



## **INFORMATIONAL MEMORANDUM**

**TO: Mayor Haggerton  
Members of the City Council**

**FROM: Jack Pace, Director, Department of Community Development**

**DATE: May 6, 2011**

**SUBJECT: Council Work Session 5-11-11: Ecology Required and Suggested Revisions to City Adopted Shoreline Master Program**

### **ISSUE**

The Department of Ecology has completed its review of the City's adopted Shoreline Master Program (SMP) and provided the City with required and recommended changes to the adopted Program. A work session is scheduled for May 11, 2011 from 6:00 – 8:30 p.m. to go over these changes.

### **BACKGROUND**

Adoption of a local jurisdiction's shoreline master program is a joint effort between that jurisdiction and the Washington State Department of Ecology (DOE). After a multi-year process, the Tukwila City Council adopted a new Shoreline Master Program (SMP) on December 14, 2009. The SMP was then submitted to the Department of Ecology for its review and approval on January 22, 2010.

Since the time the City submitted its materials to Ecology, DOE has reviewed the SMP and provided preliminary comments to the City in April, 2010. Ecology solicited public comments on the City's SMP from September 15, 2010 to October 15, 2010 and a public hearing was held by DOE on September 29, 2010 in the Council Chambers. The City responded to issues brought up by those testifying at the public hearing or submitting written comments. In addition, several meetings between DCD staff and Ecology staff have occurred over the past 14 months to respond to questions about the City's SMP and reduce the substantive issues of concern to Ecology.

Ecology has now completed its review of the City's SMP, analyzed the issues raised during the public comment period and the City's responses to these issues, and has provided a list of required and suggested changes to the document.

### **DISCUSSION**

During the 14 months since the City adopted its SMP, DCD staff has been working with Ecology to address issues of concern. Staff drafted language to address many of the issues identified by Ecology which are reflected in many of the Ecology required changes, such as the lack of a

use matrix, criteria for signs in the shoreline, the use of FEMA maps and corrections to the sensitive area standards. While you will see a great deal of “red ink” in the Shoreline Master Program, the changes are technical in nature and some are repeated in several places in the document. Attached to this memo is a summary of the key changes required by Ecology.

Since the Ecology review process has continued for a lengthy period of time, some of the initial language suggested by the City to address Ecology issues are now outdated due to changes in circumstances. An example is the language additions in Section 4 to address flooding issues. Since the time that language was drafted, FEMA has not adopted the new flood maps, as expected, but rather postponed adoption to further review the issue of certified vs. noncertified levees and how to map the areas behind these levees.

### **RECOMMENDATION**

The City may accept all or some of the required and recommended changes. Staff has reviewed the materials received from Ecology and recommends accepting the required changes and many of the recommended changes to the adopted SMP. Staff comments/explanations are incorporated into the attached Comparison Matrix.

If the City disagrees with any of the required changes, it may suggest alternative language. Any alternatives proposed by the City must be reviewed by Ecology and receive approval. If new, substantive revisions to the SMP are approved by the City, outside of the changes required by Ecology, then this could involve another round of public notification and review by Ecology, and possible additional public hearing(s) and the need for additional supporting material (such as additional information added to the Cumulative Impact Analysis) to analyze the impact of the revision.

The entire packet of materials received from Ecology along with other supporting materials is attached for your review. Older background materials on the SMP are posted on the shoreline page of the City's web site.

### **ATTACHMENTS**

1. Summary of Required Changes to Council Adopted Shoreline Master Program
2. Department of Ecology Correspondence and Attachments
3. Tukwila Shoreline Master Program: Ecology Required Changes and Recommended Changes Comparison Matrix
4. Council Adopted Shoreline Master Program with Staff Recommended Ecology Required and Recommended Changes Incorporated