



October 16, 2008

Ms. Carol Lumb, Senior Planner  
City of Tukwila  
Department of Community Development  
6300 Southcenter Blvd.  
Suite 100, Tukwila, WA 98188

Sent by email to: [clumb@ci.tukwila.wa.us](mailto:clumb@ci.tukwila.wa.us)

Re: Comments on the Tukwila Shoreline Master Program Update

Dear Ms. Lumb:

Thank you for the opportunity to comment on the Draft Shoreline Master Program for the City of Tukwila. Our mission at Futurewise is to promote healthy communities and cities while protecting working farms and forests and shorelines for this and future generations. Futurewise has members across Washington State, including the City of Tukwila.

## Summary

Overall, we support many provisions of the Draft Shoreline Master Program (SMP). The changes are a great improvement to the existing SMP that go far to meet the requirements of the Shoreline Management Act. Given the many threats that face Washington's Shorelines, we very much appreciate the City of Tukwila's work to update its shoreline master program. This will go a long way to protecting Tukwila's shorelines. We particularly support the following provisions.

- Given the historic urban and industrial nature of the City, the Restoration element is especially important to halt the continued decline of its shorelines.
- The improved buffers will greatly improve protection for streams and wetlands.
- The detailed public access provisions will help citizens of the City enjoy the water resources near them, and improve the quality of life in the city.

## Recommended Improvements

That said, there are some important issues that we have identified. We recommend the following changes:

### *Loss of Wetland and Stream Functions*

- The existing critical areas ordinance (CAO) explicitly does not regulate or protect wetlands under 1000 sq. ft. The approach is retained in the Draft SMP. Given that even small wetlands can be Category 1 and 2 wetlands in the new Washington Wetland Rating System, declaring them to be not regulated is contrary to the requirements to protect wetlands under GMA, and to protect shoreline ecological functions. This

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provision needs to be changed by either including small wetlands under Category 3, or by adopting the Washington Wetland Rating System. We recommend using the Washington Wetland Rating System to classify your wetlands.

- The existing CAO explicitly allows piping of watercourses. The approach is retained in the Draft SMP. While Type 2 & 3 watercourses can be piped only for access, Type 4s can be piped for any reason if they have a degraded buffer and are in a developed area. Most Type 4s will fall into this category. Because the buffer is degraded doesn't mean the stream itself is degraded, and even degraded streams provide important functions. There needs to be a distinction between piping and relocation – relocation is much preferred to putting the stream in a pipe. The practice of actually piping Type 4 streams needs to end, and other measures need to be used. There needs to be a preferences built into the standards similar to mitigation sequencing, but specific to the different practices of watercourse alterations:
  - o not relocating preferred over relocating preferred over piping
  - o alternate access points preferred over shared stream crossings preferred over individual stream crossings
  - o stream crossings using bridges preferred over culvertsApplicants need to demonstrate why the lesser impacting preferences won't work before choosing a higher impacting preference.
- There are several standards for piping streams. These need to be made more general to all stream alterations. In addition, standards are needed to span the floodway where it exists, or to at least span the full width of the stream channel and not constrict it. Provisions are also needed for streams with floodplains to pass floodwaters in some manner without concentrating flows. Floodplains have an ecological function that is well described in the SMP guidelines. These concepts are fundamental elements of riverine best available science. The biggest source of degradation to stream systems is direct encroachment into the stream which constricts and concentrates normal flows, followed by encroachments into floodways and floodplains that constrict and concentrate flood flows, followed by degradation of the riparian areas that support and protect stream functions. Alterations that cannot meet these provisions WILL CAUSE degradation to the stream, which cannot be mitigated by planting a few trees in a buffer.
- The issues noted above appear to be holdovers from the existing CAO that need to be changed. They appear to be policy choices that are not supported by science, and that result in PLANNED-FOR net-loss of ecological function. This is contrary to the requirements of the Shoreline Management Act and the Shoreline Master Program Guidelines.

### ***Shoreline Allowed Uses***

- The proposed shoreline allowed uses system provides for permitted uses, conditional uses, and unclassified uses found in the zoning ordinance; which is based on land use compatibility within different zoning districts. This is contrary to the allowed use

system established by the Shoreline Master Program (SMP) Guidelines, which is based on the character of the shoreline and compatibility with shoreline functions and values. Furthermore, the SMP Guidelines have specific uses and activities that require shoreline conditional use permits. The allowed uses should be consistent with the SMP guidelines.

- Water dependency is a primary component in the protection of shorelines. It is one of the preferred uses in the SMA. While definitions for different types of water dependency are found in the background and policies of the Draft SMP, they are almost unused in the actual regulations. Water dependency needs to be included in the allowed use system. The most expedient way is to use the Shoreline Conditional Use Permit provisions. Uses that are Non-Water Oriented need to be either not allowed, or need to be a Shoreline Conditional Use.
- Many uses are allowed in the buffer that do not need to be in the buffer: roads, trails, parks, utilities, storage areas, essential public facilities, etc. Apparently the buffer doesn't apply to them, when it should so that shoreline functions are protected as the Shoreline Management Act requires. Essential Public Facilities is a broad and loosely defined category of uses and activities that includes many things that do not need to be in a buffer. The list of uses allowed in the buffer should be based on whether they do not alter the buffer, and on whether they are water-oriented. Other uses should meet the buffer or apply for a Shoreline Variance.

### ***Shoreline Variances***

- Buffer reductions are talked about in several locations of the document, but it's unclear if the document contemplates them as needing a Shoreline Variance. The requirement to obtain a Shoreline Variance should be added to any provisions that related to reducing or altering standards.

### ***Non-Conformities***

- The new enlarged buffers may create some non-conforming structures. These should be treated differently from non-conforming uses. Non-conforming uses are uses not normally allowed there, and are a much bigger concern than a structure built legally to meet previous buffer requirements. We recommend specific provisions address non-conforming structures.

### ***Document Organization***

- The Draft SMP may be difficult to understand for someone not familiar with its contents. Similar or redundant sections are in different parts of the document rather than grouped together. We recommend that similar sections be grouped together and that the proposal be carefully reviewed to ensure that all required provisions are included.

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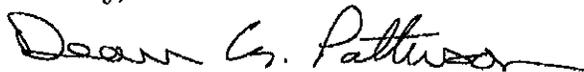
***Missing Elements***

- While there are many standards for over-water structures and piping, there are few or no standards for roads, and utilities. These uses can damage streams and wetlands even though outside a buffer. Roads can cut off or isolate stream corridor features, such as floodplains or connections to wetlands. Utilities can transport dangerous substances, and buried utilities can change the groundwater patterns that support streams and wetlands. Standards should be included to roads and utilities to protect shoreline functions.
  
- The SMA and SMP guidelines require measures to effectively protect shoreline resources from the potential adverse impacts of residential, commercial, and industrial use. Yet there are almost no development standards for commercial and industrial uses (except for those under other subjects, such as buffers or access). Nor are there limits to their placement within shoreline jurisdiction. Standards should be included to protect shoreline functions.
  
- The protection of Critical Aquifer Recharge Areas is not addressed in the document. Standards should be included to protect this important resource.

Some of the items above are important issues in meeting the SMP Guidelines. They will be important in obtaining the Department of Ecology's approval of your SMP.

Again, we strongly support many components of the shoreline master program, with the inclusion of our recommended improvements. Thank you for considering our comments. If you require additional information please contact me at 509-823-5481 or email me at [dean@futurewise.org](mailto:dean@futurewise.org).

Sincerely,



Dean Patterson  
Shoreline Planner