

**ATTACHMENT B:
REQUIRED CHANGES
FOR PROPOSED COMPREHENSIVE UPDATE OF THE CITY OF TUKWILA
SHORELINE MASTER PROGRAM**

March 14, 2011

**Changes are represented in bill format: additions are underlined;
deletions are ~~struck through~~**

See also Attachment A: Findings and Conclusions for change rationale

- 1. The shoreline environment map shall be revised showing parcel boundaries and at a minimum scale of 1 inch representing .1 mile with the following changes:**
 - a. All areas waterward of the ordinary high water mark shall be designated Aquatic.**
 - b. All areas waterward of the ordinary high water mark of the Black River shall be designated Aquatic.**
 - c. All areas landward and within 200 feet of the ordinary high water mark of the Black River shall be designated Urban Conservancy.**

- 2. The first paragraph of Section 1.2.B shall be modified to read:**

The Green/Duwamish River is the only "shoreline of statewide significance" in the city (RCW 98.58.030). A small portion of the Black River, a shoreline of the state, is also located in Tukwila. Throughout the SMP document, the term "Shoreline Jurisdiction" is used to describe the water and land areas subject to shoreline jurisdiction in Tukwila. Based on SMA guidelines for shoreline jurisdiction, Tukwila's Shoreline Jurisdiction is defined as follows:

The Tukwila Shoreline Jurisdiction includes the channel of the Green/Duwamish River and the Black River, its banks, the upland area which extends from the ordinary high water mark landward for 200 feet on each side of the river, floodways and all associated wetlands within its floodplain. For the purpose of determining shoreline jurisdiction only, the floodway shall not include those lands that have historically been protected by flood control devices and, therefore, have not been subject to flooding with reasonable regularity.

- 3. Add a definition of accessory use to Section 3, as follows:**

Accessory use: An accessory use is a use associated with the principle use on a shoreline property that is subordinate and incidental to the principle use. An accessory use must be minor in nature and compatible with uses in the immediate vicinity.

4. Section 4 4.1, and 4.5 shall be modified as follows:

4. SHORELINE INVENTORY AND CHARACTERIZATION - SUMMARY

Local jurisdictions updating their Shoreline Master Program (SMP) are required to prepare an inventory and characterization of the shoreline resources within their boundaries. As part of the City's SMP update, a Draft Inventory and Characterization Report and Map Folio was prepared in December 2006, and finalized in the spring of 2007 following technical review by Ecology and King County. The final report and map folio are included as Appendix A to this SMP. While the report has been finalized, the City continues to utilize the most recent information available, such as the recently updated FEMA Revised Preliminary Digital Flood Insurance Rate Maps (DFIRM), which were issued after the completion of the Inventory and Characterization report.

The purpose of the inventory and characterization report was to conduct a baseline inventory of conditions for water bodies regulated as "shorelines of the state" located in the City of Tukwila. The area regulated under Tukwila's SMP is approximately 12.5 linear miles along the banks of the Green/Duwamish River.

For the baseline inventory, the river shoreline was divided into four reaches: 1) Reach G1-PAA (southern Potential Annexation Area); 2) Reach G1 (from the southern City boundary downstream to the Black River/Green River confluence); 3) Reach G2 (from the Black River/Green River confluence downstream to the northern City limits); and 4) Reach G2-PAA (the northern Potential Annexation Area). The reaches are depicted on **Map 3**.

The shoreline characterization identifies existing conditions, identifies current uses and public access, evaluates functions and values of resources in the shoreline jurisdiction, and explores opportunities for conservation and restoration of ecological functions. The findings are intended to provide a framework for updates to the City's shoreline management goals, policies, and development regulations. Key findings of the inventory and characterization are summarized below.

4.1 Watershed Context and Shoreline Modifications

The City of Tukwila includes approximately 12.5 miles of the Green/Duwamish River and is situated in the Puget Sound Lowlands at the transition from the fresh water Green River to the tidally influenced Duwamish estuary ecosystem. The Green River basin is part of the Green/Duwamish Water Resource Inventory Area (WRIA 9).

Historically, the Green/Duwamish River drained a significantly larger area than it does today. The Green/Duwamish River has undergone extensive modifications in the past to reduce channel migration and limit the extent and duration of valley flooding. The modifications include both natural river course changes and major engineering projects in the early part of the 20th century that diverted the White, Black and Cedar Rivers to neighboring basins. As a result, the overall freshwater discharge in the Green/Duwamish River has been reduced to around a third of the pre-diversion era.

Seven pump stations also modify flows into the Green and Duwamish Rivers. Three of the pump stations, Black River, P-17, and Segale, are operated by the Green River Flood Control District, and four stations, Lift Stations 15, 17, 18, and 19 are operated by the City of Tukwila. The Black River pump station is the largest station discharging flows to the Duwamish River. This station is approximately 1,000 feet upstream of the Green – Black River confluence, and is intended to both block floodwaters from the Green from inundating the Black River and Springbrook Creek in the City of Renton, and also regulates flows from Springbrook Creek into the Duwamish River. The P-17 pump station drains the P-17 Pond that collects surface water from a majority of the Urban Center. The Segale pump station was installed to regulate soil saturation and piping during high river events but does not add new flows to the river. The remaining City pump stations only operate when gravity discharge to the river is prevented by high river events.

Levees and/or revetments were constructed along much of the Green/Duwamish River through the City of Tukwila to increase bank strength and reduce flooding. In addition, flows within the Green/Duwamish River were greatly modified by the construction of the Howard A. Hansen Dam and installation of water diversions. These modifications significantly reduced the severity of floods that historically covered much of the valley bottom. The condition of the current system of levees and revetments is a growing source of concern for King County and the cities involved, as many of the levees are aging and would do not meet current standards for either flood conveyance or stability. Aside from the Tukwila 205 certified levee on the left bank of the river in the Urban Center, other levees in the City do not meet COE standards and are mapped as flood plain. These include portions of the newly annexed Tukwila South area and levees along the right bank of the river. Current development proposals in Tukwila South include the relocation of the cross-valley and reconstruction of the non-certified levees to meet COE standards. The permitting for this work is on-going.

4.5 Conclusions

Like many rivers in the Puget Sound region, the course and dynamics of the Green/Duwamish River has changed significantly as a result of development and alteration of its watershed over the past century or so. Characteristic of many cities in the

region, Tukwila has grown and become highly urbanized. Continued growth is anticipated and the City is planning for that growth. To a significant degree, the City has envisioned and maintained a development pattern that preserved public access to the Green River and assured setbacks of new buildings from the shoreline. Issues of concern today are focused on ~~uncertainties about the ability of~~ **reconstructing** existing levees and revetments to protect existing development from flood hazards, an effort that will take place over a number of years in coordination with the King County Flood Control Zone District, King County and state and federal agencies. There are many opportunities for conservation and restoration actions in the City to restore or replace habitat while managing natural hazard areas.

5. Add in Section 6.1, a Policy 5.1.4 to read:

Policy 5.1.4: Shoreline Aquatic Environment Management Policies. In the Shoreline Aquatic Environment, priority shall be given to the following:

- Uses that preserve or restore the natural character of the shoreline or promote preservation of vegetation, open space, flood plain or sensitive area lands;
- Water dependent uses
- Uses that remove shoreline armoring, unless required for a shoreline dependent use, and uses that prevent and/or minimize flood damage;
- Uses that minimize interference with navigation and flood control, consider impacts to public views , and allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration;
- Uses that provide public access and public recreation whenever feasible and ecological impacts can be mitigated;
- Development that is compatible with the natural and biological limitations of the land and water that do not require extensive alteration of the shoreline or new shoreline stabilization, except for restoration projects.
- Uses that provide public access and public recreation whenever feasible and ecological impacts can be mitigated;
- Enhancement and restoration of ecological functions; and
- Uses compatible with the adjoining shoreline environments.

6. Revise paragraph 2 of Section 7.3 as follows:

The guidelines (WAC 173-26-211 (4) (b)) recommend six basic environment designations: high intensity; shoreline residential; urban conservancy; rural conservancy; natural **resource**; and aquatic. Local governments may establish a different designation system, retain their current

environment designations and/or establish parallel environments provided the designations are consistent with the purposes and policies of the guidelines (WAC 173-26-211 (4)(c)). The guidelines also note that local shoreline environment designations should be consistent with the local comprehensive plan (WAC 173-26-211 (3)).

7. Revise Table 3 in Section 7.4, as follows:

Table 3. Summary of Buffer Widths for Land Use Zones and Shoreline Ecological Conditions

Area	Characteristics	Environment	Buffer	Modification
MIC/H & MIC/L Zoned property from North City Limits to EMWS Bridge, and North Potential Annexation Area	Fresh/Salt water Transition Zone, Lower flooding risk, Less than 20' difference from OHWM to top of bank, tidal influence	High Intensity	100'	<p>The Director may reduce the standard buffer on a case-by-case basis by up to 50% upon construction of the following cross section:</p> <ul style="list-style-type: none"> - 1. reslope bank from OHWM (not toe) to be no steeper than 3:1, using bioengineering techniques - 2. Minimum 20' buffer landward from top of bank - 3. Bank and remaining buffer to be planted with native species with high habitat value <p>Comment: Maximum slope is reduced due to measurement from OHWM and to recognize location in the Transition Zone where pronounced tidal influence makes work below OHWM difficult. Any buffer reduction proposal must demonstrate to the satisfaction of the Director that it will not result in direct, indirect or long-term adverse impacts to the river. In all cases a buffer enhancement plan must also be approved and implemented as a condition of the reduction. The plan must include using a variety of native vegetation that improves the functional attributes of the buffer and provides additional protection for the shoreline ecological functions.</p>
LDR Zoned property w/o levees from EMWS to I-405	Moderate flooding risk, Less than 25' difference from OHWM to top of bank, tidal influence on northern section	Shoreline Residential	Distance required to set back slope from toe at 2.5:1 plus 20'	Removal of invasive species and replanting with native species of high habitat value voluntary unless triggered by requirement for a Shoreline Substantial Development permit

Area	Characteristics	Environment	Buffer	Modification
			setback, Min. 50' width	
LDR Zoned property with levees from EMWS to I-405	Moderate flooding risk, Less than 25' difference from OHWM to top of bank, tidal influence on northern section	Shoreline Residential	125'	Upon reconstruction of levee in accordance with minimum profile, the Director may reduce the buffer to actual width required. Comment: this applies to City-owned property at Fort Dent.
Commercially zoned property from 42 nd Ave S. Bridge to I-405	Moderate flooding risk, Less than 25' difference from OHWM to top of bank	Urban Conservancy	100'	<p>The Director may reduce the standard buffer on a case-by-case basis by up to 50% upon construction of the following cross section:</p> <ul style="list-style-type: none"> • reslope bank from toe to be no steeper than 2.5:1 using bioengineering techniques • Minimum 20' buffer landward from top of bank • Bank and remaining buffer to be planted with native species with high habitat value <p>Any buffer reduction proposal must demonstrate to the satisfaction of the Director that it will not result in direct, indirect or long-term adverse impacts to shoreline ecological functions. In all cases a buffer enhancement plan must also be approved and implemented as a condition of the reduction. The plan must include using a variety of native vegetation that improves the functional attributes of the buffer and provides additional protection for the shoreline ecological functions.</p>
West River bank from I-405 to South City Limit, Tukwila 205 Levee and South Annexation Area	High flooding risk, Federally certified and County levee, large water level fluctuations	Urban Conservancy	125'	Upon construction or reconstruction of levee in accordance with City minimum profile the Director may reduce the buffer to the actual width required. <u>In no case shall the reduced buffer be less than 50 feet.</u>
East River bank without levee from I-405 south to City Limits	Moderate flooding risk, 20 to 25' difference from OHWM to top of bank, Moderate slumping risk, large	Urban Conservancy	100'	<p>The Director may reduce the standard buffer on a case-by-case basis by up to 50% upon construction of the following cross section:</p> <ul style="list-style-type: none"> - 1. reslope bank from toe to be no steeper than 2.5:1, using

Area	Characteristics	Environment	Buffer	Modification
	water level fluctuations			bioengineering techniques - 2. Minimum 20' buffer landward from top of bank - 3. Bank and remaining buffer to be planted with native species with high habitat value Any buffer reduction proposal must demonstrate to the satisfaction of the Director that it will not result in direct, indirect or long-term adverse impacts to shoreline ecological functions. In all cases a buffer enhancement plan must also be approved and implemented as a condition of the reduction. The plan must include using a variety of native vegetation that improves the functional attributes of the buffer and provides additional protection for the shoreline ecological functions.
East River bank with levee from I-405 to South City Limit	Moderate flooding risk, 20 to 25' difference from OHWM to top of bank, Moderate slumping risk, large water level fluctuations	Urban Conservancy	125'	Upon reconstruction of levee in accordance with City minimum profile the Director may reduce the buffer to the actual width required for the levee. <u>In no case shall the reduced buffer be less than 50 feet.</u>
Any shoreline environment where street or road runs parallel to the river through the buffer				End buffer on river side of existing improved street or roadway.

8. Revise paragraph 9 of Section 7.7.C as follows:

As an alternative to the 125 foot buffer for leveed areas, a property owner may construct levee or riverbank improvements that meet the Army Corps of Engineers, King County Flood Control District, and City of Tukwila minimum levee profile. These standards at a minimum shall include an overall slope of 2.5:1 from the toe of the levee to the riverward edge of the crown, a 15 foot mid slope bench, 18' access across the top of the levee, a 2:1 back slope, and an additional 10 foot no-build area measured from the landward toe for inspection and repairs. In instances where an existing building that has not lost its nonconforming status prevents the complete construction of the minimum levee profile, achieving an overall slope of 2.5:1 may be difficult – however, the slope should be as close to 2.5:1 as possible. In no case shall the reduced buffer be less than 50 feet.

9. Revise paragraph 4 of Section 7.8.B as follows:

As an alternative to the 100 foot buffer, a property owner may reslope the river bank to a maximum-3:1, provide a 20 foot setback from the top of the new slope and vegetate both the river bank and the 20 foot setback area in accordance with the standards in the Vegetation Protection and Landscaping Section. The property owner must also demonstrate that this approach will not result in a loss of ecological functions of the shoreline. In no case shall the reduced buffer be less than 50 feet. In areas of the river where this condition currently exists or where the property owner has constructed these improvements, the buffer width will be the actual distance as measured from the Ordinary High Water Mark to the top of the bank plus 20 feet.

10. Add Section 7.9 as follows:

Section 7.9 Aquatic Environment

A. Designation Criteria: All water bodies within the City limits and its potential annexation areas under the jurisdiction of the Shoreline Management Act waterward of the ordinary high water mark. The aquatic environment includes the water surface together with the underlying lands and the water column.

B. Purpose: The purpose of this designation is to protect the unique characteristics and resources of the aquatic environment by managing use activities to prioritize preservation and restoration of natural resources, navigation, recreation and commerce and by assuring compatibility between shoreland and aquatic uses.

11. Section 8 shall be revised as follows. A new shoreline use matrix is added in a new Section 8.2.

8. SHORELINE USE REGULATIONS

This section specifies the uses that are permitted outright, permitted as a Conditional Use, or prohibited altogether for each Shoreline Environment. Also included are special conditions and general requirements controlling specific uses. These regulations are intended to implement the purpose of each Shoreline Environment designation adopted with this SMP and will be codified in TMC 18.44. Additional regulations and performance standards that apply to all Shoreline Environments are included in Sections 9-14 of this SMP. These will also be codified in TMC 18.44.

8.1 General Use Regulations

- A. All shoreline uses shall meet the requirements listed below.
- B. The first priority for City-owned property within the shoreline jurisdiction shall be reserved for water-dependent uses including but not limited to habitat restoration, followed by water-enjoyment uses, public access, passive recreation, passive open space uses, or public educational purposes.
- C. No hazardous waste handling, processing or storage is allowed within the SMA shoreline jurisdiction, unless incidental to a use allowed in the designated shoreline environment and adequate controls are in place to prevent any releases to the shoreline/river.
- D. Overwater structures, shall not cause a net loss of ecological function, interfere with navigation or flood management, or present potential hazards to downstream properties or facilities. They shall comply with the standards in the Overwater Structures Section.
- E. Parking as a primary use is not permitted, except for existing Park and Ride lots, where adequate stormwater collection and treatment is in place to protect water quality. Parking is permitted only as an accessory to a permitted, conditional or unclassified use in the shoreline jurisdiction.
- F. All development, activities or uses unless it is an approved over water, flood management structure, or shoreline restoration project shall be prohibited waterward of the OHWM.

8.2 Interpretation of Use Matrix

A. The shoreline use table in Section 8.3 indicates whether a specific use or activity is allowed within each of the shoreline environments and whether it is permitted outright or allowed only as a shoreline conditional use.

B. In the table, shoreline environments are listed at the top of each column and the specific uses are listed along the left-hand side of each horizontal row. The cell at the intersection of a column and a row indicates whether a use may be allowed in a specific shoreline environment and whether additional use criteria apply. The table should be interpreted as follows:

1. If the letter ‘P’ appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment if the underlying zoning also allows

the use. Shoreline (SDP, CUP and Variance) permits may be required.

2. If the letter “C” appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review and approval procedures specified in Section 14.3 of this SMP.

3. If the letter ‘X’ appears in the box at the intersection of the column and the row, the use is prohibited in that shoreline environment.

8.3 Use matrix

SHORELINE USE MATRIX

<u>P = May be allowed subject to development standards and permitting requirements set forth in this SMP; C = May be allowed as a Shoreline Conditional Use; X = the use or activity is prohibited in shoreline jurisdiction. This table is a summary. Individual notes modify standards in this table. Detailed use standards are found in the text of the SMP. Permitted or conditional uses listed herein may also require a shoreline substantial development permit and other permits.</u>	<u>Shoreline Residential</u>		<u>Urban Conservancy</u>		<u>High Intensity</u>		<u>Aquatic</u>
	<u>Buffer (1)</u>	<u>NonBuffer</u>	<u>Buffer(2)</u>	<u>NonBuffer</u>	<u>Buffer(3)</u>	<u>NonBuffer</u>	<u>Environment</u>
<u>AGRICULTURE</u>							
Farming and farm-related activities	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>COMMERCIAL (4)</u>							
General	<u>X</u>	<u>X</u>	<u>X</u>	<u>P (8)</u>	<u>X</u>	<u>P (8)</u>	<u>P (5)</u>
Automotive services, gas (outside pumps allowed), washing, body and engine repair shops (enclosed within a building)	<u>X</u>	<u>X</u>	<u>X</u>	<u>C (8)</u>	<u>X</u>	<u>C (8)</u>	<u>X</u>
Contractors storage yards	<u>X</u>	<u>X</u>	<u>X</u>	<u>C (8)</u>	<u>X</u>	<u>C (8)</u>	<u>X</u>
Water-oriented uses	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>
<u>CIVIC/INSTITUTIONAL</u>							
General	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>
<u>ESSENTIAL PUBLIC FACILITY (Water Dependent) –</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P (5)</u>
<u>ESSENTIAL PUBLIC FACILITY (Nonwater Dependent) (9)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C (5)</u>
<u>FLOOD HAZARD MANAGEMENT</u>							
Flood hazard reduction	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Shoreline stabilization	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>INDUSTRIAL (7)</u>							
General	<u>X</u>	<u>X</u>	<u>P (5)</u>	<u>P (8)</u>	<u>P (5)</u>	<u>P (8)</u>	<u>P (5)</u>

<u>P = May be allowed subject to development standards and permitting requirements set forth in this SMP; C = May be allowed as a Shoreline Conditional Use; X = the use or activity is prohibited in shoreline jurisdiction. This table is a summary. Individual notes modify standards in this table. Detailed use standards are found in the text of the SMP. Permitted or conditional uses listed herein may also require a shoreline substantial development permit and other permits.</u>	<u>Shoreline Residential</u>		<u>Urban Conservancy</u>		<u>High Intensity</u>		<u>Aquatic</u>
	<u>Buffer (1)</u>	<u>NonBuffer</u>	<u>Buffer(2)</u>	<u>NonBuffer</u>	<u>Buffer(3)</u>	<u>NonBuffer</u>	<u>Environment</u>
<u>Animal rendering</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C (8)</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cement manufacturing</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C (8)</u>	<u>X</u>	<u>C (8)</u>	<u>X</u>
<u>Hazardous substance processing and handling & hazardous waste treatment and storage facilities (on or off-site) (6)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Rock crushing, asphalt or concrete batching or mixing, stone cutting, brick manufacture, marble works, and the assembly of products from the above materials</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C (8)</u>	<u>X</u>	<u>C (8)</u>	<u>X</u>
<u>Salvage and wrecking operations</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C(8)</u>	<u>X</u>	<u>C (8)</u>	<u>X</u>
<u>Tow-truck operations, subject to all additional State and local regulations</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C (8)</u>	<u>X</u>	<u>P (8)</u>	<u>X</u>
<u>Truck terminals</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P (8)</u>	<u>X</u>	<u>P (8)</u>	<u>X</u>
<u>Water-oriented uses</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>MINING</u>							
<u>General</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Dredging</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>
<u>PARKING - ACCESSORY</u>							
<u>Parking areas limited to the minimum necessary to support permitted or conditional uses</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>
<u>RECREATION</u>							
<u>Recreation facilities (commercial – indoor)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P (11)</u>	<u>X</u>
<u>Recreation facilities (commercial – outdoor)</u>	<u>X</u>	<u>X</u>	<u>C(12)</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Recreation facilities, including boat launching (public)</u>	<u>P(1)</u>	<u>P</u>	<u>C(12)</u>	<u>C</u>	<u>P(3)</u>	<u>P</u>	<u>P (5)</u>
<u>RESIDENTIAL – SINGLE FAMILY/MULTI-FAMILY</u>							

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	<u>Buffer (1)</u>	<u>NonBuffer</u>	<u>Buffer(2)</u>	<u>NonBuffer</u>	<u>Buffer(3)</u>	<u>NonBuffer</u>	<u>Environment</u>
Dwelling	<u>X(10)</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>
Houseboats	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>TRANSPORTATION</u>							
General	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C (5)</u>
Park & ride lots	<u>X</u>	<u>X</u>	<u>X</u>	<u>C (9)</u>	<u>X</u>	<u>C (9)</u>	<u>X</u>
<u>UTILITIES</u>							
General (9)	<u>C</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>C</u>
Hydroelectric and private utility power generating plants	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

1. Additional permitted uses found at Section 8.4.A are allowed in the buffer.
2. Additional permitted uses found at Section 8.5.A are allowed in the buffer.
3. Additional permitted uses found at Section 8.6.A are allowed in the buffer.
4. Commercial uses mean those uses that are involved in wholesale, retail, service and business trade. Examples include office, restaurants, brew pubs, medical, dental and veterinary clinics, hotels, retail sales, hotel/motels, and warehousing.
5. Permitted only if water dependent.
6. Subject to compliance with state siting criteria RCW Chapter 70.105 (See also Environmental Regulations, Section 10, SMP).
7. Industrial uses mean those uses that are facilities for manufacturing, processing, assembling and/or storing of finished or semi-finished goods with supportive office and commercial uses. Examples include manufacturing processing and/or assembling such items as electrical or mechanical equipment, previously manufactured metals, chemicals, light metals, plastics, solvents, soaps, wood, machines, food, pharmaceuticals, previously prepared materials; warehousing and wholesale distribution; sales and rental of heavy machinery and equipment; and internet data centers.
8. Nonwater-oriented uses may be allowed as a permitted use where the City determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body.

- 9. Allowed in shoreline jurisdiction when it is demonstrated that there is no feasible alternative to locating the use within shoreline jurisdiction.
- 10. Additional development may be allowed consistent with Section 14.5.B.6. A shoreline conditional use permit is required for water oriented accessory structures that exceed the height limits of the Shoreline Residential environment.
- 11. Limited to athletic or health clubs.
- 12. Permitted only if water oriented.

8.42 Shoreline Residential Environment --Uses

A. Shoreline Residential Buffer – Permitted Uses

The Shoreline Residential River Buffer shall consist of the area identified in the Shoreline Environment Designation Section of the SMP and the uses shall meet the purposes and criteria established therein.

1. Permitted Uses: No uses or structures are permitted in the Shoreline Residential Buffer except for the following:
 - a. Shoreline Restoration Projects;
 - b. Over-water structures subject to the standards in the Over-water Structures section associated with water-dependent uses, public access, recreation, flood control or channel management. Private, single residence piers for the sole use of the property owner shall not be considered an outright use on the shoreline. A dock may be allowed when the applicant has demonstrated a need for moorage and that the following alternatives have been investigated and are not available or feasible:
 - 1). commercial or marina moorage;
 - 2). floating moorage buoys;
 - 3). joint use moorage pier/dock.
 - c. Public parks, recreation and open space;
 - d. Public pedestrian bridges
 - e. Public and/or private promenades, footpaths or trails;
 - f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height or 25 square feet in area or block views to the shoreline from adjacent properties;
 - g. **Signs conforming to sign code Section 9.13 of this SMP;**
 - h. Maintenance or redevelopment of levees for flood control purposes, provided they are designed to meet the applicable levee regulations of this SMP
 - i. Vehicle bridges, only if connecting public rights-of-way;
 - j. Utility towers and utilities except the provision, distribution, collection, transmission or disposal of refuse;
 - k. Fire lanes when co-located with levee maintenance roads;
 - l. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization section of this SMP.
 - m. Water dependent uses and their structures, as long as there is no net loss of shoreline ecological function;
 - n. Fences, provided the maximum height of a fence along the shoreline is four feet and the fence does not extend waterward beyond the top of the bank; chain link fences must be vinyl coated.

- o. Existing essential streets, roads and rights of way may be maintained or improved;
 - p. Outdoor storage, only in conjunction with a water dependent use.
 - q. Support facilities for above or below ground utilities or pollution control, such as ~~runoff ponds, filter systems, detention ponds~~ and outfall facilities or other facilities that must have a physical connection to the shoreline to provide their support function, provided they are located at or below grade and as far from the OHWM as technically feasible;
 - r. Water oriented essential public facilities, both above and below ground; and
 - s. Non-water oriented essential public facilities, both above and below ground, provided that it has been documented that no feasible location is available outside of the buffer.
 - t. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.
 - u. Patios, or decks not exceeding 18-inches in height, limited to a maximum 200 square feet and 50% of the width of the river frontage. Decks or patios must be located landward of the top of the bank and be constructed to be pervious and of environmentally friendly materials. If a deck or patio will have an environmental impact in the shoreline buffer, then commensurate mitigation shall be required.
2. Conditional Uses: Only the following may be allowed as a Conditional Use in the Shoreline Residential buffer subject to the requirements, procedures and conditions established by this program:
- a. Dredging activities when in compliance with all federal and state regulations, when necessary for navigation or remediation of contaminated sediments.
 - b. Dredging for navigational purposes is permitted where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth and width. Dredging of bottom materials for the purpose of obtaining fill material is prohibited.
 - c. New private vehicle bridges.

B. Shoreline Residential Environment -- Uses

The Shoreline Residential Environment shall consist of the remaining area within the 200 foot shoreline jurisdiction that is not within the Shoreline Residential River Buffer. Uses shall meet the purposes and criteria of the ~~Shoreline Residential Development Zone as established in the~~ Shoreline Environment Designation section.

1. Permitted Uses: The Shoreline Residential Environment shall contain residential, recreational and limited commercial uses and accessory uses as allowed in the use

- matrix. In addition, the Shoreline Residential Environment shall allow the following uses:
- a. All uses permitted in the Shoreline Residential River Buffer;
 - b. For non-residential uses, parking/loading and storage facilities located to the most upland portion of the property and adequately screened and/or landscaped in accordance with the Vegetation Protection and Landscaping section;
 - c. Railroad tracks; and
 - d. Public or private roads.
2. Conditional uses: All uses listed as conditional uses subject to the requirements, procedures and conditions established by this program.

8.53 Urban Conservancy Environment -- Uses

The Urban Conservancy Environment shall consist of the areas identified in the Shoreline Environment Designations sections of this SMP. Uses shall meet the purposes and criteria of the Urban Conservancy Environment established therein.

A. Urban Conservancy Environment Buffer – Uses

1. Permitted uses: The following uses are permitted in the Urban Conservancy River Buffer:
 - a. Shoreline Restoration Projects.
 - b. Over-water structures subject to the standards established in the Over-water Structures Section that are associated with water-dependent uses, public access, recreation, flood control, channel management or ecological restoration;
 - c. Public parks, recreation and open space
 - d. Public and/or private promenades, footpaths or trails;
 - e. Public pedestrian bridges;
 - f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height and 25 square feet in area and views of the shoreline are not blocked from adjacent properties;
 - g. **Signs conforming to ~~sign code~~ Section 9.13 of this SMP;**
 - h. Maintenance or redevelopment of levees for flood control purposes, provided that any redevelopment of a levee shall meet the applicable levee regulations of this SMP;
 - i. New vehicle bridges: permitted only if connecting public rights-of-way; existing public or private vehicle bridges may be maintained or replaced.
 - j. Utility towers and utilities except the provision, distribution, collection, transmission or disposal of refuse;
 - k. Levee maintenance roads;

- l. Plaza connectors between buildings and levees, not exceeding the height of the levee, are permitted for the purpose of providing and enhancing pedestrian access along the river and for landscaping purposes.
 - m. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization Section.
 - n. Existing essential streets, roads and rights of way may be maintained or improved.
 - o. Water dependent commercial and industrial development, if permitted by the underlying zoning district;
 - p. Regional detention facilities that meet the City's Infrastructure Design and Construction Standards along with their supporting elements such as ponds, piping, filter systems and outfalls vested as of the effective date of this program or if no feasible alternative location exists.
 - q. Support facilities for above or below ground utilities or pollution control, such as ~~runoff ponds, filter systems, detention ponds and~~ outfall facilities or other facilities that must have a physical connection to the shoreline to provide their support function, provided they are located at or below grade and as far from the OHWM as technically feasible;
 - r. Outdoor storage, only in conjunction with a water dependent use.
 - s. Water oriented essential public facilities, both above and below ground.
 - t. Non-water oriented essential public facilities, both above and below ground, provided that it has been documented that no feasible location is available outside of the buffer.
 - u. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.
2. Conditional Uses: Only the following may be allowed as a Conditional Use in the Shoreline Urban Conservancy Environment buffer subject to the requirements, procedures and conditions established by this program:
- a. Dredging activities where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided;
 - b. Dredging for remediation of contaminated sediments when mitigation is provided. Dredging of bottom materials for the purpose of obtaining fill material is prohibited. Dredging activities must comply with all federal and state regulations.
 - c. New private vehicle bridges.

B. Urban Conservancy Environment -- Uses

1. Permitted Uses: All uses permitted in the Urban Conservancy Environment Buffer and/or the shoreline use matrix ~~underlying zoning district~~ may be allowed.

2. Conditional Uses: All uses listed as Conditional Uses may be allowed subject to the requirements, procedures and conditions of this program.

8.64 High Intensity Environment -- Uses

The High Intensity Environment Buffer shall consist of the area identified in the Shoreline Environment Designations section. Uses shall meet the purposes and criteria of established therein.

A. High Intensity Environment Buffer -- Uses

1. Permitted uses: The following uses are permitted in the High Intensity River Buffer:
 - a. Shoreline Restoration Projects.
 - b. Over-water structures subject to the standards established in the Over-water Structures Section that are associated with water-dependent uses, public access, recreation, flood control, channel management or ecological restoration;
 - c. Public parks, recreation and open space;
 - d. Public and/or private promenades, footpaths or trails;
 - e. Public pedestrian bridges;
 - f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height and 25 square feet in area and no views of the shoreline are blocked from adjacent properties;
 - g. **Signs conforming to ~~sign code~~ Section 9.13 of this SMP;**
 - h. Maintenance or redevelopment of levees for flood control purposes, provided that any redevelopment of a levee shall meet the applicable levee regulations of this SMP;
 - i. New vehicle bridges: permitted only if connecting public rights-of-way; existing public or private vehicle bridges may be maintained or replaced.
 - j. Utility towers and utilities except the provision, distribution, collection, transmission or disposal of refuse;
 - k. Levee maintenance roads;
 - l. Plaza connectors between buildings and levees, not exceeding the height of the levee, are permitted for the purpose of providing and enhancing pedestrian access along the river and for landscaping purposes.
 - m. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization section of this SMP.
 - n. Existing essential streets, roads and rights of way may be maintained or improved.
 - o. Water dependent commercial and industrial development, if permitted by the underlying zoning district;
 - p. Regional detention facilities that meet the City's Infrastructure Design and

- Construction Standards along with their supporting elements such as ponds, piping, filter systems and outfalls vested as of the effective date of this program or if no feasible alternative location exists.
- q. Support facilities for above or below ground utilities or pollution control, such as ~~runoff ponds, filter systems, detention ponds and~~ outfall facilities or other facilities that must have a physical connection to the shoreline to provide their support function, provided they are located at or below grade and as far from the OHWM as technically feasible;
 - r. Outdoor storage, only in conjunction with a water dependent use.
 - s. Water oriented essential public facilities, both above and below ground.
 - t. Non-water oriented essential public facilities, both above and below ground, provided that it has been documented that no feasible location is available outside of the buffer.
 - u. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.
2. Conditional Uses: ~~Only~~ The following may be allowed as a Conditional Use in the Shoreline High Intensity Environment buffer subject to the requirements, procedures and conditions of this program.
- a. Dredging activities where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided;
 - b. Dredging for remediation of contaminated sediments when mitigation is provided. Dredging of bottom materials for the purpose of obtaining fill material is prohibited. Dredging activities must comply with all federal and state regulations.
 - c. New private vehicle bridges.

B. Shoreline High Intensity Environment -- Uses

The Shoreline High Intensity Environment shall consist of the remaining area within the 200 foot shoreline jurisdiction that is not within the Shoreline High Intensity Environment Buffer area. Uses shall meet the purposes and criteria of the Shoreline Environment Designations section.

- 1. Permitted Uses: All uses permitted in the High Intensity Environment Buffer and/or the shoreline use matrix ~~underlying zoning district may be allowed.~~
- 2. Conditional Uses: All uses listed as Conditional Uses may be allowed subject to the requirements, procedures and conditions established by this program.

Section 8.7 Aquatic Environment – Uses

The Aquatic Environment consists of all water bodies within the City limits and its potential annexation areas under the jurisdiction of the Shoreline Management Act waterward of the ordinary high water mark. The aquatic environment includes the water surface together with the underlying lands and the water column.

Aquatic Environment – Uses

1. Permitted Uses: The following uses are permitted in the Aquatic Environment. Uses and activities within the Aquatic Environment must be compatible with the adjoining shoreline environment
 - a. Shoreline Restoration Projects.
 - b. Over-water structures subject to the standards established in the Over-water Structures Section that are associated with water-dependent uses, public access, recreation, flood control, channel management or ecological restoration;
 - c. Maintenance or redevelopment of levees for flood control purposes, provided that any redevelopment of a levee shall meet the applicable levee regulations of this SMP;
 - d. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization Section.
 - e. Water dependent commercial and industrial development, if permitted by the underlying zoning district;
 - f. Boats moored at a dock or marina. No boats may be moored on tidelands or in the river channel. No live-aboards permitted.
 - g. Fill for ecological restoration

2. Conditional Uses: Only the following may be allowed as a Conditional Use in the Shoreline Aquatic Environment buffer subject to the requirements, procedures and conditions established by this program:
 - a. Dredging activities where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided;
 - b. Dredging for remediation of contaminated sediments when mitigation is provided. Dredging of bottom materials for the purpose of obtaining fill material is prohibited. Dredging activities must comply with all federal and state regulations.
 - c. Fill minimally necessary to support water dependent uses, public access, or for the alteration or expansion of a transportation facility of statewide significance currently located on the shoreline when it is demonstrated that alternatives to fill are not feasible.

12. Section 9.2.A.9 shall be modified as follows:

Except for bridges, approved above ground utility structures, and water dependent uses and their structures, the maximum height for structures shall be 30 feet, as established by the underlying zone. ~~For bridges, approved above ground utility structures, and water dependent uses and their structures, the height limit shall be as demonstrated necessary to accomplish the structure's primary purpose. Bridges, approved above ground utility structures, and water dependent uses and their structures greater than 35 feet in height require approval of a shoreline conditional use permit.~~

13. Section 9.3 shall be modified as follows:

9.3 High Intensity, ~~and~~ Urban Conservancy and Aquatic Environment Development Standards

A. Standards

The following standards apply in the High Intensity, ~~and~~ Urban Conservancy and Aquatic Environments.

1. All new development performed by public agencies, or new multi-family, commercial, or industrial development shall provide public access in accordance with the standards in the Public Access Section.
2. Development or re-development of properties in areas of the shoreline armored with revetments or other hard armoring other than levees, or with non-armored river banks must comply with the Vegetation Protection and Landscaping Section.
3. Any new shoreline stabilization or repairs to existing stabilization must comply with Shoreline Stabilization Section.
4. Over-water structures shall be allowed only for water dependent uses and the size limited to the minimum necessary to support the structure's intended use and shall result in no net loss to shoreline ecological function. Overwater structures must comply with the standards in the Overwater Structures Section.

B. Setbacks and Site Configuration

1. The yard setback adjacent to the river is the buffer width established for the applicable shoreline environment.
2. A fishing pier, viewing platform or other outdoor feature that provides access to the shoreline is not required to meet a setback from the OHWM.

C. Height Restrictions

Except for bridges, approved above ground utility structures, and water dependent uses and their structures, the maximum height for structures shall be as follows to preserve visual access to the shoreline and avoid massing of tall buildings within the shoreline jurisdiction:

1. 15 feet where located within the River Buffer;
2. 45 feet between the outside landward edge of the River Buffer and 200' of the OHWM.

Provided, no permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines. For any building that is proposed in shoreline jurisdiction to be greater than 35 feet in height, the development proponent must demonstrate that the proposed building will not block the views of a substantial number of residences. The Director may approve a 15% increase in height if the project proponent provides substantial additional restoration and/or enhancement of the shoreline buffer, beyond what may otherwise be required. The enhancement and/or restoration is subject to the standards of Section 9.10, Vegetation Protection and Landscaping. If the required buffer has already been restored, the project proponent may provide a 20% wider buffer which has been restored and/or enhanced in order to obtain the 15% increase in height. These incentives may not be combined to achieve a greater than 15% height increase. The enhancement/restoration is subject to the standards of Section 9.10, Vegetation Protection and Landscaping.

D. Lighting

Lighting for the site or development shall be designed and located so that:

1. The minimum light levels in parking areas and paths between the building and street shall be 1 foot-candle;
2. Lighting shall be designed to prevent light spillover and glare on adjacent properties and on the river channel, be directed downward so as to illuminate only the immediate area; and be shielded to eliminate direct off-site illumination;
3. The general grounds need not be lighted;

The lighting is incorporated into a unified

14. Section 9.8.C shall be modified as follows:

C. ~~Where required~~ **For all development**, mitigation **sequencing** ~~measures~~ shall be applied in the following ~~sequence of steps listed in~~ order of priority.

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

15. A new Section 9.13 shall be added as follows:

9.13 Signs in Shoreline Jurisdiction

A. Signage within the shoreline buffer is limited to the following:

1. Interpretative Signs;
2. Signs for water related uses;
3. Signs installed by a government agencies for public safety along any public trail or at any public park;
4. Signs installed within the rights of way of any public right of way or bridge within the shoreline buffer. All signs shall meet the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways, current edition, published by the U.S. Department of Transportation.
5. Signs installed on utilities and Wireless Communication Facilities denoting danger or other safety information, including emergency contact information.

B. The following signs are strictly forbidden the shoreline buffer:

1. Billboards and other off-premise signs.

16. Section 10.6.D shall be modified as follows:

D. Wetlands shall be designated in accordance with the ~~Washington State Wetlands Rating~~

~~System~~ Washington State Wetlands Rating System for Western Washington (Washington State Department of Ecology, August 2004, Publication #04-06-025 Washington Department of Ecology, August 2004, Publication #93-74)

as Category I, II, III, or IV as listed below:

1. Category I wetlands are those that a) represent a unique or rare wetland type; or b) are more sensitive to disturbance than most wetlands; or c) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or d) provide a high level of functions. The following types of wetlands listed by Washington Department of Ecology and potentially found in Tukwila's Shoreline Jurisdiction are Category I:
 - a. Estuarine wetlands (Estuarine wetlands are deepwater tidal habitats with a range of fresh-brackish-marine water chemistry and daily tidal cycles, salt and brackish marshes, intertidal mudflats, mangrove swamps, bays, sounds, and coastal rivers.
 - b. Wetlands that perform many functions well and score at least 70 points in the Western Washington Wetlands Rating System.
2. Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands potentially in Tukwila's Shoreline Jurisdiction include:
 - a. Estuarine Wetlands - Any estuarine wetland smaller than an acre, or those that are disturbed and larger than 1 acre are category II wetlands.
 - b. Wetlands That Perform Functions Well - Wetlands scoring between 51-69 points (out of 100) on the questions related to the functions present are Category II wetlands.
3. Category III wetlands have a moderate level of functions (scores between 30 -50 points). Wetlands scoring between 30 -50 points generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
4. Category IV wetlands have the lowest levels of functions (scores less than 30 points) and are often heavily disturbed. While these are wetlands that should be able to be replaced or improved, they still need protection because they may provide some important functions. Any disturbance of these wetlands must be considered on a case by case basis.

17. Section 10.9.E shall be modified as follows:

E. Reduction of Standard Buffer Width

Except for the Green/Duwamish River (Type 1 watercourse for which any variation in the buffer shall be regulated under the shoreline provisions of this Program), the buffer width may be reduced on a case-by-case basis, provided the reduced buffer area does not contain slopes 15% or greater. In no case shall the approved buffer width result in greater than a 50% reduction in width. Buffer reduction with enhancement may be allowed as part of a Substantial Development permit if:

1. Additional protection to wetlands or watercourses will be provided through the implementation of a buffer enhancement plan; and
2. The existing condition of the buffer is degraded; and
3. Buffer enhancement includes, but is not limited to the following:
 - a. Planting vegetation that would increase value for fish and wildlife habitat or improve water quality;
 - b. Enhancement of wildlife habitat by incorporating structures that are likely to be used by wildlife, including wood duck boxes, bat boxes, snags, root wads/stumps, birdhouses and heron nesting areas; or
 - c. Removing non-native plant species and noxious weeds from the buffer area and replanting the area.

18. Section 10.11 shall be modified as follows:

10.11 Sensitive Areas Permitted Uses and Alterations.

A. General Sensitive Areas Permitted Uses

1. All uses permitted in the Shoreline Jurisdiction Buffers are allowed in sensitive area buffers within the jurisdiction except:
 - a. Promenades
 - b. Recreational structures
 - c. Public pedestrian bridges
 - d. Vehicle bridges
 - e. New utilities
 - f. Plaza connectors
 - g. Water dependent uses and their structures
 - h. Essential streets, roads and rights of way
 - i. Essential public facilities
 - j. Outdoor storage
2. In addition, the following uses are allowed:
 - a. Maintenance activities of existing landscaping and gardens in a sensitive area buffer including but not limited to mowing lawns, weeding, harvesting and replanting of garden crops and pruning and planting of vegetation. The

removal of established native trees and shrubs is not permitted. Herbicide use in sensitive areas or their buffers is not allowed without written permission of the City.

- b. Vegetation maintenance as part of sensitive area enhancement, creation or restoration. Herbicide use in sensitive areas or their buffers is not allowed without written permission of the City.

~~B. Uses Requiring a Type II permit~~

- ~~1. Maintenance and repair of existing uses and facilities where alteration or additional fill materials will be placed or heavy construction equipment used.~~
- ~~2. Construction of new essential streets and roads, rights-of-way and utilities.~~
- ~~3. New surface water discharges to sensitive areas or their buffers from detention facilities, pre-settlement ponds or other surface water management structures may be allowed provided that the discharge meets the clean water standards of RCW 90.48 and WAC 173.200 and 173.201 as amended, and does not adversely affect water level fluctuations in the wetland or adversely affect watercourse habitat and watercourse flow conditions relative to the existing rate.~~
- ~~4. Plaza connectors~~
- ~~5. Essential public facilities~~
- ~~6. Overwater structures~~
- ~~7. Recreation structures~~

BC. Conditional Uses

Dredging, where necessary to remediate contaminated sediments, if adverse impacts are mitigated.

CD. Wetland Alterations.

Alterations to wetlands are discouraged, are limited to the minimum necessary for project feasibility, and must have an approved mitigation plan developed in accordance with the standards in this chapter.

1. Mitigation for wetlands shall follow the mitigation sequencing steps in this chapter and may include the following types of actions:
 - a. Creation - the manipulation of the physical, chemical or biological characteristics to develop a wetland on an upland or deepwater site, where a biological wetland did not previously exist;
 - b. Re-establishment - the manipulation of the physical, chemical or biological characteristics of a site with the goal of restoring wetland functions to a former wetland, resulting in a net increase in wetland acres and functions;
 - c. Rehabilitation - the manipulation of the physical, chemical, or biological

- characteristics with the goal of repairing historic functions and processes of a degraded wetland, resulting in a gain in wetland function but not acreage;
- d. Enhancement - the manipulation of the physical, chemical or biological characteristics to heighten, intensify, or improve specific functions (such as vegetation) or to change the growth stage or composition of the vegetation present, resulting in a change in wetland functions but not in a gain in wetland acreage; or
 - e. A combination of the three types.
2. Allowed alterations per wetland type and mitigation ratios are as follows:
- a. Alterations are not permitted to Category I wetlands unless specifically exempted under the provisions of this Program. Mitigation will still be required at a rate of 4:1 for creation or re-establishment, 8:1 for rehabilitation, and 16:1 for enhancement.
 - ba. Alterations are not permitted to Category ~~I~~ II wetlands unless specifically exempted under the provisions of this Program. Mitigation will still be required at a rate of 3:1 for creation or re-establishment, ~~6~~4:1 for rehabilitation, and ~~12~~6:1 for enhancement.
 - cb. Alterations to Category III wetlands are prohibited except where the location or configuration of the wetland provides practical difficulties that can be resolved by modifying up to .10 (one-tenth) of an acre of wetland. Mitigation for any alteration to a Category III wetland must be located contiguous to the altered wetland. Mitigation for any alteration to a Category III wetland must be provided at a ratio of 2:1 for creation or re-establishment, 4:1 for rehabilitation and 8:1 for enhancement alone.
 - de. Alterations to Category IV wetlands are allowed, where unavoidable and adequate mitigation is carried out in accordance with the standards of this section. Mitigation for alteration to a Category IV wetland will be 1.5:1 for creation or re-establishment and 3:1 for rehabilitation ~~or~~ and 6:1 for enhancement.
 - ed. Isolated wetlands formed on fill material in highly disturbed environmental conditions and assessed as having low overall wetland functions (scoring below 20 points) may be altered and/or relocated with the permission of the Director. These wetlands may include artificial hydrology or wetlands unintentionally created as the result of construction activities. The determination that a wetland is isolated is made by the US Army Corps of Engineers.

DE. Watercourse Alterations

All impacts to a watercourse that degrade the functions and values of the watercourse shall be

avoided. If alternation to the watercourse is unavoidable, all adverse impacts shall be mitigated in accordance with the approved mitigation plan as described in this chapter. Mitigation shall take place on-site or as close as possible to the impact location, and compensation shall be at a minimum 1:1 ratio. Any mitigation shall result in improved watercourse functions over existing conditions.

1. Diverting or rerouting may only occur with the permission of the Director and an approved mitigation plan as well as all necessary approvals by state agencies. Any watercourse that has critical wildlife habitat or is necessary for the life cycle or spawning of salmonids, shall not be rerouted, unless it can be shown that the habitat will be improved for the benefit of the species. A watercourse may be rerouted or day-lighted as a mitigation measure to improve watercourse function.
2. Piping of any watercourse should be avoided. Relocation of a watercourse is preferred to piping; if piping occurs in a watercourse sensitive area, it shall be limited and shall require approval of the Director. Piping of Type 1 watercourses shall not be permitted. Piping may be allowed in Type 2, 3 or 4 watercourses if it is necessary for access purposes. Piping may be allowed in Type 4 watercourses if the watercourse has a degraded buffer, is located in a highly developed area and does not provide shade, temperature control etc. for habitat. The applicant must comply with the conditions of this section, including: providing excess capacity to meet needs of the system during a 100-year flood event; and providing flow restrictors, and complying with water quality and existing habitat enhancement procedures.
3. No process that requires maintenance on a regular basis will be acceptable unless this maintenance process is part of the regular and normal facilities maintenance process or unless the applicant can show funding for this maintenance is ensured for as long as the use remains.
4. Piping projects shall be performed pursuant to the following applicable standards:
 - a. The conveyance system shall be designed to comply with the standards in current use and recommended by the Department of Public Works.
 - b. Where allowed, piping shall be limited to the shortest length possible as determined by the Director to allow access onto a property.
 - c. Where water is piped for an access point, those driveways or entrances shall be consolidated to serve multiple properties where possible, and to minimize the length of piping.
 - d. When required by the Director, watercourses under drivable surfaces shall be contained in an arch culvert using oversize or super span culverts for rebuilding of a streambed. These shall be provided with check dams to reduce flows, and shall be replanted and enhanced according to a plan approved by the Director.
 - e. All watercourse crossing shall be designed to accommodate fish passage. Watercourse crossings shall not block fish passage where the streams are fish bearing.
 - f. Storm water runoff shall be detained and infiltrated to preserve the

- watercourse channel's dominant discharge.
- g. All construction shall be designed to have the least adverse impact on the watercourse, buffer and surrounding environment.
 - h. Piping shall be constructed during periods of low flow, or as allowed by the State Department of Fish and Wildlife.
 - i. Water quality must be as good or better for any water exiting the pipe as for the water entering the pipe, and flow must be comparable.

EF. Fish and Wildlife Conservation Area Alterations

Alterations to the Green/Duwamish River are regulated by the shoreline provisions of this SMP. Alterations to Fish and Wildlife Conservation Areas that have been created as restoration or habitat enhancement sites and that are shown on the Sensitive Areas in the Shoreline Jurisdiction Map are prohibited and may only be authorized through a shoreline variance procedure.

19. Section 11.1.A shall be modified as follows:

A. Public access to or along the shoreline as described in Section 11 shall be provided on all property that abuts the Green/Duwamish River shoreline in accordance with this section as further discussed below where any of the following conditions are present.

1. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact.
2. Where a development or use will interfere with an existing public access way, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses.
3. Where a use or development will interfere with a public use of lands or waters subject to the public trust doctrine, the development shall provide public access to mitigate this impact.
4. Where the development is proposed by a public entity or on public lands.
5. Where identified on the Shoreline Public Access Map.
6. Where a land division of five or greater lots, or a residential project of five or greater residential units is proposed.

For the purposes of this section, an "increase in demand for public access" is determined by evaluating whether the development reflects an increase in the land use intensity, for example

converting a warehouse to office or retail use, or a significant increase in the square footage of an existing building. A significant increase is defined as an increase of 3,000 square feet. The extent of public access required will be proportional to the amount of increase in the demand for public access. For smaller projects, the Director will review the intent of this section and the scope of the project to determine a reasonable amount of public access to be carried out. Depending on the amount of increase, the project may utilize the alternative provisions for meeting public access in Section 11.6.C.

The terms and conditions of Section 11.1 and 11.2 shall be deemed satisfied if the applicant and the City agree upon a master trail plan providing for public paths and trails within a parcel or group of parcels.

20. Section 11.5 shall be modified as follows:

11.5 Public Access Incentives

This section provides allowances for increased maximum height limits for buildings in shoreline jurisdiction when certain public access provisions are provided with shoreline development. Prior to approval of any building greater than 35 feet in height in shoreline jurisdiction, the development proponent must demonstrate that the proposed building will not block the views of a substantial number of residences.

- A. The minimum yard setback for buildings, uses, utilities or development from non-riverfront lot lines may be reduced as follows:
1. Where development provides a public access corridor between off-site areas, or public shoreline areas to public shoreline areas, one side yard may be reduced to a zero lot line placement; or
 2. Where development provides additional public access area(s) equal in area to at least 2.5% of total building area, the front yard (the landward side of the development) may be reduced by 50 percent.
- B. The maximum height for structures may be increased by 15% when:
1. Development devotes at least 5% of its building or land area to public shoreline access; or
 2. Development devotes at least 10% of its land area to employee shoreline access.
- C. The maximum height for structures may be increased by a maximum of 25% when:
1. One of the criteria under 11.5 B. is met; and
 2. The applicant restores or enhances the entire shoreline buffer, including but not limited to paved areas no longer in use on the property to offset the impact of the

increase in height. Buffer restoration/enhancement projects undertaken to meet the requirements at 11.6 C. are not eligible for this incentive.

3. No combination of incentives from 11.5 B, 11.5 C or 9.3 C may be used to gain more than a 25% height increase.

- D. The maximum height for structures may be increased ~~to the height permitted in the underlying zoning district~~ for properties that construct a 14' wide paved trail with a two-foot wide shoulder on each side for public access along the river in areas identified for new shoreline trail segments, or where, in the case of properties containing or abutting existing public access trails, the existing trail either meets the standard of a 14 foot wide trail with two foot shoulders on either side or the property owner provides any necessary easements and improvements to upgrade the existing trail to that standard along the property frontage. During the project review, the increased height shall be affirmatively demonstrated to

1. Not block the views of a significant number of residences,
2. Not cause environmental impacts such as, but not limited to, shading of the river buffer or light impacts adversely affecting the river corridor, and
3. Achieve no net loss of ecological function. In no case shall the building height be greater than 115 feet pursuant to this provision.

21. Section 13.1 shall be modified as follows:

13.1 Shoreline Substantial Development Permit Not Required

Shoreline restoration projects shall be allowed without a Shoreline Substantial Development Permit when these projects meet the criteria established by WAC 173-27-040(o) and (p) and RCW 90.58.580 H.B. 2199.

22. Section 13.2 shall be modified as follows:

13.2 Changes in Shoreline Jurisdiction due to Restoration

Relief may be granted from shoreline master program standards and use regulations in cases where shoreline restoration projects result in a change in the location of the OHWM and associated shoreline jurisdiction on the subject property and/or adjacent properties and where application of shoreline master program regulations would preclude or interfere with the uses permitted by the underlying zoning, thus presenting a hardship to the project proponent.

- A. Applications for relief, as specified on subsection B below must meet the following criteria:
1. The proposed relief is the minimum necessary to relieve the hardship;
 2. After granting the proposed relief, there is net environmental benefit from the

- restoration project; and
3. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and with the shoreline master program.

The Department of Ecology must review and approve applications for relief.

Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under the provisions of this section.

- B. For tThe portion of property that moves from outside shoreline jurisdiction to inside shoreline jurisdiction as a result of the shoreline restoration project the City may consider the following, consistent with the criteria in A above:
1. ~~may be permitting~~ developmented for the full range of uses of the underlying zoning consistent with the zoning code, including uses that are not water-oriented;
 2. ~~is not required~~ waiving the requirement to obtain a shoreline substantial development permit if it is otherwise exempt from the requirement for a substantial development permit;
 3. ~~is not subject to~~ waiving the SMP provisions for public access;
 4. ~~may be developed for the full range of uses of the underlying zoning is not subject to~~ waiving the requirement for shoreline design review; and
 5. ~~is not subject to~~ waiving the development standards set forth in this Program, except as set forth in Section 13.2 C.

The intent of the exemptions identified in A 1-4 is to implement the restoration projects of the Shoreline Master Program Restoration Plan, which reflect the projects identified in the Water Resource Inventory (WRIA) 9 Plan pursuant to Policy 5.2 of this Master Program. Projects will continue to be added to the Restoration Plan as they are identified.

- C. Consistent with the provisions of subsection A. above, the Shoreline Residential Environment Buffer, High Intensity or Urban Conservancy Environment Buffer width may be reduced to no less than 25 feet measured from the new location of the OHWM for the portion of the property that moves from outside the shoreline jurisdiction to inside shoreline jurisdiction as a result of the shoreline restoration project, subject to the following standards:
1. The 25 foot buffer area must be vegetated according to the requirements of the Vegetation Protection and Landscaping Section or as otherwise approved by the City; and
 2. The proponents of the restoration project are responsible for the installation and

maintenance of the vegetation.

D. The habitat restoration project proponents must record with King County a survey that identifies the location of the OHWM location prior to implementation of the shoreline restoration project, any properties and structures that fall within the shoreline jurisdiction and the new location of the OHWM once construction of the shoreline restoration project is completed and any properties that are brought under shoreline jurisdiction due to the restoration project. As the location of the OHWM is not static, it may be necessary for future projects to re-survey the location of the OHWM.

~~ED~~. Shoreline restoration projects must obtain all U.S. Army Corps of Engineers and Washington State Department of Fish and Wildlife approvals as well as written approval from the City.

23. Section 14.5.A.4 shall be modified to read:

If a change of use is proposed to a use determined to be non-conforming by application of provisions in this SMP, the proposed new use must be a permitted use in the SMP or a use approved under a Conditional Use Permit process. For purposes of implementing this section, a change of use constitutes a change from one Permitted, Conditional Use category to another such use category as listed within the use matrix zoning code.

24. Section 14.5.B.5 shall be modified as follows:

5. Residential structures ~~and uses~~ located in any Shoreline Residential Environment single family or multiple family residential zoning district and in existence at the time of adoption of this SMP shall not be deemed nonconforming in terms of height, residential use, or location provisions of this title. Such buildings may be rebuilt after a fire or other natural disaster to their original dimensions, location and height, but may not be changed except as provided in the non-conforming uses section of this chapter.

25. Section 14.5.B.6 shall be modified as follows:

6. Single-family structures in the Shoreline Residential Environment single or multiple family residential zone districts, which have legally non-conforming setbacks from the OHWM per the SMP buffer, shall be allowed to expand the ground floor only along the existing building line(s), so long as the existing distance from the nearest point of the structure to the OHWM is not reduced, and the square footage of new intrusion into the buffer does not exceed 50% of the square footage of the current intrusion. As a condition of building permit approval a landscape plan showing

removal of invasive plant species within the entire shoreline buffer and replanting with appropriate native species must be submitted to the City. Maintenance of these plantings through the establishment period is recommended.