COUNCIL AGENDA SYNOPSIS



		Initials	
Meeting Date	Prepared by	Mayor's review	Council revieu
06/24/19	MD	SUNC	Kalt
08/12/19	MD		
08/19/19	MD		

ITEM No.

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			STAFF SI	PONSOR: JACK PACE		Origi	NAL AGENDA DATE: 6/24/19
AGENDA ITI	EM TITI	E P	eriodic Upda	ate of the Shoreli	ne Master Pr	rogram and F	Regulations
CATEGORY	⊠ Di	crussion	Motion	Resolution	Ordinance	Bid Awar	d Public Hearing Other
CATEGORI		e 6/24/19	Mtg Date	Mtg Date	Mtg Date	Mtg Date	Mtg Date 6/24/19 Mtg Date
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SPONSOR'S	Сои		Mayor]TS □P&R	Police PW Court
SUMMARY							ing a joint review process for Program and implementing
							he changes to Council. The
	ĺ	Council	is being ask	red to hold a publ	ic hearing o	n the recomi	mendations, review any
				mments, give sta	iff direction	on further ch	nanges and adopt new
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			0	re Arts Comm.		ks Comm.	Planning Comm.
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Allan Ekberg, Mayor

INFORMATIONAL MEMORANDUM

TO: Community Development and Neighborhoods

FROM: Jack Pace, DCD Director

BY: Nora Gierloff, Deputy DCD Director

CC: Mayor Ekberg

DATE: **June 11, 2019**

SUBJECT: Shoreline Master Program Update

ISSUE

The City of Tukwila is required to periodically update its Shoreline Master Program and associated regulations for compliance with changes to the Shoreline Management Act, Department of Ecology guidelines, and legislative rules.

BACKGROUND

The Green/Duwamish River flows over 93 miles from the Cascade Mountains to Elliott Bay. Approximately 13 miles of the river meanders through Tukwila's industrial district, urban center and residential neighborhoods. The river system has undergone extensive changes over the years as the population has increased dramatically, forests have been logged, levees have been built, streams and rivers rerouted, and freeways, homes, shopping and manufacturing centers constructed. As the impacts of human development have been recognized, State and Federal agencies have developed regulations that require local jurisdictions to provide better protection for remaining habitat, to control the collected storm water flowing directly into the river, and to identify and restore areas where habitat restoration can succeed. This took on new urgency when salmon were listed under the Federal Endangered Species Act in 1999.

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. The current update is due on June 30, 2019.

SHORELINE MASTER PROGRAM PERIODIC UPDATE

This update process is being undertaken jointly with the Department of Ecology using the joint review process. By coordinating closely with DOE from the start we will streamline the review timeline and ensure that we are addressing all required topics. The current 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).
- 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.

PUBLIC OUTREACH

Staff began implementing the Public Outreach Plan with an all-city mailing advertising an open house last October in addition to mentions in the citywide Stormwater mailer, the September 2018 eHazelnut newsletter, and on the City's web site. The PC hearing was advertised through an additional postcard to property owners and tenants within the shoreline jurisdiction and email notices to interested parties and agencies with jurisdiction.

Staff developed a set of proposed edits to the SMP and TMC Chapter 18.44 and released them as public review drafts on the City's web site. The changes include the mandatory consistency updates, housekeeping changes to streamline the document, and staff's recommended policy changes. The PC reviewed these, held a public hearing, considered the public comments and forwarded their recommended versions on to the City Council. Staff then conducted SEPA environmental review and issued a Determination of Non-Significance for the update. These materials are available on the Shoreline Management page of the City's website, https://www.tukwilawa.gov/departments/community-development/shoreline-management/.

DISCUSSION

The main areas of change are listed below.

Consistency with State Regulations

As documented in the Gap Analysis report there are areas where the City's regulations do not reflect recent changes to State law. These include updates to definitions, new shoreline exemptions, and updated references to RCW and WAC sections. These changes are mandatory for consistency across jurisdictions. The proposal also includes language for revisions and time extensions for issued shoreline permits in accordance with State requirements.

Streamlining/Eliminating Duplication

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 multipart 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, reference the regulations in 18.45 that are currently being updated, and add additional language about applicability and limitations of that chapter. This does mean that adoption of the environmental regulation update will need to occur concurrently with the adoption of the shoreline update.

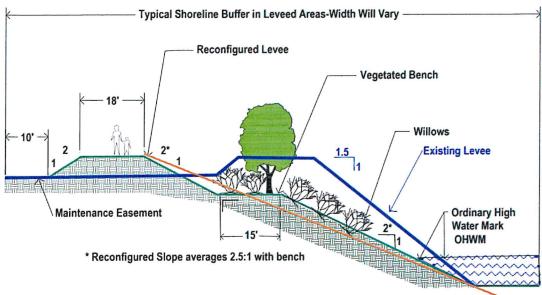
Another proposal is to combine the shoreline use matrix and narrative list of uses into a single table for clarity. Similarly, the narrative discussion of shoreline buffers has been put into a table. Tree protection standards and penalties for tree unauthorized removal are proposed to be updated to match the standards required outside of the shoreline under the new Tree Ordinance. During review of the Critical Areas update the PC recommended some additional consistency edits to how trees and vegetation are regulated under shoreline, critical areas, landscape and tree chapters. Staff is proposing some additional edits to the PC recommended SMP in section 18.44.060 to address that issue.

Renumbering

Some of the code sections in TMC 18.44 are quite long and therefore code citations can be 4 or 5 layers deep. This can be confusing and hard to use. Staff proposes to break up some of these long sections and renumber in the final ordinance format after the policy work is completed on the strikeout/underline version.

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 river bank 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 Height Incentives

The proposal is to provide increased building height incentives for property owners who provide shoreline restoration or shoreline public access above that required by code. The PC opted to increase the current shoreline foot height limit from 45 to 65 feet and allow another 15 foot increase on properties that restore shoreline buffers or build shoreline public access amenities. These incentives would not allow heights greater than that permitted by the underlying zoning district.

Non-Conforming Structures

In response to a public comments the PC recommends removing the cost limitation on alterations or improvements to non-conforming structures within the shoreline buffer if the buffer covers most of the parcel. If a non-conforming structure is demolished the footprint may be incorporated into an adjacent parking lot.

FINANCIAL IMPACT

No direct impacts are expected due to these changes. The Department of Ecology has provided Tukwila with a \$20,000 grant to offset the cost of hiring a consultant to assist with the update.

RECOMMENDATION

The Council is being asked to hold a public hearing on the proposed changes at the June 24th Committee of the Whole meeting. Staff will then return with a comment matrix for the City Council to review at the July 8 Committee of the Whole and revised ordinances at the July 15 Regular Meeting.

ATTACHMENT

A. Summary of Recommended Shoreline Edits

The separately distributed binders also contain:

- 1. An annotated, strikeout/underline version of Chapter 18.44 showing the bulk of the proposed changes
- 2. A clean version of Chapter 18.44
- A clean version of the SMP (strikeout/underline is available on the City's Shoreline Management website) containing an explanation of where the goals, policies and regulations for the shoreline are located
- 4. A matrix showing the PC's responses to the public comments on the SMP and TMC 18.44
- Initial Determination letter from DOE

PC Recommended Shoreline Master Program (SMP) Edits

Topic Description

Topic	Description
	Update dollar thresholds, update State Code references, update definitions
	(development, floodway), reference new exemptions in WAC, update history of
Consistency Updates	SMP, reference rather than repeat Comprehensive Plan policies
	Replace with a reference to the City-wide critical area regulations in 18.45 which
	will be updated to reference 2014 wetland rating system, 2011 federal
	delineation manual and buffers to meet Dept. of Ecology guidance, wetland
Critical Areas	mitigation banking
	Allow flexibility in the City's preferred levee profile including use of floodwalls to
Levee Profile	allow for varying site conditions and 500-year flood protection.

PC Recommended Shoreline Overlay Edits - Zoning Code Chapter 18.44

Topic Description

Add a purpose and applicability section to the Chapter, streamline for usability, remove duplication Remove the use list and replace it with a use matrix for greater consistency between shoreline environments Remove 15' height and 25 SF area limit to allow more flexibility, greater usability increase allowed height in shoreline from 4 to 6 feet for safety and security
Remove the use list and replace it with a use matrix for greater consistency between shoreline environments Remove 15' height and 25 SF area limit to allow more flexibility, greater usability
Remove 15' height and 25 SF area limit to allow more flexibility, greater usability
Remove 15' height and 25 SF area limit to allow more flexibility, greater usability
ncrease allowed height in shoreline from 4 to 6 feet for safety and security
ncrease allowed height in shoreline from 4 to 6 feet for safety and security
Place written standards into a table for ease of use
Add references to the Shoreline Design Guidelines, updated tree protection
egulations, updated tree removal penalties, align inconsistent definitions,
clarify that consistency with the SMA and WAC is required
Require 5 years of maintenance and monitoring for plant survival in mitigation
projects, 3 years survival for tree replacement
Clarify that removal of invasive species or noxious weeds is exempt from
permitting, limit pruning and topping
tandard for 14' trail with 2' shoulders is inconsistent with County and City Park
tandards which require 12' with 2' shoulders
Require proof of submittal rather than approval for state and federal permits
nd a demonstrated need for any new docks.
Clarify that bridges are regulated as overwater structures
nclude a process to change a shoreline environment designation
nclude a process to review changes to shoreline permits
mend to include a reference to WAC 173-27-090 for time extensions
Clarify use regulations per new WAC section, no limit on repairs to non-
onforming buildings where most of site is within shoreline buffer
ncrease building height limit from 45' to 65' and increase incentive for shoreline
estoration or public access from 15% to 15'
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City of Tukwila

City Council Community Development & Neighborhoods Committee

COMMUNITY DEVELOPMENT & NEIGHBORHOODS COMMITTEE

Meeting Minutes

June 11, 2019 – 5:30 p.m. – Hazelnut Conference Room, City Hall

Councilmembers:

De'Sean Quinn, Chair; Dennis Robertson, Verna Seal

Staff:

David Cline, Jack Pace, Brandon Miles, Minnie Dhaliwal, Robert Eaton, Tracy

Gallaway, Nora Gierloff, Laurel Humphrey

CALL TO ORDER: Chair Quinn called the meeting to order at 5:30 p.m.

I. PRESENTATIONS

II. BUSINESS AGENDA

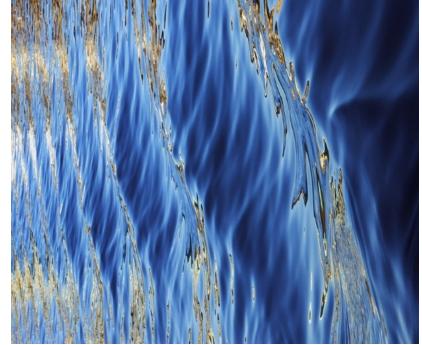
A. Shoreline Master Program Ordinances



Staff is seeking Council approval of ordinances that will update the Shoreline Master Progam and associated regulations in accordance with the Shoreline Management Act, Department of Ecology (DOE) guidelines, and legislative rules. Tukwila has adopted three policy documents related to the Green/Duwamish River, which is categorized as a Shoreline of the State: Shoreline Master Program, Shoreline Element of the Comprehensive Plan, and zoning regulations in TMC Chapter 18.44 Shoreline Overlay. State law requires cities to periodically review and update their SMPs every eight years. Staff has coordinated closely with the DOE with the focus on relevant legislative updates, ensuring consistency with critical areas and flood hazard regulations, streamlining and eliminating duplication, and addressing a limited number of policy questions. The process has included public outreach, Planning Commission public hearing and recommendations, SEPA review, and DOE review. Committee members and staff reviewed the matrix of Planning Commission recommendations. Staff will incorporate public comment given at the June 24 Public Hearing into a comment matrix for further review by the Committee or by the full Council, which will be determined on the 24th. Chair Quinn suggested clarity around sequencing of the process and emphasizing the DOE comments. He also requested input by an attorney specializing in this area. FORWARD TO JUNE 24, 2019 COMMITTEE OF THE WHOLE.

B. Lodging Tax Applications

 Staff is seeking Council approval of a lodging tax funding request from the City of Tukwila for \$40,000 for the Southcenter Art Development Phase I project. This will initially focus on Baker Boulevard between Westfield Southcenter and the rive and will include project development for permanent art options and street/sidewalk painting to





City Council Hearing

June 24, 2019



Tukwila Shoreline Master

Tukwila is updating its Shoreline Requiations for the Green River

- Shoreline Element in the Comprehensive Plan
- Shoreline Master Program (SMP)
- Zoning Code Chapter 18.44 Shoreline Overlay

State typically every eight years to ensure that Periodic updates are required by Washington ocal regulations:

- Keep up with changes to State Law
- Reflect Best Available Science (BAS)
- SMP rewritten in 2009
- Shoreline Regulations were last updated in 2011







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."

• The Shoreline Management Act has three broad policy goals:

Shoreline Use

Environmental protection

Promote public access.

State Shoreline Goals

Preferred Uses for Shoreline are designed to:

- Prioritize "water-oriented" uses
- Recognize and protect statewide over local interests
- Preserve the natural shoreline
- Long-term not short-term benefits

Environmental Protection

Land, vegetation, wildlife, and aquatic habitats against adverse environmental effects.

Public Access

- Increase public access & expand recreational opportunities
- Public Trust Doctrine: Public's right to access waters of the state for navigation, commerce, fishing, recreation etc.



Tukwila Shoreline Master Program



Tukwila Shoreline Regulations

Shoreline Master Program

- Requiates development for 200 feet on each side of the Green River
- Inner Buffer the area closest to the water is the most protective
- Outer Buffer allows more uses and development
- 13 Miles of Shoreline in Tukwila
- Includes transition zone between fresh and salt water
- Critical Habitat for endangered chinook salmon and bull trout

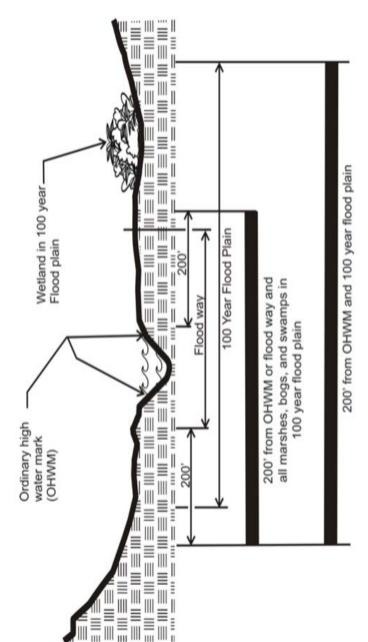


Figure 1.1 Lands and waters under the jurisdiction of the Shoreline Management Act

Shoreline Environments

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

SHORELINE USE MATRIX Figure 18-1

P = May be allowed subject to development standards and permitting requirements set forth	Shoreline Residential	line ntial	Urban Conservancy	an vancy	H lnte	High Intensity	Aquatic Environment
in this SMP. C = May be allowed as a Shoreline Conditional							
X = The use or activity is prohibited in shoreline iurisdiction environment.	Buffer (1)	Non- Buffer	Buffer (2)	Non- Buffer	Buffer (3)	Non- Buffer	
AGRICULTURE							
Farming and farm-related activities	×	×	×	۵	×	×	×
COMMERCIAL (4)							
General	×	×	×	۵	×	P (8)	P (5)
Automotive services, gas (outside pumps							
allowed), washing, body and engine repair shops (enclosed within a building)	×	×	×	O	×	C (8)	×
Contractors storage yards	×	×	×	ပ	×	C (8)	×
Water-oriented uses	А	۵	۵	۵	۵	۵	۵
CIVIC/INSTITUTIONAL							
General	×	۵	×	۵	×	۵	×
ESSENTIAL PUBLIC FACILITY (Water Dependent)	O	O	O	O	O	O	P (5)
ESSENTIAL PUBLIC FACILITY (Non-water Dependent) (9)	O	O	O	O	O	O	O
FLOOD HAZARD MANAGEMENT							
Flood hazard reduction	Ь	۵	Ъ	Ъ	۵	۵	Ь
Shoreline stabilization	Ь	۵	Д	Д	۵	۵	Ь
INDUSTRIAL (7)							
General	×	×	P (5)	Д	P (5)	P (8)	P (5)
Animal rendering	×	×	×	၁	×	×	×
Cement manufacturing	×	×	×	ပ	×	C (8)	×
Hazardous substance processing and handling & hazardous waste treatment and storage facilities (on or off-site) (6)	×	×	×	×	×	×	×
Rock crushing, asphalt or concrete batching or mixing, stone cutting, brick manufacture, marble works, and the assembly of products from the	×	×	×	Ô	×	C (8)	×

CC Shoreline Public Hearing

Shoreline Environments

High Intensity Environment

- Areas downstream from the turning basin
- Buffer is 100 feet

Urban Conservancy Environment

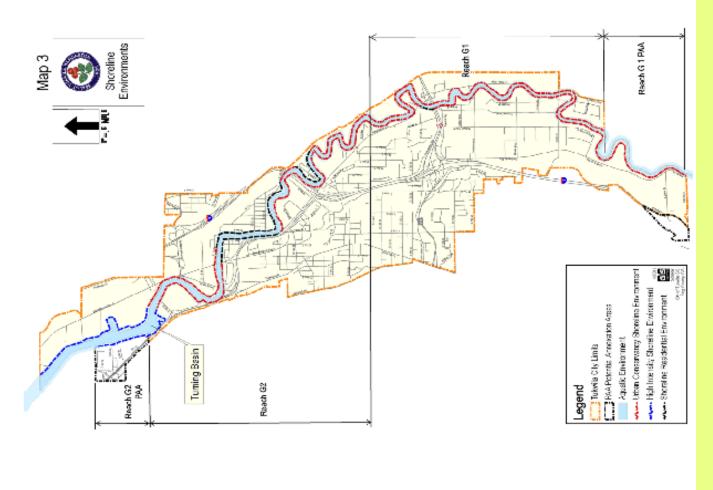
- Non-residential areas upstream from the turning basin
- Buffer is 125 feet where there is a levee, 100 feet elsewhere

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 Updates

- Shoreline Master Program
- Zoning Code Chapter 18.44

Policy Discussion

- Additional Flexibility for Levee Profile
- Additional Flexibility for Floodwalls
- Increased Height Incentives
- Public Access
- Non-Conforming Structures
- Vegetation Management

Technical Edits:

- Consistency with State Regulations
- Streamlining/Eliminating Duplication
- Renumbering

SMP Proposed Edits - Updates and Streamlining

Update background and history

Eliminate duplication by deleting:

Definitions also in Zoning Code

Goals and policies also in the Comprehensive Plan Shoreline Element

Use regulations adopted in the Shoreline Overlay TMC 18.44

• Development standards adopted in the Shoreline Overlay TMC 18.44

Critical Areas regulations and referencing TMC 18.45

Updating the Transition Zone Map

Update references to state regulations (WAC and RCW)

Allow flexibility in levee profile and flood walls

Proposed Zoning Edits and Updates - Consistency

Clarify that consistency with the State Law (SMA and WAC) is required and align inconsistent definitions

Update definition of development to exclude demolition

development including docks and replace with reference Remove outdated dollar threshold for substantial to WAC definition

requirements and non-conforming regulations per WAC Exempt ADA retrofitting from shoreline permit

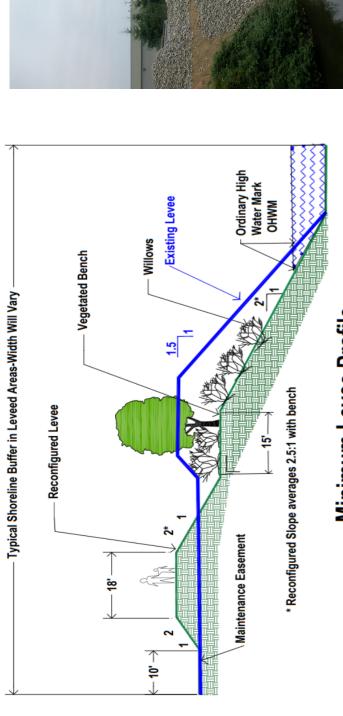
Update references to state regulations (WAC and RCW)

Proposed Edits and Updates - Housekeeping

- Streamline and reorganize the code for ease of use
- Add a purpose and applicability section
- Replace use list with a matrix
- Replace written Shoreline Buffer standards with a matrix
- environment designations; include process to review changes to shoreline permits; Correct permit process inconsistencies, create a process for changes to shoreline include time extensions for permits
- Reference Shoreline Design Guidelines in TMC 18.60
- Overwater Structures: Require proof of submittal rather than approval for state and federal permits and a demonstrated need for any new docks.
- Bridges: Clarify that bridges are regulated as overwater structures

Policy Proposal – Levee Profile

- Allow flexibility in the preferred profile to account for varying conditions and allow improved functions
- Allow greater use of floodwalls to reduce levee width while increasing height

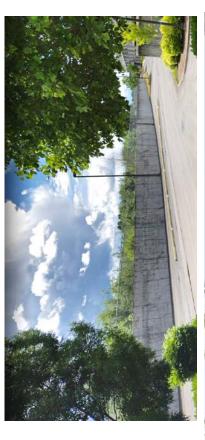


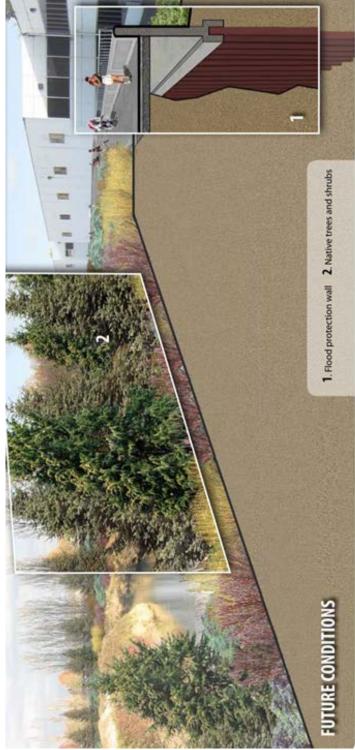


Minimum Levee Profile Not To Scale

Policy Proposal – Levee Floodwalls

- Allow greater use of floodwalls to reduce levee width while increasing height
- Allows for more vegetation on riverbank





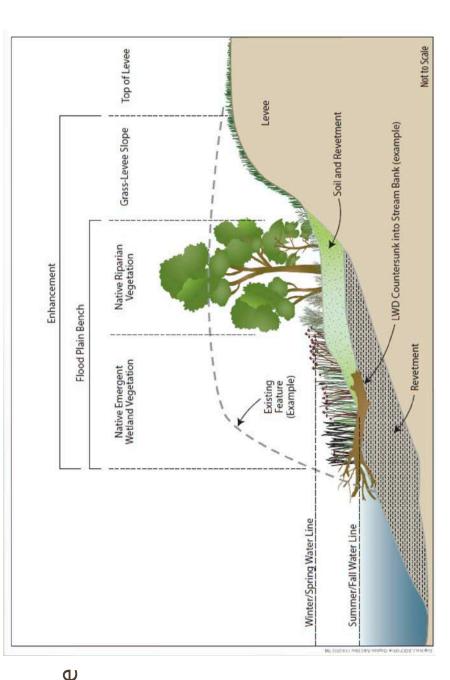
Policy Proposal-Incentives

Increase the allowed building height to 65 feet and allow another 15 feet incentive for:

- Riverbank habitat restoration
- Increased public access to the shoreline

Buffer reduction in Urban Conservancy requires resloping the riverbank.

3:1 slope vs 2.5:1



Proposed Edits - Public Access & 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
- Public access requirements met if there is an existing trail on the property and access to





Proposed Edits – Nonconforming uses and structures

- Clarify use regulations per new WAC section
- No limit on repairs to nonconforming buildings where most of site is within shoreline buffer
- Water quality improvements for non-conforming parking lots allow gravel parking lots to be paved

Proposed Edits and Updates - Vegetation

- Clarify that permits are not required for removal of invasive species
- Require restoration plantings to be monitored for survival for 5 years
- Match the updated tree protections for areas outside of Shoreline Jurisdiction





Process and Timeline



Jpdate Process

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

http://www.tukwilawa.gov/shoreline

summary of all public comments for Staff will return in Aug with a CC final action. Will take effect after Department of Ecology approval.

