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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.

nrogers@cairncross.com  
direct: (206) 254-4417

{03700624.DOCX;2 }

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



**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  
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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





April 5, 2019

SMP Periodic Update  
Department of Community Development  
6300 Southcenter Boulevard, Suite100  
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 48<sup>th</sup> 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 48<sup>th</sup> 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 35<sup>th</sup> 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](mailto: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](mailto:shoreline@tukwilawa.gov))



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

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### PARCEL DATA

<b>Parcel</b>	000480-0019	<b>Jurisdiction</b>	TUKWILA
<b>Name</b>	STRANDER FAMILY L L C II	<b>Levy Code</b>	2401
<b>Site Address</b>	12840 48TH AVE S 98166	<b>Property Type</b>	C
<b>Geo Area</b>	36-90	<b>Plat Block / Building Number</b>	
<b>Spec Area</b>		<b>Plat Lot / Unit Number</b>	
<b>Property Name</b>	VACANT LAND	<b>Quarter-Section-Township-Range</b>	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 29-01-36 W 64.67 FT TH ON CRV TO LFT RAD 406.62 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

<b>Highest &amp; Best Use As If Vacant</b>	MANUFACTURING
<b>Highest &amp; Best Use As Improved</b>	PRESENT USE
<b>Present Use</b>	Vacant(Industrial)
<b>Land SqFt</b>	43,560
<b>Acres</b>	1.00

<b>Percentage Unusable</b>	
<b>Unbuildable</b>	NO
<b>Restrictive Size Shape</b>	YES
<b>Zoning</b>	CA1
<b>Water</b>	WATER DISTRICT
<b>Sewer/Septic</b>	PUBLIC
<b>Road Access</b>	PUBLIC
<b>Parking</b>	ADEQUATE
<b>Street Surface</b>	

ADVERTIS

### Views

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

### Waterfront

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

### Designations

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

### Nuisances

<b>Topography</b>	
<b>Traffic Noise</b>	
<b>Airport Noise</b>	
<b>Power Lines</b>	NO
<b>Other Nuisances</b>	NO

### Problems

<b>Water Problems</b>	NO
<b>Transportation Concurrence</b>	NO
<b>Other Problems</b>	NO

### Environmental

<b>Environmental</b>	NO
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### 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	2019	2019		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 B+LOUISE M TRUST+STRANDER LOUISE H+JOHN C+GEORGE M	STRANDER FAMILY L L C	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

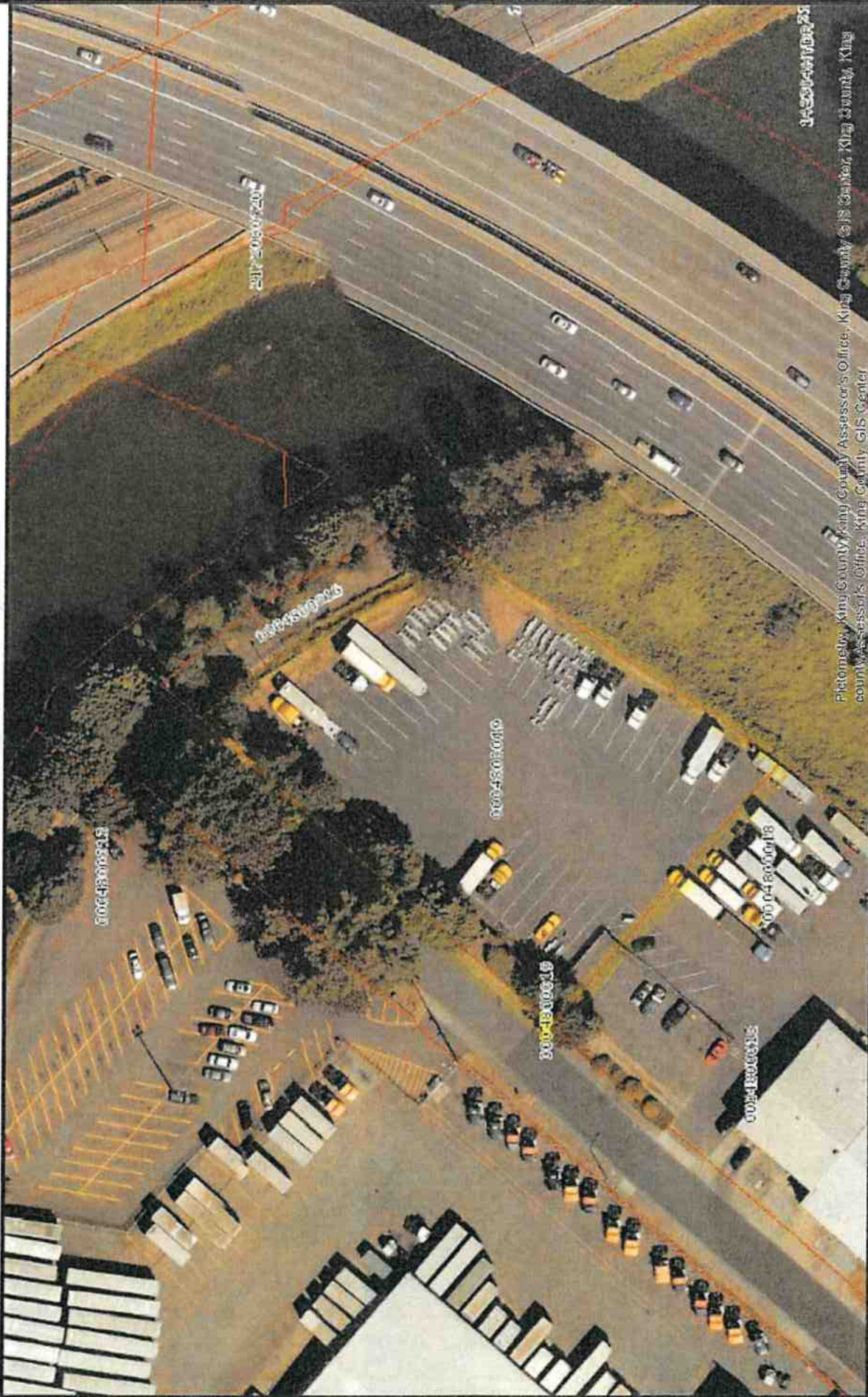
Tax Year	Review Number	Review Type	Appealed Value	Hearing Date	Settlement Value	Decision	Status
2007	R165779	Review - Characteristics	\$0	1/1/1900	\$0		Completed

PERMIT HISTORY

HOME IMPROVEMENT EXEMPTION

<a href="#">New Search</a>	<a href="#">Property Tax Bill</a>	<a href="#">Map This Property</a>	<a href="#">Glossary of Terms</a>	<a href="#">Area Report</a>	<a href="#">Print Property Detail</a>	
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# King County



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Date: 3/28/2019

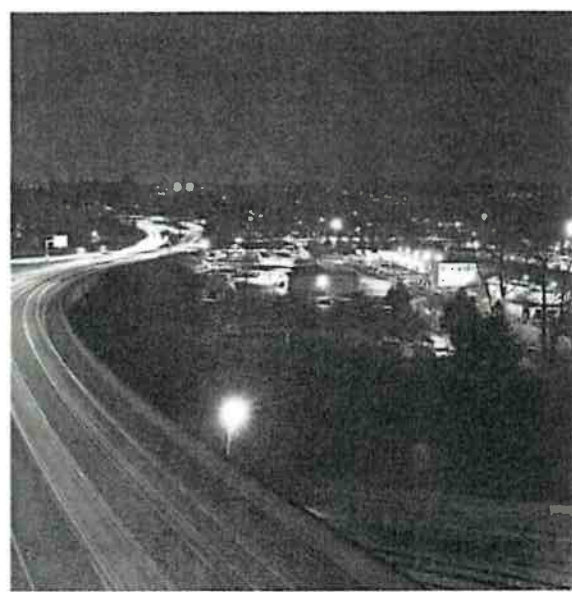
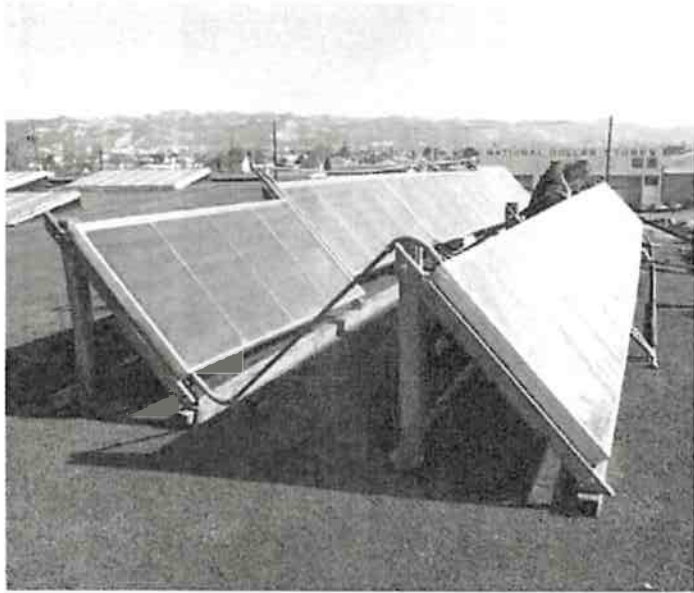


King County



# 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.

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## 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.

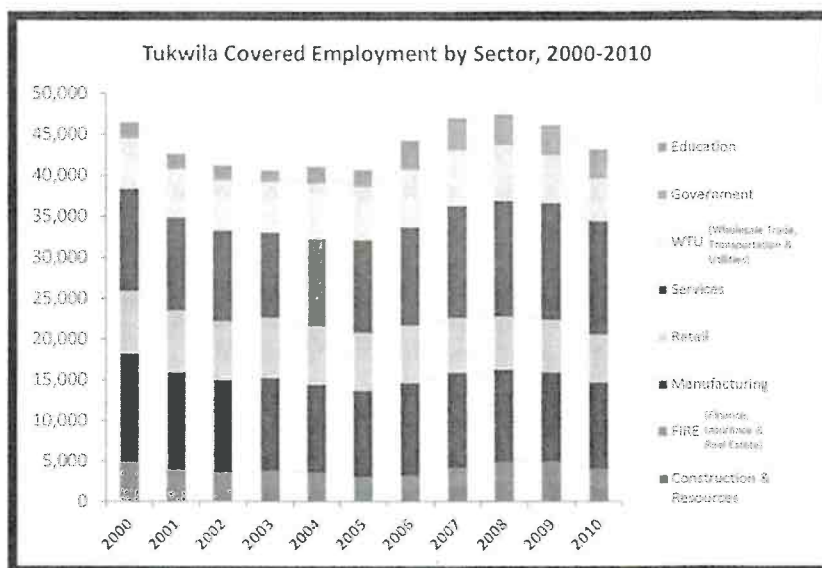
## EMPLOYMENT

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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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

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 - 172<sup>nd</sup> 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 160<sup>th</sup> 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](mailto:karen.walter@muckleshoot.nsn.us).

Sincerely,



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](http://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 a 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.



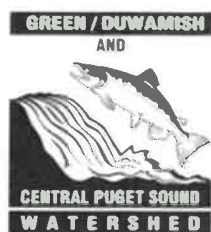
- (1) Alternatives such as manual removal, biological control, and cultural control are not feasible given the size of the infestation, site characteristics, or the characteristics of the invasive plant species;
- (2) The use of pesticides has been approved through a comprehensive vegetation or pest 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



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

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/DuWamish 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.

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

- 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". The signature is fluid and cursive, with the first name "Suzanna" being more prominent than the last name "Smith".

Suzanna Smith

**Suzanna Smith**  
Habitat Projects Coordinator  
Green/Duwamish & Central Puget Sound Watershed (WRIA 9)  
201 South Jackson Street, Suite 600  
Seattle, WA 98104-3855  
[susmith@kingcounty.gov](mailto:susmith@kingcounty.gov)  
Office: (206) 477-4641, Cell: (206) 305-1752





## PLANNING COMMISSION (PC) WORK SESSION MINUTES

**Date:** October 25, 2018  
**Time:** 8:15 PM  
**Location:** Council Chambers

**Present:** Vice Chair Dennis Martinez, Commissioners Sharon Mann, Mike Hansen, Louise Strander, Miguel Maestas and Heidi Watters

**Absent:** Chair Nhan Nguyen

**Staff:** Deputy Director Nora Gierloff, Assistant Planner Lindsay Brown, and Planning Commission Secretary Wynetta Bivens

**Vice-Chair Martinez** called the Planning Commission Work Session to order at 8:15 PM.

**Commissioner Strander** recused herself from the discussion due to the fact her family owns property in the shoreline area and left the courtroom.

**Nora Gierloff**, Deputy Director, Department of Community Development, announced that Lindsay Brown was leaving the City.

There was a five-minute recess.

The Work Session reconvened at 8:20 PM.

**CASE NUMBER:** L18-0075  
**APPLICANT:** City of Tukwila  
**REQUEST:** Work session on the State mandated periodic review of Tukwila's Shoreline Master Program  
**LOCATION:** 200 ft. Shoreline Zone on each side of the Green River

**Vice-Chair Martinez** called for approval of the minutes, which was postponed because most of the Commissioners were not in attendance who reviewed the project.

**Nora Gierloff** provided an overview of Washington State Shoreline Regulations. Tukwila has a local Shoreline Master Program and a shoreline overlay in the Zoning Code. These are being updated along with Tukwila's Critical Areas Regulations. She said these items are separate but are being tracked together because they are inter-related and both deal with environmental issues. Staff wants them to move forward in tandem. There are sensitive areas and critical area regulations for the shoreline and outside the shoreline that staff wants to condense into one set of regulations. This update is occurring now because it is state mandated approximately every eight years, so it is a state timeline. Staff said there have been changes to state law that are not in the City's regulations, as well as best available science, and that they need to be brought up to date. This update is a housekeeping update.



Background was provided on the Shoreline Management Act. Each jurisdiction considers the State guidance and makes their own local Shoreline Master Program. Ms. Gierloff explained what is regulated under the Shoreline Master Program.

**Commissioner Hansen** said Riverton Creek runs through his property and asked if it would preclude him from the discussion. Staff said it is a legislative process and that it is okay for all the Commissioners to take part in the process because it affects the community.

The following are some of the potential update categories:

- 1) Consistency with state regulations and definitions;
- 2) Housekeeping corrections for ease of use and to correct inconsistencies;
- 3) Levee profile flexibility;
- 4) Recreation building and trail updates; and
- 5) Vegetation management.

Noted Issues:

- The levee reconstruction is usually county or federally funded and therefore has not used our preferred levee profile.
- Shoreline Master Program regulations vary by jurisdiction.
- Support for allowing river overlooks and picnic areas to be larger.
- Clarifying that volunteers removing invasive species along the river will not require monitoring for five years, unlike other mitigation projects.

**Ms. Gierloff** went over the process and timeline, which started with an open house on October 9<sup>th</sup>.

**Commissioner Watters** said that she agrees with having more flexibility to increase recreation in the areas that makes sense in the code to consider. She said it would be fabulous if Tukwila had a waterfront landmark.

Staff will provide the Planning Commission with a strikethrough/underline in advance of the public hearing.

#### **DIRECTOR'S REPORT:**

- The November and December meetings are being held the second Thursday of the month, which is the holiday schedule.
- PC Schedule update - There will be two meetings in January, 1/10/19 and 1/24/19.
- Reminder, for those Commissioners that have terms expiring to notify the Mayor of their interest by October 31<sup>st</sup>.

Adjourned: 8:58 PM

Submitted by: Wynetta Bivens  
Planning Commission Secretary

Adopted: January 25, 2019



## PLANNING COMMISSION (PC) MINUTES

**Date:** March 28, 2019  
**Time:** 6:30 PM  
**Location:** Council Chambers

**Present:** Chair Dennis Martinez; Vice Chair Heidi Watters; Commissioners Sharon Mann, Mike Hansen, Karen Simmons and Dixie Stark

**Absent:** Commissioner Louise Strander

**Staff:** Department of Community Development (DCD) Deputy Director Nora Gierloff, and Planning Commission Secretary Wynetta Bivens

**Adopt Minutes:** Commissioner Stark made a motion to adopt the February 28, 2019 minutes. Commissioner Watters seconded the motion. Motion passed.

**Chair Martinez** opened the public hearing and swore in those wishing to provide testimony.

**CASE NUMBER:** L18-0075 Shoreline Master Program (SMP) Update  
**APPLICANT:** The City of Tukwila and Department of Ecology

**Nora Gierloff**, Deputy Director, DCD, gave the presentation for staff. She provided an overview of the proposed changes. She said two combined changes are being made, 1) Critical Areas Ordinance, for which the review process has started, and 2) Shoreline Regulations, the focus tonight is only on the SMP. These changes are combined because there are often critical areas within the shoreline jurisdiction. Therefore, the changes need to be made concurrently and adopted together. Washington State requires a periodic review of the regulations to make sure they are current with state law and best available science. The review of the SMP is due, which provides the opportunity to make sure the statewide regulations are current. Also, some streamlining, and house-keeping changes will be done to make the ordinance more usable and understandable. It's been several years since the last updates. She said the City can create the local SMP, but it needs to be in alignment with the State goals of the Shoreline Management Act. The Commissioners were asked to think about how the use of shorelines can be maximized for the greatest amount of people, as well as preserving the habitats, the ecological environment and economic possibilities for future generations.

The reason why the State has a say in what the City is doing along the Green River is because it is considered a shoreline of statewide significance. The City is working jointly with the Department of Ecology on the policy updates and are discussing proposed changes and coordination with them.

### PROPOSED CHANGES:

- Re-write the SMP to streamline history in the document and make additional changes.
- Remove the regulations, goals and policies from the SMP since they are in the Comprehensive Plan and Zoning Code.
- Update the transition zone map.
- Update the references to the Revised Code of Washington and Washington Administrative Code References.
- Edit the Zoning Code to be consistent with State regulation.
- Housekeeping and consolidate tables.
- Allow more flexibility for recreational structures in the buffer.
- Adopt King County's trail width standards of 12 ft. with two ft. shoulders on both sides.
- Clarify that people can remove invasive species, such as blackberries along the river.

- without obtaining a Substantial Development Permit.
- When businesses need to do restoration in the shoreline, they are required to monitor the plantings for survival for five years and replant if they do not survive.
- Accept the proposal in the public review draft to allow more flexibility in the levee design.
- Allow flexibility for floodwalls.
- Double the height incentive to 13.5 ft.
- Reslope (lay back) standard is changed to 3:1 for buffer reduction in urban conservancy

Background was provided on the process.

**Commissioner Watters** asked staff whether they agreed with the recommendations listed in the consultant's report. Staff confirmed they agreed with everything and have made all the required changes, which are included in the public review draft. However, it was noted some of the optional recommended changes were not made.

### **PUBLIC COMMENTS:**

**Nancy Rogers**, Landuse Attorney Law Firm Cairn Cross & Hempelmann, on behalf of Segale Properties, submitted a comment letter at the hearing and walked through the five issues in the letter. She said the updates to the SMP make sense. Segale has an interest in the Green River because they own the Tukwila South property, which is along the Green River and it has been prepared for commercial and residential development.

Issues addressed in the comment letter:

- Request for clarification on what is a permitted use versus "fill, general", which is listed as a conditional use. Will a Conditional Use Permit be required, or will it be a permitted use under the flood hazard reduction?
- Request to not assume that the Flood Control District will always require a 15 ft. access road along its levees.
- Request to increase the 30% height incentive to 35%, which would allow an additional story of commercial or residential construction.
- Request to delete the proposed language in section 18.44.050.H referencing improvements regarding specific wildlife.
- Recommendation to delete the proposed language, "the use of the Green River to support salmon and trout", as well as, "Endangered Species Act", from the Shoreline Design Guidelines and substitute the following language in the ordinance recitals, "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."

Ms. Rogers said that overall, they support the flexibility in the levee types and allowances for floodwalls.

**Andrea Reay**, President/CEO, Seattle Southside Chamber of Commerce, submitted a comment letter at the hearing, in support of implementation of the Lower Green River Corridor Flood Hazard Management Plan. Ms. Reay said they appreciate the update, clarity, consistency and the opportunity to provide feedback on the SMP. They are hopeful that the proposed changes in current and on-going discussions will maximize opportunities and options to develop and preserve both businesses, commerce and habitat. She said she wants the City to know that they want to be and continue to be a collaborative partner in this work and look forward to finding that pragmatic balance that can benefit everyone.

**Bill Toon**, citizen, expressed his concerns regarding the 2.5:1 slope in relationship to his property, which he said is long. He asked for clarification and said it could cause property owners to lose a lot of land. He also said the plans from the City are inconsistent and clear diagrams are needed.

**Chair Martinez** said that Mr. Toon brought up a good point regarding the plans. He requested in the future that staff provide 24x36 plans and make them available to the PC as well as the public.

**There were no additional comments.**

The public hearing was closed.

**Nora Gierloff** asked Dan Nickel, Consultant from The Watershed Company, to join her during deliberation and to help answer questions. She said that Mr. Nickel has been helping with the SMP re-write.

#### **DELIBERATION:**

Staff requested review of the four policy questions raised in the SMP, listed in the March 28, 2019 staff report to answer questions for clarity and/or for the Commissioners to identify areas where they would like to propose revised language. Staff will incorporate the Commissioners policy directions in the matrix that they will bring back to the Commissioners.

The Commissioners were in consensus with the following policy directions:

1. **Minimum Levee Profile:**
  - Alternative A - to accept the proposal in the review draft to allow more flexibility in levee design.
2. **Additional Flexibility for Floodwalls:**
  - No changes to the proposed language in the staff report.
  - Commissioner Watters raised the issue of applying some design standards on the floodwalls.
3. **Increased Height Incentives:**
  - Staff suggested looking at doing something that provides a meaningful incentive for the property owners and include it in the matrix of comments.
  - Commissioner Martinez was in support of Ms. Rogers proposed request for a 35% height increase.
4. **Resloping Standard for Buffer Reduction in Urban Conservancy (optional change, staff is requesting):**
  - Commissioner Mann suggested revised language to remove the word 'require' in Alternative A.
  - Commissioner Stark suggested keeping in mind we want the most flexibility for the property owner and make sure the language does not make them feel like they are backed into a corner.
  - Commissioner Watters said a 3:1 standard will increase planting success.

#### **Additional item to add to the matrix**

- Consider removing the 45 ft. height limit in the shoreline to encourage buildings in lieu of parking lots within the outer 100 ft. of the shoreline jurisdiction.

#### **QUESTIONS:**

Following are some of the questions addressed for the Commissioners:

Patio and deck sizes, setbacks, height restrictions, buffer reductions, who has final approval of the SMP, and funding pertaining to private property owners who have land adjacent to the shoreline. There was extensive discussion on public access to the shoreline and regarding who is responsible for safety liability and public access maintenance. There was also discussion regarding the parking lot near the shoreline preventing access to the riverbank.

**Commissioners Mann** and Stark were strongly opposed to requiring private property owners to allow the public access to the shoreline via their property.

**Misty Blair**, with the Department of Ecology said that public access is one of the main goals of the Shoreline Management Act. She said it is not required on private residential property, but it is a requirement on public land and commercial or industrial property that, 1) is not water dependent, and 2) can provide access safely. She also stated that public access is a policy required for the whole State of Washington.

**Commissioner Mann** asked staff how they determine a project has satisfactorily met the public access requirements when they approve projects.

**Ms. Gierloff** directed the Commissioners to page 55 of the Zoning Code, section 18.44.080, that addresses public access to the shoreline and provided explanation. Mr. Nickel also commented on this issue. Commissioner Mann also expressed concerns with safety liabilities and responsibility maintaining the public access. Ms. Blair responded to comments on why the language is not more prescriptive regarding where public access is provided on private property. Commissioner Watters said she is in support of the amount of flexibility that the City has expressed they use to address the public access areas. She said being too prescriptive could have unintended consequences for some projects.

There was additional discussion and examples raised regarding public trail access on private property within 1,000 ft of the shoreline. Staff are proposing a code change that will address the public access concerns.

Commissioner Hansen raised the issue of the recently approved project, the Vietnamese Martyrs Church were required to have public access on their property subject to approval. He said that the City should inform the Vietnamese Martyrs Church that the code is being revised and their project can be approved without requiring them to provide public access. Staff stated the Vietnamese Martyrs Church can file an administrative revision to their shoreline permit after the new regulation is adopted.

**Commissioner Hansen** said it's important to have access on public property to enjoy the river.

Based on Mr. Toon's comments staff provided some clarification on Shoreline residential buffers.

**Commissioner Stark** asked several clarifying questions.

#### **NEXT STEPS:**

- The public comment period will remain open until April 12th.
- A comment matrix with recommendations to review will be provided at the next meeting.
- Staff will make requested PC revisions and take the PC recommendation to the City Council.

#### **DIRECTOR'S REPORT:**

- Staff reminded the PC that they will have a special meeting on April 11<sup>th</sup> on critical areas.
- The regular PC meeting is on April 25<sup>th</sup>, on SMP.

Adjourned: 8:40 PM

Submitted by: Wynetta Bivens  
Planning Commission Secretary

Adopted: 4/11/19





## PLANNING COMMISSION (PC) MINUTES

**Date:** April 25, 2019  
**Time:** 6:30 PM  
**Location:** Council Chambers

**Present:** Chair Dennis Martinez, Vice Chair Heidi Watters, Commissioners Sharon Mann, Mike Hansen, Karen Simmons and Dixie Stark

**Absent:** Commissioner Louise Strander

**Staff:** DCD Deputy Director Nora Gierloff and Planning Commission Secretary Wynetta Bivens

**Adopt Minutes:** Commissioner Mann made a motion to adopt the April 11, 2019 minutes. Commissioner Hansen seconded the motion. Motion passed.

**Chair Martinez** opened the meeting at 6:30 pm.

**Nora Gierloff**, Deputy Director, Department of Community Development (DCD) introduced Thanh Nguyen, the Puget Sound Sage CLI Fellow who will be job shadowing the Commissioners. Ms. Nguyen explained the program is a non-profit grass roots organization training predominantly people of color to sit on Commissions for diverse representation. She said she will graduate from the program on April 26, 2019 and job shadowing will help her determine to what type of boards she may be interested in applying.

**CASE NUMBER:** L18-0075 Shoreline Master Program (SMP) Update  
**APPLICANT:** The City of Tukwila and Department of Ecology

**Ms. Gierloff** provided some background on the review process and explained that all the comments received from the public and Commissioners, as well as staff's policy recommendations, were incorporated in a matrix. She explained that each line in the matrix is one suggested change to the public review draft and she also addressed questions, along with Dan Nickels, from The Watershed Company. Ms. Gierloff walked the Commissioners through the matrix and provided a brief introduction for each of the proposed SMP edits, which the Commissioners deliberated on and decided. Some items remained unchanged in the matrix and did not require a motion. Following are the Commissioners' final decisions:

### DELIBERATIONS:

SMP Matrix –

- Page 1, Chapter 4, line 1, no change.
- Page 1, Chapter 4, line 2, - PC consensus was to leave unchanged.
- Page 1, Chapter 4.1,  
MOTION –Commissioner Watters moved, “to amend the Public Review Draft (PRD) at SMP Chapter 4.1 to read as shown in Attachment E1”, Commissioner Mann seconded. Motion passed.

- Page 1, Chapter 4.2,  
MOTION - Commissioner Mann moved, “to amend the PRD at SMP Chapter 4.2 to read as shown in Attachment E1”, Commissioner Stark seconded. Motion passed.
- Page 2, Chapter 4.2,  
MOTION - Commissioner Watters moved, “to amend the PRD at SMP Chapter 4.2 to read as shown in Attachment E1”, Commissioner Hansen seconded. Motion passed.
- Page 2, Chapter 4.3,  
MOTION - Commissioner Mann moved, “to amend the PRD at SMP Chapter 4.3 to read, “In general, these changes have reduced the amount of water flowing through the Green/Duwamish River to approximately one third of historic conditions and have impacted the fish habitat”  
Commissioner Hansen seconded. Motion passed. Commissioner Watters opposed.
- Page 2, Chapter 4.4,  
MOTION - Commissioner Mann moved, “to amend the PRD at SMP Chapter 4.4 to read as shown in Attachment E1”, Commissioner Watters seconded. Motion passed.
- Page 3, Chapter 4.5,  
MOTION – Commissioner Hansen moved, “to amend the PRD at SMP Chapter 5 to read as shown in Attachment E1”, Commissioner Mann seconded. Motion passed.
- Page 3, Chapter 5, no change.
- Page 3, Chapter 5.3,  
MOTION – Commissioner Mann moved, “to amend the PRD at SMP Chapter 5.3 to read as shown in Attachment E1”, Commissioner Stark seconded. Motion passed.
- Page 3, Chapter 5.4, Removing fish barriers where tributary streams discharge to the river.  
MOTION – Commissioner Watters moved, “to amend the PRD at SMP Chapter 5.4 to read as shown in Attachment E1”, Commissioner Hansen seconded. Motion passed.
- Page 3, Chapter 7.2,  
MOTION – Commissioner Mann moved, “to amend the PRD at SMP Chapter 7.2 to read as shown in Attachment E1”, Commissioner Watters seconded. Motion passed.
- Page 3, Chapter 7.4, no change.
- Page 3, Chapter 7.5, no change.
- Page 4, Chapter 7.5.7.7, no change.
- Page 4, Chapter 7.5, no change.
- Page 4, Chapter 7.7, line 1, no change.
- Page 4, Chapter 7.7, line 2, no change.
- Page 4, Chapter 10,  
MOTION – Commissioner Watters moved, “to amend the PRD at SMP Chapter 10 to read as shown in Attachment E1”, Commissioner Hansen seconded. Motion passed.

Zoning Code Matrix –

- Page 1, 18.44.010, no change.



- Page 1, 18.44.030, line 1,  
MOTION – Commissioner Hansen moved, “to amend the PRD at TMC 18.44.030, to read as shown in Attachment E2”, Commissioner Mann seconded. Motion passed.
- Page 1, 18.44.030, line 2, no change.
- Page 1, 18.44.030, line 3, no change.
- Page 1, 18.44.030, line 4,  
MOTION – Commissioner Mann moved, “to amend the PRD at TMC 18.44.030, to read as shown in Attachment E2”, Commissioner Stark seconded. Motion passed.
- Page 2, 18.44.030, line 1, no change.
- Page 2, 18.44.030, line 2, no change.
- Page 2, 18.44.040 A, line 1, 4,  
MOTION – Commissioner Mann moved, “to amend the PRD at TMC 18.44.040 A, to read, “Re-slope bank from toe to be no steeper than 2.5:1 in the Urban Conservancy Environment or re-slope bank from Ordinary High Water Mark (OHWM) (not toe) to be no steeper than 3:1 in the High Intensity Environment, using bioengineering techniques”. Commissioner Hansen seconded. Motion passed. Watters opposed.
- Page 2, 18.44.040 A, line 2, 5,  
MOTION – Commissioner Mann moved, “to amend the PRD at TMC 18.44.040 A, to read as shown in Attachment E2”, Commissioner Watters seconded. Motion passed.
- Page 3, 18.44.050 C3, line 1, b,  
MOTION – Commissioner Mann moved, “to amend the PRD at TMC 18.44.050 C 3, to read “65 feet...., and strike 45 feet”, Commissioner Hansen seconded in attachment E2. Motion passed. Watters opposed.
- Page 3, 18.44.050 C 3, line 2, d and e,  
MOTION – Commissioner Mann moved, “to amend the PRD at TMC 18.44.050C 3, to read “15 ft. increase in height...., and strike 30+5%”, in attachment E2. Commissioner Hansen seconded. Motion passed.
- Page 3, 18.44.050 E9, no change.
- Page 4, 18.44.050 H1,  
MOTION – Commissioner Mann moved, “to amend the PRD at TMC 18.44.050 H 1, to read as shown in Attachment E2”, Commissioner Stark seconded. Motion passed.
- Page 4, 18.44.050 F6,  
MOTION – Commissioner Watters moved, “to amend the PRD at TMC 18.44.050 F 6, to read as shown in Attachment E2”, Commissioner Simmons seconded. Motion passed. Commissioner Mann abstained and Commissioner Stark opposed.
- Page 4, 18.44.050 K4,  
MOTION – Commissioner Mann moved, “to amend the PRD at TMC 18.44.050 K 4, to read as shown in Attachment E2”, Commissioner Stark seconded. Motion passed.
- Page 4, 18.44.060 A5,  
MOTION – Commissioner Watters moved, “to amend the PRD at TMC 18.44.060 A, to read as shown in Attachment E2”, Commissioner Stark seconded. Motion passed.

- Page 5, 18.44.060 C, line 1, 10. no change.
- Page 5, Add - 18.44.060 C, line 2, under tree protection  
MOTION - Commissioner Mann moved to add language to the PRD at TMC 18.44.060 C to read “tree protection during development or re-development” in Attachment E2”.  
Commissioner Watters seconded. Motion passed.
- Page 5, 18.44.060 D, line 1, 3, A,  
MOTION - Commissioner Watters moved to amend the PRD at TMC 18.44.060 D to read as shown in Attachment E2”. Commissioner Hansen seconded. Motion passed.
- Page 5, 18.44.060 D, line 2, 4,  
MOTION - Commissioner Watters moved to amend the PRD at TMC 18.44.060 D to read as shown in Attachment E2”. Commissioner Stark seconded. Motion passed.
- Page 5, 18.44.080 C, line 1,  
MOTION - Commissioner Mann moved to amend the PRD at TMC 18.44.080 C to read as shown in Attachment E2”. Commissioner Stark seconded. Motion passed.
- Page 5, 18.44.080 C, line 2, 2 and 3,  
MOTION - Commissioner Mann moved to amend the PRD at TMC 18.44.080 C to read as shown in Attachment E2”. Commissioner Watters seconded. Motion passed.
- Page 5, 18.44.090,  
MOTION - Commissioner Mann moved to amend the PRD at TMC 18.44.090 to read as shown in Attachment E2”. Commissioner Simmons seconded. Motion passed.
- Page 6, 18.44.090, 4, Design of Flood Walls,  
MOTION - Commissioner Hansen moved to amend the PRD at TMC 18.44.090 to read “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.” Commissioner Mann seconded. Motion passed.
- Page 6, 18.44.100, B1, Change in Shoreline Jurisdiction Due to restoration,  
MOTION - Commissioner Mann moved to amend the PRD at TMC 18.44.100 to read as shown in Attachment E2”. Commissioner Hansen seconded. Motion passed.
- Page 6, 18.44.100, 3,  
MOTION - Commissioner Mann moved to amend the PRD at TMC 18.44.100 to read as shown in Attachment E2”. Commissioner Hansen seconded. Motion passed.
- Page 6, 18.44.110, line 1, G2 a, (2),  
MOTION - Commissioner Mann moved to amend the PRD at TMC 18.44.110 to add language G2 a, (2) in Attachment E2”. Commissioner Stark seconded. Motion passed. Commissioners Watters and Simmons opposed.
- Page 6, 18.44.110, line 2, G2 a, (3),  
MOTION - Commissioner Mann moved to amend the PRD at TMC 18.44.110 as read in Attachment E2”. Commissioner Stark seconded. Motion passed. Commissioner Hansen abstained.
- Page 7, 18.44.110, line 1, G6 E,  
MOTION - Commissioner Hansen moved to amend the PRD at TMC 18.44.110 to add the language “a contiguous” after the word “to” in Attachment E2”. Commissioner Mann seconded. Motion passed.

- Page 7, 18.44.110, line 2, H1, no change.
- Page 7, 18.44.110, line 3, H1, no change.

**MOTIONS:**

**Commissioner Mann** moved to forward the PRD of Tukwila's Shoreline Master Program as amended by the Planning Commission to the City Council. Commissioner Hansen seconded. Motion passed.

**Commissioner Hansen** moved to forward the PRD of the Zoning Code Chapter 18.44 as amended by the PC to the City Council. Commissioner Stark seconded. Motion passed.

**DIRECTOR'S REPORT:**

- The Commissioners were invited to attend a Department of Commerce special short course focused on affordable housing that the City Council is sponsoring on May 29<sup>th</sup>.

Adjourned: 9:50 PM

Submitted by: Wynetta Bivens  
Planning Commission Secretary

Adopted: May 23, 2019