>MR</u>	CC	NC	<u>RCMU</u>	I
*	Jail					C		C			C
*	Work release facility					C		C			

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*	Public agency animal control facility										P
*	Public agency training facility										C1
*	Nonhydroelectric generation facility	C6						C6			C
*	Wireless communication facility (4)	P C		P C	<u>P</u> <u>C</u>	P C	<u>P</u> <u>C</u>	P C	P C	<u>P</u> <u>C</u>	P C
*	Earth station			C2	<u>C2</u>	C2	<u>C2</u>	P3		<u>C2</u>	P
*	Energy resource recovery facility	C				C		C			C
*	Soil recycling facility	C									C
*	Transfer station	C				C		C			C
*	Wastewater treatment facility			C	<u>C</u>	C					C
*	Fairground										C
842 2	Zoo/wildlife exhibit			C	<u>C</u>	C					C
794 1	Stadium/arena										
822 182 22	College/university (1)			P5	<u>P5</u>			P5			P
*	Secure community transition facility (SCTS)	*									7

B. Development Conditions

- (1) Shooting ranges, either indoor or outdoor, associated with educational programs are not permitted.
- (2) Limited to no more than three satellite dish antennas.
- (3) Limited to one satellite dish antenna.
- (4) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. WCFs may be located (a) on any residential structure or undeveloped site in R-18, MHO, TC or GC zone districts; or (b) on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.), or in public rights-of-way in any residential zone district. Chapter 18.70 CMC, Wireless Communication Facilities, outlines the approval and review process. In the event of a conflict between the requirements of Chapter 18.70 CMC and the requirements of this chapter, Chapter 18.70 CMC shall govern.

- (5) Permitted as a re-use of a public school facility subject to Chapter 18.85 CMC. A conditional use permit is required if the use is a re-use of a surplus nonresidential facility subject to Chapter 18.85 CMC.
- (6) Limited to cogeneration facilities for on-site use only.
- (7) Conditional use permit required subject to meeting conditions for siting SCTFs in compliance with the requirements of Chapter 71.09 RCW and CMC 18.125.040. (Ord. 09-12 § 2 (Exh. B); Ord. 01-12 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 16-05 § 2; Ord. 42-02 § 2 (21A.08.100))

## Development Standards

### 18.30 Development Standards – Density and Dimensions

#### 18.30.030 Densities and Dimensions – Residential Zones

A. Table

STANDARDS	ZONES						
	RESIDENTIAL						
	R-1 (14) Urban Separator	R-4	R-6	R-8	R-12	R-18	MR
Base density: dwelling units/acre (15)	1 du/ac	4 du/ac	6 du/ac	8 du/ac	<u>12 du/ac</u>	18 du/ac (18)	<u>14 du/ac</u>
Maximum density: dwelling unit/acre (1)		6 du/ac	9 du/ac	12 du/ac	<u>18 du/ac</u>	24 du/ac	<u>50 du/ac</u>
Minimum density (2) (15)		85% (12)	85% (12)	85% (12)	<u>85% (12)</u>	85% (12)	<u>85% (12)</u>
Minimum lot area (13)	2,500 sf	2,500 sf	2,500 sf	2,500 sf	<u>2,500 sf</u>	2,500 sf (3)	<u>2,500 sf (3)</u>
Minimum lot width (3)	35 ft (7)	30 ft	30 ft	30 ft	<u>30 ft</u>	30 ft	<u>30 ft</u>
Minimum street setback (3)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	<u>10 ft (8)</u>	10 ft	<u>10 ft</u>
Minimum interior setback (3) (13)	7ft 6 inches (7)	7ft 6 inches	7ft 6 inches	7ft 6 inches	<u>5 ft (19)</u>	10 ft	<u>5 ft (19)</u>
Base height (4)	35 ft	35 ft	35 ft 45 ft (11)	35 ft 45 ft (11)	<u>35 ft</u> <u>45 ft (11)</u>	35 ft	<u>60 ft</u>

STANDARDS	ZONES						
	RESIDENTIAL						
	R-1 (14) Urban Separator	R-4	R-6	R-8	R-12	R-18	MR
Maximum impervious surface: percentage (5)	30% (16)	55%	70%	75%	75% (3)	75%	85% (3)

B. Development Conditions

- (1) This maximum density may be achieved only through the application of residential density incentives in accordance with Chapter 18.90 CMC or transfers of density credits in accordance with Chapter 18.95 CMC, or any combination of density incentive or density transfer. Maximum density may only be exceeded in accordance with CMC 18.90.040(6)(a)(vii). Within the Hawk Property Subarea, this condition shall not apply.
- (2) Also see CMC 18.30.060.
- (3) These standards may be modified under the provisions for zero-lot-line and townhouse developments.
- (4) Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed 75 feet. Wireless communication facilities, including licensed amateur (HAM) radio stations and citizen band stations, shall not exceed the zone’s base height limit unless allowed pursuant to the provisions of Chapter 18.70 CMC or a height modification is granted pursuant to CMC 18.70.150. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum height shall not exceed 75 feet.
- (5) Applies to each individual lot. Impervious surface area standards for:
  - (a) Regional uses shall be established at the time of permit review;
  - (b) Nonresidential uses in residential zones, except those located within the MR zone, shall comply with CMC 18.30.140 and 18.30.250;
  - (c) Individual lots in the R-4 through R-6 zones that are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and
  - (d) A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.
- (6) Mobile home parks shall be allowed a base density of six dwelling units per acre.
- (7) The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.
- (8) At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line or back of sidewalk if any portion of the sidewalk has been included in an easement. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.
- (9) Intentionally left blank.
- (10) Intentionally left blank.

- (11) The base height to be used only for projects as follows:
- (a) In R-6 and R-8 zones, a building with a footprint built on slopes exceeding a 15 percent finished grade.
- (12) Density applies only to dwelling units and not to sleeping units.
- (13) Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least 26 feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.
- (14) (a) All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered if the property is located within or contains:
- (i) A floodplain;
  - (ii) A critical aquifer recharge area;
  - (iii) A regionally or locally significant resource area;
  - (iv) Existing or planned public parks or trails, or connections to such facilities;
  - (v) A Class I or II stream or wetland;
  - (vi) A steep slope; or
  - (vii) A greenbelt/urban separator or wildlife corridor area designated by the comprehensive plan or a community plan.
- (b) The development shall be clustered away from sensitive areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. Open space tracts shall be permanent and shall be dedicated to a homeowners' association or other suitable organization, as determined by the Director, and meet the requirements in CMC 18.35.040. On-site sensitive area and buffers, wildlife habitat networks, required habitat and buffers for protected species and designated urban separators shall be placed within the open space tract to the extent possible. Passive recreation (with no development of recreational facilities) and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract.
- (15) See CMC 18.30.090.
- (16) All subdivisions and short subdivisions in the R-1 zone shall have a maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.
- (17) Intentionally left blank.
- (18) Except cottage housing, which may have a base density of 12 du/acre. (Ord. 09-12 § 2 (Exh. B); Ord. 10-10 § 3 (Exh. C); Ord. 60-03 § 2; Ord. 57-03 § 2; Ord. 42-02 § 2 (21A.12.030))
- (19) Minimum interior setback for underground parking structures is zero (0) feet.

**18.30.040 Densities and Dimensions – Resource and Commercial/Industrial Zones**

A. Table

STANDARDS	ZONES				
	RESOURCE	COMMERCIAL/INDUSTRIAL/MIXED USE			
	M	CC	NC	RCMU	I
Base density: dwelling units/acre (5)		8 du/ac (1)	8 du/ac (1)	<u>18 du/ac</u>	
Maximum density: dwelling unit/acre (5)		12 du/ac (2)	12 du/ac (2)	<u>50 du/ac</u>	
Minimum street setback	(6)	0 ft (3)	0 ft (3)	<u>0 ft</u>	25 ft
Minimum interior setback	(6)	20 ft (4)(8)	20 ft (4)(8)	<u>10 ft</u> <u>20 ft (4)</u>	20 ft (4)
Base height (9)	35 ft	35 ft	35 ft (10)	<u>60 ft</u>	45 ft
Maximum impervious surface: percentage (7)		85%	85%	<u>85%</u>	90%
Maximum building size (gross square feet)		30,000 sf	5,000 sf (11)(12)	<u>NA</u>	NA

B. Development Conditions

- (1) These densities are allowed only through the application of mixed-use/integrated development standards. Except for senior housing, no less than 60 percent of the ground floor of a mixed-use/integrated project shall be established for commercial use.
- (2) These densities may only be achieved through the application of residential density incentives or transfer of density credits in mixed-use developments.
- (3) Gas station pump islands shall be placed no closer than 15 feet to any property line. Gas islands and their associated canopy structures may not be placed on a street corner in accord with the requirements of the design manual.
- (4) Required on property lines adjoining residential zones.
- (5) The floor-to-lot ratio for mixed-use developments shall conform to Chapter 18.35 CMC. Floor-to-lot ratios shall not apply in the Hawk Property Subarea.
- (6) See CMC 18.60.060 for setback requirements in the mineral zone.
- (7) The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.
- (8) Required on property lines adjoining residential zones unless a stand-alone townhouse development is proposed to be located adjacent to property upon which an existing townhouse development is located.
- (9) Structures in excess of the base height limitation may be increased upon approval of a conditional use permit.
- (10) Structures within 150 feet of R-zoned lands shall have sloped roofs with a pitch at least as steep as that of the roofs of the closest single-family structure.
- (11) The maximum footprint of any structure is 5,000 square feet. A building's gross floor area may exceed this figure if the structure includes second or third floors.
- (12) The total area of the collective footprints of all structures on a site may not exceed 10,000 square feet per acre of lot area. (Ord. 10-10 § 3 (Exh. C); Ord. 06-06 § 2; Ord. 42-02 § 2 (21A.12.040))

## 18.35 Development Standards – Design Requirements

### 18.35.150 On-Site Recreation – Space Required

- (1) Residential developments in the R and MR zones, stand-alone townhouse developments in the R, MR, CC, and NC, and RCMU zones, and mixed-use developments, if more than four units, shall provide fully accessible recreation space for leisure, play and sport activities as follows:
  - (a) Residential subdivision at a density of four units an acre or more: 450 square feet per unit;
  - (b) Townhouses developed at a density of eight units or less per acre: 450 square feet per unit;
  - (c) Manufactured home park: 260 feet per unit;
  - (d) Multifamily dwelling units and townhouses developed at a density of greater than eight units per acre: 100 square feet per unit;
  - (e) Senior housing or other age-restricted facilities: 200 square feet per unit or as required by the funding agency, whichever is greater.

### 18.35.200 Storage space, loading areas, and collection points for recyclables and refuse.

- (4) The collection points shall be designed as follows:
  - (a) Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.
  - (b) Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.
  - (c) Collection points shall be identified by signs not exceeding two square feet.
  - (d) A six-foot wall or fence shall enclose any outdoor collection point, excluding collection points located in industrial developments that are greater than 100 feet from residentially zoned property. All screening shall include the use of landscape material.
  - (e) Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.
  - (f) Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.
  - (g) Collection points and loading areas within 50 feet and visible from an adjacent street or sidewalk shall be screened by a fence or wall.

### 18.35.310 Hawk Property Subarea (New Section)

- (1) Where standards in this Section conflict with other standards in this Title, the standards in this Section shall supersede other standards for the Hawk Property Subarea.
- (2) An interconnected system of pedestrian and bicycle facilities shall provide access to all areas of the community, to adjacent neighborhoods, and to regional trails.
- (3) The main arterial connecting SR 18 and 204<sup>th</sup> Ave SE shall slow traffic through the community, support active street-level uses, and enhance pedestrian comfort and safety. An interconnected system of pedestrian and bicycle facilities shall provide access to all areas of the community, to adjacent neighborhoods, and to regional trails.
  - (a) 60% or more of the length of each block frontage in the MR and RCMU zoning districts shall be occupied by a building unless 40% or more of the length of a block frontage is occupied, individually or collectively, by a park, plaza, open space, driveway, or critical area, in which case the building frontage requirement shall be reduced accordingly.

This requirement does not apply where all or a portion of a block frontage is not deep enough for a building.

(b) 50% or more of the length of each block frontage on both sides of all streets in other zoning districts shall be occupied by a building unless 50% or more of the length of a block frontage is occupied, individually or collectively, by a park, plaza, open space, driveway, or critical area, in which case the building frontage requirement shall be reduced accordingly. This requirement does not apply where all or a portion of a block frontage is not deep enough for a building.

(c) On lots or parcels with multiple buildings, pedestrian circulation routes shall interconnect all buildings.

**Pedestrian Access Routes Connecting Buildings (3c)**



(4) Buildings

- (a) Sections 18.35.050 and 18.35.080 shall apply only to townhouse developments.
- (b) Sections 18.35.090 and 18.35.100 shall not apply to commercial, mixed-use, or integrated developments.
- (c) A minimum of 60% of the street-level frontage of commercial and mixed-use buildings shall be devoted to commercial uses.

**Ground Floor Retail (4c)**



- (d) The main entrance for all buildings along a street frontage, including single family residences and townhouses, shall be accessed from a public sidewalk or a pedestrian walkway connected to a public sidewalk.

**Main Entrance Accessed from Street Frontage (4d)**



(e) At least one public entrance for a commercial use shall be accessed from a public sidewalk or a pedestrian walkway connected to the public sidewalk.

**Entrance Access from Pedestrian Walkway (4e)**



(f) Overhead weather protection shall be provided along 75% or more of the length of a commercial or mixed use building frontage adjacent to a sidewalk or a pedestrian walkway connected to a sidewalk. Overhead weather protection may be composed of marquees, awnings, canopies, a building projection or other permanent structural element and must cover at least five (5) feet of the width of the adjacent public walkway or sidewalk. This requirement applies only to building frontages containing street-level commercial uses.

**Weather Protection (4f)**



(g) The use of sustainably harvested salvaged, recycled or reused products is encouraged.

(5) Pond Area

(a) The area around the pond shall contain a continuous route devoted to public access. Public access includes, but is not limited to, parks, plazas, promenades, sidewalks, and multi-purpose trails. Sidewalks shall be a minimum of eight feet wide.

**Public Access Trails around Pond (5a)**



(b) When buildings containing commercial uses are located adjacent to the pond, at least 60% of the length of the pond-facing ground-level building frontage shall be devoted to commercial uses.

**Ground Floor Commercial Uses around Pond (5b)**



(c) Public access corridors leading to the pond shall be located at intervals of approximately 500 feet. Access corridors include, but are not limited to, parks, streets, pedestrian ways, and passive open space.

(d) A least one public gathering place of at least 20,000 square feet shall be provided to serve as a major public amenity.

**Public Gathering Space (5d)**



**(6) Gathering Places**

(a) In the RCMU zoning district at least one public gathering place of at least one-half (1/2) acre shall be provided that is an integral element of the commercial area and suitable for special events and celebrations.

**Community Gathering Space (6a)**



(b) Outside of the RCMU zoning district and the pond area at least one park shall be provided that is sufficient in size to include a range of active recreational uses for residents of varying ages and interests.

(c) All public gathering places shall be linked physically and visually to adjacent sidewalks or trails.

**Outdoor Gathering Place Adjacent to Public Sidewalk (6c)**



(7) Blank Walls, Mechanical and Utility Equipment

(a) Any building facade with a blank wall greater than 200 square feet adjacent to a sidewalk, pedestrian walkway, parking lot, trail, park, plaza or other public space, shall be treated architecturally and/or with landscape elements.

**Blank Wall Screening (7a)**



(b) Roof-mounted mechanical equipment visible from sidewalks on an adjacent street or from an adjacent trail shall be screened from view.

(c) Building or ground-mounted utility meters or equipment shall be visually screened from an adjacent sidewalk or trail by a fence, wall, or landscaping.

(8) The Director may approve alternatives to the standards in this Section provided that the alternatives provide a comparable benefit or functional equivalent to the standard.

## 18.50 Development Standards – Parking and Circulation

### 18.50.030 Computation of Required Off-Street Parking Spaces

- (1) Except as modified in CMC 18.50.070(2) and (3), off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as a number of spaces per square foot means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down.
- (2) Minimum off-street parking requirements for the downtown zones are subject to the provisions of Chapter 18.31 CMC.

Land Use	Minimum Parking Spaces Required
<b>Residential (CMC 18.25.030):</b>	
Single detached/townhouse	2.0 per dwelling unit
Apartment:	
Studio units (8)	1.2 per dwelling unit
One-bedroom units (8)	1.5 per dwelling unit
Two-bedroom units (8)	1.7 per dwelling unit
Three-bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
<b>Recreation/Cultural (CMC 18.25.040):</b>	
Recreation/culture uses	1 per 400 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield	Director decision
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
<b>General Services (CMC 18.25.050):</b>	
General services uses (9)	1 per 400 square feet
Exceptions:	
Funeral home/crematory	1 per 50 square feet of chapel area
Day care I	2 per facility

Land Use	Minimum Parking Spaces Required
Day care II	2 per facility, plus 1 space for each 20 children
Church, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and veterinary clinic offices	1 per 400 square feet of office, labs and examination rooms
Nursing and personal care facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools:	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction schools	1 per classroom, plus 1 per two students
Artist studios	.9 per 1,000 square feet of area used for studios
<b>Government/Business Services (CMC 18.25.060):</b>	
Government/business services uses	1 per 400 square feet
Exceptions:	
Public agency yard	1 per 400 square feet of offices, plus .9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	Director decision
Fire facility	Director decision
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus .9 per 1,000 square feet of storage area

Land Use	Minimum Parking Spaces Required
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident Director's unit
Outdoor advertising services	1 per 400 square feet of office, plus .9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 400 square feet of office, plus .9 per 1,000 square feet of indoor repair areas
Office	1 per 400 square feet
<b>Retail/Wholesale (CMC 18.25.070):</b>	
Retail trade uses (9)	1 per 400 square feet
Exceptions:	
Farmers' and public markets	2 per vendor space
Food stores, less than 15,000 square feet (9)	3 plus 1 per 400 square feet
Gasoline service stations without grocery	3 per facility, plus 1 per service bay
Gasoline service stations with grocery, no service bays	1 per facility, plus 1 per 400 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Wholesale trade uses	.9 per 1,000 square feet
Retail and wholesale trade mixed-use	1 per 400 square feet
<b>Manufacturing (CMC 18.25.080):</b>	
Manufacturing uses	.9 per 1,000 square feet
Winery/brewery (9)	.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area
<b>Resources (CMC 18.25.090):</b>	
Resource uses	Director decision
<b>Regional (CMC 18.25.100):</b>	
Regional uses	Director decision

- (3) An applicant may request a modification of the minimum required number of parking spaces by providing that parking demand can be met with a reduced parking requirement. In such cases, the Director may approve a reduction of up to 50 percent of the minimum required number of spaces.
- (4) When the City has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses result in different parking requirements, the Director will establish the amount of parking based on a likely range of uses.

- (5) Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.
- (6) In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.
  - (a) Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:
    - (i) The Director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.
    - (ii) The Director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:
      - (A) Park/playfield;
      - (B) Library/museum/arboretum;
      - (C) Elementary/secondary school;
      - (D) Sports club; or
      - (E) Retail business (when located along a developed bicycle trail or designated bicycle route).
  - (b) Bicycle facilities for patrons shall be located within 50 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.
  - (c) All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.
  - (d) When more than 10 people are employed on-site, enclosed locker-type parking facilities for employees shall be provided. The Director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.
  - (e) One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The Director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.
- (7) All developments that require off-street parking shall be subject to the provisions of the electric vehicle charging stations requirements in CMC 18.50.160 through 18.50.180. (Ord. 19-11 § 1 (Exh. 1); Ord. 10-10 § 3 (Exh. C); Ord. 09-09 § 6; Ord. 42-02 § 2 (21A.18.030))
- (8) In the MR and RCMU zones, the following standards shall apply to residential units in a mixed-use or multi-family building:
  - (a) Studio and one-bedroom units: 1.0 per dwelling unit.
  - (b) Two-bedroom units: 1.5 per dwelling unit.
  - (c) Three-bedroom units: 2.0 per dwelling unit.
  - (d) One visitor space for every 10 dwelling units rounded upward to the nearest multiple of 10.
  - (e) On-street parking on streets along the lot frontage can be used to meet a portion of the required number of parking spaces with an approved parking study.
- (9) In the MR and RCMU zones, on-street parking on streets adjacent to the lot frontage can be used to meet all or a portion of the required number of parking spaces with an approved parking study.

**18.50.110 Off-Street Parking Plan Design Standards**

- (1) Off-street parking areas shall not be located more than 600 feet from the building they are required to serve, unless approved by the Director, for all uses except those specified as follows; where an off-street parking area does not abut the building it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:
- (a) For all single detached dwellings the parking spaces shall be located on the same lot they are required to serve;
  - (b) For all other residential dwellings at least a portion of parking areas shall be located within 150 feet from the building or building(s) they are required to serve;
  - (c) For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;
  - (d) In designated activity, community business and neighborhood business centers, parking lots shall be located to the rear or sides of buildings. Relief from this subsection (1)(d) may be granted by the Director only if the applicant can demonstrate that there is no practical site design to meet this requirement. The Director may allow only the number of parking spaces that cannot be accommodated to the rear or sides of buildings to be located to the front of buildings;
  - (e) Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets; ~~and~~
  - (f) Parking for the disabled shall be provided in accordance with CMC 18.50.060-; and
  - (g) In the MR and RCMU zones, surface parking areas are not permitted adjacent to a street frontage unless located adjacent to commercial uses sited perpendicular to the street frontage, in which case only one row of parking spaces shall be allowed adjacent to the building façade containing the commercial uses. This restriction does not apply to driveways for single family residences and townhouses.

**Chapter 12.60 – City of Covington Street Standards, “Design and Construction Standards and Specifications”**

**Section 2.07.D (New Section)**

In the Hawk Property Subarea bulb-outs shall be provided at street intersections and mid-block crossings for traffic-calming and pedestrian safety purposes.







**City of Covington**

16720 SE 271<sup>st</sup> St. #100  
Covington, WA 98042

City Hall 253-480-2400  
Fax 253-480-2401

July 26, 2013

**Subject:** Draft Hawk Property Subarea Plan and Draft Planned Action Environmental Impact Statement (EIS)

Dear Reader:

The City of Covington proposes adoption of the Hawk Property Subarea Plan and associated comprehensive plan, zoning, and development regulation amendments that would allow for future urban development in the Hawk Property Subarea of Covington's Northern Gateway area. The Hawk Property Subarea includes land within the boundary of the city limits and land in unincorporated King County, but all of the subarea is located within the City's Urban Growth Area. In addition, the City proposes to provide for streamlined environmental review of future development proposals through a Planned Action Ordinance.

The Draft EIS evaluates three alternatives that establish a range of land use patterns and development types within the Hawk Property Subarea:

- Alternative 1: No Action – The Hawk Property Subarea Plan is not implemented, and current comprehensive plan land use designations and zoning focusing on mineral resource activities remain in effect on the site.
- Alternative 2: Minimum Urban Village Proposal – The Hawk Property Subarea is developed as an urban village featuring regional and local commercial space and a mixture of housing types and densities.
- Alternative 3: Maximum Urban Village Proposal – The Hawk Property Subarea is developed as an urban village featuring additional regional and local commercial space and residential units, compared with Alternative 2.

This Draft EIS analyzes, at a programmatic level, the potential impacts on the following elements of the environment identified through the scoping process: earth, surface water resources, groundwater resources, air quality, plants and animals, noise, transportation, public services, and utilities.

Adoption of Alternative 2 or 3 would provide additional employment and housing options in an urban village layout with added roadway circulation and connections, as well as parks, open space, and trail features. Development under Alternative 2 or 3 would change the study area from the current asphalt batch plant and mine reclamation operation to an urban character with commercial, residential, and parks and open space uses. There would be improvement of stormwater quality, increased access to parks and open spaces, and improved emergency service response times. The key environmental issues facing decision-makers are potential increased impervious surfaces,

Page 2

Cover Letter: Draft Hawk Property Subarea Plan and Draft Planned Action EIS

traffic congestion, noise, air emissions, demand for public services and utilities, and reduction of wildlife habitat space.

The City is requesting comments from citizens, agencies, tribes, and all interested parties on the Draft EIS **from July 26 to 5:00 pm on August 26, 2013**. Written comments should be sent to:

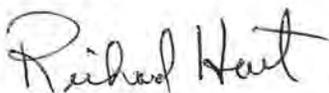
Ann Mueller, AICP  
Senior Planner  
City of Covington  
Department of Community Development  
16720 SE 271st Street  
Covington, WA 98042-4964  
[amueller@covingtonwa.gov](mailto:amueller@covingtonwa.gov)

During the public comment period, a public meeting will be held by the Planning Commission on Thursday, August 15, 2013 at Covington City Hall located at 16720 SE 271<sup>st</sup> Street, Covington, WA 98043. An open house will be held from 6:00 to 7:00 pm, followed by a regular Planning Commission meeting beginning at 7:00 pm. The purpose of the open house and meeting will be to provide information, respond to questions, and accept public comment on the Draft Subarea Plan and Draft EIS.

Responses to comments on the Draft EIS will be presented in a Final EIS together with clarifications and corrections to the Draft EIS. It is anticipated the Final EIS will be issued in the fall 2013.

More information can be found on the City's website at [http://www.covingtonwa.gov/city\\_departments/communitydevelopment/northern\\_gateway\\_study.html](http://www.covingtonwa.gov/city_departments/communitydevelopment/northern_gateway_study.html). If you desire clarification or have questions, please contact Ann Mueller, AICP, Senior Planner at 253-480-2444.

Sincerely,



Richard Hart, AICP, SEPA Official  
City of Covington Community Development Director

# FACT SHEET

## Project Title

Hawk Property Subarea Plan and Planned Action Environmental Impact Statement

## Proposed Action and Alternatives

The City of Covington proposes adoption of the Hawk Property Subarea Plan and associated comprehensive plan, zoning, and development regulation amendments that would allow for future urban development in the Hawk Property Subarea of Covington's Northern Gateway area. The Hawk Property Subarea includes land within the boundary of the city limits and land in unincorporated King County, but all of the subarea is located within the City's Urban Growth Area. In addition, the City proposes to provide for streamlined environmental review of future development proposals. The Draft EIS evaluates three alternatives that establish a range of land use patterns and development types within the Hawk Property Subarea:

- Alternative 1: No Action – The Hawk Property Subarea Plan is not implemented, and current comprehensive plan land use designations and zoning focusing on mineral resource activities remain in effect on the site.
- Alternative 2: Minimum Urban Village Proposal – The Hawk Property Subarea is developed as an urban village featuring regional and local commercial space and a mixture of housing types and densities.
- Alternative 3: Maximum Urban Village Proposal – The Hawk Property Subarea is developed as an urban village featuring additional regional and local commercial space and residential units, compared with Alternative 2.

## Proponent & Lead Agency

The City of Covington

## Tentative Date of Implementation

December 2013

## Responsible Official

Richard Hart, AICP, SEPA Official  
Community Development Director  
City of Covington  
Department of Community Development  
16720 SE 271st Street  
Covington, WA 98042-4964  
253-480-2441

## Contact Person

Ann Mueller, AICP  
Senior Planner  
City of Covington  
Department of Community Development  
16720 SE 271st Street  
Covington, WA 98042-4964  
[amueller@covingtonwa.gov](mailto:amueller@covingtonwa.gov)  
253-480-2444

## Licenses or Permits Required

As legislative items, the Planning Commission has authority to make recommendations on comprehensive plan and development regulation amendments. The City Council has authority to approve such amendments.

In addition, the Washington State Department of Commerce reviews proposed comprehensive plan and development regulation amendments during a 60-day review period prior to adoption. The Puget Sound Regional Council reviews comprehensive plans for consistency with regional plans.

## Authors and Principal Contributors to the EIS

Key authors of this EIS and their topic areas are listed below:

### **BERK**

2025 First Avenue, Suite 800

Seattle, WA 98121

206-324-8760

(SEPA strategies, planned action, land use, relationship to plans and policies, and public services.)

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(Conceptual Alternatives Maps)

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Seattle, WA 98101

206-264-1150

(Project management)

### **The Watershed Company**

750 Sixth Street South

Kirkland, WA 98033

425-822-5242

(Surface water resources, groundwater resources, and plants and animals)

## Draft EIS Date of Issuance

July 26, 2013

## Draft EIS Comment Due Date

August 26, 2013

## Public Comment Opportunities

### Written Comments

The City is requesting comments on the Draft EIS and Draft Subarea Plan from citizens, agencies, tribes, and all other interested parties from **July 26, 2013 to 5:00 pm, August 26, 2013**. All written comments should be directed to:

Ann Mueller, AICP  
Senior Planner  
City of Covington  
Department of Community Development  
16720 SE 271st Street  
Covington, WA 98042-4964  
[amueller@covingtonwa.gov](mailto:amueller@covingtonwa.gov)

### Public Meeting on Draft Subarea Plan and Draft EIS

The City will hold a public meeting on the Draft Subarea Plan and Draft EIS on **August 15, 2013**. The purpose of the meeting will be to provide information, respond to questions, and accept public comment on the Draft Subarea Plan and Draft EIS.

Date: August 15, 2013  
Location: Covington City Hall, 16720 SE 271<sup>st</sup> Street, Covington, WA 98043  
Time: 6:00 – 7:00 pm Open House followed by a regular Planning Commission meeting beginning at 7:00 pm

## Date of Final Action

The City anticipates taking final action on the adoption of the Subarea Plan, Final EIS, and Planned Action Ordinance in December 2013 or early 2014. If approved, annexation of the portion of the Hawk Property Subarea within the City's unincorporated UGA would occur in early 2014.

## Type and Timing of Subsequent Environmental Review

After the close of the public comment period, the City will prepare a Final EIS that contains responses to comments received and a Final Subarea Plan, based on analysis of the alternatives and comments received from the public.

## Location of Background Data

See Contact Person above.

## Purchase of Draft EIS

The document is posted at the City's website at:

[http://www.covingtonwa.gov/city\\_departments/communitydevelopment/northern\\_gateway\\_study.html](http://www.covingtonwa.gov/city_departments/communitydevelopment/northern_gateway_study.html)

Copies for purchase are available at Covington Copy It Mail It, LLC, 27111 167<sup>th</sup> Place SE, Suite 105, Covington, WA; 253-630-6670.

A reference copy of the document is also available at the following locations:

- Covington City Hall, 16720 SE 271<sup>st</sup> Street, Covington, WA 98043
- Covington Chamber of Commerce, 27116 167th Pl SE #114 Covington, WA 98042

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## 1.0 SUMMARY

### 1.1 Purpose of Proposed Action

The purpose of the proposed action is to guide future development in the Hawk Property Subarea and provide for streamlined environmental review of future development proposals through use of a Planned Action Ordinance. The Planned Action Ordinance would define land use options, protect environmentally sensitive areas, foster economic development, and create an urban village for housing and regional commercial development.

### 1.2 State Environmental Policy Act Process

#### Planned Action

The City proposes to designate the Hawk Property Subarea as a planned action, pursuant to SEPA and implementing rules. According to WAC 197-11-164, a planned action is defined as a project that is characterized by the following:

- Designated by a Planned Action Ordinance;
- Analyzed through an EIS that addresses any significant impacts;
- Prepared in conjunction with a comprehensive plan, a subarea plan, a master planned development, a phased project, or with subsequent or implementing projects of any of these categories;
- Located within an Urban Growth Area (UGA);
- Not an essential public facility unless they are accessory to or part of a project that otherwise qualifies as a Planned Action; and
- Consistent with an adopted comprehensive plan.

Projects meeting these requirements qualify as planned action projects and do not require a subsequent SEPA threshold determination, but still require a completed environmental checklist to be submitted. Future planned action projects must be reviewed for consistency with the City's zoning and development regulations, the proposed subarea plan, conceptual site plan, and development agreement where applicable. Planned actions must also acquire all necessary permits, and satisfy all necessary public notice requirements of said permits.

The proposed action specifies a maximum level of growth allowed within the Hawk Property Subarea. Consistency with this limit would be ensured through the execution of a development agreement with the property owner and developer, Oakpointe LLC, and/or through approval of a final conceptual site plan consistent with the Subarea Plan, Planned Action Ordinance, and Covington Municipal Code (CMC).

#### Prior Environmental Review

No other recent SEPA analysis has been conducted in the vicinity of the Hawk Property Subarea, but the Northern Gateway Area Study (2012) collected information on conditions in the subarea and surrounding areas and analyzed suitability for future development.

### 1.3 Organization of this Document

This Draft Planned Action EIS is organized into chapters with the following purpose:

- **Chapter 1 – Summary:** This chapter provides a brief discussion of the proposed action, the environmental review process, and the public involvement process, as well as a summary of the potential environmental impacts and recommended mitigations measures associated with each EIS alternative.

HAWK PROPERTY PLANNED ACTION EIS | SUMMARY

- **Chapter 2 – Alternatives:** This chapter describes proposal objectives, the proposed actions and alternatives for the Hawk Property Subarea, and summarizes public review opportunities.
- **Chapter 3 – Affected Environment, Significant Impacts, and Mitigation Measures:** This chapter describes the existing conditions for each environmental topic area and includes an analysis of the potential impacts associated with each EIS alternative. Recommended mitigation measures to reduce impacts to less than significant levels are also discussed.
- **Chapter 4 – References:** This chapter contains a list of all documents and personal communications referenced in the analyses contained in Chapter 3.
- **Chapter 5 – Distribution List:** This chapter contains a list of all government agencies and community groups who will receive notices of availability or copies of the Draft EIS.

## 1.4 Public Involvement

The City of Covington has created opportunities for public and agency review and comment throughout the planning and environmental review process. Key efforts are described below:

- **Project Website.** The City has created a website for the subarea plan and EIS, located at [http://www.covingtonwa.gov/city\\_departments/communitydevelopment/northern\\_gateway\\_study.html](http://www.covingtonwa.gov/city_departments/communitydevelopment/northern_gateway_study.html). The website provides background information on the subarea plan and EIS, describes the schedule, and provides links to relevant documents as they are released for public review. Contact information for City staff is also provided to allow the public to submit comments or ask questions about the subarea plan and EIS.
- **Scoping Comment Period.** Public and agency comment was solicited in a 21-day scoping period from March 9 to March 29, 2013. During this period, the general public, as well as public agencies and stakeholders, were invited to submit written comments on the scope of the EIS and offer written suggestions. The scoping notice, SEPA Checklist, and comments are provided in Appendix A. As a result of public and agency comments, the topic of groundwater resources was added. In addition, the potential transportation and emergency access implications of providing a local access connection or emergency access connection to the southern neighborhoods is also addressed; as described later in the presentation of alternatives, access via 191<sup>st</sup> Place SE is studied.
- **Community Workshop.** During the scoping period, the City also hosted a public workshop on March 25, 2013, attended by approximately 37 members of the public. In addition to taking comments from the public, the City answered questions about the subarea plan and EIS and engaged attendees in a planning exercise to graphically illustrate their preferred vision for the future of the Hawk Property Subarea. See Appendix B.
- **Draft EIS Comment Period.** This Draft EIS was released for public review on July 26, 2013, initiating a 30-day comment period, during which the general public, as well as public agencies and stakeholders are invited to submit comments on the alternatives, identified environmental impacts, and mitigation measures. See the Fact Sheet for more information. The City will issue a Final EIS anticipated in late 2013/early 2014, providing responses to comments.
- **Legislative Meetings.** The Planning Commission and City Council have held and will hold study sessions, hearings, and deliberations on the subarea plan development and design standards and planned action, and ultimately a development agreement, as applicable. Please see the City’s website for a schedule of meetings.

## 1.5 Proposed Action, Alternatives, and Objectives

### Objectives

SEPA requires a statement of objectives that address the purpose and need for the proposal and around which reasonable alternatives can be evaluated. Objectives of the Hawk Property Subarea planning effort include:

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- To plan for future development of the Hawk Property Subarea in Covington’s Northern Gateway area by defining land use options;
- To protect environmentally sensitive areas while fostering economic development;
- To create an urban village for regional and local commercial uses and related employment, a mix of housing types, as well as community gathering and recreation spaces that is unique from and secondary to Covington’s downtown;
- To plan for an orderly transition of the Hawk Property Subarea from mineral extraction to urban uses appropriate for its location as Covington’s Northern Gateway;
- To improve transportation mobility in the area with a new arterial connection between SR 18 and 204<sup>th</sup> Avenue SE through the subarea and the connection to SE 272<sup>nd</sup> Street;
- To provide housing options, such as multifamily, townhomes, and small lot single family homes, that are not widely available in Covington; and
- To provide unique open space amenities such as an on-site pond and parks, and provide access to the regional trail system such as the Tri-City/Covington Highlands Trail.

**Proposed Action and Alternatives**

The Draft EIS evaluates three alternatives that establish a range of land use patterns and development types within the Hawk Property Subarea:

***Alternative 1: No Action***

Under the No Action Alternative, the Hawk Property Subarea Plan would not be adopted, and the existing mining reclamation and asphalt batch plant activities would continue. In this analysis, due to the Mineral zoning, it is assumed that employment at the on-site asphalt batch plants would increase, and additional building square footage would be added (from roughly 3,750 square feet of structure to 11,250 square feet of structure, an approximately 7,500 square foot increase).

***Alternative 2: Minimum Urban Village Proposal***

Under Alternative 2, the Hawk Property Subarea would transition from its current mineral resource uses to an urban village featuring both commercial development and a variety of housing types across a range of densities. Approximately 5.5 acres of parks, open space, and trails would also be provided to serve the needs of local residents and be accessible to the Covington community.

204<sup>th</sup> Avenue SE would connect through the site to serve offsite and onsite traffic, mitigate traffic impacts, and improve citywide circulation. A local street would connect to the southern neighborhood to allow local access for nearby residents and improve emergency vehicle access and response times.

A planned action would be adopted to facilitate future environment permitting as the subarea develops in phases over time, and would provide consistent application of mitigation measures based on this EIS. The minimum urban village proposal would contain approximately 680,000 square feet of regional, iconic, and local retail uses and about 1,000 dwelling units with a mix of single family, townhome, and multifamily residences.

***Alternative 3: Maximum Urban Village Proposal***

Under Alternative 3, the Hawk Property Subarea would transition from its current mineral extraction use to an urban village similar to the minimum urban village proposal under Alternative 2, though featuring an additional 170,000 square feet of commercial space and an additional 500 residential units. Approximately 8.3 acres of parks, open space, and trails would also be provided to serve the needs of local residents and be accessible to the Covington community. Transportation and trail connections would be provided. A park and ride would support transit service.

Similar to Alternative 2, 204<sup>th</sup> Avenue SE would connect through the site to serve offsite and onsite traffic, mitigate traffic impacts, and improve city circulation. Consistent with Alternative 2, a local street would connect to the southern neighborhood to allow local circulation and improve emergency vehicle access and response times. A park and ride would be developed onsite at about 125 spaces, similar in size to a facility in Maple Valley currently.

A planned action would be adopted to facilitate future environment permitting as the subarea develops in phases over time, and would provide consistent application of mitigation measures based on this EIS. The maximum urban village proposal would contain approximately 850,000 square feet of regional, iconic, and local retail uses and about 1,500 dwelling units with a mix of single family, townhome, and multifamily residences.

## **1.6 Major Issues, Significant Areas of Controversy and Uncertainty, and Issues to be Resolved**

Adoption of the Proposal would provide additional employment and housing options in an urban village format with added roadway circulation connections and parks, open space, and trail features. The Proposal would change the study area from the current asphalt batch plant and mine reclamation operation to an urban character with commercial, residential, and parks and open space uses. Major issues associated with the proposal include the transition of the subarea from mineral extraction to urban land uses, including commercial and multifamily uses, as well as the associated increases in impervious area, traffic, air quality emissions, noise, and demand for public services and utilities, and reduction of wildlife habitat space. Issues to be resolved include selection of a preferred alternative and development of a final subarea plan.

## **1.7 Summary of Impacts and Mitigation Measures**

### **Impacts Common to All Alternatives**

This section describes impacts that could occur under all of the studied alternatives, organized by topic area.

#### ***Earth***

While no landslide or erosion hazard areas have been identified within the Hawk Property Subarea, the entire Puget Sound region lies within a seismically active area, and future development under any of the alternatives could be subject to seismic and soil liquefaction hazards, depending on mine reclamation backfill conditions.

#### ***Surface Water Resources***

Under all alternatives, continued construction and ground disturbance would occur in the subarea, which could affect erosion, sediment transport, and pollutant loading for nearby water bodies. Levels of impervious surface coverage and presence of pollutant-generating uses and activities would vary by alternative.

#### ***Groundwater Resources***

Under all alternatives, development and use of the subarea would have the potential to affect groundwater availability and quality through infiltration of untreated stormwater, transportation related spills, and on-site spills of hazardous materials. Levels of impervious surface coverage and the presence of stormwater treatment measures and pollutant-generating uses and activities would vary by alternative.

#### ***Air Quality***

Under all alternatives, construction and vehicle travel within and to the subarea would produce greenhouse gas and dust emissions. The levels of emissions would vary by alternative.

#### ***Plants and Animals***

Because the approved reclamation plan will be implemented regardless of future zoning, the area of open water on-site will be reduced under all three alternatives, and some incidental degradation of critical area buffers may occur.

**Noise**

Noise from vehicle traffic and equipment usage would be generated under all alternatives. The levels and sources of such noise impacts would vary by alternative.

**Land Use Patterns/Policies**

Under all alternatives, the gravel mine in the subarea would be reclaimed, and the subarea would be converted to either an expanded industrial use (asphalt batch plant) or urban growth including residential and commercial uses. Specific land uses and zoning changes would vary by alternative.

**Transportation**

Under all alternatives, vehicular traffic to and from the subarea will have the potential to affect the surrounding street network and place additional demand on local transportation infrastructure. Specific transportation impacts would vary by alternative.

**Public Services**

Under all alternatives, future development in the subarea would require police and fire protection services, as well as solid waste service. Demand for parks and recreation facilities, as well as schools, would only occur in response to a population increase associated with residential development in conjunction with both Alternatives 2 and 3. The precise level and nature of demand for public services would vary by alternative.

**Utilities**

Development under all alternatives would require water, wastewater or sewer, and storm drainage service, though the type of infrastructure necessary and the level of demand for each of these utility services would vary by alternative.

**Matrix of Impacts by Alternative**

Exhibit 1.7-1 highlights the impacts that would potentially result from the alternatives analyzed in this Draft EIS. This summary table is not intended to be a substitute or replacement for the complete discussion of impacts contained in Chapter 3.

**Exhibit 1.7-1. Summary of Impacts by Alternative**

Resource	Alternative 1	Alternative 2	Alternative 3
<b>3.1 Earth</b>			
<i>Steep Slope and Landslide Hazard Impacts</i>	The Hawk Property Subarea contains no areas mapped as landslide hazard by the City of Covington. However, mining activities at the site have created steep slopes mostly below the water table. In some areas, these slopes likely present moderate to high steep slope and landslide hazards.	Landslide hazard impacts are similar to Alternative 1. While the likelihood of landslide occurrence will not be substantially affected by development, the consequences of potential landslides would increase due to development in and around the affected zones (i.e., slides occurring in undeveloped areas will have no structures to affect). Stability of post-reclamation steep slopes will need to be assessed during the design phase. Depending on the design details of the proposed extension to 204th Avenue, which ascends a hill in the southeast corner of the site, additional stability assessments may be needed in this area as well.	The impacts would be similar to those described for Alternative 2.
<i>Erosion Hazard Impacts</i>	The Hawk Property Subarea contains no areas mapped as erosion hazard by the City of Covington. Due to the relatively flat topography and permeable near-surface soil at the Hawk Property Subarea, erosion hazards at the site are expected to remain low after reclamation. However, the site should be evaluated for erosion after reclamation as reclamation backfill may contain soil with greater erosion susceptibility.	Erosion hazard impacts for the minimum buildout alternative are similar to Alternative 1. However, site development will inevitably reduce erosion potential in areas surfaced with impervious development (e.g., buildings, concrete, pavement, etc.) and potentially increase in areas where surface runoff is concentrated if not controlled by other means. Erosion potential will likely be highest during construction, particularly on slopes that exceed 15 percent. Construction activities will also tend to increase erosion due to soil disturbance. Soil erosion Best Management Practices should be utilized during construction to manage/minimize these effects.	Impacts under Alternative 3 would be similar to Alternative 2.

Resource	Alternative 1	Alternative 2	Alternative 3
<i>Seismic Hazard Impacts</i>	Potential seismically induced settlement and/or liquefaction will not create a significant hazard if the site is not developed.	Potential seismic hazards include soil liquefaction and ground rupture. The liquefaction hazard potential associated with reclamation fill can be substantially reduced by adequately compacting good quality fill (discussed further under “Mitigation Measures”). The Hawk Property Subarea lies about 8½ miles south of the Seattle Fault Zone and 7 miles north of the Tacoma Fault Zone (DNR 2013b). Accordingly, it is the opinion of the EIS author that ground rupture will not be a significant part of the site-specific seismic design for the future site improvements, and mitigation to prevent ground rupture impacts will not be required.	Impacts under Alternative 3 would be similar to Alternative 2.

**3.2 Surface Water**

<i>Construction</i>	<p>Under Alternative 1, construction impacts would be similar to existing conditions.</p> <ul style="list-style-type: none"> <li>• Sediment transport, erosion, fuel, and other spills would be the main pollution concerns.</li> <li>• Runoff rates may increase.</li> <li>• Sediment control measures would be implemented.</li> <li>• A Spill Prevention Plan would be developed.</li> <li>• Land would be less disturbed than under Alternatives 2 and 3.</li> </ul>	<p>Under Alternative 2, construction impacts would convert from mineral extraction to a mix of residential and commercial uses:</p> <ul style="list-style-type: none"> <li>• Sediment transport, erosion, fuel, and other spills would be the main pollution concerns.</li> <li>• There could be an increase of runoff rates</li> <li>• Sediment control measures would be implemented.</li> <li>• A Spill Prevention Plan would be developed.</li> <li>• There would be larger sediment control facilities.</li> <li>• There may be more potential for sediment transport and higher erosion risk.</li> <li>• There would be more construction equipment.</li> <li>• Alternative 2 is anticipated to generate 75.8 acres of new impervious surface, about 35% of the total study area.</li> </ul>	<p>Impacts under Alternative 3 would be similar to Alternative 2, though the overall intensity of development would be greater:</p> <ul style="list-style-type: none"> <li>• Sediment transport, erosion, fuel, and other spills would be the main pollution concerns.</li> <li>• There could be an increase of runoff rates</li> <li>• Sediment control measures would be implemented.</li> <li>• A Spill Prevention Plan would be developed.</li> <li>• There would be larger TESC facilities.</li> <li>• More potential for sediment transport and higher erosion risk</li> <li>• There would be more construction equipment.</li> <li>• Alternative 3 is anticipated to generate 99.6 acres of new impervious surface, about 47% of the total study area.</li> </ul>
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Resource	Alternative 1	Alternative 2	Alternative 3
<i>Operations</i>	<p>Under Alternative 1, operations impacts would be similar to existing conditions</p> <ul style="list-style-type: none"> <li>Continue to discharge stormwater runoff to the pond.</li> </ul>	<p>Under Alternative 2, construction impacts would result from the development of the reclaimed mine site to a mix of residential and commercial uses:</p> <ul style="list-style-type: none"> <li>Traffic and transportation and parking facilities would be a significant source of pollutants.</li> <li>There is a possibility of flow rate increases due to the increase of impervious area.</li> <li>Potential water quality concerns from the use of fertilizers and herbicides in parks and lawn areas.</li> </ul>	<p>Impacts under Alternative 3 would be similar to Alternative 2, though the overall intensity of development would be greater:</p> <ul style="list-style-type: none"> <li>Traffic and transportation and parking facilities would be a significant source of pollutants.</li> <li>There is a possibility of flow rate increases due to the increase of impervious area.</li> <li>Potential water quality concerns from the use of fertilizers and herbicides in parks and lawn areas.</li> </ul>
<i>Cumulative</i>	<p>There could be reduced surface water quality in the immediate vicinity as a result of expanded asphalt batch plant activities.</p>	<p>The current water quality treatment will be upgraded as the site develops.</p>	<p>The current water quality treatment will be upgraded as the site develops.</p>
<b>3.3 Groundwater</b>			
<i>Construction</i>	<p>Under Alternative 1, no appreciable construction impacts occur in association with construction of a new asphalt batch plant facility. Reclamation would also proceed under Alternative 1.</p>	<p>Under Alternative 2, the existing asphalt batch plant would be demolished, reclamation implemented, and a new urban village constructed. Impacts to groundwater may occur during construction due to infiltration of untreated stormwater, transportation-related spills, and National Pollutant Discharge Elimination System (NPDES) permitted discharges.</p>	<p>Impacts would be similar under Alternatives 2 and 3; there would be greater impervious area and level of development under Alternative 3.</p>
<i>Operations</i>	<p>Continuing and additional industrial uses may increase in untreated stormwater infiltration and pose an increased risk of impacts to groundwater quality.</p>	<p>Reductions in groundwater recharge will occur due to 75.8-acres of impervious surface; this is not likely to affect groundwater users.</p>	<p>Reductions in groundwater recharge will occur due to 99.6-acres of impervious surface; this is not likely to affect groundwater users.</p>

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Resource	Alternative 1	Alternative 2	Alternative 3
<i>Cumulative</i>	Groundwater quality may be impacted over time by the asphalt batch plant use given the current stormwater management.	<p>With implementation of Alternative 2 impacts may include:</p> <ul style="list-style-type: none"> <li>• Improved groundwater quality due to stormwater treatment upgrades.</li> <li>• Reduction of groundwater recharge.</li> <li>• Potential reduction of seasonal baseflow contributions to Jenkins Creek. The site represents less than 2% of the recharge area for this reach of the creek and net effects, if they occurred, would be small.</li> </ul>	<ul style="list-style-type: none"> <li>• Impacts would be similar under Alternatives 2 and 3; there would be greater impervious area and level of development under Alternative 3.</li> </ul>
<b>3.4 Air Quality</b>			
<i>Construction</i>	Under Alternative 1 no development would occur, apart from a minor expansion of the asphalt batch plant, so minimal construction-related impacts would occur.	Under Alternative 2, air quality impacts to nearby homes or businesses could occur as a result of fugitive dust or tailpipe emissions from new construction sites.	Impacts under Alternative 3 would be similar to Alternative 2, though the overall intensity of development would be greater.
<i>Operations</i>	Under Alternative 1 the ongoing asphalt batch plant operations would emit air pollutants from stationary industrial equipment, mobile on-site equipment, and tailpipes of haul trucks. It is unlikely those emissions would cause ambient concentrations to approach the National Ambient Air Quality Standards.	Under Alternative 2, air pollutants would be emitted from tailpipes of on-road vehicles and from stationary equipment, parking lots and loading docks at commercial businesses. It is unlikely those emissions would cause ambient concentrations to approach the National Ambient Air Quality Standards.	Impacts under Alternative 3 would be similar to Alternative 2, though the overall intensity of development would be greater.
<i>Indirect</i>	Under Alternative 1 tailpipe emissions from haul trucks serving the ongoing asphalt batch plant operations would slightly affect air quality along public roads outside the study area. It is unlikely those emissions would cause ambient concentrations to approach the National Ambient Air Quality Standards.	Under Alternative 2, tailpipe emissions from new cars and trucks traveling on public roads outside the study area would slightly affect air quality. It is unlikely those emissions would cause ambient concentrations to approach the National Ambient Air Quality Standards.	Impacts under Alternative 3 would be similar to Alternative 2, though the overall intensity of development would be greater.
<i>Cumulative</i>	Under Alternative 1, the annual greenhouse gas emissions would be less than the existing emissions.	Under Alternative 2, greenhouse gas emissions generated from new building construction, space heating, and on-road vehicles would cumulatively contribute to global climate change. However, the increased emissions caused by this proposed action would be small and would not be significant.	Impacts under Alternative 3 would be similar to Alternative 2, though the overall intensity of development would be greater.

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Resource	Alternative 1	Alternative 2	Alternative 3
<b>3.5 Plants &amp; Animals</b>			
<i>Construction</i>	<p>It is generally assumed, no new critical area buffer impacts would occur under Alternative 1.</p> <p>Increased runoff, erosion, and transportation-spills may all occur during clearing, grading and construction.</p>	<p>New road construction is likely to require some critical area buffers impacts</p> <p>Increased runoff, erosion, and transportation-spills may all occur during clearing, grading and construction.</p> <p>Existing stands of vegetation, potentially including approximately 9-acres forest, may be cleared.</p>	Impacts under Alternatives 2 and 3 are similar.
<i>Indirect</i>	<p>Some wildlife could be displaced by an increase in adjacent asphalt batch plant industrial land use.</p> <p>Open water area will be reduced as the reclamation plan is implemented, displacing waterfowl.</p>	<p>Higher intensity adjacent land use is likely to increase critical area disturbance by people and pets.</p> <p>Open water area will be reduced as the reclamation plan is implemented, displacing waterfowl.</p>	Impacts under Alternatives 2 and 3 are similar.
<i>Cumulative</i>	<p>Some habitat loss would occur as the reclamation plan is implemented and new facility constructed.</p> <p>Site use by the following priority species is likely to decline: pileated woodpecker, Vaux's swift, purple martin, and cavity-nesting ducks.</p>	<p>Some habitat loss would occur as the reclamation plan is implemented, additional land is cleared, the urban village is constructed, and land use intensity increases.</p> <p>Site use by the following priority species is likely to decline: pileated woodpecker, Vaux's swift, purple martin, and cavity-nesting ducks.</p> <p>There may be increased habitat fragmentation, and a reduction or loss of on-site habitat.</p>	Impacts under Alternatives 2 and 3 are similar.

Resource	Alternative 1	Alternative 2	Alternative 3
<b>3.6 Noise</b>			
<i>Construction</i>	Under Alternative 1 (No Action), the mine would not be developed after reclamation is completed, apart from a small asphalt batch plant expansion and therefore, minor construction noise would be produced within the gravel mine area.	Under Alternative 2 construction of new homes and commercial buildings within the study area would generate temporary construction noise at other existing homes and businesses in the vicinity.	Impacts under Alternative 3 would be similar to Alternative 2, though the overall intensity of development would be greater which may increase construction traffic and associated equipment that would generate noise.
<i>Operations</i>	Noise from the mine reclamation will cease, but the asphalt batch plants will continue to operate and potentially expand. Asphalt batch plant noise would be negligible at the residential receivers including the existing residential area south of the mine site.	<p>Under Alternative 2 noise generated by stationary equipment and loading docks at commercial businesses would increase noise levels at nearby dwellings. However, commercial noise sources would be regulated under the City's noise code, and would be required to be designed to avoid noise impacts to nearby neighbors.</p> <p>Increased population and development could lead to the following types of events, which could result in future traffic noise impacts:</p> <ul style="list-style-type: none"> <li>• Increases in traffic volumes along existing streets, with resulting impacts on existing homes near the streets; and</li> <li>• Construction of new streets through lightly developed land.</li> </ul> <p>For example, there would be added noise along both the existing and proposed new segments of 204<sup>th</sup> Avenue SE.</p>	Impacts under Alternative 3 would be similar to Alternative 2, though the overall intensity of development would be greater, generating more traffic trips and associated noise.
<i>Indirect</i>	Under Alternative 1 haul trucks associated with the asphalt batch plant operation would generate noise along public roads outside the study area.	Under Alternative 3 additional vehicles traveling on public streets in existing neighborhoods outside the study area would increase traffic noise levels at dwellings near the street.	Impacts under Alternative 3 would be similar to Alternative 2, though the overall intensity of development would be greater, generating more traffic trips and associated noise.

Resource	Alternative 1	Alternative 2	Alternative 3
<b>3.7 Land Use Patterns/Plans and Policies</b>			
<i>Land Use Patterns</i>	Under Alternative 1, land use patterns would be similar to existing conditions. Employment is anticipated to increase slightly, including development of an additional 7,500 square feet of industrial building space, added to the existing asphalt batch plant. Use of the property would remain unchanged.	Under Alternative 2, land use patterns would convert from mineral extraction to a mix of residential and commercial uses: <ul style="list-style-type: none"> <li>Residential development would increase by approximately 1,000 dwelling units.</li> <li>Commercial development would increase by approximately 680,000 square feet.</li> <li>Impervious surface coverage would increase by approximately 75.8 acres.</li> <li>Allowed building heights would be 35 feet for commercial, single-family, and townhome development. Multifamily residential uses would be allowed up to 60 feet.</li> </ul>	Impacts under Alternative 3 would be similar to Alternative 2, though the overall intensity of development would be greater: <ul style="list-style-type: none"> <li>Residential development would increase by approximately 1,500 dwelling units.</li> <li>Commercial development would increase by approximately 850,000 square feet.</li> <li>Impervious surface coverage would increase by approximately 99.6 acres.</li> <li>Building heights would be similar to Alternative 2.</li> </ul>
<i>Land Use Policies</i>	Under Alternative 1, no subarea plan would be adopted, and the site would continue as an asphalt batch plant and reclaimed gravel mine, consistent with current zoning, comprehensive plan land use designations, and issued permits.	Alternative 2 is generally consistent with adopted policy frameworks, including the Growth Management Act, King County Countywide Planning Policies, and the Covington Comprehensive Plan.	Alternative 3 is generally consistent with adopted policy frameworks, including the Growth Management Act, King County Countywide Planning Policies, and the Covington Comprehensive Plan. Because of the inclusion of a Park-and-Ride facility, Alternative 3 provides greater consistency with GMA policies for promotion of carpooling, ridesharing, and transit use.
<b>3.8 Transportation</b>			
<i>Traffic Volumes</i>	Vehicle trips are expected to be similar in magnitude to the number of trips currently generated by the site.	Alternative 2 is projected to generate approximately 28,900 total daily trips, of which about 22,000 are expected to be new trips on the roadway system. Of these, about 2,600 are expected to occur during the PM peak hour, with about 2,000 reflecting new trips on the roadway system.	Alternative 3 is projected to generate approximately 36,500 total daily trips, of which about 28,300 are expected to be new trips on the roadway system. Of these, about 3,300 are expected to occur during the PM peak hour, with about 2,600 reflecting new trips on the roadway system.

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Resource	Alternative 1	Alternative 2	Alternative 3
<i>Intersection Operations</i>	<p>Under future 2035 conditions with build-out of local and regional land use plans, 20 intersections defined in the City of Covington’s Concurrency Management Program are projected to operate at level of service (LOS) E or F during the PM peak hour, which exceeds the City’s standard of LOS D. Five intersections defined in the City of Maple Valley’s Concurrency Management Program are projected to operate at LOS E or F, as well as the weighted average delay of the City’s North and South concurrency groups, which exceeds the City’s standard of LOS D.</p>	<p>Alternative 2 is expected to:</p> <ul style="list-style-type: none"> <li>• Add delay to 18 intersections located in Covington and Maple Valley that are projected to operate at LOS E or F during the PM peak hour under Alternative 1.</li> <li>• Reduce trips and/or average delay at seven intersections located in Covington that are projected to operate at LOS E or F during the PM peak hour under Alternative 1, due to shifts in traffic patterns resulting from the proposed 204th Avenue SE connector roadway. Operation at two of the locations is expected to improve to LOS D, eliminating the need for mitigation.</li> <li>• Degrade operations to LOS E or F during the PM peak hour at four locations in Covington that are projected to operate at LOS D or better under Alternative 1.</li> </ul>	<p>Impacts would be similar to Alternative 2. There would be a projected reduction in trips and average delay at seven intersections which would improve operations to LOS D during the PM peak hour; however there would be only one location instead of two that would improve to LOS D, eliminating the need for mitigation at this location.</p>
<i>Arterial Segment Operations</i>	<p>The City’s Transportation Adequacy Measure (TAM) thresholds are only applied to proposed new developments. If the existing asphalt batch plant were to expand, it would be subject to City concurrency regulations, but would be expected to generate a negligible number of PM peak hour trips on citywide arterial segments. Therefore, under Alternative 1, no impacts related to arterial segments are identified.</p>	<p>The 2035 TAM value is projected to be 0.75 for Alternative 2, which is below the City’s 0.89 threshold. No impacts related to arterial segments are identified.</p>	<p>The 2035 TAM value is projected to be 0.78 for Alternative 3, which is below the City’s 0.89 threshold. No impacts related to arterial segments are identified.</p>

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Resource	Alternative 1	Alternative 2	Alternative 3
<i>Site Access and Circulation</i>	<p>With Alternative 1, the 204<sup>th</sup> Avenue SE Connector would not be built. Although the subarea would generate a low volume of trips that would not require an additional major access point, this alternative would also not receive the benefit of adding another route option for vehicles traveling between SE 272<sup>nd</sup> Street and SR 18.</p> <p>With Alternative 1, the 191<sup>st</sup> Avenue SE Local Connector would not be built. However, since there would be no demand to be served between the site and the residential neighborhood to the south, no adverse impact is identified.</p> <p>No new site access points would be constructed, and a low volume of traffic generated by continuing operation of the asphalt pavement plant would continue to access the site via SE 256th Street. No adverse impact related to site access and circulation is expected to result.</p>	<p>The proposed new 204<sup>th</sup> Avenue SE Connector, between SE 256<sup>th</sup> Street and SE 272<sup>nd</sup> Street, would serve as the spine of the site's internal roadway circulation system, would provide a second major roadway connection to the site from the east, and would provide an additional emergency vehicle access point. Additionally, it would carry vehicle trips not related to the proposed project, traveling between SE 272nd Street (east of 204th Avenue SE) and the SR 18/SE 256th Street interchange. This would result in a reduction of overall trips using SE 272nd Street between 204th Avenue and SE Wax Road, and also using SE Wax Road/180th Avenue SE between SE 272nd Street and SE 256th Street. This connection is also expected to attract trips currently cutting through residential neighborhoods (e.g. via Timberlane Way SE) to access the SE 256th Street/SR 18 ramps while avoiding the SE 272nd Street/SE Wax Road intersection, reducing volumes on those neighborhood roadways. The additional trips generated on 204th Avenue SE would degrade the stop-controlled intersection at SE 272nd Street to LOS F. However, if mitigation is provided at this intersection, the new roadway connection is expected to result in an overall benefit to the citywide road system, by providing more options for vehicles traveling between SE 272nd Street and SR 18.</p>	<p>Impacts would be similar to Alternative 2.</p>

Resource	Alternative 1	Alternative 2	Alternative 3
		<p>The proposed 191<sup>st</sup> Avenue SE Local Connector would provide a direct connection between the subarea and residential development located to the south. It would also provide an additional emergency vehicle access point. This connector is expected to have a beneficial effect on city-wide roadway operations because it would allow direct access between the subarea and adjacent residential development. Without this connection, trips generated to and from these neighborhoods would need to use SE 272nd Street and access the site via SE 256th Street or 204th Avenue SE. This would increase overall vehicle miles traveled on the roadway system, and would also increase traffic volumes along these alternate routes. With traffic calming measures such as on-street parking, landscaping, and/or devices such as traffic circles in place to discourage cut-through traffic, no adverse transportation impacts are expected to result from this connection.</p> <p>The internal roadway and walkway system within the subarea would be subject to City design standards provided in the Covington Design Guidelines CMC Chapter 18.50, to ensure that internal mobility and safety objectives are met. With City design standards incorporated into site design, no adverse internal circulation impacts are expected to result.</p>	<p>Impacts would be similar to Alternative 2.</p> <p>Impacts would be similar to Alternative 2.</p>

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Resource	Alternative 1	Alternative 2	Alternative 3
<i>Traffic Safety</i>	<p>Historical collision data in the site vicinity do not indicate any unusual safety concerns and the addition of future projected traffic is not expect to substantially change overall safety conditions. Projected increases in vehicle traffic on the study area street network resulting from regional land use growth could increase the potential for vehicle conflicts. High average delays at stop-controlled intersections projected to operate at LOS E or F with all three alternatives could also result in drivers on the stop-controlled approaches taking shorter gaps to cross or enter the major street, which could increase the potential for vehicle conflicts. However, mitigation identified to address operational impacts would also address potential safety issues at these locations. None of the three alternatives are expected to result in significant adverse impact to traffic safety.</p>	<p>Impacts would be similar to Alternative 1, although Alternative 2 would add more trips to the roadway system, as compared to Alternative 1.</p>	<p>Impacts would be similar to Alternative 1, although Alternative 3 would add more trips to the roadway system, as compared to Alternative 1</p>
<i>Transit</i>	<p>No residential or retail land uses would be constructed with this alternative, and no transit demand is expected to occur at the site.</p>	<p>Alternative 2 is expected to generate some transit trips. The area is served by two bus routes with stops located within one-half mile of the site. The decision to extend transit service to the site would be at the discretion of King County Metro and/or Sound Transit and could be dependent on funding availability. However, higher density residential and commercial development could encourage extension of transit routes to directly serve the site. Higher density could potentially also encourage private transit services (such as Microsoft’s Connector buses) to stop at the site. No adverse impacts to transit are expected to result.</p>	<p>The potential effects on transit due to Alternative 3 would be similar to those described for Alternative 2. However, the proposed park &amp; ride lot with this alternative, as well as higher density residential and commercial development compared to Alternative 2 would increase the likelihood that public or private transit service would be extended to directly serve the site. No adverse impacts to transit are expected to result from Alternative 3.</p>

Resource	Alternative 1	Alternative 2	Alternative 3
<i>Non-Motorized Facilities</i>	No residential or retail land uses would be constructed, and no non-motorized demand is expected to occur at the site.	Alternative 2 is expected to generate pedestrian and bicycle trips. It includes proposed connections to the planned future trails that would be located adjacent to the site, which would encourage non-motorized travel to and from the site. Both major roadways providing access to the subarea (existing SE 256th Street and proposed 204th Avenue SE connector) would have sidewalks that would allow non-motorized traffic to be separated from vehicular traffic. No adverse impacts to non-motorized facilities are expected to result.	Impacts would be similar to Alternative 2, although higher retail and residential density under Alternative 3 would be expected to generate a higher level of non-motorized activity.
<i>Parking</i>	No residential or retail land uses would be constructed, and no parking demand beyond what is needed to support continued operation of the asphalt plant is expected to occur at the site.	The parking supply within the subarea would be subject to City code requirements (CMC Chapter 18.50 Development Standards – Parking and Circulation) to ensure that adequate parking supply is provided to meet demand. With City parking code requirements incorporated into site design, no adverse parking impacts are expected to result.	Impacts would be similar to Alternative 2, although higher retail and residential density under Alternative 3 would be expected to require a greater amount of parking supply.
<i>Freight Mobility and Access</i>	No substantial increase in truck traffic is anticipated and no adverse impact to freight mobility or access is expected to occur.	Alternative 2 would generate delivery trucks typical of retail development, but increases are not anticipated to substantially change the overall percentage of trucks within the project study area. This alternative would increase traffic volumes on roadways that also carry freight and some additional delays are expected. However, this alternative would also include two roadway connectors that are expected to have beneficial effect on citywide roadway operations. New development within the subarea would be subject to City code requirements for loading spaces (CMC Chapter 18.50.070). With City loading space requirements incorporated into site design and mitigation in place to address identified traffic operational impacts, no adverse impacts to freight mobility or access are expected to result.	Impacts would be similar to Alternative 2 although higher retail and residential density under Alternative 3 would be expected to generate a higher traffic volumes and truck trips.

Resource	Alternative 1	Alternative 2	Alternative 3
<b>3.9 Public Services</b>			
<i>Police Protection</i>	No additional population would result under the No Action Alternative, and no additional demand for police protection would be generated.	Approximately 1,838 residents would be added to the City's population under Alternative 2. At the current LOS standard, this would create demand for approximately 3 additional officers.	Approximately 2,760 residents would be added to the City's population under Alternative 3. At the current LOS standard, this would create demand for approximately 4.5 additional officers.
<i>Fire Protection</i>	Under the No Action Alternative, no population growth would occur in the Hawk Property Subarea. As a result, no additional demand for fire protection services is anticipated.	<p>Increased residential and commercial development under Alternative 2 would create additional demand for fire protection:</p> <ul style="list-style-type: none"> <li>• 140 additional emergency responses annually from residential development;</li> <li>• 75 additional emergency responses from annually from commercial development; and</li> <li>• Increased workload at KFD Station 78 requiring 2 additional 24-hour staff.</li> </ul> <p>Construction of the spine connector street through the subarea would also improve emergency response time from Station 78 to the subarea and surrounding properties.</p>	<p>Increased residential and commercial development under Alternative 3 would create additional demand for fire protection:</p> <ul style="list-style-type: none"> <li>• 210 additional emergency responses annually from residential development;</li> <li>• 92 additional emergency responses from annually from commercial development; and</li> <li>• Increased workload at KFD Station 78 requiring 2-3 additional 24-hour staff.</li> </ul> <p>Construction of the spine connector street through the subarea would also improve emergency response time from Station 78 to the subarea and surrounding properties.</p>

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Resource	Alternative 1	Alternative 2	Alternative 3
<i>Schools</i>	No additional demand for school services would be generated under the No Action Alternative.	<p>Population growth under Alternative 2 would increase the demand for school services. While currently split between two school districts, it is likely the entire subarea could be annexed to one district or the other.</p> <p>If completely annexed by the Kent School District, the following levels of student demand are anticipated, based on the Kent School District’s adopted student generation rates:</p> <ul style="list-style-type: none"> <li>• 393 elementary students;</li> <li>• 92 middle school students; and</li> <li>• 174 high school students.</li> </ul> <p>If completely annexed to the Tahoma School District, the following levels of student demand are anticipated, based on the Tahoma School District’s adopted student generation rates:</p> <ul style="list-style-type: none"> <li>• 268 elementary students;</li> <li>• 81 middle school students; and</li> <li>• 99 high school students.</li> </ul>	<p>Population growth under Alternative 3 would increase the demand for school services. While currently split between two school districts, it is likely the entire subarea could be annexed to one district or the other.</p> <p>If completely annexed by the Kent School District, the following levels of student demand are anticipated:</p> <ul style="list-style-type: none"> <li>• 590 elementary students;</li> <li>• 138 middle school students; and</li> <li>• 262 high school students.</li> </ul> <p>If completely annexed to the Tahoma School District, the following levels of student demand are anticipated:</p> <ul style="list-style-type: none"> <li>• 401 elementary students;</li> <li>• 122 middle school students; and</li> <li>• 149 high school students.</li> </ul>
<i>Parks and Trails</i>	While no additional demand for park and recreational facilities would be generated by the No Action Alternative, future development after reclamation of the mine would be subject to the on-site recreation standards of the City’s municipal code (CMC 18.35.150). Because the standards of the code do not match the LOS standards of the Comprehensive Plan, such development would have the potential to increase existing deficiencies or reduce existing surpluses of various types of park space. In addition, CMC 18.35.150 does not require provision of trail or bike paths for new development, which creates the potential to increase the City’s current trails deficiency.	Population growth under Alternative 2 would increase demand for park space by 3.3 acres according to code standards. The Minimum Urban Village Alternative would provide 5.5 acres of park space and 1.4 miles of trails, consistent with the LOS standards of the Comprehensive Plan and exceeding City code requirements.	Population growth under Alternative 3 would increase demand for park space by 5.1 acres according to code standards. The Minimum Urban Village Alternative would provide 8.3 acres of park space and 2.1 miles of trails, consistent with the LOS standards of the Comprehensive Plan and exceeding City code requirements.

Resource	Alternative 1	Alternative 2	Alternative 3
<i>Solid Waste</i>	Under the No Action Alternative, continued use and expansion of the asphalt batch plant could generate a small amount of demand for solid waste service, but this increase would not be significant on a regional scale, and no impacts are anticipated.	Alternative 2 would result in population growth in the subarea of approximately 1,838 persons. Based on King County’s projected 2020 waste generation rates of 20.4 pounds per capita per week, Alternative 2 would result in approximately 975 tons of additional solid waste per year. These rates are anticipated to be manageable within the existing capacity of the Cedar Hills landfill.	Alternative 3 would result in population growth in the subarea of approximately 2,760 persons. Based on King County’s projected 2020 waste generation rates of 20.4 pounds per capita per week, Alternative 3 would result in approximately 1,464 tons of additional solid waste per year. These rates are anticipated to be manageable within the existing capacity of the Cedar Hills landfill.
<b>3.10 Utilities</b>			
<i>Storm Drainage</i>	A small expansion of the asphalt batch plant would occur, generating up to approximately 7,500 square feet of additional impervious surface. This would be subject to current City standards in effect at the time of development. It is estimated that the building roof square footage increase will be considered clean runoff and not result in significant adverse impacts to storm drainage facilities.	Additional impervious surface created as a result of development would increase storm drainage flows from the Hawk Property Subarea. Construction of stormwater drainage facilities estimated to be a system of swales, catch basins and pipes up to 24 inches in diameter would be required by current City standards to collect and treat these flows...	Additional impervious surface created as a result of development would increase storm drainage flows from the Hawk Property Subarea. Alternative 3 is anticipated to generate greater stormwater flows than Alternative 2 or the No Action Alternative, due to a greater amount of impervious surface coverage, which could require construction of a correspondingly greater amount of stormwater infrastructure. The elements of the infrastructure would be the same as those in Alternative 2: swales, catch basins, and pipes up to 24 inches in diameter
<i>Water Supply</i>	Under the No Action Alternative, the estimated 7,500 square foot building increase is not anticipated to result in a significant additional demand on water service facilities.	Development of Alternative 2 is anticipated to generate additional demand for water service, proportional to the needs of the future development. <ul style="list-style-type: none"> <li>Water mains along the south side of SR18, in SE 248<sup>th</sup> Street, and in 208<sup>th</sup> Street SE will be required to be upgraded to 8-12 inches in diameter, with an estimated length of 1.5 miles, to supply water to the subarea.</li> <li>The proposed water supply network within the subarea is estimated to range between 8 and 16-inch diameter pipes. Water utility infrastructure will be further quantified, at a later date pursuant to District requirements, during the development permit review process.</li> </ul>	Development of Alternative 3 is anticipated to generate a greater demand for water service than Alternative 2; however, the facilities necessary to serve Alternative 2 also will meet the water demands of Alternative 3.

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Resource	Alternative 1	Alternative 2	Alternative 3
<i>Sanitary Sewer</i>	Under the No Action Alternative, the estimated 7,500 square foot building increase is not anticipated to result in significant additional demand for sewer service.	Alternative 2 is estimated to generate a demand for sanitary sewer service, proportional to the needs of the future development: The proposed sanitary sewer network within the subarea is estimated to range between 8 and 16 inch diameter pipes. The estimated flow for Alternative 2 is 400,000 gallons per day (gpd).	Alternative 3 is estimated to generate a greater demand for sanitary sewer than Alternative 2, proportional to the overall amount of development in the subarea. The proposed sanitary sewer network within the subarea is estimated to range between 8 and 16 inch diameter pipes. The estimated flow for Alternative 3 is 600,000 gallons per day (gpd).

### **Summary of Mitigation Measures**

Exhibit 1.7-2 summarizes the mitigation measures proposed in Chapter 3 to reduce identified impacts. These measures are in addition to applicable state, federal, and local regulations and commitments described in Chapter 3. Unless otherwise stated, the listed mitigation measures apply to both Action Alternatives.

**Exhibit 1.7-2. Summary of Mitigation Measures**

Resource	Proposed Mitigation
<b>3.1 Earth</b>	
<i>Incorporated Plan Features</i>	The proposed alternatives do not currently incorporate mitigation measures for soil erosion or seismic impacts to structures.
<i>Applicable Regulations and Commitments</i>	<p>Existing state regulations under the NPDES construction permit program require construction contractors to implement erosion and sedimentation control measures.</p> <p>The City of Covington building permit program requires the foundations for all new occupied buildings to be designed according to stringent design standards. The City uses the International Building Code as adopted by the State of Washington and amended by the City of Covington in the Covington Municipal Code.</p> <p>The City also adopted critical areas regulations in the Covington Municipal Code (Chapter 18.65). These regulations do not preclude development within critical areas, but do require permitting and special design and review to show that the proposed development minimizes impacts to critical areas to a satisfactory degree and manages hazards appropriately.</p>
<i>Other Potential Mitigation Measures</i>	<p>The City would require all new occupied buildings to be constructed with foundations designed under the International Building Code to be suitable for site-specific soil conditions identified at the time of building design.</p> <p>Development adjacent to steep slopes would require site-specific slope stability analyses prior to construction (CMC, Sections 18.65.280 and 18.65.310).</p> <p>During construction, contractors should employ temporary erosion and sedimentation control (TESC) measures and Best Management Practices to control erosion as required under the NPDES construction permit. These measures should be consistent with the City of Covington critical area and grading regulations (CMC, Chapter 18.60 and Section 18.65.220).</p> <p>Ground improvement and foundation support requirements should be determined as part of the design and permit approval process for each future onsite development project. Using a high quality, well-compacted crushed rock or gravel fill material during reclamation would also significantly reduce the potential for soil liquefaction.</p> <p>Although not associated with a specific environmental hazard, structure settlement should be mitigated during the design and permitting for individual future structures.</p>
<b>3.2 Surface Water</b>	
<i>Incorporated Plan Features</i>	<p>Alternatives 2 and 3 would have:</p> <ul style="list-style-type: none"> <li>• Larger development with larger construction management budget;</li> <li>• Larger area for TESC facilities; and</li> <li>• Greater phasing opportunities.</li> </ul>

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Resource	Proposed Mitigation
<i>Applicable Regulations and Commitments</i>	<ul style="list-style-type: none"> <li>● Department of Ecology, Stormwater Manual for Western Washington as adopted by the City or as amended in the future</li> <li>● City of Covington Surface Water Management Program, CMC 13.25 as adopted by the City or as amended in the future</li> <li>● Washington State Statues</li> <li>● US Environmental Protection Agency Clean Water Act</li> </ul>
<i>Other Potential Mitigation Measures</i>	<ul style="list-style-type: none"> <li>● Basic Water Quality Treatment: water quality treatment would be accomplished using the Basic Water Quality menu from 2012 Stormwater Management Manual for Western Washington or the manual in effect at the time of development applications.               <ul style="list-style-type: none"> <li>○ The goal is to removal 80% of total suspended solids (TSS) for influent concentrations that are greater than 100 mg/l, but less than 200 mg/l.</li> <li>○ Biofiltration swale is the most likely low impact development (LID) option due to its cost effectiveness and aesthetic character.</li> </ul> </li> <li>● Enhanced Basic Water Quality Treatment: for some areas in the Hawk Property where the development is more intensive.               <ul style="list-style-type: none"> <li>○ Applicable to development sites that generate highest concentrations of metals in stormwater runoff such as in the commercial or multifamily areas.</li> <li>○ Would require stormwater facilities remove 30% dissolved copper and 60% dissolved zinc.</li> <li>○ Enhanced treatment menu would include: infiltration, large sand filter, stormwater treatment wetland, compost-amended vegetated filter strip, two facility treatment trains, bioretention, media filter drain, and emerging stormwater treatment technologies.</li> </ul> </li> </ul>

**3.3 Groundwater**

<i>Incorporated Plan Features</i>	<ul style="list-style-type: none"> <li>● Alternative 1 maintains stormwater infiltration by retaining forested and vegetated areas beyond the protected critical areas.</li> <li>● Alternatives 2 and 3 maintain critical area protections and would improve management and treatment of runoff from new impervious surface areas. Stormwater infiltration is projected to maintain groundwater volumes.</li> </ul>
<i>Applicable Regulations and Commitments</i>	<p>The following regulations and plans would apply as adopted or as amended at the time of development applications:</p> <ul style="list-style-type: none"> <li>● 2012 Stormwater Management Manual for Western Washington</li> <li>● City of Covington Standard Plan Notes and Covington Municipal Code, Chapter 13.37</li> <li>● 2012 Stormwater Management Manual for Western Washington Chapter 2.5.2 Element 13: Minimum Requirements for New Development and Redevelopment – Protect Low Impact Development BMPs.</li> </ul>

Resource	Proposed Mitigation
<i>Other Potential Mitigation Measures</i>	<ul style="list-style-type: none"> <li>• A Best Management Practices (BMP) Plan should be developed for the entire property.</li> <li>• Through the Planned Action Ordinance, the City could require compliance with the 2008 City of Kent Draft Water System Plan Chapter 8: Wellhead Protection Program similar to the City’s practice of applying appropriate conditions through the permit and SEPA process.</li> <li>• Design stormwater treatment to maximize infiltration and maintain no net loss of recharge to the aquifer.</li> <li>• Decommission abandoned wells.</li> <li>• Plant native species in landscaped areas to reduce pesticide use and promote water conservation.</li> </ul>
<b>3.4 Air Quality</b>	
<i>Incorporated Plan Features</i>	<p>The majority of the Hawk Property Subarea is located within the city limits and all of the subarea is within the city’s UGA. The Land Use and Transportation elements of the City’s Comprehensive Plan include a number of goals and policies that could contribute to reducing vehicle tailpipe emissions and greenhouse gas (GHG) emissions. See Section 3.4.</p>
<i>Applicable Regulations and Commitments</i>	<p><b>Proposed future developments will be required to comply with these existing regulations:</b></p> <ul style="list-style-type: none"> <li>• <b>National and State Ambient Air Quality Standards (NAAQS):</b> The US EPA establishes NAAQS and specifies future dates for states to develop and implement plans to achieve these standards.</li> <li>• <b>Puget Sound Clean Air Agency Regulations:</b> All construction sites in the Puget Sound region are required to implement rigorous emission controls to minimize fugitive dust and odors during construction. Commercial facilities with substantial emissions are required to obtain a Notice of Construction air quality permit before construction is allowed to begin.</li> <li>• <b>Prohibition on Outdoor Burning:</b> Burning yard waste and land-clearing debris is not allowed at any time in areas of King County. PSCAA enforces state outdoor burning regulations required by RCW 70.94.743.</li> <li>• <b>State of Washington GHG Laws:</b> As described above in State of Washington Greenhouse Gas Requirements, Washington enacted a new law establishing GHG reduction limits.</li> </ul>
<i>Other Potential Mitigation Measures</i>	<p>The City should require all construction contractors to implement air quality control plans for construction activities in the Hawk Property Subarea. See Section 3.4.</p> <p>The City should require developers to design future buildings and developments within the subarea to include greenhouse gas reduction measures to use sustainable construction materials, increase building energy efficiency, and reduce use of single-occupancy vehicles. See Section 3.5 of this EIS.</p>
<b>3.5 Plants &amp; Animals</b>	
<i>Incorporated Plan Features</i>	<ul style="list-style-type: none"> <li>• Alternatives 1, 2 and 3 avoid direct wetland or stream impacts.</li> <li>• Alternatives 1, 2 and 3 maintain intact critical area buffers to the extent feasible.</li> <li>• Alternatives 2 and 3 incorporate parks and open space into the conceptual site plan (Note: These areas may include hardscape; design details have not yet been developed.)</li> </ul>

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Resource	Proposed Mitigation
<i>Applicable Regulations and Commitments</i>	<ul style="list-style-type: none"> <li>• Covington Municipal Code (CMC) 18.65, Critical Areas.</li> <li>• King County Zoning Code (KCC) 21A.24, Critical Areas (only applicable until annexation is complete).</li> <li>• US Army Corps of Engineers (Corps) regulates wetlands under section 404 of the Clean Water Act.</li> <li>• Washington State Department of Ecology may require an individual 401 Water Quality Certification and Coastal Zone Management Consistency determination for Corps permits.</li> <li>• U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, for federally permitted actions that could affect endangered species (i.e. salmon or bull trout).</li> <li>• No State or federally listed threatened or endangered plant or animal species have been observed on or adjacent to the site. The site does contain habitat that could be used by such species. It is recommended prior to completion of reclamation and upon any amendment to the current reclamation permit (e.g. to resize the lake), the applicant should consult with the lead federal agency regarding compliance with state and federal laws, including the State Hydraulic Code, Sections 401 and 404 of the Clean Water Act, and Section 7 of the Endangered Species Act.</li> </ul>
<i>Other Potential Mitigation Measures</i>	<ul style="list-style-type: none"> <li>• Place protected critical areas and natural open spaces in a non-buildable tract and dedicate it to the City or a conservation group.</li> <li>• Develop a long-term stewardship program for natural open spaces and critical areas prior to future redevelopment. Elements such as removing non-native and invasive plants, native vegetation, removing garbage, and trail maintenance could be included. This program could include stewardship goals and objectives for the care of the Jenkins Creek natural corridor as well as overall, long-term goals for the ecological health and habitat value of Jenkins Creek and associated wetland and buffer areas. Long-term goals and allowed maintenance practices for critical areas/non-buildable tract(s) could be incorporated into a vegetation management plan (CMC 18.65.150).</li> <li>• Educate the public about the surrounding critical area functions and values through the use of an interpretive sign program.</li> <li>• Mitigate for any unavoidable buffer impacts. This would likely be accomplished through buffer averaging or buffer enhancement.</li> <li>• Incorporate special habitat features and native plants into landscaping to attract wildlife.</li> <li>• Reduce habitat fragmentation between the Jenkins Creek corridor and habitat patches to the south and west as feasible, potentially by including a wildlife crossing in the new road design.</li> </ul>

**3.6 Noise**

<i>Incorporated Plan Features</i>	The proposed alternatives do not currently incorporate mitigation measures for noise.
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Resource	Proposed Mitigation
<i>Applicable Regulations and Commitments</i>	<ul style="list-style-type: none"> <li>Chapter 8.20 of the Covington Municipal Code (CMC) establishes regulations to minimize the exposure of citizens to excessive noise.</li> <li>WAC 173-60-040 establishes maximum permissible noise levels for various environments, and construction activities under all alternatives would be subject to these provisions.</li> <li>Federal FHWA funding, distributed WSDOT, may be used for street improvements associated with this project, and as such, the noise criteria established in Title 23, Part 772 of the Code of Federal Regulations (CFR) may apply. WSDOT has adopted the FHWA noise standards for evaluating noise impacts and for determining if such impacts are sufficient to justify funding of noise abatement for new roadway construction and roadway widening projects with state funding.</li> </ul>
<i>Other Potential Mitigation Measures</i>	<ul style="list-style-type: none"> <li>Nighttime construction will not be allowed without a waiver from the City Manager or his/her designee. The CMC does not regulate noise from daytime construction activities. Regardless, based on site-specific considerations at the time of construction permit review, the City may require all construction contractors to implement noise control plans for construction activities in the study area for daytime activities.</li> <li>Construction noise could be reduced by using enclosures or walls to surround noisy stationary equipment, installing mufflers on engines, substituting quieter equipment or construction methods, minimizing time of operation, and locating equipment as far as practical from sensitive receivers.</li> <li>The City should require the developers to consider traffic noise mitigation at new homes along the new segment of 204<sup>th</sup> Avenue SE within the planned action area. This screening-level traffic noise study indicated the potential for traffic noise impacts at future dwellings to be constructed adjacent to the proposed new section of 204<sup>th</sup> Avenue SE within the planned action area. Although the CMC does not regulate traffic-related noise, based on site-specific considerations the City may, at its discretion under the planned action ordinance, require the new developments to install noise control measures at the new dwellings along the proposed new section of 204<sup>th</sup> Avenue SE within the development. Noise control measures could include site-specific noise studies, building insulation, or noise barrier walls.</li> </ul>

**3.7 Land Use Patterns/Plans and Policies**

<i>Incorporated Plan Features</i>	<ul style="list-style-type: none"> <li>On-site stormwater detention and treatment will be provided to compensate for the additional impervious surface coverage generated by the Action Alternatives. The Subarea Plan also includes policy guidance for new development to implement LID practices whenever feasible to offset increases in impervious surface coverage.</li> <li>Both Action Alternatives include sufficient park and open space dedications to adequately offset the need generated by increased population. Alternative 2 would provide approximately 6 acres, and Alternative 3 would provide approximately 8 acres.</li> <li>Both Action Alternatives would be developed under the provisions of the Hawk Property Subarea Plan, which includes development standards and design guidelines intended to minimize incompatibilities between commercial and residential uses within the subarea and to reduce overall visual bulk. Examples of such provisions include lower height limits on commercial buildings than residential buildings and façade articulation requirements. A full description of the proposed development and design standards and design guidelines is contained in the Draft Hawk Property Subarea Plan. Adoption of the Hawk Property Subarea Plan under Alternatives 2 and 3 would include amendments to the City’s municipal code to incorporate these development and design standards.</li> </ul>
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Resource	Proposed Mitigation
<i>Applicable Regulations and Commitments</i>	<ul style="list-style-type: none"> <li>● All development in the Hawk Property Subarea after annexation would be subject to the provisions of the Covington Municipal Code Title 18 – Zoning, including the following Chapters:               <ul style="list-style-type: none"> <li>○ 18.25: Permitted Uses</li> <li>○ 18.30: Development Standards – Density and Dimensions</li> <li>○ 18.35: Development Standards – Design Requirements</li> <li>○ 18.40: Development Standards – Landscaping</li> <li>○ 18.50: Development Standards – Parking and Circulation</li> <li>○ 18.55: Development Standards – Signs</li> <li>○ 18.65: Critical Areas</li> </ul> </li>   <li>● Prior to annexation to the City of Covington, the unincorporated portion of the subarea would be subject to the provisions of King County Code Title 21, including the following Chapters:               <ul style="list-style-type: none"> <li>○ 21A.08: Permitted Uses</li> <li>○ 21A.12: Development Standards – Density and Dimensions</li> <li>○ 21A.14: Development Standards – Design Requirements</li> <li>○ 21A.16: Development Standards – Landscaping and Water Use</li> <li>○ 21A.18: Development Standards – Parking and Circulation</li> <li>○ 21A.20: Development Standards – Signs</li> <li>○ 21A.22: Development Standards – Mineral Extraction</li> <li>○ 21A.24: Critical Areas</li> </ul> </li> </ul>
<i>Other Potential Mitigation Measures</i>	None proposed

Resource	Proposed Mitigation
<b>3.8 Transportation</b>	
<i>Incorporated Plan Features</i>	<ul style="list-style-type: none"> <li>● <b>204<sup>th</sup> Avenue SE Connector</b> – Alternatives 2 and 3 include a new roadway connection between the east terminus of SE 256th Street and the north terminus of 204th Avenue SE. This roadway would be a 2- to 3-lane arterial (one general purpose lane in each direction, and a center two-way left-turn lane where needed), and through the city’s street standard deviation process (CMC 12.60) could potentially also have parking lanes on each side. The existing section of 204th Avenue SE between its north terminus and NE 272nd Street would also be improved to this standard, providing a continuous connection between NE 256th Street and NE 272nd Street.</li> <li>● <b>191<sup>st</sup> Avenue SE Local Connector</b> – Alternatives 2 and 3 include a local roadway connection between 191<sup>st</sup> Avenue SE, and the local internal roadway system at the south end of the subarea. The purpose of this roadway would be to provide a direct connection between the subarea and residential development located to the south. It would also provide an additional emergency vehicle access point. The local access connection should be designed with traffic calming measures such as on-street parking, landscaping, and/or devices such as traffic circles to limit access to the local neighborhood and discourage cut-through traffic.</li> <li>● <b>Non-Motorized Connections</b> – Alternatives 2 and 3 include connections to existing and planned future non-motorized facilities adjacent to the subarea (see Section 3.9 Public Services). These connections could encourage higher use of non-motorized modes for trips generated by the site, and would improve safety and mobility for pedestrians and bicyclists entering and exiting the site.</li> <li>● <b>Park &amp; Ride Lot</b> – Alternative 3 proposes to provide a park &amp; ride lot at the subarea. This would increase the likelihood that transit service would be extended to directly serve the site.</li> </ul>
<i>Applicable Regulations and Commitments</i>	<ul style="list-style-type: none"> <li>● <b>City of Covington Design Standards</b> – For Alternatives 2 and 3, internal roadways, and non-motorized facilities are subject to design standards presented in Covington Design Guidelines (City of Covington 2005) and CMC Chapter 18.50 - Development Standards – Parking and Circulation. The proposed new roadway connections would be subject to the City’s Design and Construction Standards for roadways. (City of Covington 2009)</li> <li>● <b>City of Covington Parking Code</b> – For Alternatives 2 and 3, the amount of parking supply provided as the subarea develops would be subject to parking requirements defined in CMC Chapter 18.50 - Development Standards – Parking and Circulation.</li> </ul>
<i>Other Potential Mitigation Measures</i>	<ul style="list-style-type: none"> <li>● For Alternative 1, roadway capacity improvements are identified at 15 locations in Covington and five locations in Maple Valley.</li> <li>● The roadway capacity improvements identified for Alternative 1 would also address Alternative 2 impacts at 11 locations and Alternative 3 impacts at 12 locations in Covington.</li> <li>● The roadway capacity improvements identified for Alternative 1 would also address Alternative 2 and Alternative 3 impacts at all five impacted intersections in Maple Valley.</li> <li>● Alternatives 2 and 3 would eliminate the need for mitigation at one location, compared to Alternative 1. Alternative 2 would eliminate the need for mitigation at one additional intersection, and reduce the level of improvement needed at one other intersection, compared to Alternatives 1 and 3.</li> <li>● Alternatives 2 and 3 would trigger a need for capacity improvement at four additional locations. At two of those locations (SE Wax Road/SE 180<sup>th</sup> Street and SE 272<sup>nd</sup> Street/204<sup>th</sup> Avenue SE), the same projects are identified for both alternatives. At the other two locations (both SE 256<sup>th</sup> Street/SR 18 Ramp intersections adjacent to the west side of the site), Alternative 3 would require a higher level of improvement than Alternative 2.</li> </ul>

Resource	Proposed Mitigation
<b>3.9 Public Services</b>	
<i>Incorporated Plan Features</i>	<p>Fire:</p> <ul style="list-style-type: none"> <li>Both Action Alternatives include construction of a central spine street connecting the west and east ends of the subarea. This street will reduce response times for emergency vehicles throughout the subarea, as well as residential areas to the east, which currently must be accessed by a more circuitous route.</li> </ul> <p>Parks &amp; Trails:</p> <ul style="list-style-type: none"> <li>Both Action Alternatives include development of sufficient park space to offset the demand created by additional residential development in the subarea, in compliance with the LOS standard established in the City’s Comprehensive Plan. This is in excess of what is required by the City’s current development regulations for the proposed housing mix.</li> <li>Both Action Alternatives include development of sufficient trails to meet the trails LOS standard established by the City’s Comprehensive plan, thereby maintaining the City’s current level of trail service.</li> </ul>
<i>Applicable Regulations and Commitments</i>	<p>Schools:</p> <ul style="list-style-type: none"> <li>After annexation by the City of Covington, development in the Hawk Property Subarea will be subject to assessment of school impact fees, as required by Covington Municipal Code Chapter 18.120.</li> <li>Until annexation by the City of Covington, development in the unincorporated portions of the Hawk Property Subarea will be subject to assessment of school impact fees, as required by King County Code Chapter 27.44.</li> </ul>
<i>Other Potential Mitigation Measures</i>	<p>Police Protection:</p> <ul style="list-style-type: none"> <li>The City could adopt a formal LOS standard for police service and coordinate with the King County Sheriff’s Office on monitoring of call responses to incidents by members of the Covington Police Department.</li> <li>The City should contract with the King County Sheriff’s Office for the services of additional police officers commensurate with the level of development ultimately approved for the subarea.</li> </ul> <p>Fire Protection</p> <ul style="list-style-type: none"> <li>The City should require a mitigation agreement between the developer and Kent Regional Fire Authority prior to development to address the impacts identified in this Chapter. The mitigation agreement should address impacts to daily and peak hour workload at KFD Station 78 resulting from development of Alternative 2 or Alternative 3.</li> </ul> <p>Parks &amp; Trails</p> <ul style="list-style-type: none"> <li>At the time of development application, the City should review submitted conceptual and detailed site plans to ensure that sufficient park space and trails are provided to be consistent with both the LOS standards of the Parks and Recreation Element of the Comprehensive Plan and with the requirements of CMC 18.35.150, as established in the Planned Action Ordinance.</li> </ul>

HAWK PROPERTY PLANNED ACTION EIS | SUMMARY

Resource	Proposed Mitigation
<b>3.10 Utilities</b>	
<i>Incorporated Plan Features</i>	None.
<i>Applicable Regulations and Commitments</i>	<p>Plans and regulations adopted at the time development permits are submitted will be applicable, such as:</p> <ul style="list-style-type: none"> <li>• Department of Ecology, Stormwater Manual for Western Washington</li> <li>• City of Covington Surface Water Management Program, CMC 13.25</li> <li>• CMC Title 13 Public Utilities</li> <li>• Soos Creek Water and Sewer District Comprehensive Plan</li> <li>• Covington Water District Water System Plan</li> </ul>
<i>Other Potential Mitigation Measures</i>	<ul style="list-style-type: none"> <li>• Mitigation measures for impacts to stormwater runoff from the proposed development may include incorporating LID best management practices in the developed conceptual site plan. See Section 3.2 for additional potential mitigation measures related to surface water management.</li> <li>• No additional mitigation measures are necessary for the water supply and sanitary sewer utility infrastructure.</li> </ul>

## 1.8 Significant Unavoidable Adverse Impacts

### Earth

No significant unavoidable adverse impacts have been determined for the earth elements at the Hawk Property Subarea. Methods are available to build out the Hawk Property Subarea under each EIS alternative without resulting in significant unavoidable adverse impacts.

### Surface Water

Alternative 1 would result in some modest changes to the site as reclamation is executed, batch operations continue and new facility construction occurs. Overall, these actions would not significantly change site conditions in terms of surface water quality.

As mitigated, Alternatives 2 and 3 would not create significant adverse environmental impacts.

### Groundwater

Increased impervious surface area could reduce groundwater recharge volumes, thereby reducing seasonal baseflows in Jenkins Creek. The site currently has limited stormwater treatment facilities. Under Alternatives 2 and 3, compliance with stormwater design standards in effect at the time of the development application would provide greater stormwater quantity and quality control than under existing conditions, and no significant impacts would be expected to downstream water resources (Jenkins Creek and Big Soos Creek).

As mitigated, Alternatives 2 & 3 would not create significant adverse environmental impacts on groundwater resources.

### Air Quality

No significant unavoidable adverse impacts on regional or local air quality are anticipated. Temporary, localized dust and odor impacts could occur during the construction activities. The regulations and mitigation measures described above are adequate to mitigate any adverse impacts anticipated to occur as a result of Hawk Property Subarea growth increases.

### Plants and Animals

Alternative 1 would result in some modest changes to the site as reclamation is executed, batch operations continue, and new facility construction occurs. Overall, these actions would not significantly change site conditions in terms of critical areas, plants and animals. The area that is vegetated is expected to increase over time as reclamation is completed. However, the site would still be in industrial use via the asphalt batch plant.

Alternatives 2 and 3 would cause some cumulative and avoidable impacts to critical areas and wildlife. These include increased human activity associated with more dense urban development, which could result in long-term disturbance to sensitive wildlife species in the vicinity of the Jenkins Creek corridor, and an increase in impervious surface area, which may impact the quantity and quality of surface water runoff. These impacts would be mitigated as described in Sections 3.2 and 3.3, Surface Water and Groundwater Resources.

### Noise

The screening-level noise study used for this analysis indicated potential traffic noise impacts at future dwellings located adjacent to the proposed new segment of 204th Avenue SE within the development. Depending on the specific configuration of the new street and the future dwelling units, it is possible that conventional traffic noise mitigation measures (e.g., noise barrier walls or window insulation) might not be technically feasible or economically reasonable. In addition, it is uncertain whether traffic noise mitigation would be technically feasible or economically reasonable at the existing homes along 204th Avenue SE south of the planned action area.

Therefore, it is possible that the future traffic noise impacts could not be mitigated. In that case the future traffic noise levels at the proposed new dwellings and the existing dwellings along 204th Avenue SE would constitute a significant and unavoidable impact.

### **Land Use Patterns/Plans and Policies**

Under the Action Alternatives, land reclaimed and revegetated pursuant to the requirements of a Department of Natural Resources Surface Mining permit and reclamation plan would be permanently converted from open area to urban uses. However, much of this area is and historically has been disturbed. With implementation of the identified mitigation measures, no significant unavoidable adverse impacts to land use patterns, plans, or policies are anticipated.

### **Transportation**

For all three alternatives, the roadway capacity improvement mitigation measures are expected to address all impacts in Covington with the exception of impacts at intersections located along SE 272nd Street. For projected 2035 conditions, SE 272<sup>nd</sup> Street is assumed to be a five-lane section throughout Covington, with additional turn-lanes at high volume intersections. No additional mitigation measures have been identified at these intersections. Additionally, mitigation identified in Maple Valley includes widening of SR 516 (Kent-Kangley Road) to five lanes between 216<sup>th</sup> Avenue SE and SR 169, which is not included in the City's or WSDOT's current plans.

The projected year 2035 conditions with Alternative 1 (No Action) indicate that traffic volumes on the section of SR 516 (SE 272<sup>nd</sup> Street) between 156<sup>th</sup> Place SE and SE Wax Road, and also between 216<sup>th</sup> Avenue SE and SR 169, would be high enough that most intersections along these sections would operate at LOS E or F. While some spot improvements at these locations may improve conditions slightly, they would not be sufficient to improve operation to meet level of service standards defined by the Cities of Covington and Maple Valley. Improvement to LOS D or better would require widening of the roadway under projected conditions. If 2035 growth occurs to the degree reflected in the Covington model projections (which reflects full build-out of both cities' future land use plans, as well as substantial growth in regional development), it is likely that both Cities would reevaluate their long-term plans for the corridor, and determine if major widening is warranted, or if it would be warranted to reexamine level of service standards and allow the roadway to operate at a lower level of service.

While Alternatives 2 and 3 are projected to add trips to some intersections along SR 516, any capacity or policy solution identified by the Cities to address operational issues for the No Action alternative would also be expected to address Alternatives 2 or 3. Therefore, with recommended mitigation in place at all other locations, no additional significant adverse unavoidable transportation impacts are expected to result from Alternatives 2 or 3.

### **Public Services**

Future population growth and development will continue to increase demand for all public services on both a local and regional level. With implementation of mitigation measures, no significant unavoidable adverse impacts are anticipated.

### **Utilities**

While both proposed Alternatives will generate additional demand for stormwater drainage, water, and sanitary sewer facilities, no significant unavoidable adverse impacts are anticipated. The City's Stormwater standards address the drainage impacts created by the Alternatives. The water supply and sanitary sewer impacts have been anticipated by both the Covington Water District and the Soos Creek Water and Sewer District. The existing water supply and sanitary sewer capacity are adequate to accommodate the demands of the subarea, but additional water and sewer transmission facilities will be needed to and within the subarea.



# Memo

**To: Planning Commission**  
**From: Salina Lyons, Principal Planner**  
**CC: Richard Hart, Community Development Director**  
**Ann Mueller, Senior Planner**  
**Date: August 15, 2013**  
**Re: Clearing and Grading Ordinance – Public Hearing**

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The Planning Commission has held several meetings discussing the proposed Clearing and Grading Ordinance. Tonight, August 15<sup>th</sup> is the formal public hearing which has been duly noticed in the newspaper, as required.

Staff provided a copy of the ordinance to the Department of Commerce (DOC) for their 60 day review on July 17, 2013. The DOC granted our request 15-day expedited review of the ordinance on July 18, 2013. During the DOC comment period the city received comments from the Department of Ecology (DOE) (attached). Staff incorporated the comments into the revised ordinance.

In addition to the minor revision suggestion by DOE, staff also incorporated the SEPA amendments as discussed at the June 20, 2013 regular meeting.

After listening to all public comment and testimony, the Commission is welcome to have additional discussion under Unfinished Business as shown on the agenda. The Commission may take action on a recommendation to be forwarded to the city council. Otherwise, staff will return to the Commission for a final decision and recommendation at a future planning commission meeting.

**Attached:** Department of Ecology Comments, dated 07/18/2013

Covington: unmatched quality of life



**From:** [Bunten, Donna \(ECY\)](#)  
**To:** [Salina Lyons](#)  
**Cc:** [COM GMU Review Team](#); [McGraner, Patrick \(ECY\)](#)  
**Subject:** 19363, City of Covington, Expedited Review Requested, DevRegs  
**Date:** Thursday, July 18, 2013 2:42:49 PM

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Hello, Salina,

I received this notice from Commerce about the City of Covington's new clearing and grading ordinance. I asked Patrick McGraner, in Ecology's Northwest Regional Office, to review the proposed code. Patrick sent me the following:

There are three sub-sections with direct mention of "critical area" but not "buffers." The definition of "critical areas" in section 18.20.254 does not include "buffers." With this in mind, I recommend the following changes to add clarity.

- 14.60.080(1)(b) – Consider adding the phrase: "providing this activity is not conducted within a critical area or critical area buffer."
- 14.60.080(1)(i) – Note that there appears to be two sub-sections under (i). This subsection mentions critical areas but does not mention critical area buffers. The City should consider adding critical area buffers to this subsection.
- 14.60.080(2) – This subsection mentions critical areas but does not mention critical area buffers. The City should consider adding critical area buffers to this subsection.
- 14.35.020(1)(g) – This subsection is missing the word "areas" after critical. The City may or may want to considering adding the word buffers in this subsection as well.

If you have any questions about these comments, please contact Patrick directly at:

Patrick McGraner  
(425) 649-4447  
[patrick.mcgraner@ecy.wa.gov](mailto:patrick.mcgraner@ecy.wa.gov)

This email satisfies Ecology's need to comment on this issue, and we have no objection to granting expedited review.

**Donna J. Bunten**

*CAO Coordinator*

*Shorelands and Environmental Assistance Program*

*Department of Ecology*

*PO Box 47600*

*Olympia, WA 98504*

*360-407-7172*



**Chapter 14.60**  
**CLEARING AND GRADING REGULATIONS**

Sections:

- 14.60.010 Purpose.
- 14.60.020 Definitions.
- 14.60.030 Applicability.
- 14.60.040 Related codes and regulations.
- 14.60.050 Administration.
- 14.60.060 Hazards.
- 14.60.070 Design variances and deviations.
- 14.60.075 Clearing and grading fees.
- 14.60.080 Clearing and grading permit required.
- 14.60.100 Permit requirements.
- 14.60.110 Expiration of permits and applications.
- 14.60.120 Operating conditions and standards of performance.
- 14.60.130 Grading – Land development projects.
- 14.60.135 Grading – Individual lots.
- 14.60.140 Drainage.
- 14.60.150 Slopes.
- 14.60.160 Fill.
- 14.60.170 Rock and retaining walls.
- 14.60.190 Driveways – Design.
- 14.60.200 Inspections.
- 14.60.210 Final approval.
- 14.60.240 Enforcement, violations and penalties.

**14.60.010 Purpose.**

(1) This chapter is intended to regulate clearing, grading and earthwork construction, including cuts and fills, within the city of Covington, in order to protect public health, safety, welfare, and aesthetics by:

- (a) Preventing damage to property and harm to persons caused by excavations and fills;
- (b) Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of landforms;
- (c) Protecting water quality from the adverse impacts associated with erosion and sedimentation;
- (d) Minimizing the height, steepness, and number of graded slopes;
- (e) Minimizing the amount of grading after a property is developed and prepared for building construction;

(f) Minimizing the height and number of rock and retaining walls;

(g) Protecting critical areas and associated buffers from adverse clearing and grading activities;

(h) Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;

(i) Establishing minimum access requirements to and around buildings for safety, security, maintenance, and general use and enjoyment of property;

(j) . Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of clearing and grading operations; and

(k) Providing enforcement and penalties for the violation of this chapter.

(2) This chapter establishes the administrative procedure for issuance of permits, provides for approval of plans and inspection of clearing and grading operations, and provides for enforcement and penalties for the violation of this chapter. (Ord. 2013-ZZZ § 2).

#### **14.60.020 Definitions.**

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows: Unless otherwise defined in this chapter the definitions provided in Chapter 18.20 CMC shall be applicable.

(1) "Bench" is a relatively level step excavated or constructed into earth material on which fill is to be placed.

(2) "Best management practices (BMPs)" mean the best available and reasonable physical, structural, managerial, or behavioral activities that, when used singly, or in combination, eliminate or reduce the contamination of surface and/or ground waters.

(3) "Borrow" means earth material acquired from an off-site location for use in grading on a site.

(4) "Clearing and grading permit" means the written permission of the director to the applicant to proceed with the act of clearing and grading within the provisions of this chapter. The clearing and grading permit includes the associated approved plans and any conditions of approval as well as the permit form itself.

(5) "Compaction" is the densification of a fill by mechanical means.

(6) "Earth material" is any rock, natural soil or fill, or any combination thereof.

(7) "Excavation" is the removal of earth material. The term "cut" can also be used to describe excavation.

(8) "Fill" is a deposit of earth material placed by mechanical or other means.

(9) "Infrastructure improvements" means streets, drainage facilities, utilities, and associated appurtenances typically constructed as part of a development project for the purposes of serving the development.

(10) "Key" means a compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

(11) "Modular block wall" means a wall constructed of manufactured modular wall units acting as a protective facing for an exposed soil face or as a gravity retaining wall.

(12) "Reinforced fill" or "reinforced soil" means soil fill designed by a geotechnical engineer which includes reinforcement consisting of metal or synthetic materials in bars, trips, grids, or sheets.

(13) "Retaining wall" means a wall designed to resist the lateral displacement of soil or other materials.

(14) "Rockery" or "rock wall" means one or more courses of large rocks stacked near vertical in front of an exposed soil face to protect the soil face from erosion and sloughing. A rockery or rock wall is not a retaining wall.

(15) "Site restoration" is the permanent restoration of lands modified under the provisions of this code, typically in the form of the establishment of vegetation and drainage facilities to control the rate and erosive force of stormwater runoff.

(16) "Terrace" is a relatively level step excavated or constructed in the face of a graded slope surface for drainage and maintenance purposes.

#### **14.60.030 Applicability.**

The provisions of this chapter shall apply to any person developing, altering, clearing, or grading land, or constructing buildings in the city of Covington.

#### **14.60.040 Related codes and regulations.**

(1) The requirements of this chapter are in addition to other city codes, standards, and regulations. Where conflicts exist between the provisions of this chapter and other codes and standards, the most restrictive shall apply.

(2) The applicant shall comply with this chapter, the City of Covington Design and Construction Standards, as adopted in Chapter 12.60 CMC, Appendix J of the International Building Code, as adopted in Chapter 15.05 CMC, Surface and Stormwater, as adopted in Chapter 13.25 CMC, Title 14, Title 18, and equivalent standards approved by the director.

(3) Requirements administered by other state and local agencies may also apply. The responsibility for determining the existence and application of other agency requirements rests solely with the applicant.

#### **14.60.050 Administration.**

(1) The director is authorized to develop and adopt administrative rules and procedures for the purposes of implementing and enforcing the provisions of this chapter.

(a) If clearing and grading, inconsistent with the purposes and requirements of this chapter, has occurred on a site, the city shall not accept or grant any development permits or approvals for the site unless the applicant adequately restores the site. The director shall require appropriate restoration of the site under an approved restoration plan which shall include a time schedule for compliance if significant resource damage has or may occur. If restoration has not been completed within the time established by the department, the director shall order restoration using city funds and seek restitution from the property owner through liens or other available legal methods.

(2) The director may impose conditions on permit approval as needed to mitigate identified project impacts and shall deny permit applications that are inconsistent with the provisions of this chapter.

(3) The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter, and to require as part of the application materials that the applicant grant permission for such entry and inspections.

(4) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director has reasonable cause to believe that any land, building, structure, premises, or portion thereof is being used in violation of this chapter, the director may enter such land, building, structure, premises, or portion thereof at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided, that if such building, land, structure, premises or portion thereof is occupied, he shall first present proper credentials and demand entry; and if such land, building, structure, premises, or portion thereof be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the land, building, structure, premises, or portion thereof and demand entry.

#### **14.60.060 Hazards.**

The director has the authority to determine whether an existing site, as a result of clearing, grading, excavation, filling, or other similar activity, has become a hazard which may endanger

property or adversely affect the safety, use or stability of a public way or drainage channel. Upon receipt of written notice from the director of such hazard, the owner or agent in control of said property upon which the clearing, grading, excavation, filling, or other is located, or hazardous site, shall restore the affected site within the period specified in the notice. Restoration shall be by means of corrective action to repair or modify such clearing, grading, excavation, filling, or other in order to remove the hazard and bring the site into conformance with the requirements of this chapter.

#### **14.60.070 Design Variances and Deviations**

(1) A design deviation is a type 1 decision and a design variance is a type 2 decision, as established by CMC 14.30.040. Applicants requesting a variance from the requirements of this chapter shall provide justification for the variance in accordance with Chapter 18.125. Applicants requesting a deviation from the requirements of this chapter shall provide justification in accordance with the process outlined in the city's Design and Construction Standards, adopted in Chapter 12.60 CMC. The director, city engineer, and/or their designee, may impose conditions upon the granting of any clearing and grading design deviations or design variance.

(2) Applications for variances shall be required payment of all application fees to covers the cost of the review. Such fees are set forth in the current fee resolution.

#### **14.60.075 Clearing and Grading Fee**

(1) Fees shall be collected to compensate the Department for, the investigation, permit administration, plan review, and ongoing monitoring/inspection of grading and clearing permit applications consistent with the grading and/or clearing fees set forth in the current fee resolution.

(2) Fee Reductions. Grading permit fees for projects entirely completed within one year or for permits reviewed in conjunction with other land use permits. The reduction is set forth in the current fee resolution. .

(3) Work without a Permit. Whenever any work for which a grading or clearing permit is required by this chapter has been commenced without first obtaining a valid permit, the city may double the clearing and grading fee as set forth in the grading permit fee tables in the current fee resolution.

(4) Additional Review Fees. In addition to the grading and clearing permit fees set forth in this section, other fees required by the Covington Municipal Code may be applicable to individual grading permit applications. Such fees include, but are not limited to, shoreline management, SEPA and critical areas review fees.

#### **14.60.080 Clearing and grading permit required.**

(1) A clearing and grading permit is required for all clearing and grading activities, unless the activity is exempt as follows:

(a) An on-site excavation for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation;

(b) Routine landscape maintenance or installation of landscaping improvements involving not more than 50 cubic yards of excavation and fill on a single parcel of property within a 12-month period; provided, that topsoil up to a depth of six inches, regardless of quantity, may be placed on single-family residential properties without requiring a permit, provided this activity is not conducted within a critical area or associated buffer;

(c) Maintenance of existing driveways or private access roads within their existing road prisms;

(d) Any clearing or grading within a publicly owned road right-of-way or easement, for which a right-of-way use permit has been granted by the city;

(e) Clearing or grading by a public agency for the following routine maintenance activities:

(i) Routine clearing within road right-of-way,

(ii) Pavement maintenance,

(iii) Normal grading of gravel shoulders,

(iv) Roadside ditch cleaning,

(v) Maintenance of culverts,

(vi) Maintenance of flood control or other approved surface water management facilities,  
and

(vii) Normal and routine maintenance of parks and trails;

(f) Cemetery graves;

(g) Excavation or fill less than three feet in vertical depth not involving more than 50 cubic yards of earth or other material on a single site;

(h) Clearing associated with tree and vegetation removal as exempt in CMC 14.45.050. C ;

(i) Clearing or grading activities for the purposes of gathering information required by the city for application of a development proposal, such as:

(i) Hand clearing of vegetation for surveying,

(ii) Minimal clearing and grading as required to perform geotechnical exploration to characterize geologic formations and soils, and

(iii) Minimal clearing and grading to install erosion and sedimentation control devices in accordance with an approved temporary erosion and sedimentation plan;

(j) Removal of trees outside of critical areas; provided that trees to be removed are not located in an area designated to be preserved as part of an approved tree retention plan in general accordance with CMC 18.45.080; and provided, that a forest practices application is not required by the Washington State Department of Natural Resources.

(2) All clearing and grading within critical areas and their associated buffers shall conform to the provisions of this chapter and Chapter 18.65 CMC.

(3) A clearing and grading permit may be issued as a component of a building permit, or other permit, rather than as a separate permit. The director may require that single-family building permits and clearing and grading permits be combined.

(4) All clearing and grading activities within the city, regardless of whether a permit is required, shall meet the performance and restoration requirements of this chapter and shall include the use of best management practices to reduce erosion and protect water and air quality.

#### **14.60.100 Permit requirements.**

(1) Applications shall be on forms prescribed by the director, and shall include such information as deemed necessary by the director to establish compliance with this section. A complete application shall include requirements as outlined in CMC 14.35.020 and this section, unless otherwise approved by the director and as shown on the application form.

(a) A complete application on a form supplied by the department.

(b) Payment of any application fee set forth in the current fee resolution

(c) Describe the work to be covered by the permit for which application is made;

(d) Indicate the estimated quantities of work involved (disturbed area in acres, and cut and fill quantities in cubic yards);

(e) Be accompanied by plans and specifications as required in subsections (B) and (C) of this section;

(f) Be signed by the property owner or his/her authorized agent who shall be required to submit evidence to indicate such authority;

(g) Complete bond quantity worksheet, associated financial guarantees, and liability insurance as set forth in CMC 14.105.150 and CMC 14.105.170; and

(h) Other information as may be required by the director. The director may require the applicant to submit additional information if the submitted plans, specifications and associated information are not clear enough to allow for an adequate determination, or when special conditions are found to exist which require specific explanation.

(2) Each application for a grading permit shall be accompanied by plans and specifications and other supporting data, as applicable. The plans and specifications shall be prepared and signed by a civil engineer registered to practice in the state of Washington. Plans and specifications for single-family residential construction shall not require preparation by a licensed engineer, unless deemed necessary by the city engineer.

(3) Plans shall be prepared in general accordance with Chapter 10 of the city's Design and Construction Standards.

(a) Tree retention plan shall be prepared in accordance with CMC 18.45.080;

(b) A soils report shall be prepared by a licensed soils or geotechnical engineer and shall cover all portions of the project within the engineer's expertise, including site history; geologic structures; surface conditions; subsurface conditions; recommendations for foundation support, site preparation, structural fill, slope stability and mitigation; design parameters for retaining structures and structure backfill, surface and subsurface drainage, dewatering, excavation conditions and hazards; seismic conditions, erosion and sedimentation hazards and controls; use of on-site materials for structural fill and backfill; and pavement design. The soils or geotechnical engineer shall be retained as the engineer-of-record for the duration of the project;

(c) If the clearing or grading is proposed to take place in or adjacent to a critical area as regulated in CMC 18.65, provide information as required by that chapter; and

(4) Issuing Clearing and Grading Permits.

(a) After an application has been filed and reviewed, the director shall determine that the clearing and grading work complies with the other provisions of the municipal code, or request that the application be corrected or amended to comply with this chapter.

(b) In granting a clearing and grading permit, the director may require measures to mitigate the impacts of the clearing and grading work.

(c) No clearing and grading permit shall be issued until approved by federal, state and local agencies having jurisdiction by laws or regulations.

(d) Upon approval of the application and issuance of the clearing and grading permit, no work shall be done that is not provided for in the permit. The director is authorized to inspect the premises at any reasonable time to determine if the work is in accordance with the permit application and plans.

(e) The clearing and grading permits from the director shall be required regardless of any other permits issued by any other department or governmental agency who may be interested in certain aspects of the proposed work. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the permit, the violator shall be subject to the CMC 14.60.240.

#### **14.60.110 Expiration of permits and applications.**

(1) An application for a clearing and grading permit may be cancelled for inactivity if an applicant fails, without reasonable justification, to respond to the department's written request for revisions or corrections within 60 days. The director may extend the response period beyond 60 days if the applicant provides and adheres to a reasonable schedule for submitting the full revisions.

(2) Clearing and grading permits expire as follows:

(a) If a building permit is issued for the same site, the clearing and grading permit shall automatically expire or be extended when the building permit expires or is extended;

(b) If a building permit is not issued for the same site, the clearing and grading permit shall expire as follows:

(i) The permit shall expire if the authorized work has not begun within 180 days from the date of permit issuance, or if work is abandoned for over 60 days, unless an extension has been granted. The applicant shall be responsible for notifying the director, in writing, if delays or unforeseen circumstances are impacting the start or continuation of the work.

(ii) If the authorized work is continually performed, the permit shall expire one year from the date of issuance, unless a different time frame is specified on the permit or an extension is granted. Two one-year extensions may be granted by the director; provided, that conditions which were relevant to issuance of the permit have not changed substantially and no material detriment to the public welfare will result from the extension. The applicant shall be responsible for notifying the director, in writing, if delays or unforeseen circumstances are impacting the completion of the work. An extension may be granted by the director; provided the applicant provides the following:

(A) A written request and applicable fee. The request should be submitted no later than 60 days prior to expiration of the permit;

(B) The applicant's project engineer submits a signed statement certifying that they have reviewed the current physical conditions of the site, and such conditions have not changed to a degree as to require a revision to the design of the site in order to remain consistent with the applicable standards and requirements which were in effect at the time of the original permit approval and the associated land use approval.

(3) When a permit is ready to be issued, the applicant shall be notified and must pick up the permit within 60 days of notification. If the permit is not picked up, it may be canceled by the director and become null and void. If the permit is canceled, the director shall notify the applicant by mail.

#### **14.60.120 Operating conditions and standards of performance.**

All clearing and grading activities in the city shall conform to the city's adopted regulations as set forth in the municipal code and the provisions of this section as follows:

(1) All standards under this code will be consistent with city's adopted stormwater manual and adopted reference manuals adopted in CMC 13.25.020, and herein referred to as the "city's stormwater manual".

(2) . The site shall be operated and maintained in a neat and orderly manner, free from junk, trash, or unnecessary debris.

(3) Prior to the start of clearing and grading operations, the applicant shall identify all proposed haul routes and access points to the site for review and approval by the city.

(4) The applicant must properly handle and dispose of other pollutants that are on-site during construction so as to avoid possible health risks or environmental contamination. Direct and indirect discharge of pollutants to the drainage system, critical areas, wetlands, streams, or any other adjacent properties is prohibited. Storage of fuel or other hazardous substances on-site is prohibited.

(a) All pollutants, including waste materials and demolition debris, that occur on site shall be handled and disposed of in a manner that does not cause contamination of stormwater.

(b) Cover, containment, and protection from vandalism shall be provided for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment. On-site fueling tanks shall include secondary containment.

(c) Maintenance, fueling and repair of heavy equipment and vehicles shall be conducted using spill prevention and control measures. Contaminated surfaces shall be cleaned immediately following any spill incident.

(d) Wheel wash or tire bath wastewater shall be discharged to a separate on-site treatment system or to the sanitary sewer with local sewer district approval pursuant to Department of Ecology standards, unless modified by the director.

(e) Application of fertilizers and pesticides shall be conducted in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Manufacturers' label requirements for application rates and procedures shall be followed.

(f) BMPs shall be used to prevent or treat contamination of stormwater runoff by pH modifying sources. These sources include, but are not limited to: bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete pumping and mixer washout waters. Construction site operators shall adjust the pH of stormwater if necessary to prevent violations of water quality standards.

(g) Construction sites with significant concrete work shall adjust the pH of stormwater if necessary to prevent violations of water quality standards. Construction site operators shall obtain written approval from the Department of Ecology prior to using chemical treatment other than CO<sub>2</sub> or dry ice to adjust pH.

(5) The applicant shall be responsible that the requirements found either in the city's stormwater manual or outlined below are met for the following:

(a) Site containment;

(b) Installing sediment controls;

(c) Stabilizing disturbed areas;

(d) Stabilizing channels and outlets.

(6) Land disturbance activities shall not result in off-site physical damage, nor pose a danger or hazard to life or property. Such activities shall neither contribute to nor create landslides, accelerated soil creep, or settlement of soils.

(7) Dewatering Devices.

(a) Foundation, vault, and trench dewatering water which has similar characteristics to stormwater runoff at the site shall be discharged into a controlled conveyance system prior to

discharge to a sediment pond. Channels must be stabilized according to the standards in the city's stormwater manual.

(b) Clean, nonturbid dewatering water, such as well-point groundwater, can be discharged to systems tributary to state surface waters, provided the dewatering flow does not cause erosion or flooding of receiving waters. These clean waters should not be routed through stormwater sediment ponds.

(c) Highly turbid or contaminated dewatering water shall be handled separately from stormwater.

(d) Other disposal options, depending on site constraints, may include:

(i) Infiltration.

(ii) Transport off site in a vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute state waters.

(iii) On-site treatment using chemical treatment or other suitable treatment technologies.

(iv) Sanitary sewer discharge with local sewer district approval.

(v) Use of a sedimentation bag with outfall to a ditch or swale for small volumes of localized dewatering.

(8) Site-Specific Requirements. Additional, site-specific requirements may be established after a site visit by the city. These requirements shall be based on specific site conditions and are limited to additional temporary erosion and sedimentation control and the mitigation of hazardous or potentially hazardous conditions that pose a threat off site or habitat preservation.

#### 14.60.130 Grading – Land development projects.

(1) For all land development projects such as subdivisions, short subdivisions, and commercial site developments, the applicant shall, after being issued the proper permits, clear and grade the property and install infrastructure improvements. Final grades of lots shall be prepared in accordance with the provisions of this chapter. Individual lots shall be cleared and graded in accordance with CMC 14.60.135.

(2) Individual lots within a land development project shall be cleared and graded as part of the overall project's mass grading and construction of infrastructure. The individual lots shall be graded to accept the expected buildings and driveways. All lots shall be designed and constructed with due regard to the natural topography:

(a) Walls and slopes proposed as a means of grade separation between lots shall be constructed as part of the mass grading phase of the project and shall be constructed entirely on the downhill lot.

(b) If lots are expected to be constructed for a daylight basement type building, the lot shall be prepared as near as possible for such a building, by grading a terrace at some distance from the street. The excess material from the terrace shall be hauled off-site or utilized as fill, if suitable elsewhere on the project.

#### **14.60.135 Grading – Individual lots.**

Individual lots may be cleared and graded with the following restrictions:

(1) Excavation and fill will be allowed up to maximum depth of three feet, excluding the excavation required for the building foundations.

(2) Grading across property boundaries will only be allowed if a separate clearing and grading permit is issued for the grading activity for all affected lots.

(3) Any grading of the property and individual lots shall generally conform to the natural topography of the property and adjacent properties, and all provisions of this chapter.

(4) All building lots shall be graded and prepared such that all roof, yard, wall, slope, driveway, and footing drains can be connected directly by gravity to the project's drainage system. Discharge to an alternate location may be allowed only with prior approval of the city engineer, and appropriate easements from affected downstream property owners.

#### **14.60.140 Drainage.**

Clearing and grading operations shall take all necessary precautions, through the use of best management practices (BMPs), to control drainage within the site and off-site to avoid damage to adjoining properties and drainage facilities and prevent impacts to water quality as outlined in the city's stormwater manual and Design and Construction Standards.

#### **14.60.150 Slopes.**

Slopes shall be constructed with due regard for drainage, access, maintenance, impacts to adjacent property, and aesthetics. Constructed slopes shall comply with all applicable codes and standards and the following criteria:

(1) Fill slopes shall be constructed no steeper than three horizontal to one vertical. Cut slopes may be constructed at a maximum slope of two horizontal to one vertical upon approval of the director and recommendation of a geotechnical engineer, for those areas lying outside the building envelope. In addition, the following standards shall apply to cut and fill slopes:

(a) Minimize clearing and grading on slopes 15 percent or greater. Clearing and grading on slopes shall meet any critical areas standards set forth in CMC 18.65.

(b) Slopes shall comply with the land use code restrictions applicable to slopes 40 percent or greater and to areas of colluvial or landslide deposit on slopes of 15 percent or greater.

(c) Do no clearing, excavation, stockpiling, or filling on the potential slide block of an unstable or potentially unstable slope unless it is demonstrated to the director's satisfaction that the activity would not increase the load, drainage, or erosion on the slope.

(d) Do no clearing, excavation, stockpiling, or filling on any unstable or potentially unstable areas (such as landslide deposits) unless it is demonstrated to the director's satisfaction that the activity would not increase the risk of damage to adjacent property or natural resources or injury to persons.

(e) Intercept any groundwater or surface water drainage encountered on a cut slope and discharge it at a location approved by the director. Off-site stormwater (run-on) or groundwater shall be diverted away from slopes and undisturbed areas with interceptor dikes, pipes and/or swales. Off-site stormwater should be managed separately from stormwater generated on the site.

(f) Excavated material shall be placed on the uphill side of trenches, consistent with safety and space considerations.

(g) Check dams shall be placed at regular intervals within constructed channels.

(h) At the top of slopes, collect drainage in adequate pipe slope drains or armored channels to prevent erosion.

(2) Existing slopes shall not be over-steepened beyond the criteria in subsection (1) of this section by placing fill or by constructing a fill wall near the top of the slope.

(3) If building sites are prepared by constructing slopes near the property boundary, the slope shall be constructed in accordance with CMC 14.60.135.

(4) Drainage at the top and toe of any slope shall be appropriately collected and discharged:

(a) The ground surface above a slope shall be graded to direct surface runoff to an appropriate collection point. Water shall not be allowed to discharge over the top of a slope.

(b) Slopes shall not be constructed in a location or manner in which surface runoff and debris are permitted to drain onto an adjacent property.

(c) Slopes shall be designed and protected to minimize erosion.

(d) Terraces at least 10 feet in width shall be sloped away from the face of a slope and shall be established at not more than 25-foot vertical intervals to control surface drainage and debris. Swales or ditches on terraces shall have a maximum gradient of five percent.

(e).The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary, as determined by a geotechnical engineer for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion. The tops and toes of cut and fill slopes shall be set back from structures as far as is necessary, as determined by a geotechnical engineer for adequacy of foundation support and to prevent damage as a result of water runoff or erosion.

#### **14.60.160 Fill.**

All fill material shall be inspected and approved by the geotechnical engineer prior to the material arriving on-site. All imported fill material received from other than a commercial borrow site shall be accompanied by a clean soil questionnaire stating that the material is free of hazardous wastes. Recycled concrete shall not be used.

(1) Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation and unsuitable soil and material such as concrete rubble, topsoil, tree stumps, and brush. Where slopes receiving fill are steeper than five horizontal to one vertical, the fill material shall be benched into sound bedrock.

(2) Fill Material. Only earth materials which have no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be used. All on-site materials used as fill on the site shall conform to the specifications identified in the approved soils report.

(3) Compaction. All fill material shall be compacted to a firm and unyielding condition to a density of 95 percent of maximum density per ASTM D-1557, modified proctor.

#### **14.60.170 Rock and retaining walls.**

Walls shall be designed and constructed with due regard for drainage, access, maintenance, impacts to adjacent property, and aesthetics. All walls shall be constructed in accordance with all applicable codes and standards, and the following criteria:

(1) Rock walls may be used for erosion protection of cut or fill slopes. The primary function of a rock wall is to protect the slope face from soil erosion and sloughing.

(2) Any wall supporting a surcharge or an exposed wall height of greater than three feet shall require a separate building permit.

(3) All walls shall be provided with a wall drainage system. The wall drainage system shall discharge at an appropriate location:

(a) Wall drains shall be connected to the storm drainage stub provided for the lot, if possible.

(b) Wall drains shall not discharge onto an adjacent downhill property, unless downhill property is a vegetated area that has been set aside as permanent open space or critical area, with approval from the city.

(c) Wall drains shall not discharge onto a steep slope or area susceptible to erosion.

(d) The area above the wall shall be graded to channel water in a direction parallel to the face of the wall until the water can be collected in a pipe or drain, or discharged at an appropriate location.

(4) All walls parallel to a building shall be setback from the building a minimum of five feet. This setback applies to the horizontal space between the wall and the building as measured from the front face of a wall or the cut slope for a wall and the face of the building.

(5) Within the building setback, walls shall not exceed 30 inches in height as measured from the ground surface to the top of the wall.

(6) Walls existing at the time of the ordinance codified in this chapter, if constructed under a valid permit, may be repaired or replaced to their original height.

(7) Walls shall not support earth, other walls, or other structures on an adjacent property.

(8) Walls on a single-family lot may be no higher than four feet. The designer of walls shall also consider the fencing restriction on top of walls in general accordance with CMC 18.35.210.

(9) Walls shall not be located in separate tracts or public rights-of-way for the purposes of circumventing the provisions of this chapter.

(10) Walls shall not be stacked wherein a lower wall is supporting an upper wall, unless the lower wall is designed to do so. Minimum horizontal spacing between rock or retaining walls, as measured from face to face, shall be no less than the thickness of the lower wall plus the height of the lower wall.

(11) Cutting, filling or constructing walls within storm, water, and sanitary sewer easements is prohibited, unless specific written approval from the utility owner is provided. It shall be the applicant's responsibility to obtain said approval, and provide a copy to the city.

(12) When preparing a grading plan and designing a roadway, use of a retaining wall to support the roadway shall be considered only after other design options are exhausted. When a roadway must be supported by a retaining wall, the city may require additional building

setbacks, easements or other restrictions and provisions to allow proper maintenance of the wall.

(13) Walls shall not be located or constructed so as to impede travel on a public walkway.

(14) The area above the wall shall be designed and constructed to prevent surface water and debris from flowing over the top of the wall, and to allow for access and maintenance to the area above the wall.

(15) The area between the wall and the building shall be graded no steeper than five percent, perpendicular to the face of the wall, for a distance of five feet, for that area located within five feet of the building.

(16) Walls shall not be used to break up a slope or to circumvent the definition of or the restrictions for steep slope hazard areas as described in CMC 18.65.310.

(17) Walls constructed between lots shall be constructed entirely on the downhill side of the property line entirely on one lot, including the wall drainage system.

#### **14.60.190 Driveways – Design.**

Lots shall be prepared to accept a driveway meeting all applicable design and dimension standards regarding width and slope. Where a lot fronts on a steep roadway, the driveway shall be narrowed and/or lengthened in order to meet the standards regarding driveway slope. Where increased driveway lengths are required, subdivisions and short plats shall contain a note on the face of the plat indicating those lots affected, and to what degree the driveways are to be lengthened.

#### **14.60.200 Inspections.**

(1) All projects with a clearing and grading permit are subject to city inspections to ensure compliance with the permit, and that adequate control is being exercised by the contractor, civil engineer, and geotechnical engineer. The director will specify the general stages of work when city inspection is required and may require inspection and testing by an approved testing agency, to be paid by the applicant.

(2) The applicant shall employ professionals to perform inspections of the site grading as follows:

(a) Geotechnical Engineer. The geotechnical engineer's area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the adequacy of erosion control measures, the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, the stability of cut slopes with respect to geological matters, and the need for subdrains or other groundwater drainage devices. The geotechnical engineer shall perform on-site geotechnical testing and observation during

implementation of drainage features and while site grading is underway. Records of the geotechnical observation and testing shall be provided to the city on a regular basis.

(b) Civil Engineer. The civil engineer's area of responsibility shall include, but need not be limited to, the inspection of the site grading and construction of roads and drainage facilities to verify compliance with approved plans, evaluate the need for design changes based on field conditions, including submittal of revised plans to the city for review and approval, and providing accurate as-built drawings upon completion of the clearing and grading operations.

(c) Special Inspectors. The applicant shall employ professional inspectors in the area of special concrete work, seismic hazards, or other areas as required by the project and/or the director.

#### **14.60.210 Final approval.**

(1) The director shall give final approval to the clearing and grading operations once all the work is completed per the permit. The following must be completed, as a minimum, prior to final approval:

(a) All clearing and grading must be complete;

(b) The site shall be permanently stabilized, temporary erosion control measures removed, and storm drainage control facilities constructed and operational;

(c) The site shall be in a neat and orderly manner, free from junk, trash, debris, equipment, stockpiles and other construction materials;

(d) All required reports, certification letters, as-built drawings and other documents shall be submitted and approved by the city;

(e) The site shall be free of hazards; and

(f) All disputes regarding property damage caused by the clearing and grading operations shall be resolved to the satisfaction of the director.

(2) The city shall not issue final approval for any development proposal or issue a certificate of occupancy or final building inspection for property which has not received final approval for the clearing and grading operations.

(3) Final Reports. Upon completion of the clearing and grading operations, the professionals having conducted inspections in their respective areas shall submit, in a form acceptable to the director, final reports certifying that all portions of the project pertaining to their area of expertise have been constructed in accordance with the approved plans and specifications. The reports shall identify problems encountered, field changes, methods or designs utilized to correct deficiencies, and other information deemed necessary by the director:

(a) Geotechnical Engineer. The geotechnical engineer shall submit a final soil grading report prepared by the geotechnical engineer, including locations and elevations of field density tests, summaries of field and laboratory tests, final description of the geology of the site including any new information disclosed during the grading and the effect of same, and other substantiating data and comments on any changes made during grading and their effect on the recommendation made in the approved geotechnical report. The geotechnical engineer shall provide certification as to the adequacy of the site for the intended use as affected by soil and geologic factors.

(b) Civil Engineer. The civil engineer shall submit an as-built grading plan, including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. The civil engineer shall provide certification that the work was done in accordance with the final approved grading plan. Upon completion of the work, a reproducible as-built drawing, stamped by the civil engineer of record, of the storage, conveyance and discharge elements of the detention system and the newly constructed downstream components of the storm drainage system shall be required. The director may require additional information in respect to any significant deviations from the approved plans, specifications or reports.

(c) Special Inspectors. Special inspectors shall submit final reports describing original and final conditions, changes, and methods utilized to correct deficiencies or mitigate specific conditions.

#### **14.60.240 Enforcement, Violations and Penalties.**

(1) Permit Suspension/Revocation. The director may suspend work or revoke a clearing and grading permit, as appropriate, whenever:

(a) The work is not authorized by a valid permit;

(b) The applicant requests such revocation or suspension;

(c) The work does not proceed in accordance with the plans, as approved, or is not in compliance with the requirements of this chapter or other city ordinances;

(d) Entry upon the property for the purposes of investigation or inspection has been denied;

(e) The applicant has made a misrepresentation of a material fact in applying for such permit;

(f) The progress of the work indicates that the plan is or will be inadequate to protect the public, the adjoining property, the street, critical areas, the drainage system, or other utilities, or the work endangers or will endanger the public, the adjoining property, the street, protected areas, the drainage system or other utilities;

(g) The required project security has expired or been expended to the point that it no longer provides assurance of completion of the project in compliance with the terms of the permit; or

(h) The permit has not been acted upon or extended within the time allowed pursuant to CMC 14.60.110.

(2) Except as otherwise provided in this chapter, any violation of any of the provisions of this chapter constitutes a civil violation as provided for in CMC 1.30, for which a monetary penalty may be assessed and abatement may be required as provided therein.

**Chapter 14.30  
PERMIT DECISION TYPES**

14.30.040 Decision types.1

Type 1	Type 2	Type 3	Type 4
Building Permit (15.05) Grading Permit ( <del>18.60</del> 14.60) Boundary Line Adjustment (17.40) Right-of-Way Use Permit (12.35) Design and Construction Standards Deviation (12.60) <u>Clearing and Grading Design Deviation (14.60)</u> Shoreline Exemption (16.05) Code Interpretation (14.30) Miscellaneous Administrative Decisions Minor Tree Removal (18.45) WCF Collocation on a Transmission Structure or WCF Tower (18.70)	Short Plat (Including Revisions and Alterations) (17.20) Design and Construction Standards Variance (12.60) <u>Clearing and Grading Design Variance (14.60)</u> Design Departure from the City of Covington Design Guidelines and Standards (18.31) Downtown Permitted Use Determination (18.31) Temporary Use (18.85) Shoreline Substantial Development Permit <sup>2</sup> (16.05) SEPA Threshold Determination <sup>3</sup> Commercial Site Development Permit (18.31 and 18.110) Re-use of Facilities (18.85) Critical Areas Reasonable Use Exceptions (18.65) Binding Site Plan (17.30) Major Tree Removal (18.45) Stormwater Manuals Variance (13.25) Wireless Communication Facilities Collocations (18.70)	Preliminary Plat (17.20) Plat Alterations (17.25) Preliminary Plat Revisions (17.20) Zoning Variance (18.125) Conditional Use Permits (18.125) New Wireless Communication Facility Towers and Height Modifications (18.70)	Final Subdivision <sup>4</sup> (17.25) Shoreline Environment Redesignations (16.05) Plat or Short Plat Vacations (17.25) Street Vacations (12.55)

1 If a conflict between this chart and the text of the CMC exists, the text of the CMC controls.

2 When applications for shoreline permits are combined with other permits requiring Type 3 or 4 land use decisions, the Examiner, not the Director, makes the decision. All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the Hearing Examiner.

3 Appeal to Examiner is limited to the SEPA threshold determination. The decision on the Type 1 permit itself is appealable to Superior Court.

4 Final subdivisions are submitted directly to the City Council for final decision without a recommendation by the Hearing Examiner.

## Chapter 13.37 CRITICAL AQUIFER RECHARGE AREAS

### 13.37.030 Code provisions adopted.

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

(2) The following elements of the Covington Municipal Code are hereby adopted in accordance with RCW 36.70A.060 to protect critical aquifer recharge areas: Chapters 15.20, 18.40 and 18.~~60-65~~ CMC.

## Chapter 14.35 PERMIT APPLICATION PROCEDURES

### 14.35.020 Permit application – Conformance with submittal requirements.

The Department shall not commence review of any application set forth in this chapter until the applicant has submitted the materials specified for complete applications along with the required fees as set forth in the current fee resolution. Applications for land use permits requiring Type 1, 2, 3 or 4 decisions shall be considered complete as of the date of submittal upon determination by the Department that the materials submitted meet the requirements of this section. The Director may eliminate certain submittal requirements where not prohibited by law and where deemed necessary.

(1) Except as provided in subsection (2) of this section, all permit applications described in CMC 14.30.040 shall include the following:

(a) The appropriate application form provided by the Department and completed by the applicant;

(b) A certificate of sewer availability from the applicable sewer purveyor or site percolation data with preliminary approval by the Seattle-King County Health Department;

(c) A current certificate of water availability from the applicable water purveyor, or the Seattle-King County Health Department if for a private water system;

(d) A fire district receipt pursuant to CMC Title 15;

(e) A site plan, prepared in a form prescribed by the Director and further outlined in Chapter 10 of the Design and Construction Standards, adopted by Chapter 12.60 CMC;

(f) Proof that the lot or lots to be developed are recognized as a lot under this title;

(g) Location of critical areas and associated buffers within 50 feet of the site or Aa critical areas affidavit identifying that no critical area or associated buffers exist on or are adjacent to the site. †

(h) A completed environmental checklist, if applicable per Chapter 16.10 CMC;

(i) Payment of any development permit review fees as set forth in the current fee resolution;

(j) A list of any permits or decisions applicable to the development proposal that have been obtained prior to filing the application or that are pending before the City or any other governmental entity;

(k) Certificate of transportation concurrency from the Department of Community Development, if required by Chapter 12.100 CMC;

(l) A determination if drainage review applies to the project pursuant to Chapter 13.25 CMC, and, if applicable, all drainage plans and documentation required by the stormwater manuals adopted pursuant to Chapter 13.25 CMC;

(m) Current Assessor's maps and a list of tax parcels to which public notice must be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4 decision;

(n) Legal description of the site;

(o) Variances obtained or required under CMC Title 18 to the extent known at the date of application;

(p) Design deviations and design variance from the Construction and Design Standards, adopted in Chapter 12.60 CMC, to extent known at the date of application;

~~(pg)~~ For site development permits only, a phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years; and

~~(qr)~~ Additional complete application requirements for the following land use permits are set forth in the following sections of the CMC:

(i) Grading permits, Chapter ~~18.60~~14.60 CMC.

(ii) Tree removal permits, Chapter 18.45 CMC.

(iii) Construction permits, Chapter 15.05 CMC.

(iv) Mobile home permits, Chapter 15.05 CMC.

(v) Subdivision applications, short subdivision applications and binding site plan applications, Chapter 17.15 CMC.

A permit application is complete for purposes of this section when it meets the procedural submission requirements of the Department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the Director.

## Chapter 14.105 FINANCIAL GUARANTEES

### 14.105.150 Restoration and reclamation activities.

(1) Financial guarantees for restoration and reclamation activities required pursuant to CMC Titles 14, 15 and 18 shall be sufficient to cover the cost of conformance with conditions of the permit, including corrective work necessary to provide drainage consistent with approved plans and conditions, to remove geologic hazards, and to protect water quality and the public health, safety, and welfare. The financial guarantee may be reduced proportionately for phased projects as work is complete and subsequent reclamation and/or restoration on each phase is completed. The request for reduction shall be in writing.

(2) Financial guarantees may be waived for activities pursuant to CMC Title 14, 15 or 18:

(a) Projects of less than 200-500 cubic yards of excavation, fill, or a combination thereof unless associated with a development application for short plat, subdivision binding site plan or commercial site development permit;

(b) City of Covington Department projects; and

(c) Reclamation projects with financial guarantees posted with the State of Washington Department of Natural Resources or with the Federal Office of Surface Mining.

### 14.105.160 site development and restoration

(1) Financial guarantees for any improvement required pursuant to CMC Titles 14, 15, 17, or 18 (or their successors) shall be sufficient to cover the cost of complying with conditions of the permit or approval, including corrective work necessary to provide drainage consistent with approved plans and conditions, to remove geologic hazards, and to protect water quality and the public health, safety, and welfare. Such financial guarantees shall include site restoration and stabilization requirements.

(2) No temporary certificate of occupancy shall be issued until:

(a) Drainage facility improvements are functional;

(b) Required parking is provided; and

(c) Safe access is provided.

(3) The Director may allow a performance guarantee to be posted for some or all of the improvements required by subsection (2) of this section if no life safety hazard exists. The

request shall be made in writing, accompanied by a schedule for completion of required improvements.

**14.105.170 Liability insurance.**

(1) The developer of record shall carry comprehensive general and automobile insurance in an amount not less than \$2,000,000. The liability insurance shall be maintained in its original amount by the developer during the period the permit and approval are in effect. The insurance shall include the city as an additional named insured and shall protect the city from any liability up to those amounts for any accident, negligence, or any other liability whatsoever, relating to the construction or maintenance of the development. Liability insurance can be waived for projects less than 500 cubic yards of excavation, fill, or a combination thereof unless associated with a development application for short plat, subdivision binding site plan or commercial site development permit.

(2) The developer shall not commence work until he has furnished evidence (in duplicate copy) of liability insurance, and such insurance has been approved by the city; nor shall the developer allow any contractor or subcontractor to commence work on his contract or subcontract until the same insurance requirements have been complied with by such contractor or subcontractor. Approval of the insurance by the city shall not relieve or decrease the liability of the developer thereby. Companies writing the insurance under this section shall be authorized to do business in the State of Washington.

**Chapter 16.10**  
**STATE ENVIRONMENTAL POLICY ACT**

**16.10.090 Categorical exemptions (flexible thresholds).**

(1) The City establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:

(a) The construction or location of any single-family residential structures of four-nine or fewer dwelling units;

(b) The construction or location of any multifamily residential structures of 60 or fewer units located within the Mixed Housing Office (MHO), Mixed Commercial (MC), and General Commercial (GC) downtown zoning districts and the R-18 multifamily zone;

~~(bc)~~ The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 30,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

~~(ed)~~ The construction of an office, school, commercial, recreational, service or storage building with 12,000 square feet of gross floor area, and with associated parking facilities designated for 40 automobiles;

~~(de)~~ The construction of a parking lot designated for 40 automobiles;

~~(ef)~~ Any landfill or excavation of 200-500 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder; provided that the categorical exemption threshold shall be 250 cubic yards for any fill or excavation that occurs on a site that contains critical areas as defined in Chapter 18.65 CMC and the Shoreline Master Program, as amended.

(2) Whenever the City establishes new exempt levels under this section, it will send them to the Department of Ecology, Headquarters Office, Olympia, Washington 98504, pursuant to WAC 197-11-800(1)(c).

## Chapter 18.20 DEFINITIONS

### 18.20.097 Berm.

"Berm" means ~~a constructed area of compacted earth~~ a mound or raised area used for the purpose of screening a site or operation.

### 18.20.195 Clearing.

"Clearing" means ~~cutting, killing, grubbing or removing vegetation or other organic plant material by physical, mechanical, chemical or any other similar means. For the purpose of this definition of "clearing," "cutting" means the severing of the main trunk or stem of woody vegetation at any point.~~ the limbing, pruning, trimming, tipping, cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical or other means.

## Chapter 18.55 SIGNS

### 18.55.050 Permits.

#### (3) Permit and Registration Exceptions.

(a) A sign permit is not required for maintenance of a sign, for a change of sign face, or for operation of a changeable copy sign and/or electronic changeable message sign.

(b) Exempt Signs. The following signs, modification to signs, or displays are exempt from the regulations of this chapter. Except for government signs, sight distance requirements must be complied with. No sign shall be placed in the public right-of-way, except as otherwise allowed in this chapter.

(i) Address identification with numbers and letters not more than 18 inches in height.

(ii) Balloons no greater than 18 inches in diameter and no more than five balloons per display with a tether no longer than 36 inches.

(iii) Banners projecting over the right-of-way, for City Council authorized events.

(iv) Barber poles.

(v) Construction signs so long as such signs are limited to two signs per project and each sign does not exceed 32 square feet per sign face and 10 feet in height. Construction signs shall not be displayed prior to issuance of a building permit and shall be removed prior to the issuance of a certificate of occupancy and shall include the following information:

- (A) City project number and project name;
- (B) .Emergency contact name and phone;
- (C) Applicant's project manager's name and phone; and
- (D) Allowable construction hours.

(vi) Directional signs, on-site. Each sign shall not exceed four square feet in sign area if the directional sign is indicating one direction and shall not exceed eight square feet in sign area if such sign is indicating more than one direction. Center or complex names or logos shall not comprise more than 20 percent of the total area of the directional sign.

**Chapter 18.60**

**DEVELOPMENT STANDARDS – ~~GRADING AND~~ MINERAL EXTRACTION**

Sections:

18.60.010 Purpose.

~~18.60.020 Exemptions.~~

~~18.60.030 Grading permits required.~~

~~18.60.035 Fees.~~

18.60.040 Nonconforming extractive operations.

18.60.050 Periodic review.

18.60.060 Site design standards.

18.60.070 Operating standards.

18.60.080 Reclamation.

~~18.60.090 Financial guarantees.~~

**18.60.010 Purpose.**

The purpose of this chapter is to establish standards which minimize the impacts of grading and extractive operations upon surrounding properties by:

(1) Ensuring adequate review of operating aspects of extractive sites;

~~(2) Requiring project phasing on large sites to minimize environmental impacts;~~

~~(3) Requiring minimum site areas large enough to provide setbacks and mitigations necessary to protect environmental quality; and~~

(4) Requiring periodic review of extractive and processing operations to ensure compliance with the most current operating standards.

**18.60.020 Exemptions.**

The provisions of this chapter shall not apply to uses or activities specifically exempted in Chapter 18.45 CMC.

**18.60.030 ~~Grading permits required~~ Extractive Operations.**

~~Grading and~~ Extractive operations shall commence only after issuance of a grading permit.

~~Grading and clearing permit fees shall be composed of two elements: plan review and operation monitoring.~~

~~(1) Plan Review Fees. Plan review fees shall compensate the Department for the review of permit operating plans, including plans for drainage, erosion/sedimentation control, terrain alteration, traffic/circulation, clearing, and site rehabilitation. Plan review fees shall be based on the anticipated volume of materials and total area to be disturbed during the period of the~~

~~permit. Initial plan review fees may be reduced for quarry/mining operations reviewed in conjunction with reclassification applications or unclassified use permits. Plan revision fees shall contain a base fee to cover the cost of file administration and an hourly fee to compensate for additional plan review and modification of permit approval conditions. Plan revisions may be initiated at any time during the period of the grading permit, either at the request of the applicant or as a result of operational modifications discovered during monitoring, but shall not alter the original approval period of the grading permit.~~

~~(2) Operation Monitoring Fees. Operation monitoring fees shall be collected to cover the cost of inspecting active grading operations in order to determine compliance with permit approval conditions. "Active grading operations" include material deposition and removal areas, disturbed areas not yet rehabilitated, stockpiles, on-site processing areas, and other such working areas. Operation monitoring fees shall cover inspections for a 12-month period and shall be collected at permit issuance and at each subsequent anniversary date throughout the effective period of the grading permit.~~

~~Operation monitoring fees shall be based on the volume of materials anticipated to be deposited or removed during the 12-month monitoring period. Monitoring fees based on area shall also be collected for all disturbed areas not rehabilitated during the previous monitoring period. Special monitoring and inspection functions, such as bond release inspections or reinspection of nonbonded actions, shall be calculated as set forth in the grading permit fee tables.~~

~~Fees for the monitoring and inspection of clearing shall be charged at an hourly rate.~~

~~(5) Additional Review Fees. In addition to the grading and clearing permit fees set forth in this section, other fees required by the Covington Municipal Code may be applicable to individual grading permit applications. Such fees include, but are not limited to, shoreline management, SEPA or sensitive areas review fees.~~

~~(6) Fees for grading and/or clearing shall be set forth in the current fee resolution. (Ord. 20-07 § 68; Ord. 43-02 § 2 (27.12.010). Formerly 14.60.010)~~

#### **18.60.050 Periodic review.**

Unless a more frequent review is required, periodic review of extractive and processing operations shall be provided as follows:

(1) All extractive operations shall be subject to a review of development and operating standards at five year intervals;

(2) The periodic review shall be:

(a) Conducted by the Director or his/her designee pursuant to the review process outlined in ~~CMC 18.115.040 through 18.115.060~~ Title 14; and

(b) Used to determine that the site is operating consistent with the most current standards and to establish other conditions as necessary to mitigate identifiable environmental impacts;

(c) The cost of any review by the City shall be ~~born~~ the responsibility of the ~~by the~~ operator of the extractive operation.

#### **18.60.080 Reclamation.**

A reclamation plan approved pursuant to the requirements of RCW 78.44.090 shall be submitted prior to the effective date of a rezone approval.

#### ~~18.60.090 Financial guarantees.~~

~~Financial guarantees shall be required, consistent with the provisions of CMC Title 14 and this title.~~

# Memo

**To:** Planning Commission  
**From:** Richard Hart, Community Development Director  
Ann Mueller, Senior Planner  
**CC:** Salina Lyons, Principal Planner  
**Date:** Thursday, August 15, 2013  
**Re:** Codification of Covington's Shoreline Master Program Regulations

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The Washington Shoreline Management Act was enacted in 1971, and its purpose is to manage and protect the shorelines of the state by regulating development in the shoreline area. A major goal of the Act is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The primary responsibility for administering this regulatory program is assigned to local governments. Local governments, such as Covington, do so through the mechanism of shoreline master programs, adopted under rules established by the Department of Ecology (DOE), that establish goals and policies that are implemented through use regulations.

The city's Shoreline Master Program was first adopted in 1978 (King County Shoreline Master Program), when Covington was located within King County jurisdiction and prior to the City's incorporation. All of Covington's shorelines were designated as Rural Environment. Upon incorporation in 1997, the city adopted by reference King County's Shoreline Master Program to regulate shoreline development.

In 2007, the city obtained a grant from DOE to conduct a comprehensive Shoreline Master Program (SMP) update. This included an inventory of the city's shorelines and development goals, policies and regulations. The goals and policies were developed over a 14 month time frame at 6 public meetings with the help of an Ad Hoc Advisory Committee that included property owners along Jenkins Creek, Soos Creek, and Pipe Lake, members of the Planning Commission and Parks and Recreation Commission, a representative from Soos Creek Water & Sewer District, an area homeowner association member, and a member of the business community. In March 2011, the City Council forwarded the finalized draft of the SMP to DOE for their approval (Ordinance No. 05-11). In April 2011, DOE adopted the City of Covington's [Final Shoreline Master Program](#).

The adopted SMP is over 100 pages long, not including appendices, and includes policies and regulations that apply to the all development activity in the shorelines of Covington. In order to for

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these approved regulations to be easier for the public to apply to their property and development projects staff discussed with Ecology the ability to codify SMP regulations in to Covington's Municipal Code (CMC) in Title 16. Ecology staff indicated that as long as the content of the SMP regulations are not modified there should not be an issue with incorporating the regulations in to CMC Title 16.

Attached is a preliminary draft of the codification of the regulations for the Shoreline Management Program. This lengthy draft contains all of the regulations as provided in the SMP and some policies and explanatory language also from the SMP. Based on discussion with Ecology staff, additional editing will be done to remove verbose language and include more cross references to the SMP document. One comment Ecology had was to ensure the codified regulation makes it clear that the final authority on what can and cannot happen in the shoreline is the SMP as adopted by the DOE and that changes to the codified regulations cannot be done without modifying the SMP and DOE approval.

Staff will bring back to the Planning Commission another version of the codified regulations in late summer or early fall, depending on the workload with the Hawk Property planning process.

Attachment:

1. Example of Codified SMP regulations
2. SMP Shoreline Map

**CITY OF COVINGTON**  
**SHORELINE MANAGEMENT PROGRAM REGULATIONS**  
**COVINGTON MUNICIPAL CODE CHAPTER 16.01**  
**SHORELINE MASTER PROGRAM JURISDICTION AND ENVIRONMENTS**

**16.01.010 Shoreline Master Program Regulations**

As required by the Washington State Shoreline Management Act, Covington's Shoreline Master Program Update (SMP) adopted on April 26, 2011 (Ord. No. 05-11), set forth goals, policies and regulations, consistent 173-27 WAC. These shoreline management goals and policies were adopted in the city's comprehensive plan, governing specific categories of uses and activities typically found in shoreline areas. SMP regulations provide basic criteria for evaluating shoreline permit applications, to implement the broader goals, policies and intent of the Shoreline Management Act and the SMP. Shoreline Master Program regulations are contained in CMC Chapter 16.01. These SMP regulations implement and are consistent with chapter 173-27 WAC and the City of Covington Shoreline Master Program Update but are not adopted as part of the SMP.

**16.01.020 Applicability and Purpose**

(1) Applicability. The requirements of the Shoreline Master Program shall apply to all uses, activities, and development within shoreline jurisdiction as defined in CMC 16.01.030, Shoreline Jurisdiction. All uses, activities, and development within shoreline jurisdiction, including those exempt from the requirement to obtain a shoreline permit, shall comply with Chapter 90.58 RCW, the Shoreline Management Act, and all policies and regulations of the Covington Shoreline Master Program.

(2) Purpose of the Shoreline Master Program regulations. The purposes of the Master Program are:

- (A) To carry out the responsibilities imposed on the City of Covington by the Washington State Shoreline Management Act (RCW 90.58).
- (B) To promote the public health, safety, and general welfare, by providing a guide and regulations for the future development of the shoreline resources of the City of Covington.
- (C) To further, by adoption, the policies of RCW 90.58, and the Goals of the Shoreline Master Program.

**16.01.030 Shoreline Jurisdiction**

(1) The following areas of Pipe Lake, Big Soos Creek, and Jenkins Creek within the City of Covington limits are included within Shoreline Jurisdiction.

- (a) Pipe Lake. Pipe Lake, its underlying land, and associated wetlands, together with those lands extending landward 200 feet from the ordinary high water mark of Pipe Lake.
- (b) Big Soos Creek. Big Soos Creek, its underlying land, associated wetlands, mapped floodway, and lands extending 200 feet landward from the mapped floodway.
- (c) Jenkins Creek. Jenkins Creek, its underlying land, associated wetlands, and lands extending landward 200 feet of the ordinary high water mark. There is no mapped floodway for Jenkins Creek.

The general location of the city's shoreline is shown in the Shoreline Jurisdiction and Environments Map in CMC 16.01.050. The exact location of shoreline jurisdiction will be determined at the time a permit is submitted based on the definitions contained in RCW 90.58.030.

- (2) 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.
- (3) 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 in CMC Chapter 18.65. If there are any conflicts or unclear distinctions between the city's Shoreline 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 apply.
- (4) Definitions. Terms not defined in this chapter, in the Shoreline Master Program (Ord. No. 05-11, Exhibit A, Chapter 2), or the Washington State Shoreline Management Act shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "shall" is always mandatory, the word "may" denotes a use of discretion in making a decision.

#### **16.01.040 Shoreline Environments**

(1) The City's Shoreline Master Program established five 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. Consistent with the Washington State Shoreline Management Act (RCW90.58), Covington's five shoreline environment designations are:

(a) High-Intensity Environment

High-Intensity - appropriate for areas of high intensity water oriented commercial, transportation, and industrial development.

The only High-Intensity Environment in the city is that portion of Jenkins Creek adjacent to the Bonneville Power Authority utility site as shown in CMC 16.01.050 (Shoreline Jurisdiction and Environments Map). 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.

(b) Medium-Intensity Environment.

Medium- Intensity – is established for areas planned for medium intensity residential and limited commercial uses in upland areas from a more protective shoreline environment designation.

Shoreline areas located outside of the 115 foot stream buffer along Jenkins Creek have a Medium-Intensity environment designation as shown in CMC 16.01.050 (Shoreline Jurisdiction and Environments Map). 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.

(c) Shoreline Residential Environment.

Shoreline Residential -is intended to accommodate residential development, and appropriate public access and recreational uses consistent with the Shoreline Management Act.

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 within Covington City limits, with the exception of the Camp McCullough property.

(d) Urban Conservancy Environment.

Urban Conservancy - is designed to protect and restore the ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed areas.

Urban Conservancy areas includes all shorelands adjacent to Big Soos Creek, shorelands adjacent to Jenkins Creek upstream of the eastern edge of the Covington Way SE bridge right-of-way to the City limits, and shorelands at Pipe Lake on the Camp McCullough property where open space, stream buffers and other sensitive lands exist as shown in CMC 16.01.050 (Shoreline Jurisdiction and Environments Map).

(e) Aquatic Environment.

Aquatic - is intended to protect, restore and manage the areas waterward of the ordinary high water mark.

Aquatic areas in Covington include all areas waterward of the ordinary high-water mark as shown in CMC 16.01.050 (Shoreline Jurisdiction and Environments Map).

- (2) The locations of these shoreline environments are illustrated in CMC 16.01.050 (Shoreline Jurisdiction and Environments Map)
- (3) Undesignated Shorelines. Any undesignated shorelines are automatically assigned an Urban Conservancy environment designation.
- (4) Compliance with Zoning Code. All development shall comply with the standards for interior setbacks, yard requirements and all applicable provisions in the Covington Municipal Code (CMC) Title 18 for the zone in which the development occurs. In the event of a conflict between a provision in the city's 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.
- (5) Permitted, conditional and prohibited uses for each shoreline environment are listed in CMC 16.01.080.
- (6) Shoreline Development Regulations. Regulations and dimensional standards for the each shoreline environment are listed in CMC 16.01.100.

**16.01.050 Shoreline Jurisdiction and Environments Map**

INSERT MAP HERE

**16.01.060 General Shoreline Regulations**

Based on the goals and policies established for the city's Shoreline Master Program, the following regulations apply to all uses, developments, and activities in the shoreline area of the City of Covington.

These shoreline regulations 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.

Consistent with the general shoreline polices of the Shoreline Master Program the following provisions apply to all development and uses regardless of whether a shoreline permit is required.

**(1) All Uses and Development**

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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:
  - (i) Water quality,
  - (ii) Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions),
  - (iii) Changing visual character as result of new residential development, including additions, and individual vegetation conservation practices (both along shoreline and in upland areas),
  - (iv) Shoreline stabilization and modifications.

**(2) Archaeological and Historic Resources**

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.

- (a) 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.
  - (b) 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.
  - (c) 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.
  - (d) 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.
  - (e) 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 the city's shoreline master program.
  - (f) 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.
  - (g) Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.
- (3) Critical Areas ? Still need to incorporate here or in the Critical Areas section of CMC Chapter 18

#### **(4) Environmental Impacts & Mitigation**

- (a) Solid waste, liquid waste, and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.
- (b) 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.

- (c) The use of herbicides and pesticides to remove noxious plants in rivers, streams, and wetland areas shall be PROHIBITED, 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.
- (d) 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.
- (e) All shoreline developments and uses shall utilize effective erosion control methods during both construction and operation.
- (f) Mitigation. 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.
- (g) 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.
- (h) All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.
- (i) 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.

- (j) 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.
- (k) Identified significant short term, long term, or cumulative adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial.

**(5) Public Access**

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.

- (a) Public access is 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.
- (b) Subdivisions of land into more than four parcels shall include dedication and improvement of public access.
- (c) Public Access Criteria.
  - (i) 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:
    - (A) Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means
    - (B) Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;
    - (C) The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
    - (D) Unacceptable environmental harm such as damage to fish spawning areas will result from the public access which cannot be mitigated; or
    - (E) Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
  - (ii) 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:
    - (A) Regulating access by such means as limiting hours of use to daylight hours.
    - (B) Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.
    - (C) Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.
  - (iii) 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).
- (d) 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.

- (e) Public access sites shall be connected directly to the nearest public street if possible.
- (f) Public access sites shall be made barrier free for the physically disabled where feasible.
- (g) 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.
- (h) 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).
- (i) 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 CMC 16.01.060(5) (a), signs controlling or restricting public access may be approved as a condition of permit approval.
- (j) Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.
- (k) 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.
- (l) 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.
  - (i) 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.
  - (ii) 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.
- (m) 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.

#### **(6) Vegetation Management (Clearing/Grading & Conservation)**

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.

Clearing and grading is any 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.

- (a) The following provisions apply to any activity, development, or use which results in the removal of or impact to shoreline vegetation, whether or not that activity requires a shoreline permit. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities. 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. Vegetation conservation standards do not apply retroactively to existing uses and structures, such as existing agricultural practices.
- (b) 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).
- (c) Clearing and grading shall only be allowed in association with a permitted shoreline use or development with limited exceptions as set forth below:
  - (i) 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.
  - (ii) Modification of vegetation in association with a legal, non-conforming use or development provided that said modification is conducted in a manner consistent with the city's Shoreline Master Program and results in no net loss to ecological functions or critical fish and wildlife habitats. This could include, but is not limited to the maintenance of an existing developed yard and ornamental landscaping.
  - (iii) Normal and routine maintenance of existing trees, for view maintenance, safety or other purposes, provided, that said maintenance is consistent with accepted arboricultural practices, does not involve removal of healthy trees and is not detrimental to the health of any trees.
  - (iv) Maintenance or restoration of view sheds situated on public lands provided that said activity is conducted in a manner consistent with the city's Shoreline Master Program and results in no net loss to ecological functions or critical fish and wildlife habitat areas.

- (d) Clearing and grading within areas classified by the City's Critical Areas Regulations as critical areas or their buffers is prohibited unless such removal is determined to be necessary to support a water oriented use, in connection with an approved alteration or poses a documented hazard to existing development, and no other feasible alternative exists. All clearing and grading in critical areas shall comply with all of the requirements of the City of Covington Critical Areas Regulations for the Shoreline Management Area, as contained in CMC Chapter 16.04. Vegetation 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.
- (e) The City shall regulate tree removal and land clearing within shoreline jurisdiction to protect ecological functions. Outside of critical areas and associated buffers, tree and vegetation removal shall be minimized and significant trees and other vegetation 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.
- (f) 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 structures and their maintenance, active recreation and shoreline access.
- (g) Within the Urban Conservancy environment of Pipe Lake, vegetation removal shall be prohibited within 115 feet of the ordinary high water mark, unless such removal is determined to be necessary to support a water oriented use or poses a documented hazard to existing development, and no other feasible alternative exists.
- (h) 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 CMC Chapter 16.04, may be required as a condition of permit issuance to ensure the proposal will result in no net loss of shoreline ecological functions.
- (i) 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.
- (j) 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 CMC 16.01.120(3) (c), Shoreline Modification and Activity Regulations.
- (k) 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.
- (l) 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 shall 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.

- (m) Stabilization of exposed erosion-prone surfaces within the shoreline environment shall, wherever feasible, utilize soil bioengineering techniques.
  - (n) 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.
  - (o) 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.
  - (p) 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.
  - (q) 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.
- (7) Water Quality, Stormwater, and Non-Point Pollution
- (a) 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.
  - (b) 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.
  - (c) Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins and facilities. Low impact stormwater facilities may be allowed within designated shoreline setback areas if the applicant demonstrates compliance with all other regulations, including any applicable critical areas standards.
  - (d) 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.

**16.01.070 Interpreting Shoreline Use, Development Regulations and Tables**

(1) The shoreline tables in this chapter determine whether a specific shoreline use, development or modification is allowed within each of the shoreline environments. See specific regulations following the table for a full explanation of activities and required conditions for permitted activities.

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 use, development or 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 use, development or modification may be allowed within the shoreline environment, and only if the underlying zoning allows the use or modification.
- (c) If the letters "C" appears in the box at the intersection of the column and the row, the use, development or modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in this chapter, and only if the underlying zoning allows the use or modification.

**16.01.080 Shoreline Use Table**

(1) See CMC 16.01.090 for specific regulations that apply to the uses listed below. Permitted (P), Conditional (C), and Prohibited (X) uses in each Shoreline Environment are identified in Table below. Shoreline uses are allowed only if the underlying zoning allows the use.

(2) TABLE 1. SHORELINE USES

SHORELINE USES <small>Shoreline uses are allowed only if the underlying zoning district allows the use.</small>	HIGH INTENSITY	MEDIUM INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	AQUATIC
<b>Agriculture</b>	X	X	X	X	X
<b>Aquaculture</b>	P	P	C	P	See adjacent Upland Environment
<b>Boating Facilities</b> (excludes docks serving four or fewer single-family residences)	X	X	C	C	See adjacent Upland Environment
<b>Commercial Development</b>					
Primary	P	P	X	X	X
Accessory	P	P	P	C	X
<b>Forest Practices</b>	X	X	X	X	X
<b>Industry</b>	P	X	X	X	X
<b>In Stream Structures</b>					

<b>SHORELINE USES</b>  Shoreline uses are allowed only if the underlying zoning district allows the use.	<b>HIGH INTENSITY</b>	<b>MEDIUM INTENSITY</b>	<b>SHORELINE RESIDENTIAL</b>	<b>URBAN CONSERVANCY</b>	<b>AQUATIC</b>
<b>As Part of a Fish Habitat Enhancement Project</b>	P	P	P	P	P
<b>Other</b>	C	C	C	C	C
<b>Mining</b>	X	X	X	X	X
<b>Parking</b>					
As a Primary Use	X	X	X	X	X
As an Accessory Use	P	P	P	C	X
<b>Recreational Facilities</b>					
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
<b>Residential Development</b>					
Single family	P	P	P	P/C/X (1)	X
Multi-family	P	P	X	X	X
<b>Scientific, Historical, Cultural, or Educational Uses</b>	P	P	P	P	P
<b>Transportation Facilities</b>					
New Circulation Routes related to Permitted Shoreline Activities	C	C	C	C	C (2)
Expansion of Existing Circulation Systems	P	P	C	C	C (2)
Multi-Use Trails	P	P	C	C	C (2)
<b>Utilities (Primary)</b>					
Solid Waste Disposal or Transfer Sites (excluding storage of recyclable materials)	X	X	X	X	X
Power generation, substations and gas storage facilities	C	C	C	C	X
All Other, including high voltage transmission facilities,	C	C	C	C	C

<b>SHORELINE USES</b>  Shoreline uses are allowed only if the underlying zoning district allows the use.	<b>HIGH INTENSITY</b>	<b>MEDIUM INTENSITY</b>	<b>SHORELINE RESIDENTIAL</b>	<b>URBAN CONSERVANCY</b>	<b>AQUATIC</b>
gas pipelines, sewage mains and treatment facilities, water mains and storage facilities, and stormwater mains and regional treatment facilities.					
<b>Utilities (Accessory)</b>					
Local Public Water, Electric, and Natural Gas Distribution, Public Sewer collection, Cable and Telephone Service, and Appurtenances	P	P	P	C	C

(a) Shoreline Use Table Notes.

1. 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 CMC Chapter 16.04.
2. Bridges only in accordance with the Use standards for Transportation in CMC 16.01.090(12).

**16.01.090 Shoreline Use Regulations**

(1) Agriculture

- (a) 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 CMC Chapter 18.65.

(2) Aquaculture.

- (a) Aquaculture shall be allowed as a conditional or permitted use as indicated in CMC 16.01.080(2).
- (b) 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.
- (c) Aquacultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and the city's SMP to ensure no net loss of ecological function.
- (d) 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.
- (e) Impacts to ecological functions shall be mitigated in accordance with the sequence described in CMC 16.01.060(4)(f) Environmental Impacts.

(3) Boating Facilities

Boating facilities are public or private, commercial or non-commercial moorage structures excluding docks serving four or fewer single-family residences.

- (a) 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.
- (b) 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.
- (c) 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.
- (d) The traffic generated by such a facility must be safely and conveniently handled by the streets serving the proposed facility.
- (e) 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.
- (f) Public access is required for all new boating facilities, unless such access is determined to not be feasible, subject to all requirements in CMC 16.02.050(F).
- (g) Live-aboards are not allowed; sleeping on boats and nighttime use of boats are prohibited.
- (h) Boating facilities must have provisions available for cleanup of accidental spills of contaminants.

(4) Commercial Development

- (a) 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 CMC 16.01.060(5) and shall avoid, minimize and mitigate impacts to existing vegetation, recreation and public access.
- (b) 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 state's Shoreline Management Act objectives.
- (c) Non-water dependent commercial uses are prohibited over water, except in existing structures and where necessary to support water-dependent uses.
- (d) 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).
- (e) Home occupations are allowed within the Shoreline Residential environment provided they meet the requirements of CMC 18.80.100.
- (f) 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:
  - (i) Concession stands, and
  - (ii) Private parties or receptions and banquets (one-time Conditional Use Permit to establish scope of activity allowed).
- (g) 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.

(5) Forest Practices

- (a) Forest practices are prohibited in all shoreline environments. Forest practices are those activities that involve conversion to non-forest use that are not covered by the Forest Practices Act.

(6) Industry

- (a) Industrial activity is permitted only in the High Intensity environment.
- (b) The location, design and construction of industrial uses, development and redevelopment shall not result in a net loss of ecological processes and functions.
- (c) New industrial uses and redevelopment shall include cleanup and restoration of impacted sites.
- (d) Public access shall be required, unless such a requirement would interfere with operations or create hazards to life or property.
- (e) 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.

- (f) 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.

(7) Mining

Mining is a prohibited use activity within any shoreline jurisdiction.

There are no mining activities existing or anticipated within the city's shoreline jurisdiction. If such uses are established in the future, regulations will be established by amendment to the city's shoreline master program.

(8) Parking

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.

- (a) Parking in shoreline areas must directly serve a permitted shoreline use.
- (b) Parking facilities shall provide adequate provisions to control surface water runoff to prevent it from contaminating water bodies.
- (c) 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.
- (d) 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.
- (e) 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.

(9) Recreational Development

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.

- (a) 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 CMC 16.02.030. 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.
- (b) 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.
- (c) 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.
  - (d) 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.
  - (e) In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features.
  - (f) Swimming areas shall be separated from boat launch areas.
  - (g) 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 16.01.120(4).
  - (h) 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.
  - (i) 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.
  - (j) 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.
  - (k) Proposals for new or expanded recreational development shall include provisions for public access to the shoreline.
  - (l) A new or expanded shoreline recreational development or use that does not provide public access may be authorized provided the applicant demonstrates compliance with the Public Access regulations contained in CMC 16.01.080(3).
  - (m) 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.

- (n) Public access sites shall be connected directly to the nearest public street or other public access.
  - (o) Public access sites shall be made barrier free for the physically disabled where feasible.
  - (p) 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.
  - (q) Trails shall be designed to avoid significant impacts to sensitive natural systems and shall result in no net loss of ecological functions. Trails shall be located at least 80 feet from the ordinary high water mark. In limited areas, trails may be closer to provide viewpoints or based on topography. Mitigation sequencing as described in CMC 16.01.060 (4) (F), Environmental Impacts, shall be required.
  - (r) 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.
- (10) Residential Development
- (a) 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 the City's Shoreline 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)).
  - (b) All structures associated with a residential use, except water dependent structures, such as docks, shall maintain the required setback from the OHWM pursuant to CMC 16.01.100. 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 beyond the flexibility allowed in CMC 16.01.100(1), Table 2, shall require approval of a shoreline variance application.
  - (c) 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 the city's Shoreline Master Program, provided single family development is permitted in the underlying zone classification.
  - (d) Multifamily residential development is permitted in the High Intensity and Medium Intensity shoreline environments, subject to the general regulations of the city's Shoreline Master Program, provided multi-family development is permitted in the underlying zone classification.
  - (e) Over-water residences and floating homes are prohibited.
  - (f) 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 shoreline environment designations and regulations.
- (g) New multiunit residential development, including the subdivision of land for more than four parcels, must provide community and/or public access in conformance with the Public Access regulations in CMC 16.01.060(5).
- (h) Stormwater runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems, and other Low Impact Development techniques shall be incorporated into new development as feasible, in accordance with the City's adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound.
- (i) Residential development shall result in no net loss of shoreline ecological functions. Mitigation sequencing as described in CMC 16.01.050(4)(f) shall be required. 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.
- (j) 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.
- (11) Signs
- (i) Signs shall comply with the City's sign regulations.
  - (ii) Sign plans and designs shall be submitted for review and approval at the time of shoreline permit approval.
  - (iii) All signs shall be located and designed to minimize interference with vistas, viewpoints and visual access to the shoreline.
  - (iv) Overwater signs shall be related to water-dependent uses only.
  - (v) 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.
  - (vi) Existing signs that do not meet the policies and regulations of the Shoreline Management Program (SMP) shall be removed or required to conform within two years of the adoption of the SMP.
  - (vii) Allowable Signs. 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.
  - (viii) Prohibited Signs. 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.
- (12) Transportation Facilities.
  - (a) New road and bridge construction in the shoreline jurisdiction shall be avoided and minimized and allowed only through a conditional use permit when related to and necessary for the support of permitted shoreline activities.
  - (b) 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.
  - (c) The expansion of existing roadways may be allowed if found to be within the public interest; a conditional use permit is required in certain shoreline environments – see CMC 16.01.070, Table 1.
  - (d) 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.
  - (e) 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.
  - (f) 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.
  - (g) 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.
  - (h) Developers of roads must be able to demonstrate that efforts have been made to coordinate with existing land use plans including the city's Shoreline Master Program and the Comprehensive Plan.
  - (i) 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.

- (j) Road designs must provide safe pedestrian and nonmotorized vehicular crossings where public access to shorelines is intended.
  - (k) Circulation system plans within the shoreline shall consider and include appropriate provisions for pedestrian, bicycle and public transportation.
  - (l) Any road expansion affecting streams and waterways shall be designed to allow fish passage and minimum impact to habitat.
  - (m) 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.
  - (n) The city shall give preference to mechanical means for roadside brush control on roads in shoreline jurisdiction rather than the use of herbicides.
- (13) Utilities (Primary)
- (a) 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.
  - (b) 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.
  - (c) 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.
  - (d) 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.
  - (e) 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.
  - (f) 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.
  - (g) 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.

- (h) 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.
  - (i) 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.
  - (j) 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.
  - (k) 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.
  - (l) 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 the city's SMP, in acquiring rights for the proposed route.
  - (m) 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.
- (14) Utilities (Accessory)
- (a) 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.
  - (b) 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.
  - (c) 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.
  - (d) 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.

- (e) 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.
- (f) The location and construction of outfalls shall comply with all appropriate federal, state, county and city regulations.
- (g) 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.
- (h) The City shall establish maintenance procedures to assure continued proper functioning of surface water management and drainage systems.
- (i) 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.
- (j) 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.
- (k) Proposals for new utility corridors shall fully substantiate the infeasibility of using existing utility corridors.
- (l) Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way.

#### **16.01.100 Shoreline Development Standards & Regulations**

- (1) Table 2: Dimensional Standards for all Uses in All Shoreline Environments.

SHORELINE STANDARD	HIGH INTENSITY	MEDIUM INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	AQUATIC
<b>Maximum Height</b>	45 ft. (1a)	45 ft. (1)	30 ft. (1b)	30 ft.(1c)	NA (5)
<b>Shoreline Buffer (2)</b>	115 ft.	115 ft.	115 ft. (standard) may be reduced to 60 ft. (minimum) with enhancement (3)	115 ft.	NA
<b>Building Setback from Buffer(6)</b>	15 ft.	15 ft.	15 ft.	15 ft.	NA
<b>Maximum Impervious Surface Coverage (7)</b>	60%	50%	50%	10%	NA
<b>Minimum Lot Width</b>	60 ft.	60 ft. (4)	60 ft.	100 ft.	NA

(a) Dimensional Standards Table Notes:

1. a. 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 Jenkins Creek from surrounding properties.
- b. 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.
- c. 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.
2. The shoreline buffer is measured in a horizontal plan perpendicular to the shoreline from the OHWM for all lots. Unless pursuant to 16.01.100 it is determined otherwise

by the shoreline administrator. Buffer widths may be modified subject to the critical area provisions of 16.04.356. Use and management of the buffer shall comply with all critical area regulations unless a provision would preclude a water dependent use, e.g. pier.

3. The maximum buffer along Pipe Lake applies unless the applicant implements voluntary enhancements as described in CMC 16.01.030110, Table 3 Shoreline Buffer Reduction Mechanisms. The buffer may be reduced by the Shoreline Administrator up to the minimum buffer based on the criteria in CMC 16.01.110.
4. 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.
5. 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.
6. Structure Setbacks
  - a. Unless otherwise specified, 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). Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline.
  - b. 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.
  - c. 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.
7. Impervious Surface. The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development in each shoreline environment shall have no more than percentage impervious surface coverage listed in Table 3. Impervious surface coverage is further restricted in any critical area buffer. 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 encourages practices that further minimize impervious surfaces and stormwater runoff, including use of best available technologies.

#### **16.01.110 Shoreline Buffers, Reduction, Mitigation and Restoration**

- (1) In addition to the specific requirements for particular uses, the following standards shall apply to development in all shoreline environments.
  - (a) A one hundred fifteen (115)-foot standard shoreline buffer shall be established from the ordinary high water mark (OHWM) for all lots. The City may require that the standard shoreline 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.
  - (b) 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 shoreline buffer as provided for in this chapter.
- (2) Shoreline Buffer Reduction in the Shoreline Residential Environment. The standard shoreline buffer of one hundred fifteen (115)-foot from the ordinary high water mark 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 as described in the following sections (Table 3 Shoreline Buffer Reduction Mechanisms CMC 16.01.110(3)) to achieve an equal or greater protection of lake ecological functions.
  - (a) Any further buffer reduction shall require approval of a shoreline variance application. See CMC 16.01.111 (5)
  - (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, as provided for in TABLE 3 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 CMC Chapter 16.04. 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 CMC Chapter 16.04 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.
  - (f) 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.
  - (g) All property owners who obtain approval for a reduction in the shoreline 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.

- (3) Shoreline buffers may be reduced by the following:

TABLE 3. SHORELINE BUFFER REDUCTION MECHANISMS

REDUCTION MECHANISM		REDUCTION ALLOWANCE
<b>Water Related Actions</b>		
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
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
<b>Upland Related Actions</b>		
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

REDUCTION MECHANISM		REDUCTION ALLOWANCE
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

(4) Shoreline Restoration.

- (a) Restoration of native vegetation within the shoreline jurisdiction 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.

- (5) If 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.
- (6) 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.
- (7) All costs associated with the mitigation/monitoring and planning including city expenses, shall be the responsibility of the applicant.

**16.01.120 Shoreline Modifications and Activity Regulations**

(1) Shoreline Modification Activities

(a) Table 4 Shoreline Modifications

Shoreline Modification Activity	High-Intensity	Medium-Intensity	Shoreline Residential	Urban Conservancy	Aquatic
CLEARING AND GRADING	P	P	P	C	ent upla nd envir

Shoreline Modification Activity	High-Intensity	Medium-Intensity	Shoreline Residential	Urban Conservancy	Aquatic	
SHORELINE STABILIZATION						
Beach Restoration and Enhancement (on Pipe Lake)	X	X	P	C		
Soil Bioengineering	P	P	P	P		
Bulkheads (on Pipe Lake)	X	X	P	C		
Breakwaters	X	X	X	X		
Groins	X	X	X	X		
Jetties	X	X	X	X		
Riprap (on streams)	C	X	X	X		
Weirs	X	X	X	X		X
DREDGING AND FILL						See adjacent upland environment
Dredging	C	C	C	C		
Fill	C	C	C	C		
OVERWATER STRUCTURES						
Accessory to Residential Structures:						
Recreational Float	X	X	P	X (1)		
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	C	X		
Excavated Moorage	X	X	X	X		
Foot or Bike Bridge	C	C	C	C		
Road Bridge	C	C	C	C		
Not Accessory to Residential Structures:						
Recreational Float	X	X	C	C/X (1)		
Boathouse	X	X	X	X		
Joint Use Pier, Dock, Float	X	X	P	C/X (1)		

Shoreline Modification Activity	High-Intensity	Medium-Intensity	Shoreline Residential	Urban Conservancy	Aquatic
Non-Joint Use Pier, Dock Float	X	X	C	C/X (1)	
Launching Ramp	X	X	X	C/X (1)	
Launching Rails	X	X	C	C/X (1)	
Excavated Moorage	X	X	X	X	
Road Bridge	C	C	C	C	
Foot or Bike Bridge	C	C	C	C	

Table Notes:

1. Not allowed in the Big Soos Creek and/or Jenkins Creek Shoreline jurisdiction.

(2) Shoreline Stabilization Regulations.

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 gravel placement, logs and anchor trees and beach enhancement. Nonstructural methods include building setbacks, relocation of the structure to be protected, bioengineering with vegetation, ground water management, planning and regulatory measures to avoid the need for structural stabilization.

(a) General Shoreline Stabilization & Modification Regulations

- (i) All shoreline modification activities shall be in support of a permitted shoreline use that is in conformance with the provisions of the city's Shoreline Master Program unless it can be demonstrated that such activities are necessary and in the public interest.
- (ii) 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.
- (iii) 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 CMC 16.01.060(4), Environmental Impacts, shall be required.
- (iv) 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) and CMC 16.01.060(6) Vegetation Management (Clearing, Grading and Conservation).
- (v) 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. The following standards shall apply:

- (A) The replacement structure is designed, located, sized, and constructed and mitigation is provided as necessary to assure no net loss of ecological functions.
  - (B) Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing stabilization structure unless as provided below and in Regulation 28 of this Chapter.
  - (C) 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.
- (vi) Shoreline stabilization shall not be used to create new lands.
  - (vii) 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 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.
  - (viii) 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. In such cases, soft structural solutions shall be used if feasible. 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).
  - (ix) 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.
  - (x) 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.
  - (xi) 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.
  - (xii) Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the water body.
  - (xiii) 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.
  - (xiv) Professional design (as approved by the City) of all shoreline stabilization or modification structures is required.

- (xv) 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.
- (b) Beach/ Bank Restoration and Enhancement
- (i) Bank restoration and enhancement along Big Soos and Jenkins Creeks shall be subject to critical area regulations for shorelines contained in CMC Chapter 16.04.
  - (ii) 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.
- (c) Natural Beach Restoration and Enhancement
- (i) 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.
  - (ii) 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).
  - (iii) 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.
- (d) Soil Bioengineering
- (i) 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.
  - (ii) 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.
  - (iii) 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.
- (iv) 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.
  - (v) 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 CMC Chapter 16.04 may be required as a condition of permit issuance to ensure the proposal will result in no net loss of shoreline ecological functions.
- (e) Breakwaters
- (i) Breakwaters, jetties, and groins are not a permitted shoreline modification activity in Covington.
- (f) Bulkheads
- (i) Bulkhead design and development shall conform to the General Shoreline Stabilization regulations (CMC 16.01.120 (2) and all other applicable local, state, and federal agency regulations.
  - (ii) On all shorelines, bulkheads shall not be placed waterward of the ordinary high water mark (OHWM), unless as provided below.
    - (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.
    - (C) If 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.
  - (iii) When a bulkhead is required at a public access site, provisions for safe public access to the water shall be incorporated into bulkhead design.
  - (iv) Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of a bulkhead.
  - (v) Fill behind bulkheads shall be limited to an average of one (1) cubic yard per linear foot of bulkhead. Any filling in excess of this amount shall be considered a regulated activity subject to the policies and regulations in the city's SMP pertaining to fill activities and the requirement for obtaining a shoreline substantial development permit.
- (g) Weirs
- (i) Repair and maintenance of existing weirs shall be permitted. However, when a more environmentally solution is feasible, existing weirs shall be removed or modified.

- (ii) New weirs shall not be allowed.
- (iii) Replacement weirs must be constructed using natural materials and must be consistent with other policies and regulations of this chapter.

(3) Dredging and Fill

(a) Dredging Regulations

- (i) Dredging and disposal of dredge material shall avoid, then minimize significant ecological impact; impacts that cannot be avoided shall be mitigated to achieve no net loss of ecological processes and functions. Proposals for dredging and dredge disposal shall include details on all feasible mitigation measures to protect aquatic habitats.
- (ii) New development siting and design shall avoid the need for new and maintenance dredging.
- (iii) Dredging may be permitted as a conditional use activity only:
  - (A) When necessary to support a water-dependent use or navigation;
  - (B) For expansion or alteration of public utility facilities or bridges within a public right-of-way, when there is a documented need and where other feasible sites or routes do not exist;
  - (C) As part of approved mitigation actions, environmental restoration and habitat enhancement projects;
  - (D) To improve water quality;
  - (E) To improve water flow or manage flooding when a biological and geomorphological study demonstrates a long-term benefit to hazard reduction and the action is part of a comprehensive flood management solution; or
  - (F) To clean up contaminated sediments; and
  - (G) In all cases where dredging is allowed, technical information demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially impaired;
  - (H) Other solutions would result in greater environmental impact; and
  - (I) Applicable permits of other local, state and federal agencies have been obtained.
- (vi) 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.
- (vii) Maintenance dredging of established navigation channels and basins shall be restricted to maintaining the previously dredged and/or existing authorized location, depth and width.
- (viii) When dredging is permitted, the extent of dredging shall be the minimum necessary to accommodate the proposed use.
- (ix) Dredging for the primary purpose of obtaining fill or construction material is prohibited.

- (x) Dredging material which will not subsequently cause violation of State Water Quality Standards may be used in permitted landfill projects.
- (xi) 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.
- (xii) Dredging shall be timed so that it does not interfere with aquatic life.
- (xiii) 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.
- (xiv) 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;
  - (D) When the alternative of depositing material on land is demonstrated to be more detrimental to shoreline resources than depositing it in water areas; or
  - (E) In approved open-water disposal sites as identified by appropriate agencies.
- (xv) Disposal of dredge material shall be done only in approved sites.
- (xvi) 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.
- (xvii) Dredge disposal within the channel migration zone of Jenkins Creek, Big Soos Creek or any other stream is prohibited, unless part of an approved fish habitat improvement project and studies indicate it is consistent with the criteria in CMC 16.01.120 (3).
- (xviii) Dredging shall utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.
- (xix) 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.
- (xx) 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 geo-hydrologic 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.

(b) Fill Regulations

- (i) 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 the city's Shoreline 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.
- (ii) Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area.
- (iii) All perimeters of fills shall be provided with vegetation, retaining walls, or other satisfactory mechanisms for erosion prevention and sediment capture.
- (iv) Fill proposals must demonstrate, at a minimum, that they will result in no net loss of shoreline ecological functions.
- (v) 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.
- (vi) No refuse disposal sites, solid waste disposal sites, or sanitary fills shall be permitted along the Pipe Lake shoreline in Covington.
- (vii) Any placement or removal of materials landward of the OHWM shall comply with the provisions in CMC 16-01-060 (6) the Vegetation Management - Clearing and Grading section of this chapter.

(4) Overwater Structures: Piers Docks floats and Buoys

(a) Exemptions.

- (i) 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. Any changes to this monetary threshold adopted by the State are hereby incorporated by reference.

- (ii) The City will review all development proposals for piers to determine if:
  - (A) The proposal is or is not exempt from the requirement for a substantial development permit;
  - (B) 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
  - (C) The proposal is consistent with the intent, policies, and regulations of the Act and the city's Shoreline Master Program.

(b) Overwater Structure Regulations

- (i) All new, reconstructed, repaired, or modified overwater structures must comply with Covington's Critical Area Regulations for the shoreline environment contained in CMC Chapter 16.04, 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.
- (ii) 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.
- (iii) Overwater structures are prohibited in the Soos Creek and Jenkins Creek SMA.
- (iv) 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.
- (v) New residential development of more than two dwellings shall provide a joint use or community dock facilities, when feasible, rather than individual docks.
- (vi) 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 CMC 16.01.130 of this Chapter.
- (vii) 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.
- (viii) Proposed overwater structures which do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a variance.
- (ix) 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.
- (x) No residential dwelling unit may be constructed on a pier.
- (xi) 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.

- (xii) All pier and dock 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 or dock 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.
  - (xiii) The maximum width of walkways and additional fingers on an overwater structure such as a pier or dock, shall be minimized to the maximum extent practical. All walkways must be fully grated and ells and floats must have a minimum 2-foot strip of grating down the center. The maximum square footage of ells and fingers is 120 feet.
  - (xiv) Size. Total 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.
  - (xv) Boat houses are not permitted.
  - (xvi) Boatlifts, moorage piles and moorage covers are not permitted.
  - (xvii) 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.
  - (xviii) Piles, floats or other structures in direct contact with water shall not be treated or coated with herbicides, fungicides, paint, or pentachlorophenol.
- (c) Launching Rails and Ramps
- (i) 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 or dock, 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.
- (ii) 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.

(d) Floats

Recreational floats may be permitted, pursuant to CMC 16.01.120(1) (a), provided:

- (i) 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.
- (ii) 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.
- (iii) Recreational floats shall be designed and intended for swim use or other non-motorized use.
- (iv) Recreational floats shall have fully grated decks.
- (v) Retrieval lines shall not float at or near the surface of the water.
- (vi) 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.
- (vii) All float tubs shall be fully encapsulated.

### 16.01.130 Shoreline Administration.

#### (1) Duties of the Shoreline Administrator

- (a) The City's Community Development Director or designee is hereby vested with:
  - (i) Overall responsibility for administering the Shoreline Management Act and the city's Shoreline Master Program as the Shoreline Administrator;
  - (ii) Authority to approve, approve with conditions, or deny shoreline permit revisions in accordance with the policies and provisions of the city's Shoreline Master Program; and
  - (iii) Authority to grant statements of exemption from shoreline substantial development permits in accordance with the policies and provisions of the city's Shoreline Master Program.
- (b) The duties and responsibilities of the Shoreline Administrator shall include:

- (i) Preparing and using application forms deemed essential for the administration of the city's Shoreline Master Program.
- (ii) Advising interested citizens and applicants of the goals, policies, regulations, and procedures of the city's Shoreline Master Program.
- (iii) Making administrative decisions and interpretations of the policies and regulations of the city's Master Program and the Shoreline Management Act.
- (iv) Collecting applicable fees, as established in the City's current fee resolution.
- (v) Determining that all applications and necessary information and materials are provided.
- (vi) Conducting field inspections, as necessary,
- (vii) Reviewing, insofar as possible, all provided and related information deemed necessary for appropriate applications needs.
- (viii) Determining if a shoreline substantial development permit, conditional use permit or variance permit is required.
- (ix) Providing copies of permit applications to relevant staff and agencies for review and comment.
- (x) 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.
- (xi) 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.
- (xii) 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.
- (xiii) Submitting shoreline redesignation permit applications and written recommendations and findings on such permits to the City Council.
- (xiv) Assuring that proper notice is given to appropriate persons and the public for all hearings.
- (xv) Providing technical and administrative assistance to the City's Hearing Examiner and City Council as required for effective and equitable implementation of the city's Shoreline Master Program and the Act.
- (xvi) Investigating, developing, and proposing amendments to the city's Shoreline Master Program as deemed necessary to more effectively and equitably achieve its goals and policies.
- (xvii) Seeking remedies for alleged violations of the provisions of the Act and the city's Shoreline Master Program or of conditions of any approved shoreline permit issued by the City of Covington.
- (xviii) Acting as the primary liaison between local and state agencies in the administration of the Shoreline Management Act and the city's Shoreline Master Program.
- (xix) Forwarding shoreline permits to the Department of Ecology for filing or action.

## **(2) Shoreline Substantial Development Permits and Exemptions**

- (a) All proposed uses, activity and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act, its implementing rules and the city's Shoreline master program, whether or not a permit is required.
- (b) A substantial development shall not be undertaken within the jurisdiction of the SMA, Chapter 90.58 RCW, and the city's 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.
- (c) Exemptions. Certain developments are exempt from the requirement to obtain a substantial development permit. Such developments still may require a variance or Conditional use permit, and all development within the shoreline is subject to the requirements of the city's Shoreline Master Program , regardless of whether a substantial development permit is required. Developments which are exempt from the requirement for a substantial development permit are identified in WAC 173-27-040 or as subsequently amended.

## **(3) Permit Process**

- (a) Applicants shall apply for a shoreline exemption, substantial development, variance and conditional use permits on forms provided by the City.
- (b) Application. An application for a shoreline permit shall be submitted on a form provided by the City accompanied by maps, completed environmental checklist, applicable fees, and any other information specified in the Shoreline Master Program or requested by the Shoreline Administrator.
- (c) An applicant for a substantial development permit who wishes to request a variance shall submit the variance application and the substantial development permit application simultaneously.
- (d) Shoreline exemptions are a Type 1 process application, shoreline substantial development permits are a Type 2 process application, shoreline conditional use permits and shoreline variances are a Type 3 process application and shoreline environment redesignations are a Type 4 process application. All applications shall be processed in accordance with the applicable regulations of Chapter 14.30 and Chapter 14.35 SMC, as amended.
- (e) 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.
- (f) Application fees in an amount established by the city's current fee resolution shall be paid to the City of Covington at the time of application.
- (g) Public Notice. A notice of application shall be issued for shoreline permit applications as provided for in CMC 14.35.040 and permit notice shall occur pursuant to Chapter 14.40, as amended, except that the public comment period for a substantial development permit, variance or conditional use shall be no less than thirty (30) days. In addition, the City shall send a notice of application to the Muckleshoot Tribe Fisheries Division for all projects seeking approval under the SMP, including shoreline exemptions. 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

- (h) Application Review - Administrator Action:
- (i) The burden of proving that a proposed development is consistent with the approval criteria and city's Shoreline Master Program policies and regulations rests with the applicant.
  - (ii) 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 based upon:
    - (A) The policies and procedures of the Shoreline Management Act and related sections of the Washington Administrative Code; and
    - (B) The city's Shoreline Master Program.
- (i) Hearing Examiner Review
- (i) The Covington Hearing Examiner shall make the final decision at the local level for conditional use and variance and shoreline redesignation applications.
  - (ii) 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 the permit applications based upon: (1) the city's SMP; (2) the policies and procedures of the Shoreline Management Act and related sections of the Washington Administrative code; (3) written and oral comments from interested persons; and (4) reports from the Shoreline Administrator. The Hearing Examiner is subject to the procedures and requirements contained in Chapters 2.25, 14.30, 14.35, 14.40, and 14.45 CMC, as amended.
- (j) Washington State Department of Ecology Review:
- (i) 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.
  - (ii) 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, 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.
  - (iii) 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.
- (k) 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 or other financial guarantee in an amount satisfactory to the City. Any such bond or guarantee shall be from a reputable bonding company in a form acceptable to the City Attorney.
- (l) 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.

- (m) 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.
- (i) 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.
  - (ii) 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.
  - (iii) 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.
  - (iv) 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.

#### **(4) Revisions to Permits**

- (a) 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.
- (b) 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.
- (c) If the Shoreline Administrator determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the city's Shoreline Master Program and the Act, the Shoreline Administrator may approve a revision.
  - (i) "Within the scope and intent of the original permit" means the following:
    - (A) 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.
    - (B) Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit.

- (C) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the city's Shoreline Master Program except as authorized under a variance granted as the original permit or a part thereof.
  - (D) Additional or revised landscaping is consistent with any conditions attached to the original permit and with the city's Shoreline Master Program.
  - (E) The use authorized pursuant to the original permit is not changed.
  - (F) No adverse environmental impact will be caused by the project revision.
- (ii) 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 the city's Shoreline section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW and the city's 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.
  - (iii) 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 (iv) of this section, the City shall require that the applicant apply for a new permit.
  - (iv) 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.
  - (v) 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.
  - (vi) 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.

#### **(5) Variances**

- (a) Criteria for Granting Variances. Shoreline variance permits may be authorized provided the applicant can demonstrate consistency with the variance criteria identified below.
- (b) Variance 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 variance criteria:
  - (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.
- (c) 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:
- (i) That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes all reasonable use of the property.
  - (ii) That the proposal is consistent with the criteria established under Subsection A above.
  - (iii) That the public rights of navigation and use of the shorelines will not be adversely affected.
- (d) 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.
- (e) Variances from the use regulations of the Shoreline Master Program are prohibited.

#### **(6) Conditional Uses**

- (a) 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:
- (i) That the proposed use is consistent with the policies of RCW 90.58.020 and the Master Program;
  - (ii) That the proposed use will not interfere with the normal public use of public shorelines;
  - (iii) 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 the city's Shoreline Master Program;
  - (iv) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
  - (v) That the public interest suffers no substantial detrimental effect.
- (b) 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.

- (c) Other uses which are not classified or set forth in the city's Shoreline 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.
- (d) Uses which are specifically prohibited by the Master Program may not be authorized.

### **(7) Appeals**

- (a) Local Appeals. 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.
- (b) Appeal to the State Shoreline Hearings Board. 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 the city's Shoreline 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.

### **(8) Nonconforming Use and Development Standards**

(a) The following standards shall apply to a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or city's Shoreline Master Program, or amendments thereto, but which does not conform to present regulations or standards of the city's Shoreline Master Program:

- (i) 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.
- (ii) 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.
- (iii) 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.

- (iv) 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.
- (v) Change in Use. 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:
  - (A) No reasonable alternative conforming use is practical; and
  - (B) 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.
  - (C) 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.
- (c) A nonconforming structure which is moved any distance must be brought into conformance with the Master Program and the Act
- (d) 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.
- (e) 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.
- (f) 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.

## **(9) Enforcement and Penalties**

- (a) Enforcement Action. 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.

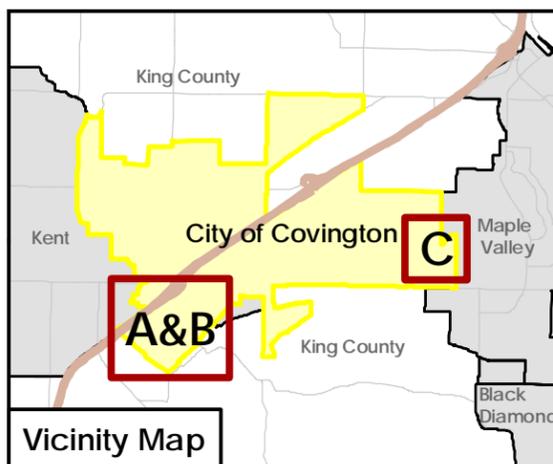
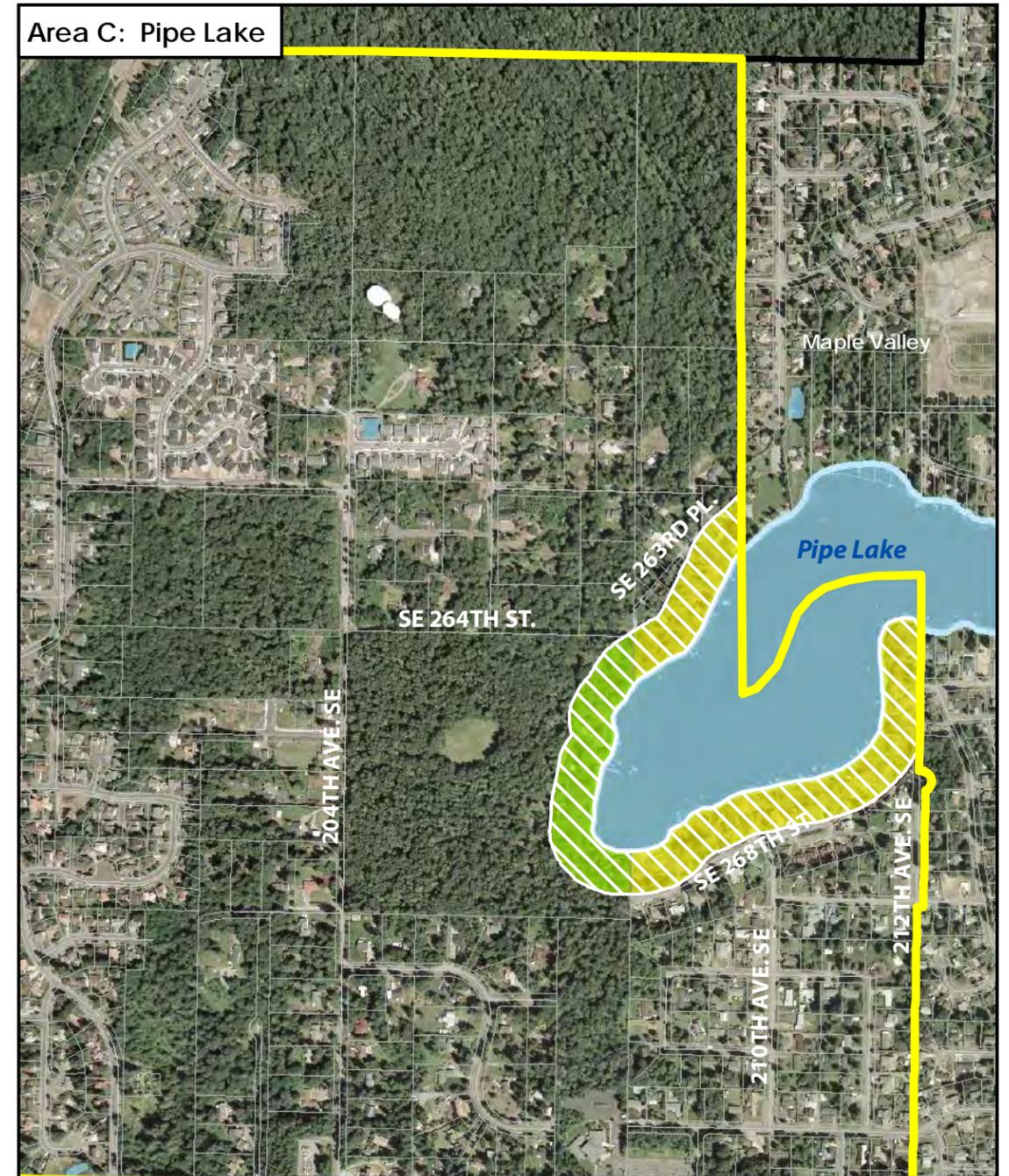
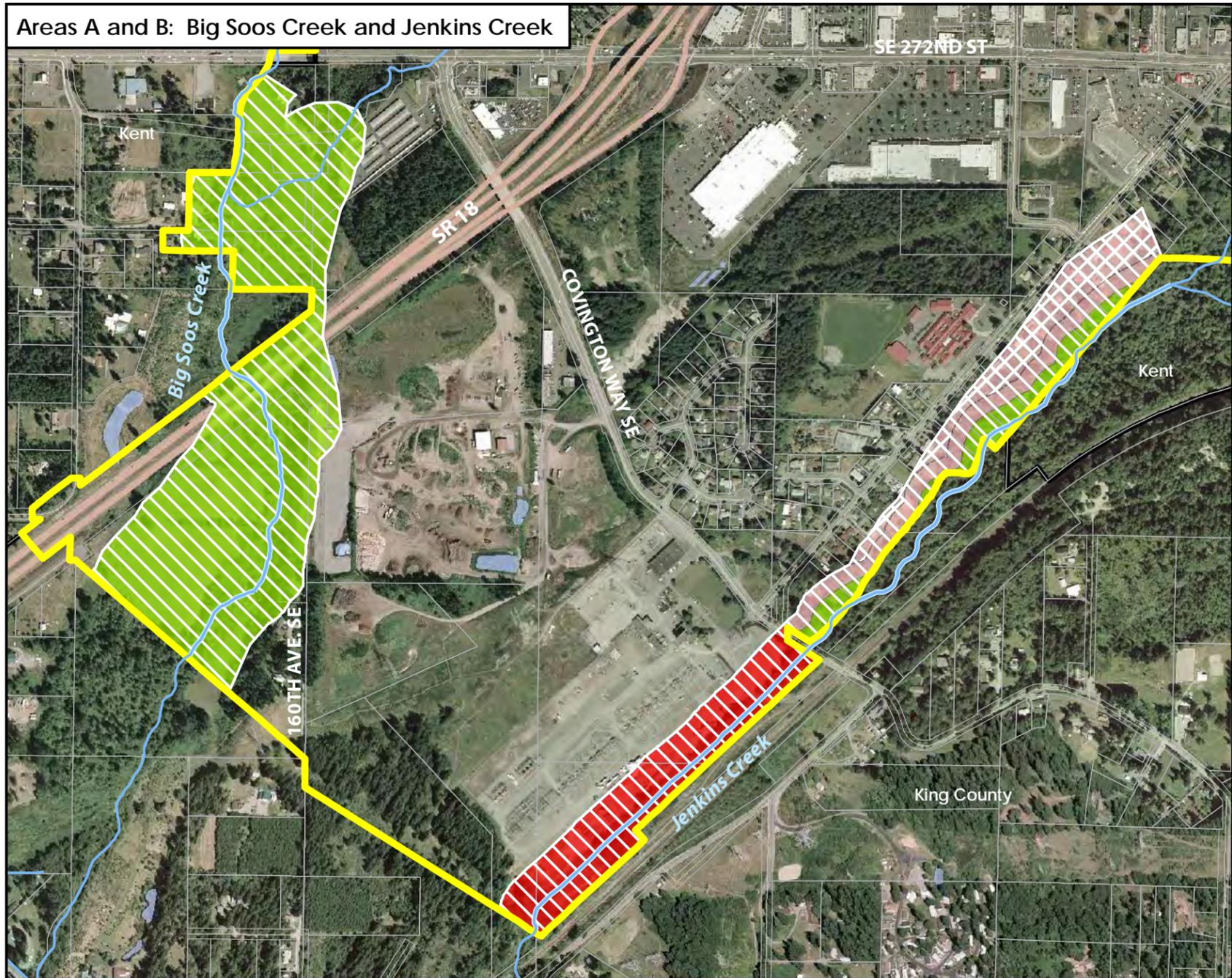
- (b) Enforcement Authority. All provisions of the Master Program shall be enforced by the Shoreline Administrator and/or his/her designated representatives. For such purposes, the Shoreline Administrator or his/her duly authorized representative shall have the power of a police officer.
- (c) Penalty. 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).
- (d) 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.

#### **(10) Master Program Review and Amendments**

- (a) Master Program Review. The city's Shoreline 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.
- (b) Amendments to the Master Program. Any of the provisions of the city's Shoreline 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.

#### **(11) Severability and Conflict of Provisions**

- (a) Severability. If any provisions of the Shoreline Master Program, or its application to any person or legal entity or parcel of land or circumstances are held invalid, the remainder of the Shoreline Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.
- (b) Conflict of Provisions. Should a conflict occur between the provisions of the city's Shoreline Master Program or between the Shoreline Master Program and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within the City, the requirement which most supports the provisions of 90.58.020 shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in the city's Shoreline Master Program .



### Shoreline Management Environmental Designations

- Environmental Designations**
- High Intensity
  - Medium Intensity
  - Medium Intensity Subject to Wetland Study
  - Shoreline Res
  - Urban Conservancy

- SMA (2)
- Shoreline Approximate OHWM (3)
- Streams
- Water Bodies
- Roads
- State Route 18
- Tax Parcels
- Covington City Limits

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



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