### Ecology Recommended Changes –

The Department of Ecology approval letter contained 12 recommended changes, numbered 1 through 12, consecutively. The City of Tukwila accepted Recommended Changes 1, 2, 4 through 6, and 9, as proposed by Ecology. The City rejected Recommended Changes 8, 10, and 12. The City proposed alternatives to Recommended Changes 3, 7 and 11, as outlined below.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TOPIC</th>
<th>ECOLOGY PROPOSED BILL FORMAT CHANGES on March 24, 2011</th>
<th>RATIONALE</th>
<th>TUKWILA ACCEPTANCE OF RECOMMENDED CHANGE OR ALTERNATIVE SUGGESTED BY LOCAL GOVERNMENT ON SEPTEMBER 22, 2011</th>
<th>ACCEPTED BY ECOLOGY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Definition of Substantial Development</td>
<td>&quot;Substantial development&quot; shall mean any development of which the fair market value exceeds the threshold established for an assessment which materially interferes with the normal use of the water or shorelines of the state. The dollar threshold established for this section shall be reviewed every five years beginning July 1, 2007, and adjusted by the office of financial management every five years.</td>
<td>The definition of substantial development must be consistent with Chapter 90.58 RCW.</td>
<td>The City accepts the change.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Policy For Shorelines of statewide Significance</td>
<td>Tukwila, in developing and implementing its shoreline master plan, shall use the following order of preference:</td>
<td>This section specifically implements the policy for shorelines of statewide significance in RCW 90.58.020.</td>
<td>The City accepts the change.</td>
<td></td>
</tr>
</tbody>
</table>

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**Attachment C:**

Ecology required text changes in red. Tukwila proposed text alternatives in blue.
1. Allowance for fill for restoration projects

| Add to Sections 8.2.A.1, 8.3.A.1, 8.4.A.1, and 8.5.A.1 the following: |
| Fill solely for the purpose of ecological restoration. |

2. Allowance for fill for restoration activities consistent with the Guidelines WAV 173-26-231(3)(c).

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

3. The City accepts the alternative. The portion of the change accepted by the City only addressing the Aquatic Environment is consistent with the SMA and Guidelines.

4. When fill is allowed

| Add to Sections 8.2.A.2, 8.3.A.2, 8.4.A.2, and 8.5.A.2 the following: |
| Fill minimally necessary to support water dependent uses, public access, or for the alteration or expansion of a transportation. |

| This change clarifies when fill is allowed. |
| The City accepts the change. |
5 Live-aboards

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

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

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

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

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

Identification of specific standards for live-aboards to be consistent with the Aquatic Environment management policies at WAC 173-26-211(5)(c)(ii).

The city accepts the change.

6 Tree Diameter Measurements

Table 4 in Section 9.10.B.4 shall be modified as follows:

<table>
<thead>
<tr>
<th>Diameter of Tree Removed</th>
<th>No. of Replacement Trees Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-6 inches (single trunk)</td>
<td>2</td>
</tr>
<tr>
<td>2 inches (any trunk of a multi-trunk tree)</td>
<td></td>
</tr>
<tr>
<td>Over 20 inches</td>
<td>6</td>
</tr>
</tbody>
</table>

* measured at height of 4.5 feet from the ground

This change addressed a public comment and makes this methodology for measuring tree width consistent with others.

The City accepts the change.

7 Usability of Shoreline Environment

Modify section 10.7 as follows:

10.7 Watercourse Designation and Ratings

This change addressed a public comment and makes the process consistent with the Department of Natural Resources.

The City accepts the change.

Page 3
Maps and depiction of the Black River shoreline.

A. Watercourse ratings are based on the existing habitat functions and are rated as follows:
1. Type 1 (S) Watercourse: Watercourses inventoried as Shorelines of the State, under RCW 90.58 (Green/Duwamish River).
2. Type 2 (F) Watercourse: Those watercourses that have either perennial (year-round) or intermittent flows and support salmonid fish use.
3. Type 3 (NP) Watercourse: Those watercourses that have perennial flows and are not used by salmonid fish.
4. Type 4 (NS) Watercourse: Those watercourses that have intermittent flows and are not used by salmonid fish.

B. Watercourse敏感 area studies shall be performed by a qualified professional (hydrologist, geologist, engineer or other scientist with experience in preparing watercourse assessments).

Resources (DNR) stream-typing criteria. This section reads:

10.7 Watercourse Designation and Ratings
A. Watercourse ratings are based on the existing habitat functions and are rated as follows:
1. Type 1 (S) Watercourse: Watercourses inventoried as Shorelines of the State, under RCW 90.58 (Green/Duwamish River).
2. Type 2 (F) Watercourse: Those watercourses that have either perennial (year-round) or intermittent flows and support salmonid fish use.
3. Type 3 (NP) Watercourse: Those watercourses that have perennial flows and are not used by salmonid fish.
4. Type 4 (NS) Watercourse: Those watercourses that have intermittent flows and are not used by salmonid fish.

B. Watercourse sensitive area studies shall be performed by a qualified professional (hydrologist, geologist, engineer or other scientist with experience in preparing watercourse assessments).

Modify Section 10.9 as follows:

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

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

The City rejected this change.

Modify Section 10.9.C.2 as follows:

This change proposes to use current nomenclature.

The City accepted this change.
Typing.

Watercourse buffers (measured from the Ordinary High Water Mark):

a. Type 1 (S) Watercourse: The buffer width for the Green/Duwamish River is established in the Shoreline Environment Designations of this SMP for the three designated shoreline environments.

b. Type 2 (F) Watercourse: 100-foot-wide buffer.

c. Type 3 (NP) Watercourse: 80-foot-wide buffer.

d. Type 4 (NS) Watercourse: 50-foot-wide buffer.

This would establish a system for tracking shoreline development.

The City rejected this change.

Permit Tracking

The City will track all land use and development, including

establishing stream buffers. The City will maintain a permit tracking system to

identify the basic criteria for a substantial development permit.

C. A substantial development permit shall be granted only when:

1. The policies and procedures of the Shoreline
   Management Act are followed.

2. The provisions of Chapter 173-27, WAC, and
   this shoreline master program are followed.

3. This shoreline master program.

Ecology rejected the City alternative. The Ecology recommended language is taken from WAC 173-27-150. While not clearly stated in the SMP, the Shoreline Management Act and 173-27 WAC are still applicable to substantial development permits.
Shoreline Exemptions

14.2 Substantial Development Permit Requirements

A. Permit Application Procedures

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

B. Exemptions

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

2. The Director may impose conditions to the approval of exempted developments and/or uses as necessary to assure compliance of the project with the SMP and the Tukwila SMP, per WAC 173-27-040(e). For example, in the case of development subject to a building permit, but exempt from the shoreline permit process, the Building Official or other permit-authorizing official, through consultation with the Director, may attach shoreline management terms and conditions to Building Permits and other permit approvals pursuant to RCW 90.38.140.

3. A written exemption shall be required to be sent to the applicant and to the Department of Ecology if:
   a. The activity is located in a sensitive area or sensitive area buffer;
   b. A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899 is required; or
   c. A section 404 permit under the Federal Water Pollution Control Act of 1972 is required.

THE CITY REJECTED THIS CHANGE. In any event, WAC 173-27-050 requires a written exemption for projects that require a Section 10 or Section 404 permit.