



## **INFORMATIONAL MEMORANDUM**

**TO: Mayor Haggerton  
Committee of the Whole**

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

**DATE: July 1, 2009**

**SUBJECT: Planning Commission Recommended Shoreline Master Program**

### **ISSUE**

The City Council will resume review of the Planning Commission Recommended Shoreline Master Program (SMP) on July 7, 2009. The Council will meet in work session in the Council chambers from 6:00 to 8:00 p.m.

### **BACKGROUND**

Review of the Draft Shoreline Master Program Update began on July 24, 2008 with a joint City Council/Planning Commission briefing on the major aspects of the proposed program. The Planning Commission then met over the next six months during which it:

- reviewed the document in detail;
- held three Open Houses;
- conducted a public hearing on August 2, 2008 that was continued to October 9, 2008 to allow additional time for public review of and comment on the document.

The Planning Commission then held eight work sessions to make decisions on revisions to the draft document and on February 5, 2009 approved a Shoreline Master Program to forward to the Council for its review.

The City Council met on March 23, 2009 for an overview of the Planning Commission Recommended Draft SMP. An Open House was held on March 25, 2009 and a public hearing was opened on April 20, 2009 and continued to July 13, 2009. Detailed review of the Planning Commission Recommended Draft SMP was deferred while the Council reviewed the proposed developer's agreement for the Tukwila South project.

When the Council completes its review of the Planning Commission Recommended Draft SMP and adopts a document, it will then go to the Department of Ecology (DOE) for its review and approval. Ecology will hold a public hearing in Tukwila as part of its review process and may have issues for the City to address before the SMP can be approved. Once DOE approves the SMP, the policies and regulations in the document go into effect.

### **DISCUSSION**

To assist in your review of the Planning Commission Recommended Shoreline Master Program, you may wish to look over the Matrix which summarizes the issues raised during the Planning Commission review and the Attachments that discuss in more detail some of the issues raised.

You will find the most recent Matrix of Public Comments and Attachments prepared for the Planning Commission in your shoreline binder at the tab for the 12/10-12/11/08 Work Session.

From the public testimony received so far, staff has identified the following issues:

- 1) Buffer widths, concern about a uniform, "one size fits all" width for the Urban Conservancy and High Intensity shoreline environments and the desire for buffer width reductions without mitigation;
- 2) Requests for further expansion of nonconforming use and structure provisions beyond what was approved by the Planning Commission;
- 3) Economic impact of proposed changes;
- 4) Vegetation and landscaping requirements; and
- 5) Lack of public input during the review process.

For the work session on July 7, 2009, staff proposes to discuss the proposed shoreline environments and proposed buffers as well as the new FEMA maps and the status of the Howard Hanson Dam repairs. You will find two background memos on the buffers located in your notebooks:

- a memo on the proposed buffers for the commercial/industrial areas, prepared by Public Works Director Jim Morrow, is under the September 17, 2008 tab.
- a memo on the proposed residential buffers is under the October 15, 2008 tab;

These memos, in addition to the new text added to Section 7, explain the rationale behind the proposed buffer widths.

Prior to beginning the discussion on the substantive issues on July 7, staff would appreciate Council decisions on the procedures that will be followed during the work sessions. Decisions on meeting procedures would include the following:

- **Public Comment:** The Council has determined that public comment will not be taken at the work session, but may occur during the Public Comment period at Regular City Council meetings on the first and third Monday of the month. It would be "cleaner" to limit public comment on the SMP to the public hearing setting. It will not be as easy to track comments that come in during a regular Council meeting as the SMP staff will not be attending those meetings. Public comment will need to be concluded at some point in order to complete the Matrix, which will reflect both written and verbal testimony.
- **Reaching closure on specific issues:** Staff would propose that as issue discussions are concluded, the Council provide direction to staff on how the outcome of the discussion should be reflected in the Matrix.
- **Staff Proposed Revisions:** Based on the additional testimony that has been received and recent legislation signed by the Governor, staff may have minor modifications to present to the Council for their consideration. We would appreciate guidance on when the Council would like to receive these potential proposed revisions.

For subsequent work sessions, staff proposes addressing the issues identified above. We would appreciate the Council's direction on whether there are other issues that should be to address at work sessions. Please let me, Nora Gierloff or Carol Lumb know about other issues you would like to discuss.

Staff has not proposed meeting dates beyond the August 28<sup>th</sup> work session – the number of additional work sessions needed will depend on how long it takes to work through the issues identified above and any other issues identified by the Council. If the public hearing is continued past July 13, 2009, additional work sessions will probably be needed as the public testimony from a future public hearing would need to be reflected in the Matrix. Work on the matrix can't begin in earnest until the public hearing is closed. Several work sessions may be needed to go through the Matrix and any related issue papers, once they are complete.

The schedule for the Council work sessions on the SMP is as follows:

Venue	Date	Topic
Council Work Session	July 7, 6:00 – 8:00 p.m. Council Chambers	<ul style="list-style-type: none"> <li>Process for review of Planning Commission Recommended Draft SMP, identify topics for future work sessions</li> <li>New FEMA maps, begin discussion of shoreline environments, buffers, Howard Hanson Dam update</li> </ul>
Public Hearing	July 13, 2009 7:00 p.m. Council Chambers	<ul style="list-style-type: none"> <li>Continue taking testimony on the Planning Commission Recommended Draft SMP (hearing continued from 4/20/09)</li> </ul>
Council Work Session	July 14, August 11 & 25 6:00 – 8:00 p.m. Council Chambers	<ul style="list-style-type: none"> <li>Continue discussion of shoreline environments, buffers if needed; other topics identified by staff and Councilmembers</li> </ul>
Council Work Session	August 25	<ul style="list-style-type: none"> <li>Identify future work session dates if Council review is not completed.</li> </ul>

Attached to this memo are the following documents:

- Copies of the written testimony (Exhibits 4-14) that was either submitted at the public hearing on April 20<sup>th</sup> or that has come in since that date. You received Exhibits 1-3 at the hearing on April 20<sup>th</sup>. These exhibits go in your second SMP Notebook, under the April 20, 2009 public hearing tab.
- A checklist that must accompany submittal of the adopted Shoreline Master Program to the Department of Ecology. This checklist is being provided to give Councilmembers an idea of the items that must be included in an adopted Shoreline Master Program. This checklist is a draft that will be updated and finalized after Council approval of the SMP.
- Updated Buffer Chart that identifies the existing and proposed buffers of other jurisdictions along the Green/Duwamish River. The chart was originally provided to the Planning Commission during its review of the SMP.
- Section 5.9.10 Flood Hazard Management Objectives and Strategies, from the 2006 King County Flood Hazard Management Plan. This section discusses the ideal levee slope and the approximate amount of width needed to repair and reconstruct levees at a stable slope, which is 110 feet. Please note the 110 foot area does not include the ten (10) feet needed

behind the levee which must be clear of buildings to allow observation of the levee back-slope and access for back-slope maintenance.

### **RECOMMENDATION**

Provide staff with direction on issues to be discussed at Council work sessions.

### **ATTACHMENTS**

- A. Written testimony received to-date: Exhibits 4-14
- B. DOE Review Checklist
- C. Comparison Chart of Existing and Proposed Buffer Distances
- D. Section 5.9.10 Flood Hazard Management Objectives and Strategies, from the 2006 King County Flood Hazard Management Plan

**ATTACHMENT B**

**DEPARTMENT OF ECOLOGY CHECKLIST  
REQUIRED TO ACCOMPANY SHORELINE  
MASTER PROGRAM SUBMITTAL**

## SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST

This checklist is for use by local governments to satisfy the requirements of WAC 173-26-201(3)(a), relating to submittal of Shoreline Master Programs (SMPs) for review by the Department of Ecology (Ecology) under Chapter 173-26 WAC. The checklist does not create new or additional requirements beyond the provisions of that chapter.

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## INSTRUCTIONS

This checklist is intended to help in preparation and review of local shoreline master programs (SMPs). Local governments should include a checklist with all SMPs submitted for review by Ecology.

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Information provided at the top of the checklist identifies what local jurisdiction and specific amendment (e.g. comprehensive update, environment re-designation or other topic) the checklist is submitted for, and who prepared it. Indicate in the location column where in the SMP (or other documents) the requirement is satisfied. If adopting other regulations by reference, identify what specific adopted version of a local ordinance is being used, and attach a copy of the relevant ordinance (*see example 1, below*).

**Draft submittals:** For draft submittals, local governments may use the Comments column to note any questions or concerns about proposed language. Ecology may then use the Comment field to respond (*see example 2, below*).

**Final submittals:** When submitting locally-approved SMPs for Ecology review, leave the comment field blank. Ecology will use the comment field to develop final comments on the SMP.

Ecology has attempted to make this checklist an accurate and concise summary of rule requirements, however the agency must rely solely on adopted state rules and law in approving or denying a master program. This document does not create new or additional requirements beyond the provisions of state laws and rules [WAC 173-26-201(3)(a)].

### EXAMPLE 1: reference other documents if necessary

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Inventory of existing data and materials. WAC 173-26-201(3)(c)(i) through (x).	Appendix A: Shoreline Inventory and Analysis, Section 2.	
Wetland buffer requirements are adequate to ensure wetland functions are protected and maintained in the long-term, taking into account ecological functions of the wetland, characteristics of the buffer, and potential impacts associated with adjacent lands. WAC 173-26-221(2)(c)(i)(B)	City Ordinance CA 19.072, adopted July 17 2003, p. 32	

### EXAMPLE 2: for draft submittals, use Comments column

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
High-intensity environment designation criteria: Areas within incorporated municipalities, "UGAs," and "rural areas of more intense development" ( <i>see RCW 36.70A.070</i> ) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii)	Urban Industrial, p. 15  Urban Mixed, p. 18  Also see Appendix B, Use Analysis, Chapter 3, p. 12.	<b>Local government:</b> SMP includes two urban designations that meet high-intensity criteria – Urban Industrial, and Urban Mixed. These alternative designations allow more specificity for public access, view and amenity requirements for the mixed use areas.  <b>Ecology:</b> Proposed alternative designations are consistent with the purposes and policies of the high-intensity criteria, as per WAC 173-26-211(4)(c).

<p><b>Acronyms and abbreviations</b></p> <p>comp plan: Comprehensive Plan  CUP: Conditional Use Permit  SMA: Shoreline Management Act, RCW 90.58  SMP: Shoreline Master Program  SSWS: Shorelines of Statewide Significance  WAC: Washington Administrative Code</p>	<p><b>For more information</b></p> <p><a href="http://www.ecy.wa.gov/programs/sea/SMA/index.html">www.ecy.wa.gov/programs/sea/SMA/index.html</a></p> <p>Ecology SMA Policy Lead: Peter Skowlund: (360) 407-6522</p>
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SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST

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Prepared for: City of Tukwila (Jurisdiction Name)		
Name of Amendment: Draft Shoreline Master Program		
Prepared by: Carol Lumb (Name)		
Date: 06/29/2007		

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<b>DOCUMENTATION OF SMP DEVELOPMENT PROCESS</b>		
<b>Public involvement, communication, and coordination</b>		
Documentation of <b>public involvement</b> throughout SMP development process. WAC 173-26-201(3)(b)(i) and WAC 173-26-090 and 100. For SSWS, see WAC 173-26-251(3)(a)	Section 2.5	Planning Commission review took place over a period of six months, with a public hearing held August 28, 2008 and continued to October 9, 2008. Open Houses were held on the Planning Commission during review of the document on 8/19/08, 10/1/08 and 1/7/09. The City Council held a public hearing on 4/20/09 and continued the hearing to 7/13/09. An Open House was held 3/25/09 on the Planning Commission Recommended Draft SMP. Mailings were sent to shoreline property owners throughout the process to notify about the public hearings and Open Houses.
Documentation of <b>communication with state agencies and affected Indian tribes</b> throughout SMP development. WAC 173-26-201(3)(b)(ii) and (iii), WAC 173-26-100(3). For saltwater shorelines, see WAC 173-26-221(2)(c)(iii)(B). For SSWS, see WAC 173-26-251(3)(a).		Communication has been ongoing with the Dept. of Ecology staff throughout the update process and with the Muckleshoot and Duwamish tribes. Notice to CTED has occurred.
Demonstration that <b>critical areas regulations</b> for shorelines are based on the SMA and the guidelines, and are at least equal to the current level of protection provided by the currently adopted critical areas ordinance. WAC 173-26-221(2)(b)(ii),(iii) and (c).	Section 10	Critical areas within the shoreline have been identified and are protected by Section 10 of the SMP, which is equally as protective as Tukwila's Sensitive Areas Ordinance.
Documentation of process to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private <b>property rights</b> . See "State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property." WAC 173-26-186(5).		Process is ongoing with the City Attorney

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p><b>Final submittal</b> includes:</p> <ul style="list-style-type: none"> <li>evidence of local government approval (or a locally approved "statement of intent to adopt");</li> <li>new and/or amendatory text, environment designation maps (with boundary descriptions and justification for changes based on existing development patterns, biophysical capabilities and limitations, and the goals and aspirations of the local citizenry);</li> <li>a summary of the proposal together with staff reports and supporting materials;</li> <li>evidence of SEPA compliance;</li> <li>copies of all comments received with names and addresses.</li> </ul> <p>WAC 173-26-110</p> <p>Submittal must include clear identification and transmittal of all provisions that make up the SMP. <i>This checklist, if complete, meets this requirement.</i> WAC 173-26-210(3)(a) and (h).</p>		<p style="font-size: 2em; opacity: 0.5;">DRAFT</p>
<b>Shoreline Inventory</b>		
<p><b>Inventory</b> of existing data and materials. WAC 173-26-201(3)(c)(i) through (x).</p> <p>For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(A)&amp;(B).</p>	<p>Shoreline Inventory and Characterization Report, (Appendix A) &amp; Section 4 of SMP (summary)</p>	
<b>Shoreline Analysis</b>		
<p><b>Characterization</b> of shoreline ecosystems and their associated logical functions that:</p> <ul style="list-style-type: none"> <li>identifies ecosystem-wide processes and ecological functions;</li> <li>assesses ecosystem-wide processes to determine their relationship to ecological functions;</li> <li>identifies specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes. WAC 173-26-201(3)(d)(i)(A).</li> </ul> <p>Demonstration of how characterization was used to prepare master program policies and regulations that achieve no net loss of ecological functions necessary to support shoreline resources and to plan for restoration of impaired functions. WAC 173-26-201(3)(d)(i)(E).</p> <p>For vegetation, see WAC 173-26-221(5). For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(B).</p> <p>Description of data gaps, assumptions made and risks to ecological functions associated with SMP provisions. WAC 173-26-201(2)(a)</p> <p>Characterization includes maps of inventory information at appropriate scale. WAC 173-26-201(3)(c)</p>	<p>Shoreline Inventory and Characterization Report, (Appendix A)</p> <p>Appendix B (Restoration Plan) and Section 5</p> <p>Sections 6.2, 6.4, 6.5, 6.6, 7, 8 and Cumulative Impact Analysis</p> <p>Section 9.10,</p> <p>Shoreline Inventory and Characterization Report and Cumulative Impact Assessment</p> <p>Shoreline Inventory and Characterization Report, (Appendix A)</p>	<p>Increasing buffer widths , establishing vegetation requirements, requiring bioengineering techniques for new shoreline stabilization, specifying mid-slope benches with planting for new and re-built levees, and limiting land use in buffers are among the many policies and regulations that demonstrate use of information from the shoreline characterization in order to protect and restore shoreline ecological function.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p><b>Use analysis</b> estimating future demand for shoreline space and potential use conflicts based on characterization of current shoreline use patterns and projected trends. Evidence that SMP ensures adequate shoreline space for projected shoreline preferred uses. Public access needs and opportunities within the jurisdiction are identified. Projections of regional economic need guide the designation of "high-intensity" shoreline. WAC 173-26-201(3)(d)(ii) &amp; (v); WAC 173-26-211(5)(d)(ii)(B)</p> <p>For SMPs that allow <b>mining</b>, demonstration that siting of mines is consistent with requirements of WAC 173-26-241(3)(h)(i).</p> <p>For <b>SSWS</b>:</p> <p>evidence that SMP preserves adequate shorelands and submerged lands to accommodate current and projected demand for <b>economic resources of statewide importance</b> (e.g., commercial shellfish beds and navigable harbors) based on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies.</p> <p>Evidence that <b>public access and recreation</b> requirements are based on demand projections that take into account activities of state agencies and interests of the citizens to visit public shorelines with special scenic qualities or cultural or recreational opportunities. WAC 173-26-251(3)(c)(ii) &amp; (iii)</p> <p><b>Optimum implementation</b> directives incorporated into comp plan and development regulations. WAC 173-26-251(2) &amp; (3)(e)</p> <p>For <b>GMA</b> jurisdictions, SMP recreational provisions are consistent with growth projections and level-of-service standards contained in comp plan. WAC 173-26-241(3)(i)</p>	<p>Section 6.4, 7 (Goal 5.3), Section 11 (Public Access) &amp; Cumulative Impact Analysis</p> <p>N/A</p> <p>N/A</p> <p>Section 6 (Goal 6.6), Section 11</p>	<p>Tukwila's shoreline is already heavily developed.</p> <p><b>DRAFT</b></p>
<p><b>Restoration plan that:</b></p> <ul style="list-style-type: none"> <li>identifies degraded areas, impaired ecological functions, and potential restoration sites;</li> <li>Establishes restoration goals and priorities, including SMP goals and policies that provide for restoration of impaired ecological functions;</li> <li>Identifies existing restoration projects and programs;</li> <li>Identifies additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources</li> <li>sets timelines and benchmarks for implementing restoration projects and programs;</li> <li>provides mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals. WAC 173-26-186(8)(c); 201(2)(c)&amp;(f)</li> </ul> <p>For critical freshwater habitats: incentives to restore water connections impeded by previous development. WAC 173-26-221(2)(c)(iv)(C)(III).</p> <p>For <b>SSWS</b>, identification of where natural resources of statewide importance are being diminished over time, and master programs provisions that contribute to the restoration of those resources. WAC 173-26-251(3)(b)</p>	<p>Appendix B and Section 5</p> <p>Restoration Plan, Appendix B</p> <p>Salmonid habitat restoration projects identified in Restoration Plan, Appendix B</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Evidence that each <b>environment designation</b> is consistent with guidelines criteria [WAC 173-26-211(5)], as well as existing use pattern, the biological and physical character of the shoreline and the goals and aspirations of the community. WAC 173-26-211(2)(a). WAC 173-26-110(3)</p> <p>Lands designated as "forest lands of long-term significance" under RCW 36.70A.170 are designated either natural or rural conservancy shoreline environment designations. WAC 173-26-241(3)(e).</p> <p>For <b>SSWS</b>, demonstration that environment designation policies, boundaries, and use provisions implement SMA preferred use policies of RCW 90.58.020(1) through (7). WAC 173-26-251(3)(c)</p>	<p>Section 7, Table 2</p> <p>N/A</p> <p>Sections 6, 7 &amp; 8</p>	<p>DRAFT</p>
<p>Assessment of how proposed policies and regulations cause, avoid, minimize and mitigate <b>cumulative impacts</b> to achieve no net loss policy. Include policies and regulations that address platting or subdividing of property, laying of utilities, and mapping of streets that establish a pattern for future development. Evaluation addresses:</p> <p>(i) <i>current circumstances</i> affecting the shorelines and relevant natural processes;</p> <p>(ii) <i>reasonably foreseeable future development</i> and use of the shoreline (including impacts from unregulated activities, exempt development, and other incremental impacts); and</p> <p>(iii) <i>beneficial effects</i> of any established regulatory programs under other local, state, and federal laws. WAC 173-26-201(3)(d)(iii) and WAC 173-26-186(8)(d)</p> <p>jurisdictions with critical saltwater habitats, identification of methods for monitoring conditions and adapting management practices to new information. WAC 173-26-221(2)(c)(iii)(B).</p> <p>For <b>SSWS</b>, evidence that standards ensuring protection of ecological resources of statewide importance consider cumulative impacts of permitted development. WAC 173-26-251(3)(d)(i)</p>	<p>Cumulative Impacts Analysis</p> <p>Section 4, Appendix A, and Cumulative Impacts Analysis</p> <p>N/A</p> <p>Cumulative Impacts Analysis</p>	
<b>SMP CONTENTS</b>		
<p>Any <b>goals</b> adopted as part of the SMP are consistent with the SMA. (Note: Goal statements are not required.)</p>	<p>Section 6</p>	
<p><b>Policies</b> (A) are consistent with guidelines and policies of the SMA; (B) address elements of RCW 90.58.100; and (C) include policies for environment designations, accompanied by a map or physical description of designation boundaries in sufficient detail to compare with comprehensive plan land use designations. (D) are consistent with constitutional and other legal limitations on regulation of private property. WAC 173-26-191(2)(a)(i)</p> <p>SMP implements <b>preferred use</b> policies of the SMA. WAC 173-26-201(2)(d)</p>	<p>Sections 6 and 7, Map 3</p> <p>Section 6, Goal 5.1 and related policies</p>	
<p><b>Regulations:</b> (A) are sufficient in scope and detail to ensure the implementation of SMA, SMP guidelines, and SMP policies; (B) include environment designation regulations; (C) include general regulations, use regulations that address issues of concern in regard to specific uses, and shoreline modification regulations; and, (D) are consistent with constitutional and other legal limitations on the regulation of private property. WAC 173-26-191(2)(a)(ii)</p>	<p>Sections 8-14</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<b>ENVIRONMENT DESIGNATIONS</b>		
<p><b>Each environment designation includes:</b> Purpose statements, classification criteria, management policies, and regulations (types of shoreline uses permitted, conditionally permitted, and prohibited; building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards). WAC 173-26-211(2)(4).</p>	<p>Sections 6, 7, 8, 9, 12, 13, 14</p>	<p>Sections 7 and 8 present Environment Designations, classification criteria and permitted uses. Regulations corresponding to the Environment Designations are found in Sections 8- 13</p>
<p>An up-to-date <b>map</b> accurately depicting environment designation boundaries on a map. If necessary, include common boundary descriptions. WAC 173-26-211(2)(b); WAC 173-26-110(3);</p>	<p>Map 3</p>	
<p>Statement that <b>undesigned shorelines</b> are automatically assigned a conservancy environment designation. WAC 173-26-211(2)(e).</p>		<p>All shorelines are designated</p>
<b>Natural environment. WAC 173-26-211(5)(a)</b>		
<p><b>Designation criteria:</b> Shorelines that are ecologically intact and performing functions that could be damaged by human activity, of particular scientific or educational interest, or unable to support human development without posing a safety threat. WAC 173-26-211(5)(a)(iii)</p>	<p>Table 2, Section 7</p>	
<p><b>Prohibition on new:</b></p> <ul style="list-style-type: none"> <li>uses that would substantially degrade ecological functions or natural character of shoreline. WAC 173-26-211(5)(a)(ii)(A)</li> <li>Commercial uses; industrial uses; nonwater oriented recreation; roads, utility corridors, and parking areas. WAC 173-26-211(5)(a)(ii)(B)</li> <li>development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions. WAC 173-26-211(5)(a)(ii)(G)</li> <li>subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. WAC 173-26-211(5)(a)(ii)(G)</li> </ul>	<p>NA</p>	
<p>For <b>single family residential development:</b> limits on density and intensity to protect ecological functions, and requirement for CUP. WAC 173-26-211(5)(a)(ii)(C)</p>	<p>N/A</p>	
<p>For <b>commercial forestry:</b> requirement for CUP, requirement to follow conditions of the State Forest Practices Act. WAC 173-26-211(5)(a)(ii)(D)</p>	<p>N/A</p>	
<p>For <b>agriculture:</b> low intensity use allowed if subject to appropriate limits or conditions to assure that the use does not expand or practices don't conflict with purpose of the designation. WAC 173-26-211(5)(a)(ii)(E)</p>	<p>N/A</p>	
<p><b>Low intensity public uses</b> such as scientific, historical, cultural, educational research uses, and water-oriented recreational access allowed if ecological impacts are avoided. WAC 173-26-211(5)(a)(ii)(F)</p>	<p>N/A</p>	

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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<b>High-intensity. WAC 173-26-211(5)(d)</b>		
<b>Designation criteria:</b> Areas within incorporated municipalities, "UGAs," and "rural areas of more intense development" (see RCW 36.70A.070) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii)	Section 6.1, Section 7 Table 2, Section 8	<b>DRAFT</b>
<b>Priority</b> given first to water-dependent uses, then to water-related and water-enjoyment uses. New non-water oriented uses prohibited except as part of mixed use developments, or where they do not conflict with or limit opportunities for water oriented uses or where there is no direct access to the shoreline. WAC 173-26-211(5)(d)(ii)(A)	Sections 8.1.b, 8.4.1.o.	
Full use of existing urban areas required before expansion of intensive development allowed. WAC 173-26-211(5)(d)(ii)(B)	N/A	
<b>New development</b> does not cause net loss of shoreline ecological functions. Environmental cleanup and restoration of the shoreline to comply with relevant state and federal laws assured. WAC 173-26-211(5)(d)(ii)(C)	Sections 6.1, policy 5.1.3, 6.9, policy 5.9.1, Section 7.8	Environmental clean-up efforts are regulated by EPA and Dept of Ecology, not by the local jurisdictions
<b>Visual and physical public access</b> required where feasible. Sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers to achieve aesthetic objectives. WAC 173-26-211(5)(d)(ii)(D) and (E)	Sections 9.3, 9.10, and 12	
<b>Urban conservancy. WAC 173-26-211(5)(e)</b>		
<b>Designation criteria:</b> Areas within incorporated municipalities, UGAs, and rural areas of more intense development that are not suitable for water-dependent uses and that are either suitable for water-related or water-enjoyment uses, are flood plains, have potential for ecological restoration, retain ecological functions, or have potential for development that incorporates ecological restoration. WAC 173-26-211(5)(e)(iii)	Table 2 and Section 7.7	
<p><b>Allowed uses</b> are primarily those that preserve natural character of area, promote preservation of open space, floodplain or sensitive lands, or appropriate restoration. WAC 173-26-211(5)(e)(ii)(A)</p> <p>Priority given to water-oriented uses over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses given highest priority. WAC 173-26-211(5)(e)(ii)(D)</p> <p>For SMPs that allow mining, see WAC 173-26-241(3)(h).</p>	<p>Sections 6.1, policy 5.1.2, Section 8.3</p> <p>Section 6 policies related to Goal 5.1</p> <p>N/A</p>	Tukwila's shoreline is highly urbanized and developed with little to no natural character remaining; much of the shoreline has been modified with levees, which greatly reduces the location of water dependent uses and most of the river is not navigable for large water craft.
<b>Standards</b> for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications that ensure new development does not result in a net loss of shoreline ecological functions or degrade other shoreline values. WAC 173-26-211(5)(e)(ii)(B)	Section 6.1, policy 5.1.2, Sections 9.3, 9.4, 9.6, 9.8., 9.10	
<b>Public access</b> and recreation required where feasible and ecological impacts are mitigated. WAC 173-26-211(5)(e)(ii)(C)	Section 6, Goal 6.6, Sections 8.3, 9.3, 11	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<b>Shoreline residential. WAC 173-26-211(5)(f)</b>		
<p><b>Designation criteria:</b> Areas within incorporated municipalities, Urban Growth Areas (UGAs), "rural areas of more intense development," and "master planned resorts" (see RCW 36.70A.360) that are predominantly residential development or planned and platted for residential development. WAC 173-26-211(5)(f)(iii)</p>	<p>Sections 6, policy 5.1.1 and 7</p>	<p style="text-align: center; font-size: 2em; opacity: 0.5;">DRAFT</p>
<p><b>Standards</b> for density or minimum frontage width, setbacks, buffers, shoreline stabilization, critical areas protection, and water quality protection assure no net loss of ecological function. WAC 173-26-211(5)(f)(ii)(A)</p>	<p>Sections 8.2, 9.2, 9.4, 9.6, and 14</p>	
<p>Multifamily and multi-lot residential and recreational developments provide <b>public access</b> and joint use for community recreational facilities. WAC 173-26-211(5)(f)(ii) (B)</p>	<p>Section 11</p>	
<p><b>Access, utilities, and public services</b> required to be available and adequate to serve existing needs and/or planned future development. WAC 173-26-211(5)(f)(ii)(C)</p>		<p>This is a normal requirement for the issuance of building permits</p>
<p><b>Commercial development</b> limited to water-oriented uses. WAC 173-26-211(5)(f)(ii)(D)</p>	<p>Section 6, Goal 5.1.1</p>	<p>No commercial use allowed by underlying zoning except for home occupations and public recreational facilities</p>
<b>GENERAL POLICIES AND REGULATIONS</b>		
<b>Archaeological and Historical Resources. WAC 173-26-221(1)</b>		
<p>Developers and property owners required to <b>stop work</b> and notify the local government, state office of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation. WAC 173-26-221(1)(c)(i)</p>	<p>Section 6.8, Section 9.7</p>	
<p>Permits issued in areas documented to contain archaeological resources require <b>site inspection</b> or evaluation by a professional archaeologist in coordination with affected Indian tribes WAC 173-26-221(1)(c)(ii)</p>	<p>Section 6.8, Section 9.7</p>	
<b>Critical areas. WAC 173-26-221(2)</b>		
<p><b>Policies and regulations</b> for critical areas (designated under GMA) located within shorelines of the state: (i) are consistent with SMP guidelines, and (ii) provide a level of protection to critical areas within the shoreline area that is at least equal to that provided by the local government's existing critical area regulations adopted pursuant to the GMA for comparable areas other than shorelines. WAC 173-26-221(2)(a) and (c)</p> <p><b>Planning objectives</b> are for protection and restoration of degraded ecological functions and ecosystem-wide processes.</p> <p><b>Regulatory provisions</b> protect existing ecological functions and ecosystem-wide processes. WAC 173-26-221(2)(b)(iv)</p> <p>Critical area provisions <b>promote human uses and values</b>, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions. WAC 173-26-221(2)(b)(v)</p>	<p>Sections 6.9, 10</p> <p>Section 7</p> <p>Sections 8-14</p> <p>Section 10.1</p>	<p>Human uses and values are addressed in more detail in other sections of the SMP; mitigation measures will balance human uses &amp; values against protecting ecological functions.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
If SMP includes <b>optional expansion</b> of jurisdiction: Clear description of the inclusion of any land necessary for buffers of critical areas that occur within shorelines of the state, accurately depicting new SMP jurisdiction consistent with RCW 90.58.030(2)(f)(ii) and WAC 173-26-221(2)(a).	N/A	DRAFT
<b>Wetlands. WAC 173-26-221(2)(c)(i)</b>		
Wetlands <b>definition</b> are consistent with WAC 173-22.		Definition, which is equal to that in WAC 173-22, is found in City's Zoning Code, which includes the Sensitive Areas Ordinance. Section 10 of the SMP restates the Sensitive Areas Ordinance
Provisions requiring wetlands <b>delineation</b> method are consistent with WAC 173-22-035.	Section 10.6	
Regulations address all <b>uses and activities</b> listed in WAC 173-26-221(2)(c)(i)(A) to achieve no net loss of wetland area and functions including lost time when the wetland does not perform the function. [WAC 173-26-221(2)(c)(i)(A) + (C)]	Section 10.11	
Wetlands <b>rating</b> or categorization system is based on rarity, irreplaceability, or sensitivity to disturbance of a wetland and the functions the wetland provides. Use Ecology Rating system or regionally specific, scientifically based method. WAC 173-26-221(2)(c)(i)(B)]		Tukwila adopted a different rating system when the SAO was adopted. In practice, this rating system has resulted in being as protective as Department of Ecology classification system.
<b>Buffer</b> requirements are adequate to ensure wetland functions are protected and maintained in the long-term, taking into account ecological functions of the wetland, characteristics of the buffer, and potential impacts associated with adjacent land uses. WAC 173-26-221(2)(c)(i)(B)	Section 10.9	
Wetland <b>mitigation</b> requirements are consistent with WAC 173-26-201(2)(e) and which are based on the wetland rating. WAC 173-26-221(2)(c)(i)(E) and (F)	Section 10.12	
<p><b>Compensatory mitigation</b> allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible.</p> <p>Compensatory mitigation requirements include (I) replacement ratios; (II) Performance standards for evaluating success; (III) long-term monitoring and reporting procedures; and (IV) long-term protection and management of compensatory mitigation sites. WAC 173-26-221(2)(c)(i)(F)</p> <p>Compensatory mitigation requirements are consistent with preference for "in-kind and nearby" replacement, and include requirement for watershed plan if off-site mitigation is proposed. WAC 173-173-26-201(2)(e)(B)</p>	<p>Section 10.12.A</p> <p>Sections 10.11, 10.12.</p> <p>Section 10.12.C.</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<b>Geologically Hazardous Areas. WAC 173-26-221(2)(c)(ii)</b>		
<p>Prohibition on <b>new development</b> (or creation of new lots) that would:</p> <ul style="list-style-type: none"> <li>cause foreseeable risk from geological conditions during the life of the development prohibited. WAC 173-26-221(2)(c)(ii)(B)</li> <li>require structural shoreline stabilization over the life of the development. (Exceptions allowed where stabilization needed to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.) WAC 173-26-221(2)(c)(ii)(C)</li> </ul>	<p>Section 10.10</p> <p>Sections 9.5 and 9.6</p>	<p><b>DRAFT</b></p>
<p><b>New stabilization structures</b> for existing primary residential structures allowed only where no alternatives (including relocation or reconstruction of existing structures), are feasible, and less expensive than the proposed stabilization measure, and then only if no net loss of ecological functions will result. WAC 173-26-221(2)(c)(ii)(D)</p>	<p>Sections 8.2, 9.5, 9.6</p>	
<b>Critical Saltwater Habitats. WAC 173-26-221(2)(c)(iii)</b>		
<p>Prohibition on <b>new docks, bulkheads, bridges, fill, floats, jetties, utility crossings</b> and other human-made structures that intrude into or over critical saltwater habitats, except where:</p> <ul style="list-style-type: none"> <li>public need is clearly demonstrated;</li> <li>avoidance of impacts is not feasible or would result in unreasonable cost;</li> <li>the project include appropriate mitigation; and</li> <li>the project is consistent with resource protection and species recovery.</li> </ul> <p>Private, non-commercial docks for individual residential or community use allowed if it is infeasible to avoid impacts by alternative alignment or location and the project results in no net loss of ecological functions. WAC 173-26-221(2)(c)(iii)(C)</p>	<p>N/A</p>	
<p>Where inventory of critical saltwater habitat has not been done, all over water and near-shore developments in marine and estuarine waters require habitat assessment of site and adjacent beach sections. WAC 173-26-221(2)(c)(iii)(C)</p>	<p>N/A</p>	
<b>Critical Freshwater Habitats. WAC 173-26-221(2)(c)(iv)</b>		
<p>Requirements that ensure <b>new development</b> within stream channel, channel migration zone, wetlands, floodplain, hyporheic zone, does not cause a net loss of ecological functions. WAC 173-26-221(2)(c)(iv)(C)(I) and WAC 173-26-221(2)(c)(iv)(B)(II)</p>	<p>Section 6, Goal 5.9 and associated policies; Sections 8, 9, and 10</p>	
<p>Authorization of appropriate <b>restoration projects</b> is facilitated. WAC 173-26-221(2)(c)(iv)(C)(III)</p>	<p>Section 6, Goal 6.2 and subsequent policies in Section 13; Restoration Plan, Appendix B</p>	
<p>Regulations <b>protect hydrologic connections</b> between water bodies, water courses, and associated wetlands. WAC 173-26-221(2)(c)(iv)(C)(IV)</p>	<p>Section 10</p>	
<b>Flood Hazard Reduction. WAC 173-26-221(3)</b>		
<p><b>new development within the channel migration zone or floodway</b> limited to uses and activities listed in WAC 173-26-221(3)(b) and (3)(c)(i)</p>	<p>Section 6, policies 5.3.2, 5.3.3, 5.3.4, 8.2 A., 8.3 A., 8.4 A., Section 9.5</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p><b>New structural flood hazard reduction</b> measures allowed only: where demonstrated to be necessary, and when non-structural methods are infeasible and mitigation is accomplished. landward of associated wetlands and buffer areas except where no alternative exists as documented in a geotechnical analysis. WAC 173-26-221(3)(c)(ii) &amp; (iii)</p>	<p>Section 9.5  Sections 9.5 and 9.6</p>	<p style="text-align: center; font-size: 2em; opacity: 0.5;">DRAFT</p>
<p><b>New publicly funded dikes or levees</b> required to dedicate and improve public access (see exceptions). WAC 173-26-221(3)(c)(iv)</p>	<p>Section 9.5, 11</p>	
<p><b>Removal of gravel for flood control</b> allowed only if biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution. WAC 173-26-221(3)(c)(v)</p>	<p>N/A</p>	
<b>Public Access. WAC 173-26-221(4)</b>		
<p>Policies and regulations protect and enhance both <b>physical and visual access</b>. WAC 173-26-221(4)(d)(i)</p>	<p>Section 6, Goal 5.6 and related policies; Sections 11 &amp; 12</p>	
<p><b>Public entities</b> are required to incorporate public access measures as part of each development project, unless access is incompatible with safety, security, or environmental protection. WAC 173-26-221(4)(d)(ii)</p>	<p>Section 11.1.A 4., 11.4</p>	
<p><b>Non-water-dependent uses</b> (including water-enjoyment, water-related uses) and subdivisions of land into more than four parcels include standards for dedication and improvement of public access. WAC 173-26-221(4)(d)(iii)</p>	<p>Section 11</p>	
<p>Maximum height limits, setbacks, and view corridors minimize <b>impacts to existing views</b> from public property or substantial numbers of residences. WAC 173-26-221(4)(d)(iv); RCW 90.58.320</p>	<p>Sections 11, 12.3</p>	
<b>Vegetation Conservation (Clearing and Grading). WAC 173-26-221(5)</b>		
<p>Vegetation <b>standards</b> implement the principles in WAC 173-26-221(5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. WAC 173-26-221(5)(c)</p>	<p>Sections 7.5 through 7.7 (buffer establishment), Section 9.10 (vegetation protection and landscaping requirements)</p>	
<p>Selective <b>pruning</b> of trees for safety and view protection is allowed and removal of noxious weeds is authorized. WAC 173-26-221(5)(c)</p>	<p>Section 9.10.D.1, Section 10.1.C</p>	
<b>Water Quality. WAC 173-26-221(6)</b>		
<p>Provisions protect against <b>adverse impacts to water quality</b> and storm water quantity and ensure mutual consistency between SMP and other regulations addressing water quality. WAC 173-26-221(6)</p>	<p>Sections 6.10 and 9.4</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<b>SHORELINE MODIFICATIONS</b>		
<p>P: (a) allows structural shoreline modifications only where demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for mitigation or enhancement;</p> <p>(b) limits shoreline modifications in number and extent;</p> <p>(c) allows only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed;</p> <p>(d) gives preference to those types of shoreline modifications that have a lesser impact on ecological functions. Policies promote "soft" over "hard" shoreline modification measures</p> <p>(f) incorporates all feasible measures to protect ecological shoreline functions and ecosystem-wide processes as modifications occur;</p> <p>(g) requires mitigation sequencing.</p> <p>WAC 173-26-231(2); WAC 173-26-231(3)(a)(ii) and (iii);</p>	<p><b>SECTIONS 9.5 AND 9.6</b></p>	<p><b>DRAFT</b></p>
<b>Shoreline Stabilization. WAC 173-26-231(3)(a)</b>		
<p><b>Definition:</b> structural and nonstructural methods to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. WAC 173-26-231(3)(a)(i)</p> <p>Definition of new stabilization measures include enlargement of existing structures. WAC 173-26-231(3)(a)(iii)(C), last bullet; WAC 173-26-231(3)(a)(iii)(B)(l), 5<sup>th</sup> bullet</p>	<p>Section 3 (Definitions), Section 9.6</p>	
<p>Standards setting forth <b>circumstances under which shoreline alteration is permitted</b>, and for the design and type of protective measures and devices. WAC 173-26-231(3)(a)(ii)</p>	<p>Sections 9.5, 9.6</p>	
<p><b>New development (including newly created parcels)</b> required to be designed and located to prevent the need for future shoreline stabilization, based upon geotechnical analysis.</p> <p>New development on steep slopes and bluffs required to be set back to prevent need for future shoreline stabilization during life of the project, based upon geotechnical analysis.</p> <p>New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited. WAC 173-26-231(3)(a)(iii)(A)</p>	<p>Sections 9.5, 9.6 B.</p> <p>N/A</p> <p>Sections 9.5, 9.6</p>	<p>Residential buffer is set up to meet this requirement.</p>
<p><b>New structural stabilization measures</b> are not allowed except when necessity is demonstrated. Specific requirements for <i>how to demonstrate need</i> are established for:</p> <p>(I) existing primary structures;</p> <p>(II) new non-water-dependent development including Single Family Residences;</p> <p>(III) water-dependent development; and</p> <p>(IV) ecological restoration/toxic clean-up remediation projects.</p> <p>WAC 173-26-231(3)(a)(iii)(B)</p>	<p>Sections 9.5, 9.6</p>	
<p><b>Replacement</b> of existing stabilization structures is based on demonstrated need. Waterward encroachment of replacement structure only allowed for residences occupied prior to January 1, 1992, or for soft shoreline stabilization measures that provide restoration of ecological functions. WAC 173-26-231(3)(a)(iii)(C)</p>	<p>Sections 9.5, 9.6</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p><b>Geotechnical reports</b> prepared to demonstrate need include estimates of rate of erosion and urgency (damage within 3 years) and evaluate alternative solutions. WAC 173-26-231(3)(a)(iii)(D)</p>	<p>Sections 9.5, 9.6</p>	<p>The Riverbank Analysis will provide geotechnical information as well as hydrologic informatic needed to assess the need for stabilization.</p>
<p>Shoreline stabilization structures are limited to the <b>minimum size</b> necessary. WAC 173-26-231(3)(a)(iii)(E)</p>	<p>Section 9.6 G.</p>	
<p><b>Public access</b> required as part of publicly financed shoreline erosion control measures. WAC 173-26-231(3)(a)(iii)(E)</p>	<p>Section 9.5 C.</p>	<p>DRAFT</p>
<p><b>Impacts to sediment transport</b> required to be avoided or minimized. WAC 173-26-231(3)(a)(iii)(E)</p>	<p>N/A</p>	
<p><b>Piers and Docks. WAC 173-26-231(3)(b)</b></p>		
<p><b>New piers and docks:</b>  allowed only for water-dependent uses or public access restricted to the minimum size necessary to serve a proposed water-dependent use.  permitted only when specific need is demonstrated (except for docks accessory to single-family residences).   Note: Docks associated with single family residences are defined as water dependent uses provided they are designed and intended as a facility for access to watercraft. WAC 173-26-231(3)(b)</p>	<p>Sections 8.2, 8.3, 8.4 (allowed uses) and Section 9.12</p>	
<p>When permitted, <b>new residential development</b> of more than two dwellings required to provide joint use or community docks, rather than individual docks. WAC 173-26-231(3)(b)</p>	<p>Section 9.12.D.3.</p>	
<p><b>Design and construction</b> of all piers and docks required to avoid, minimize and mitigate for impacts to ecological processes and functions and be constructed of approved materials. WAC 173-26-231(3)(b)</p>	<p>8.1 D., Section 9.12 D.</p>	
<p><b>Fill. WAC 173-26-231(3)(c)</b></p>		
<p><b>Definition</b> of "fill" consistent with WAC 173-26-020(14)</p>		
<p><b>Location, design, and construction</b> of all fills protect ecological processes and functions, including channel migration. WAC 173-26-231(3)(c)</p>	<p>Section 9.11</p>	
<p>Fill <b>waterward of the OHWM</b> allowed only by shoreline conditional use permit, for:   water-dependent use;  public access;  cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;  disposal of dredged material in accordance with DNR Dredged Material Management Program;  expansion or alteration of transportation facilities of statewide significance currently located on the shoreline (if alternatives to fill are shown not feasible);  mitigation action, environmental restoration, beach nourishment or enhancement project. WAC 173-26-231(3)(c)</p>	<p>Section 8.2 A. 2., 8.3 A.2, 8.4 A. 2.; Section 9.11</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<b>Breakwaters, Jetties, and Weirs. WAC 173-26-231(3)(d)</b>		
Structures <b>waterward of the ordinary high-water mark</b> allowed only for water-dependent uses, public access, shoreline stabilization, or other specific public purpose. WAC 173-26-231(3)(d)	N/A	<b>DRAFT</b>
Shoreline <b>conditional use permit</b> required for all structures except protection/restoration projects. WAC 173-26-231(3)(d)		
Protection of critical areas and appropriate mitigation required. WAC 173-26-231(3)(d)		
<b>Dunes Management. WAC 173-26-231(3)(e)</b>		
Development <b>setbacks</b> from dunes prevent impacts to the natural, functional, ecological, and aesthetic qualities of the dunes. WAC 173-26-231(3)(e)	N/A	
Dune <b>modifications</b> allowed only when consistent with state and federal flood protection standards and result in no net loss of ecological processes and functions. WAC 173-26-231(3)(e)		
Dune modification to protect <b>views</b> of the water shall be allowed only on properties subdivided and developed prior to the adoption of the master program and where the view is completely obstructed for residences or water-enjoyment uses and where it can be demonstrated that the dunes did not obstruct views at the time of original occupancy. WAC 173-26-231(3)(e)		
<b>Dredging and Dredge Material Disposal. WAC 173-26-231(3)(f)</b>		
Dredging and dredge material disposal <b>avoids or minimizes</b> significant ecological impacts. Impacts which cannot be avoided are mitigated. WAC 173-26-231(3)(f)	Section 6 (Goal 5.7.4 and policies)Section 9.11.B	
<b>New development siting and design</b> avoids the need for new and maintenance dredging. WAC 173-26-231(3)(f)	Section 9.12.B.7	
Dredging to <b>establish, expand, relocate or reconfigure navigation channels</b> allowed only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. WAC 173-26-231(3)(f)	Section 6, Policy 5.7.4, Section 9.11 B.	
<b>Maintenance dredging</b> of established navigation channels and basins restricted to maintaining previously dredged and/or existing authorized location, depth, and width. WAC 173-26-231(3)(f)	Section 6, Policy 5.7.4, Section 9.11 B.	
<b>Dredging for fill materials</b> prohibited except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline CUP. Placement of fill must be <i>waterward</i> of OHWM. WAC 173-26-231(3)(f)	Section 6, Policy 5.7.4, Section 8.2 A. 2., 8.3 A.2, 8.4 A. 2.; Section 9.11 B.	
<b>Uses of dredge material</b> that benefits shoreline resources are addressed. If applicable, addressed through implementation of annual interagency dredge material management plans or watershed plan. WAC 173-26-231(3)(f)		

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p><b>Disposal within river channel migration zones</b> discouraged, and in limited instances when allowed, require CUP. (Note: not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially effect the geo-hydrologic character of the channel migration zone). WAC 173-26-231(3)(f)</p>	N/A	Dredge disposal permitting not generally a local government function - City would defer to federal and state agency permit processes
<b>Shoreline Habitat and Natural Systems Enhancement Projects. WAC 173-26-231(3)(g)</b>		
<p>Provisions that <b>foster habitat and natural system enhancement projects</b>, provided the primary purpose is restoration of the natural character and functions of the shoreline, and only when consistent with implementation of the restoration plan developed pursuant to WAC 173-26-201(2)(f)</p>	Restoration Plan, Appendix B, Section 9.10 (requirements of vegetation) and Section 5, Policy 5.2.1, 5.2.2, 5.2.3	DRAFT
<b>SPECIFIC SHORELINE USES</b>		
<b>Agriculture. WAC 173-26-241(3)(a)</b>		
<p>Use of agriculture related <b>terms</b> is consistent with the specific meanings provided in WAC 173-26-020. WAC 173-26-241(3)(a)(ii) and (iv)</p>	N/A	
<p>Provisions address <b>new agricultural activities</b>, conversion of agricultural lands to other uses, and other development not meeting the definition of agricultural activities.</p> <p>Provisions assure that development in support of agricultural uses is: (A) consistent with the environment designation; and (B) located and designed to assure no net loss of ecological functions and not have a significant adverse impact on other shoreline resources and values. WAC 173-26-241(3)(a)(ii) &amp; (v)</p>	N/A	
<p>Shoreline <b>substantial development permit</b> is required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv)</p>		
<p><b>Conversion</b> of agricultural land to non-agricultural uses is consistent with the environment designation, and regulations applicable to the proposed use do not result in a net loss of ecological functions. WAC 173-26-241(3)(a)(vi)</p>		
<b>Aquaculture. WAC 173-26-241(3)(b)</b>		
<p><b>Location and design</b> requirements for aquaculture facilities avoid: loss of ecological functions, impacts to eelgrass and macroalgae, significant conflict with navigation and water-dependent uses, the spreading of disease, introduction of non-native species, or impacts to shoreline aesthetic qualities. Impacts to functions are mitigated. WAC 173-26-241(3)(b)</p>	N/A	
<b>Boating Facilities. WAC 173-26-241(3)(c)</b>		
<p><b>Definition:</b> Boating facility standards do not apply to docks serving four or fewer SFRs. WAC 173-26-241(3)(c)</p>		
<p>Boating facilities <b>restricted to suitable locations</b>. WAC 173-26-241(3)(c)(i)</p>	Section 9.12	
<p>Provisions ensuring <b>health, safety, and welfare requirements</b> are met. WAC 173-26-241(3)(c)(ii)</p>	Section 9.12	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Provisions to avoid or mitigate <b>aesthetic impacts</b> . See WAC 173-26-241(3)(c)(iii)	Section 12, Design Review	
<b>Public access</b> required in new boating facilities. WAC 173-26-241(3)(c)(iv)	Section 11, Public Access	<b>DRAFT</b>
Impacts of <b>live-aboard vessels</b> are limited. WAC 173-26-241(3)(c)(v)	N/A	
Provisions assuring no net loss of ecological functions as a result of development of boating facilities while providing public recreational opportunities. WAC 173-26-241(3)(c)(vi)	Section 8.1 D., Section 9.12 A. 2., B. 1.	
<b>Navigation rights</b> are protected. WAC 173-26-241(3)(c)(vii)	9.12.D.7	
<b>Extended moorage</b> on waters of the state without a lease or permission is restricted, and mitigation of impacts to navigation and access is required. WAC 173-26-241(3)(c)(viii)		
<b>Commercial Development. WAC 173-26-241(3)(d)</b>		
<b>Preference</b> given first to water-dependent uses, then to water-oriented commercial uses. WAC 173-26-241(3)(d)	Sections 8.3, 8.4	
<b>Water-enjoyment and water-related</b> commercial uses required to provide public access and ecological restoration where feasible and avoid impacts to existing navigation, recreation, and public access. WAC 173-26-241(3)(d)	Section 11	
Non-water-oriented commercial uses prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(d)		commercial navigation is severely limited in the river
<b>Non-water-dependent commercial uses over water</b> prohibited except in existing structures, and where necessary to support water-dependent uses. WAC 173-26-241(3)(d)	Section 9.3.A.5., 9.12.D.	
<b>Forest Practices. WAC 173-26-241(3)(e)</b>		
Forest practices not covered by the Forest Practices Act, especially Class IV-General forest practices involving <b>conversions</b> to non-forest use result in no net loss of ecological functions and avoid impacts to navigation, recreation and public access. WAC 173-26-241(3)(e)	N/A	
SMP limits removal of trees on <b>shorelines of statewide significance</b> (RCW 90.58.150). Exceptions to this standard require shorelines conditional use permit. WAC 173-26-241(3)(e)		
<b>Industry. WAC 173-26-241(3)(f)</b>		
<b>Preference</b> given first to water-dependent uses, then to water-oriented industrial uses. WAC 173-26-241(3)(f)	Sections 8.3, 8.4	
<b>Location, design, and construction</b> of industrial uses and development required to assure no net loss of ecological functions. WAC 173-26-241(3)(f)	Sections 8.4, 8.5	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Industrial uses and redevelopment encouraged to locate where environmental <b>cleanup and restoration</b> can be accomplished. WAC 173-26-241(3)(f)		Most industrial uses are in the Lower Duwamish, which is a designated Superfund site. Therefore, clean-up and restoration will be promoted through Superfund clean-up efforts.
Public access required unless such a requirement would interfere with operations or create hazards to life or property. WAC 173-26-241(3)(f)	Section 11	DRAFT
New <b>non-water-oriented industrial uses</b> prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(f)		Preference is given to water dependent or oriented uses north of the turning basin in the Duwamish (where the river is navigable). The rest of the river is not navigable for commercial vessels and therefore, water oriented, related or dependant uses are not likely to locate along the shoreline.
<b>In-Stream Structures. WAC 173-26-241(3)(g)</b>		
<b>Definition:</b> structure is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. WAC 173-26-241(3)(g)		
In-stream structures <b>protect and preserve</b> ecosystem-wide processes, ecological functions, and cultural resources, including, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. WAC 173-26-241(3)(g)	Sections 9.6 and 9.12	
<b>Mining. WAC 173-26-241(3)(h)</b>		
Policies and regulations for new mining projects: <ul style="list-style-type: none"> <li>require <b>design and operation</b> to avoid and mitigate for adverse impacts during the course of mining and reclamation</li> <li><b>achieve no net loss</b> of ecological functions based on required final reclamation</li> <li>give <b>preference</b> to proposals that create, restore or enhance habitat for priority species</li> <li>are coordinated with state <b>Surface Mining Reclamation Act</b> requirements.</li> <li>assure subsequent <b>use of reclaimed sites</b> is consistent with environment designation and SMP standards.</li> </ul> See WAC 173-26-241(3)(h)(ii)(A) – (C)	N/A	
<b>Mining waterward of OHWM</b> is prohibited unless: <ul style="list-style-type: none"> <li>(I) Removal of specified quantities of materials in specified locations will not adversely impact natural gravel transport;</li> <li>(II) The mining will not significantly impact priority species and the ecological functions upon which they depend; and</li> <li>(III) these determinations are integrated with relevant SEPA requirements. WAC 173-26-241(3)(h)(ii)(D)</li> </ul>	N/A	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Renewal, extension, or reauthorization of in-stream and gravel bar mining activities require review for compliance with these new delines requirements. WAC 173-26-241(3)(h)(ii)(D)(IV)	N/A	DRAFT
Mining within the Channel Migration Zone requires a shoreline conditional use permit. WAC 173-26-241(3)(h)(ii)(E)	N/A	
<b>Recreational Development. WAC 173-26-241(3)(i)</b>		
Definition includes both commercial and public recreation developments. WAC 173-26-241(3)(i)	Section 3, public access	
Priority given to recreational development for access to and use of the water. WAC 173-26-241(3)(i)	Sections 8.2 1, 8.3.1., 8.4.1, 11	
Location, design and operation of facilities are consistent with purpose of environment designations in which they are allowed. WAC 173-26-241(3)(i)	Section 12	This would be evaluated in design review
Recreational development achieves no net loss of ecological processes and functions. WAC 173-26-241(3)(i)		
<b>Residential Development. WAC 173-26-241(3)(j)</b>		
Definition includes single-family residences, multifamily development, and the creation of new residential lots through land division. WAC 173-26-241(3)(j)		Definition is in TMC 18.06 (Zoning Code and TMC 17 Subdivision Code)
Single-family residences identified as a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. WAC 173-26-241(3)(j)	Section 8.2, Section 9.2	
No net loss of ecological functions assured with specific standards for setback of structures sufficient to avoid future stabilization, buffers, density, shoreline stabilization, and on-site sewage disposal. WAC 173-26-241(3)(j)	Section 8.2 (buffers and setbacks)	On site sewage disposal prohibited for new development in Public Works code
New over-water residences and floating homes prohibited. Appropriate accommodation for existing floating or over-water homes. WAC 173-26-241(3)(j)	Section 9.12.A.5	
New multiunit residential development (including subdivision of land for more than four parcels) required to provide community and/or public access in conformance to local public access plans. WAC 173-26-241(3)(j)	Section 11	
New (subdivided) lots required to be designed, configured and developed to: (i) Prevent the loss of ecological functions at full build-out; (ii) Prevent the need for new shoreline stabilization or flood hazard reduction measures; and (iii) Be consistent with applicable SMP environment designations and standards. WAC 173-26-241(3)(j)	Section 9, various subsections	
<b>Transportation Facilities. WAC 173-26-241(3)(k)</b>		
Proposed transportation and parking facilities required to plan, site, and design where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water dependent uses. WAC 173-26-241(3)(k)	Section 6, Goal 5.7, Section 8	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Circulation system plans include systems for <b>pedestrian, bicycle, and public transportation</b> where appropriate. WAC 173-26-241(3)(k)	Sections 9, 12	<b>DRAFT</b>
Parking allowed only as necessary to support an authorized shoreline use and which minimize environmental and visual impacts of parking facilities. WAC 173-26-241(3)(k)	Sections 8, 9, 11	
<b>Utilities. WAC 173-26-241(3)(l)</b>		
Design, location and maintenance of utilities required to assure no net loss of ecological functions. WAC 173-26-241(3)(l)	Section 8	
Utilities required to be <b>located in existing rights-of-ways</b> whenever possible. WAC 173-26-241(3)(l)		
Utility production and processing facilities and transmission facilities required to be <b>located outside of SMA jurisdiction</b> , unless no other feasible option exists. WAC 173-26-241(3)(l)		
<b>SMP ADMINISTRATIVE PROVISIONS</b>		
The statement: "All proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program" whether or not a permit is required. WAC 173-26-191(2)(a)(iii)(A)	Section 1.2B, first paragraph	
Administrative provisions ensure permit procedures and enforcement are conducted in a manner consistent with relevant <b>constitutional limitations</b> on regulation of private property. WAC 173-26-186(5) and WAC 191(2)(a)(iii)(A)	Section 14	
Identification of specific uses and development that require a shoreline <b>conditional use permit (CUP)</b> . Standards for reviewing CUPs and variances conform to WAC 173-27. WAC 191(2)(a)(iii)(B) and WAC 173-26-241(2)(b)	Section 8, Section 14.3	
<b>Administrative, enforcement, and permit review</b> procedures conform to the SMA and state rules (see RCW 90.58.140, 143, 210 and 220 and WAC 173-27). WAC 191(2)(a)(iii)(C), WAC 173-26-201(3)(d)(vi)	Section 14	
Mechanism for tracking, and periodically evaluating the <b>cumulative effects</b> of all project review actions in shoreline areas. WAC 173-26-191(2)(a)(iii)(D)		
SMP <b>definitions</b> are consistent with all definitions in WAC 173-26-020, and other relevant WACs.	Section 3	

## ATTACHMENT C

### Comparison of Existing and Proposed Buffer Distances Green/Duwamish River

Jurisdiction / Regulation or Plan	Buffer or Setback Distance	Notes
Existing <b>Tukwila</b> SMP (1974; TMC 18.44)	40-ft (River Environment)	Most restrictive portion of 200 shoreline jurisdiction-very limited uses permitted
	41-100 ft (Low Impact Environment)	Structures limited in height to 35 ft.; landscaping required per TMC 18.52; parking required to be screened.
	101-200 ft. (High Impact Environment)	Uses permitted in underlying zone
<b>Tukwila</b> SAO (TMC 18.45)	100-ft for Type 2 (salmon bearing) streams	Buffer for Green/Duwamish defers to SMP  Buffer reduction of up to 50% may be requested – mitigation required for any approved buffer reduction
<b>Tukwila</b> SMP Update (File L06-088)	50-ft (Shoreline Residential); 100-ft (High Intensity, Urban Conservancy north of I-405) and right bank south of I-405; 125-ft (Urban Conservancy in any area where levee is present, primarily left bank, south of I-405)	Proposed
Existing <b>King County</b> SMP (Title 25 KCC; )	20-ft setback (residential); 50-ft (multi-family; commercial; industrial)	
<b>King County</b> CAO (Ord. 15051; 2004)	115-ft for "Type S" Shorelines of the State in urban areas plus 15 ft. building setback	
<b>King County</b> SMP Update (2008-ongoing)	115-ft (integrate CAO standards) plus 15 ft. building setback	Proposed - not yet adopted
<b>King County</b> Flood Hazard Management Plan (2006)	Levee design standards require new or repaired levees at 2.5H: 1V slope; Requires ~100-125 feet from toe of levee	Plan adopted and Flood Control Zone District created 2007

<b>Auburn SMP</b> (Ord. 6095; 2008)	100-ft (Shoreline Residential & Urban Conservancy);  200-ft (Natural)	Adopted June 2008; integrates CAO buffer; approved by Ecology 5/20/09.  Buffers may be increased up to 50%  Up to 35% reduction of buffer is permitted on case-by-case basis if an applicant can demonstrate it will not result in any adverse impacts to the stream.
Existing <b>Kent SMP</b> (KCC 11.04; 1999)	100-ft (or 75-ft from centerline of dike) (residential);  200-ft (commercial)	
Proposed <b>Kent SMP Update</b>	140-ft building setback where there is an existing levee or where flood control measures are planned. City may increase or decrease the required setback according to design of the levee improvements. No provision to request a reduction in the building setback.  150-ft building setback where there is no levee and no public plans to construct or improve a levee	Draft document – public hearing scheduled for July 27, 2009
<b>Kent CAO</b> (KCC 11.06)	100-ft Type 2 Stream	Buffer for Green/Duwamish defers to SMP
Existing <b>Seattle SMP</b> (Ord. 11845; SMC 23.60; 1996)	25-75-ft (residential);  0-100-ft – variable setbacks specified by use	Recently initiated SMP update; no specific proposed buffers
<b>Seattle ECA</b> (Ord. 122050; 2006)	0-100-ft for Type 1 Shorelines of the State; defers to SMP	Recently updated; defers to SMP

migration is visible in the middle Green River at Metzler-O'Grady Park, near River Mile 39.70, where broad meanders and braiding channels are constantly shifting within a complex of active gravel bars, vegetated riparian floodplains, and remnant side channels. A portion of this reach is called "the Mad Braid" as a consequence of its ever-changing character. Near the downstream end of this site, channel migration hazards threaten the long-term integrity a home near River Mile 38.6. The 1960s-era Loan Levee just downstream, near River Mile 38.1, has also been impacted by channel migration, which has severed the levee access road on several occasions when flows reoccupied a previous floodplain channel.

As these examples indicate, channel migration has influenced flood management efforts much more than flood inundation has along the middle Green River. Since a number of levees in the middle Green are situated in areas affected by potential channel migration, the *1993 King County Flood Hazard Reduction Plan* recommended that they be set back from the channel margins.

### **5.9.10 Flood Hazard Management Objectives and Strategies**

#### ***Lower Green and Duwamish***

Preliminary risk assessments for the lower Green River indicate that the existing levee system prevents more than \$60 million in flood damages each year, on average. The primary objective for the lower river is to maintain the structural integrity of the levee system so that it can continue to provide this essential public service and to protect public safety. At the same time, initial levee stability studies performed at four locations along the lower Green River indicate that the existing levees fail to provide the minimum factors of safety against potential structural levee failures, based on published federal guidelines. A more thorough evaluation of individual levees and a more refined risk analysis are now underway and targeted for completion by 2007, but it is generally anticipated that the results of these investigations will further confirm the preliminary findings. Thus, it is safe to say that a program of major levee rehabilitation and reconstruction is the single overarching need within the lower Green River.

In order to correct the structural deficiencies of the levee system in this reach, the slope geometry of the levees must be modified. The most straightforward remedy is to set the levee fill back away from the top of the riverbank to create an overall levee slope of 2.5H:1V. The slope of most of the existing levees ranges from 1.5H:1V to 1.75H:1V, and the slopes of some segments are even steeper. Such steep slope angles are a primary cause of chronic structural instability and flood protection facility damage.

Additional easement area is frequently required in order to reconfigure damaged levee segments to meet even the minimum recommended slope geometry. It has often been possible to negotiate with property owners to obtain the additional area needed, but not always. Alternative levee repair solutions have been implemented in a few cases where a wider easement could not be secured, but with very high costs and increased long-term maintenance needs. As an example of this, repairs to the federal levee system at River Mile 15.5 on the left bank of the Green River have been constrained to a 2H:1V riverward levee slope angle due to easement restrictions, resulting in the need for later reconstruction of the failed levee toe. Future levee repairs will pose the need for wider easements, including the need to acquire property in some cases. While generally justified by the benefits that would occur as annualized avoided damage, additional easement costs may significantly exceed current annual Green River Flood Control Zone District revenues.

Overall, the approach throughout the lower Green River is centered on the need to provide an adequate area along the riverbank to repair and reconstruct the many damaged levees at a stable slope. Generally speaking, the width required would not exceed 110 feet landward from the aquatic edge of the river channel along each bank. With this setback template in mind, a systematic reconfiguration of the levees can be accomplished throughout the heavily urbanized lower Green River valley. This can be achieved in connection with individual levee repairs and can be incorporated into the development of properties

bordering the existing levee system, including the redevelopment of existing sites over time. A levee setback approach can also be integrated into the relocation of roads, such as Frager and Russell Roads, which currently border the river, and should strongly influence site selection and construction of the Green River Trail system. Levee setbacks should also be required as a standard condition for future redevelopment of urban areas presently abutting oversteepened levees. In some areas, it may not be possible in the near term to obtain the additional easement area needed to reconstruct oversteepened levees in more stable configurations. However, as redevelopment occurs, easement provisions should be made as needed to allow levee reconstruction that ensures the safety of the new development and surrounding area. The timescale and costs involved may present a challenge, but much has already been accomplished in a relatively short time.

In the short term, the existing levee system should continue to be maintained and repaired as needed to protect public safety and the considerable land values and improvements in the floodplains adjacent to the levees. The ongoing short-term maintenance and repair program should be carried out such that it does not preclude long-term opportunities to modify and set back the existing levees.

An assessment of potential damage due to levee breach hazards along the lower Green and Duwamish Rivers, begun in 2006, is scheduled for completion in 2007, and steps should be taken to implement its findings.

### ***Transition Area from Lower to Middle Green River***

Flood management recommendations for this upstream portion of the lower Green River emphasize the relocation of encroaching road shoulder revetments and the roadways themselves, together with the creation of a setback levee and thoroughly vegetated riparian buffer along the proposed Green River Trail corridor. This approach will help to accommodate the levels of channel migration present while sufficiently confining the corridor alignment to allow the balance of land uses, present or proposed, through existing zoning and specific development proposals, including trail construction.

### ***Middle Green***

The primary strategy for the middle Green River is keyed to the risk to residential structures in channel migration hazard areas. Over the short term, flood protection facilities should be repaired and maintained so as to protect public safety, without precluding long-term opportunities to modify the facilities. The primary long-term goal is to set back existing flood protection facilities and allow unconstrained or less constrained channel migration. Existing at-risk structures would best be acquired and removed. Purchase of at-risk structures and flood protection facility setbacks need to be coordinated with existing acquisition programs and future grant opportunities, and may be coupled with habitat restoration projects or initiatives.

Existing land use designations and policies that protect agricultural practices may also represent an obstacle to full implementation of this strategy. In recognition of acquisition costs, funding limitations, and potentially conflicting agricultural land use policies and provisions, this strategy will likely require a very long-term timeframe for implementation. Still, opportunities exist now for setting back middle Green River flood protection facilities and may be available over the intermediate term as well as the long term (Bauman et al. draft 2005).

## **5.9.11 Proposed Actions**

Proposed projects for the Green River include 13 levee reconstruction projects, one home buyout project, and an opportunity fund for support to emerging salmon habitat recovery projects that are likely to assist in reducing risks. In addition to these projects, it is anticipated that an evaluation of the aging pumping