



INFORMATIONAL MEMORANDUM

TO: Community Development and Neighborhoods Committee
FROM: Jack Pace, DCD Director
BY: Nora Gierloff, Deputy DCD Director
CC: Mayor Ekberg
DATE: February 12, 2019
SUBJECT: Shoreline Master Program Update

ISSUE

Tukwila is undertaking a required periodic review of its Shoreline Master Program and Zoning Code Shoreline Overlay for consistency with State law and Best Available Science (BAS).

BACKGROUND

The Green/Duwamish 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.

Most construction, grading or clearing within 200 feet landward of the ordinary high water mark (OHWM) requires a Shoreline Substantial Development Permit which is reviewed by the Washington State Department of Ecology after issuance by the City. The City’s shoreline development regulations balance economic interests, flood control, and residential development with enhancement and stewardship of the ecological functions of the river.

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.

Staff briefed the Committee on 6/12/18 about state funding for this update, the scope of work and the public participation plan. Since then we have done a city-wide mailing, put information about this ongoing work in the September 2018 eHazelNut, included a flyer in the last water bill, sent updates to an email interest group, held an open house on 10/9/18, held a Planning Commission work session on 10/25/18 and worked with our consultant and DOE reviewer on a public review draft. The update is due on June 30, 2019.

DISCUSSION

This periodic update will focus on:

- Reviewing relevant legislative updates since 2009 and incorporating any applicable amendments per the Gap Analysis Report (available on the Shoreline Management page of the City website <http://www.tukwilawa.gov/departments/community-development/shoreline-management/>).
- 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.

Streamlining/Eliminating Duplication

The current SMP includes policies and regulations that were subsequently 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. After discussion with our DOE reviewer the proposal is to eliminate this duplication and add additional language about applicability and limitations. This does mean that adoption of the environmental regulation update will need to occur simultaneously with the adoption of the shoreline update.

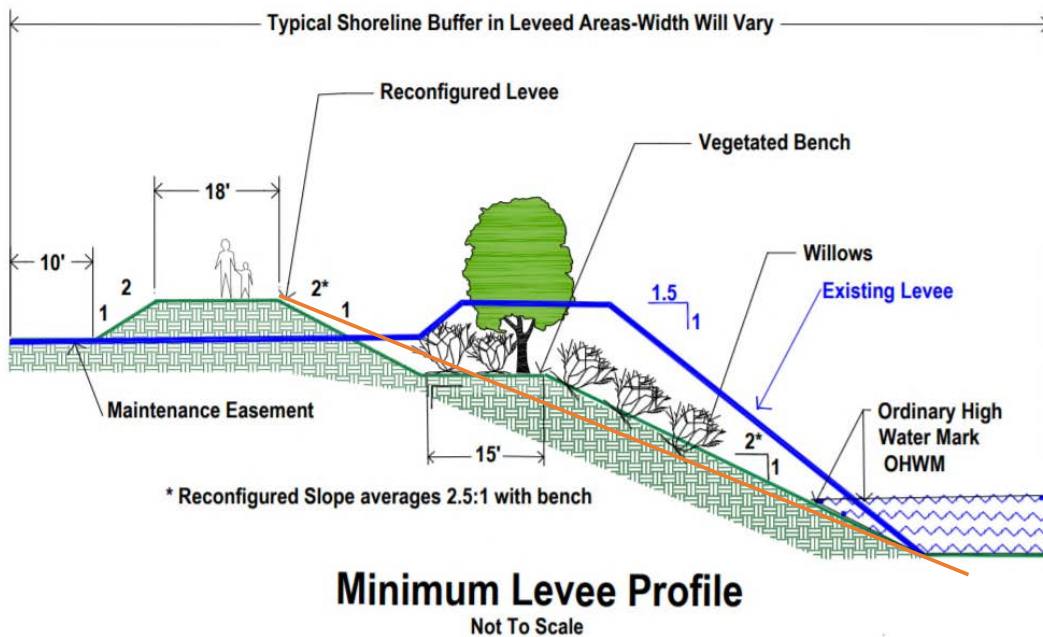
Another proposal is to combine the shoreline use matrix and narrative list of uses into a single table for clarity. Similarly the narrative discussion of shoreline buffers has been put into a table.

Policy Questions

Additional Flexibility for Levee Profile

The current SMP contains a minimum levee profile with a mid-slope bench that is required throughout the City. In practice this has not always been the chosen solution for a given

location and has required a shoreline variance even for designs with better environmental performance. The proposal is to retain the minimum levee profile as an example but allow flexibility to address site conditions and environmental opportunities without the variance process as long as criteria such as an overall 2.5:1 slope (red line below) and native plantings are met.



Additional Flexibility for Floodwalls

This update is happening alongside a discussion about flood protection measures in the Lower Green River Corridor Flood Hazard Management Plan. There are multiple alternatives under consideration including the question of whether future levees should be built to protect against 500 year rather than 100 year flood events. This could require levees to be between 3.5 and 5.5 feet higher, which requires between 20 and 30 additional feet of width with a front and back slope of at least 2.5:1 or adding 3.5 to 5.5 feet of height to a flood wall configuration without the need for an additional 20 to 30 feet of width.

The current Flood Control District access road standard is 15', not the 10' built into our current buffer calculation so the total width of the levee footprint could increase by up to 35 feet. Allowing an alternative flood wall configuration to substitute for the back slope, especially where site constraints exist, would reduce the width needed and lessen the impact on adjacent property owners. Levees are so expensive to build and the consequences of a levee failure are so significant that the need to allow site specific design solutions may be desirable to reach life safety and economic goals.

Increased Incentives

A proposal is to provide increased building height incentives for property owners who provide shoreline buffer restoration or shoreline public access above that required by code. Currently the 15% height increase allowed on properties that restore shoreline buffers or build shoreline public access amenities only results in a 6.75 feet building height increase, not enough for an

additional story, so developers have not used the provision. Changing to a 13.5 foot increase may be a more appealing incentive to encourage buffer restoration or public access.

RECOMMENDATION

Information only. The next step is for the Planning Commission to hold a public hearing on the Shoreline update and then send a recommended draft to the City Council for review and adoption.

ATTACHMENTS

A. Shoreline Update Public Participation Plan

TUKWILA Shoreline Master Program Periodic Review:

Public Participation Plan

Introduction

The City of Tukwila is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other Tukwila plans and regulations, and is responsive to changed circumstances, new information and improved data.

The purpose of this Public Participation Plan is to describe how Tukwila will encourage early and continuous public input throughout the SMP review process, including the steps that Tukwila will take to provide opportunities for public engagement and public comment, as well as Tukwila contact information and web addresses.

1.0 Public Participation Goals

- Provide interested parties with timely information, an understanding of the process, and multiple opportunities to review and comment on proposed amendments to the SMP.
- Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the Periodic Review process.
- Encourage interested parties to informally review and comment on proposed changes to the SMP throughout the process and provide those comments to decision makers.
- Provide forums for formal public input at project milestones prior to decision-making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

2.0 Public Participation Opportunities

Tukwila is committed to providing multiple opportunities for public participation throughout the process and will use a variety of communication tools to inform the public and encourage their participation, including the following:

2.1 Website

Tukwila's website will include a Periodic Review webpage where interested parties can access status updates, draft documents, official notices, minutes and other project information. The webpage will be the primary repository of all information related to the Periodic Review process, including draft documents, official notices, a Frequently Asked Questions section, and other project information. The page will include who to contact for more information and an email link for questions and comments.

2.2 Notice mailing list

A postcard will be mailed to all property owners and tenants within the 200 foot shoreline jurisdiction notifying them of the upcoming SMP review and inviting them to join an email list of interested parties.

The list will be maintained by the Department of Community Development (DCD) and will be used to notify interested parties regarding Periodic Review progress and participation opportunities, including the open house.

2.3 Open House

Tukwila will initiate the Periodic Review with a community open house. Public comments received during the Open House will be posted on the Periodic Review webpage.

2.4 Comment

All documents under consideration will be available on the Periodic Review webpage and available for review at DCD. Interested parties will be encouraged to provide comments by letter or email. All comments will be compiled and provided to the City Council and Planning Commission.

2.5 Planning Commission

The Planning Commission will hold a public hearing and interested parties are encouraged to attend and provide comments. Official notices will be published as established by Tukwila code.

2.6 News media

The local news media will be kept up-to-date on the Periodic Review process and receive copies of all official notices.

3.0 List of stakeholders

Tukwila will reach out to the following stakeholders:

- Washington Department of Ecology
- Washington Department of Fish and Wildlife
- U.S. Army Corps of Engineers
- Boeing Company
- La Pianta
- Muckleshoot Tribe
- BECU
- City of Kent
- City of Seattle
- City of SeaTac
- City of Renton
- City of Burien
- King County
- Mid-Sound Fisheries Enhancement Group
- All property owners and tenants within the 200 foot shoreline jurisdiction

4.0 Public Comment Periods and Hearings

The Planning Commission will conduct a public comment period and at least one public hearing to solicit input on the Periodic Review. The Tukwila City Council will hold one public hearing before final adoption.

Tukwila will coordinate with the Department of Ecology on public notification of comment periods and hearings to take advantage of Ecology's optional SMP amendment process that allows for a combined state-local comment period (WAC 173-26-104).

Public notice of all hearings will state who is holding the comment period and/or hearing, the date and time, and the location of any public hearing. Notices will be published per official policy and comply with all other legal requirements such as the Americans with Disabilities Act. A notice will be sent to the email list (2.2, above) and the Department of Ecology.

5.0 Public Participation Timeline

The following is a general timeline including anticipated public participation opportunities. Tukwila will coordinate with the Department of Ecology throughout the process. A detailed timeline will be posted on the Periodic Review webpage.

June	Work Plan and Public Participation Plan Presented to Council
July	All City Mailing in Stormwater Bills
September	Postcard Notice Mailing to property owners Public Comment Period on Scope of Update
October	Open House
January	Planning Commission Hearing Public Comment Period on Draft Revisions
March	City Council Committee Review of Draft Ordinances City Council Public Hearing
May	Final Ordinances Presented to Council