

**ATTACHMENT C:
RECOMMENDED 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. Modify definition of "substantial development" in Section 3 to read:

"Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor.

2. Add Section 6.12 to read:

Tukwila, in developing and implementing its shoreline master program for shorelines of statewide significance, including the Green /Duwamish River, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or

necessary."

3. Add to Sections 8.2.A.1, 8.3.A.1, 8.4.A.1, and 8.5.A.1 the following:

Fill solely for the purpose of ecological restoration.

4. Add to Sections 8.2.A.2, 8.3.A.2, 8.4.A.2, and 8.5.A.2 the following:

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 alternative to fill are not feasible.

5. Live-aboards may be permitted with both of the following additions to the SMP:

a. Live-aboards shall be a separate use in the Residential category in the Use Matrix. Live-aboards shall be prohibited in all environments except Aquatic. Live-aboards may be permitted in the Aquatic environment.

b. A Section 9.12.E shall be added to read:

New over-water residences are prohibited. Live-aboards may be allowed provided that:

1. They are for single-family use only;
2. They are located in a marina that provides shower and toilet facilities on land and there are no sewage discharges to the water;
3. Live-aboards do not exceed 10 percent of the total slips in the marina;
4. They are owner-occupied vessels; and
5. There are on-shore support services in proximity to the live-aboards.

6. **Modify Table 4 in Section 9.10.B.4 as follows:**

Table 1. Tree Replacement Requirements

Diameter* of Tree Removed	No. of Replacement Trees Required
4-6 inches (single trunk) 2 inches (any trunk of a multi-trunk tree)	3
Over 6 – 8 inches	4
Over 8 – 20 inches	6
Over 20 inches	8

* measured at height of 4.5 feet from the ground

7. **Modify Section 10.7 to read:**

10.7 Watercourse Designation and Ratings

- A. Watercourse ratings are based on the existing habitat functions and are rated as follows:
1. Type 1 (S) Watercourse: Watercourses inventoried as Shorelines of the State, under RCW 90.58 (Green/Duwamish River).
 2. Type 2 (F) Watercourse: Those watercourses that have either perennial (year-round) or intermittent flows and support salmonid fish use.
 3. Type 3 (NP) Watercourse: Those watercourses that have perennial flows and are not used by salmonid fish.
 4. Type 4 (NS) Watercourse: Those watercourses that have intermittent flows and are not used by salmonid fish.
- B. Watercourse sensitive area studies shall be performed by a qualified professional (hydrologist, geologist, engineer or other scientist with experience in preparing watercourse assessments).

8. Modify Section 10.9.A.1 as follows:

10.9 Wetland Watercourse, and Fish and Wildlife Habitat Conservation Area Buffers

A. Purpose and Intent of Buffer Establishment

1. A buffer area shall be established adjacent to designated sensitive areas. The purpose of the buffer area shall be to protect the integrity, functions and values of the sensitive areas. Any land alteration must be located out of the buffer areas as required by this section while acknowledging nonconforming uses and structures as allowed by Section 14.5 of this SMP.

9. Modify Section 10.9.C.2 as follows:

2. Watercourse buffers (measured from the Ordinary High Water Mark):
 - a. Type 1 (S) Watercourse: The buffer width for the Green/Duwamish River is established in the Shoreline Environment Designations of this SMP for the three designated shoreline environments.
 - b. Type 2 (F) Watercourse: 100-foot-wide buffer.
 - c. Type 3 (NP) Watercourse: 80-foot-wide buffer.
 - d. Type 4 (NS) Watercourse: 50-foot-wide buffer.

10. Add to Section 14:

The City will track all land use and development, including exemptions, within the shoreline jurisdiction. A report will be assembled that provides basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of native vegetation planted or maintained, reductions in chemical usage to maintain turf, linear feet of eroding stream bank stabilized through plantings, linear feet of shoreline armoring removed or modified levees, or number of fish passage barriers corrected. The report would also update the status of implementation of restoration projects. The staff report would be presented along with any Comprehensive Plan amendments during the yearly review cycle. The report would be used to determine whether implementation of the SMP is meeting the

basic goal of no net loss of ecological functions relative to the baseline conditions established in the Inventory and Characterization Report. Based on the results of the annual assessment, SMP amendments may be necessary.

11. Add to Section 14.2:

C. A substantial development permit shall be granted only when the development proposed is consistent with:

1. The policies and procedures of the Shoreline Management Act;
2. The provisions of Chapter 173-27, WAC; and
3. This shoreline master program.

12. Section 14.2.B shall be modified as follows:

14.2 Substantial Development Permit Requirements

A. Permit Application Procedures

Applicants for a Shoreline Substantial Development Permit shall comply with permit application procedures.

B. Exemptions

1. To qualify for an exemption, the proposed use, activity or development must meet the requirements for an exemption as described in WAC 173-27-040, except for properties that meet the requirements of the Shoreline Restoration Section. The purpose of a shoreline exemption is to provide a process for uses and activities which do not trigger the need for a substantial development permit, but require compliance with all provisions of the City's SMP.
2. The Director may impose conditions to the approval of exempted developments and / or uses as necessary to assure compliance of the project

with the SMA and the Tukwila SMP, per WAC 173-27-040(e). For example, in the case of development subject to a building permit, but exempt from the shoreline permit process, the Building Official or other permit authorizing official, through consultation with the Director, may attach shoreline management terms and conditions to Building Permits and other permit approvals pursuant to RCW 90.58.140.

3. A written exemption shall be required to be sent to the applicant and to the Department of Ecology if:

a. The activity is located in a sensitive area or sensitive area buffer;

b. A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899 is required; or

c. A section 404 permit under the Federal Water Pollution Control Act of 1972 is required.