



August 26, 2013

**VIA EMAIL**

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**RE: Comments on Hawk Property Draft Planned Action Environmental Impact Statement (EIS)**

To Mr. Hart and Ms. Mueller:

Thank you for the opportunity to provide comments on the Hawk Property Draft Planned Action EIS. These comments are submitted on behalf of Oakpointe Holdings, LLC ("Oakpointe"). As the future developer of the Hawk Property Subarea, Oakpointe has a vested interest in ensuring that this EIS discusses environmental impacts and identifies mitigation measures that minimize such impacts and enhance environmental quality associated with the identified action alternatives. Our comments on the Draft Hawk Property Subarea Plan are provided under separate cover.

Oakpointe's specific comments regarding the Draft EIS are as follows:

Section 1.2 State Environmental Policy Act Process:

Clarify that a potential development agreement entered into between the property owner and City governing development of the Hawk Property Subarea is also a planned action covered by the environmental analysis contained in the Draft EIS.

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Section 1.6 Major Issues, Significant Areas of Controversy and Uncertainty, and Issues to be Resolved:

Clarify that selection of a preferred alternative may include adopting both Alternatives 2 and 3 as the range of land uses within the Hawk Property Subarea, i.e., final build-out of the site would contain between 680,000 to 850,000 sf of commercial space and 1,000 to 1,500 dwelling units.

Exhibit 1.7-2 Summary of Mitigation Measures:

The table set forth in Exhibit 1.7-2 seeks to summarize the mitigation measures proposed in Chapter 3 of the Draft EIS. There are, however, several mitigation measures suggested in Chapter 3 that are not currently captured in Exhibit 1.7-2. For example, but not limited to, page 3-13 of Section 3.2 notes a Spill Prevention Plan would be developed and implemented for Alternative 2; however, there is no reference of such plan within Exhibit 1.7-2; and Exhibits 3.4-6 and 3.4-7 list potential greenhouse gas reduction mitigation measures that are not captured on Exhibit 1.7-2. The authors of each Draft EIS section should review Exhibit 1.7-2 for mitigation measure inclusiveness and revise accordingly. We also suggest adding language, parallel to the description of Exhibit 1.7-1 on page 1-5, that Exhibit 1.7-2 is not intended to be a substitute or replacement for the complete discussion of mitigation measures contained in Chapter 3.

1.8 Significant Unavoidable Adverse Impacts

Section 1.8 seeks to summarize whether the three alternatives analyzed in the Draft EIS impose significant unavoidable adverse impacts on any environmental elements (Earth, Surface Water, Groundwater, etc.). The summaries of some elements, however, fail to provide: (i) a conclusion as to whether or not any significant adverse impact is created; and (ii) which alternative is being discussed. For example, but not limited to, the "Plants and Animals" discussion on page 1-32 fails to conclude whether or not a significant unavoidable adverse impact is expected and the "Air Quality" summary on the same page fails to discuss, or differentiate between, Alternatives 1, 2, and 3. The authors of each Draft EIS section should review Section 1.8 and revise accordingly.

2.1 Introduction

Section 2.1 provides in part: "In the future, based on the analysis of Hawk Property Subarea Plan and Planned Action EIS, the City intends to consider a development agreement with the property developer and to annex the portion of the subarea in its potential annexation area (PAA) within the King County urban growth area (UGA) presently outside current city limits." Oakpointe suggests revising this sentence as follows (as shown in blackline): "In the future, based on the analysis of the Hawk Property Subarea Plan and Planned Action EIS, the City ~~intends to consider~~may enter into a development agreement with the property developer and ~~to~~ annex the portion of the subarea in its potential annexation area (PAA) within the King County urban growth area (UGA) presently outside current city limits."



### 2.3 Public Review

Section 2.3 under the "Legislative Meetings" bullet point provides: "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." Oakpointe suggests revising this sentence as follows (as shown in blackline): "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 likely a development agreement."

### Exhibit 2.4-1 Minimum Urban Village Proposal

The heights listed for large format retail and iconic/local retail are inconsistent with the Draft Hawk Property Subarea Plan. They should be 60 feet (instead of 35). *See* CMC 18.30.040 on page 37 of the Draft Hawk Property Subarea Plan.

### Exhibit 2.4-2 Alternative 2 Conceptual Land Use Plan

This exhibit should note that the trail locations shown are only conceptual. This exhibit should also be revised to delete the reference to a separate "townhome" use since townhomes are allowed under the "multifamily" use. In addition, this exhibit should be revised to harmonize with Exhibit 2.4-7.

### Exhibit 2.4-3 Maximum Urban Village Proposal

The heights listed for large format retail and iconic/local retail are inconsistent with the Draft Hawk Property Subarea Plan. They should be 60 feet (instead of 35). *See* CMC 18.30.040 on page 37 of the Draft Hawk Property Subarea Plan.

### Exhibit 2.4-5 Alternative 2 Conceptual Land Use Plan

This exhibit should note that the trail locations shown are only conceptual. This exhibit should also be revised to delete the reference to a separate "townhome" use since townhomes are allowed under the "multifamily" use. In addition, this exhibit should be revised to harmonize with Exhibit 2.4-7.

### Page 2-13 – Alternatives Eliminated From Consideration

Revise the second to last paragraph of the subsection entitled "Alternatives Eliminated From Consideration" to delete the reference to "greater heights."

### Section 3.3 Groundwater Resources (page 3-18)

The first paragraph of this section should be revised to clarify that the Draft EIS analyzes three alternatives; however, only two of the alternatives are scenarios for mixed use development.



Section 3.3 Groundwater Resources (page 3-21 to 3-22)

The discussion of Alternatives 2 and 3 in this Section 3.3 should be amended to include details regarding the developer's proposed strategy for handling roof runoff with respect to water quality treatment and flow control. Storm drainage facility designs for the Hawk Property Subarea can be optimized by separating roof runoff from other pollution-generating impervious surfaces. Roofs are not considered a pollution-generating surface unless they are metal or subject to capturing dust from manufacturing activities (*see* page G34 of Volume 1 of the 2012 Stormwater Management Manual for Western Washington). Since roofs are not considered pollution-generating, runoff from rooftops is not subject to water quality treatment (*see* page 4-3 of Volume 5 of the 2012 Stormwater Management Manual for Western Washington). By separating the portion of the impervious surface not considered to be a significant source of pollutants, the resulting runoff has a higher concentration of pollutants making treatment methodologies more effective. In addition, water from non-metal rooftops can be taken directly to infiltration or detention elements without treatment thus making the water quality facilities more compact and efficient. Where flow control is required, roof runoff must meet flow control design criteria (*see* pages 4-3 to 4-4 of Volume 5 of the 2012 Stormwater Management Manual for Western Washington).

Section 3.4 Air Quality (pages 3-40 and 3-41)

In the discussion of Alternatives 2 and 3, the author states that 15 acres of forest land will be permanently removed and that 20 acres of pocket parks will be added as part of development. This is incorrect. Approximately 9 acres of forest land will be permanently removed under Alternatives 2 or 3 and 5.5 acres and 8.3 acres of parks created respectively. Both the discussion and GHG emission analysis therewith needs to be revised accordingly.

Section 3.5 Plants and Animals (page 3-49)

The first paragraph under the subsection entitled Affected Environment and Methodology – Critical Areas needs to be clarified that the entire Hawk Property Subarea is located within the City of Covington but contains approximately 132 acres within the Covington city limits and the remainder in unincorporated King County. These remaining 80 acres are located in Covington's potential annexation area (PAA) and annexation is anticipated in the future.

Section 3.5 Plants and Animals (page 3-64)

In the second paragraph of the subsection entitled "Significant Unavoidable Adverse Impacts", the author should include a conclusion as to whether Alternatives 2 and 3 create any significant unavoidable adverse impacts to the plants and animals elements of the environment.



### Section 3.6 Noise (pages 3-67 and 3-68)

Pages 3-67 and 3-68 of Section 3.6 provide a bullet point list of certain screening-level assumptions that were used to predict existing and future noise levels. One of these assumptions provides: "The width of the new 204<sup>th</sup> Avenue SE street segment was assumed to be the same as the width of the existing 204<sup>th</sup> Avenue SE roadway (44 feet)." In fact, the developer anticipates that the new 204<sup>th</sup> Avenue SE street segment will be approximately 66 feet wide based on the City of Covington's arterial classification standards. Given this modified assumption, the author should also confirm whether the assumption that "[f]uture distance between the center of the street and average allowable setbacks (for new developments) was assumed to be 60 feet" remains valid and evaluate whether noise level predictions need to be updated.

Oakpointe also suggests including as part of Section 3.6's screening level assumption discussion an explanation regarding the absence of field measurements for the EIS's noise analysis, including, but not limited to, confidence in reference values for modeling existing ambient noise levels. In addition, Oakpointe proposes adding a mitigation measure to Section 3.6 that requires the Hawk Property Subarea developer to perform such noise field measurements as a condition of engineering approvals once the ultimate roadway alignment, width and final grade for Alternatives 2 and 3 have been designed.

### Section 3.8 Transportation

Oakpointe suggests the following additions to Section 3.8:

- While it is customary to use the PM Peak Hour (i.e., highest travel hour) for traffic analysis so mitigation is imposed for the worst-case traffic scenarios, Oakpointe suggests including an explanation in the last paragraph on page 3-87 regarding the AM Peak Hour period.
- In the Future Travel Demand subsection starting on page 3-101, include an explanation as to why the regional demand model developed by Puget Sound Regional Council (PSRC) was selected by the author and which PSRC model elements were integrated into the City's travel demand forecasting model.
- In the Intersection Operations subsection that begins on page 3-112, include a discussion regarding the peak hour factor (PHF) employed in Covington's travel demand forecasting model.
- While the non-motorized facilities discussion on page 3-119 includes pedestrian impacts, for readability add to Section 3.8 a discussion specific to pedestrian impacts and related mitigation measures.



- The last sentence of page 3-119 notes that Section 3.8's mitigation measures include mitigation for short-term construction impacts; however, this section appears to be missing a discussion regarding construction traffic impacts or measures to mitigate short-term construction impacts. Oakpointe suggests including both this impact discussion and mitigation measures in the Final EIS.
- In the Roadway Capacity Improvements discussion on page 3-121 include a discussion regarding queue length for the roadway capacity improvements and intersections identified in Exhibit 3.8-17.

Section 3.8 Transportation – Other Potential Mitigation Measures (starting on page 3-121)

Oakpointe suggests clarifying in the "Other Potential Mitigation Measures" subsection of Section 3.8 the four specific proposed mitigation measures that the author suggests to mitigate any significant adverse impacts as a result of Alternatives 2 and 3:

- SE Wax Road/SE 180<sup>th</sup> Street;
- SE 272<sup>nd</sup> Street/204<sup>th</sup> Avenue SE;
- SE 256<sup>th</sup> Street/SR 18 Westbound Ramps; and
- SE 256<sup>th</sup> Street/SR 18 Eastbound Ramps.

In addition, Oakpointe suggests including further explanation in Section 3.8 that because the need for the roadway capacity improvements identified under the No Action Alternative is triggered by the future year 2035 traffic condition without build-out of Alternatives 2 and 3, such measures are not proposed to mitigate the impacts of the action alternatives.

Section 3.8 Transportation – Significant Unavoidable Adverse Impacts (page 3-130)

Oakpointe suggests including discussion regarding the nature of the impacts, if any, associated with Alternatives 2 and 3 if the Cities of Covington and Maple Valley do not adopt the SR 516 policy changes discussed in Section 3.8.

Appendix C – Draft Planned Action Ordinance

In Section 3 of the Draft Planned Action Ordinance, Oakpointe requests that the City clarify that any future development agreement entered into by the City and developer would be considered a planned action and having had its environmental impacts evaluated in the Planned Action EIS provided it meets the criteria set forth in Section 3(D).



This concludes Oakpointe's comments on the Hawk Property Subarea Draft EIS. Please contact me if you have any questions, and thank you again for the opportunity to participate in the review of the proposed subarea plan. We would welcome an in-person meeting with City staff to discuss our comments contained in this letter.

Sincerely,



Colin Lund  
Chief Entitlement Officer  
Oakpointe



August 26, 2013

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**RE: Comments on Hawk Property Draft Subarea Plan**

Dear Ms. Mueller,

Oakpointe Holdings, LLC (“Oakpointe”) appreciates the opportunity to comment on the City of Covington’s Hawk Property Draft Subarea Plan. The below comments have been organized by page number for ease of reference.

Page 7 – Conceptual Site Plan Minimum Urban Village Alternative: There are two different trails shown along the southern boundary of the Hawk Property site. There will likely only be one trail in this location. Also, it should be noted that the trails shown on the site plan are only conceptual in nature and their actual locations will be determined during site plan review. It may also be helpful to graphically indicate a difference between on-site and off-site trails.

This is clearly a conceptual plan, but spatially, to achieve the Minimum Urban Village Proposal as presented in Exhibit 2.4-1 of the DEIS, more land will need to be allotted to the Multi-family area (shift the line separating Multi-family and Townhomes easterly). Likewise, the line between Townhomes and Single Family should also move easterly to provide more townhome area.

Page 8 – Conceptual Site Plan Maximum Urban Village Alternative: Same comments as on the Conceptual Site Plan Minimum Urban Village Alternative (Page 7) above with the addition of moving the separators between Multifamily and Townhomes and Townhomes and Single Family farther east than in the Minimum Urban Village Alternative.

Page 9 – Under Land Use and Zoning, the text indicates that “Three new zoning districts are being proposed...” It actually appears two new districts are being proposed and one is being amended. Page 18 provides a discussion of the “R” zone which already exists and it appears adding the R-12 would be more consistent with an amendment to the “R” district rather than creation of a new zoning district. The RCMU and RM are true new zoning districts as confirmed in the chart on page 16.

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Page 17 – Potential Zoning – Hawk Property Subarea: The Mixed Residential zoning boundary should be extended easterly to the easterly point of the RCMU zone.

Page 18 – 18.15.050 (1)(e): “Townhome” should be added to the list of acceptable uses.

Page 18 – 18.15.050(1)(e): This should be a new section, much like 18.15.090, providing a discussion of the new zone’s purpose, how its purpose is accomplished, and where such zoning is appropriate. This is one of the two new zoning districts and should not be captured under the Urban Residential zoning district.

Page 19 – Request that “Senior Citizen Assisted Housing” be conditionally permitted in the RCMU zone. There is an emerging trend of co-locating such facilities above or adjacent to commercial centers that have several amenities.

Page 22 – Request that “Veterinary Clinic” be permitted in the RCMU zone.

Page 23 – Request that “Specialized Instruction School” be conditionally permitted in the RCMU zone.

Page 28 – Request that “Apparel and accessory stores” be permitted in the MR zone.

Page 28 – Request that “Liquor Store” be conditionally allowed in the MR zone.

Page 28 – Request that “Photographic and electronic shop” be permitted in the MR zone.

Page 33 – Request that “College/university” be conditionally permitted in the RCMU zone.

Page 34 – A. Table: Footnote (3) reference should be added to Minimum Lot Area under the R-12 zone.

Page 36 – (11)(a): Add R-12 to the zones listed.

Page 45 – (7)(a): Provide exemptions for loading dock and areas not typically visible to a majority of the public. Also, if the parking is underground or structured, this standard could be hard to achieve. Not sure if (8) provides enough discretion to the Director to deal with special circumstances. Also, throughout the subarea plan, it would be helpful to identify or define the Director. Is this the Community Development Director?

Page 50 – (1)(g): This provision is confusing at best and actually discourages providing any parking for a park or other common areas area where no building is provided. It further discourages placing the longer façade of the building towards the street. It would seem better to discourage parking areas next to a street frontage unless separated by a landscape area sufficient to create a visual buffer between the streets and parking areas.



RE: Oakpointe's Comments on Hawk Property Draft Subarea Plan  
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Please feel free to contact me at (425) 898-2100 if you have any questions or require additional information.

Sincerely,



Colin Lund  
Chief Entitlement Officer  
Oakpointe

