



STAFF REPORT TO THE PLANNING COMMISSION FOR THE MAY 23, 2019

- FILE NUMBERS: L18-0056 Critical Areas Code Update
- REQUEST: Review and revise Tukwila’s Critical Areas regulations, hold a public hearing and make a recommendation to the City Council.
- LOCATION: City Wide
- PUBLIC NOTICE: Notice was published in the Seattle Times and a postcard was mailed to the owners and tenants of all Tukwila parcels on 3/28/19. Proposed amendments were posted on the website and an email notification was sent to the interested parties list on 3/22/19. Information about the update was included in the citywide Stormwater mailer and the September eHazelnut newsletter. An open house was held on 10/9/18.
- STAFF: Minnie Dhaliwal, Planning Supervisor
- ATTACHMENTS:
- A. Public Comments
 - Exhibit 1 -Don Scanlon
 - Exhibit 2-CH&/Nancy Rogers, representing Segale Properties
 - Exhibit 3-Karen Walter, representing Muckleshoot Indian Tribe
 - Exhibit 4-Ion Manea
 - Exhibit 5-Suzanna Smith, WRIA 9
 - Exhibit 6-Ben Peterson, King County Noxious Weeds Program
 - Exhibit 7-email from CH&/Nancy Rogers, representing Segale Properties
 - B. Matrix of comments and recommendations
 - C. TMC 18.06 Definitions edits
 - D. Flow chart of Vegetation Management in the Tree, Landscape, Critical Areas, and Shoreline Code.
 - E. Edits in underline/strikeout version TMC 18.45 and TMC 18.70 Non-conforming regulations

BACKGROUND

All cities in Washington are required to adopt critical areas regulations by the Growth Management Act (GMA) (RCW 36.70A.060). Critical areas, as identified in the GMA include wetlands, frequently flooded areas, streams, geologically hazardous areas (steep slopes), and fish and wildlife habitat conservation areas. In addition, cities are to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

Cities are required to include the best available science in developing policies and development regulations to protect the functions and values of critical areas (RCW 36.70A.172). All jurisdictions are required to review, evaluate, and, if necessary, revise their critical areas ordinances according to an update schedule provided per RCW 36.70A.130. Tukwila's current sensitive area regulations were adopted eight years ago in 2010. Per GMA the City must periodically consider best available science (BAS) and update its critical areas ordinance. Any deviations from BAS recommendations should be identified, assessed, and explained (WAC 365-195-915). Washington State Department of Ecology oversees critical area updates and provides direction on BAS.

Staff had a work session with the Planning Commission on this item on November 8, 2019. The staff report for the November 8, 2018 meeting is available online. Here is the link to [staff report](#).

The second work session was held on February 28, 2019 and here is the link to the [staff report](#)

The public hearing was held on April 11, 2019 and here is the link to the [staff report](#)

DISCUSSION

The policy changes that were discussed at the April hearing are included in the comment matrix. The items in the comment matrix represent the suggested changes by public, planning commission and staff's recommended wording and actions. Upon direction from the Planning Commission staff will come back with a recommendation for the two areas:

- 1) Vesting provisions for Critical Areas Master Plan Overlay
- 2) Applicability and consistency revisions related to vegetation management section of the Tree, Landscape, Critical Areas and Shoreline Code.

Additionally, staff will work with the City Clerk's office to fix the numbering of sections and subsections so it easier to cite different sections. Based on policy direction from the Planning Commission staff will prepare a clean copy with all proposed changes incorporated into the Planning Commission Recommended Draft.

RECOMMENDATION

Review each proposed change and policy alternative in the comment matrix and determine if it should become part of the Planning Commission recommendation to the City Council. Staff will incorporate these changes and bring it back for Planning Commission's final review prior to forwarding the document to the City Council for further review.