

Frequently Asked Questions

City of Tukwila

Periodic Update of the Shoreline Master Program

What is a Shoreline Master Program (SMP)?

A Shoreline Master Program (SMP) is a set of policies and regulations required by state law that has three basic principles:

- Encourages reasonable and appropriate development of shorelines with an **emphasis on water- dependent uses**, which developed are consistent with the control of pollution and prevention of damage to the natural environment, such as docks, marinas, and recreational facilities, or industries and commercial uses that require a shoreline location and support economic development; and,
- **Protects the natural resources and character of the shorelines**, the land, vegetation, wildlife, water, and aquatic life within shoreline environment; and,
- **Promotes public access** and provides opportunities to enjoy the aesthetic qualities of the natural shorelines and recreational activities in shoreline areas.

Where does this apply?

Shorelines are special waterbodies that meet certain size or flow criteria in the Washington State Shoreline Management Act (SMA). These shorelines include rivers and streams with mean annual flow over 20 cubic feet per second and lakes 20 acres or larger. The shoreline jurisdiction extends 200 feet landward of the water's edge and additionally includes associated wetlands, floodways, and up to 200 feet of floodplain contiguous to the floodway. The shorelines in the City of Tukwila include the Green/Duwamish River and a small portion of the Black River.

What is a periodic update of the SMP?

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 in accordance with the SMA and its current guidelines and legislative rules to attain state approval. This periodic update will focus on:

- Reviewing relevant legislative updates since 2009 and incorporating any applicable amendments.
- Ensuring consistency with recently adopted regulations for critical areas and flood hazard areas.

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.

What type of activities and uses do shoreline regulations apply to?

Shoreline regulations apply to any land use activity that occurs within the shoreline jurisdiction as defined in the SMP. Included in those structures and uses regulated in the SMP are:

- New or expanded structures, such as houses, sheds, and decks;
- New or expanded in-water and over-water structures, such as docks, buoys, and boat launches;
- Land development and alteration, such as clearing, grading, dredging, or filling; and
- Other activities along the shorelines, including restoration (e.g., riparian planting, bank stabilization), trail construction, and public access.

What is a Shoreline Exemption and what is required to obtain approval?

Certain land uses and development activities are exempt from the requirement to obtain a Shoreline Substantial Development Permit, but are not exempt from compliance with the Shoreline Master Program. Exemptions must be narrowly construed and all activities that are exempt from the requirement to obtain a Shoreline Substantial Development permit are still required to comply with the SMP. Exemptions are issued in writing by the City after the submission of a complete application which includes a site plan. Even though an activity is exempt from requiring a Substantial Development Permit, a conditional use or variance permit may be required. Exemptions under the SMP are different than exemptions under the State Environmental Policy Act (SEPA).

How does the SMP affect existing uses and development?

SMP regulations are not retroactive. SMP regulations apply to *new* development and uses. Existing uses and developments legally established may be repaired, maintained and operated. The SMP applies to proposals for expansion or alteration of existing uses and structures.

Structures and uses that were legally established in the past may become legally nonconforming due to new shoreline rules that are passed over time. Current, SMP regulations allow these previously built structures and established uses to continue as they are presently operating.

Recent amendments to the SMA especially recognizes existing residences which were built consistent with existing shoreline regulations at the time of construction. Residential structures that were legally established and are used for a conforming use, but that do not meet current SMP standards (e.g. height, buffers, setbacks, etc.), may be considered a conforming structure. The city's SMP may allow redevelopment, expansion, or replacement of the residential structure if it is consistent with the current SMP. As part of this periodic review and update the city will be looking at the existing SMP and opportunities consistent with state law to clarify how redevelopment, expansion, or replacement of legally established single-family homes within the shoreline jurisdiction may occur with mitigation and demonstrating there is no net loss of the shoreline ecological functions.

What is public access to shorelines? When is it required?

Public access is a preferred use per the SMA. Public access can be physical access (e.g. trail) and/or visual access (e.g. view corridors). Public access standards apply to new development, not existing development. Generally, public access should only be required for private uses of certain sizes (e.g. large subdivisions, resorts, etc.) and shall be required for public uses. Public access requirements do not allow for trespass on private property.

What is No Net Loss?

The SMP Guidelines establish the standard of no net loss. No net loss means that over time, the aggregate existing condition of shoreline ecological functions should remain the same as when the SMP is implemented. Simply stated, the no net loss standard is designed to balance the introduction of new impacts to shoreline ecological functions resulting from new development through mitigation sequencing and restoration. The City must achieve this standard through both the SMP planning process and by appropriately regulating individual developments as they are proposed in the future. Any amendments to the SMP that may occur through the periodic update process would need to comply with the no net loss standard.

How can I get more information?

Website:

<http://www.tukwilawa.gov/departments/community-development/shoreline-management/>

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Proposed Shoreline Master Program (SMP) Edits

Topic	Description
Consistency Updates	Update dollar thresholds, update State Code references, update definitions (development, floodway), reference new exemptions in WAC, floating home policy, reference updated Comprehensive Plan policies
Critical Areas	Update to reference 2014 wetland rating system, 2011 federal delineation manual and buffers to meet Dept. of Ecology guidance, wetland mitigation banking, OR Replace with a reference to the updated City-wide critical area regulations
Non-conformities	Clarify use regulations per new WAC section, additional flexibility allowed for residential structures
Levee Profile	Allow flexibility in the City's preferred levee profile to allow for varying conditions. Improved designs should not require a variance.
Permitted Uses	Remove the use list and replace with the use matrix consistent with the Zoning Code
Shoreline Buffers	Place written standards into a table for ease of use
Recreational Structures	Currently limited to 15' height and 25 square feet, allow more flexibility

Proposed Shoreline Overlay Edits - Zoning Code Chapter 18.44

Topic	Description
Housekeeping	Add an introduction or purpose to the Chapter, streamline for usability
Consistency Updates	Include references to the Shoreline Design Guidelines and updated Tree Regulations, align inconsistent definitions, clarify that consistency with the SMA and WAC is required
Mitigation Monitoring	Clarify that 5 years of monitoring for plant survival in mitigation projects is required
Vegetation Management	Clarify that removal of invasive species or noxious weeds is exempt from permitting
Trail Width	Standard for 14' trail with 2' shoulders is inconsistent with County and City Park standards which require 12' with 2' shoulders
Overwater Structures	Require proof of submittal rather than approval for state and federal permits
Bridges	Clarify how bridges are regulated
Shoreline Redesignation	Include a process to change a shoreline environment designation
Permit Revisions	Include a process to review changes to shoreline permits
Permit Timelines	Amend to include a reference to WAC 173-27-090

City of Tukwila Shoreline Master Program

Gap Analysis Report

Prepared on behalf of:



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October 2018
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180506

Attachment C

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1. Introduction

In accordance with the Washington State Shoreline Management Act (SMA), local jurisdictions with shorelines of the state are required to conduct a periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.

The City of Tukwila (City) adopted its current SMP in 2011 (Ordinance No. 2344). Shorelines of the State in Tukwila include the Green/Duwamish River and a small portion of the Black River. The Tukwila SMP includes goals and policies, shoreline environment designations, and development regulations that guide the development and protection of these shorelines.

As a first step in the periodic review process, The Watershed Company (Watershed) reviewed the current SMP for consistency with legislative amendments made since its adoption. Watershed staff also reviewed the current SMP for consistency with the policies in the City's Comprehensive Plan, adopted in 2015, and with the implementing development regulations in the Tukwila Municipal Code (TMC). Finally, as the periodic review process represents an opportunity to revise and improve the SMP, both City and Watershed staff reviewed the current SMP for overall usability.

The purpose of this gap analysis report is to provide a summary of the review and inform updates to the SMP. The report is organized into the following sections according to the content of the review:

- **Section 2** identifies gaps in consistency with legislative amendments. This analysis is based on a list of amendments between 2007 and 2017, as summarized by the Washington State Department of Ecology (Ecology) and provided to the City as a Periodic Review Checklist.
- **Section 3** identifies gaps in consistency with the City's Sensitive Areas Ordinance (SAO) (Chapter 18.45 TMC). The SAO was most recently updated in 2010, and applies to critical areas outside of shoreline jurisdiction, while the SMP contains in Chapter 10 its own separate set of regulations that apply to critical areas within shoreline jurisdiction.
- **Section 4** identifies gaps in consistency with the City's Comprehensive Plan, and with implementing sections of the City's development regulations other than the SAO. Specifically, the review includes Title 18 (excluding Chapters 18.44 and 18.45) of the TMC.
- **Section 5** identifies issues of usability by both City staff and residents.

For each section, the report presents the topic, relevant section(s) in the SMP, a summary of the analysis (consistency or usability), and a recommendation for revisions to the SMP.

2. Consistency with Legislative Amendments

Table 1 summarizes mandatory and recommended revisions to the Tukwila SMP regulations based on the review of consistency with legislative amendments made since SMP adoption. Topics are organized broadly by SMP subject area. In general, mandatory changes to the SMP are minor in nature. The majority of them address revised rules with regard to SMP applicability, including updated exemption thresholds and definitions. Ecology has also developed new guidance on regulating nonconforming uses, structures, and development that could be of use to the City in clarifying the nonconformance regulations in its SMP, as well as recent modifications to wetland buffer guidance that could be applied to both shoreline and non-shoreline wetland regulations.

Table 1. Summary of gaps in consistency with legislative amendments, and associated mandatory and recommended SMP revisions.

No.	Topic (Amendment Year)	Relevant Section(s) in 2011 SMP	Consistency Review	Recommendation
Applicability				
1	Cost threshold for non-exempt substantial development updated (2017)	Chapter 3, Definitions	The SMP includes a definition with reference to an outdated dollar threshold.	Mandatory: Revise definition of “substantial development” to refer to the updated dollar threshold and/or WAC definition, as adjusted by OFM every 5 years.
2	Definition of “development” updated to exclude dismantling or removing structures (2017)	Chapter 3, Definitions	The SMP does not clarify that removing structures does not constitute development.	Recommended: Revise definition of “development” to clarify this exclusion. Example language from Ecology is available.
3	New rules clarify exceptions to local review under the SMA (2017)	Chapter 14, Administration, section 14.2(B) and Chapter 3, Definitions	The SMP addresses exemptions in WAC 173-27-040. Individual exemptions under that section are addressed elsewhere throughout the SMP. The SMP does not refer to WAC 173-27-044 or -045.	Mandatory: Add reference to statutory exceptions. Recommended: Revise Chapter 14 to more comprehensively address exemptions and exceptions from all three relevant sections of the WAC, as amended.

No.	Topic (Amendment Year)	Relevant Section(s) in 2011 SMP	Consistency Review	Recommendation
4	Retrofitting existing structures for ADA compliance is now exempt from shoreline permit requirements (2016)	Chapter 14, Administration	Section 14.2(B) addresses exemptions in WAC 173-27-040. Section 14.5(B) contains provisions for non-conforming structures.	Recommended: Consider revising 14.5(B) to clarify that restrictions on modifications to existing non-conforming structures do not apply to ADA retrofits.
5	Cost threshold for exempt replacement of docks on lakes and rivers increased to \$20,000 from \$10,000 (2014)	Chapter 3, Definitions	Chapter 3 includes a definition of “substantial development” with reference to the outdated dollar threshold.	Mandatory: Revise text to refer to updated dollar threshold, and/or refer directly to WAC 173-27-040 and RCW.90.58.030(3)(e) for the list of exemptions.
Use and Development Provisions				
6	Updated wetlands critical areas guidance refers to the 2014 wetlands rating system (2016)	Chapter 10, Environmentally Sensitive Areas within the Shoreline Jurisdiction	Section 10.6(D) refers to the 2004 rating system. Ecology provided revised wetland buffer guidance in July of 2018. The revised guidance indicates that wetlands scoring 5 habitat points may use the same standard buffer width as wetlands scoring 3-4 habitat points, and standard buffers for wetlands scoring 6-7 habitat points may be set at 110 feet rather than 165 feet.	Recommended approach to mandatory change: Revise SMP to reference updated SAO, which will incorporate 2014 wetlands rating system. Recommended: Revise SAO to include July 2018 habitat score and buffer recommendations from Ecology.
7	New definition and policy for floating on-water residences legally established before July 1, 2014 (2014)	Chapter 9, Shoreline Development Standards	Section 9.12(E) contains provisions for live-aboards, which are permitted in the Aquatic environment. No definition of live-aboard is provided in Chapter 3, Definitions.	Mandatory: Revise Chapter 3 and Chapter 9 consistent with the new statutory definition and regulations for floating on-water residences.

No.	Topic (Amendment Year)	Relevant Section(s) in 2011 SMP	Consistency Review	Recommendation
8	Wetlands must be delineated in accordance with the approved federal wetland delineation manual (2011)	Chapter 10, Environmentally Sensitive Areas within the Shoreline Jurisdiction	Section 10.6(A) refers to the Washington State Wetland Identification and Delineation Manual (WDOE Publication #96-94).	Recommended approach to mandatory change: Revise SMP to reference updated SAO, which will refer to the approved federal wetland delineation manual and applicable regional supplements, per WAC 173-22-035.
9	Ecology adopted a rule for certifying wetland mitigation banks (2009)	N/A	The SMP does not address wetland mitigation banks.	Recommended: The City may wish to consider Ecology’s recommendation that SMP provisions (or referenced SAO provisions) authorize the use of mitigation banks.
10	New options for defining “floodway” as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA (2007)	Chapter 3, Definitions	The definition of “floodway” in Chapter 3 is not consistent with either option provided by the statute.	Mandatory: Revise the definition of floodway to either refer to FEMA maps or use SMA criteria consistent with RCW 90.58.030(2)(b)(ii).
Nonconformance				
11	Ecology clarified default provisions for nonconforming uses and development (2017)	Chapter 14, Administration, section 14.5	The SMP includes provisions for nonconforming uses and development in section 14.5.	Recommended: The revised WAC could provide ideas for clarifications or improvements to the existing provisions in SMP.
12	SMPs may classify legally established residential structures and appurtenant structures as conforming even if they do not meet dimensional or bulk standards. Redevelopment, expansion, and replacement consistent with the SMP would be allowed (2011)	Chapter 14, Administration	Sections 14.5(B)(5) and (6) provide allowances for nonconforming residential structures.	Recommended: The City may wish to review these provisions and consider revising to more clearly classify existing structures as conforming.

No.	Topic (Amendment Year)	Relevant Section(s) in 2011 SMP	Consistency Review	Recommendation
Administration				
13	New rule describing the process local governments must follow when conducting periodic reviews (2017)	Chapter 17, Master Program Review and Amendments	Chapter 17 addresses SMP review and amendments, referring to RCW 90.58 and WAC 173-26.	Recommended: The City may wish to consider more specific statutory references (e.g. RCW 90.58.080 and WAC 173-26-090) for the sake of usability.
14	New rule created an optional SMP amendment process that allows for a shared local/state public comment period (2017)	Chapter 17, Master Program Review and Amendments	Chapter 17 addresses SMP review and amendments, referring to RCW 90.58 and WAC 173-26. More specific amendment procedures may be laid out in other chapters of the TMC.	Recommended: The City may wish to consider the use of the new optional SMP amendment process, and if so should review local amendment procedures to ensure there are no impediments to using it.
15	New Growth Management Act – Shoreline Management Act clarifications (2009)	Chapter 10, Environmentally Sensitive Areas within the Shoreline Jurisdiction, and Chapter 17, Master Program Review and Amendments	Chapter 10 includes provisions for critical areas in shoreline jurisdiction. Section 17.2 refers to the effective date of SMP amendments.	Mandatory: Revise 17.2 to clarify that SMPs are effective 14 days from Ecology’s written notice of final action. Recommended: Replace Chapter 10 with an adoption by reference of the updated SAO, with exceptions/modifications as necessary.
16	The Legislature added moratoria authority and procedures to the SMA (2009)	N/A	The SMP does not address this.	Recommended: Consider adding provisions to address moratoria authority. Ecology has provided example language.

3. Consistency with Sensitive Areas Ordinance

Based on a review of consistency with the City's Sensitive Areas Ordinance (SAO), codified in Chapter 18.45 TMC and adopted in 2010, there are numerous minor inconsistencies exist between the way the SAO and SMP designate and protect critical areas. Many of these appear to be a result of the time difference between adoptions of the two documents. We recommend that the City address these inconsistencies through direct adoption by reference in the SMP of the City's SAO, which is scheduled to be amended and adopted immediately prior to SMP adoption. Specific exceptions to the SAO required by statute may be called out in Chapter 18.45 TMC.

4. Consistency with Other Development Regulations and Comprehensive Plan

Table 2 summarizes recommended revisions to the Tukwila SMP based on a review of consistency with the Comprehensive Plan and the Tukwila Municipal Code (TMC). The Comprehensive Plan was updated in 2015 and is generally consistent with the SMP; however, certain policies can be updated to better align with SMP language. Certain code chapters that apply within shoreline jurisdiction, such as the Tree Regulations (Chapter TMC 18.54), refer to outdated SMP provisions and should be updated. In general, cross-references within Title 18 – both from the SMP to other code chapters and vice versa – could be strengthened to clarify applicability of the SMP.

Table 2. Summary of recommended SMP, TMC, and Comprehensive Plan revisions to improve consistency.

No.	Topic	Relevant Section(s) in 2011 SMP, TMC, or Comprehensive Plan	Consistency Review	Recommendation
Comprehensive Plan				
1	Shoreline Goals and Policies	SMP Chapter 6	The SMP references the City's 1995 Comprehensive Plan, with proposed amendments. Many of these have since been adopted in the 2015 Comprehensive Plan.	Update Chapter 6 of the SMP to refer to the 2015 Comprehensive Plan. Incorporate small language changes to policies throughout.
2	Policies for development outside the Tukwila Urban Center or MIC	SMP Section 6.3 / Comprehensive Plan Goal 5-3	Numbering and language for policies 5.3.8, 5.3.9, and 5.3.10 differ slightly between the SMP and Comprehensive Plan.	Revise the SMP to align with more recent Comprehensive Plan language and numbering for these policies.
3	Levee profile	SMP 7.5(B), Figure 2 / Comprehensive Plan Goal 5-10, Figure 5-2	The SMP and Comprehensive Plan both reference the City's adopted minimum levee profile with a graphic of the preferred profile.	Amend the Comprehensive Plan and SMP to include a policy stating/describing the City's preferred levee profile.
Development Regulations				
4	Shoreline Design Guidelines	TMC 18.44.110 (SMP) / Title 18	Projects within shoreline jurisdiction are subject to the Shoreline Design Guidelines as	Where design review and shoreline projects are mentioned throughout Title 18 (e.g. Chapter

No.	Topic	Relevant Section(s) in 2011 SMP, TMC, or Comprehensive Plan	Consistency Review	Recommendation
			part of required design review. The SMP refers to the design review process and non-shoreline criteria. Other chapters of the TMC refer to the need for shoreline design review, but do not mention the Shoreline Design Guidelines.	18.60, Board of Architectural Review), refer to both shoreline and non-shoreline design guidelines.
5	Tree Regulations	Chapter 18.54 TMC	Tree removal within shoreline jurisdiction is subject to the provisions of Chapter 18.54. The chapter refers to outdated shoreline environments (e.g. Low-Impact Environment, TMC 18.54.130). The SMP itself does not reference the Tree Regulations.	Update outdated shoreline code references in Chapter 18.52 and 18.54 TMC, and clarify that these standards do not apply in shoreline jurisdiction, where 18.44.080 applies.
6	Definitions	SMP Chapter 3 / Chapter 18.06 TMC	Several definitions in the SMP are similar, but not the same as, definitions found in the TMC. For example, definition inconsistencies (including missing definitions) were found for the following terms: accessory use, high-impact environment, low-impact environment, river environment, shoreline, substantial development	Amend the definitions in both documents (SMP and TMC). Where definitions differ, focus on statutory requirements.

5. Usability Recommendations

Table 3 summarizes recommended revisions to the Tukwila SMP based on a review of general usability of the document by both Watershed and City staff. Topics are organized broadly by SMP subject area. The majority of these recommendations arise from City staff experience in implementing the SMP and a desire to make the regulations clearer and more internally consistent.

Note that all revisions will need to be made consistently to both the SMP and its codified regulations in Chapter 18.44 TMC.

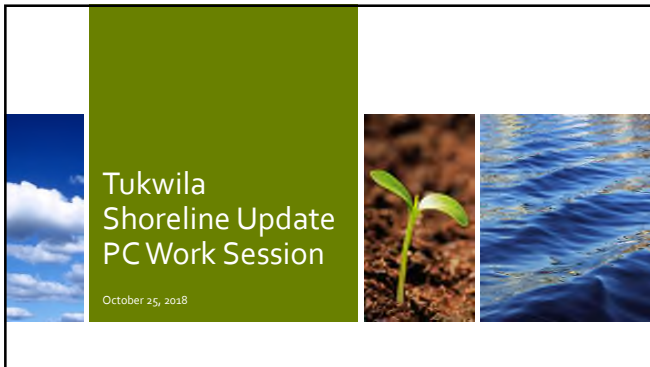
Table 3. Summary of recommended SMP revisions to enhance usability.

No.	Topic	Relevant Section(s) in 2011 SMP	Usability Discussion	Recommendation
Permitted Uses				
1	Internal consistency	Permitted uses by SED (TMC 18.44.040-.065 / Sections 8.4-8.7) vs. Use Matrix (Figure 18-1 / Section 3)	The City has identified several inconsistencies between the permitted use provisions listed by SED and those in the matrix (e.g. utilities and utility towers allowed as “P” or “C”)	Review both sections for consistency and determine which section shall control. Default is for written provisions to control; however, the City may wish to reinterpret some of these provisions. Alternatively, remove the written provisions and rely exclusively on the use matrix, with footnotes as necessary to provide additional conditions, as well as use-specific provisions in subsections of 18.44.070.
Dimensional Standards				
2	Shoreline buffers	18.44.040-.060	Subsection A of each upland SED “uses” section defines the required width of the shoreline buffer in that SED. These are described in more detail in Section 7.5 of the SMP, which does not have an analogous subsection within the SED use sections in Chapter 8.	Summarize shoreline buffers by SED in a table, and remove from the SED uses sections. This table could also contain other dimensional criteria currently incorporated into written provisions (e.g. height restrictions) to enhance usability.

No.	Topic	Relevant Section(s) in 2011 SMP	Usability Discussion	Recommendation
3	Truncated shoreline buffers	Section 7.4, Table 3	Table 3, Summary of Buffer Widths for Land Use Zones and Shoreline Ecological Conditions, was used to define the shoreline buffers included in TMC 18.44. The final entry in the table states that where a street or road runs parallel to the river through a shoreline buffer, the buffer should be truncated on the river side of the existing improved street or roadway.	Incorporate this provision into the shoreline buffer standards in the TMC. Should buffers be summarized in a table, as recommended above, a table footnote could include this provision.
4	Recreational structures	18.44.070 / Sections 8.4, 8.6, 8.8	The SMP limits recreational structures to a height of 15 feet and an area of 25 square feet. In the City's experience, this is too restrictive for certain structures, e.g. viewing platforms.	Revisit dimensional criteria for recreational structures.
General Use and Development Provisions				
5	Environmental Impact Mitigation - monitoring	18.44.070.H	Mitigation sequencing requires monitoring. However, specifications are not provided on monitoring duration.	Require a minimum of five years' monitoring where vegetation mitigation is required.
6	Vegetation protection and landscaping – exempt activities	18.44.080.A	The code does not specify what types of vegetation management may be allowed without a permit, focusing instead on provisions applicable to land under development.	Amend this section to include a list of vegetation management activities such as, e.g., removal of invasive vegetation or noxious weeds.
7	Vegetation protection and landscaping – maintenance and monitoring	18.44.080.D	Where vegetation is planted as part of a required mitigation or restoration, monitoring should be required. Based on City experience, the code should provide for situations in which overplanting is necessary to protect against invasive vegetation, and thinning is required following vegetation establishment.	Revise section to clarify this approach. Clarification could be placed in "exempt activities" section described in #6 of this table, above, or in 18.44.080.D.
8	Public access	18.44.100	The existing dimensional standards for trails (14' wide with two-foot shoulders) is not	Revisit trail standards and consider reducing to a minimum of 12' wide with two-foot

No.	Topic	Relevant Section(s) in 2011 SMP	Usability Discussion	Recommendation
			consistent with the County or City Parks standards which require a 12' wide trail with two-foot shoulders. The City has received submittal of several variance applications due to this inconsistency.	shoulders, or applying the reduced minimum where the applicant demonstrates it to be necessary due to lack of space.
Specific Use and Development Standards				
9	Minimum levee profile	18.44.070.D, Flood Hazard Reduction	In the case that a proposed levee profile improves upon the adopted minimum levee profile, a shoreline variance should not be required.	Revise subsection (10) to provide flexibility where an applicant demonstrates, and the City Engineer confirms, that the proposed levee profile will provide improved shoreline ecological functions and flood protection relative to the adopted minimum profile.
10	Permitting of over-water structures	18.44.070.K, Marinas, Boat Yards, Dry Docks, Boat Launches, Piers, Docks, and other Over-Water Structures	Subsection 1 requires that the applicant present state and federal approvals prior to issuance of an SSDP for construction of piers, docks, wharves, and other over-water structures. This approach is inconsistent with other City land use approval procedures and may be at odds with state or federal permit requirements.	Revise subsection 1 to require proof of submittal, rather than approval, of state and federal permit requirements, as applicable.
11	Classification of bridges	18.44.070.K, Marinas, Boat Yards, Dry Docks, Boat Launches, Piers, Docks, and other Over-Water Structures	City experience permitting a new pedestrian bridge raised the question of whether a bridge would be considered an over-water structure. Requirements for grated decking may pose a safety issue for non-motorized users.	Clarify how bridges are regulated, either in this section or in Chapter 18.06, Definitions.

No.	Topic	Relevant Section(s) in 2011 SMP	Usability Discussion	Recommendation
Nonconformance				
12	Amortization	18.44.130.E	During original drafting of the nonconformance regulations, the City set a goal to amortize nonconforming uses and structures.	No code revisions are recommended; however, the City should discuss and evaluate progress toward its amortization goal.
13	Parking lots	18.44.130.E(6)	City shoreline jurisdiction includes several nonconforming parking lots. Nonconforming gravel lots within shoreline jurisdiction may not be paved without losing nonconforming status, regardless of approach to stormwater control.	To provide flexibility, consider amending this section to allow for paving together with pollution controls and restoration of or other improvement to shoreline ecological functions.
Administration				
14	Purpose	18.44.010	Chapter 18.44 does not include an introduction or definition of purpose.	To improve usability and provide context, consider adding an introductory subsection that defines the purpose of the Shoreline Overlay District chapter.
15	Shoreline Environment Designation amendments	18.44.130	This section does not address the administrative procedure/requirements for a request of change in shoreline environment designation.	Consider amending this section to include a description of this process.
16	Permit revisions	18.44.130	This section does not address the administrative procedure/requirements for revisions to shoreline permits.	Consider amending this section to include a description of this process, and/or a reference to WAC 173-27-100.
17	Permit timelines	18.44.130	This section does not address time limits on shoreline permits, including period of validity, requirements for project completion, extensions, etc.	Consider amending this section to include a description of this process, and/or a reference to WAC 173-27-090.
18	SSDP approval criteria	18.44.130.B(3)	This subsection requires that a development be consistent with the SMP as a condition for approval.	Revise this subsection to require consistency with the Shoreline Management Act and applicable chapters of the WAC in addition to the SMP.



Tukwila Shoreline Update PC Work Session
October 25, 2018

Tukwila is updating its Environmental Regulations in 2 areas:

- Shoreline Regulations for the Green River
 - Shoreline Master Program (SMP)
 - Zoning Code Chapter 18.44 Shoreline Overlay
- Critical Areas Regulations for wetlands, watercourses and steep slopes
 - Zoning Code Chapter 18.45




Why now?

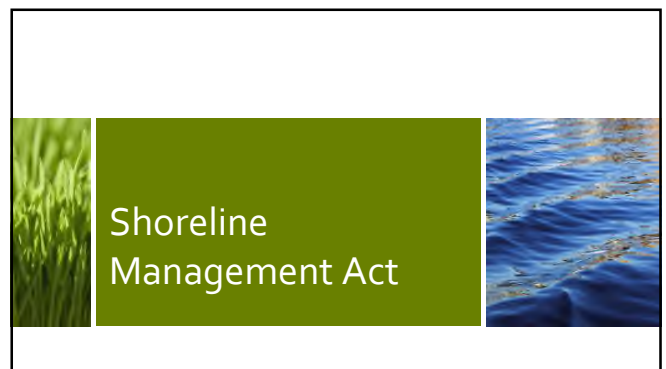
Periodic updates are required by Washington State to ensure that local regulations:

- Keep up with changes to State Law
- Reflect Best Available Science (BAS)

- SMP rewritten in 2009
- Shoreline Regulations were last updated in 2011
- Critical Areas Regulations were last updated in 2010



Shoreline Management Act



State Shoreline Goals

Overarching goal is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

Shorelines should prioritize "water-oriented" uses, including those that are "water-dependent," "water-related," and for "water-enjoyment."

Preferred uses are designed to:

- Recognize and protect statewide over local interests
- Preserve the natural character of the shoreline
- Result in long-term rather than short-term benefits
- Protect shoreline resources and environment
- Increase public access to publicly-owned shoreline areas
- Expand recreational shoreline opportunities for the public

State Shoreline Goals

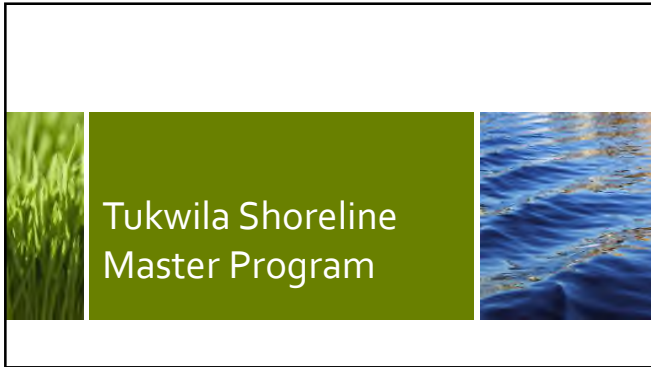
Public Trust Doctrine:

- Waters of the state are a public resource for the purposes of navigation, conducting commerce, fishing, recreation, and similar uses.

Protect shoreline natural resources against adverse environmental effects including:

- Land
- Vegetation
- Wildlife
- Aquatic habitats

All allowed uses are required to offset adverse environmental impacts as much as possible and preserve the natural character and aesthetics of the shoreline



Tukwila Shoreline Master Program

Tukwila Shoreline Regulations

- Shoreline Master Program
- Regulates development for 200 feet on each side of the Green River
- Buffer - the area closest to the water is the most protective
- Outer area allows more uses and development
- 12.5 Miles of Shoreline in Tukwila
- Includes transition zone between fresh and salt water
- Critical Habitat for endangered salmon

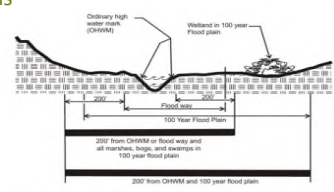


Figure 1.1. Lands and waters under the jurisdiction of the Shoreline Management Act

Shoreline Environments


- Define the purpose of that part of the shoreline
- Control the buffer width
- Determine the permitted uses

Use	Residential		Urban		High		Aquatic	
	Buffer (1)	Outer	Buffer (2)	Outer	Buffer (3)	Outer	Buffer (4)	Outer
AGRICULTURE	X	X	X	X	P	X	X	X
COMMERCIAL (A)	X	X	X	X	P	X	P (S)	P (S)
COMMERCIAL (B)	X	X	X	C	X	C (B)	X	X
INDUSTRIAL (I)	X	X	X	C	X	C (B)	X	X
INDUSTRIAL (II)	P	P	P	P	P	P	P	P
RECREATION	X	P	X	X	X	X	P	X
RESIDENTIAL (R)	C	C	C	C	C	C	C	P (S)
TRANSITION ZONE	C	C	C	C	C	C	C	C
WATER RESOURCES	P	P	P	P	P	P	P	P
WATER RESOURCES (II)	P	P	P	P	P	P	P	P
WATER RESOURCES (III)	X	X	P (S)	P	P (S)	P (S)	P (S)	P (S)
WATER RESOURCES (IV)	X	X	X	C	X	C	X	X
WATER RESOURCES (V)	X	X	X	C	X	C (B)	X	X
WATER RESOURCES (VI)	X	X	X	C	X	C (B)	X	X
WATER RESOURCES (VII)	X	X	X	C	X	C (B)	X	X

Shoreline Environments

There are different shoreline zones with different regulations:

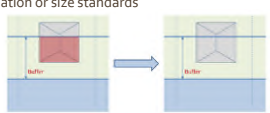
- High Intensity Environment**
 - Areas downstream from the turning basin
 - Buffer is 300 feet
- Urban Conservancy Environment**
 - Non-residential areas upstream from the turning basin
 - Buffer is 125 feet where there is a levee, 100 feet elsewhere
- Shoreline Residential Environment**
 - Areas zoned for residential use
 - Buffer is distance needed for 2.5:1 slope plus 20 feet
- Aquatic Environment**
 - River area between the ordinary high water marks (OHWM)




Proposed Updates

Proposed Edits and Updates - Consistency

- Update definition of development to exclude demolition
- Add definition for floating homes
- Remove outdated dollar threshold for substantial development including docks and replace with reference to WAC definition
- Remove list of exemptions and refer to WAC
- Exempt ADA retrofitting from shoreline permit requirements and non-conforming regulations per WAC
- Consider legally established homes as conforming even if they do not meet current location or size standards



Proposed Edits and Updates - Housekeeping

- Streamline and reorganize the code for ease of use
- Replace use list with tables
- Correct permit process inconsistencies, create a process for changes to shoreline environment designations, include time limits for permits
- Incorporate new provisions for non-conforming uses and development per WAC
- Update references to state regulations (WAC and RCW)
- Include references to moratoria provisions in RCW
- Remove proposed Comprehensive Plan policies that are now adopted

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Proposed Edits and Updates – Levee Profile

- Allow flexibility in the preferred profile to account for varying conditions and allow improved functions



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Proposed Edits and Updates - Recreation

- Allow recreational structures to be larger than 25 square feet and 15 feet tall for greater usability for the public
- Trail Width – reduce the standard from 14' with 2' shoulders to 12' with 2' shoulders to match King County and City Park standards



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Proposed Edits and Updates - Vegetation

- Clarify that permits are not required for removal of invasive species
- Restoration plantings must be monitored for survival for 5 years



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Process and Timeline

Update Process

Project documents, meeting announcements, and other resources will be posted to the City's website at:

<http://www.tukwilawa.gov/shoreline>



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