



DETERMINATION OF NON-SIGNIFICANCE (DNS)

File Numbers: E18-0011, L18-075
Applied: August 24, 2018
Issue Date: May 15, 2019
Project Name: City of Tukwila Shoreline Master Program Periodic Update
Proponent/
Lead Agency: City of Tukwila
Location: 200 feet landward of the OHWM of the Green River and associated wetlands
SEPA: This is a non-project SEPA determination

Description of Proposal:

The City of Tukwila is undertaking a required periodic review of the City's shoreline master program (SMP) under RCW 90.58.080(4) with amendments to the SMP and zoning code regulations to keep current with changes in state law, changes in other Tukwila plans and regulations, and other changed local circumstances. This evaluation is based on the Planning Commission recommended versions of these documents dated April 25, 2019.

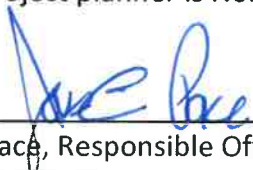
Decision:

This notice is to confirm the decision reached by Tukwila's SEPA Official to issue a Determination of Non-significance (DNS) for the above project based on the environmental checklist and the underlying application.

The City has determined that the 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. Project materials including the application, any staff reports, and other studies related to the permits are available Monday through Friday, 8:30 a.m. - 5:00 p.m., at Tukwila Department of Community Development, 6300 Southcenter Blvd., Suite 100, Tukwila, WA 98188.

The project planner is Nora Gierloff, who may be contacted at (206) 433-7141 for further information.



Jack Pace, Responsible Official
City of Tukwila
6300 Southcenter Blvd. Suite 100
Tukwila, WA 98188



Date

The decision is appealable to the Superior Court pursuant to the Judicial Review of Land Use Decisions, Revised Code of Washington (RCW 36.70C). Any appeal shall be linked to a specific governmental action. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action. Appeals of environmental determinations shall be commenced within the time period to appeal the governmental action that is subject to environmental review. (RCW 43.21C.075)

Copy: State Department of Ecology, SEPA Division



STAFF EVALUATION FOR ENVIRONMENTAL CHECKLIST

File No: E18-0011 Shoreline Master Program Periodic Update

I. SUMMARY OF PROPOSED ACTION

Tukwila is undertaking a required periodic review of the City's shoreline master program (SMP) under RCW 90.58.080(4). The City prepared public review drafts of the SMP and zoning code regulations with amendments to keep current with changes in state law, changes in other Tukwila plans and regulations, and other changed local circumstances. This evaluation is based on the Planning Commission recommended versions of these documents dated April 25, 2019.

II. GENERAL INFORMATION

Project Name: City of Tukwila Shoreline Master Program Periodic Update

**Proponent/
Lead Agency:** City of Tukwila

Location: 200 feet landward of the OHWM of the Green River through Tukwila and associated wetlands

SEPA: This is a non-project SEPA determination

The following information was considered as part of the review of this application.

Attachments:

- A. SEPA Checklist dated April 14, 2019.
- B. Public Comments
- C. SMP Comment Matrix
- D. TMC 18.44 Comment Matrix

III. BACKGROUND/PROPOSAL

Approximately 13 miles of the Green/Duwamish River meanders through Tukwila's industrial district, urban center and residential neighborhoods. The River in Tukwila is categorized as a Shoreline of the State. In response to the State Shoreline Management Act (SMA) and Federal requirements, Tukwila has adopted three documents related to the river – the Shoreline Master Program (SMP), Shoreline Element in the City's Comprehensive Plan, and zoning regulations in TMC Chapter 18.44 Shoreline Overlay.

The City of Tukwila completed a comprehensive update to its Shoreline Master Program in 2009, with additional revisions made in 2011. Washington state law requires jurisdictions to periodically review and update their SMPs every eight years for compliance with changes to the SMA and Department of Ecology guidelines and legislative rules. This update process is being undertaken jointly with the Department of Ecology using the joint review process.

The current update focuses on:

- Reviewing relevant legislative updates since 2009 and incorporating any applicable amendments per the Gap Analysis Report (Attachment C, also available on the Shoreline Management page of the City website).
- Ensuring consistency with recently adopted regulations for critical areas and flood hazard areas.
- Streamlining and eliminating duplication in the documents.
- Addressing a limited number of policy questions.

This periodic update will not:

- Re-evaluate the ecological baseline which was established as part of the 2009 comprehensive update.
- Extensively assess no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition.
- Change shoreline jurisdiction or environment designations.

The current SMP includes policies and regulations that were subsequently also adopted into the Comprehensive Plan and Zoning Code. This duplication has given rise to inconsistencies and requires duplicate amendments whenever changes are made. The proposal is to create a multi-part SMP that spans these documents and includes the Shoreline Element and Chapter 18.44 by reference without repeating policy or regulation language.

The current Chapter 18.44 Shoreline Overlay duplicates the environmental regulations found in Chapter 18.45 Sensitive Area Ordinance for sensitive areas within the shoreline jurisdiction. The proposal is to eliminate this duplication, reference the regulations in 18.45 that are currently being updated, and add additional language about applicability and limitations of that chapter.

IV. REVIEW OF THE ENVIRONMENTAL CHECKLIST

The following lists the elements contained within the Environmental Checklist submitted for the proposed project. The numbers in the staff evaluation correspond to the numbers in the Environmental Checklist. If staff concurs with the applicant's response, this is so stated. If the response to a particular item in the checklist is found to be inadequate or clarification is needed, there is additional staff comment and evaluation.

A. BACKGROUND:

1-12—Concur with checklist.

B. ENVIRONMENTAL ELEMENTS:

1. Earth: Concur with checklist
2. Air: Concur with checklist
3. Water: Concur with checklist
4. Plants: Concur with checklist
5. Animals: Concur with checklist
6. Energy and Natural Resources: Concur with checklist
7. Environmental Health: Concur with checklist
8. Land and Shoreline Use: Concur with checklist
9. Housing: Concur with checklist
10. Aesthetics: Concur with checklist
b—The PC Recommendation increases the allowed height in the shoreline from 45 feet to 65 feet with an additional 15 feet of height allowed as an incentive for shoreline restoration. This is limited by the height of the underlying zoning district and the requirement that the building not obstruct the view of a substantial number of residences.
11. Light and Glare: Concur with checklist
12. Recreation: Concur with checklist
c— The PC Recommendation would reduce the required width of regional trails from 14 to 12 feet to align with the King County standard for the River trail. It would also allow for the widths of local access trails to be set on a case by case basis.
13. Historic and Cultural Preservation: Concur with checklist
14. Transportation: Concur with checklist
15. Public Services: Concur with checklist

16. Utilities: Concur with checklist

C. NON-PROJECT PROPOSAL RESPONSES:
Concur with checklist

IV. PUBLIC COMMENTS

Notice was published in the Seattle Times and a postcard was mailed to the owners and tenants of all Tukwila parcels within Shoreline jurisdiction on 3/14/19. Information about the update was included in the citywide Stormwater mailer and the September 2018 eHazelnut newsletter. An open house was held on 10/9/18, noticed through a citywide mailing. Periodic emails have been sent to the interested parties list.

Tukwila has elected to use the optional joint review process with the Department of Ecology (Ecology) allowed by the Shoreline Management Act (Chapter 90.58 RCW) and the SMP Guidelines (WAC 173-26-104). Comments received during the joint comment period from March 14 to April 12, 2019 are included in Attachment B. A matrix was prepared showing the public comments, staff recommendation, and PC action for both the SMP and TMC 18.44 Shoreline Overlay, see Attachments C and D.

VI. CONCLUSION

The proposal can be found to not have a probable significant adverse impact on the environment and pursuant to WAC 197-11-340, a Determination of Nonsignificance (DNS) is issued for this project.

This DNS is based on impacts identified within the environmental checklist, attachments, and the above "Final Staff Evaluation for Application No. E18-0011", and is supported by plans, policies, and regulations formally adopted by city of Tukwila for the exercise of substantive authority under SEPA to approve, condition, or deny proposed actions.

Prepared by: Nora Gierloff, Deputy DCD Director
Date: May 15, 2019

STATE ENVIRONMENTAL POLICY ACT CHECKLIST

Please respond to all questions. Use separate sheets as necessary. Department of Ecology provides a guidance on filling the SEPA checklist at [DOE Environmental Checklist Guidance](#)

A. BACKGROUND

1. Name of proposed project, if applicable:
City of Tukwila Shoreline Master Program Update
2. Name of Applicant:
City of Tukwila
3. Date checklist prepared:
April 5, 2019
4. Agency requesting checklist:
City of Tukwila
5. Proposed timing or schedule (including phasing, if applicable):
City Council adoption expected summer 2019.
6. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
This is a non-project action proposal. The City is updating the policies and regulations of its SMP to ensure consistency with related state and city policies and regulations. Site-specific applications for development within shoreline jurisdiction are considered separate actions and will be reviewed for compliance with the SMP at the time of application.
7. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
Shoreline Master Program Periodic Update Ecology Checklist.
City of Tukwila Draft Shoreline Master Program (April 2019)
Tukwila Comprehensive Plan, updated 2015.
Tukwila Municipal Code Chapter 18.45, Environmentally Sensitive Areas.
8. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
This is a non-project action. If there are any property-specific development applications pending they are vested to the current policies and regulations of the SMP.

9. List any government approvals or permits that will be needed for your proposal.

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

10. 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.

This is a non-project action and contains proposed policies and regulations that are applied citywide within the identified shoreline jurisdiction of the City of Tukwila. The project area is within shoreline jurisdiction within City limits.

Regulatory changes include:

- Updating the SMP to ensure consistency with changes in policy and regulation affecting shoreline management made by the state legislature. These changes are outlined in the Washington State Department of Ecology SMP Periodic Update checklist.

11. 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, the tax lot number, and section, township, and range. 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.

This includes the waters and all land within 200 feet landward of the ordinary high-water mark (OHWM) of the Green/Duwamish River, and associated wetlands.

12. Does the proposal lie within an area designated on the City's Comprehensive Land Use Policy Plan Map as environmentally sensitive?

Several wetlands and tributary streams appear to be within the shoreline jurisdiction on the Tukwila Sensitive Areas Map.

B. ENVIRONMENTAL ELEMENTS***1. Earth***

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other:

N/A this is a non-project proposal. There is a variety of terrain located within SMP jurisdiction.

- b. What is the steepest slope on the site (approximate percent slope)?

N/A this is a non-project proposal. There is a variety of terrain located within SMP jurisdiction, but the steepest slope is estimated in excess of 60% along portions of the Duwamish River shoreline.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland and whether the proposal results in removing any of these soils.

N/A this is a non-project proposal. Soils within SMP jurisdiction vary. Most of the City is mapped as Urban Land, but soils within the southern portion of the SMP jurisdiction are mapped as silt loams.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There are slopes with moderate to very high landslide potential within the shoreline planning area. See Map 7, Flood Hazard and Geologic Hazard Areas, in the Shoreline Inventory and Characterization (Appendix A of the 2008 Tukwila Shoreline Master Program).

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

N/A this is a non-project proposal.

- f. Could erosion occur as a result of clearing, construction, or use?
If so, generally describe.

N/A this is a non-project proposal.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A this is a non-project proposal.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A this is a non-project proposal.

2. Air

- a. What types of emissions to the air would result from the proposal (for example, dust, automobile odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

N/A this is a non-project proposal.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A this is a non-project proposal.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A this is a non-project proposal.

3. Water

- 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, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

N/A this is a non-project proposal. By definition, the SMP addresses marine shorelines, year-round streams with flows over 20 cubic feet per second, lakes more than 20 acres in size, and associated wetlands and floodplains. Tukwila's only shoreline is the Green/Duwamish River.

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.

N/A this is a non-project proposal.

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.

N/A this is a non-project proposal.

4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.

N/A this is a non-project proposal.

5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A this is a non-project proposal.

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.

N/A this is a non-project proposal.

b. Ground:

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well? Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

N/A this is a non-project proposal.

2. Describe waste materials 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:

N/A this is a non-project proposal.

c. Water Runoff (including storm water):

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? Will this water flow into other waters? If so, describe.

N/A this is a non-project proposal.

2. Could waste materials enter ground or surface waters? If so, generally describe.

N/A this is a non-project proposal.

3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

N/A this is a non-project proposal.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts if any:

N/A this is a non-project proposal.

4. Plants

- a. Check or circle types of vegetation found on the site: N/A this is a non-project proposal.

	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, other
	Water plants: water lily, eelgrass, milfoil, other
	Other types of vegetation

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

N/A this is a non-project proposal.

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

N/A this is a non-project proposal.

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

N/A this is a non-project proposal.

- e. List all noxious weeds and invasive species known to be on or near the site.

N/A this is a non-project proposal.

5. Animals

- a. List any birds or animals which have been observed on or near the site or are known to be on or near the site: N/A this is a non-project proposal.

Birds:	Hawk, heron, eagle, songbirds, other:
Mammals:	Deer, bear, elk, beaver, other:
Fish:	Bass, salmon, trout, herring, shellfish, other:
Other:	

- b. List any threatened or endangered species known to be on or near the site.

N/A this is a non-project proposal. A variety of birds, mammals, and fish are known to have habitat within SMP jurisdiction.

- c. Is the site part of a migration route? If so, explain.

N/A this is a non-project proposal.

- d. Proposed measures to preserve or enhance wildlife, if any:

N/A this is a non-project proposal.

- e. List any invasive animal species known to be on or near the site:

N/A this is a non-project proposal.

6. Energy and Natural Resources

- 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.

N/A this is a non-project proposal.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

N/A this is a non-project proposal.

- 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:

N/A this is a non-project proposal.

7. Environmental Health

- 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.

N/A this is a non-project proposal.

1. Describe any known or possible contamination at the site from present or past uses.

N/A this is a non-project proposal.

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A this is a non-project proposal.

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A this is a non-project proposal.

4. Describe special emergency services that might be required.

N/A this is a non-project proposal.

5. Proposed measures to reduce or control environmental health hazards, if any:

N/A this is a non-project proposal.

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A this is a non-project proposal.

2. What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A this is a non-project proposal.

3. Proposed measures to reduce or control noise impacts, if any:

N/A this is a non-project proposal.

8. **Land and Shoreline Use**

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Land use within the shoreline jurisdiction is dominated by manufacturing and industrial uses. The remainder is occupied by residential, retail/commercial, and parks, recreational, and open space land.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

N/A this is a non-project proposal. The Green/Duwamish River Valley was historically used for agriculture.

1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

N/A this is a non-project proposal.

- c. Describe any structures on the site.

N/A this is a non-project proposal.

- d. Will any structures be demolished? If so, what?

N/A this is a non-project proposal.

- e. What is the current zoning classification of the site?

Several zoning designations are present within the shoreline overlay district and are depicted on the City of Tukwila Comprehensive Plan & Zoning Map.

- f. What is the current comprehensive plan designation of the site?

Several designations are present within the shoreline overlay district and are depicted on the City of Tukwila Comprehensive Plan & Zoning Map.

- g. If applicable, what is the current shoreline master program designation of the site?

All areas within the shoreline overlay are identified as either within the Shoreline Residential Environment, Urban Conservancy Environment, High Intensity Environment, or Aquatic Environment

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

N/A this is a non-project proposal. Portions of the SMP jurisdiction include wetlands and priority habitat areas. Other critical areas, as defined by Tukwila Municipal Code, may be present.

- i. Approximately how many people would reside or work in the completed project?

N/A this is a non-project proposal.

- j. Approximately how many people would the completed project displace?

N/A this is a non-project proposal.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A this is a non-project proposal.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

N/A this is a non-project proposal.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

N/A this is a non-project proposal.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing?

N/A this is a non-project proposal.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

N/A this is a non-project proposal.

- c. Proposed measures to reduce or control housing impacts, if any:

N/A this is a non-project proposal.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A this is a non-project proposal.

- b. What views in the immediate vicinity would be altered or obstructed?

N/A this is a non-project proposal.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A this is a non-project proposal.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A this is a non-project proposal.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A this is a non-project proposal.

- c. What existing off-site sources of light or glare may affect your proposal?

N/A this is a non-project proposal.

- d. Proposed measures to reduce or control light and glare impacts, if any:

N/A this is a non-project proposal.

12. Recreation

- a. What designed and informal recreational opportunities are in the immediate vicinity?

N/A this is a non-project proposal.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

N/A this is a non-project proposal.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A this is a non-project proposal.

13. Historic and Cultural Preservation

- a. Are there any buildings, structures, or sites located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? If so, specifically describe.

N/A this is a non-project proposal.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation. This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

N/A this is a non-project proposal.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

N/A this is a non-project proposal.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A this is a non-project proposal.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area, and describe proposed access to the existing street system. Show on site plans, if any.

N/A this is a non-project proposal.

- b. Is the site or affected geographic area currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

N/A this is a non-project proposal.

- c. How many parking spaces would the completed project or non-project proposal have? How many would the project eliminate?

N/A this is a non-project proposal.

- d. Will the proposal require any new or improvements to existing roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

N/A this is a non-project proposal.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A this is a non-project proposal.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

N/A this is a non-project proposal.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

N/A this is a non-project proposal.

- h. Proposed measures to reduce or control transportation impacts, if any:

N/A this is a non-project proposal.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

N/A this is a non-project proposal.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A this is a non-project proposal.

16. Utilities

- a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system

other: N/A this is a non-project proposal.

- 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.

N/A this is a non-project proposal.

(NON-PROJECT PROPOSALS (E.G., SUBURBAN PLANS AND ZONING CODE TEXT CHANGES) MUST COMPLETE THE FOLLOWING PAGES).

C. SUPPLEMENTAL SHEET FOR NON-PROJECT PROPOSALS

(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 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 proposals be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal would not directly increase discharges to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. All development and redevelopment in the shoreline jurisdiction would be subject to applicable local, State, and Federal regulatory requirements, in addition to the provisions of the proposed SMP amendment.

Proposed measures to avoid or reduce such increases are:

Development standards within each shoreline environment designation restrict uses that would result in adverse impacts to shoreline ecological functions.

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

A primary goal of the Shoreline regulations is to ensure no net loss of shoreline ecological functions. The shoreline master program provides protection and enhancement of fish and wildlife habitat, native vegetation, and environmentally sensitive areas in the shoreline planning area. Modest updates to the tree regulations are proposed to align them with the newer, more protective tree regulations outside of shoreline jurisdiction. New language clarifies that removal of invasive species or noxious weeds is exempt from the need for a Shoreline Vegetation Removal Permit.

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

The proposed SMP updates align the development standards, use regulations, and shoreline review procedures with current state regulations which are guided by best available science (BAS). The updates also incorporate the City's updated Critical Areas Ordinance, which protects Critical Areas to the standards guided by Ecology and the most recent BAS. Additional language is proposed regarding Best Management Practices for use of aquatic herbicides for noxious weed control. Incentives for shoreline restoration have been increased.

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

The proposed SMP amendment would not result in depletion of energy or natural resources.

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

No specific measures are proposed.

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 habitats, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The revised SMP adopts the City's Critical Areas Ordinance by reference, ensuring protection of these areas within the shoreline overlay. The existing SMP integrates existing Tukwila policies for management of public access and recreation and historic and cultural resources.

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

Proposed measures to protect such resources and reduce impacts are referenced above and further discussed in section B. of this checklist.

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 updated SMP would continue to be implemented as an overlay to the

Comprehensive Plan and zoning land use policies and regulations. The proposal itself aims to improve the compatibility of land use and shoreline plans. The Planning Commission recommended draft includes some additional flexibility for existing non-conforming sites based on suggested changes from commenters.

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

Based on the developed nature of the City's shoreline, the lack of extensive vacant developable land, and consistency among land use regulations and long-range plans, reasonable foreseeable development will likely be redevelopment of property rather than new development. Redevelopment would not likely result in significant changes in land use along the shoreline and may result in improvements to shoreline function over time through mitigation. The only substantial area of currently undeveloped land is in the Tukwila South subarea which has an approved Sensitive Area Master Plan, shoreline substantial development permit and EIS.

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

The updated SMP would not establish new patterns of land use or increased density of existing land use patterns. As described above, most reasonable foreseeable development will likely be redevelopment of property rather than new development. Redevelopment will not likely result in significant changes to or increased demand for public services or infrastructure.

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

Since increased demands are not anticipated, no specific measures are proposed.

7. Identify, if possible, whether the proposal may conflict with Local, State, or Federal laws or requirements for the protection of the environment.

There should not be any conflicts as this process is intended to update the SMP to reflect the most recent legislative amendments as well as solve inconsistencies City staff have identified during the permitting process. The draft allows additional flexibility for site specific levee and floodwall design, rather than the single cross section allowed in the current code. This should reduce conflict between US Army Corps of Engineers and City standards for flood control structures.

D. SIGNATURE

Under the penalty of perjury the above answers under ESA Screening Checklist and State Environmental Policy Act Checklist are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

A handwritten signature in dark ink, appearing to read "J. O. M.", is written over a horizontal line.

Signature: _____

Date Submitted: 5/14/19

March 28, 2019

VIA HAND DELIVERY

City of Tukwila Planning Commission
City of Tukwila
6300 Southcenter Blvd., #100
Tukwila, WA 98188

Re: **Comments on Proposed Shoreline Master Program Update L18-0075**

Dear Planning Commissioners:

This firm represents Segale Properties LLC ("Segale"). As you are likely aware, Segale controls the large Tukwila South property, abutting the Green River. In 2009, Segale and the City entered into a long term Development Agreement governing the future building on the Tukwila South property. After years of construction to install all necessary infrastructure and re-grade the property for development, the Tukwila South lands are finally ready to be marketed and are being actively reviewed for ground lease and/or sale for commercial and residential development.

The Development Agreement vested the build out of the Tukwila South project, to the 2009 Tukwila Municipal Code, except for the City's Shoreline Master Program. All development in Tukwila South is required to comply with the Shoreline Master Program ("SMP") in effect on the date of each complete permit application. Accordingly, the amendments currently under consideration are of great interest to Segale. We also are keenly interested in the interplay of these SMP updates with the pending updates to the Sensitive Areas Ordinance ("SAO"), and will provide comments on the SAO update in a subsequent letter.

We ask that you carefully review the following provisions of the SMP update, respond to our questions, and we recommend that you include our requested revisions. Because the Tukwila South lands are located in the Urban Conservancy Shoreline Environment, these comments focus on that area of the proposed update.

1. Proposed 18.44.020, *Principally Permitted Uses and Shoreline Use and Modification Matrix*.

The matrix at section 18.44.020 includes "Flood Hazard Reduction" and "Shoreline Stabilization" as uses that are Permitted in the Urban Conservancy Environment, and note 14 indicates that "Any new or redeveloped levee shall meet the applicable levee requirements of this chapter." Segale agrees this is a wise regulation.

ATTACHMENT B

Also listed in this matrix is “Fill, General”, which is listed as a Conditional Use in the Urban Conservancy Environment, and subject to various additional restrictions. We believe this matrix is properly read, applied and interpreted such that any fill necessary for the activity of Flood Hazard Reduction, in the form of developing or a redeveloping a levee is an expressly Permitted use, and not a Conditional Use, even though it is “fill”. If the City or Ecology intends this matrix to be read and applied otherwise, then the matrix must be amended to clearly state that any fill required for Flood Hazard Reduction work is a Permitted use.

2. Proposed 18.44.040, *Shoreline Buffers*.

Note 5 explains that upon reconstruction of a levee to the levee standards in the SMP regulations, the buffer can be reduced to the actual width required for the levee. Segale agrees this is a logical regulation.

We question why Note 5 goes on to state “...If the property owner provides a 15-foot levee maintenance easement landward from the landward toe of the levee...” We believe that requirement can be 10-feet, especially where the King County Flood Control District has already recognized it as a 10-foot wide maintenance easement. The March 28, 2019 Staff Report to the Planning Commission states that the “current Flood Control District access road standard is 15’, not the 10’ built into [the City’s] current buffer calculation.” We assume that is why Note 5 of the Shoreline Buffers section references 15 feet. However, there may be situations in which the actual required easement already exists and was set at 10 feet by prior agreement with the Flood Control District. Therefore, we recommend that the language quoted above be revised to read: “...If the property owner provides a 15-foot levee maintenance easement (which easement is typically 10 or 15 feet in width, with the width is set by the King County Flood Control District) landward from the landward toe of the levee...”

3. Proposed 18.44.050.C, *Development Standards for the Urban Conservancy Environment – Height Restrictions*.

We appreciate the height incentive offered in proposed TMC 18.44.050.C.3.d. Going to 30% allows an additional 13.5 feet. Commercial structures can require 15 feet per story. We suggest the City increase the incentive to 35%, which would provide 15.75 feet. Two full stories of a commercial, or even residential construction are not typically feasible with less than 16 feet, but an additional full commercial story is more likely to be attained at 15.75 feet than with 13.5 feet.

4. Proposed 18.44.050.H, *Development Standards for the Urban Conservancy Environment – Environmental Impact Mitigation*.

The proposed added language at section 18.44.050.H.1 referencing improvements targeted at specific wildlife should be deleted. A similar statement about specific wildlife is better included in a recital to the Ordinance not in the regulatory language, and we propose a recital under item 5, below. In addition, the reference to “improvements” creates an ambiguity in the ordinance, contrary to the stated purpose of this periodic update, and potentially would create an unattainable standard.

Importantly, the March 28, 2019 Staff Report to the Planning Commission states that this periodic update is “not” intended to “extensively assess the no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition.” Likewise, the focus of the City’s SMP is, appropriately, on “no net loss” of baseline conditions. However, the language that is proposed to be added here expressly calls for “improvement” rather than no net loss, and with no definition as to the level of “improvement.” That is sea change in policy approach and inconsistent with a periodic update. We recommend that section 18.44.050.H.1 read:

H.1. All shoreline development and uses shall occur in a manner that results in no net loss of shoreline ecological function through the careful location and design of all allowed development and uses. In cases where impacts to shoreline ecological functions from allowed development and uses are unavoidable, those impact shall be mitigated according to the provisions of this section; in that event, the “no net loss” standard is met.

5. Proposed 18.44.090, *Shoreline Design Guidelines*.

Here, too, language is added to the regulation that seeks to recognize the use of the Green River to support salmon and trout. That is just one feature of the Green River. The placement of this language also infers that Endangered Species Act requirements would apply to upland projects in the event any portion of the project fell within the City’s Shoreline jurisdiction. We certainly understand the City’s desire to acknowledge the importance of the river to aquatic species and to do so, we recommend that the Ordinance recitals – not the regulatory text – include a statement such as: “The City of Tukwila recognizes and celebrates that the Green River and its tributaries support salmon and resident trout, and that the river flows to Puget Sound which is home to salmonids and southern resident orca whales, and the City has designed this SMP update to assure no net loss in ecological function of the river system.” We also recommend that the introductory language of 18.44.090 not include the sentence about salmon and trout.

We appreciate your attention to this matter and would be happy to answer any questions.

Very truly yours,



Nancy Bainbridge Rogers

NBR:alw

cc: Ann Marie Soto
Nora Gierloff
Mark Segale
Mike Pruett

Nora Gierloff

From: Nancy Rogers <NRogers@Cairncross.com>
Sent: Friday, April 12, 2019 12:43 PM
To: Minnie Dhaliwal; Nora Gierloff
Subject: Vesting and the CAO/SMP updates

Hi Minnie and Nora –

I ask that you add this comment to the CAO/SMP updates.

You have my letter dated April 10, 2019 regarding potential revisions to vesting language for the CAO issues. During last night's hearing on the CAO, Minnie explained that the vesting language in the CAO was not linked to any shoreline permits. If that is true, and in light of State law that gives a Shoreline permit a 5 year term, subject to possible extension, I recommend that the City add a vesting provision to the Shoreline regulations. The provision to add to the Shoreline regulations would assure that in the situation where a project is staged or phased into first land development, followed by a building permit (or permits), those later building permits are vested to the version of the shoreline regulations that were in effect when the land development permits were applied for.

Let me know if you have questions.

Thanks,
Nancy

CH& | Nancy Bainbridge Rogers
Attorney
Cairncross & Hempelmann
524 Second Avenue | Suite 500 | Seattle, WA 98104-2323
d: 206-254-4417 | f: 206-587-2308
NRogers@cairncross.com | www.cairncross.com | Bio

Ranked by *Best Lawyers* since 2016 and *Chambers USA* 2018 in the area of Washington State Real Estate:
Zoning/Land Use.

CH& is a member of Mackrell International, a Global Network of Independent Law Firms.

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February 14, 2019

Michelle Clark
Executive Director
King County Flood Control District
516 Third Ave, Rm 1200
Seattle, WA 98104

Copy: City of Tukwila

RE: Support for the King County Flood Control District to implement the Lower Green River Corridor Flood Hazard Management Plan

Dear Ms. Clark

The Seattle Southside Chamber of Commerce expresses its support for the Flood Control District to move forward and provide an integrated and reasonable long-term approach to reduce flood risk within the Lower Green River Corridor while balancing multiple objectives within the area.

The Chamber of Commerce is very familiar with potential devastating impact a natural disaster could have on the Kent Industrial Valley. Here in South King County we are the center for Manufacturing, and Transportation. A catastrophic flood would have long lasting economic and environmental impacts that our community would find difficulty in recovering from. Therefore, we support preventative action and investment to protect our business and residential community from such a natural disaster.

In reviewing the proposed alternatives and actions proposed on the project website, we would like to encourage the District to not adopt a "one-size fits all" project plan but to use a balanced and pragmatic approach to ensure that flood protection is achieved while balancing environmental, economic and safety interests. Specifically, this would include a combination of all three alternatives, utilizing the best alternative for achieving the primary goal of flood protection, but also taking the opportunity to improve fish habitat within the corridor where those opportunities are cost feasible. We know that in partnership and through community collaboration we will be able to find the best protection for life and safety, as well as improve our environment for fish and wild life and eliminate any potential negative impacts to economic development and business growth.

Please include us in future discussions and keep us apprised of activity regarding this and any County wide projects, proposals and initiatives so that we can ensure maximum engagement with our community partners and stakeholders.

We look forward to working with you to develop and implement the project.
Sincerely,

Andrea H. Reay
President/CEO Seattle Southside Chamber of Commerce

Attachment D3

April 5, 2019

SMP Periodic Update
Department of Community Development
6300 Southcenter Boulevard, Suite 100
Tukwila, WA 98188

Re: Shoreline Master Program Update Comments

Dear Staff:

Curran Law Firm represents Strander Family, LLC II, owner of the real property at 12840 48th Ave. South (the "Strander Parcel"), which is subject to the Tukwila Shoreline Master Program ("SMP") and related ordinances and regulations. See attached **Exhibit A**. The Strander parcel is a paved parking area for a fleet of rental trucks that operates out of a building on an adjacent parcel also owned by Strander Family, LLC II, but which lies outside the jurisdiction of the SMP. See attached **Exhibit B**. A 30-foot strip between the Strander parcel and the river is owned by the City and is used as part of the Green River Trail System. Strander Family, LLC II appreciates the work by Staff of the Tukwila Department of Community Development ("Staff") and the Planning Commission to propose updates to the SMP and related ordinances and regulations, especially the provisions for more flexibility in application of the SMP. Strander Family, LLC II offers these comments for further revisions.

The Strander Parcel is subject to a 100-foot buffer since it is in a non-levee area of the Urban Conservancy Environment. Because the Strander parcel is approximately 260 feet long along 48th Ave. S. and 200 feet long along its other boundaries, and because there is a 30-foot strip owned by the City, used for the Green River Trail System, between the Strander Parcel and the river, the 100-foot buffer would affect about 1/3 of the Strander parcel.

TMC 18.44.010 Purpose and Applicability

(A) The purpose should include fiscal prudence and respect of private property rights.

Has analysis of economic impact been made with respect to the SMP and these proposed changes? There are approximately 26 miles of shoreline on either side of the 13 miles of river that are proposed to be affected. Much of that shoreline is heavily developed with valuable commercial enterprises. The Planning Commission and Staff

were both advised by legal counsel for many of the property owners that regulation under the SMP could result in reductions in value for those properties that are made nonconforming; and could cause the city to have to compensate those property owners for the taking of their property for a public purpose.

This indifference to economic impact is not only extremely risky, but contrary to portions of the economic development element of the City's **Comprehensive Plan** wherein the following are provided (See attached **Exhibit C**):

Encourage the retention and growth of existing local firms. 2-3.

Emphasize business development for existing businesses to expand. 2-3.

Enhance regional recognition of Tukwila as an economic hub, promoting the success and diversity of its businesses and focusing on its positive business climate. 2-7.

Maintain a favorable and diverse tax base. 2-7.

Fund infrastructure and services by maintaining a solvent and diversified revenue stream. 2-7.

Improve the economic development climate. 2-8.

Encourage in-fill, land assembly, redevelopment, and land conversion for family-wage jobs. 2-8.

Encourage redevelopment and conversion of outdated and underutilized land and buildings to high-valued and/or appropriate land uses. 2-8.

Consider non-financial ways (such as brokering and interlocal agreements) to assist industrial land owners to comply with State and federal government environmental remediation requirements. 2-8.

Promote an economic climate that supports business formation, expansion and retention. 2-9.

Zoning regulations that facilitate commercial in-fill development and redevelopment consistent with the Comprehensive Plan vision. 2-10.

Encourage redevelopment. 2-10.

Encourage businesses to incorporate environmental and social responsibilities into their practices. 2-10.

Economic analysis of the impact of the SMP on one of the City's most significant economic regions should be something the City should want. The City will have to pay substantial compensation for takings of private property as a result of many of these regulations, and will lose substantial tax revenue as a result. These are among the many economic issues that should be considered in addition to the benefits to the environment and public amenities provided by the SMP.

TMC 18.44.030 Principally Permitted Uses an Shoreline Use and Modification Matrix

Use Matrix, Overwater Structures.

A 35th note should be added to the matrix to **prohibit** new vehicle bridges over the Transition Zone, and that note number should be added to the entry for vehicle bridges (public) for all areas as an additional standard.

"The Green/Duwamish River throughout Tukwila is a critical resource, particularly in the Transition Zone portion of the river that extends from river mile 10 upstream from the Interstate 5 bridge through the north City limits (see Map 2), where juvenile salmon adjust from fresh to salt water habitat." SMP 7.2

TMC 18.44.040 Shoreline Buffers

A. Buffer widths for Urban Conservancy areas without levees.
See also SMP 7.7(C).

The maximum slope for a buffer reduction should remain at 2.5:1 instead of being increased to 3:1. The flatter slope requirement will reduce the buffer reduction on the Strander Parcel by about 12.5 feet based on the estimated 25 foot distance between the Ordinary High Water Mark ("OHWM") and the top of the river bank at the Strander Parcel. When the 20-foot setback from the top of the slope is added, the 3:1 slope alternative would reduce the 100-foot buffer by only five feet. That is no incentive to incur the cost to re-slope.

Other than conclusory statements that the 3:1 slope would improve habitat value, reduce erosion and provide greater flood capacity, no studies have been offered that use of a 2.5:1 slope, as provided in the current version of the SMP, will result in a loss of ecological functions of the shoreline compared to use of the 3:1 slope. If an overall levee profile of 2.5:1 is acceptable as stated in the Staff Report, such a profile should be sufficient to result in no loss of ecological functions of the shoreline.

The no loss of ecological function of the shoreline standard ("no net loss") should be used to minimize the economic impact on tax paying properties whose productivity will be restricted for the benefit of the public. The standard should not be changed to "no

long-term adverse impacts to the river." Nor should a buffer enhancement plan also be required as a condition for a buffer reduction if the property owner can show that the buffer reduction would result in no loss of ecological function of the shoreline.

A better alternative that might actually cause property owners to re-slope their property in non-levee areas is to eliminate the buffer landward of the top of the new slope and allow a flood wall to be used to hold the top of the new slope in place on the landward side. See TMC 18.44.050(E)(9) below.

TMC 18.44.050 Development Standards.

C(3)(d) Height Restrictions. If property owners may be allowed to increase building height in the buffer in exchange for restoration or enhancement of the buffer, owners of property in the buffer used for parking should be allowed to develop their parking area under the same criteria.

E(9) Flood Hazard Reduction. The use of floodwalls as an alternative to levee back slopes is a good one. It should also be allowed to preserve private property in any situation where there is no loss of ecological function of the shoreline.

F(6). Shoreline Stabilization. The proposed new initial comment about hard revetments is contrary to the rest of the paragraph, and other parts of the SMP, that allow them when appropriate.

K(4)(h). Marinas, Boat Yards, Dry Docks, Boat Launches, Piers, Docks and Other Over-water Structures. The standard for shading should not be modified for bridges.

TMC 18.44.080060 Vegetation Protection and Landscaping

C (10) Tree Protection. Parking of vehicles within a CRZ (critical root zone) should be allowed if the parking preceded the planting.

Thank you for your consideration of these comments and recommendations.

Sincerely,



Greg Haffner
ghaffner@curranfirm.com

Encls.

cc: Mayor Allan Ekberg (6200 Southcenter Boulevard, Tukwila, WA 98188)
Louise H. Strander (via email)
Department of Community Development (shoreline@tukwilawa.gov)

WABIT 4



Washington Drivers With No Tickets In 3 Years Should Do This In 2018

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PARCEL DATA

Parcel	000480-0019
Name	STRANDER FAMILY L L C II
Site Address	12840 48TH AVE S 98166
Geo Area	36-90
Spec Area	
Property Name	VACANT LAND

Jurisdiction	TUKWILA
Levy Code	2401
Property Type	C
Plat Block / Building Number	
Plat Lot / Unit Number	
Quarter-Section-Township-Range	NW-14-23-4

Legal Description

LEWIS C C-D-C # 37 & POR NW 1/4 OF 14-23-4 & SW 1/4 OF 11-23-4 BEG AT CONCRETE MON AT NXN OF C/L OF C OF S TRAN S LN WITH C/L OF 48TH AVE S TH N 41-45-35 E ALG C/L 1704.32 FT TH S 48-14-25 E 25 FT TO SELY MGN OF SD RD & TPOB TH CONTG S 48-14-25 E 199.95 FT TO NWLY MGN OF PSH #1 TH N 41-21-36 E ALG NWLY MGN 8.80 FT TH N 32-53-17 E 93.76 FT TH N 32-59-31 E 97.19 FT TH ON CRV TO LFT RAD 1262.40 FT ARC DIST 7.99 FT TH N 25-01-38 W 64.67 FT TH ON CRV TO LFT RAD 406.92 FT ARC DIST 114.41 FT TO SELY MGN OF SD RD TH S 41-45-35 W 260.70 FT TO TPOB
Plat Block:
Plat Lot:

LAND DATA

Highest & Best Use As If Vacant	MANUFACTURING
Highest & Best Use As Improved	PRESENT USE
Present Use	Vacant(Industrial)
Land SqFt	43,560
Acres	1.00

Percentage Unusable	
Unbuildable	NO
Restrictive Size Shape	YES
Zoning	C/LI
Water	WATER DISTRICT
Sewer/Septic	PUBLIC
Road Access	PUBLIC
Parking	ADEQUATE
Street Surface	

ADVERTIS

Views

Rainier	
Territorial	
Olympics	
Cascades	
Seattle Skyline	
Puget Sound	
Lake Washington	
Lake Sammamish	
Lake/River/Creek	
Other View	

Waterfront

Waterfront Location	
Waterfront Footage	0
Lot Depth Factor	0
Waterfront Bank	
Tide/Shore	
Waterfront Restricted Access	
Waterfront Access Rights	NO
Poor Quality	NO
Proximity Influence	NO

Designations

Historic Site	
Current Use	(none)
Nbr Bldg Sites	
Adjacent to Golf Fairway	NO
Adjacent to Greenbelt	NO
Other Designation	NO
Deed Restrictions	NO
Development Rights Purchased	NO
Easements	NO
Native Growth Protection Easement	NO
DNR Lease	NO

Nuisances

Topography	
Traffic Noise	
Airport Noise	
Power Lines	NO
Other Nuisances	NO

Problems

Water Problems	NO
Transportation Concurrency	NO
Other Problems	NO

Environmental

Environmental	NO
---------------	----

BUILDING

TAX ROLL HISTORY

Account	Valued Year	Tax Year	Omit Year	Levy Code	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total Value (\$)	New Dollars (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total Value (\$)	Tax Value Reason
000480001908	2018	2018		2401	1,045,400	0	1,045,400	0	1,045,400	0	1,045,400	
000480001908	2017	2018		2401	1,045,400	0	1,045,400	0	1,045,400	0	1,045,400	
000480001908	2016	2017		2400	871,200	0	871,200	0	871,200	0	871,200	
000480001908	2015	2016		2400	871,200	0	871,200	0	871,200	0	871,200	
000480001908	2014	2015		2400	871,200	0	871,200	0	871,200	0	871,200	
000480001908	2013	2014		2400	871,200	0	871,200	0	871,200	0	871,200	
000480001908	2012	2013		2400	871,200	0	871,200	0	871,200	0	871,200	
000480001908	2011	2012		2400	871,200	0	871,200	0	871,200	0	871,200	
000480001908	2010	2011		2400	871,200	0	871,200	0	871,200	0	871,200	
000480001908	2009	2010		2400	871,200	0	871,200	0	871,200	0	871,200	
000480001908	2008	2009		2400	871,200	0	871,200	0	871,200	0	871,200	
000480001908	2007	2008		2400	653,400	0	653,400	0	653,400	0	653,400	
000480001908	2006	2007		2400	653,400	0	653,400	0	653,400	0	653,400	
000480001908	2005	2006		2400	653,400	0	653,400	0	653,400	0	653,400	
000480001908	2004	2005		2400	304,900	0	304,900	0	304,900	0	304,900	
000480001908	2003	2004		2400	304,900	0	304,900	0	304,900	0	304,900	
000480001908	2002	2003		2400	304,900	0	304,900	0	304,900	0	304,900	
000480001908	2001	2002		2400	304,900	0	304,900	0	304,900	0	304,900	
000480001908	2000	2001		2400	304,900	0	304,900	0	304,900	0	304,900	
000480001908	1999	2000		2400	217,800	0	217,800	0	217,800	0	217,800	
000480001908	1998	1999		2400	217,800	0	217,800	0	217,800	0	217,800	
000480001908	1997	1998		2400	0	0	0	0	217,800	0	217,800	
000480001908	1996	1997		2400	0	0	0	0	217,800	0	217,800	
000480001908	1994	1995		2400	0	0	0	0	217,800	0	217,800	
000480001908	1992	1993		2400	0	0	0	0	217,800	0	217,800	
000480001908	1990	1991		2400	0	0	0	0	174,200	0	174,200	
000480001908	1988	1989		2400	0	0	0	0	108,700	0	108,700	
000480001908	1986	1987		2400	0	0	0	0	108,700	0	108,700	
000480001908	1984	1985		2400	0	0	0	0	98,000	0	98,000	
000480001908	1982	1983		2400	0	0	0	0	73,400	0	73,400	

SALES HISTORY

Excise Number	Recording Number	Document Date	Sale Price	Seller Name	Buyer Name	Instrument	Sale Reason
2473088	20101230001381	12/29/2010	\$0.00	STRANDER JOHN E+LOUISE M TRUST+STRANDER LOUISE H+JOHN C+GEORGE M	STRANDER FAMILY L L C II	Quit Claim Deed	Other
2022209	20040303002150	12/17/2003	\$0.00	STRANDER LOUISE M PERS REP+STRANDER JOHN B ESTATE	STRANDER LOUISE M+STRANDER LOUISE TRUST	Quit Claim Deed	Estate Settlement
1667087	199902121411	1/5/1999	\$0.00	BANK OF AMERICA NT&SA	STRANDER LOUISE ET AL	Special Warranty Deed	Estate Settlement

REVIEW HISTORY

Tax Year	Review Number	Review Type	Appealed Value	Hearing Date	Settlement Value	Decision	Status
2007	R165779	Review - Characteristics	\$0	1/1/1900	\$0		Completed

PERMIT HISTORY

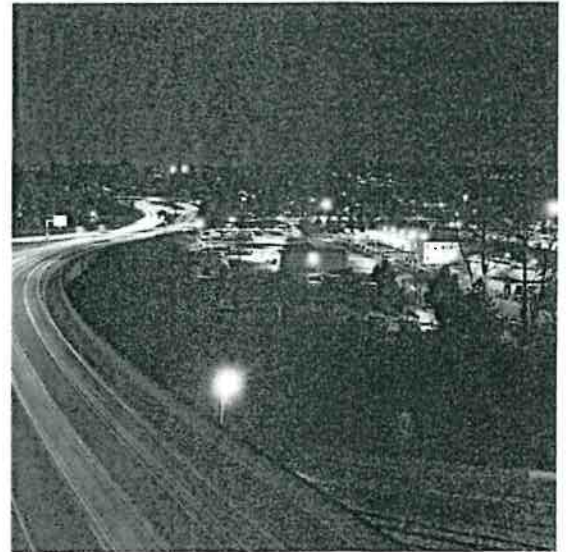
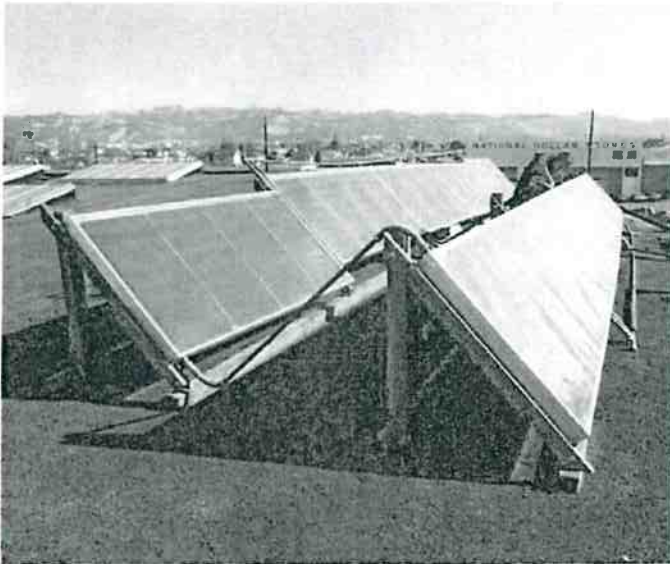
HOME IMPROVEMENT EXEMPTION

Pleometry, King County King County Assessor's Office, King County GIS Center
County Assessor's Office, King County GIS Center

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CHAPTER TWO ECONOMIC DEVELOPMENT

TUKWILA COMPREHENSIVE PLAN



ECONOMIC DEVELOPMENT

WHAT YOU WILL FIND IN THIS CHAPTER:

- A description of Tukwila's economic setting,
- A discussion of issues that affect economic development in the City, and
- Goals and policies for enhancing the community's economic well-being.

PURPOSE

The overriding goal of this element is enhancing the community's economic well-being. Through policy recommendations, the Economic Development element identifies a means of stimulating economic improvement for business and the community as a whole. It lays out a direction and strategies for dealing with economic variables and adjusting to economic forces that cannot be predicted or controlled. It is a key component integrating all elements of the Comprehensive Plan, suggesting ways in which the City and its partners can use effective economic strategies in order to achieve the goals of the Plan.

There are three primary ways in which local economic activity can be affected:

- ❖ Land use and utility planning that determine, within the local infrastructure capacity, the space available for residential and nonresidential development;
- ❖ Directly or indirectly influencing private-sector decisions as to location, operation and development of business real estate; and
- ❖ Helping coordinate public and private sector efforts to enhance the employability and job progression of the residential population.

The Economic Development element presents a focused approach to enhancing our City's economic well-being. This approach can be summarized as follows:

- ❖ Sustain moderate growth
- ❖ Target high salary industries
- ❖ Improve and support the opportunities for education, skills training and job acquisition for Tukwila residents
- ❖ Provide capacity to meet Tukwila's employment targets as set by the Countywide Planning Policies
- ❖ Encourage growth into certain areas through the use of zoning and developmental regulations
- ❖ Encourage the retention and growth of existing local firms
- ❖ Encourage entrepreneurs, local startups and businesses to establish in Tukwila
- ❖ Provide efficient and timely administration of City services

The City of Tukwila emphasizes the following activities in order to accomplish its economic development goals:

- ❖ Responding to specific requests for assistance from local firms
- ❖ Supporting the development of new businesses and expansion of current businesses that are minority-, veteran- and women-owned.
- ❖ Expanding efforts to engage with and understand the economic development needs and priorities of traditionally under-represented groups in Tukwila neighborhoods
- ❖ Emphasizing business development to encourage existing businesses to expand
- ❖ Maintaining public works and utilities so the City's infrastructure can meet both existing and future needs of the economic sector
- ❖ Supporting job enhancement programs to increase residents' employability through coordination of private and public sector activities

The following are potential tools available to the City to enhance economic development in the City:

- ❖ Industrial revenue bonds for certain areas
- ❖ Multi-family property tax exemption
- ❖ Targeted government and private resources
- ❖ Targeted local, State and federal funds
- ❖ Use of infrastructure investment to attract new firms and development to designated areas
- ❖ Funded, staffed and administered economic development work group
- ❖ Timely, predictable customer -oriented permitting and City services
- ❖ Lodging tax for tourism promotion

In this way, local government can play an important role in the economic vitality of the community. The policies developed in this element are aimed at implementing that role.

ECONOMIC SETTING

The following statistics help set the background for economic development policies. The Economic Development Background Memo contains additional supporting information, including employment and housing growth targets per the Countywide Planning Policies.

POPULATION, INCOME AND REVENUE

In 2003, the population of Tukwila was 17,270; estimated 2011 population was 19,210. The City's daytime population is estimated between 150,000 to 170,000. Taxes collected in 2003 were estimated to be \$28.2 million, which increased to \$42.4 in 2013.

During the same period the assessed valuation of the City grew from \$3.34 billion to \$4.47 billion. In 2002, there were 7,628 housing units; by 2013, this number had increased to 8,039 units.

In 2010, the median age of Tukwila residents was 33.6 years; nearly 8% of all citizens were older than 65; and 24% of the residents were under 18. In 2010, residents of color were 50.1% of the population. Foreign-born residents account for 36.2% of the population, and over 70 languages are spoken in the Tukwila School District.

The median household income in the City in 2010 was \$44,271, below King County's median income of \$66,174. Adjusting for inflation, Tukwila's median income fell between 2000 and 2010. Tukwila's 2000 adjusted median income (in 2010 dollars) was \$53,127. Thus, real median income in the City fell 16.67% from 2000 to 2010.

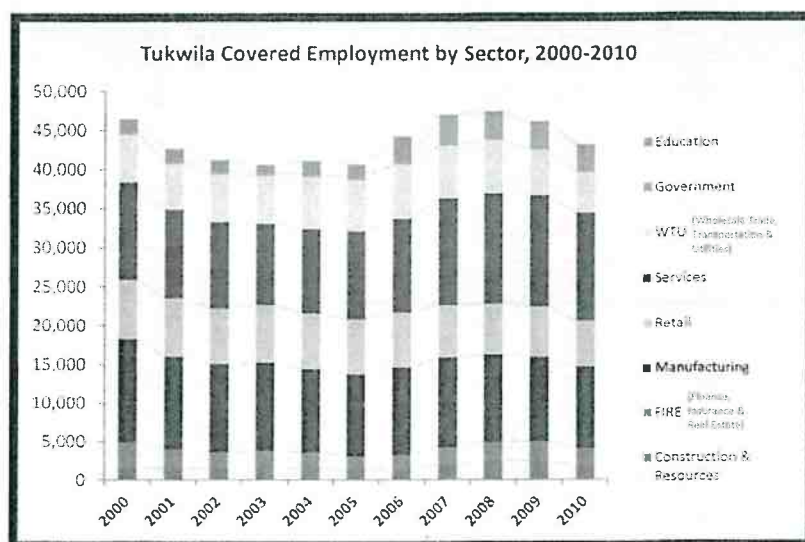
EMPLOYMENT

In 2000, Tukwila had nearly three times as many jobs as it had residents, but that number fell to 2.27 in 2010. There were over 2,575 licensed businesses of all types in Tukwila in 2013. The total number of jobs in Tukwila has declined since 2000. In 2000, the City had approximately 48,000 jobs. By 2013, the total number of jobs in the City had fallen 17% to just over 40,000.

Employment within Tukwila is distributed among a number of different sectors. Service composes the largest percentage of jobs with 32% of all jobs.

Manufacturing is next with 25% of jobs in the City. In 1991, 56% of all jobs in the City were related to manufacturing. In 2002, the number of jobs in manufacturing dropped to 28%. Manufacturing continues to decrease in the City. This trend likely reflects the diminished presence of jobs with Boeing and other manufacturing firms in the City's industrial areas.

In 2010, retail accounted for 14% of jobs in Tukwila. Warehousing, transportation, and utilities made up 12%.



Employment within Tukwila is distributed among a number of different sectors. Services composed the largest percentage of jobs in 2010, with 32% of all jobs. Manufacturing (25%); Retail (14%); and Warehousing, Transportation and Utilities (12%) also make up sizable shares of Tukwila's employment.

The share of each sector relative to each other did not change significantly between 2000 and 2010. All sectors, with the exception of Construction, showed slight decreases. The finance, Insurance and Real Estate (FIRE) sector decreased the most with a 3.7% decrease. Retail and Manufacturing also saw decreases of 2.3% and 2.4%, respectively.

SMALL BUSINESS DEVELOPMENT CENTER (SBDC)

The SBDC at Highline specializes in providing business and training services to entrepreneurs and existing businesses, in order to be successful in today's economy. The center provides:

- Knowledgeable, trusted and confidential one-on-one advice on all aspects of your business.
- A link to 23 other SBDC centers in the Statewide network for additional advice.
- Guidance on the purchase of an existing business or a franchise.
- Assistance in finding the best sources of capital to grow your business.
- A proven pathway to breakout growth for established businesses ready to take their business to the next level.
- Benchmarking your company's performance with others in your industry to uncover improvement opportunities.
- Matching you with resources that can best accelerate the success trajectory of your business.
- Developing prospect lists through targeted database searches.
- Information about little-known training and funding to grow your business.
- A "can-do" attitude about anything you need to successfully grow your business

RETAIL SALES

While Tukwila remains a strong attractor of consumer spending, the City has experienced a significant reduction in taxable retail sales, once adjustments are made for inflation. When adjusted for inflation, taxable retail sales in 2013 were lower than they were in 2003. The City's sales tax decline began to occur roughly around the late 1990s. Competition for retail sales among regional retail centers has grown stronger over the last ten years.

ISSUES

Current and existing economic trends suggest a variety of issues and needs for economic development in the City of Tukwila:

- ❖ Provide access to the regional highway, transit and air transportation system in a way that does not handicap local property development and redevelopment efforts.
- ❖ Explore possible City actions to increase the median income of Tukwila's residents, including support for entrepreneurship, small business startups, and vocational training, particularly among low income or low English proficiency communities.
- ❖ Establish coordinated transit hubs throughout the City including, but not limited to, the Southcenter area, Tukwila South, Tukwila International Boulevard, Interurban Avenue South, and the Manufacturing Industrial Center that efficiently mix modes of travel and stimulate development of real estate associated with transportation facilities.



- ❖ Study and understand the factors causing the inflation-adjusted reduction in the City's overall taxable retail sales.
- ❖ Support further enhancement of commercial and residential areas in the City's neighborhoods.
- ❖ Foster environmental remediation (brownfield cleanup), land conversion and redevelopment in the Manufacturing Industrial Center (MIC) and Interurban Avenue areas.
- ❖ Increase the development, intensity and diversity of uses in the Southcenter area, including the development of housing and entertainment.
- ❖ Develop policies, programs, projects and plans that include input from diverse groups within the residential and business community, using innovative engagement models such as the Community Connector Program.
- ❖ Seek opportunities to join other organizational entities to accomplish effective public-private partnerships to promote economic development in the City.
- ❖ Enhance regional recognition of Tukwila as an economic hub, promoting the success and diversity of its businesses and focusing on its positive business climate.
- ❖ Explore strategies to maintain a favorable and diverse tax base, to support the needs of our daytime and nighttime populations.
- ❖ Meet the needs of our residential neighborhoods while maintaining the economic health of our business community.
- ❖ Ensure that adequate public services are in place to support existing and proposed commercial, mixed-use and industrial developments.
- ❖ Fund infrastructure and services by maintaining a solvent and diversified revenue stream.

GOALS, POLICIES AND STRATEGIES

Community Well-Being

GOAL 2.1

Tukwila has a strong role as a regional business and employment center which allows it to enhance and promote the community's well-being.

POLICIES

- 2.1.1 Develop the tools needed to improve the economic development climate.
- 2.1.2 Strengthen Tukwila's engagement and partnership with other jurisdictions, educational institutions, agencies, economic development organizations, and local business associations to encourage business creation, retention and growth, and to implement interlocal and regional strategies.
- 2.1.3 Expand access to quality, healthy, affordable and culturally-appropriate food and groceries for Tukwila residents.
- 2.1.4 Monitor City actions and impacts on the local economy and review economic development incentives for all sizes of businesses.
- 2.1.5 Continue to fund economic development staff to serve as a single contact point and information source for the business community.
- 2.1.6 Leverage capital improvement funds to encourage in-fill, land assembly, redevelopment, and land conversion for family-wage jobs, but only if concurrent with substantial private actions.
- 2.1.7 Partner with the private sector to fund infrastructure as part of a sub-area plan, in order to encourage redevelopment and as an inducement to convert outdated and underutilized land and buildings to high-valued and/or appropriate land uses.
- 2.1.8 Consider non-financial ways (such as brokering and interlocal agreements) to assist industrial land owners to comply with State and federal government environmental remediation requirements.
- 2.1.9 Consider a public-private partnership to examine creating a small business incubator space in the City.

- 2.1.10 Improve Tukwila's image, participation and influence in regional forums, especially those that influence Tukwila's future and interests.
- 2.1.11 Promote understanding of the interdependencies and mutual interests among Tukwila businesses, residents and the City of Tukwila.
- 2.1.12 Promote an economic climate that supports business formation, expansion and retention, emphasizing the importance of the City's entrepreneurs and small businesses in creating jobs.
- 2.1.13 Seek funds from non-City sources for use by the City to directly encourage economic development.
- 2.1.14 Design and support human service programs, such as partnerships for interns and job training in higher wage industries, to enhance the economic well-being of the City's residents.
- 2.1.15 Promote Tukwila as a regional confluence of commerce, housing and entertainment.
- 2.1.16 Promote and preserve economic use of industrial lands outside the Manufacturing Industrial Center (MIC) through appropriate buffering requirements and use restrictions.
- 2.1.17 Include standards in the development regulations for industrial uses that adequately mitigate potential adverse impacts on surrounding properties and public facilities and services.
- 2.1.18 Actively promote development in the Southcenter area by supporting existing uses, proactively developing programs and incentives to attract new businesses, investing in infrastructure and public amenities, and encouraging business owners and developers to invest in the quality of both the built and natural environment.



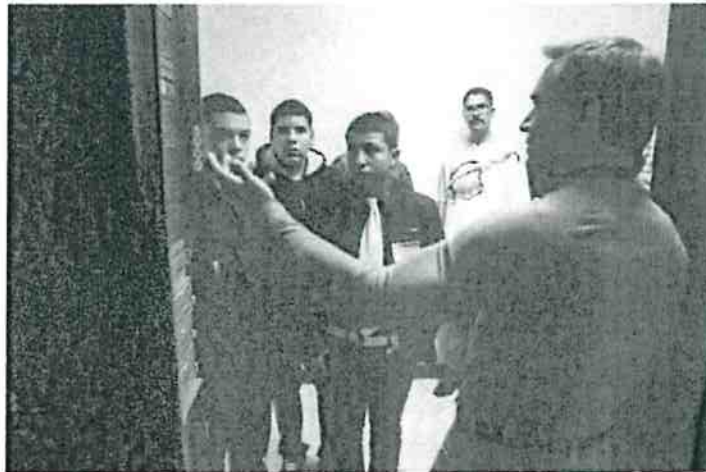
Implementation Strategies

Develop an Economic Development Plan.

- Consider preparing overall area environmental impact statements for the Interurban/West Valley Highway corridor and Tukwila International Boulevard area.
 - Develop a freight mobility plan that addresses the efficient and safe movement of freight in the City, while also ensuring that impacts to adjacent land uses are reduced and, where possible, eliminated.
 - Zoning regulations that facilitate commercial in-fill development and redevelopment consistent with the Comprehensive Plan vision.
 - Take joint owner-City-regulatory agency environmental remediation actions to facilitate brownfield redevelopment and in-fill.
 - Focus public infrastructure investment to provide capacity in areas targeted for growth.
 - Create Local Improvement Districts to finance specific transportation and utility in-fill improvements.
 - Identify and eliminate confusing or outdated regulations.
 - Encourage redevelopment through an informed business and real estate community.
 - Support collaborative marketing initiatives with businesses.
 - Partner with a broad range of non-profits, businesses and public sector agencies to develop a facility for food-related workforce development and entrepreneurship training.
 - Support environmentally sustainable practices by offering energy and resource conservation and solid waste and energy reduction assistance programs for businesses, property owners and managers.
- Encourage businesses to incorporate environmental and social responsibilities into their practices.
- Increase communication between the City of Tukwila and Tukwila businesses using innovative community engagement models.



- Support business skills training for entrepreneurs and small businesses through partnerships with universities, colleges, community colleges, community-based organizations and other third parties.
- Support the food economy, including production, processing, wholesaling and distribution, as a means to provide job training, employment opportunities and increased access to healthy food for the diverse community.
- Support public/private partnerships to enhance existing and future business activity in the Urban Center.
- Work with local chambers of commerce on business retention, business development, outreach and joint efforts to promote the City.
- Collaborate with local school districts to improve the educational opportunities for Tukwila school children.
- Consider providing information about City hiring processes and job openings at City-sponsored events and in City communications.



RELATED INFORMATION

[Comprehensive Annual Financial Report](#)

[King County Countywide Planning Policies \(2012\)](#)

[Economic Development Element Background Memo](#)



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Seattle, Washington 98104
phone: 206.676.7000
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Via USPS and electronic mail to:
shoreline@tukwilawa.gov

April 11, 2019

SMP Periodic Update
Department of Community Development
6300 Southcenter Blvd., #100
Tukwila, WA 98188

Re: Periodic Review of Shoreline Master Program

To whom it may concern:

The following comments are provided on behalf of Karen Danieli and Joseph R. Desimone, co-trustees under the Last Will and Testament of Giuseppe Desimone, deceased, and as co-trustees under the Last Will and Testament of Assunta Desimone, deceased, Richard L. Desimone Jr., Joseph R. Desimone, and the Katherine Desimone Generation Skipping Trust (referred to herein collectively as the "Desimones"). The Desimones own several shoreline properties within the City and are particularly concerned with the non-conforming use provisions of the shoreline management development regulations. In general, the Desimones are pleased with the proposed amendments to the Shoreline Master Program and the shoreline development regulations. The proposed updates make it easier to understand the relationship between the Master Program and the development regulations, and make it easier to understand the permitted uses. Though the Desimones are in support of all of the proposed amendments, they ask that the City consider some revisions to further clarify the rights of non-conforming uses and structures, and to address matters of safety and security.

In particular, the Desimones ask that the following revisions be incorporated into the amendment to TMC 18.44:

Limits on Maintenance and Repairs of Non-Conforming Structures. TMC 18.44.130(e)(2)(a)(2) limits the value of repairs that may be made to non-conforming structures to those that do not cost more than 50% of the value of the structure in a 3-year period. The result of this limitation is non-conforming structures being left vacant because they cannot be improved sufficiently to make them marketable. The intent of the limit may be to phase out non-conforming structures to allow the shoreline to be restored to a natural state as part of redevelopment of the property, but, particularly for properties that have no developable area outside the shoreline buffer, such restoration is not occurring because there is no redevelopment potential. The development

Attachment D5

regulations should be changed to allow repair and maintenance of non-conforming structures, without cost limits, so long as the work does not increase the degree of non-conformity (an approach used by the City of Auburn), or revise the applicable provision as follows:

If the structure is located on a property that has no reasonable development potential outside the shoreline buffer, there shall be no limit on the cost of alterations. If the structure is located on a property that has reasonable development potential outside the shoreline buffer, the cost of the alterations may not exceed an aggregate cost of 50% of the value of the building or structure in any 3-year period based upon its most recent assessment, unless the amount over 50% is used to make the building or structure more conforming, or is used to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority.

Bridges

It isn't clear if a bridge is considered a structure that is entitled to the non-conforming rights of TMC 18.44.130(e)(2)(a)(2). The non-conforming structure section should be revised to expressly include private bridges, and maintenance, repair or replacement of existing private bridges should be allowed without a limit on the cost of the repairs, and without necessitating a conditional use permit. Given the time and expense associated with a conditional use permit, the code as written could have the unanticipated consequence of private bridge-owners delaying repairs. To promote public health and safety, the code should allow an expedited process for repair or replacement of existing private bridges. King County allows bridge maintenance and repair without a conditional use permit and the City of Auburn allows bridges as permitted outright. Please consider the following addition to the existing TMC 18.44.130(e)(2)(a)(2):

Maintenance, repair or replacement of an existing private bridge is allowed, without a conditional use permit, when the maintenance, repair or replacement does not involve the use of hazardous substances, sealants or other liquid oily substances, and provided the location of a replaced bridge may not encroach further into the shoreline buffer than the existing bridge.

TMC 18.44.030 – Fences

Fencing is an important element of keeping certain commercial and industrial properties secure, both for the safety of the public and for the security of goods and materials that may be stored on the property. The City is taking a positive step in conditionally allowing fencing in the shoreline buffer, but the 4-foot height limit is little more than aesthetically pleasing. For non-conforming uses existing in the shoreline buffer, where paved storage and parking areas already encroach into the buffer, a maximum height of 6-feet should be allowed. The City may understandably want to prevent fencing as high as 6-feet in areas adjacent to public pedestrian paths, so perhaps the code can be revised to require a minimum 20-foot setback in areas adjacent to a public pedestrian path. Any concerns about aesthetic impacts associated with fencing can be addressed through the conditional use permit process, and with the shoreline design guidelines, but the code should at least provide a process for the City to consider, on a case-by-case basis, fencing up to 6-feet high. Allowing fencing of the perimeter of existing non-conforming uses will make such

properties more marketable and result in revenue generation for the City and property owners without additional encroachment into the shoreline buffer. Please consider the adding the following provision to your proposed revision to 18.44.030:

The maximum height of the fence along the shoreline shall not exceed four feet, except a maximum height of six feet may be allowed to ensure public safety and security of property, and so long as the fence is located directly adjacent to existing paved areas, and the fence shall not extend waterward beyond the top of the bank. Chain-link fences must be vinyl coated.

Non-Conforming Parking Lots

The proposed amendment to the non-conforming parking lot section of the development regulations are fully supported by the Desimones, however, the code should be further revised to address changes in parking lot areas associated with demolition of an existing structure. As currently proposed, there is the potential for a donut hole of gravel to be created around an otherwise paved (or paveable) non-conforming parking lot. Consider, for example, the scenario where a property has a primary and an accessory structure as well as paved parking in the shoreline buffer. If the accessory structure is demolished it isn't clear if the area beneath the demolished structure can be paved. If the area beneath the structure cannot be paved, the gravel donut hole is created. The code should expressly allow the area beneath an accessory structure to be paved if the accessory structure is demolished. This change will not result in any increase in impervious surface, or any additional intrusion into the buffer, but will prevent the unintended consequence of stormwater pooling in the gravel donut hole. Please consider the following revision to your proposed TMC 18.44.130(g)(6)(d):

The area beneath a non-conforming structure may be converted to parking lot area if the non-conforming structure is demolished. If no change in parking lot area is proposed, or if the area of a demolished structure is converted to parking lot area, a non-conforming parking lot may be upgraded to improve water quality or meet local, state, and federal regulations.

Your consideration of the foregoing revisions is appreciated.

Very truly yours,

SUMMIT LAW GROUP PLLC



Jami L. Balint



MUCKLESHOOT INDIAN TRIBE

Fisheries Division

39015 - 172nd Avenue SE • Auburn, Washington 98092-9763
Phone: (253) 939-3311 • Fax: (253) 931-0752



April 12, 2019

Ms. Nora Gierloff
Deputy DCD Director
Department of Community Development
6300 Southcenter Boulevard
Suite 100
Tukwila, WA 98188

Mr. Joe Burcar
SEA Section Manager
WA Dept. of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008

RE: City of Tukwila Shoreline Master Program Update

Dear Ms. Gierloff and Mr. Burcar:

Our Habitat Program staff have reviewed the City of Tukwila's proposed update to its Shoreline Master Program (SMP). This update is a mandatory periodic review of the SMP and is being conducted jointly between the City and the WA Department of Ecology. We commented on the previous version of the SMP via an email dated August 28, 2008 and a letter dated October 15, 2010. Many of our previous comments are outstanding.

The **Green/Duwamish** River watershed supports fisheries resources that have cultural and economic importance to the Muckleshoot Indian Tribe. Chinook, coho, chum, and pink salmon, as well as, steelhead and other trout utilize portions of the basin for spawning, rearing, holding, and migration. The Green River basin is part of the Tribe's Usual and Accustomed Fishing Area (U & A), as defined in U.S. v. Washington, 384 F. Supp. 312,367 (W.D. Wash. 1974). Within the U & A, the Tribe retains commercial, subsistence, and ceremonial treaty fishing rights, as well as, the authority and responsibility to co-manage shared natural resources with Washington State. The attached comments are in the interest of protecting and restoring these treaty protected fisheries resources.

We appreciate the opportunity to review this SMP update. In light of our comments, we request a meeting with the City and Tukwila to discuss further. Please contact me to set up such a meeting at 253-876-3116 or via email karen.walter@muckleshoot.nsn.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Walter", with a stylized flourish at the end.

Karen Walter
Watersheds and Land Use Team Leader

We are providing questions and comments to Tukwila's Shoreline Master Program (SMP) update and have referenced them by page numbers using the redline version dated March 2019.

Pg. 22 What is the date of the referenced DFIRM maps on this page?

Pg. 23- There are statements about the inadequacy of the Tukwila South levee and relocation of the associated cross-valley levee. There is also a note about ongoing permitting to address these issues. Can the City elaborate on this work and the permit status?

Pg. 23- This section should be modified to note that lack of trees affecting water temperatures which exceed state standards and create lethal and sublethal conditions for adult salmon. See

<https://fortress.wa.gov/ecy/publications/documents/1110046.pdf>

Pg. 23-24- Steelhead trout are also listed under the Endangered Species Act and are found in the Green/Duwamish River. This section is missing any mention of steelhead.

Pg. 24- The section on biological resources should include a short summary of habitat conditions for juvenile salmon. See <https://www.govlink.org/watersheds/9/pdf/2014-Juvenile-Salmonid-Use-of-Aquatic-Habitats-in-Lower-Green-River.pdf>

<https://your.kingcounty.gov/dnrp/library/2006/kcr1953.pdf>

<https://www.govlink.org/watersheds/9/reports/LowerGreenBaseline.aspx>

This information was not considered in the previous SMP documents

Pg. 24- The SMP should note that the piping of streams/tidegates and pump stations reduce adult and juvenile salmon access to streams that drain to the mainstem Green and Duwamish Rivers.

Pg. 25- The historical conditions of the Green and Duwamish Rivers and associated wetlands is documented from Collins and Sheikh 2005 paper. See

<https://your.kingcounty.gov/dnrp/library/2005/kcr2038.pdf>

Pg. 25- The major rerouting of the Cedar and White Rivers did more than just affect flow. The former alluvial fan and source of sediment from the White River is now gone from contributing to the Green River. The rerouting of the Cedar River and the lowering of Lake Washington essentially dried up and eliminated the Black River. All of these changes would also affect the potential in- river wood and fish habitat from wood that would have transported from the White River into the Green River and eventually the Duwamish.

Pg. 27 – It is our understanding that the former Green River Flood Control District is now part of the King County Flood Control District. The references to GR FCD should be changed to KC FCD.

Also, there is no mention of the Lower Green River Flood Hazard Management and Corridor Plan that is

being developed and undergoing environmental review.

<http://www.kingcountyfloodcontrol.org/default.aspx?ID=72>

Pg. 27- Are all of the levees in Tukwila certified on both sides of the **Green/Duwamish** River?

Pg. 32- This page should have a table with the proposed WRIA 9 projects in Tukwila.

Pg. 33- The proposed restoration projects on this page needs updating. Cecil B Moses/North Wind Weir/Duwamish Gardens are done. KC's working on a mitigation bank site at Chinook Winds (as part of their ILF program).

Pg. 34- The SMP should note that there are fish barriers on WSDOT roadways that are required to be replaced by 2030 per the Federal Court injunction under U.S v. Washington. Ideally the City will coordinate with WSDOT and replace its barrier culverts in conjunction with the WSDOT work so that fish access is restored fully and as quick as possible.

Pg. 34- The City should describe its efforts to restore trees along the Green/Duwamish River.

Pg. 49- The information regarding Muckleshoot fishing needs to be changed. The entire portion of the **Green/Duwamish** River in Tukwila is part of the MIT U&A (along with tributaries to it). The Tribe fishes in the river above RM 10; the current language implies otherwise. Tribal fishing is a federally protected right. Shoreline land uses and activities within and adjacent to the Green/Duwamish can adversely affect these rights by precluding access to fishing sites and changing river conditions to eliminate or reduce the hydraulic conditions that create fishing sites. Levee actions, including filling associated with repair are one example where these outcomes can occur. The Tribe is seeking to protect existing fishing sites and restore historic ones. Habitat conditions suitable for adult and juvenile salmon are also needed to ensure there are fish to be fished by tribal members.

Table 3- The existing Green/Duwamish River Sun Maps should be considered and opportunities to increase buffer widths if in critical and shade conditions.

See <https://www.kingcounty.gov/depts/dnrp/wlr/sections-programs/river-floodplain-section/capital-projects/green-river-system-wide-improvement-framework/green-river-swif-documents.aspx>

Pg. 59- The statement regarding buffer widths for different riparian functions is incorrect and not supported by various scientific studies and literature.

The City needs to explain why 100 foot buffer is sufficient to provide the suite of functions fully discussed in WDFW and NOAA rationale for buffer widths.

Please explain how the proposed shoreline buffer widths considered the **recommendations** from the Green River TMDL River improvement plan (WDOE, 2011).

The levee designs referenced here did not consider the extent of trees needed for water temperature compliance nor the extent of rearing habitat created under flow conditions when juvenile salmon would be using these areas.

Pg. 68- Floodwalls, if allowed, should be reviewed with Corps to ensure they meet Corps requirements and avoid the Kent Briscoe Site 1 outcomes.

City of Tukwila Shoreline Management and Critical Areas Ordinance 2019 updates – comments from
King County Noxious Weed Program 4/11/19

What follows are the King County Noxious Weed Control Program's comments on the City of Tukwila's 2019 Shoreline Management (Tukwila Municipal Code 18.44) and Critical Areas Ordinance (Tukwila Municipal Code 18.45) updates. Our notes are in "Comments" to the right of the pertinent text. Questions about these comments should be sent to:

Ben Peterson
Aquatic Noxious Weed Specialist
King County Noxious Weed Control Program
(206) 477-4724
ben.peterson@kingcounty.gov
www.kingcounty.gov/weeds

18.44.080060 Vegetation Protection and Landscaping

A. Purpose, Objectives and Applicability. (Page 27)

5. Minor Activities Allowed without a Permit or Exemption.

a. The following activities are allowed without a permit or exemption:

(1) Maintenance of existing, lawfully established areas of crop vegetation, landscaping (including paths and trails) or gardens within a regulated critical area or its buffer. Examples include, mowing lawns, weeding, harvesting and replanting of garden crops, pruning, and planting of non-invasive ornamental vegetation or indigenous native species to maintain the general condition and extent of such areas. Cutting down trees and shrubs within a buffer is not covered under this provision. Excavation, filling, and construction of new landscaping features, such as concrete work, berms and walls, are not covered in this provision and are subject to review;

(2) Noxious weed control within vegetative buffers, if work is selective only for noxious species; is done by hand removal/spraying of individual plants; spraying is conducted by a licensed applicator; and no area-wide vegetation removal or grubbing is conducted. Control methods not meeting these criteria may still apply for a restoration exemption, or other authorization as applicable.

Commented [PB1]: This is nicely worded. You may want to add that the "licensed herbicide applicator" needs to have the required aquatic herbicide permits from WA Ecology if the application occurs in an aquatic site.

D. Vegetation Management in the Shoreline Jurisdiction. The requirements of this section apply to all existing and new development within the shoreline jurisdiction. (Page 33)

3. Use of pesticides.

a. Pesticides (including herbicides, insecticides, and fungicides) shall not be used in the shoreline jurisdiction except where:

- (1) Alternatives such as manual removal, biological control, and cultural control are not feasible given the size of the infestation, site characteristics, or the characteristics of the invasive plant species;
- (2) The use of pesticides has been approved through a comprehensive vegetation or pest management and monitoring plan;
- (3) The pesticide is applied in accordance with state regulations;
- (4) The proposed herbicide is approved for aquatic use by the U.S. Environmental Protection Agency; and
- (5) The use of pesticides in the shoreline jurisdiction is approved in writing by the City and the applicant presents a copy of the Aquatic Pesticide Permit issued by the Department of Ecology or Washington Department of Agriculture.

Commented [PB2]: "...or a King County Noxious Weed Control Program Best Management Practices document"

Commented [PB3]: Since herbicide use in shoreline and aquatic areas is already carefully regulated by the WA Dept. of Ecology and the WA Dept. of Agriculture, we feel that it is redundant and unnecessary to require additional approval from the City of Tukwila for use of this weed control method.

18.45.70 Sensitive Area Critical Area Permitted Uses Activities

A. General Uses Activities. The uses set forth in this entire section, including subsections A. through D, and the following general uses, may be located within a sensitive area or buffer, activities are outright permitted generally exempt from TMC Chapter 18.45. These activities are still subject to the provisions of TMC Chapter 21.04 and of the mitigation requirements of TMC Chapter 18.45 this chapter, if applicable:

6. Voluntary native revegetation and/or removal of invasive species that does not include use of heavy equipment or herbicide. (Page 18-141)

Commented [PB4]: Often the use of herbicide by a licensed contractor (with permits as needed from the WA Dept. of Ecology and the WA Dept. of Agriculture) is the least disruptive method that can be used in critical areas (such as steep slopes, shoreline areas and wildlife habitats. Herbicide application is quiet, does not disturb the soil (which could cause erosion and expose more weed seeds to growth), and can be targeted at specific plants.

18.45.158 Vegetation Protection and Management in Critical Areas and their buffers

B. Vegetation Retention and Replacement.

3. Invasive vegetation (blackberry, ivy, laurel, etc.) may be removed without a permit if removal does not utilize heavy equipment or herbicide. Invasive vegetation removal on steep slopes requires prior City Approval (Page 18-161)

Commented [PB5]: Often the use of herbicide by a licensed contractor (with permits as needed from the WA Dept. of Ecology and the WA Dept. of Agriculture) is the least disruptive method that can be used in critical areas (such as steep slopes, shoreline areas and wildlife habitats. Herbicide application is quiet, does not disturb the soil (which could cause erosion and expose more weed seeds to growth), and can be targeted at specific plants.

D. Plant Materials Standards- For any new development, redevelopment or restoration in a Critical Area, invasive vegetation must be removed, and native vegetation planted and maintained in the Critical Area and its buffer.

3. Removal of invasive species shall be done by hand or with hand-held power tools. Where not feasible and mechanized equipment is needed, the applicant must obtain permission and permit prior to work being conducted. Removal of invasive vegetation must be conducted so that the slope stability, if applicable, will be maintained. A plan must be submitted indicating how the work will be done and what erosion control and tree protection features will be utilized. Federal and State permits may be required for vegetation removal with mechanized equipment.

Commented [PB6]: Often the use of herbicide by a licensed contractor (with permits as needed from the WA Dept. of Ecology and the WA Dept. of Agriculture) is the least disruptive method that can be used in critical areas (such as steep slopes, shoreline areas and wildlife habitats. Herbicide application is quiet, does not disturb the soil (which could cause erosion and expose more weed seeds to growth), and can be targeted at specific plants.

E. Vegetation Management in Critical Areas. The requirements of this section apply to all existing and new development within critical areas.

1. Trees and shrubs may only be pruned for safety, to maintain access corridors and trails by pruning up or on the sides of trees, to maintain clearance for utility lines, and/or for improving shoreline ecological function. No more than 25% may be pruned from a tree within a 36 month period without prior City review. This type of pruning is exempt from any permit requirements.
2. Plant debris from removal of invasive plants or pruning shall be removed from the site and disposed of properly unless on site storage is approved by the Director.
3. Use of pesticides.
 - a. Pesticides (including herbicides, insecticides, and fungicides) shall not be used in the critical area or its buffer except where:

Commented [PB7]: Per King County Noxious Weed Control Program guidelines, Regulated Noxious Weeds need to be disposed of in the landfill/trash and non-regulated noxious weeds can be disposed of in green waste or composted on site.

(1) Alternatives such as manual removal, biological control, and cultural control are not feasible given the size of the infestation, site characteristics, or the characteristics of the invasive plant species;

(2) The use of pesticides has been approved through a comprehensive vegetation or pest management and monitoring plan;

(3) The pesticide is applied in accordance with state regulations;

(4) The proposed herbicide is approved for aquatic use by the U.S. Environmental Protection Agency; and

(5) The use of pesticides in the shoreline jurisdiction is approved in writing by the City and the applicant presents a copy of the Aquatic Pesticide Permit issued by the Department of Ecology or Washington Department of Agriculture. (Page 18-164)

Commented [PB8]: "...or a King County Noxious Weed Control Program Best Management Practices document"

Commented [PB9]: Since herbicide use in shoreline and aquatic areas is already carefully regulated by the WA Dept. of Ecology and the WA Dept. of Agriculture, we feel that it is redundant and unnecessary to require additional approval from the City of Tukwila for use of this weed control method.

WATER RESOURCE INVENTORY AREA 9 (WRIA 9) WATERSHED ECOSYSTEM FORUM



April 11, 2019

SMP Periodic Update
Department of Community Development
6300 Southcenter Bl. Suite 100
Tukwila, WA 98188



Re: City of Tukwila Shoreline Management and Critical Areas Ordinance 2019 updates –
Comments from WRIA 9

Dear City of Tukwila,

Below are WRIA 9 staff comments on the City of Tukwila's 2019 Shoreline Management (Tukwila Municipal Code 18.44) and Critical Areas Ordinance (Tukwila Municipal Code 18.45) updates.

GENERAL COMMENTS:

- We are encouraged to see various incentives being used to increase the likelihood that shoreline restoration activities will occur.
- The Green/Duamish River is a Shoreline of Statewide Significance. Jurisdictions along the river are obligated to manage this shoreline with consideration to the interests of their residents and *all* citizens of the state. We encourage the City to approach any suggested changes to this update with this responsibility in mind.
- We commend the City for specifically referencing the 2005 WRIA 9 Salmon Habitat Plan that Tukwila ratified. The 2014 Duwamish Blueprint and the 2005 Salmon Habitat Plan are policy and programmatic guides for shoreline management in the city and should be used to guide shoreline restoration, protection, land use, and regulations. WRIA 9 is currently updating the Plan to reflect new science, programmatic and policy changes, and capture completed and new high priority capital projects within the watershed. The updated plan is expected to be adopted in 2020 by the Watershed Ecosystem Forum, followed by ratification by all the cities which are party to the WRIA 9 Interlocal Agreement. We recommend including language that accommodates addendums and updates to the plan (e.g., Duwamish Blueprint), and any projects therein. WRIA 9 staff would be happy to assist in crafting appropriate language to include in this update.

SECTION SPECIFIC COMMENTS:

- **Section 18.44.060** there is language about thinning restoration plantings under "4. Restoration Project Plantings". We recommend adding language about the purpose of thinning for these densely planted restoration sites. The purpose should be to improve plant survival and health if dense planting is causing negative implications from competition.

Attachment D8

Algona
Auburn
Black Diamond
Burien
Covington
Des Moines
Enumclaw
Federal Way
Kent
King County
Maple Valley
Normandy Park
Renton
SeaTac
Seattle
Tacoma
Tukwila

King Conservation District
King County Flood
Control District

Vashon/Maury Island
Community Council

Covington Water District
Port of Seattle

Washington Department
of Ecology

Washington Department
of Fish and Wildlife

Washington Department
of Natural Resources

U.S. Army Corps
of Engineers

Green-Duwamish Urban
Waters Partnership

Washington Environmental
Council

Green/Duwamish
Watershed Alliance

Trout Unlimited/
Mid-Sound Fisheries
Enhancement Group

Save Habitat and Diversity
of Wetlands (SHADOW)

American Rivers

The Boeing Company

Master Builders
Association

King County Agricultural
Commission

Financial support provided by signers of Watershed Planning Interlocal Agreement for WRIA 9 including:

Algona, Auburn, Black Diamond, Burien, Covington, Des Moines, Enumclaw, Federal Way, Kent, King County,
Maple Valley, Normandy Park, Renton, SeaTac, Seattle, Tacoma, Tukwila

1901_94/m_W9forumLTRHD.d

- We strongly support the new language in **18.44.110 section H** for time limits for revisions to shoreline permits. Shoreline permits should not be treated as existing in perpetuity, and reasonable time limits like those being proposed should be instituted.
- **Section 18.44.040** for shoreline buffers allows the director to reduce buffer widths by 50% in some cases. Given Tukwila's urban landscape, the existing required buffers are already below what is generally called for by existing Best Available Science for fully functioning riparian buffers. Reducing the buffer by 50% is not founded in Best Available Science. It appears this allowance is no longer allowed under the CAO, which covers smaller waterbodies, but has been retained in the SMP language. Given that this language would mostly apply to a Shoreline of Statewide Significance, we encourage the City to apply the same standards as it uses for its CAO language instead.
- **Section 18.44.080 C** describes a regional trail standard that is relatively wide. The regional trail noted is entirely appropriate for that setting, but given the number of trails that occur along streams and rivers and in natural areas, we encourage the City to consider adding two to three smaller width trail standards to address different circumstances. At the lower end of trail widths, we encourage the City to consider a minimal width trail for natural areas. We note that King County Parks uses a backcountry trail standard in natural areas that accommodates single file foot traffic. This type of standard has a minimal footprint and is one of the most appropriate approaches for minimizing impacts to critical areas and shoreline environments while still encouraging access. Depending on the City's park classification, it may be appropriate to consider another standard that falls between the regional standard and the backcountry standard.
- **Section 18.44.030**, permitted uses matrix has new language around overwater structures. Given the known ecological impacts associated with various forms of overwater structures, we strongly encourage the City to consider using a higher bar for that type of infrastructure and suggest changing "Piers, Docks, and other overwater structures" and "Vehicle bridges (private)" from a permitted use to the more rigorous conditional use category. The City should also include provisions that address removal of overwater structures that may be necessary for habitat restoration. The same section changed recreation facilities, including boat launches, from a conditional use to a permitted use. Given the impacts to a Shoreline of State Wide Significance, we strongly encourage the city keep the current conditional use designation and not change it to a permitted use.
- WRIA 9 has been involved in several salmon habitat restoration projects in the lower Green and Duwamish Rivers of the City. As our partners acquire land for salmon habitat restoration or for mitigation, citizens frequently express the desire to incorporate boat launch facilities into habitat projects. Grant funding for restoration projects does not allow for this type of use. If these recreation facilities are fundable, accommodating them in habitat restoration project design reduces the potential area and value of restoration. We strongly encourage the City to consider undertaking a comprehensive inventory of public access points within its shoreline jurisdiction and establish standards for appropriate levels of access, especially for more ecologically impactful types of access like boat ramps. We encourage the city to consider adding a policy statement in **Section 10** of the SMP supporting this analysis be done between now and the next periodic update. This type of information would temper partners' expectations and help create transparency with the public.

Thank you for the opportunity to comment. Please direct any questions about these comments to me. My contact information is below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Suzanna Smith', with a stylized, cursive script.

Suzanna Smith

Suzanna Smith

Habitat Projects Coordinator

Green/Duwamish & Central Puget Sound Watershed (WRIA 9)

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Seattle, WA 98104-3855

susmith@kingcounty.gov

Office: (206) 477-4641, Cell: (206) 305-1752

Matrix of Proposed SMP Edits

Section	Change	Comment Summary/Staff Discussion	Source	Recommendation	PC Action
Chapter 4	Comment letter D6 requested several updates and edits to this Chapter. However this is a summary of the existing Shoreline Inventory and Characterization Report and updating this underlying document is not within the scope of this periodic update.	Staff recommends the following clarifying comments but these should not imply that the report itself has been updated.	Public - D6 p.3-4		No action required
Chapter 4	While the report has been finalized, the City continues to utilize the most recent information available, such as the recently updated <u>9/15/2017</u> FEMA Revised Preliminary Digital Flood Insurance Rate Maps (DFIRM), which were issued after the completion of the Inventory and Characterization report.	Commenter asked what is the date of the referenced DFIRM maps on this page?	Public - D6 p.3	Staff - Add new language	No change to Public Review Draft
Chapter 4.1	Aside from The Tukwila 205 certified levee on the left bank of the river in the Urban Center is not certified and areas protected by this levee have been designated as "secluded" and regulated as outside of the 100-year Special Flood Hazard on the proposed 9/15/2017 FEMA Revised Preliminary Digital Flood Insurance Rate Maps (DFIRM). Other levees in the City also do not meet COE standards and are mapped as floodplain. These include portions of the newly annexed Tukwila South area and levees along the right bank of the river. Current development proposals in Tukwila South include the relocation of the cross-valley levee and reconstruction of the non-certified levees to meet COE standards. The permitting for this work is on-going.	Commenter asks about the statements on the inadequacy of the Tukwila South levee and relocation of the cross-valley levee and permitting to address these issues. Staff proposes the clarification shown.	Public - D6 p.3	Staff - Change as shown	Change as shown
Chapter 4.2	The entire length of the Green/Duwamish River within the City of Tukwila has been declared "critical habitat" for Chinook salmon, Steelhead trout and bull trout. Both These species are listed as threatened under the Federal Endangered Species Act.	Commenter notes that Steelhead trout are also listed under the Endangered Species Act and are found in the Green/Duwamish River.	Public - D6 p.3	Staff - Change as shown	Change as shown
Chapter 4.2	Changes to hydrology are the result of modified flow regime due to dam construction, diversion, and urban development. River management, piping of streams including the use of tide-gates, pumped storm discharges, and levees have reduced the connection between the rivers and their floodplains, changing the spatial extent of habitats, and increasing the potential for negative water quality impacts. Disturbances to the channel banks have resulted in areas that are dominated by non-native invasive species and generally devoid of sufficient riparian vegetation. Wood, in the form of riparian trees and in-channel wood, is generally lacking throughout the system, which negatively impacts riparian and aquatic habitats as well as river temperatures that periodically exceed state standards and create lethal and sublethal conditions for adult salmon.	Commenter states that this section should be modified to note that lack of trees affects water temperatures which exceed state standards and create lethal and sublethal conditions for adult salmon.	Public - D6 p.3	Staff - Change as shown	Change as shown

Section	Change	Comment Summary/Staff Discussion	Source	Recommendation	PC Action
Chapter 4.3	In general, these changes have reduced the amount of water flowing through the Green/Duwamish River to about one third of historic conditions <u>and eliminated significant fish habitat.</u>	Commenter notes that the rerouting of the Cedar and White Rivers eliminated the source of wood and sediment. Staff suggests the proposed edit.	Public - D6 p.3	Staff - Change as shown	Change to read "to <u>approximately</u> one third of historic conditions <u>and have impacted fish habitat.</u> "
Chapter 4.4	Discussion of shoreline planning for the Green River in Tukwila must acknowledge the fact that, in light of the existing system of levees (including the federally <u>certified authorized</u> "205" levees) and revetments, the City cannot act alone. There are a variety of regulatory jurisdictions outside of the City with different responsibilities for maintenance <u>and</u> management <u>and</u> <u>regulating</u> of the levee system, including the U.S. Army Corps of Engineers (the Corps), the Federal Emergency Management Agency (FEMA), the King County <u>River and Floodplain Management Unit (acting as part of the Green-River Flood Control Zone District) Flood Control District (KCFCD)</u> , and private property owners. The City of Tukwila Public Works Department has overall responsibility for maintenance of all levees, including the federally <u>authorized certified Tukwila 205</u> Levee, which extends from about the I-405 crossing to <u>the south city limits approximately S. 196th Street</u> . The actual maintenance work on <u>this public levees is performed by the KCFCD contracted by the City to King County</u> .	Commenter asked if all of the levees in Tukwila are certified and stated that the references to the Green River Flood Control District should be changed to King County.	Public - D6 p.3	Staff - Change as shown	Change as shown
Chapter 4.5	Issues of concern today are focused on <u>uncertainties about the ability of reconstructing</u> existing levees and revetments to protect existing development from flood hazards, <u>an effort that will take place over a number of years in coordination with the King County Flood Control Zone District, King County and state and federal agencies</u> . There are many opportunities for conservation and restoration actions in the City to restore or replace habitat while managing natural hazard areas.	Commenter states that there is no mention of the Lower Green River Flood Hazard Management and Corridor Plan that is being developed. As that plan is still in the development process Staff suggests the language in red.	Public - D6 p.4	Staff - Change as shown	Change as shown
Chapter 5	Comment letter D6 requested several updates and edits to this Chapter. However this is a summary of the existing Shoreline Restoration Plan and updating this underlying document is not within the scope of this periodic update.	Staff recommends the following clarifying comments but these should not imply that the Plan itself has been updated.	Public - D6 p.4		No action required
Chapter 5.3	Tukwila has worked within the larger Green/Duwamish River Ecosystem restoration project to acquire or donate properties <u>for restoration that are either currently functioning (Cecil B. Moses Park, Codiga Farm), or have the potential for restoration (North Winds Weir, Duwamish Gardens)</u> .	Commenter states that the proposed restoration projects on this page need updating.	Public - D6 p.4		Change as shown

Section	Change	Comment Summary/Staff Discussion	Source	Recommendation	PC Action
Chapter 5.4	Removing fish barriers where tributary streams discharge to the river. This action would remove flap gates and install fish-friendly flap gates at the mouths of Tukwila's three major streams (Gilliam, Southgate and Riverton) and possibly restore habitat area at these locations in the shoreline jurisdiction. <u>Many fish barriers on WSDOT roadways are required to be replaced by 2030 per the Federal Court injunction under U.S. v. Washington.</u>	While the WSDOT decision was subsequent to the Plan it does reflect the current regulatory environment.	Public - D6 p.4	Staff - Add new language	Change as shown
Chapter 7.2	The entire Green/Duwamish river including its tributaries is a critical resource for federally protected Muckleshoot Indian Tribe fishing. The Director may reduce the standard buffer on a case-by-case basis by up to 50% upon construction of the following cross section: reslope bank from toe to be no steeper than 2.5:1 using bioengineering techniques; Minimum 20' buffer landward from top of bank; Bank and remaining buffer to be planted with native species with high habitat value.	Commenter states that the information regarding Muckleshoot fishing needs to be changed.	Public - D6 p.4	Staff - Add new language	Change as shown
Chapter 7.4		This is a voluntary incentive for property owners to lay their non-levee riverbank back to a stable angle and plant with native species. The change to a slightly flatter slope would improve planting success and improve slope stability.	Staff	PC - Make change D4 p.3 - No change	Retain current 2.5:1 slope in Urban Conservancy
Chapter 7.5	Commenter: The City needs to explain why 100' buffer is sufficient to provide the suite of functions fully discussed in WDFW and NOAA rationale for buffer widths. Please explain how the proposed shoreline buffer widths considered the recommendations from the Green River TMDL River improvement plan (WDOE, 2011).	Commenter says that the statement regarding buffer widths for different riparian functions is incorrect and not supported by various scientific studies and literature. Staff responds that changing shoreline jurisdiction, buffer widths or environment designations is not within the scope of this periodic update.	Public - D6 p.4	Staff - No change	No change to Public Review Draft
Chapter 7.5, 7.12.5:1	Do not require that new or repaired levees meet the "Briscoe" profile. Use it as an example but allow flexibility to address site conditions as long as overall 12.5:1 slope is achieved.	The most recent COE levee repairs did not use the Briscoe profile but meet flood prevention and habitat goals.	Staff	PC - Make change	No change to Public Review Draft
Chapter 7.5	Commenter: The levee designs referenced here did not consider the extent of trees needed for water temperature compliance nor the extent of rearing habitat created under flow conditions when juvenile salmon would be using these areas.	Staff is proposing greater flexibility in levee design to allow for site specific solutions.	Public - D6 p.5	Staff - No additional changes	No change to Public Review Draft
Chapter 7.7	Allow greater flexibility in the use of flood walls to lessen impacts on adjacent property owners, avoid encroachment on a railroad easement or provide area for habitat restoration.	This flexibility may increase the feasibility of reconstructing levees to protect against 500 year floods while limiting the additional width and property acquisition required.	Staff	PC - Make change	No change to Public Review Draft
Chapter 7.7	Commenter: Floodwalls, if allowed, should be reviewed with Corps to ensure they meet Corps requirements and avoid the Kent Briscoe Site 1 outcomes. A second area where improvement is needed in public access relates to boat launches for small hand launched boats. Several potential sites have been identified in the Tukwila Parks Department Capital Improvement Program to address this need at City-owned sites. <u>A comprehensive regional inventory of public access points to the River should be completed to identify gaps and opportunities.</u>	Staff is proposing greater flexibility in levee design to allow for site specific solutions that would be reviewed by all agencies with jurisdiction. Commenter encourages the city to undertake a comprehensive inventory of public access points within shoreline jurisdiction and establish standards for appropriate levels of access, especially for more impactful types of access like boat ramps. Staff suggests the language in red.	Public - D6 p.5	Staff - No additional changes	No change to Public Review Draft
Chapter 10			Public - D8 p.2	Staff - Add new language	Change as shown

Matrix of Proposed 18.44 Edits

Section	Change	Comment Summary/Staff Discussion	Source	Recommendation	PC Action
18.44.010	Purpose and Applicability Commenter: The purpose should include fiscal prudence and respect of private property rights. Has an analysis of economic impact been made with respect to the SMP and these proposed changes? The indifference to economic impact is not only extremely risky but contrary to portions of the economic development element of the Comp Plan.	The proposed changes do not expand the existing buffers or significantly change the permitted shoreline uses. They are unlikely to create new non-conformities. From the Department of Ecology: it's reasonably clear that most common forms of regulations limiting property use does not require compensation, even where a property's value has been significantly diminished. This holds as long as the regulation is reasonably related to protecting legitimate public interests. The SMA addresses the takings issue by identifying the public purposes of the law and requiring appropriate flexibility in its implementation.	Public - D4 p.1	Staff - No change	No action required
18.44.030	Shoreline Use Matrix: Fill for remediation, <u>flood hazard reduction</u> , or ecological restoration	Request to clarify that fill that occurs as part of a flood hazard reduction action is a permitted rather than conditional use.	Public - D1 item 1	Staff - Make Change	Change as shown
18.44.030	Shoreline Use Matrix: Recreational facilities, including boat launching (public) - Permitted subject to notes 3 and 23.	Commenter stated that these uses should be kept as conditional due to the impacts to a Shoreline of State Wide Significance. Staff responds that due the emphasis on public access and enjoyment in the SMA it is appropriate to allow these uses without the additional barrier of a CUP.	Public D8 p.2	Staff - No change	No change from the Staff Draft
18.44.030	Shoreline Use Matrix: Piers, Docks and other overwater structures - <u>Permitted Conditional</u> in the buffer subject to notes 19, 20, 21	Commenter states given the known ecological impacts associated with overwater structures we strongly encourage the higher standard of conditional use. There is some protection built into the requirements in the notes but Staff supports the change.	Public D8 p.2	Staff - Make Change	No change from the Staff Draft
18.44.030	Shoreline Use Matrix: Edit to note 11. The maximum height of the fence along the shoreline shall not exceed four feet in residential areas or <u>except a maximum height of six feet in commercial areas may be allowed</u> where there is a demonstrated need to <u>ensure public safety and security of property, and so long as the fence is located directly adjacent to existing paved areas</u> and <u>the fence shall not extend waterward beyond the top of the bank</u> . Chain-link fences must be vinyl coated.	Commenter states that fencing is important to the safety of the public and the security of goods and materials stored on property and proposes adding the language shown in red. Staff suggests the revisions to that language in blue.	Public - D5 p.3	Staff - Make the combined public and staff changes	Change per staff recommendation
18.44.030	Shoreline Use Matrix: Note 29. Patios and decks are permitted within the shoreline buffer so long as they do not exceed 18 inches in height, are limited to a maximum of 200 square feet and 50% of the width of the river frontage. Decks or patios must be located landward of the top of the bank and be constructed to be pervious and of environmentally-friendly materials.	This current code language has been moved into a footnote of the use table. Commissioner Mann expressed concern that this was too limiting. The dimensions of the permitted deck would vary due to lot width. This limitation has not been a subject of public complaints.	PC	Staff - No change	No change from the Staff Draft

Section	Change	Comment Summary/Staff Discussion	Source	Recommendation	PC Action
18.44.030	Shoreline Use Matrix: Bridges (public) <u>Add a new note 35. Not permitted in the transition zone.</u> Vehicle	Per note 31 vehicle bridges are already limited to locations where they connect public rights-of-way. Essential streets are defined as limited to locations "where no feasible alternative location exists based on an analysis of technology and system efficiency." 18.06.285	Public - D4 p. 3	Staff - Do not add language	No change from the Staff Draft
18.44.040 A	4. The Director may reduce the standard buffer on a case-by-case basis by up to 50% upon construction of the following cross section: a. Reslope bank from OHWM (not toe) to be no steeper than 3:1, using bioengineering techniques b. Minimum 20' buffer landward from top of bank c. Bank and remaining buffer to be planted with native species with high habitat value	Commenter states that given Tukwila's urban landscape, the existing required buffers are already below BAS for fully functioning riparian buffers. Reducing the buffer by 50% is not founded in BAS. We encourage the City to apply the standard in the CAO. Staff responds that this is an example of the incentives praised by commenter. In most cases the width needed to provide the cross section would not allow for a full 50% reduction. This is a provision found in our current code and not a new proposal.	Public D8 p.2	Staff - No change	Retain current 2.5:1 slope in Urban Conservancy
18.44.040 A	5. Upon reconstruction of a levee to the levee standards of this chapter, the Director may reduce the buffer to actual width required for the levee. If fill is placed along the back slope of a new levee, the buffer may be reduced to the point where the ground plane intersects the back slope of the levee. If the property owner provides a 15-foot levee maintenance easement landward from the landward toe of the levee or levee wall which: <u>1) meets the width required by the agency providing maintenance;</u> <u>2) prohibits the construction of any structures and 3) allows the City to access the area to inspect the levee and make any necessary repairs; then</u> that area may be outside of the shoreline buffer and allow incidental uses such as parking.	The King County Flood Control District which currently provides maintenance and inspection of levees within Tukwila has increased its access road standard from 10 to 15 feet. This may be modified again in the future so instead of providing a specific number Staff's suggestion is to reference whatever standard is in place at the time of levee reconstruction.	Staff/Public - D1 Item 2	Staff - Make Change	Change as shown
18.44.050 C.3.	b. 45 feet between the outside landward edge of the River Buffer and 200 feet of the OHWM	This current code language limits building height in the shoreline for those zones with allowed heights greater than 45 feet - TUC-CC, TUC-WP, HI, MIC-H, TVS. This can cause developers to place parking within shoreline jurisdiction rather than the proposed building. If the height limit was removed the incentive below would no longer apply. All projects over 35 feet would still be subject to the State standard of not blocking the views of a substantial number of residences.	PC	Staff - No change	Change to 65 foot height limit

Section	Change	Comment Summary/Staff Discussion	Source	Recommendation	PC Action
18.44.050 C 3.	<p><u>d.</u> The Director may approve a 30-15% increase in height <u>for structures within the shoreline jurisdiction</u> if the project proponent provides additional restoration and/or enhancement of the entire shoreline buffer, beyond what may otherwise be required <u>including, but not limited to, paved areas no longer in use on the property in accordance with the standards of TMC Section 18.44.060.060.</u> "Vegetation Protection and Landscaping." If the required buffer has already been restored, the project proponent may provide a 20% wider buffer, <u>planted accordance with TMC Section 18.44.060. "Vegetation Protection and Landscaping" and/or enhanced in order to obtain the 4530% increase in height, in accordance with TMC Section 18.44.080.060; "Vegetation Protection and Landscaping."</u></p> <p><u>e.</u> Incentives may not be used to increase building height above that permitted in the underlying zoning district.</p>	<p>Increasing the height incentive from 15% (6.75 feet) to 30% (13.5 feet) may increase its use. Rogers commented that 35% (15.75 feet) would better align with the height needed for a commercial building story. Haffner commented that a non-building incentive should be available for sites devoted to parking. WRIA 9 commented that they are encouraged to see various incentives being used to increase the likelihood that shoreline restoration will occur.</p>	Staff/Public - D1 item 3, D4 p. 4, D8 p.1	Staff - Make change to 16' and drop percentage language.	Drop percentage language and allow a 15 foot height incentive
18.44.050 E 9.	<p>New, redeveloped or replaced flood hazard reduction structures may deviate from the minimum levee profile only as follows <u>must have an overall waterward slope no steeper than 2.5:1 unless it is not physically possible to achieve such a slope.</u> A floodwall may be substituted for all or a portion of a levee back slope <u>only where necessary to avoid encroachment or damage to a structure legally constructed prior to the date of adoption of this subsection, and which structure has not lost its nonconforming status or to allow area for waterward habitat restoration development.</u> The floodwall shall be designed to be the minimum necessary to provide 15-10 feet of clearance between the levee and the building, or the minimum necessary to preserve access needed for building functionality while meeting all engineering safety standards. A floodwall may also be used where necessary to prevent the levee from encroaching upon a railroad easement recorded prior to the date of adoption of this subsection.</p>	<p>Commenter asks that floodwalls be allowed to preserve private property in any situation where there is no loss of ecological function in the shoreline. No specific language proposed.</p>	Public - D4 p. 4	Staff - No further change	No change from the Staff Draft
18.44.050 H 1.	<p><u>Halt the continuing decline of Puget Sound Chinook salmon and Southern Resident Orca calls for an improvement to current shoreline conditions, which have been degraded by human activity over time.</u> All shoreline development and uses shall <u>at a minimum</u> occur in a manner that results in no net loss of shoreline ecological functions through the careful location and design of all allowed development and uses. In cases where impacts to shoreline ecological functions from allowed development and uses are unavoidable, those impacts shall be mitigated according to the provisions of this section; in that event, the "no net loss" standard is met.</p>	<p>Commenter states that staff's proposed new language calling for an improvement in shoreline conditions is contrary to the no net loss standard and should therefore not be added. Staff's intent with the language was informational and consistent with the Shoreline Restoration Plan discussed in Chapter 5 of the SMP. Comp Plan Goal 5.9 calls for "restored, enhanced and protected natural environment" and Goal 5.10 calls for "improved water quality and quantity control programs... that improve the river's water quality."</p>	Public - D1 item 4	Staff - Delete the first sentence but keep "at a minimum."	Change as shown

Section	Change	Comment Summary/Staff Discussion	Source	Recommendation	PC Action
18.44.050 F 6	Shoreline armoring such as rip rap rock <u>revetments</u> and other <u>hard shoreline stabilization techniques</u> are <u>detrimental to river processes and habitat creation</u> . Where allowed, shoreline armoring shall be designed, constructed and maintained in a manner that does not result in a net loss of shoreline and ecological functions, including fish habitat, and shall conform to the requirements of the 2004 Washington State Department of Fish and Wildlife (or as amended) criteria and guidelines for integrated stream bank protection (Washington State Department of Fish and Wildlife, Washington Department of Ecology and U.S. Fish and Wildlife Service, Olympia, Washington), U. S. Army Corps of Engineers and other regulatory requirements. The hard shoreline stabilization must be designed and approved by an engineer licensed in the State of Washington and qualified to design shoreline stabilization structures.	Commenter: The proposed initial new comment about hard revetments is contrary to the rest of the paragraph, and other parts of the SMP, that allow them when appropriate. Staff: The added language explains why there are limitations on the use of shoreline armoring.	Public - D4 p.4	Staff - Keep language as proposed.	No change from the Staff Draft
18.44.050 K 4.	4. Over-water Structures. Where allowed, over-water structures such as piers, wharves, <u>bridges</u> , and docks shall meet the following standards: h. Shading impacts to fish shall be minimized by using grating on at least 30% of the surface area of the over-water structure on residential areas and at least 50% of the over-water structure on all other properties. <u>This standard may be modified for bridges if necessary to accommodate the proposed use.</u> The use of skirting is not permitted.	Commenter: The standard for shading should <u>not</u> be modified for bridges. Strike new language. Staff: Bridges provide essential connectivity in our urban environment. Grating can create safety issues for bicycle traffic and therefore some flexibility should be allowed in order to maximize multi-modal use.	Public - D4 p. 4	Staff - Keep proposed language from staff draft shown in red	No change from the Staff Draft
18.44.060 A	5. a. (2) (2) Noxious weed control within vegetative buffers, if work is selective only for noxious species; is done by hand removal/spraying of individual plants; spraying is conducted by a licensed applicator <u>(with the required aquatic endorsements from WADOE if work is in an aquatic site);</u> and no area-wide vegetation removal or grubbing is conducted. Control methods not meeting these criteria may still apply for a restoration exemption, or other authorization as applicable.	Commenter: This is nicely worded. You may want to add that the "licensed herbicide applicator" needs to have the required aquatic herbicide permits from WA Ecology if the application occurs in an aquatic site.	Public - D7 p.1	Staff - Add new language	Change as shown
18.44.060 C	Tree Protection 10. <u>No storage of equipment or refuse, parking of vehicles, dumping of materials or chemicals, or placement of permanent heavy structures or items shall occur within the CRZ.</u>	Commenter: Parking of vehicles within a CRZ (critical root zone) should be allowed if the parking preceded the planting. Staff: This section only applies when a site is developed or redeveloped, at which time the site should be brought up to current code.	Public - D4 p. 4	Staff - Keep proposed language from staff draft	Change as shown, Heading changed to C. Tree Protection <u>During Development and Redevelopment</u>
18.44.060 D	3. a. (6) <u>The use follows Best Management Practices as described by the KCNWP current practice documents.</u>	King County Noxious Weed Control Program also has jurisdiction in this area.	Public - D7 p.2	Staff - Add new language	Change as shown
18.44.060 D	4. Restoration Project Plantings: Restoration projects may overplant the site as a way to discourage the re-establishment of invasive species. Thinning of vegetation <u>to improve plant survival and health</u> without a separate shoreline vegetation removal permit may be permitted five to ten years after planting if this approach is approved as part of the restoration project's maintenance and monitoring plan and with approval by the City prior to thinning work.	Commenter recommends adding language about the purpose of thinning for these densely planted restoration sites. Staff proposes the additional language in red.	Public - D8 p.1	Staff - Add new language	Change as shown

Section	Change	Comment Summary/Staff Discussion	Source	Recommendation	PC Action
18.44.080 C	<p>1. Development on Properties Abutting Existing Green River Trail. An applicant seeking to develop property abutting the existing trail shall meet public access requirements by upgrading the trail along the property frontage to meet the standards of a 44-12-foot-wide trail with 2-foot shoulders on each side. <u>If a 12 foot wide trail exists on the property it shall mean public access requirements have been met if access to the trail exists within 1000 feet of the property.</u></p> <p>2. Development on Properties Where New Regional Trails are Planned. An applicant seeking to develop property abutting the river in areas identified for new shoreline trail segments shall meet public access requirements by dedicating an 48-16-foot-wide trail easement to the City for public access along the river.</p> <p>3. On-Site Trail Standards. <u>Trails providing access within a property, park or restoration site shall be developed at a width appropriate to the expected usage and environmental sensitivity of the site.</u></p>	<p>The proposed change clarifies when a trail fulfills the public access requirements for a property.</p> <p>Staff</p>	PC - Add the proposed language from staff draft	No change from the Staff Draft	
18.44.080 C	<p>The Green/Duwamish River is an amenity that should be valued and celebrated when designing projects that will be located along its length. <u>The river and its tributaries support salmon runs and resident trout, including ESA listed Chinook salmon, Bull Trout and Steelhead.</u> If any portion of a project falls within the shoreline jurisdiction, then the entire project will be reviewed under these guidelines as well as the relevant sections of the Design Review Chapter of the Zoning Code (TMC Chapter 18.60). The standards of TMC Chapter 18.60 shall guide the type of review, whether administrative or by the Board of Architectural Review.</p>	<p>Commenter encourages the City to add smaller trail width standards to address different circumstances including a minimal width for natural areas to minimize impacts to critical areas and shoreline environments while still encouraging access. Staff proposes an additional standard for paths through natural areas not used for regional access.</p> <p>Public - D8 p.2</p>	Staff - Add new language	Change as shown	
18.44.090		<p>Commenter states that the placement of this language infers that ESA requirements would apply to upland parts of projects adjacent to the shoreline and that this language would be better placed in the Ordinance Whereas clauses not regulations. Staff's intent was to further explain the intent behind the regulations.</p> <p>Staff/Public - D1 item 5</p>	Staff - Delete the proposed new language	Change as shown	

Section	Change	Comment Summary/Staff Discussion	Source	Recommendation	PC Action
18.44.090	<p>4. Design of Flood walls</p> <p>To prevent long stretches of blank walls the exposed portion of new floodwalls should be designed to incorporate brick or stone facing, textured concrete block, design elements formed into the concrete or vegetation to cover the wall within 3 years.</p>	<p>With greater flexibility in the use of floodwalls more may be constructed in the coming years. Requiring design standards will help to mitigate their appearance.</p>	PC	Staff - Add new language	Add "The exposed new floodwalls should be designed to incorporate brick or stone facing, textured concrete block, design elements formed into the concrete or vegetation to cover the wall within 3 years."
18.44.100	<p>B. Changes in Shoreline Jurisdiction Due to Restoration.</p> <p>1. Relief may be granted from Shoreline Master Program standards and use regulations in cases where shoreline restoration projects result in a change in the location of the OHWM and associated Shoreline Jurisdiction and/or critical area buffers on the subject property and/or adjacent properties, and where application of this chapter's regulations would preclude or interfere with the uses permitted by the underlying zoning, thus presenting a hardship to the project proponent.</p> <p>3. Consistent with the provisions of subparagraphs B.1.a, 1.b and 1.c above, the Shoreline Residential Environment Buffer, High Intensity, or Urban Conservancy Environment or critical area Buffer width may be reduced to no less than 25 feet measured from the new location of the OHWM for the portion of the property that moves from outside the Shoreline Jurisdiction to inside Shoreline Jurisdiction as a result of the shoreline restoration project, subject to the following standards:</p>	<p>This section allows relief for adjacent parcels when a restoration project causes the movement of the OHWM and extends shoreline jurisdiction onto areas that were not previously subject to shoreline regulations. Wetlands may also be created as part of restoration projects. If so these wetland buffer impacts are also eligible to be modified.</p>	Staff	PC - Add the proposed language from staff draft	No change from the Staff Draft
	<p>G 2 a. (2) If the structure is located on a property that has no reasonable development potential outside the shoreline buffer, there shall be no limit on the cost of alterations. If the structure is located on a property that has reasonable development potential outside the shoreline buffer, the cost of the alterations may not exceed an aggregate cost of 50% of the value of the building or structure in any 3-year period based upon its most recent assessment, unless the amount over 50% is used to make the building or structure more conforming, or is used to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority.</p>	<p>The legislative intent is to relieve adjacent properties of regulation due solely to the restoration work so to be effective we need to be able to grant relief from both shoreline and wetland buffers.</p> <p>Commenter states that the limitation on improvements to non-conforming structures results in their being left vacant because they cannot be improved sufficiently to make them marketable. Either repair and maintenance should be allowed without limits or add the proposed language. Staff's response is that "reasonable development potential" is a subjective standard that would be difficult to apply consistently. The intent of non-conforming regulations is to limit reinvestment in properties and buildings that are not consistent with area goals. Shoreline variances may be used for cases of true hardship.</p>	Staff	PC - Add the proposed language from staff draft	No change from the Staff Draft
18.44.110			Public - D5 p.1	Staff - No change	Change as shown

Section	Change	Comment Summary/Staff Discussion	Source	Recommendation	PC Action
18.44.110	<u>G 2 a. (3) Maintenance, repair or replacement of an existing private bridge is allowed, without a conditional use permit, when it the maintenance, repair or replacement does not involve the use of hazardous substances, sealants or other liquid oily substances, and provided the location of a replaced bridge may not encroach further into the shoreline buffer than the existing bridge.</u>	Commenter requests that repair, maintenance and replacement of private bridges be expressly allowed without cost limits or a conditional use permit and has proposed new language. Staff agrees for repair and maintenance but replacing a bridge should be subject to review. Staff recommends striking the language in blue from the suggested additions.	Public - D5 p.2	Staff - add the proposed language in red	Change per staff recommendation
18.44.110	<u>G 6 e. The area beneath a non-conforming structure may be converted to parking lot area if the non-conforming structure is demolished.</u>	Commenter requests clarification that if a non-conforming structure is demolished the footprint can be incorporated into an existing parking lot. Staff agrees that this would be the least intrusive use of the new area.	Public - D5 p.3	Staff - add the proposed new language	Add " <u>G 6 e. The area beneath a non-conforming structure may be converted to a contiguous parking lot area if the non-conforming structure is demolished.</u> "
18.44.110	<u>H 1. Revisions to previously issued shoreline permits shall be reviewed under the SMP in effect at the time of submittal of the revision, and not the SMP under which the original shoreline permit was approved and processed in accordance with WAC 173-27-100.</u>	Commenter states we strongly support the new language for time limits. Shoreline permits should not be treated as existing in perpetuity and reasonable time limits should be instituted.		Staff - No change from the staff draft	No change from the Staff Draft
18.44.110	Commenter suggests that a vesting provision be added to the Shoreline regulations to assure that when a project is phased into first land development (grading, utilities) followed by building permits those later permits are vested to the version of the shoreline regulations in effect when the shoreline work was done.	Staff responds that unlike critical areas regulations the shoreline buffer width changes much less frequently (in Tukwila once in 45 years) and shoreline jurisdiction is fixed by state law.	Public - D8 p.2		No change from the Staff Draft
18.44.110			Public - D2 p.1	Staff - No change	No change from the Staff Draft

