



City of Covington

16720 SE 271st Street, Suite 100 • Covington, WA 98042 • (253) 638-1110 • Fax (253) 638-1122

DETERMINATION OF NON-SIGNIFICANCE Shoreline Master Program (SMP) Update

Application Name: Shoreline Master Program (SMP) Update

Application File Number: SEPA10-01

Applicant/Contact: Richard Hart, Planning Manager
City of Covington
16720 SE 271st St.
Covington, WA 98042
253-638-1110 ext. 2226

Date of Issuance: January 15, 2010

Project Location: This is a non-project action that will be applicable to any development, and redevelopment, associated with the Shoreline Master Program (SMP), within the City of Covington, Washington including any future annexation areas

Project Description: This SEPA determination pertains to proposed land use development regulations that will apply to all developed or redeveloped, public and private, lands within the identified shoreline jurisdiction of the City of Covington. The shoreline jurisdiction will be applicable to lands within 200 feet landward of the Ordinary High Watermark (OHW) of Pipe Lake, lands within 115 feet of the OHW of portions of Jenkins Creek, east of SE Wax Road, a portion of Soos Creek directly north of SE 272nd, and Soos Creek south of SE 272nd St. to the City's boundary. Wetlands associated with designated shorelines will be evaluated in accordance with the Shoreline Master Program and the City of Covington's Critical Areas Ordinance (CMC 18.65).

Documents Reviewed: Environmental Checklist (City of Covington, 10/07/09), City of Covington Comprehensive Plan (Adopted 12/16/03), SMP Update, Goals, Policies and Regulations (July 2009), Cumulative Impacts Analysis (July 2009), Shoreline Restoration Plan (February 2009), SMP Checklist for Compliance with State Statutes (August 2008), and other information on file with the lead agency. All SMP documents can be viewed on the City's website at <http://www.ci.covington.wa.us/departments/shorelinemasterplanupdate.cfm>

Responsible Official/ David Nemens, Community Development Director
Lead Agency City of Covington SEPA Official
16720 SE 271st Street,
Covington, Washington 98042
253-638-1110 ext. 2249

This DNS is issued under WAC 197-11-340. Notice is hereby provided for the SEPA action for a non-project GMA Action.

Comments and Notice of Appeals: *The comment period is 14 calendar days and ends January 29, 2010 at 5 PM. Any notice of appeals must be filed in writing, with the required filing fee paid in cash or check and received within 14 calendar days of the end of the comment period at Covington City Hall Offices by February 12, 2010. You must make specific factual objections, identify error, harm suffered, or identify anticipated relief sought and raise specific issues in the statement of appeal. Contact the Community Development Department at Covington City Hall to ask about the procedures for SEPA appeals.*

Signature of Responsible Official:

Date:

1/15/10



City of Covington

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CITY OF COVINGTON ENVIRONMENTAL CHECKLIST

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: City of Covington Proposed Shoreline Master Program (SMP) Update Proposed Regulations & Documents 2009-2010.
2. Name of applicant: City of Covington, Community Development Department, Strategic Planning Division.
3. Address and phone number of applicant and contact person: 16720 SE 271st Street, Suite 100, Covington, WA 98042, Richard Hart, AICP, Planning Manager, (253) 638-1110.
4. Date checklist prepared: September 27, 2009.
5. Agency requesting checklist: City of Covington, SEPA Official.
6. Proposed timing or schedule (including phasing, if applicable): This is not a project, but a set of proposed development regulations for shoreline areas within the City.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. No, as the proposed development regulations most likely will not be updated for 7 years.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. The Best Available Science (BAS) documents relating to State identified shoreline areas were used in the preparation of these regulations and are listed in the various reports, regulations and appendices of attached documents.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. No, as the proposed regulations will not go into effect until January 1, 2011 after approval by the State DOE and final adoption by the City of Covington.
10. List any government approvals or permits that will be needed for your proposal, if known. No permits, as this is a non-project action. However, the State DOE must endorse and approve of these proposed regulations before they are adopted by the City in 2010. The City of Covington City Council must also adopt these proposed Shoreline regulations by December 31, 2010.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) This is a non-project action and contains proposed land development regulations that will apply to all land, public and private, within the identified shoreline jurisdiction of the City of Covington that is developed or redeveloped in the future, and covers land within 200 feet landward of the Ordinary High Watermark (OHW) of Pipe Lake, and land within 115 feet of the Ordinary High Watermark (OHW) of certain sections of Jenkins Creek east of Wax Road and certain sections of Soos Creek south of

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? The proposed new shoreline regulations would certainly reduce the discharge to water and production, storage or release of toxic or hazardous substances because of the increase in level of restrictions in shoreline areas. The new standards demand a "no net loss" of environmental function in shorelines.

Proposed measures to avoid or reduce such increases are: NA

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would affect plants, animals, fish and marine life in a positive way, as the proposed shoreline regulations provide a greater level of regulation and a higher level or standard for any new development in the shoreline areas. The proposed regulations set a "no net loss" of environmental function as the standard for new development.

Proposed measures to protect or conserve plants, animals, fish, or marine life are: NA

3. How would the proposal be likely to deplete energy or natural resources? The proposed regulations would not deplete any energy or natural resources, but in fact most likely increase natural resources associated with lakes and streams because of the higher standard for proposed development adjacent to lakes and streams.

Proposed measures to protect or conserve energy and natural resources are: NA

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? The proposed new shoreline regulations would definitely affect all environmentally sensitive areas in a positive fashion by providing a higher level or standard for development in shoreline areas that require "no net loss" of environmental function.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. NA
- g. Proposed measures to reduce or control transportation impacts, if any: NA

15. Public services: *This is a non-project action, so NA.*

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. NA
- b. Proposed measures to reduce or control direct impacts on public services, if any. NA

16. Utilities: *This is a non-project action, so NA.*

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other. NA
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. NA

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: *Richard Hart, Planning Manager, City of Covington*

Date Submitted: *October 7, 2009*

- b. Could light or glare from the finished project be a safety hazard or interfere with views? NA
 - c. What existing off-site sources of light or glare may affect your proposal? NA
 - d. Proposed measures to reduce or control light and glare impacts, if any: NA
12. Recreation: *This is a non-project action, so NA.*
- a. What designated and informal recreational opportunities are in the immediate vicinity? NA
 - b. Would the proposed project displace any existing recreational uses? If so, describe. NA
 - c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: NA
13. Historic and cultural preservation: *This is a non-project action, so NA.*
- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. NA
 - b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. NA
 - c. Proposed measures to reduce or control impacts, if any: NA
14. Transportation: *This is a non-project action, so NA.*
- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. NA
 - b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? NA
 - c. How many parking spaces would the completed project have? How many would the project eliminate? NA
 - d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). NA
 - e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. NA

- b. Has the site been used for agriculture? If so, describe. NA
- c. Describe any structures on the site. NA
- d. Will any structures be demolished? If so, what? NA
- e. What is the current zoning classification of the site? NA
- f. What is the current comprehensive plan designation of the site? NA
- g. If applicable, what is the current shoreline master program designation of the site? NA
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. NA
- i. Approximately how many people would reside or work in the completed project? NA
- j. Approximately how many people would the completed project? NA
- k. Proposed measures to avoid or reduce displacement impacts, if any: NA
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: NA
- 9. **Housing: This is a non-project action, so NA.**
 - a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. NA
 - b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. NA
 - c. Proposed measures to reduce or control housing impacts, if any: NA
- 10. **Aesthetics: This is a non-project action, so NA.**
 - a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? NA
 - b. What views in the immediate vicinity would be altered or obstructed? NA
 - c. Proposed measures to reduce or control aesthetic impacts, if any: NA
- 11. **Light and glare: This is a non-project action, so NA.**
 - a. What type of light or glare will the proposal produce? What time of day would it mainly occur? NA

Mammals: deer, bear, elk, beaver, or other: _____

Fish: bass, salmon, trout, herring, shellfish, or other: _____

- b. List any threatened or endangered species known to be on or near the site. NA
- c. Is the site part of a migration route? If so, explain. NA
- d. Proposed measures to preserve or enhance wildlife, if any: NA
6. Energy and natural resources: *This is a non-project action, so NA.*
- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. NA
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. NA
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: NA
7. Environmental Health: *This is a non-project action, so NA.*
- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. NA
- 1) Describe special emergency services that might be required. NA
- 2) Proposed measures to reduce or control environmental health hazards, if any: NA
- b. Noise
- 1) What types of noise exist in the area which may affect your project (for example traffic, equipment, operation, or other)? NA
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. NA
- 3) Proposed measures to reduce or control noise impacts, if any: NA
8. Land and shoreline use: *This is a non-project action, so NA.*
- a. What is the current use of the site and adjacent properties? NA

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
This is a non-project action, so NA.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
This is a non-project action, so NA.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.
This is a non-project action, so NA.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
This is a non-project action, so NA.

4. Plants: *This is a non-project action, so NA.*

- a. Check or circle types of vegetation found on the site: NA

_____ Deciduous tree: alder, maple, aspen, other

_____ Evergreen tree: fir, cedar, pine, other

_____ Shrubs

_____ Grass

_____ Pasture

_____ Crop or grain

_____ Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, or other

_____ Water plants: water lily, eelgrass, milfoil, or other

_____ Other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? NA

- c. List threatened or endangered species known to be on or near the site. NA

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: NA

5. Animals: *This is a non-project action, so NA.*

- a. Circle any birds and animals, which have been observed on or near the site or are known to be on or near the site: NA

Birds: hawk, heron, eagle, songbirds, or other: _____

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. *This is a non-project action, so NA.*
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. *This is a non-project action, so NA.*
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: *This is a non-project action, so NA.*

3. Water: *This is a non-project action, so NA.*

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, and wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
This is a non-project action, so NA.
- 2) Will the project require any work over, in or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
This is a non-project action, so NA.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
This is a non-project action, so NA.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
This is a non-project action, so NA.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
This is a non-project action, so NA.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
This is a non-project action, so NA.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.
This is a non-project action, so NA.

Highway 516 (Kent-Kangley Road) and their adjacent wetlands. (See Attached Maps of the Covington Shoreline Jurisdiction).

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. **These proposed shoreline development regulations will apply to the identified shoreline jurisdiction along the perimeter of Pipe lake, the lower reaches of Jenkins Creek east of Wax Road, and the lower reaches of Soos Creek south of Highway 516 (Kent-Kangley Road). See attached maps for precise land under the jurisdiction of the proposed shoreline regulations.**

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other.
- b. What is the steepest slope on the site (approximate percent slope)? 3%
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. **Soils vary, with mostly sand & gravel, some clay, with some peat and muck in associated wetlands.**
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **None are known.**
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. **This is a non-project action and no filling or grading is proposed.**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **This is a non-project action, so NA.**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **This is a non-project action so NA.**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **NA**
2. Air: **This is a non-project action, so NA.**

Proposed measures to protect such resources or to avoid or reduce impacts are:
NA

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? The proposed new Shoreline Regulations and Update of Covington Shoreline Regulations would positively affect land and shoreline use in Covington, as it sets a "no net loss" of environmental function as the standard for new development. While it allows water dependent uses, it ensures that new development does not degrade the existing baseline of development along the shorelines of the State.

Proposed measures to avoid or reduce shoreline and land use impacts are: The new regulations set a "no net loss" of environmental function standard along streams and lakes for any new development.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? The proposed shoreline regulations would not increase demands but most likely decrease the demands as many types of development would be restricted in areas directly adjacent to streams and lakes.

Proposed measures to reduce or respond to such demand(s) are: The new regulations provide more restrictive standards for any development near lakes and streams according to the SMA.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. The proposed Shoreline Regulations are required to be consistent with all local, state or federal laws and regulations. They cannot conflict and must be consistent with local Comprehensive Plans and Critical Area Regulations or other environmental regulations.

*** Attachments: The following four (4) documents constitute the material that is the Shoreline master Program Update for the City of Covington:

- 1.) SMP Update Goals, Policies, & Regulations - July 14, 2009
- 2.) Cumulative Impacts Analysis - July 2009
- 3.) Shoreline Restoration Plan - February 2009
- 4.) SMP Checklist for Compliance with State Statutes - August 2008

*** All material can be found on the city's website
WWW.ci.covington.WA.US

