



MEMORANDUM

TO: Tukwila City Council
FROM: Carol Lumb, Senior Planner
CC: Mayor Haggerton
Rhonda Berry, City Administrator
Bob Sterbank, City Attorney
DATE: August 6, 2009
SUBJECT: Packet #2 - Handouts

Attached you will find the following handouts relative to the August 11, 2009, Council Work Session on the Planning Commission Recommended DRAFT Shoreline Master Program.

- ❖ **Meeting Agenda**
- ❖ **Memo from Sandra Whiting, dated August 5, 2009, regarding Vegetation Protection and Landscaping.** This memo outlines SMP Section 9.10: Vegetation Management and Landscaping which will be the topic of discussion at the August 11 Work Session. Section 9.10 begins on page 90 of the strikeout/underline Draft SMP.
- ❖ **Letters from FEMA, dated May 22, 2009, and April 24, 2009, with accompanying e-mail dated May 12, 2009, per Council request**
- ❖ **Memo from Jim Morrow, dated August 5, 2009, regarding Flood Insurance Program participation, per Council request**
- ❖ **Chronology of Public Comment/Input Process on SMP, per Council request**
- ❖ **Table of Contents for binders** (to be updated at each work session). *The Table of Contents is provided to assist similar organization in each binder for ease of locating information references during Work Sessions.*
- ❖ **Summaries from July 7, July 14 and July 28 Work Sessions**
- ❖ **New Binder Tabs:**
 - One dated tab for each scheduled Work Session
 - MISC

In the event that time is time remaining at the August 11 Work Session after the Vegetation discussion, please be prepared to begin talking about the Public Process relative to the SMP review. Review of the attached ***Chronology of Public Comment/Input Process on SMP*** should assist in this discussion.

Please let me know if you have any questions or would like to schedule time with staff to go over any questions. I can be reached at 206-431-3661.



AGENDA

Tukwila City Council SMP Work Session

August 11, 2009
6:00 p.m. – 8:00 p.m.
City Council Chambers

- I. Agenda Packet** **6:00 – 6:15 p.m.**
- Opening Comments – Mayor Haggerton
 - Requested Materials – DCD Staff
- II. Vegetation Management and Landscaping** **6:15 – 7:00 p.m.**
- Memo from Sandra Whiting
 - Section 9.10, pages 90-99 of ~~strikeout~~/underline Planning Commission Recommended Draft SMP
 - Questions from Council
- III. Public Process** (*time permitting*) **7:00 – 7:50 p.m.**
- Public Process Chronology Chart
 - Section 2.4 – 2.5, pages 6-8 of ~~strikeout~~/underline Planning Commission Recommended Draft SMP
 - Questions from Council
- IV. Possible Future Meeting Dates:** **7:50 – 8:00 p.m.**
- September 22, 2009: Nonconforming Uses and Structures
 - October 6, 2009: Economic Impacts of SMP, Department of Ecology letter
 - October 20, 2009: Matrix
- V. Next Meeting:**
- Next Work Session: August 25, 2008, 6:00 – 8:00 p.m.
 - Topic: Public Process (*if not completed 8/11*) and Public Access



MEMORANDUM

TO: Mayor Jim Haggerton
Tukwila City Council

FROM: Sandra Whiting, Urban Environmentalist

DATE: August 5, 2009

SUBJECT: Shoreline Master Program, Section 9.10 Vegetation Protection and Landscaping – Overview and Issues

This memo presents talking points that I will be presenting at the Council SMP Work Session on August 11. It provides an overview of Section 9.10, indicates what requirements already exist in other codes, and lists the key issues that have been raised by the public.

REASONS THAT VEGETATION STANDARDS ARE INCLUDED IN DRAFT SMP:

1. State Requirement: WAC 173-26-221(5) requires standards to protect and restore ecological functions/ecosystem wide processes performed by vegetation – the SMP must address vegetation conservation and restoration using scientific information (importance of length and width of riparian vegetation to provide functions).
2. Endangered Species Act/WRIA 9 Salmon Habitat Enhancement Plan – importance of shoreline vegetation for habitat needs.
3. State water quality requirements – future standard for temperature – implication for shoreline vegetation for shading to reduce temperatures.

ORGANIZATION AND CONTENTS OF SECTION 9.10

Divided into 4 subsections:

1. Intro – Purpose, objectives/goal, applicability

- Goals – preservation existing trees, increasing native plants in shoreline to increase/restore functions & for aesthetics

2. Tree Protection, Retention, Replacement (applies to all Shoreline Environments)

- Modeled after existing Tree Regulations (TMC 18.54) but with increased protection/clarification & incorporation of science based management measures.
- Limit removal & require permit/ tree survey & replacement (current tree ordinance already requires permit for tree removal and tree replacement – but exempts cottonwood trees)
- Tree protection during construction (current tree ordinance already requires protection, but not based on science)
- Large woody debris (LWD) retention and placement
- Dead and dying trees – preservation as wildlife snags (unless a hazard)
- No topping of trees (due to long term damage and weakening of tree)

3. Landscaping standards (apply to all actions/development in all zones except 4 lot or fewer residential units [unless shoreline stabilization] & on Federally certified levees)

- Removal of invasive species (poor habitat value)
 - ~ hand removal is preferred method
 - ~ use of heavy equipment would require erosion control, federal and state permits and limits on time of year work could be done if working near OHWM
 - ~ use of herbicides could negatively affect water quality, would require state permit and use of herbicide approved for aquatic use – special applicator’s license needed.
- Landscaping with native plants required (except where conditions are prohibitive)
- Specifications for planting density, spacing, plant sizes
 - ~ Buffer (similar to requirements for sensitive areas buffers)
 - ~ Landward of buffer (based on existing landscape requirements in TMC 18.52, with some increase in density & incentives for reducing landscaping in yards)
- Maintenance of views/public access allowed when developing landscaping plan
- Requirement to maintain vegetation planted as part of permit (landscape code already requires weed removal, replanting of unhealthy or dead plant material)

4. Vegetation management (applies to all zones)

- Allows pruning for views, public access, trails overhead utilities
- Prohibits disposal of landscape waste in shoreline
- Discourages pesticide use (water quality concern)
- Requires special management plans for Golf Course & Ft. Dent to reduce pesticide use

MAIN ISSUES RAISED IN PUBLIC COMMENTS

These issues will be addressed in Matrix B (forthcoming to Council at a later date):

- Proportionality – requirements too broad and not proportional to impact of proposed action
- Landscaping requirements too expensive
- Maintenance of landscaping shouldn’t be property owner’s responsibility

FEMA Correspondence

Per Council request

- **Letter dated May 22, 2009**
- **E-mail dated May 12, 2009**
- **Letter dated April 24, 2009**



FEMA

May 22, 2009

RECEIVED

MAY 26 2009

**TUKWILA
PUBLIC WORKS**

Honorable Jim Haggerton
Mayor, City of Tukwila
Tukwila City Hall
6200 Southcenter Blvd.
Tukwila, Washington 98188

RE: Green River Levee

Dear Mayor Haggerton:

It has come to our attention that the City of Tukwila is the local sponsor for an addition to the City's Green River levee upstream of the Southcenter shopping mall. The levee will be an extension of an existing federal project and is to be included in the U.S. Army Corps of Engineer's (USACE) levee program.

On September 22, 2008 the National Marine Fisheries Service (NMFS) issued its Final Biological Opinion (BiOP) under the Endangered Species Act (ESA) for the National Flood Insurance Program (NFIP). The BiOP also addressed the Magnuson-Stevens Fishery Conservation and Management Act with respect to the implementation of the National Flood Insurance Program in the State of Washington.

Although the Federal Emergency Management Agency (FEMA) cannot establish additional standards to recognize levees other than protection from the 1-percent chance flood, we believe that levees must comply with the provisions of the BiOp in order to avoid a take under the ESA.

We understand that this project was the subject of consultation with the NMFS under the ESA through the USACE in 2005 but conditions have since changed.

First, FEMA published preliminary Digital Flood Insurance Rate Maps (DFIRMs) in September 2007 depicting the floodplain of the Green River as if the levees do not exist. We did this because, with the exception of the City of Tukwila's levee, no other segments could be certified to provide protection to the 1-percent chance flood event.

Second, King County, with the City of Tukwila's support, appealed the preliminary DFIRM and provided FEMA with better hydrologic and hydraulic data. That data also shows the area of the proposed levee as being inundated during a 1-percent chance flood event. The King County data is being used to produce revised preliminary DFIRMs which we expect will be published within the next few months. FEMA recommends the King County hydrologic and hydraulic data be used in designing the levee to avoid future complications once the new maps become effective.

Finally, the NMFS issued its Final BiOP on September 22, 2008, as noted above, and the BiOP has changed the way in which we may recognize new levees under our consultation requirements.

At this time it is unclear whether the USACE or NMFS will reinitiate consultation, per 50 CFR Part 402.16, based upon new information that the project may affect listed species in a manner, or to an extent, not previously considered in the original consultation. We recommend the city

Mayor Haggerton
May 22, 2009
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encourage USACE and NMFS to reinitiate consultation in order to streamline the ESA compliance review process.

To assure the City of Tukwila that the levee, when constructed, complies not only with 44 CFR 65.10, but also with the provisions contained in NMFS' Biological Opinion, we recommend the City submit a Conditional Letter of Map Revision (CLOMR) in order to achieve a change in the Flood Insurance Rate Map (FIRM). This will enable us to work with the city to make sure the levee complies with all the appropriate provisions. The submittal of a CLOMR will allow us to initiate consultation on the city's behalf under Section 7 of the Endangered Species Act. If the USACE or NMFS has reinitiated and completed consultation by the time we receive the CLOMR, then FEMA can use that information to quickly meet our responsibilities under the ESA.

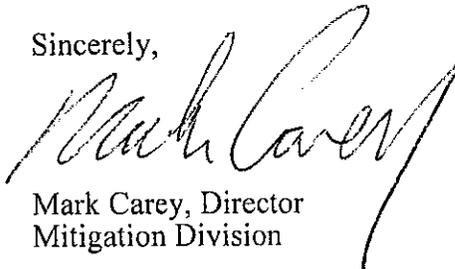
As a result of consultation, some of the features new levees may be expected to contain include:

- The natural channel migration pattern remains intact (or if presently confined, is allowed to expand to its natural pattern).
- Bioengineering methods are used to stabilize the banks.
- Large wood is incorporated into the levee setback area.
- Riparian vegetation is included in the design.
- No increase occurs to upstream and downstream flood levels, volumes and velocities.

Should the city choose not to submit a CLOMR prior to issuing the floodplain development permit, then FEMA will expect to receive documentation of compliance with ESA under 44 CFR 60.3(a)(2).

We encourage the City of Tukwila to refrain from issuing any permits for the construction of the levee until a CLOMR that addresses both the engineering and fisheries impacts has been approved to minimize the applicant's risk of having to revisit these concerns.

Sincerely,



Mark Carey, Director
Mitigation Division

cc: Steve Landino, NMFS
Mark Ohlstrom, USACE
Mark Isaacson, King County
Jim Morrow, City of Tukwila ✓

MR:bb

procedures. While FEMA encourages each community to choose one of these options, if neither is chosen, then communities will need to provide proof of compliance with the ESA on a permit by permit basis. FEMA intends to consult with NMFS on the model ordinance and the programmatic checklist in the near future to seek their concurrence that use of either will provide coverage for a community under the ESA. FEMA also intends to solicit feedback from stakeholders through focus groups in order to ensure that the options are implementable and enforceable.

RPA Element 4: Community Rating System

This element of the Alternative requires FEMA to make changes to the Community Rating System (CRS). Many of the requested changes are already being done or can be easily implemented. FEMA will produce supplemental guidance that highlights the natural and beneficial functions credits that are offered in the CRS program.

RPA Element 5: Effects of Levee Vegetation Maintenance and Certain Types of Structures in the Floodplain.

This element requires FEMA to not recognize Army Corps of Engineers (USACE) certified levees unless it is demonstrated that the standard will not adversely affect species or their habitat, allow owners of levees that have been disqualified from the USACE PL84-99 program due to increased vegetation to use another professional engineer for certification, use grant programs to encourage projects that lead to restoration of natural and beneficial functions for the floodplain, and only recognize flood control structures that meet "fish friendly" criteria. FEMA has determined that implementation of components A, B, and D of this RPA are beyond the statutory and regulatory authorities provided to the agency. However, FEMA can and does encourage acquisition of structures that have a secondary benefit of habitat protection or enhancement through our Hazard Mitigation Assistance Programs.

RPA Element 6: Floodplain Mitigation Activities

This element requires FEMA to ensure that mitigation occurs for direct and indirect affects from permitted activities prior to the full implementation of the RPA. FEMA will help communities through our traditional methods of outreach and technical assistance. FEMA intends to produce regional guidance that will help communities identify how to perform a fisheries impact analysis and define appropriate habitat mitigation options.

RPA Element 7: Monitoring and Adaptive Management

This element requires FEMA to collect data from communities participating in the National Flood Insurance Program (NFIP) that will identify development that caused an adverse affect and identify the mitigation taken to offset the adverse affect. The collection of this data must be compliant with the Paperwork Reduction Act. Element 7 also requires FEMA to report the information to NMFS on an annual basis. NMFS will review the report and determine if any alternative actions or adjustments to the Alternative will be necessary. FEMA intends to do this by developing a website to house policy guidance and other BiOp materials as well as a portal for communities to report the requested information to FEMA.

Please feel free to contact me if you have any further questions via email at john.graves1@dhs.gov or phone at 425-487-4737.

Sincerely,

John Graves, CFM
Senior NFIP Specialist
FEMA Region X



FEMA

April 24, 2009

Barry Thom
Acting Regional Administrator
Northwest Regional Office
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
7600 Sand Point Way Northeast
Seattle, Washington 98115

RE: FEMA Adoption of Reasonable Prudent Alternative for Implementation of the NFIP in Puget Sound

Dear Mr. Thom:

This letter is in response to the National Marine Fisheries Service (NMFS) letter dated September 22, 2008, and the Biological Opinion prepared under Section 7 of the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA). I appreciate the assistance your office has provided in assessing the impacts of the current implementation of the National Flood Insurance Program (NFIP) on threatened and endangered species and federally designated critical habitat in Puget Sound in the State of Washington. The Department of Homeland Security, Federal Emergency Management Agency (FEMA), reviewed the Reasonable Prudent Alternative (RPA) elements provided under Section 7 of ESA and Essential Fish Habitat Conservation Recommendations (CRs) provided under MSA. As a result of its review and evaluation, FEMA has concluded it can implement the RPA elements and CRs in the following manner:

RPA Elements and CRs That Will Be Implemented

A. Notice (RPA Element 1 and CR 1)

FEMA provided the recommended notice to the NFIP participating communities in the Puget Sound region on October 21, 2008. The notice provided information about the findings of the Biological Opinion and recommended communities adopt a temporary moratorium on floodplain development that would adversely impact the species habitat.

B. Mapping (RPA Element 2 and CR 2)

FEMA will implement the element and recommendation your office provided by conducting the following:

- a. Engage in ESA Section 7 consultation with your office before approving Conditional Letters of Map Change (CLOMR, CLOMA, or CLOMR-F) to ensure adequate consideration of endangered species, threatened species, and their habitat. For processing other letters of map change submissions (LOMA, LOMR, and LOMR-F), FEMA will continue its practice of requiring applicants to obtain the applicable ESA permits, and having communities verify that the applicants have obtained these permits;
- b. Work with Puget Sound communities with Tier 1 and Tier 2 populations to prioritize flood insurance mapping efforts;
- c. Develop guidance on the use of steady-state and unsteady-state modeling techniques and how to incorporate habitat considerations;
- d. Allow communities to submit "predictive land-use/cover change" information for depiction in Flood Insurance Rate Maps; and
- e. Provide outreach and educational materials on the risks associated with living behind levees, targeted to those communities in the Puget Sound region.

I also want to make you aware FEMA is engaging in a study to evaluate the impacts of climate change on the NFIP. This study will include program options and alternatives for taking into account these impacts and other climate change challenges in the FEMA implementation of the NFIP. These may include changes to the FEMA proposal for RPA Element 2 component D and CR 5 component D for considering "predictive land-use/cover change" in FEMA mapping activities. I anticipate this study will be completed by early 2010.

C. Implementation of Floodplain Management Criteria (RPA Element 3 and CR 3)

FEMA will implement this element and recommendations by encouraging Puget Sound communities to comply with one of the following options:

- a. Adopt a FEMA-developed voluntary model ordinance that meets the fisheries habitat requirements identified in RPA Element 3 and Appendix 4 of the Biological Opinion;
- b. Demonstrate adoption of fish habitat requirements identified in RPA Element 3 and Appendix 4 of the Biological Opinion by: (i) developing and negotiating with your office a Habitat Conservation Plan (HCP) for the community development or

land-use regulations and ordinances, in accordance with Section 10 of ESA, (ii) demonstrating through a FEMA-approved checklist that the current community development and land-use requirements already meet the requirements RPA Element 3 and Appendix 4, or (iii) consulting with the NMFS on community-specific ESA Section 4(d) practices for protection of threatened species; or

- c. At a minimum demonstrate ESA compliance through permit-by-permit coordination with your office under ESA Section 10 for any new development in the floodplain.

FEMA will recommend Puget Sound communities choose one of these options within three (3) years from the issuance of the Biological Opinion (September 22, 2008), as required by the NMFS. In the interim period, FEMA will request communities to report on permits issued for development in the floodplain.¹

D. Changes to Community Rating System (CRS) (RPA Element 4 and CR 4)

FEMA will implement the majority of the recommendations in RPA Element 4. The CRS Task Force is currently evaluating the recommendation on awarding points for setting levees back, restoring riparian and floodplain function, and dismantling pre-existing levees to restore floodplain function, in order to determine whether and how it can be implemented.

E. Levee-Related Changes (RPA Element 5 and CR 5)

FEMA will implement RPA Element 5 and CR 5 component C by encouraging Hazard Mitigation Assistance (HMA) grantees and subgrantees to take advantage of the opportunities available under those FEMA HMA programs for eligible acquisition that could also benefit the enhancement or protection of salmon habitat or habitat characteristics.

F. Addressing Unmitigated Development During Interim Period (RPA Element 6 and CR 6)

FEMA will provide outreach and technical assistance to communities during the interim period. Technical assistance will be related to the impacts of floodplain development on endangered and threatened species and their habitats (including federally designated critical habitat). It will also include providing guidance documents and educational materials to meet the other RPA elements and CRs.

¹ The interim period is the period of time from the FEMA response to the NMFS and the community adoption of one of the options.

G. Monitoring (RPA Element 7 and CR 7)

FEMA will implement the element and recommendation your office provided by conducting the following:

- a. Develop a website that will contain policy guidance and other information related to FEMA implementation of the RPAs in Puget Sound; and
- b. Develop a standard electronic form to collect from communities the permit information required by the NMFS.

RPA Element Components That Will Not Be Implemented

As a result of its review and evaluation of the information contained in the Biological Opinion and our existing legal authorities for the NFIP, FEMA determined it cannot implement RPA Element 5 and CR 5 components A, B, and D.

A. RPA Element 5 component A and CR 5 component A

FEMA cannot implement component A of RPA Element 5 and CR 5 because it is beyond its statutory authority and discretion. It is not within FEMA statutory or regulatory authority to prescribe any levee maintenance standard other than protection from the flooding having a 1-percent chance of occurring in any given year. Congress delegated the responsibility to the U.S. Army Corps of Engineers (USACE) to develop standards for levee design, operation, and maintenance. Implementing component A of RPA Element 5 would place FEMA in the position of assuming a responsibility not placed on it by Congress.

The FEMA levee certification regulations (44 CFR 65.10) are based strictly on whether the levee provides protection against the 1-percent-annual-chance flood. These regulations are neutral on the presence of woody vegetation on levees. FEMA could recognize those levees designed and maintained with woody vegetation, as long as they provide the required level of flood protection. However, FEMA does not have the discretion to refrain from recognizing a levee that provides the required level of flood protection but fails to allow woody vegetation. It is the responsibility of the certifying engineer or agency to determine whether allowing woody vegetation would impact the required flood protection.

The FEMA levee certification regulations are not an essential cause of the effects on species and/or species habitat associated with the removal of woody vegetation from levees. The certifying engineer or agency is an intervening factor in this cause and effect relationship. They have to make the independent decision or take the independent action of either designing the levee system to allow woody vegetation or allow woody vegetation in an

already existing levee system in a manner that also maintains the level of flood protection required by FEMA regulations.

B. RPA Element 5 component B and CR 5 component B

FEMA cannot implement component B because it would be a duplication of programs, prohibited by Section 312 of the Stafford Act and 44 CFR 206.191. FEMA provides emergency funding for repairs of levees under its Public Assistance Grant Program. The Stafford Act has rules and procedures that implement the Section 312 restrictions against duplication of benefits and programs. The levee policy referenced in component B stipulates the FEMA funding for emergency levee repairs is only available if the levee is not within the USACE Rehabilitation and Inspection Program (RIP). USACE RIP levees include those levees that are active and the ones determined inactive because they do not meet the USACE inspection and operation requirements. To allow FEMA funding for the RIP levees determined to be inactive because they do not meet the USACE vegetation standards would be a duplication of programs and contrary to general principles of Federal appropriations law.

C. RPA Element 5 component D and CR 5 component D

As stated above, FEMA cannot establish additional standards to recognize levees other than protection from the 1-percent chance of flooding occurring in any given year. It is beyond FEMA statutory authority to require additional criteria that do not relate to the 1-percent-annual-chance standard.

Although FEMA does not have the statutory authority to implement these components of RPA Element 5 and CR 5, the Agency will collaborate with your office and the USACE on efforts to address the issues associated with vegetation standards and habitat considerations for levees as recommended by your office under Section 7(a)(1).

Conclusion

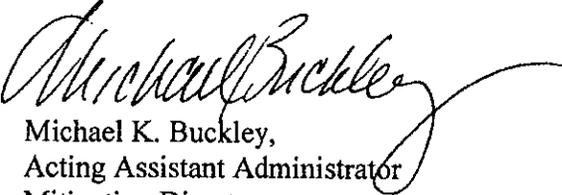
FEMA will implement the RPA Elements and CRs as outlined above. The FEMA point of contact for the implementation of the RPA is Mark Carey, Regional Mitigation Division Director, who will be advised on these environmental matters by Mark Eberlein, FEMA Regional Environmental Officer (REO). Both are in the FEMA Region X Office in Bothell, Washington.

FEMA takes seriously its responsibility to insure its actions are not likely to jeopardize the continued existence of species and do not destroy or adversely modify federally designated critical habitat, and to consult with your agency on actions which could adversely affect Essential Fish Habitat.

Barry Thom
April 24, 2009
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I appreciate the amount of effort and level of assistance your office has provided in this matter. FEMA looks forward to continue working collaboratively with you to meet its ESA and MSA responsibilities in implementing the NFIP.

Sincerely,



Michael K. Buckley,
Acting Assistant Administrator
Mitigation Directorate



MEMORANDUM

TO: Mayor Haggerton
Tukwila City Council

FROM: Jim Morrow, Public Works Director *JM*

DATE: August 5, 2009

SUBJECT: National Flood Insurance Program

The question was asked, *"What would be the consequences if the City did not participate in the National Flood Insurance Program?"*

Response:

Nearly 20,000 communities across the United States and its territories participate in the Nation Flood Insurance Program (NFIP) by adopting and enforcing floodplain management ordinances and practices to reduce future flood damage. In exchange, the NFIP makes Federally backed flood insurance available to homeowners, renters, and business owners at rates that are substantially lower than rates obtained from private insurance companies.

Flood insurance is designed to provide an alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods. Federal disaster assistance often comes in the form of a low interest loan to help cover flood damage, not compensation for the property owners' losses. Even then, those loans are only available if the President formally declares a disaster.

Flood damage is reduced by nearly \$1 billion a year through communities implementing sound floodplain management requirements, practices, and property owners purchasing flood insurance. Additionally, according to FEMA, property developed in compliance with NFIP building standards and sound shoreline management practices suffer approximately 80 percent less damage annually than those not built in compliance.

Summary Chart of Public Notice, Input and Hearing Opportunities

Council requested a chronology of the SMP review process, including outreach efforts, to-date.

Tukwila Municipal Code 18.80 requires notice and comment opportunities for comprehensive plan amendments. TMC 18.80 requires that proposed comprehensive plan changes be posted in the DCD offices, and that the City publish notice in the newspaper soliciting public input and identifying a date when the Council will consider the changes. The SMP will amend policies in the comprehensive plan as well as amend the zoning code. The code does not require the appointment of a citizen advisory panel for any long range projects.

Date	Description of Activity
September 22, 1999 <i>thru</i> March 8, 2000	Shoreline Advisory Panel meets to review a Staff DRAFT of the SMP.
May 18, 2000 <i>thru</i> October 26, 2000	Planning Commission conducts review of DRAFT SMP as it came from the Shoreline Advisory Panel.
November 29, 2000 <i>thru</i> 2005	SMP process delayed due to changing DOE regulations and resulting appeals and settlements.
November 2005	Notice of SMP provided in Hazelnut.
July 2006	Tukwila Days Community Festival – booth with SMP information as well as sign up sheets to receive information.
February 2007	Article regarding SMP provided in Hazelnut.
February 2007 <i>thru</i> Present	SMP information, typically documents and review schedule updates, posted on City website as it becomes available for public review (detailed info below).
	<i>February 2007</i> POSTED: Draft Inventory and Characterization Report; Draft Restoration Plan
	<i>July 2008</i> POSTED: Staff DRAFT SMP Update and Draft Cumulative Impact Analysis
	<i>August 2008</i> POSTED: Environmental (SEPA) Documents and slideshow of shoreline photos
	<i>September 2008</i> POSTED: Exhibits 1-24 from Planning Commission Public Hearing
	<i>October 2008</i> POSTED: Additional exhibits 25-55 from Planning Commission Public Hearing and DOE Guidelines for SMP Updates
	<i>December 2008</i> POSTED: Shoreline matrix, DRAFT SMP, staff responses and attachments
	<i>January 2009</i> POSTED: 9 Additional exhibits from Planning Commission Public Hearing and strikeout/underline DRAFT SMP
	<i>February 2009</i> POSTED: Both clean and strikeout/underline versions of Planning Commission Recommended DRAFT SMP
	<i>April 2009</i> POSTED: Additional exhibits 1-14 from City Council Public Hearing
	<i>July 2009</i> POSTED: Additional exhibits 15-25 from City Council Public Hearing and Council Work Session materials for 07/07/09, 07/14/09, 07/28/09
July 2007	Tukwila Days Community Festival – booth with SMP information as well as sign up sheets to receive information.

City Website

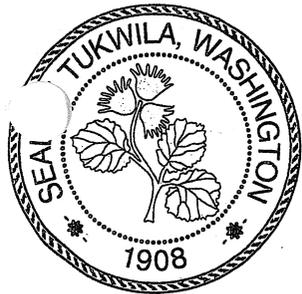
Chronology of Pubic Process
Shoreline Master Program Update

2008	
July	Public notice mailed to property owners along the river about the Open House and Public Hearing on August 8 and August 14, 2008.
July 24 thru Present	Individual meetings with property owners and staff.
August	Tukwila Days Community Festival – booth with SMP information as well as sign up sheets to receive information.
August 5	Briefing on DRAFT SMP given to Chamber of Commerce.
August 8	Public notice mailed to residential property owners regarding August 19 Open House and August 28 Public Hearing.
August 14	Public notice mailed to commercial/industrial property owners regarding August 19 Open House and August 28 Public Hearing.
August 15	SMP Notice posted on Tukwila TV21.
August 19	SMP Open House
August 20	Public Notice Boards installed at four (4) locations along the Green River Trail regarding notice of Public Hearing on August 28, 2008. Re-posted for continued hearing on October 9, 2008.
August 28	SMP Public Hearing – Planning Commission (continued to October 9, 2008).
August 29	Broadcast e-mail sent to <i>interested party list</i> regarding continued public hearing and additional open house on SMP.
Sept. 11-12	Public notice mailed to property owners and tenants regarding October 1 Open House and October 9 Public Hearing.
October 1	SMP Open House
October 9	SMP Public Hearing – Planning Commission (continued from August 28, 2008)
October 10	Broadcast e-mail sent to individuals who opted to receive SMP updates via e-mail on additional opportunity to submit written comments to Planning Commission.
October 30	Public notice mailed to <i>parties of record</i> and <i>interested parties</i> regarding Planning Commission Review Process.
November	Article regarding SMP provided in Hazelnut.
November 1	Broadcast e-mail sent to <i>interested party list</i> regarding SMP providing update on Planning Commission review schedule.
December 1	Broadcast e-mail sent to <i>interested party list</i> regarding availability of Matrix and Attachments.
December 1	Public notice mailed to <i>parties of record</i> as reminder of December 10 and 11, 2008, Planning Commission Work Sessions.
December 12	Public notice mailed to <i>parties of record</i> regarding January 7, 2009, Open House and Planning Commission Matrix.
December 12	Broadcast e-mail sent to <i>interested party list</i> regarding SMP Open House.

Chronology of Pubic Process
Shoreline Master Program Update

2009	
January 7	SMP Open House
January 23	Broadcast e-mail sent to <i>interested party list</i> regarding availability of SMP materials on web site.
February	Article regarding SMP provided in Hazelnut.
February 20	Broadcast e-mail sent to <i>interested party list</i> regarding Planning Commission approval of SMP, posting of tentative Council review schedule and other materials on web site.
March 4	Broadcast e-mail sent to <i>interested party list</i> regarding SMP.
March 10	Public notice mailed to <i>property owners</i> regarding March 25, 2009, Open House and April 20, 2009 Public Hearing.
March 24	Broadcast e-mail sent to <i>interested party list</i> on the cancellation review of the Planning Commission Recommended Draft SMP as an agenda item at the Community Affairs and Parks meeting March 9, 2009.
March 25	SMP Open House
March 25	Broadcast e-mail sent to <i>interested party list</i> regarding Howard Hanson Dam meetings.
April 7	Broadcast e-mail sent to <i>interested party list</i> regarding delay in Council work sessions to review SMP, notifying that public hearing on 4/20/09 will proceed.
April 20	SMP Public Hearing – City Council (continued to July 13, 2009)
April 27	Broadcast e-mail sent to <i>interested party list</i> regarding continuation of public hearing on SMP to July 13, 2009.
June 17	Public Notice mailed to property owners and tenants - reminder of July 13 Public Hearing.
June 23	Broadcast e-mail sent to <i>interested party list</i> regarding Council SMP review schedule.
July	Article regarding SMP provided in Hazelnut.
July 7	Broadcast e-mail sent to <i>interested party list</i> regarding Council review materials for SMP work session.
July 9	Broadcast e-mail sent to <i>interested party list</i> regarding SMP.
July 13	SMP Public Hearing – City Council (continued from July 13, 2009 - continued to July 20, 2009)
July 20	SMP Public Hearing – City Council (continued from July 13, 2009)
July 24	Broadcast e-mail sent to <i>interested party list</i> on posting of 7-28-09 work session materials on web site along with written comments received at 7-13-09 and 7-20-09 public hearing.

This above information has been provided in addition to all notices required by law, such as but not limited to public hearings, special and joint meetings.



City of Tukwila

6200 Southcenter Boulevard • Tukwila, Washington 98188

Jim Haggerton, Mayor

October 9, 2008

Tukwila Planning Commissioners

RE: Public Involvement in the Shoreline Master Program Update

Dear Commissioners:

Your concerns regarding the opportunities for public involvement during the review of the Shoreline Master Program update have been conveyed to us by staff.

The planning process for Tukwila's shorelines began in 1992 during the Comprehensive Plan process with the involvement of the Tukwila Tomorrow citizen's advisory group. In 1999 a Shoreline Advisory Panel was convened by the Mayor's Office to develop a discussion draft Shoreline Master Program (SMP) for review by the Planning Commission. After significant public review of the draft the SMP was put on hiatus for several years while the statewide regulations were being updated by the Department of Ecology. Work on the current version of the update, which embodies the results of those prior review efforts, has been underway since 2005.

We believe that the extended public hearing, two open houses and one-on-one meetings by staff with concerned citizens and property owners have provided the public with a number of opportunities to express their concerns and provide suggestions during this phase of review. We also understand that staff has proposed an opportunity for the public to review and comment on the matrix of testimony at a Planning Commission work session in November.

We do not think that convening an additional review body at this stage in the process is warranted. We have faith in the ability of the Planning Commission to balance the competing goals and interests in planning for the future of Tukwila's shorelines and look forward to the opportunity to review the Planning Commission recommended draft of the Shoreline Master Program.

Sincerely,


Jim Haggerton
Mayor


Joe Duffie
Council President

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Letter from Mayor Haggerton, dated July 23, 2009

TAB: Draft SMP

Strike-Out/Underlined Version of the Planning Commission Recommended DRAFT Shoreline Master Program

TAB: Matrix B

Information not yet provided.

TAB: Matrix A

Public Comments from STAFF Draft of SMP

TAB: DOE Comments

Letter from Department of Ecology, dated June 30, 2009, regarding DOE comments on the Planning Commission Recommended DRAFT Shoreline Master Program

TAB: BUFFERS

Buffer related information, including:

1. Memo from Jim Morrow and Jack Pace, dated September 9, 2008
2. Memo from Carol Lumb, dated October 10, 2008
3. Memo from Jim Morrow, dated January 26, 2009
4. Memo from Jim Morrow, dated May 8, 2008
5. King County Flood Management Plan, Sections 5.9.9 and 5.9.10
6. Memo from Jim Morrow, dated July 13, 2009
7. Memo from Jim Morrow, dated July 14, 2009
8. Shoreline Buffer Determination – Planning Commission excerpt from February 5, 2009
9. Levee Profiles

TAB: August 25, 2009 – Work Session

Information not yet provided.

TAB: August 11, 2009 – Work Session

MEMO - Packet #2 Handouts, dated August 6, 2009
Meeting Agenda

TAB: July 28, 2009 – Work Session

MEMO - Packet #1 Handouts, dated July 23, 2009
Meeting Agenda
Work Session Summary

TAB: July 14, 2009 – Work Session

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Work Session Summary

TAB: July 7, 2009 – Work Session

Meeting Agenda
Work Session Summary

TAB: MISC.

Duwamish River Transition Map (distributed for July 28 Work Session)

Work Session Summaries

- **Work Session #3, July 28, 2009**
- **Work Session #2, July 14, 2009**
- **Work Session #1, July 7, 2009**



Shoreline Master Program Work Session No. 3

Location: City Hall Council Chambers
Date: July 28, 2009
Begin Time: 6:11 p.m.
End Time: 8:07 p.m.

PRESENT

Elected Officials: Jim Haggerton, Mayor; Joan Hernandez, Council President; Joe Duffie; Councilmembers: Joe Duffie, Pam Linder, Dennis Robertson, Verna Griffin, Kathy Hougardy and De'Sean Quinn
Staff: Jack Pace, Community Development Director; Nora Gierloff, Community Development Deputy Director; Carol Lumb, Senior Planner; Jim Morrow, Public Works Director; Rhonda Berry, City Administrator; and Kimberly Matej, Legislative Analyst

The work session consisted of presentations and discussions regarding the Council review of the Shoreline Master Program (SMP). The Shoreline Master Program will regulate the area 200 feet from the ordinary high water mark through the City and potential annexation areas. The Work Session continued to focus on Shoreline Environments and Buffers.

As a result of the Work Session, the items below will be forthcoming to Council:

- A copy of the letter from FEMA regarding new standards – addressing changes in the flood maps.
- A memo outlining what the impacts would be to the City if there were no flood insurance program.

Additionally, due to the information outlined in the most recent letter from the Department of Ecology (DOE), dated June 30, 2009, several Councilmembers thought it might be useful to have a Work Session focused on reviewing information contained in that letter.

The next Work Session scheduled for Tuesday, August 11, 2009, will focus on the topic of vegetation protection and landscaping.

A handwritten signature in black ink, appearing to be the initials "KAM".

Minutes by KAM.

Hand-Outs Distributed Outside of Meeting:

Packet #1 – Handouts, dated July 23, 2009 (includes Meeting Agenda)



Shoreline Master Program Work Session No. 2

Location: City Hall Council Chambers
Date: July 14, 2009
Begin Time: 6:12 p.m.
End Time: 8:08 p.m.

PRESENT

Elected Officials: Jim Haggerton, Mayor; Joan Hernandez, Council President; Joe Duffie; Councilmembers: Joe Duffie, Pam Linder, Dennis Robertson, Verna Griffin, Kathy Hougardy and De'Sean Quinn
Staff: Nora Gierloff, Community Development Deputy Director; Carol Lumb, Senior Planner; Sandra Whiting, Jim Morrow, Public Works Director; Rhonda Berry, City Administrator; and Kimberly Matej, Legislative Analyst

The work session consisted of presentations and discussions regarding the Council review of the Shoreline Master Program (SMP). The Shoreline Master Program will regulate the area 200 feet from the ordinary high water mark through the City and potential annexation areas. The Work Session continued to focus on Shoreline Environments and Buffers.

Due to the vast amount of paperwork that has been produced throughout the SMP review process, staff will re-organize relevant information in a format that is more readily accessible and contiguous for Council review.

As a result of the Work Session, the items below will be forthcoming to Council:

- A larger copy of the matrix (currently 8.5 x 11).
- Redistribution of materials that should be reviewed prior to next Work Session for discussion on buffer widths and for future work sessions, use the same approach.
- Profile of Kent and Tukwila levees.
- Map of the Transition Zone
- Running Table of Contents

The next Work Session scheduled for Tuesday, July 28, 2009, will continue to focus on shoreline buffers.


Minutes by KAM.

Hand-Outs Distributed at Meeting:

Memos dated July 13 and 14, 2009, from Jim Morrow

Hand-Outs Distributed Outside of Meeting:

Memo dated July 10, 2009, from Jack Pace (included Meeting Agenda)



Shoreline Master Program Work Session No. 1

Location: City Hall Council Chambers
Date: July 7, 2009
Begin Time: 6:12 p.m.
End Time: 8:08 p.m.

PRESENT

Elected Officials: Joan Hernandez, Council President; Joe Duffie; Councilmembers: Pam Linder, Dennis Robertson, Verna Griffin, Kathy Hougardy and De' Sean Quinn

Absent: Mayor Jim Haggerton and Councilmember Joe Duffie

Staff: Jack Pace, Community Development Director; Nora Gierloff, Community Development Deputy Director; Carol Lumb, Senior Planner; Jim Morrow, Public Works Director; Ryan Larson, Senior Engineer; Rhonda Berry, City Administrator; and Kimberly Matej, Legislative Analyst

The work session consisted of presentations and discussions regarding the Council review of the Shoreline Master Program (SMP). The Shoreline Master Program will regulate the area 200 feet from the ordinary high water mark through the City and potential annexation areas. The Work Session focused specifically on Section 7: Shoreline Environments and Buffers.

Council has determined the review of the SMP document will focus on particular issues needing guidance and discussion rather than reviewing the document page by page. Additionally, Council will give further direction to staff (i.e.: requests for information as each issue concludes).

As a result of the Work Session, several items will be forthcoming to Council:

- A chronology of public comment and/or input opportunities on the SMP to date.
- Section 7 – Incorporation of a reference that identifies the City-approved profile.
- Written summary from Jim Morrow on the three themes he identified from comments on the SMP (as discussed at tonight's work session), and identification of where this information can be located in the SMP binders.
- Written summary from Bob Sterbank about FEMA discourse and biological opinion as discussed in tonight's work session.

In addition, Council work session questions as well as individual Council questions asked directly to staff will be added to the working matrix with responses.

A handwritten signature in black ink, appearing to be "KAM".

Minutes by KAM.

Hand-Outs Distributed at Meeting: Meeting Agenda

Hand-Outs Distributed Outside of Meeting: PACKET: Memo dated July 1, 2009, from Jack Pace