

## DETERMINATION OF NONSIGNIFICANCE

**Description of proposal:** The City proposes to amend its SMP consistent with the requirements under the Shoreline Management Act (SMA) to review, and, if necessary, revise its SMP at least once every eight years. RCW 90.58.080 specifies the deadline for the City to review, amend and adopt an amended SMP by June 30, 2019. These amendments are intended to ensure consistency between the City's SMP and laws and guidelines that may have changed since the City last updated its SMP.

**Proponent:** City of Des Moines

**Location of proposal, including street address, if any:** City Wide

**Project File No:** LUA2019-0012

**Lead Agency:** City of Des Moines

The City of Des Moines has determined that the above-described proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Written comments concerning the DNS may be submitted to the Des Moines Planning, Building, and Public Works Department, located at 21630 11<sup>th</sup> Avenue South, Suite D, Des Moines, WA 98198, by 4:30 p.m., 4/18/19. Comments should discuss specific environmental issues associated with this proposal and identify how the DNS does or does not address those issues.

**Responsible Official:**

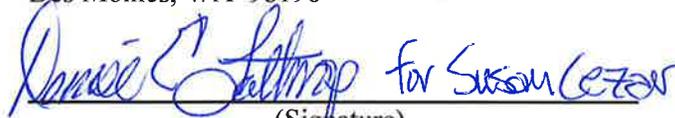
Susan Cezar, L.E.G.

**Position/Title:**

Chief Strategic Officer  
21650 11th Avenue South, Suite D  
Des Moines, WA 98198

3/19/2019

(Date)

  
(Signature)

**Project Lead Contact:** Jason Woycke, AICP – Land Use Planner II; Phone 206-870-6551  
Email Address: [jwoycke@desmoineswa.gov](mailto:jwoycke@desmoineswa.gov)

### AGENCY APPEAL

**APPEAL:** Any agency or person may appeal this SEPA determination by filing a written appeal with the Des Moines City Clerk. Such appeal must be filed within ten (10) days of the date this Determination of Nonsignificance (DNS) is final and shall be consistent with all provisions of sections 16.05.300 and 18.240.170, if applicable, of the Des Moines Municipal Code. The last date for filing such an appeal as to this proposal will be 4:30 p.m. on 4/29/19. Procedural determinations include the adequacy of the DNS, whether proper notice has been given, and whether the commenting period has been observed. The pendency of a procedural appeal shall stay any action on a permit/approval until a final determination on the appeal is issued by the Hearing Examiner; except if the City Council is required to issue the determination of the underlying permit/approval. In such cases, the City Council will issue the final determination of the appeal concurrently with its determination on the underlying permit/approval.

ENVIRONMENTAL CHECKLIST

EVALUATION FOR  
TO BE COMPLETED BY  
APPLICANT  
AGENCY USE ONLY

Fee: \_\_\_\_\_

File No. LUA2019-0012

Receipt #: \_\_\_\_\_

Date Received: \_\_\_\_\_

**A. BACKGROUND**

**1. Name of proposed project, if applicable:**

City of Des Moines 2019 Shoreline Master Program Periodic Review Amendments

**2. Name of applicant:**

City of Des Moines

**3. Address and phone number of applicant and contact person:**

Brittany Port, AICP, Project Planner, (206) 267-2425, [bport@ahbl.com](mailto:bport@ahbl.com)

**4. Date checklist prepared:**

March 12, 2019

**5. Agency requesting checklist:**

City of Des Moines

**6. Proposed timing or schedule (including phasing, if applicable):**

The City plans to adopt the amended Shoreline Master Program in June, 2019, following acceptance by the Department of Ecology.

**7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

Not applicable. The proposed action is a nonproject action.

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**8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

Shoreline Inventory and Characterization Report, prepared by  
Adolfson Associates, March, 2005  
City of Des Moines, SMP – Cumulative Impacts Report, prepared  
by ESA Adolfson, February 26, 2010  
SEPA DNS and Checklist for LUA2005-041, May 12, 2010  
SEPA DNS and Checklist for LUA2005-041, March 1, 2007

**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.**

Not applicable. The proposed action is a nonproject action.

**10. List any government approvals or permits that will be needed for your proposal, if known.**

The City of Des Moines and the Washington State Department of Ecology must approve the changes to the SMP prior to adoption of this proposal.

**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.**

The City proposes to amend its SMP consistent with the requirements under the Shoreline Management Act (SMA) to review, and, if necessary, revise its SMP at least once every eight years. RCW 90.58.080 specifies the deadline for the City to review, amend and adopt an amended SMP by June 30, 2019. These amendments are intended to ensure consistency between the City's SMP and laws and guidelines that may have changed since the City last updated its SMP.

The 2019 Shoreline Master Program Periodic Review Amendments include amendments to out-of-date laws, rules, and guidelines, out-of-date environmentally critical area regulations, out-of-date non-conforming regulations, and development regulations regarding illuminated signs, dive/underwater parks, water-related and water-enjoyment commercial uses within the Urban Conservancy Environment, the nonconforming structure replacement cost threshold, single-family residential appurtenances, allowed yard reductions, fill, allowed activity within buffers, and maintenance dredging.

ENVIRONMENTAL CHECKLIST

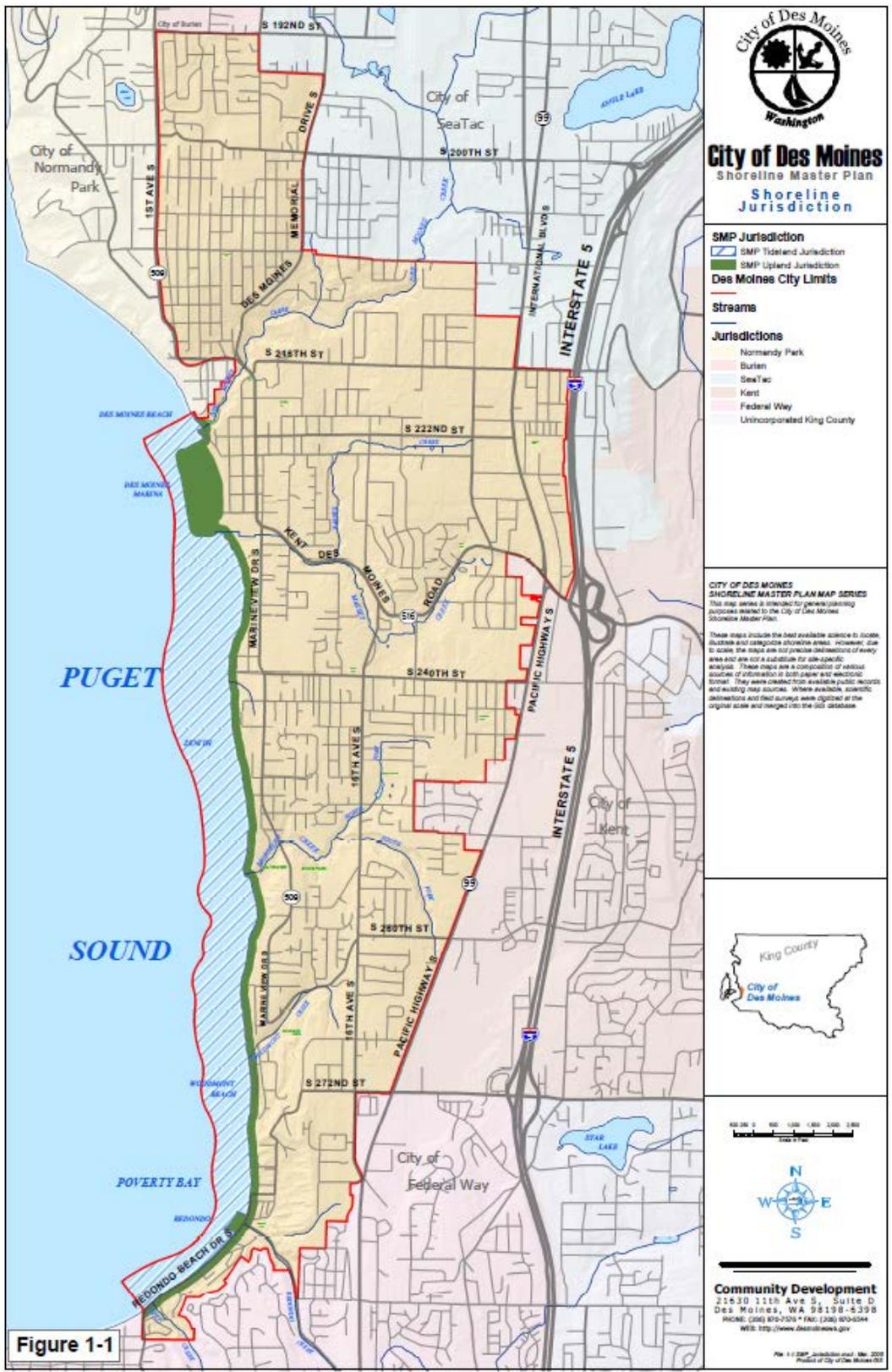
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**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range 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.**

The amendments to the SMP apply within the City's shoreline jurisdiction, which includes waters of statewide significance and land areas within 200' of their ordinary high water mark. Within the City of Des Moines includes Puget Sound and lands within 200' of its ordinary high water mark. See the map below.

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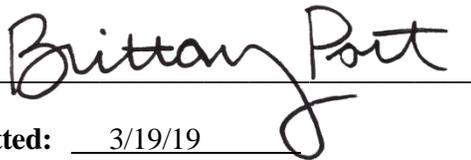
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**B. ENVIRONMENTAL ELEMENTS**

**No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.**

**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: 

Date Submitted: 3/19/19

**ADMINISTRATION ONLY:**

Administrative review by: Jason Woycke, AICP

Title: Planner II

Date: 3/19/19

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**D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS**

- 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 2019 Shoreline Master Program Periodic Review Amendments are not anticipated to increase discharge to water or air, or produce or release toxic or hazardous substances, or create noise impacts. Potential impacts from future project actions would be mitigated through the SEPA Environmental Review process and implementation of Shoreline Master Program regulations for the proposed improvements.

**Proposed measures to avoid or reduce such increases are:**

No measures are proposed at this time.

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

Adoption of the 2019 SMP Periodic Review Amendments will not negatively affect plants, animals, fish, or marine life. Increasing the degree of consistency of the SMP and improving its usability should improve the administration of policies and regulations within the shoreline jurisdiction, thereby improving conditions for plants, animals, fish, and marine life.

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

No measures are proposed at this time.

- 3. How would the proposal be likely to deplete energy or natural resources?**

Proposed SMP amendments will not have any impact on energy or natural resources. Individual projects could have minimal impacts to energy or natural resources. Any impacts that may result from future project actions would be mitigated adequately through the SEPA Environmental Review process and Shoreline Master Program regulations for the specific project.

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

No measures are proposed at this time.

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- 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?**

No negative impacts to environmentally sensitive areas are anticipated from the proposed SMP amendments. The amendments include the incorporation of updated City of Des Moines environmentally critical area regulations, and by doing so protections should be improved. If there are any environmentally sensitive areas located near proposed projects, the appropriate mitigation will occur through the SEPA Environmental Review process and Shoreline Master Program regulations for the proposed improvements.

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

No measures are proposed at this time.

- 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 adoption of the proposed SMP amendments will not negatively affect land and shoreline use or compatibility. By increasing the degree of consistency of the SMP and improving its usability, it should improve the administration of policies and regulations within the shoreline jurisdiction, thereby improving the compatibility of land use with shoreline plans.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

No measures are proposed at this time.

- 6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

No impacts to transportation or public services and utilities are anticipated from the proposed SMP amendments. If there are any impacts to transportation or public services and utilities, the appropriate mitigation will occur through the SEPA Environmental Review process and Shoreline Master Program regulations for the proposed improvements.

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**Proposed measures to reduce or respond to such demand(s) are:**

No measures are proposed at this time.

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

One of the purposes of the periodic review is to ensure consistency between the SMP and current laws, rules, and guidelines. The 2019 Shoreline Master Program Periodic Review Amendments align with local, state, and federal laws and requirements for the protection of the environment.