



INFORMATIONAL MEMORANDUM

TO: Planning and Community Development Committee

FROM: Nora Gierloff, AICP, Community Development Director

BY: Nancy Eklund, AICP, Long Range Planning Supervisor

CC: Mayor Thomas McLeod

DATE: July 14, 2025

SUBJECT: Acceptance of Commerce/Ecology Grant for Salmon Recovery through Local Planning Project (and Critical Area Ordinance Development)

ISSUE

The Council is being asked to approve a grant agreement with the Washington Departments of Commerce and Ecology.

BACKGROUND

The City has received a \$ (to be determined in final grant agreement) grant from the Washington Department of Commerce and the Environmental Protection Agency to complete the several projects associated with the City's Natural Environment. Critical among these tasks is the update of the City's Critical Areas Ordinance, which the Growth Management Act requires be updated by 12/31/25. In addition, the project includes the acquisition of a Geographic Information System (GIS) data set and implementation of it in a pilot project. This information will allow the City to complete a greater level of analysis on the City's tree canopy and land cover conditions, and will provide insight into how well the critical area regulations and other city standards are protecting the City's natural habitats. It will also provide the opportunity to understand how City regulatory and programmatic efforts could be modified to deliver greater benefits to the entirety of the Tukwila community.

The grant will enable the City to hire a consultant subject matter expert to provide input and guidance on Best Available Science alternatives that will work best for the City.

The Washington State Growth Management Act (GMA) requires that cities periodically update their Critical Areas Ordinances (CAOs), ensuring that they reflect the best available science (BAS) and continue to protect critical areas. Areas managed by the CAO include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. GMA allowed jurisdictions who were required to complete their Comprehensive Plans by 12/31/2024 (as Tukwila did) to defer completion of the CAO to 12/31/2025.

The grant intent requires that the project have salmon recovery benefits and be an interdepartmental effort. The project will involve the Department of Community Development primarily, in consultation with Public Works and Parks.

DISCUSSION

Objectives of the grant align with numerous City Goals around tree canopy, climate change, ensuring clean water, healthy habitats, overall environmental protection and providing a healthy environment for the community.

Accepting this grant will enable the City to hire an environmental consultant. The Consultant will coordinate with the City to update the mandatory CAO, which will maintain the City's compliance with state law and eligibility for some state grants. The project will also provide data analysis, alternatives and options development, and recommendations that will benefit the Community and its natural resources.

FINANCIAL IMPACT

There is no match required for this grant. Funds will be reimbursed from the Department of Commerce upon completion of deliverables.

RECOMMENDATION

It is expected that Commerce and Ecology will take potentially more than a month to complete finalization of the grant agreement before sending it to the City for signature. Because of the limited timeline to develop the Critical Area Ordinance (with adoption targeted by early December 2025), we are asking that the PCD forward a request to the 7/21 Council meeting for the Council to approve the grant agreement and allow the Mayor to sign it upon receipt. This grant agreement is entirely revenue backed by Commerce and Ecology funding.

An agreement associated with this request also being presented to Council is for a contract with Facet Consulting. Facet has been identified as the firm to complete the grant project, as well as continuing critical area permit review they have provided to the City under previous contracts. All the work proposed in the Facet contract is also revenue-backed, by either grant or permit fees.

ATTACHMENTS

- A. Contract will be provided by Commerce/Ecology in their format.
- B. Scope of Work (*DRAFT- to be approved by Commerce and Ecology*)

PROJECT DESCRIPTION

Tukwila seeks to harness regulatory and programmatic opportunities to improve canopy coverage, habitat, and environmental equity goals. Through this project, the City will adopt and implement new Tukwila-supported Best Available Science and best practices in its critical areas regulations, informed by novel uses of enhanced GIS data, and importantly, will be implemented by a well-informed community coalition of decision makers, residents, and property owners.

The City proposes to use a creative process to define a multi-benefit approach to regulations and programs that play a role in the complex housing, economic, equity and salmon recovery goals the City has identified in its community plans. The outcome of this process will yield tools that ensure the City and community partners are best situated to steward Tukwila's natural environment, as well as protect the greater natural resources of the Pacific Northwest.

The City aims to increase tree cover where it is needed most: in critical areas, over pavement and in areas of inequitable scarcity. The project will address the role these key locations play in providing significant benefits for salmon, people, climate and the environment, and will shape its regulations to address tree equity, tree scarcity, and canopy coverage. Numerous City policies and the Comprehensive Plan and Surface Water Plan goals, policies, and strategies are instrumental in supporting this effort, including the following two:

- Canopy coverage goals by land use type - Comprehensive Plan
- The Tukwila Equity Policy's mission to "... guide the equitable physical development" of the City

To support the City's aim to cultivate a civic culture of environmental understanding, the project will expand communication to spark a well-informed discussion about the City's strategy to meet housing and development goals, along with environmental goals and obligations. This communication will be implemented by staff with appealing materials developed by the consultant, at staff's direction.

A technical component the City seeks support for is the development of an advanced tree canopy assessment that will inform strategic code updates that will further support the City's canopy, habitat, and environmental equity goals. Specifically, the City intends to acquire remotely sensed raster canopy data that is model-trained on PNW vegetation. This data will be developed in a pilot project that seeks to ensure the data is understandable, accessible, and provides new insights into critical area buffer land uses. The desired result is providing property owners with more-frequently updated, detailed information on their properties' tree canopy and impervious surface coverage. This valuable parcel-level data will inform the regulation of both critical areas and trees. The City will explore how the data can be used, potentially during the permitting process, with the goal of ensuring local canopy coverage goals are met as the City continues to grow. With City input, the consultant will develop a memorandum that summarizes the data products the City could purchase to achieve this inventory tool, and will provide guidance on a potential City pilot program using the data to analyze the value and effectiveness of regulations that support the City tree canopy goals.

WDFW's BAS recommendations envision critical areas having significantly larger, fully vegetated buffers, that are challenging in built-out urban environments such as Tukwila. Furthermore, these urban areas in the City frequently contain wide expanses of otherwise desirable, legally non-conforming development

amidst significant networks of streams, wetlands, and springs on steep valley slopes that feed into the Green-Duwamish River. Tukwila contains the uppermost estuary reaches of the River, a transition zone that is crucial for support and protection of threatened anadromous fish. An important aspect of drafting a strategic, multi-benefit code update will be analyzing regulations that apply to and affect the trees located in critical areas, and identifying if those regulations are supportive of City goals. This analysis will include NPDES considerations, as well as identify potential incentive programs and offerings that will support City goals in these areas.

Importantly, these efforts will also provide information and benefit to the tree code update to follow (in FY 2026-2027), which seeks to increase the requirements for, and retention of, older trees, connected-canopy/grove trees, and tree canopy over impervious surfaces, particularly in low-canopy areas of the city. These high-value trees provide significant benefit to numerous areas of the City and contribute to the implementation of City policies regarding the betterment of habitat, water-quality, climate resilience and stormwater interception, as well as human mental and physical health benefits.

Tukwila Scope of Work				
Action/Steps/ Deliverables	Description	A & B ¹	Start Date (MM/YY)	End Date (MM/YY)
PHASE 1: CRITICAL AREA CODE – STRATEGIC ANALYSIS + CODE UPDATE				
TASK 1	Project Management and Coordination:		2025-07-15	2026-06-30
Step 1.1	Secure Council Approval <ul style="list-style-type: none"> Commerce and Consultant Contract <ul style="list-style-type: none"> PCD Committee (7/14) and City Council (7/21) on grant contract with Commerce 		2025-07-14	2025-07-14 or -07/21
Deliverable 1.1a (to City)	Signed Contract: Tukwila and Commerce			2025-07-14 or 07-22
Step 1.2	Team Coordination <ul style="list-style-type: none"> City staff to gather relevant city departments and to establish: <ul style="list-style-type: none"> Project objectives Identify data sources and responsibilities. Schedule for involvement & expectations City and consultant staff to establish: <ul style="list-style-type: none"> Identify data sources and responsibilities. Timeline and expectations Administrative management 		2025-07-01	2026-06-30
TASK 2	Identify, Purchase, and Load GIS Product	*		
Step 2.1	GIS Product Review <ul style="list-style-type: none"> City staff to define project goals to be supported by GIS data Evaluate remotely sensed datasets to assess tree canopy. Candidate datasets to include: <ul style="list-style-type: none"> Vector summaries and raster data/polygons of overlapping land cover (impervious, pervious, tree canopy) at the parcel & ROW level 	*	2025-07-15	2025-08-04

¹ A & B tasks are those that go beyond conventional development of a Critical Areas Ordinance. These are noted with a “*”.

Action/Steps/ Deliverables	Description	A & B ¹	Start Date (MM/YY)	End Date (MM/YY)
	<ul style="list-style-type: none"> Logistics and costs for the City to host/update internally and on Tukwila's public iMap Costs and technical requirements for the products reviewed. Assessment of the accuracy of vegetation analysis model-training available for each seasonal dataset edition Determination of whether there other relevant GIS data products should be considered by City to meet stated goals 			
Deliverable 2.1a (To City)	Summary recommendations with comparison table(s) to guide GIS product selection	*	2025-07-15	2025-08-11
Step 2.2	GIS Data Selection <ul style="list-style-type: none"> Staff to select and purchase model-trained tree/land cover GIS dataset(s). 	*	2025-07-23	2025-07-23
Step 2.3	Map Creation <ul style="list-style-type: none"> City Staff to create an internal tree canopy GIS layer in iMap or in new internal map for pilot with assistance, as needed, from consultant (≤16 hs). 	*	2025-07-28	2025-08-04
Deliverable 2.3a (to City)	Map layer(s) for internal use showing City tree and land cover by parcel, ROW, critical area buffers, zoning & census block.	*	2025-07-28	2025-08-04
Step 3.1	GIS Data Analysis – Using GIS data, gather enhanced tree canopy and land cover data <ul style="list-style-type: none"> City staff to analyze the new data: <ul style="list-style-type: none"> To develop critical area land use insights to inform possible CAO code changes, as well as other City Code changes; and To form recommendations for possible development of future tree permitting application content to implement City Goals on habitat, equity & canopy coverage. To evaluate City data to reveal discernable connections between environmentally burdened areas and natural resource coverage. Identify where and how revised CAO 	*		

Action/Steps/ Deliverables	Description	A & B ¹	Start Date (MM/YY)	End Date (MM/YY)
	<p>regulatory and programmatic efforts could benefit the local community.</p> <ul style="list-style-type: none"> To evaluate legally non-conforming development in existing and potential buffers. If needed, provide 16 hs consultant assistance. 			
Deliverable 3.3 (to City)	City Staff to prepare summary memorandum of GIS analysis identifying possible CAO and other code changes; main content from City, assembled and fleshed out by Consultant.	*		
TASK 3	Best Available Science (BAS) Review			11/10/25
Step 3.1	<p>Review BAS</p> <ul style="list-style-type: none"> The Consultant team will review Tukwila's existing BAS report to determine updates needed to be consistent with changes in science and regulatory guidance. The Consultant team will prepare an outline with applicable references. 		2025-07-15	
Step 3.2	<p>Special Consideration of Anadromous Salmonids</p> <ul style="list-style-type: none"> Consultant to interview City staff and other professional expertise to consider local habitat and options for fulfilling WAC 365-195-925 <p>"Special consideration should be given to habitat protection measures based on the best available science relevant to stream flows, water quality and temperature, spawning substrates, instream structural diversity, migratory access, estuary and nearshore marine habitat quality, and the maintenance of salmon prey species."</p>		2025-07-15	
Step 3.3	<p>Compose Draft BAS Technical Memorandum</p> <p>The Consultant team will prepare:</p> <ol style="list-style-type: none"> Preliminary BAS Technical Memorandum outline and reference list Draft BAS Technical Memorandum for City staff review Final BAS Technical Memorandum that incorporates City comments 		2025-07-15	2025-09-01

Action/Steps/ Deliverables	Description	A & B ¹	Start Date (MM/YY)	End Date (MM/YY)
Deliverable 3.3a (to City)	Draft BAS Technical Memorandum			2025-09-01
Deliverable 3.3b (to Commerce)	Final BAS Technical Memorandum			2025-09-22
TASK 4	Analysis of Current or Potential Ancillary City Regulations and Programs	*		
Step 4.1	Staff Analysis of Potential Ancillary Regulatory and Program Options <ul style="list-style-type: none"> Evaluate existing City code and programs to determine if possible impediments or gaps to critical area regulation effectiveness exist, and/or there are other opportunities to enhance effectiveness. This analysis will include an inventory and analysis of: <ul style="list-style-type: none"> Legally Non-Conforming Development (LNCD) occurring in ECAs; and current code allowances in LNCDS. Mitigation sequencing requirements; nuisance tree regulations; iMap ECA mapping insufficiencies; and Incentives for high-value tree/grove retention, and Canopy coverage; Impervious surface canopy coverage achievement; and Insight and recommendations for code amendments to address identified deficiencies and develop strategies for overcoming potential challenges to the City adopting larger buffer widths. 	*	2025-07-15	
Deliverable 4.1a (to City/Commerce)	Staff to prepare final Summary of Potential Ancillary Regulatory and Program Options Analysis and recommendations for Community Engagement and Review Strategy	*		2025-10-31
TASK 5	Community Engagement			
Step 5.1	Civic Engagement Plan <ul style="list-style-type: none"> The Consultant and City staff will develop a civic engagement plan to lay the foundation for understanding of the Environmentally Critical Areas and Code Regulations and the requirements of the update. 		2025-07-25	2025-12-15

Action/Steps/ Deliverables	Description	A & B ¹	Start Date (MM/YY)	End Date (MM/YY)
	<ul style="list-style-type: none"> Materials will be prepared by consultant for the Tukwila City Council and subsequent discussions. Planned community engagement events include one general community meeting prior to CAO adoption and several City Council briefings. 			
Step 5.2	Community Educational Materials (Consultant) <ul style="list-style-type: none"> Materials explaining the CAO and tree canopy will be developed for use at the public meeting and later Following adoption, public outreach materials will be developed to focus on understanding and application of the new code, including postcard mailing with individualized education of parcel level canopy coverage statistics. Staff to coordinate with consultant on which materials are needed in Phase I and which are needed in Phase II. 	*	2025-07-25	2025-06-30
Deliverable 5.1a (to City/ Commerce)	Public Meetings and Engagement products, staff and consultant to develop: <ul style="list-style-type: none"> Materials needed for public meeting and community engagement, including basic summaries of CAO application, Q & A materials, website text, and Council document support The project will provide two mailings: a postcard/ mailing to property owners with critical areas and to all property owners regarding tree canopy 	*		
TASK 6	Drafting of Critical Area Ordinance Land Use Code Amendments and Supporting Guidance			11/20/2025
Step 6.1	GAP Analysis <ul style="list-style-type: none"> Consultant will: <ul style="list-style-type: none"> Augment current CAO Gap Analysis, and cross-reference with GMA requirements to check for potential deficiencies. Assessment topics to include adequacy of habitat connectivity/grove protections, priority habitats, and whether City should protect shallow ground water 			9/1/25

Action/Steps/ Deliverables	Description	A & B ¹	Start Date (MM/YY)	End Date (MM/YY)
	<p>by identifying and protecting CAR zones.</p> <ul style="list-style-type: none"> ○ Identify current CAO shortcomings relative to City Comprehensive Plan Environmental goals ○ Evaluate regulatory mechanisms (existing and recommended) should be used to ensure desired results are achieved 			
Deliverable 6.1a (to City/ Commerce)	Draft all necessary agency checklists (Commerce, WDFW)			2025-12-31
Deliverable 6.1b (to City)	Draft Gap Analysis			2025-10-20
Deliverable 6.1c (to Commerce)	Final Gap Analysis			2025-10-31
Step 6.2	Jurisdictional Comparison of CA and Tree regulations			
Deliverable 6.2a (to City)	Comparative summary of area critical area and tree regulations			
Step 6.3	<p>Case Law Summary by Consultant</p> <ul style="list-style-type: none"> • Guidance for the City to use in developing an effective and legally defensible CAO update, providing focus on: <ol style="list-style-type: none"> 1. Critical area, & 2. Legally non-conforming regulations. 		2025-07-15	
Deliverable 6.3a (to City/Commerce)	Final Case Law Summary			2025-10-31
Step 6.4	<p>Draft Code and BAS Crosswalk</p> <ul style="list-style-type: none"> • The Consultant team will prepare a public review draft CAO, identifying CAO revisions and indicating the rationale for proposed content. • In order to ensure readability and clarity in interpretation and application of regulation, without losing the scientific accuracy and purpose of the language, review draft CAO language and processes. • Staff to submit documents needed for 60-day Commerce review 			8/15/25
Deliverable 6.4a (to City)	Public review draft CAO (and crosswalk)			12/30/25

Action/Steps/ Deliverables	Description	A & B ¹	Start Date (MM/YY)	End Date (MM/YY)
Deliverable 6.4a (to City)	Final draft CAO (and crosswalk)			12/30/25
TASK 7	Adoption Support			
Step 7.1	Presentation to City Council <ul style="list-style-type: none"> Support City staff in presenting the final CAO amendments to the City Council. This includes attending up to 3 Council meetings to provide technical support during the legislative process. 			
Step 7.2	Final CAO Land Use Code Amendment for Adoption. <ul style="list-style-type: none"> Following all public deliberation and hearings, Facet will prepare a final CAO for adoption by City Council. 			
Deliverable 7.2a (to City/Commerce)	<ul style="list-style-type: none"> Final CAO for adoption (to be adopted earlier) 			2025-12-15
PHASE 2: TREE CANOPY METHODOLOGY – GIS + INCENTIVE PROGRAM				
TASK 8	GIS Data Pilot	*		
Step 8.1	Staff to complete initial evaluation period of new data and provide summary			
Step 8.2	GIS Effectivity Test <ul style="list-style-type: none"> Staff to define evaluation criteria for testing data effectivity. Staff to complete initial evaluation period of new data and provide summary. Staff to assess new data via test-cases. 	*		
Deliverable 8.2a (to City/Commerce)	Staff to complete initial evaluation period of new data and provide summary.	*		
TASK 9	Identification of Canopy Protection Incentive Program for Private Property Owners	*		6/30/2026
Step 9.1	Incentive Efforts Research Consultant to 1. identify existing City voluntary canopy protection/enhancement efforts and if they could be used in Tukwila, and	*		5/30/2026

Action/Steps/ Deliverables	Description	A & B ¹	Start Date (MM/YY)	End Date (MM/YY)
	<p>2. research those offered by other jurisdiction for City consideration; the program may include incentives such as development benefits, stormwater fee rebates, etc.</p> <p>This phase will integrate public input received during previous phase.</p>			
Deliverable 9.1a (To City/ Commerce)	Incentive Efforts/Programs Summary	*		6/30/2026
Task 10	Facilitation of Incentives Program Launch	*		
Step 10.1	<p>Facilitation Meetings</p> <p>Consultant to facilitate 3-4 interdepartmental City stakeholder meetings to launch the first phase of developing the selected Tree Canopy Incentive Program.</p>	*		
Deliverable 10.1a (to City/ Consultant)	Consultant to provide a Phased Plan to form and implement a Tukwila tree canopy incentive program	*		6/30/2026