

Members

Jeremy C. Doty, Chair
Donald Erickson, Vice-Chair
Chris Beale
Sean Gaffney
Tina Lee
Ian Morrison
Matthew Nutsch
Erle Thompson
Scott Winship



Agenda

Tacoma Planning Commission

Community and Economic Development Department

Ryan Petty, Director
Peter Huffman, Assistant Director
Charles Solverson, P.E., Building Official

Public Works and Utilities Representatives

Kurtis Kingsolver, Interim Assistant Director/City Engineer, Public Works Department
Heather Pennington, Resource Planning Manager, Tacoma Water
Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power

747 Market Street, Room 1036
Tacoma, WA 98402-3793
253-591-5365 (phone) / 253-591-2002 (fax)
www.cityoftacoma.org/planning

(Agenda also posted at: www.cityoftacoma.org/planning > "Planning Commission" > "Agendas-Minutes-Recordings")

MEETING: Regular Meeting

TIME: Wednesday, February 15, 2012, 4:00 p.m.

PLACE: Council Chambers, Tacoma Municipal Building, 1st FL
747 Market Street, Tacoma, WA 98402

Change of Location
(NOT in Room 16)

A. CALL TO ORDER

B. QUORUM CALL

C. APPROVAL OF MINUTES – Regular Meeting of February 1, 2012

D. GENERAL BUSINESS

(4:05 p.m.) **1. Development and Permitting Activity Reports**

Description: Review information on building and land use permits from the second half of 2011 and emerging trends in permit activity.

Actions Requested: Informational; Comment

Support Information: See "Agenda Item GB-1"

Staff Contact: Jana Magoon, 594-7823, jmagoon@cityoftacoma.org
David Johnson, 591-5032, djohnson2@cityoftacoma.org

(4:45 p.m.) **2. Critical Areas Preservation Code Update**

Description: Review draft Letter of Recommendation, draft Findings of Fact and Recommendations Report, and draft Proposed Code Amendments, and forward a recommendation to the City Council.

Actions Requested: Approval and Recommendation

Support Information: See "Agenda Item GB-2"

Staff Contact: Stephen Atkinson, 591-5531, satkinson@cityoftacoma.org



E. COMMUNICATION ITEMS

1. Port of Tacoma Public Access Plan outreach efforts (<https://www.portoftacoma.com/public-access-plan>):
 - City Council Environment and Public Works Committee Meeting (City and Port staff to present project's process and schedule), Wednesday, February 22, 2012, 4:30 p.m., Room 16, Tacoma Municipal Building North, 733 Market Street
 - Public Open House, Tuesday, March 6, 2012 (time to be determined), Fabulich Center, 3600 Port of Tacoma Road
2. Tacoma's Shoreline Master Program, including adopted ordinances and resolutions, was submitted to the Department of Ecology (DOE) on February 6, 2012. Upon satisfactory review of the materials within 4-6 weeks, DOE will issue the determination of a complete submittal and proceed with the public comment process thereafter.
3. 2012 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code (www.cityoftacoma.org/planning > "2012 Annual Amendment"):
 - Informational Session with Staff, Wednesday, February 29, 2012, 5:00-7:00 p.m., Council Chambers, Tacoma Municipal Building, 747 Market Street
 - Planning Commission Public Hearing, Wednesday, March 7, 2012, 5:00 p.m., Council Chambers, Tacoma Municipal Building, 747 Market Street
4. Planning Commission Tentative Agendas (subject to change):
 - March 7: Medical Cannabis Moratorium
Shoreline Master Program Update
2012 Annual Amendment Package (Public Hearing)
 - March 21: Urban Forestry Code
Status of South Downtown and MLK Subarea Plans
2012 Annual Amendment Package (review of testimony)

F. COMMENTS BY LONG-RANGE PLANNING DIVISION**G. COMMENTS BY PLANNING COMMISSION****H. ADJOURNMENT**

Members

Jeremy C. Doty, Chair
Donald Erickson, Vice-Chair
Chris Beale
Sean Gaffney
Tina Lee
Ian Morrison
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Minutes

Tacoma Planning Commission

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(Draft for Review/Approval)

MEETING: Regular Meeting

TIME: Wednesday, February 1, 2012, 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402

Members Present: Jeremy Doty (Chair), Donald Erickson (Vice-Chair), Chris Beale, Tina Lee, Ian Morrison, Matthew Nutsch, Erle Thompson, Scott Winship

Members Excused: Sean Gaffney

Staff Present: Brian Boudet, Sheri Gibbons, Philip Kao, Jana Magoon, Ian Munce, Lucas Shaddock, Lihuang Wung, Noah Yacker (CED); Josh Diekmann (Public Works); Jeff Boers, William Osborne (Consultants)

Chair Doty called the meeting to order at 4:05 p.m. The minutes of the regular meeting on December 21, 2011 were approved as submitted. The minutes of the regular meeting on January 4, 2012 were approved with the amendment that corrected the last sentence under the discussion item of "2. Large Scale Retail Moratorium" to read as: "The motion passed unanimously, with Commissioners Winship and Morrison recusing and Commissioners Beale and Thompson absent."

GENERAL BUSINESS

1. Medical Cannabis Moratorium

William Osborne, a planning consultant assisting the City in researching and developing medical cannabis land use regulations, facilitated the Planning Commission's continued discussion of issues concerning the Medical Cannabis Moratorium. He presented information about what medical use of cannabis means, the legal footing of medical use regulations in Washington vis-a-vis Federal law, what are Collective Gardens, medical cannabis regulations in benchmarking cities of Washington and other states, the initial recommendations of the Medical Cannabis Task Force Subcommittee on Siting & Land Use, key issues for regulating land use impacts of medical cannabis facilities, medical cannabis business locations citywide (as of August 2011), as well as the next steps and the tight schedule to meet the moratorium.



Discussion ensued. The Commissioners expressed various concerns, comments, opinions and suggestions, such as the following:

- Regulating medical cannabis facilities is similar to regulating pharmacies or liquor stores.
- Collective gardens should not be located near sensitive uses, such as daycare, school, parks, and juvenile detention; separation distance such as 1,000 feet is necessary.
- The production/processing of medical cannabis should be regulated separate from the distribution/dispensary of medical cannabis, except for “small” (size to be defined) collective gardens.
- Consider exempting collective gardens that include between one and three or up to 10 members (numbers varied between Commissioners).
- Only one collective garden should be allowed on a parcel.
- Consider allowing co-op type of operation of multiple numbers of collective gardens in one place, with security for easy monitoring.
- Consider allowing co-location of collective gardens in Industrial and/or Commercial zones to take advantage of economies of scale. Would threats of federal government prosecution stifle such larger collective garden operations?
- Regulating the number of collective gardens per site is outside of the Commission’s purview.
- Consideration should be given to requiring CPTED consultation as part of permitting.

The Commissioners requested that staff relay their comments to the Medical Cannabis Task Force on February 8, 2012 and keep the Commissioners abreast of the feedback from the Task Force.

2. 2012 Annual Amendment: #2012-03 Housing Element

Jeff Boers, planning consultant, presented the proposed amendments to the Housing Element of the Comprehensive Plan. The amendments included incorporation of the eight policy principles concerning affordable housing as recommended by the City Council appointed Affordable Housing Policy Advisory Group; and an update of the housing assessment data ranging from population growth, household composition, household income to housing costs and housing affordability. Mr. Boers also mentioned that one of the components of the amendments pertaining to ensuring consistency with the Countywide Planning Policies (CWPP) is not being carried out at this time (and has been deferred to the next annual amendment cycle), because the recent amendments to CWPP have not been ratified by enough jurisdictions to take effect.

The Commissioners raised some points for clarification, such as the typo in “female householder (no wife present)” in the table of Household by Type for 2009, the discrepancy between 92% and 140% representing the median gross rent increase, and that the table of Housing Costs/Income should be updated according to latest (2012) data available from HUD. The Commission approved the proposed amendments, as amended, and authorized the public distribution of the amendments for public review.

3. 2012 Annual Amendment: #2012-07 Technical Amendments

Jana Magoon, Land Use Administrator, presented the proposed amendments to various sections of the Tacoma Municipal Code; she focused on the changes made to the proposal in accordance with the Commission's suggestions when the proposal was first reviewed in December 2011.

The Commissioners expressed some concerns regarding the proposed minimum parking requirement of 8 spaces per 1,000 square feet of floor area for the eating and drinking establishments, as specified in Table 1 of Section 13.06.510 pertaining to "off-street parking and storage areas." Discussion ensued and Commissioners voted unanimously to lower the requirement from 8 to 6.

Vice-Chair Erickson, referring to Section 13.06.640, indicated concern about treating existing nonconforming conditional uses as if they had been permitted as a conditional use. Staff responded that the revised regulations would actually reduce the ability of the nonconforming use from using existing regulations to switch from one nonconforming use to another, perhaps more impactful, nonconforming use. The revised conditional use regulation would codify a policy process that staff has been using to determine minor/major modifications for a site and whether additional permits are required. Vice-Chair Erickson requested additional clarification in the staff report or updated code regulation.

The Commission approved the proposed amendments, as amended, and authorized the public distribution of the amendments for public review.

4. 2012 Annual Amendment Package

The 2012 Annual Amendment Package originally included seven applications, i.e., #2012-01 Container Port Element, #2012-02 Hosing Element, #2012-03 Transportation Element, #2012-04 Sign Code Revisions, #2012-05 Platting and Subdivision Code Revisions, #2012-06 Urban Forestry Code, and #2012-07 Technical Amendments. Lihuang Wung provided a brief status of the applications, in that Applications #2012-02, -03, and -07 have been approved for public review purposes, and Applications #2012-01, -04, -05 and -06 are being deferred to subsequent amendment cycles, for various reasons.

The Commissioners expressed concerns about delaying #2012-04 Sign Code Revisions and potentially the resulting proliferation of undesired on-premise digital signs. The Commissioners suggested that a moratorium may be warranted to allow sufficient time to develop adequate regulations to address such concerns. Mr. Wung replied that staff will assess the situation and the Commission's suggestion and report back at a later date. The Commissioners were also concerned about the delay of #2012-06 Urban Forestry Code. Mr. Wung replied that the project team needs additional time to work on such issues as the canopy coverage methodology, including required percentages, credits, and fee-in-lieu, and is scheduled to return to the Commission on March 21, 2012.

The Commission approved the proposed 2012 Annual Amendment Package (containing three applications), authorized the public distribution of the amendments for public review, and set March 7, 2012 as the date for the public hearing.

COMMUNICATION ITEMS

Chair Doty acknowledged receipt of the following announcements:

1. MLK Subarea Plan & EIS Scoping Meeting, Thursday, February 9, 2012, 5:00-7:00 p.m. Evergreen State College Tacoma, Campus, 1210 Sixth Avenue
2. Planning Commission Tentative Agendas for February 15 and March 7, 2012

COMMENTS BY LONG-RANGE PLANNING DIVISION

Mr. Wung reported on the following matters:

1. The Commissioners are encouraged to attend the MLK Subarea Plan & EIS Scoping Meeting on February 9, 2012.
2. The Planning Commission's Tentative Agendas are being provided as a Communication Item, per the suggestion of Vice-Chair Erickson, and are subject to change.
3. The City Council conducted a study session at noon of January 31, 2012, and a public hearing in the same evening, concerning the Commission's recommendations on the Large Scale Retail Moratorium, and has set the first and final readings of adopting ordinance for February 7 and 14, respectively.
4. The terms of Commissioners Gaffney and Beale and Chair Doty, representing Districts 2, 3, and 5, respectively, will expire in June 2012.
5. Mr. Ian Munce has been appointed the new manager of the Long-Range Planning Division and will be meeting with individual Commissioners to learn from each of them what some of the important issues are that should be addressed by the City.

COMMENTS BY PLANNING COMMISSION

The Commissioners expressed their congratulations to Mr. Munce.

The Commissioners encouraged staff to strive to reduce the amount of paper produced for the agenda packets.

Commissioner Winship encouraged fellow Commissioners to attend the Urban Studies Forum 2012, sponsored by the Urban Studies Program of the University of Washington Tacoma, scheduled for February 9, 2012, 8:00 a.m. to 3:00 p.m.

Commissioner Thompson encouraged fellow Commissioners to attend the 2012 MBA Housing Forum, sponsored by the Master Builders Association of Pierce County, scheduled for February 15, 2012, 8:00 to 11:00 a.m.

ADJOURNMENT

The meeting adjourned at 7:25 p.m.



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-1

TO: Planning Commission

FROM: Jana Magoon, Land Use Administrator
Building and Land Use Services

SUBJECT: Permitting and Development Reports

DATE: February 9, 2012

At the next meeting on February 15, staff from Building and Land Use Services will provide its semi-annual report on the building and land use permitting activity for the second half of 2011. Staff will also highlight projects of interest and development trends.

Attached is a compilation of data and charts depicting the land use permit activity for July-December 2011, the building permits for December 2011 and for the entire year, and projects over \$500,000.

If you have any questions, please contact me at 594-7823 or jmagoon@cityoftacoma.org.

JM:lw

Attachment

c: Peter Huffman, Assistant Director

Order Short Txt	Permit Description	Location	Issued	Approve/Deny
CRITICAL AREAS				
WET2011 4-158658	Wetland Exemption - I-5 Widening		Yes	Approve
WET2011 4-159789	FWHCA Development - New Restaurant and Floats	9001 South 19th Street	Yes	Approve
WET2011 4-160943	Wetland Exemption	1 Sitcum Plaza	Yes	Approve
WET2011 4-161947	FWHCA Development - Dock Repair and Improvement	1902 Marine View Drive	Yes	Approve
WET2011 4-162963	FWHCA Development - Renewable Fuel Project and New Tanks	Sound Refining	No	N/A
WET2011 4-166866	FWHCA Exemption - Eell Street Bridge Repair	1700 Eell Street	Yes	Approve
WET2011 4-168299	FWHCA Development - New Over-Water Hoist	1123 Port of Tacoma Road	Yes	Approve
WET2011 4-169561	FWHCA Modification - Esplanade Construction	801 Dock Street	Yes	Approve
WET2011 4-171974	Wetland Exemption - Addition to Single Family Dwelling	1931 Norma Road NE	Yes	Approve
WET2011 4-173710	FWHCA Exemption - Demolition	1801 Taylor Way	Yes	Approve
WET2011 4-173970	Wetland Development - Improvements in ROW	1616 Cystal Springs Rd	Yes	Approve
WET2011 4-173972	FWHCA Development - Improvements to Fire Station	3301 Ruston	No	N/A
WET2011 4-174246	FWHCA Development - Fill & Grade/Utility Installation	1801 Taylor Way	No	N/A
WET2011 4-174501	FWHCA Exemption - Pt. Defiance Pagoda Repair	5815 Waterfront Drive	Yes	Approve
WET2011 4-174656	FWHCA Development - New Barrier Wall to prevent leaching	1220 Alexander Ave	No	N/A
Total New	11			
SHORELINE				
SHR2011 4-158657	Shoreline Development - I-5 Widening		Yes	Approve
SHR2011 4-159787	Shoreline Development - New Restaurant and Floats	9001 South 19th Street	Yes	Approve
SHR2011 4-161949	Shoreline Development - Dock Repair and Improvement	1902 Marine View Drive	Yes	Approve
Order Short Txt	Permit Description	Location	Issued	Approve/Deny
SHR2011 4-166865	Shoreline Development - Bridge Repair/Replacement	1700 Eell Street	Yes	Approve
SHR2011 4-168251	Shoreline Development - New Over-Water Hoist	1123 Port of Tacoma Road	Yes	Approve
SHR2011 4-169219	Shoreline Revision - Esplanade Construction	801 Dock Street	Yes	Approve
SHR2011 4-173054	Shoreline Development - New Portable Classroom	820 East "D" Street	No	N/A
SHR2011 4-173720	Shoreline Development - Improvements to Fire Station	3301 Ruston Way	No	N/A
SHR2011 4-173840	Shoreline Exemption - Pt. Defiance Pagoda Repair	5815 Waterfront Drive	Yes	Approve
SHR2011 4-174243	Shoreline Exemption - Demolition	1801 Taylor Way	Yes	Approve
SHR2011 4-174244	Shoreline Development - Fill & Grade/Utility Installation	1801 Taylor Way	No	N/A
SHR2011 4-174654	Shoreline Development - New Barrier Wall to prevent leaching	1220 Alexander Ave	No	Yes
Total New	9			

REZONE				
Total New	0			
PLAT				
PLT2011 4-168096	Final Plat - 8-lot	2902 South 40th Street	Yes	Approve
PLT2011 4-171819	Final Plat - 5-lot	1428 East 40th Street	Yes	Approve
Total New	2			
SHORT PLAT/BLA				
MPD2011 4-166230	2-lot Short Plat	2340 E Alexander Ave	Yes	Approve
MPD2011 4-166383	Boundary Line Adjustment	4618 North 43rd Street	Yes	Approve
MPD2011 4-166540	Boundary Line Adjustment	1602 South J Street	Yes	Approve
MPD2011 4-167064	Boundary Line Adjustment	3508 North Bennett Street	Yes	Approve
MPD2011 4-167132	Boundary Line Adjustment	7829 Pacific Avenue	Yes	Approve
MPD2011 4-167672	3-lot Short Plat	9436 South Park Street	Yes	Approve
MPD2011 4-169522	2-lot Short Plat	4112 South 69th Street	Yes	Approve
MPD2011 4-170017	2-lot Short Plat	1520 South 80th Street	Yes	Approve
Total New	8			
VARIANCE				
MLU2011 4-163231	Variance, Height, Design, Parking (Mountaniers Club)	2302 North 30th Street	Yes	Approve
MLU2011 4-163942	Variance, Front Yard	1420 East 44th Street	Yes	Approve
MLU2011 4-164037	Variance, Side and Rear Yard (on hold)	3120 North 8th Street	No	N/A
MLU2011 4-164212	Variance, Lot Width	8813 "A" Street	Yes	Deny
MLU2011 4-164858	Variance, Height (under appeal)	410 North "D" Street	Yes	Approve
Order Short Txt	Permit Description	Location	Issued	Approve/Deny
MLU2011 4-167854	Variance, Height	4410 North 45th Street	Yes	Approve
MLU2011 4-167864	Variance, Design	1101 South 17th Street	Yes	Deny
MLU2011 4-172515	Variance, Rear Yard	1712 North Junett Street	Yes	Approve
MLU2011 4-174491	Variance, Side Yard	409 East Morton	No	N/A
Total New	4			
CUP2011 4-163941	Conditional Use Permit - New Buildings for Buddhist Assoc.	1420 East 44th Street	Yes	Approve
CUP2011 4-173595	Conditional Use Permit - Duplex in R-2SRD	3902 South 31st Street	No	N/A
CUP2011 4-171112	Conditional Use Permit - Improvements to Franklin Park	1201 South Puget Sound Ave	No	N/A
Total New	2			
INT2011 4-166676	Accessory Dwelling Unit	1726 South 40th Street		
INT2011 4-167698	Accessory Dwelling Unit	1019 East Morton Street	Yes	Approve

INT2011 4-171129	Accessory Dwelling Unit	1101 North K Street	Yes	Approve
INT2011 4-171282	Reasonable Accommodation	4609 North 12th Street	Yes	Approve
INT2011 4-174652	Offical Determination - Is Special Use Permit still valid?	630 South Pearl Street	No	N/A
INT2011 4-174804	Accessory Dwelling Unit	5623 South Junett Street		
Total New		6		
Grand Total		42		

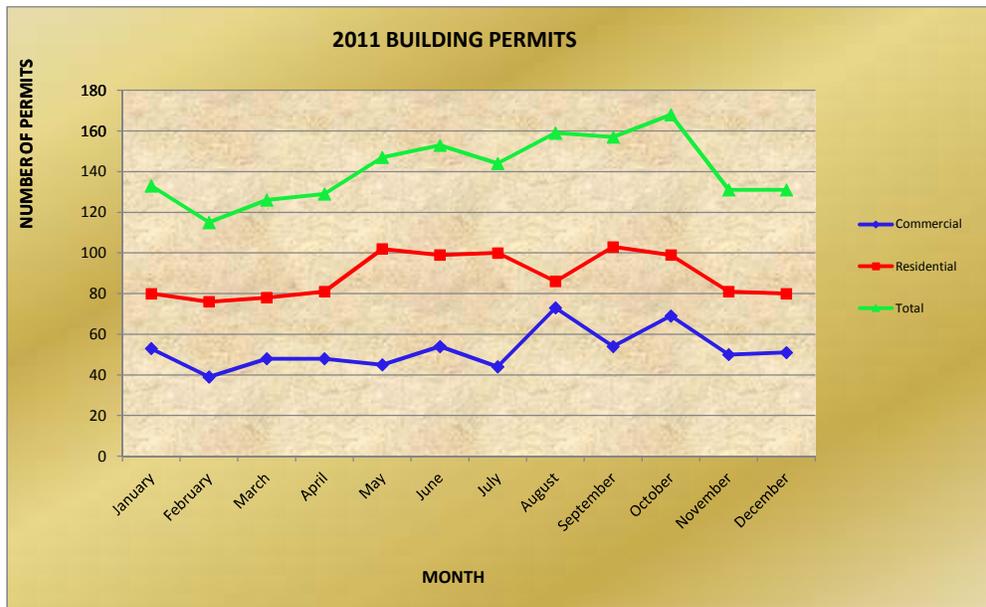
Permits in purple are carry-over from first 1/2 of year. Decision had not been issued at time of last Planning Commission Report

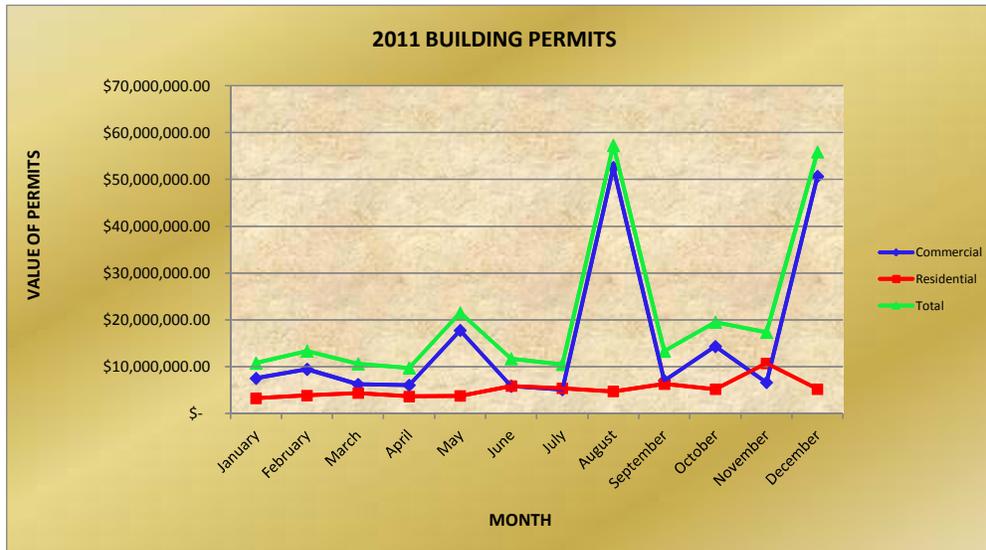
2011	December		Totals for Year	
Building Permit Category	No. of Permits	Value of Permits	No. of Permits	Value of Permits
Residential:				
One-Family Dwellings	17	\$ 3,765,288.00	180	\$ 39,441,040.00
Duplex Dwellings			32	\$ 9,367,990.00
Alter Residential Bldgs.	40	\$ 577,828.00	630	\$ 8,848,555.00
Private Garages/Carports	9	\$ 204,338.00	113	\$ 2,136,239.00
Mobile Homes			0	\$ -
Miscellaneous Installations	5	\$ 13,200.00	39	\$ 326,450.00
Residential Demolition	9	\$ 659,300.00	71	\$ 2,316,880.00
Total Residential:	80	\$ 5,219,954.00	1065	\$ 62,437,154.00
Commercial:				
***Multiple-Family Dwellings	4	\$ 32,660,472.00	5	\$ 52,712,501.00
Bank Buildings			0	\$ -
Churches			1	\$ 1,133,287.00
Clinics			0	\$ -
Industrial Buildings			3	\$ 1,472,720.00
Office Buildings			3	\$ 747,513.00
*Public Service Buildings	5	\$ 491,500.00	58	\$ 19,756,327.00
Restaurants			3	\$ 319,418.00
Schools (Private)			0	\$ -
Schools (Public)			5	\$ 11,598,989.00
Service Stations			0	\$ -
Store Buildings			5	\$ 2,015,894.00
Warehouses			0	\$ -
Moved or Relocated Buildings			4	\$ 120,000.00
Recreation Buildings			1	\$ 7,194,781.00
Hotels/Motels			0	\$ -
Hospitals/Institutions			0	\$ -
Parking Garages			0	\$ -
Miscellaneous Buildings	1	\$ 28,796.00	9	\$ 707,122.00
Commercial Grading and Filling	6	\$ 2,842,301.00	30	\$ 12,128,356.00
Commercial Demolitions	1	\$ 1,462,500.00	35	\$ 12,048,730.00
Miscellaneous Installations	5	\$ 5,171,858.00	41	\$ 13,546,276.00
Alter Non-Residential Bldgs.	29	\$ 8,002,528.00	425	\$ 53,772,119.00
Total Commercial:	51	\$ 50,659,955.00	628	\$ 189,274,033.00
BUILDING PERMITS	Totals for Year			
Totals for Month:	131	\$ 55,879,909.00	1693	\$ 251,711,187.00
Totals for Previous Month:	131	\$ 17,379,679.00	Totals for Same Period Last Year	
Totals For Same Month Last Year	108	\$ 8,075,184.00	1538	\$ 296,713,627.00
* Includes Alterations on Publicly Owned Buildings	5-ANRB			
**Multiple Family Units:----->	New Units	289	MFD	
	Carry Over	231	2011	
	Total Units	520	Total Units	520

2011	Totals for Year			
Plumbing Permits	83		1136	\$ -
Mechanical Permits	123		1356	\$ -
Other Permits:				
Banner Permits			12	\$ -
Barricade Permits	20		505	\$ -
Fire Sprinkler/Alarm/Suppression	25	\$ 251,233.00	317	\$ 4,241,300.00
Miscellaneous Trench Permits	3		28	\$ -
Overtime Parking Permits	6		80	\$ -
Parking Lot Permits	3		7	\$ -
Sanitary Sewer Permits	81		708	\$ -
Sidewalk/Driveway Permits	2		96	\$ -
Signs	22	\$ 252,215.00	180	\$ 1,128,698.00
Special Motor Vehicle Permits	28		135	\$ -
Storm Sewer Permits	7		58	\$ -
Tree Removal Permits	7		47	\$ -
Utility Permits	47		328	\$ -
Work Order Permits	4		59	\$ -
Total Other Permits:	255		2560	\$ 5,369,998.00
Land Use Permits:				
Shoreline Exemption	1		14	
Shoreline Substantial Development	2		16	
Shoreline Conditional Use			4	
Shoreline Variance			0	
Shoreline Sign			0	
Shoreline Revision			2	
Wetland Development	2		17	
Wetland Assessment			0	
Wetland Delineation Verification			0	
Wetland Exemption	3		32	
Rezone			1	
Site Approval			0	
Preliminary Plat			1	
Short Plat			13	
Final Plat			6	
Conditional Use	1		5	
MLU Extension			0	
MLU Variance	1		19	
MLU Waiver			0	
Boundary Line Adjustment			12	
Binding Site Plan			0	
Interpretation/Determination	2		33	
SEPA - Environmental	10		74	
Special Development			0	
Annexation			0	
Administrative Plat			0	
LUA Determination			0	
Assessory Dwelling Unit (ADU)	1		13	
Zoning Verification	2		34	
Innocent Purchaser			1	
Wetland Interpretation			0	
Total Land Use Permits:	25		297	

CITY OF TACOMA 2011 BUILDING PERMITS

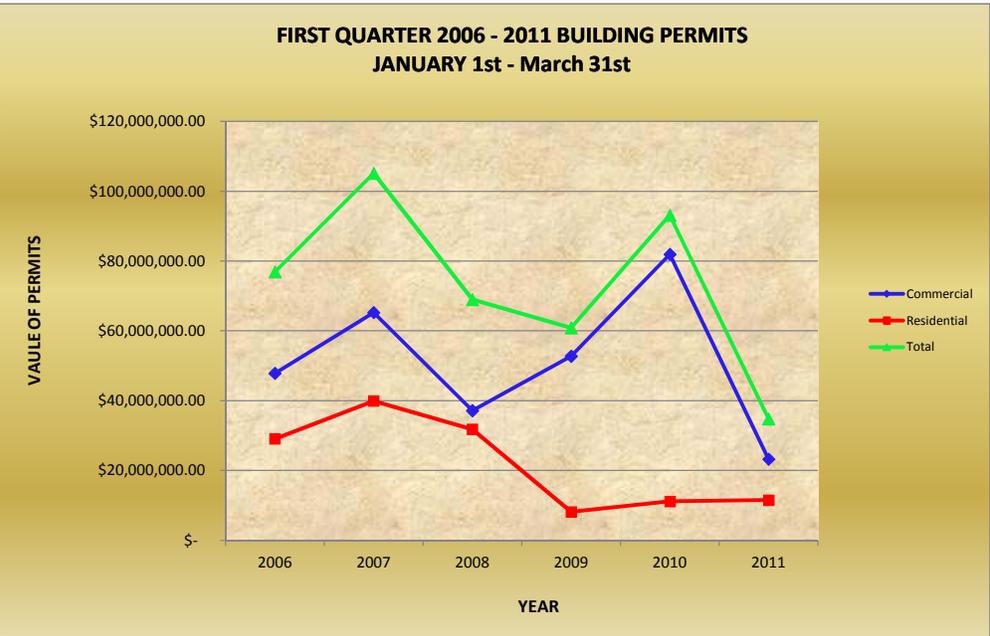
MONTH	COMMERCIAL		RESIDENTIAL		TOTAL	
	PERMITS	VALUE	PERMITS	VALUE	PERMITS	VALUE
January	53	\$ 7,532,703.00	80	\$ 3,263,533.00	133	\$ 10,796,236.00
February	39	\$ 9,467,637.00	76	\$ 3,890,777.00	115	\$ 13,358,414.00
March	48	\$ 6,248,509.00	78	\$ 4,373,302.00	126	\$ 10,621,811.00
April	48	\$ 6,066,826.00	81	\$ 3,660,497.00	129	\$ 9,727,323.00
May	45	\$ 17,774,059.00	102	\$ 3,785,202.00	147	\$ 21,559,261.00
June	54	\$ 5,867,195.00	99	\$ 5,866,692.00	153	\$ 11,733,887.00
July	44	\$ 5,119,079.00	100	\$ 5,397,551.00	144	\$ 10,516,630.00
August	73	\$ 52,549,308.00	86	\$ 4,714,664.00	159	\$ 57,263,972.00
September	54	\$ 7,016,683.00	103	\$ 6,335,185.00	157	\$ 13,351,868.00
October	69	\$ 14,326,781.00	99	\$ 5,195,416.00	168	\$ 19,522,197.00
November	50	\$ 6,645,298.00	81	\$ 10,734,381.00	131	\$ 17,379,679.00
December	51	\$ 50,659,955.00	80	\$ 5,219,954.00	131	\$ 55,879,909.00
Year to Date	628	\$ 189,274,033.00	1065	\$ 62,437,154.00	1693	\$ 251,711,187.00





FIRST QUARTER 2006 - 2011 BUILDING PERMITS JANUARY 1ST - MARCH 31ST

MONTH	COMMERCIAL		RESIDENTIAL		TOTAL	
	PERMITS	VALUE	PERMITS	VALUE	PERMITS	VALUE
2006	303	\$ 47,833,778.00	284	\$ 29,087,814.00	587	\$ 76,921,592.00
2007	298	\$ 65,264,201.00	308	\$ 39,896,972.00	606	\$ 105,161,173.00
2008	265	\$ 37,148,306.00	290	\$ 31,812,699.00	555	\$ 68,961,005.00
2009	164	\$ 52,735,554.00	161	\$ 8,158,970.00	325	\$ 60,894,524.00
2010	147	\$ 81,932,241.00	207	\$ 11,175,266.00	354	\$ 93,107,507.00
2011	140	\$ 23,248,849.00	234	\$ 11,527,612.00	374	\$ 34,776,461.00
TOTAL	1317	\$ 308,162,929.00	1484	\$ 131,659,333.00	2801	\$ 439,822,262.00

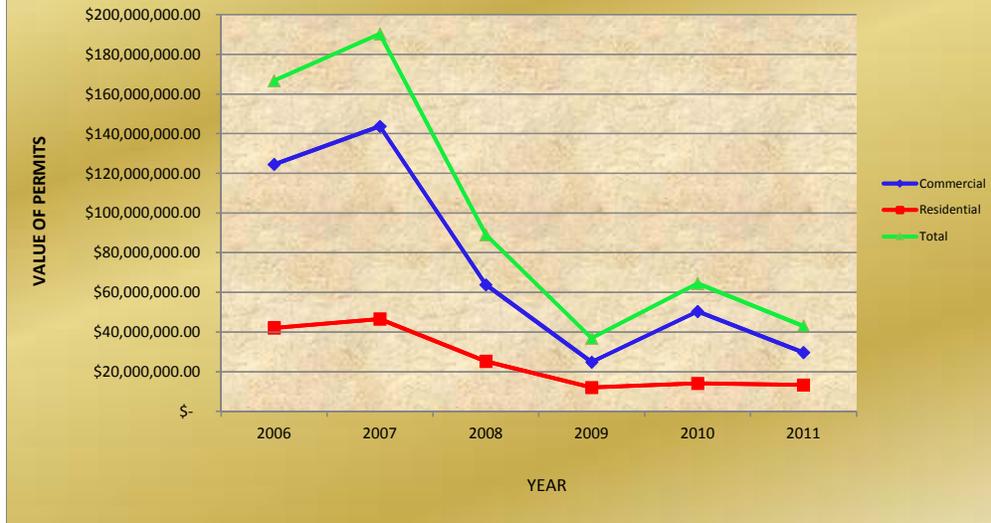


SECOND QUARTER 2006 - 2011 BUILDING PERMITS
APRIL 1ST - JUNE 30TH

MONTH	COMMERCIAL		RESIDENTIAL		TOTAL	
	PERMITS	VALUE	PERMITS	VALUE	PERMITS	VALUE
2006	359	\$ 124,552,124.00	387	\$ 42,135,928.00	746	\$ 166,688,052.00
2007	310	\$ 143,684,403.00	477	\$ 46,608,337.00	787	\$ 190,292,740.00
2008	273	\$ 63,837,476.00	303	\$ 25,287,343.00	576	\$ 89,124,819.00
2009	233	\$ 24,878,265.00	227	\$ 12,088,557.00	460	\$ 36,966,822.00
2010	169	\$ 50,409,958.00	270	\$ 14,137,008.00	439	\$ 64,546,966.00
2011	147	\$ 29,708,080.00	282	\$ 13,312,391.00	429	\$ 43,020,471.00
TOTAL	1491	\$ 437,070,306.00	1946	\$ 153,569,564.00	3437	\$ 590,639,870.00



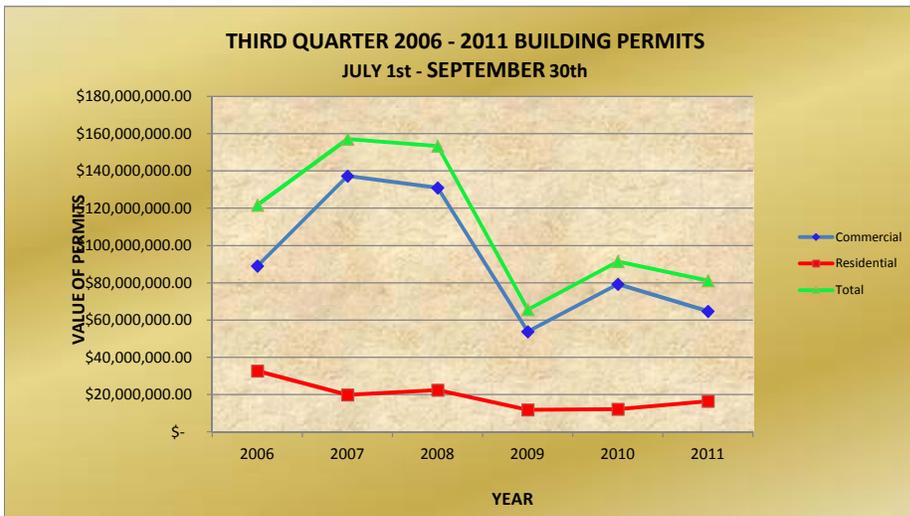
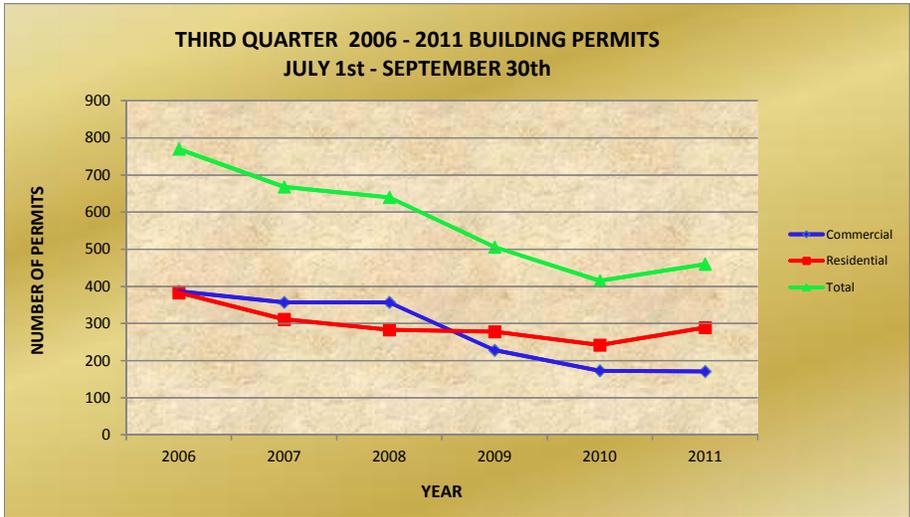
SECOND QUARTER 2006 - 2011 BUILDING PERMITS



THIRD QUARTER 2006 - 2011 BUILDING PERMITS

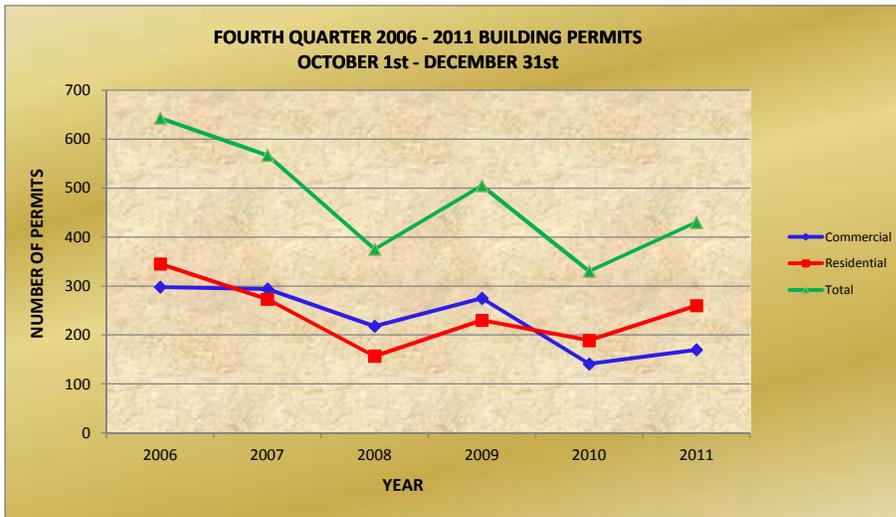
JULY 1ST - SEPTEMBER 31ST

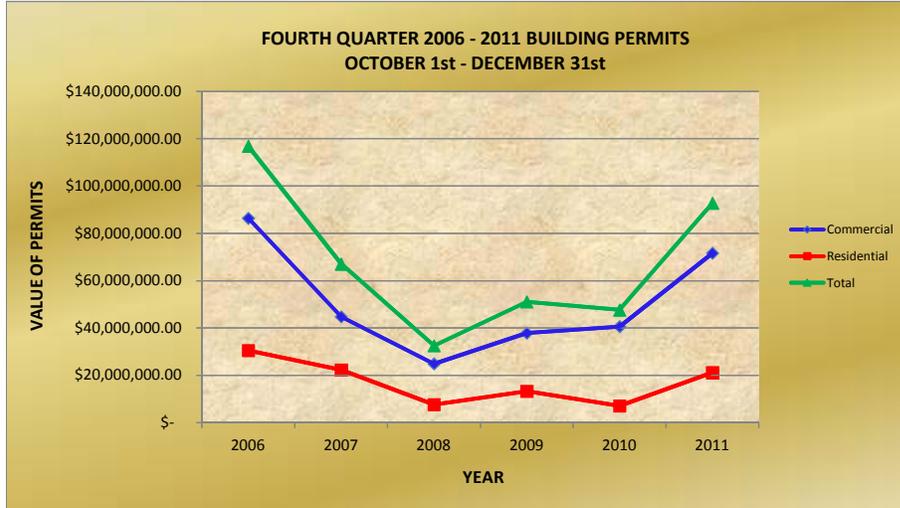
MONTH	COMMERCIAL		RESIDENTIAL		TOTAL	
	PERMITS	VALUE	PERMITS	VALUE	PERMITS	VALUE
2006	387	\$ 88,997,870.00	383	\$ 32,692,571.00	770	\$ 121,690,441.00
2007	357	\$ 137,247,711.00	311	\$ 19,864,953.00	668	\$ 157,112,664.00
2008	357	\$ 130,908,847.00	283	\$ 22,394,563.00	640	\$ 153,303,410.00
2009	228	\$ 53,755,552.00	278	\$ 11,841,917.00	506	\$ 65,597,469.00
2010	173	\$ 79,235,071.00	242	\$ 12,183,544.00	415	\$ 91,418,615.00
2011	171	\$ 64,685,070.00	289	\$ 16,447,400.00	460	\$ 81,132,470.00
TOTAL	1673	\$ 554,830,121.00	1786	\$ 115,424,948.00	3459	\$ 670,255,069.00



FOURTH QUARTER 2006 - 2011 BUILDING PERMITS
OCTOBER 1ST - DECEMBER 31ST

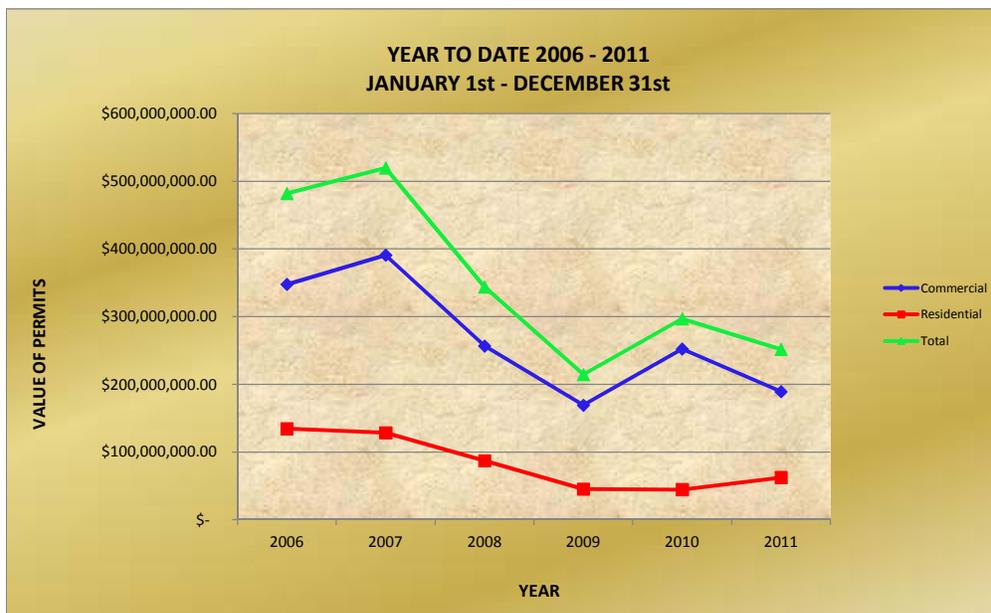
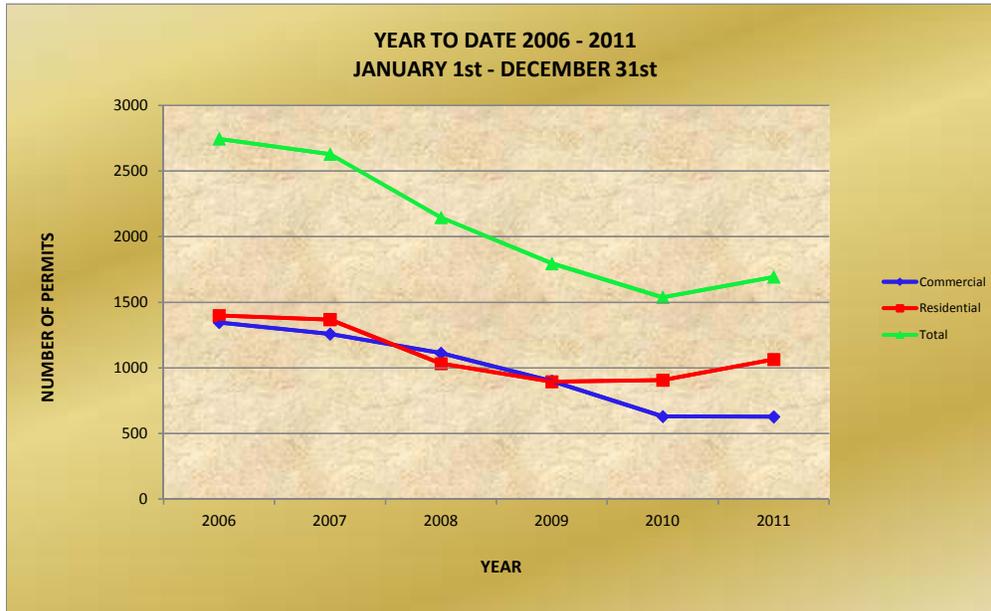
MONTH	COMMERCIAL		RESIDENTIAL		TOTAL	
	PERMITS	VALUE	PERMITS	VALUE	PERMITS	VALUE
2006	298	\$ 86,384,484.00	345	\$ 30,508,524.00	643	\$ 116,893,008.00
2007	294	\$ 44,759,019.00	273	\$ 22,250,655.00	567	\$ 67,009,674.00
2008	218	\$ 24,869,464.00	157	\$ 7,626,207.00	375	\$ 32,495,671.00
2009	275	\$ 37,851,144.00	230	\$ 13,220,442.00	505	\$ 51,071,586.00
2010	141	\$ 40,600,370.00	189	\$ 7,040,169.00	330	\$ 47,640,539.00
2011	170	\$ 71,632,034.00	260	\$ 21,149,751.00	430	\$ 92,781,785.00
TOTAL	1396	\$ 306,096,515.00	1454	\$ 101,795,748.00	2850	\$ 407,892,263.00





**YEAR TO DATE 2006 - 2011
JANUARY 1ST - DECEMBER 31ST**

MONTH	COMMERCIAL		RESIDENTIAL		TOTAL	
	PERMITS	VALUE	PERMITS	VALUE	PERMITS	VALUE
2006	1347	\$ 347,768,256.00	1399	\$ 134,424,837.00	2746	\$ 482,193,093.00
2007	1259	\$ 390,955,334.00	1369	\$ 128,620,917.00	2628	\$ 519,576,251.00
2008	1113	\$ 256,764,093.00	1033	\$ 87,120,812.00	2146	\$ 343,884,905.00
2009	900	\$ 169,220,515.00	896	\$ 45,309,886.00	1796	\$ 214,530,401.00
2010	630	\$ 252,177,640.00	908	\$ 44,535,987.00	1538	\$ 296,713,627.00
2011	628	\$ 189,274,033.00	1065	\$ 62,437,154.00	1693	\$ 251,711,187.00
TOTAL	5877	\$ 1,606,159,871.00	6670	\$ 502,449,593.00	12547	\$ 2,108,609,464.00



2011 PROJECTS OVER \$500,000

rjh 01/04/12

DATE ISSUED	PERMIT NUMBER	OWNER	CONTRACTOR	DESCRIPTION		ADDRESS	ESTIMATED VALUE
01/13/11	40000153826	FOSS WATERWAY DEVELOPMENT AUTHORITY 535 DOCK St Tacoma WA 98402	MCCLURE & SONS INC 15714 Country Club Dr Mill Creek WA 98012-1203 #MCCLUSI101MJ - 06/07/11	Replace 2-Floats at North Moorage Adjacent to Seaport Building	705	DOCK ST	\$ 916,921.00
01/14/11	40000156987	TACOMA ELKS LODGE #174 P O Box 11008 Tacoma WA 98411	MC CONSTRUCTION CONSULTANTS INC P O Box 8478 Lacey WA 98509-8478	Demolish Allenmore Elks Golf Course Club House	2125	S CEDAR ST	\$ 1,000,000.00
01/25/11	40000152181	FOSS WATERWAY DEVELOPMENT AUTHORITY 535 DOCK St Tacoma WA 98402	COT PUBLIC WORKS 747 Market St Tacoma WA 98402-3701	Structural Improvements to Existing Building - Foss Waterway Seaport	705	DOCK ST	\$ 1,000,000.00
01/31/11	40000158523	ST JOSEPH HOSPITAL & HEALTH CARE P O Box 2197 Tacoma WA 98401	SELLEN CONSTRUCTION P O BOX 9970 Seattle WA 98109-0970	11th Floor Renovations - Mental Health Unit - St Joseph Hospital	1717	S J ST	\$ 1,500,000.00
02/11/11	40000143190	PAM MOORE P O Box 448 Fox Island WA 98333	OWNER	Construct 2-Story SFD with Basement and Attached Garage	2620	McCARVER ST	\$ 597,467.00
02/16/11	40000150119+	METROPOLITAN PARK DISTRICT 4702 S 19th St Tacoma WA 98405	WYSER CONSTRUCTION CO INC 17125 Sunset Rd Bothell WA 98012-6756 #WYSERCI045N9 - 01/26/12	Kandle Park - Grade & Fill, Construct Pool, Mechanical Building, Office Building, Dressing Room Building, Restroom Building	2323	N SHIRLEY ST	\$ 4,529,999.00
02/18/11	40000154992	UNIVERSITY OF WASHINGTON P O Box 359446 WA 98195 Seattle	JOHN KORSMO CONST INC P O Box 1377 Tacoma WA 98401-1377 #JOHNKCI126BE - 01/01/12	Demolish Jet Building - UofW- Tacoma	2125	S CEDAR ST	\$ 835,600.00

02/23/11	40000157710	McMENAMINS INC 6227 Mount Tacoma Dr SW Tacoma WA 98499-1539	OWNER	Interior, non-structural exploratory demolition - McMenanmins	565	BROADWAY	\$ 1,000,000.00
02/24/11	40000159628	TACOMA DODGE INC 4101 South Tacoma Way Tacoma WA 98409	OWNER	Remodel for Fiat of Tacoma	3808	SOUTH TACOMA WAY	\$ 750,000.00
03/07/11	40000153808	NORTHWEST EYE INVESTORS LLC 3602 S 19th St Tacoma WA 98405	BERSCHAUER PHILLIPS CONST CO P O Box 11489 Olympia WA 98508-1489 #BERSPC148CD - 08/09/12	Initial TI - Northwest Eye Investors	3602	S 19TH ST	\$ 1,276,701.00
03/15/11	40000158225	KEVIN & MARY BYRNE 217 Belle Bella Dr Fox Island WA 98333	NORTHWEST HOME BUILDER LLC 116 Meridan St S, Ste C Puyallup WA 98371-5912 #NORTHHB902MM - 09/30/12	Construct 2-Story SFD with Basement and Attached Garage	2915	N 31ST ST	\$ 524,981.00
03/16/11	40000157203	CITY OF TACOMA 747 Market St, Rm 744 Tacoma WA 98402	SERPANOK CONSTRUCTION INC 4519 S Orchard St Tacoma WA 98466-6621 #SERPACI984QO - 12/01/12	Grade & Fill for Future Parking Lot - Old Sauro Site	1401	PACIFIC AVE	\$ 700,000.00
03/22/11	40000160182	ST JOSEPH HOSPITAL P O Box 2197 Tacoma WA 98401-2197	ALDRICH & ASSOCIATES INC 810 240th St SE Bothell WA 98021-9357 #ALDRIA*202RU - 02/09/13	Façade and Window Replacement - St Joseph Medical Pavilion	1802	YAKIMA AVE	\$ 1,250,000.00
03/25/11	40000160611	PACIFIC PLAZA DEVELOPMENT LLC P O Box 280 Puyallup WA 98371-0152	ABSHER CONSTRUCTION COMPANY P O Box 280 Puyallup WA 98371-0152 #ABSHEC*345PS - 01/08/13	Remodel for Pacific Plaza Grocery	1250	PACIFIC AVE	\$ 640,000.00
04/21/11	40000162327	CHILDREN'S MUSEUM OF TACOMA 936 Broadway Tacoma WA 98402-4405	OWNER	Remodel for Children's Museum of Tacoma	1501	PACIFIC AVE	\$ 900,000.00
04/22/11	40000162274	IHD LLC 6th Ave 2200 Seattle WA 98121	OWNER	Foundation / Structural for New Holiday Inn Express	2102	S C ST	\$ 2,149,992.00

05/03/11	40000155699	UNIVERSITY OF WASHINGTON P O Box 359446 Seattle WA 98195	JOHN KORSMO CONST INC P O Box 1377 Tacoma WA 98401-1377 #JOHNKCI126BE - 01/01/12	Construct Tioga Library/Jefferson Building at UofW	1903	JEFFERSON AVE	\$ 8,101,593.00
05/10/11	40000158807	PORT OF TACOMA P O Box 1837 Tacoma WA 98401-1837	OWNER	Grade & Fill and Demolish 7- Buildings for Auto Site Development	1702	PORT OF TACOMA RD	\$ 1,100,000.00
05/10/11	40000159614	PORT OF TACOMA P O Box 1837 Tacoma WA 98401-1837	OWNER	Demolish Industrial Building	1451	THORNE RD	\$ 510,700.00
05/13/11	40000156213	G & J INVESTMENTS LLC 6004 South Tacoma Way Tacoma WA 98409-4124	MOUNTAIN CONSTRUCTION INC 7457 S Madison St Tacoma WA 98409-1000 MOUNTCI179N2 - 01/01/13	Construct Gilchrist Buick / GMC Auto Dealership	5840	SOUTH TACOMA WAY	\$ 858,086.00
05/13/11	40000161191	UNIVERSITY OF PUGET SOUND 1500 N Warner St Tacoma WA 98416-0005	OWNER	Grade & Fill for UPS Commencement Walk - Phase 2	1500	N WARNER ST	\$ 1,500,000.00
05/19/11	40000156744	SCHNITZER STEEL / GENERAL METALS P O Box 10047 Portland OR 97296-0047	OWNER	Grade & Fill for Stormwater Improvements	1902	MARINE VIEW DR	\$ 2,379,000.00
05/25/11	40000161716	GOLD POINTE CONDOMINIUMS P O Box 99250 Lakewood WA 98496	OWNER	New Windows, Siding, & Railings - Gold Points Condos	3008	N NARROWS DR	\$ 1,000,000.00
06/03/11	40000157120	FELLOWSHIP BIBLE CHURCH 3806 E Portland Ave Tacoma, WA 98404	MOUNTAIN CONSTRUCTION INC 7457 Madison St Tacoma, WA 98409-1000 #MOUNTCI179N2 - 01/01/13	Construct Classrooms, Office, Storage, and Canopy Additions to Chruch	3806	E PORTLAND AVE	\$ 972,178.00
06/03/11	40000157900	FOREMOST BLOCK LLC 270 S Hanford St Ste 100 Seattle, WA 98134-1838	OWNER	Initial TI for Social Security Administration	2415	PACIFIC AVE	\$ 1,050,948.00
06/27/11	40000161337	TACOMA STEELE ST ASSOC LLC 3201 Danville Blvd Ste 175 Alamo, CA 94507	DCK NORTH AMERICA LLC 1900 Route 51, Ste 200 Large, PA 15025-3673 #DCKNONA909NE - 04/27/13	Remodel for Buffalo Wild Wings Restaurant	4219	S Steele St	\$ 800,000.00
07/07/11	40000162715	QUAN T NGUYEN 4941 N Lexington St Tacoma WA 98407-1325	OWNER	Construct 2-Story SFD with Attached Garage	6514	N 50TH ST	\$ 507,595.00

07/14/11	40000162466	ALTAS FOUNDRY & MACHINE CO 3021 S Wilkeson St Tacoma WA 98409-7893	GENERAL MECHANICAL INC 2701 S J St Tacoma WA 98409-0892 #GENERM*306QF - 09/30/12	Construct Radiography Building - Bradken Foundry	3025	S ALASKA ST	\$ 671,520.00
08/01/11	40000160307	CHABAD JEWISH CENTER OF PIERCE COUNTY 2146 N Mildred St Tacoma WA 98406	ACCRETE CONSTRUCTION LLC 801 Valley Ave NW, Suite A Puyallup WA 98374 #ACCRECL993NP - 09/10/11	Construct Chabad Jewish Synagogue	2146	N MILDRED ST	\$ 1,133,287.00
08/04/11	40000164660 / 40000166699 / 40000166841	PORT OF TACOMA P O Box 1837 Tacoma WA 98401-1837	OWNER	Re-roof Commercial Storage Buildings #250, #300, & #400	1675	LINCOLN AVE	\$ 696,000.00
08/04/11	40000165704	FRANCISCAN HEALTH SYSTEM WEST CATHOLIC HEALTH INITIATIVES P O Box 968 Mandan ND 58554-0968	OWNER	Remodel for Dialysis Clinic	1415	E 72ND ST	\$ 1,025,000.00
08/05/11	40000167023 / 40000167121 / 40000167122 / 40000167123	TACOMA SCHOOL DISTRICT #10 P O Box 1357 Tacoma WA 98401-1357	WM DICKSON CO 3315 S pine St Tacoma WA 98409-5793 #WMDICC*108J7 - 04/01/13	Demolish Geiger Elementary School, Including Three Portables	621	S JACKSON AVE	\$ 4,563,701.00
08/10/11	40000165660	EMERALD SERVICES INC 1825 E Alexander Ave Tacoma WA 98421	OWNER	Construct New Office/Lab Building	1825	E ALEXANDER AVE	\$ 656,595.00
08/10/11	40000167888	MULTICARE HEALTH SYSTEMS P O Box 5299 Tacoma WA 98415-0299	OWNER	Remodel 3rd & 4th Floors - Tacoma General Hospital	315	MARTIN LUTHER KING JR WAY	\$ 3,193,369.00
08/16/11	40000163788	SEAWEST INVESTMENT ASSOCIATES 13120 NE 70th Pl, Suite 1 Kirkland WA 98033-8570	INLAND WASHINGTON LLC 1620 N Mamer Rd, Bldg B Spokane Valley WA 99216 #INLANWL962OZ - 09/09/12	Construct a 231-Unit Apartment Building - Vintage at Tacoma	4023	S LAWRENCE ST	\$ 20,052,029.00
08/16/11	40000164705	TACOMA SCHOOL DISTRICT #10 P O Box 1357 Tacoma WA 98401-1357	WM DICKSON CO 3315 S pine St Tacoma WA 98409-5793 #WMDICC*108J7 - 04/01/13	Grade & Fill for Edison Elementary Playground Project	5830	S PINE ST	\$ 974,000.00
08/16/11	40000167626 / 40000167627 / 40000167628	TACOMA SCHOOL DISTRICT #10 P O Box 1357 Tacoma WA 98401-1357	OWNER	Demolish Gray Middle School, Including Barlow Annex and Gray Annex	3109	S 60TH ST	\$ 1,460,700.00

08/22/11	40000155451	TACOMA SCHOOL DISTRICT #10 P O Box 1357 Tacoma WA 98401-1357	OWNER	Construct New Geiger Montessori School	621	S JACKSON AVE	\$ 11,478,989.00
08/25/11	40000166252	GROUP HEALTH COOPERATIVE 12501 E Marginal Way S, ASB-1 Tukwila WA 98168-2560	GLY CONSTRUCTION INC 200 112th Ave NE, Suite 300 Bellevue WA 98004-5878 #GLYCOI*018O9 - 09/30/12	Remodel Group Health Tacoma Specialty Center	209	MARTIN LUTHER KING JR WAY	\$ 4,750,000.00
09/14/11	40000169217	POINT RUSTON LLC 5219 N Shirley St, # 100 Ruston WA 98407-6599	OWNER	Foundation Transfer Slab for Point Ruston 2-A	5005	RUSTON WAY	\$ 1,994,035.00
09/15/11	40000129334	TMOB LLC 2727 Hollycroft St Ste 410 Gig Harbor WA 98335	RUSH COMMERCIAL CONSTRUCTION INC 2727 Hollycroft St Ste #410 Gig Harbor WA 98335-1305 RUSHCCI973BZ - 01/09/13	Grade and Fill Approximately 22,450 Cubic Yards for Tacoma Mall Apartments	4275	S PINE ST	\$ 1,000,000.00
09/21/11	40000169922	COMMUNITY HEALTH CARE 101 E 26th St Ste 100 Tacoma WA 98421-1103	DEMOLITION MAN INC 8129 Occidental Ave S Seattle WA 98108-4210 #DEMOLMI178N2 - 04/01/13	Demolish Commercial Building	1202	MARTIN LUTHER KING JR WAY	\$ 658,300.00
09/23/11	40000164021	FJ&S ENTERPRISES LLC 6044 Buckthorn Ct NW Olympia WA 98502	ALLEN BRADBURY CONSTRUCTION LLC 901 Algona Blvd N Ste A Algona WA 98001 #ALLENCL030KE - 06/25/12	Addition/Remodel for Future Puyallup Tribe Children's Services	2806	E PORTLAND AVE	\$ 700,000.00
10/12/11	40000153124	CITY OF TACOMA 747 Market St, Rm 744 Tacoma WA 98402-3701	PEASE CONSTRUCTION 3815 100th St SW, 3A Lakewood WA 98499-4401 #PEASECI119OA - 09/01/13	Eductor Decant Facility - Public Works Environmental Services	2101	CLEVELAND WAY	\$ 882,604.00
10/19/11	40000166598	FRANCISCAN HEALTH SYSTEM 1149 Market St Tacoma WA 98402-5221	ALDRICH & ASSOCIATES INC 810 240th St SE Bothell WA 98021-9357 #ALDRIA*202RU - 02/09/13	Foundation and Structural Only - St Joseph Medical Office Building	1608	S J ST	\$ 1,593,814.00
10/31/11	40000168508	SOUTH SOUND SPORTS MANAGEMENT LLC 1507 S Meyers St Tacoma WA 98465	OWNER	Construct New Sports Arena with Support Areas	7845	S PINE ST	\$ 7,194,781.00

11/02/11	40000171747	TACOMA MEDICAL CENTER 1112 6th Ave Ste 300 Tacoma WA 98405	SELLEN CONSTRUCTION P O Box 9970 Seattle WA 98109-0970 #SELLEC*372NO - 06/01/13	Remodel Franciscan Endoscopy Center	1112	6TH AVE	\$ 900,000.00
11/03/11	40000161245	METROPOLITAN PARK DISTRICT 4702 S 19th St Tacoma WA 98405-1175	NORDIC CONSTRUCTION INC 106 55th Ave E Fife WA 98424-2426 #NORDICI110LZ - 03/22/12	Grade & Fill for Titlow Park Improvements, New Playground/Sprayground	8425	6TH AVE	\$ 1,850,000.00
11/28/11	40000170478	THOMAS A JOWERS 3406 185th Street Ct E Tacoma WA 98446-6002	OWNER	Construct 2-Story SFD with Attached Garage	8625	S M ST	\$ 500,886.00
11/30/11	40000167545	METROPOLITAN PARK DISTRICT 4702 S 19th St Tacoma WA 98405-1175	BELFOR USE GROUP INC 4320 S 131st Pl # 100 Tukwila WA 98168-3200	Roof Fire Remediation and Seismic Upgrades for the Point Defiance Pagoda	5801	N KITAKYUSHU ST	\$ 500,000.00
12/02/11	40000133382	TMOB LLC 2727 Hollycroft St Ste 410 Gig Harbor WA 98335-1305	RUSH COMMERCIAL CONSTRUCTION INC 2727 Hollycroft St Ste 410 Gig Harbor WA 98335-1305 #RUSHCCI973BZ - 01-09-13	Construct 6-Story / 80-Unit Apartment Complex Over 1- Basement Garage - Tacoma Mall Apartments	4275	S PINE ST	\$ 10,471,334.00
12/09/11	40000165185	CHERRY ORCHARD LLC 6715 Portland Ave Tacoma WA 98404-3409	CHERRY ORCHARD LLC 8705 Canyon Rd E Ste B Puyallup WA 98371-6313 #CHERROL956P8 - 10/28/13	Construct 16-Unit Apartment Complex - Tuscany Court Apartments	1609	E 68TH ST	\$ 1,215,283.00
12/09/11	40000165186	CHERRY ORCHARD LLC 6715 Portland Ave Tacoma WA 98404-3409	CHERRY ORCHARD LLC 8705 Canyon Rd E Ste B Puyallup WA 98371-6313 #CHERROL956P8 - 10/28/13	Construct 20-Unit Apartment Complex - Tuscany Court Apartments	1621	E 68TH ST	\$ 1,403,394.00
12/16/11	40000170645	HARBORVIEW PROPERTIES INC 919 Fawcett Ave Tacoma WA 98402-5617	WALSH CONSTRUCTION CO OF WASHINGTON 509 Fairview Ave N Seattle WA 98109-5507 #WALSHCC990D1 - 03/19/13	Renovation of Harborview Manor	919	Fawcett Ave	\$ 7,000,000.00
12/19/11	40000167137	PORT OF TACOMA P O Box 1837 Tacoma WA 98401-1837	OWNER	Grade & Fill For Port of Tacoma	1675	Lincoln Ave	\$ 695,729.00
12/19/11	40000167368	PORT OF TACOMA P O Box 1837 Tacoma WA 98401-1837	OWNER	Grade & Fill For Port of Tacoma	1	SITCUM PLAZA	\$ 1,365,841.00

12/19/11	40000168881	U S OIL & REFINING CO P O Box 2255 Tacoma WA 98401-2255	OWNER	Dock Replacement	1601	Port of Tacoma Rd	\$ 5,061,462.00
19/28/11	40000168118	POINT RUSTON LLC 5219 N Shirley St Ste 100 Ruston WA 98407-6599	OWNER	Construct 5-Story / 173-Unit Apartment Building 2a - Point Ruston	5005	RUSTON WAY	\$ 19,570,461.00
12/29/11	40000175121	TACOMA SCHOOL DISTRICT #10 P O Box 1357 Tacoma WA 98401-1357	OWNER	Demolish old Baker Middle School	8320	S I St	\$ 1,462,500.00



City of Tacoma
Community and Economic Development Department

TO: Planning Commission
FROM: Stephen Atkinson, Associate Planner, Long-Range Planning Division
SUBJECT: TMC 13.11 Critical Areas Preservation Amendment
DATE: February 9, 2012

At your meeting on February 15, staff will review the draft Findings and Recommendation in support of the Commission's amendments to Tacoma Municipal Code Chapter 13.11 Critical Areas Preservation. The Planning Commission will be asked for their recommendation to forward the draft amendments to the City Council for review and adoption. In support of this discussion, staff is providing the following documents:

- Draft Letter of Recommendation
- Draft Findings and Recommendations
- Recommended Code Amendments
 - TMC 13.11 Critical Areas Preservation
 - TMC 13.05 Land Use Permit Procedures

If you have questions or would like additional information, please contact Stephen Atkinson, Associate Planner, at 253-591-5531 or satkinson@cityoftacoma.org.

Attachments (4)

c: Peter Huffman, Assistant Director



City of Tacoma
Planning Commission

February 15, 2012

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am pleased to forward our recommendations to amend the Tacoma Land Use Regulatory Code, Section 13.05, Land Use Permit Procedures, and Section 13.11, Critical Areas Preservation. Enclosed you will find a copy of our “Findings and Recommendations” that summarizes the proposed amendments, the public review process, and the Planning Commission’s actions.

Over the last decade the restoration of wetlands, streams, and native vegetation has become a major focus for many City residents and complementary programs undertaken by the City including the Open Space Habitat and Recreation Plan and Program, and the Green Tacoma Partnership. These two programs are designed to enable local citizen volunteers to form informal groups, receive training in restoration and enhancement and pursue the “greening” of the City of Tacoma. While the Critical Areas Preservation code is designed to protect and preserve critical areas within the City through regulations that have traditionally focused on ensuring that new development is done in an environmentally-sound manner, it has not historically encouraged or fostered the stewardship and restoration activities that are envisioned in these efforts. This amendment will significantly reorient the application of the Critical Areas code.

The proposed amendment was initiated at this time to support and promote the stewardship activity described above by encouraging restoration through code provisions that streamline permit processes without sacrificing the protection of these sensitive areas. City review and oversight is now designed to compliment restoration practices rather than overseeing projects through significant regulatory practices.

In addition, through the application of the Critical Areas Code, City staff, developers, community groups, property owners and other public agencies have been able to identify a number of ways in which the application of the code could be improved and streamlined. While this is not a comprehensive update of the code in its entirety, it significantly improves the predictability and clarity of the permit process and adds proportionality between the permit review process and the size and scale of the proposed project.

We respectfully request the City Council adopt the enclosed amendments, as recommended by the Planning Commission, and commit to their full implementation. We strongly believe that the enclosed amendments reflect the community’s vision for its undeveloped areas and the desire to

Honorable Mayor and Members of the City Council

Critical Areas Preservation Amendment

February 15, 2012

Page 2 of 2

achieve successful restoration in many areas of the City. These amendments will further the protection and preservation of the City's important natural areas while also providing permit streamlining and new mitigation tools for the urban environment.

Sincerely,

JEREMY DOTY

Chair

JD:ds

Enclosures



2012 CRITICAL AREAS PRESERVATION PROPOSED AMENDMENTS

TACOMA PLANNING COMMISSION
DRAFT FINDINGS AND RECOMMENDATIONS
FEBRUARY 15, 2012

A. SUBJECT:

The proposed amendment modifies the Land Use Regulatory Code (Title 13, Tacoma Municipal Code) by revising Chapter 13.11 - Critical Area Preservation Code (CAPO). Associated changes also are proposed to Chapter 13.05 - Land Use Permit Procedures.

B. SUMMARY OF PROPOSED AMENDMENTS:

Following is a brief summary of the proposed revisions. Proposed revisions were submitted by the Community and Economic Development Department.

The proposed amendment would revise the code in response to a growing public interest and desire by citizens to voluntarily participate in the preservation and enhancement of public and private natural areas throughout the City. The proposed revisions also will streamline permitting, simplify and clean-up code provisions that have become outdated, are inconsistent and/or create difficulties in administration.

The Critical Areas Preservation Code regulates many types of critical areas including aquifer recharge areas, fish and wildlife habitat conservation areas, flood hazard areas, geologically hazardous areas, streams and wetlands. Buffers, although not critical areas themselves, are required to not only provide a physical separation from the critical area and lessen impacts to the critical areas; they are an integral part of protecting and enhancing the habitat and provide support for additional functions of the critical area.

The current CAPO does not contain code provisions for voluntary activities such as enhancement and restoration of natural vegetated areas. The CAPO is designed to protect and preserve critical areas by providing regulations that result in environmentally sound new development. During the last few years, Tacoma's citizens have created community groups for various large public open space areas and have expressed a desire to enhance these areas, as well as adjacent private land where appropriate, primarily by removing invasive vegetation and planting native vegetation. The code amendment process was initiated in an effort to support and promote this stewardship activity.

While voluntary restoration and enhancement was the primary initiative in this revision process, other issues requiring clarification or correction were also identified. The following table provides additional information pertaining to specific topics addressed as part of this amendment:

TOPIC	DESCRIPTION OF CHANGES
<p>Voluntary Restoration and Enhancement Projects</p>	<p>The proposed CAPO amendments include the development of streamlined permitting for voluntary restoration and enhancement projects on public and private land. A 3-tiered approach was developed that allows removal of invasive species and enhancement and restorative plantings through (1) Allowed Activities, (2) Activities Allowed with Staff Review, and (3) by creating a new Minor Development Permit, in addition to the Development Permit and allowing permit extensions for programmatic restoration projects for up to 20 years with periodic 5 year staff review.</p> <p>Under the “Allowed Activities” and “Activities Allowed with Staff Review” provisions, individuals and community groups are allowed to conduct voluntary restoration and enhancement activities including the removal of invasive plants and replanting in critical areas and their buffers without costly and time consuming permit processes. These provisions even include the installation of minor site amenities that do not require compensatory mitigation. Staff review and approval will provide assurance that protected critical areas are not inappropriately impacted.</p>
<p>Minor Development Permit</p>	<p>The proposed CAPO amendments create a new permit type for small development projects that result in temporary, minor or de-minimus impacts. Small projects generally include development projects such as a shed, deck, or storm water pipe. This new permit type will separate small projects from larger, more complex projects, resulting in a streamlined permit process and reduced costs of permitting while still maintaining protective standards for the critical area. Buffer modifications and averaging will be permitted through the Minor Development Permit.</p> <p>Voluntary restoration and enhancement projects that contain significant site amenities that require compensatory mitigation could also take advantage of the new permit streamlining process. In order to promote public stewardship and to reduce the cost of permitting, critical area permits may be extended at 5 year intervals, with staff review, up to 20 years when the permitted activity is a programmatic restoration project.</p>

TOPIC	DESCRIPTION OF CHANGES
<p>Wetland Buffer Table Refinement</p>	<p>During the last comprehensive CAPO update in 2005-2006, a Citizens Task Force was convened to provide recommendations regarding the application of appropriate buffers for wetlands, among other things. During this earlier update, the Citizens Task Force recommended the temporary use of two wetland buffer determination methods (Alternative 1 and Alternative 3). These two alternatives are both considered Best Available Science and were developed by the Department of Ecology as guidance to local jurisdictions.</p> <p>The more complex Alternative 3 has not provided additional protection, yet it is significantly more time consuming and adds uncertainty into the permit process due to its complexities. Thus, Alternative 1 is proposed to be retained.</p> <p>As a result of using Alternative 1, the Habitat Zone map adopted in the Comprehensive Plan will no longer be needed as this map was only used to determine wetland buffers under the Alternative 3 methodology for those development sites that were within a Habitat Corridor. Wetland buffers will be consistent for each type of wetland across the entire City as a result of the proposed change.</p>
<p>Mitigation Options: Mitigation Banks, In-Lieu Fee (ILF) programs</p>	<p>The current CAPO does not include Mitigation Banking and In-Lieu Fee programs under its wetland mitigation regulations. Mitigation Banking is a widely accepted form of successful mitigation and In-Lieu Fee pilot programs are currently being developed in Water Resource Inventory Areas (WRIA's) serving Tacoma. The amendments establish provisions and development standards for Mitigation Banking and In-Lieu Fee programs.</p>
<p>Code clean-up and minor changes</p>	<p>The last comprehensive update of the Critical Areas Preservation Ordinance was 2005. Since that time, scrivener's errors and minor adjustments have been noted over time and will be corrected as part of the proposed amendment.</p>

C. FINDINGS OF FACT:

1. The Comprehensive Plan, adopted in 1993 by Ordinance No. 25360 and amended by ordinance once every year thereafter, is Tacoma's comprehensive plan as required by the Growth Management Act (GMA) and consists of several plan and program elements.
2. The GMA imposes a substantive requirement that any change to development regulations shall be demonstrably consistent with and implement the Comprehensive Plan.
3. Chapter 13.11 of the Tacoma Municipal Code contains the implementing development regulations for Critical Areas Preservation consistent with Tacoma's comprehensive plan and the GMA.
4. Chapter 13.11 Critical Areas Preservation was last comprehensively updated on November 15, 2005 and has subsequently been amended.
5. The GMA includes a provision to establish planning policies to ensure consistency among the Comprehensive Plans developed by the county and the cities and towns within the county. Specifically, the Countywide planning policies for Pierce County include policies to encourage the removal of invasive species, replanting with natural vegetation, encouraging local community groups to participate in habitat restoration and enhancement, and use incentives to encourage landowners to retain, enhance or restore critical area habitat.
6. Chapter 13.02 of the Tacoma Municipal Code sets forth the procedures and criteria for amending the Comprehensive Plan and development regulations. The proposed changes to the Land Use Regulatory Code were reviewed using factors contained in the Tacoma Municipal Code.
7. On September 15, 2010, staff from the Current Planning Division provided the Commission a general overview of the Critical Areas Preservation ordinance (CAPO), current issues, and reviewed potential topics to be considered as a part of the amendment. Staff provided the Commission a draft scope and schedule for the project, as well as the proposed public review process and stakeholder outreach plan.
8. The draft scope presented by City staff included the following subject matter:
 - Voluntary Restoration Projects
 - "Small" Development Projects
 - Wetland Buffer Refinement
 - Mitigation Revisions
 - Code Clean Up Revisions
9. The CAPO amendment and scope of work was initiated by City staff in response to a community desire to remove barriers to voluntary restoration activities and to incorporate more innovative mitigation techniques such as Wetland Mitigation Banking and Fee-in-lieu. The current CAPO does not include Mitigation Banking and In-Lieu Fee programs under its wetland mitigation regulations. Mitigation Banking is a widely accepted form of successful mitigation and In-Lieu Fee pilot programs are currently being developed in Water Resource Inventory Areas (WRIA's) serving Tacoma.

10. In addition, during the most recent comprehensive CAPO update, which occurred in 2005, the Citizens Task Force recommended temporarily trying out two wetland buffer determination methods (known as Alternative 1 and Alternative 3). The Commission and City Council agreed to use both methods to test applicability and appropriateness. As part of this amendment, staff requested that the Commission examine the differences between these methods, the results of this trial period, and assess whether it may be more appropriate to shift to one method.
11. Staff also noted that in the implementation of wetland standards, the fees and permit application requirements for Wetland Development Permits are based on an average cost to review, inspect, and permit projects which does not necessarily relate well to the size of particular projects. The result is that, in some cases, a small project may have to pay permit fees that amount to 2-3 times the cost of the actual project. While the City currently may opt to grant relief from the fees with approval of the Building Official, the amendment would explore the potential of creating a new permit type with associated fees that is more appropriate for the amount of work required for a small project.
12. On October 28, 2010 staff met with the members of the Focus Group to commence the public participation process. The scope, schedule, and additional topics for in-depth discussion were presented to the group. The main topic of discussion for the first meeting was Voluntary Restoration. Voluntary Restoration has become a special interest for many city residents and the City has taken note of the growing interest in restoration of public and private properties within the City. Complementary programs such as the Open Space Habitat and Restoration Plan and Program, and the Green Tacoma Partnership have enabled local citizen volunteers to form groups, receive training in restoration and enhancement, and pursue the “greening” of the City of Tacoma. Review and permitting thresholds were discussed, including streamlining the internal City process.
13. On December 1, 2010, staff from the Current Planning Division provided an overview of the first Focus Group meeting, including a summary of the comments. Staff provided the Commission a table used for discussion of Voluntary Restoration and a summary of the comments at the Focus Group meeting, including parking lot items.
14. On December 9, 2010 staff met with the Focus Group to discuss wetland buffer determination alternatives and wetland buffer modification provisions currently required in the critical areas code. Guidance from the Department of Ecology (DOE) was discussed, specifically the various buffer alternatives presented in DOE’s *“Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands in Washington State”*. Benchmarking examples, diagrams depicting different buffer requirements and a table of 2010 permits depicting the difference in buffer requirements when using the two alternatives in Tacoma’s critical areas code were also discussed.
15. On February 10, 2011 staff met with the Focus Group to complete the wetland buffer discussions and to discuss wetland mitigation options, including: mitigation banking and In-lieu fee programs. Staff provided the group a table of 2006 permits depicting the difference in buffer requirements. That year was selected to provide information on single-family homes or small private development projects and how the buffer alternatives applied to those types of projects. Guidance from DOE and the Army Corps of Engineers was discussed concerning mitigation banks or in lieu fee.
16. On March 2, 2011 staff from the Current Planning Division continued to discuss proposed revisions to CAPO with the Commission, focusing on issues relating to wetland buffer

requirements and mitigation options; and to review feedback from Focus Group meetings concerning said issues.

17. City staff found little to no differences between the two methods with regard to the applicable buffer that would be applied to common wetland types in Tacoma. The more complex Alternative 3 did not offer additional protection, yet it was significantly more time consuming and added an element of the unknown due to its complexities. Thus, the Commission directed staff to utilize Alternative 1. In order to protect yet provide some flexibility in the larger buffers required for Category I and Category II wetlands, the habitat score for these types of wetlands is used to provide flexibility in the applied buffer distance.
18. As a result of using Alternative 1, the Habitat Corridor map adopted in the Comprehensive Plan will no longer be needed as this map was only used to determine wetland buffers under the Alternative 3 methodology for those development sites that were within a Habitat Corridor. Wetland buffers will be consistent for each type of wetland across the entire City as a result of the proposed change.
19. On April 14, 2011 the Focus Group convened to continue the discussion on the focus topics including new approaches to review, approve and permit voluntary restoration projects on public and private property.
20. On June 9, 2011 the Focus Group convened to complete the discussion on the focus topics including new approaches to review, approve and permit voluntary restoration projects on public and private property.
21. On June 15, 2011, staff from the Current Planning Division provided the Commission with an overview of the Focus Group meetings including a summary of the comments and discussion at those meetings. Staff provided the Planning Commission with informational handouts on the proposed revisions to the critical areas code sections addressing Voluntary Restoration.
22. On July 20, 2011, staff from the Current Planning Division provided an overview of the proposed changes to the first half of the draft Critical Areas Preservation Ordinance.
23. On August 3, 2011 staff from the Current Planning Division completed the overview of the second half of the draft Critical Areas Code, and presented the Commission with staff's analysis of the proposed code and requested setting a hearing date of September 21, 2011.
24. On August 3, 2011 the Planning Commission authorized the distribution of the proposed amendments for public review and comment and set a public hearing date of September 21, 2011 with the public comment period remaining open until September 30, 2011 at 5:00 pm.
25. Pursuant to WAC 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on August 24, 2011 (SEPA File Number SEP2011-40000167751). This preliminary determination was made based upon a review of a completed environmental checklist. No comments were submitted on the preliminary determination. The preliminary determination became final on October 7, 2011.
26. On September 21, the Planning Commission conducted a public hearing concerning the proposed revisions to the Tacoma Municipal Code, Chapter 13.11 – Critical Areas Preservation (CAPO) and Chapter 13.05 – Land Use Permit Procedures. Three people testified at the public hearing.

27. On November 2, 2011 Long Range Planning Division staff provided a Communication Item to the Planning Commission and informed the Commission that as a result of the comments provided on the proposed code amendments, with particular concern given to the draft programmatic permit provisions, staff would be scheduling additional Focus Group meetings to discuss alternatives.
28. On November 15, 2011 staff met with the Focus Group to discuss responses to the public testimony and possible amendments to the proposed ordinance. The Focus Group was generally supportive of the new changes proposed in response to the comments.
29. On December 21, 2011 staff from the Current Planning Division Review provided the Commission with the comments submitted on the proposed amendments and reviewed the comments and staff responses as well as possible changes to the proposed amendments. Staff presented the Commission with a set of recommendations for the Commission's consideration.
30. As a result of public comments on the draft amendments, the Commission concurred with staff's recommendation to replace the Programmatic Permit with provisions that will allow a minor development permit or development permit for a programmatic restoration project to be renewed in five year increments for up to 20 years. This modification to the proposed amendments will meet the objectives of the community while ensuring that periodic staff review occurs in order to ensure that actions being undertaken remain consistent with the Best Available Science and the provisions of TMC 13.11 as it may be amended in the future.
31. On Feb. 15, 2012 the Commission discussed and accepted the proposed amendments and forwarded their recommendation and proposed amendments to the City Council for review.

Public Outreach

32. City staff convened a citizen Focus Group to review and address the key topics described above. A series of five meetings were held to address each major topic individually. The Focus Group was comprised of representatives from both environmental and development-oriented organizations and other affected government entities. The stakeholders that participated in the Focus Group and the organizations they represented are as follows:
 - Tahoma Audubon Society: Krystal Kyer
 - Cascade Land Conservancy: Chris Gilliland, Laura Wigren
 - Citizens for a Healthy Bay: Leslie Ann Rose
 - Metropolitan Park District: Joe Brady, Lois Stark, Kathy Sutalo, Mary Anderson
 - Puget Creek Restoration Society: Scott Hansen
 - Friends of First Creek: Dan Fear
 - Friends of Julia's Gulch: "Don"
 - Sierra Club; Bliss Moore; Don Halabisky
 - Masters Builders Association: Tiffany Speir, Tres Kirkebo
 - Port of Tacoma: Jason Jordan, Tony Warfield
 - Tacoma-Pierce County Association of Realtors: Catherine Rudolph
 - Association of General Contractors: Tim Attebery
 - WSDOT: Alex Berg, Carrie Berry
33. A second outreach component involved meeting with City personnel from various departments and divisions to discuss existing problems within the current code that may be corrected through

this amendment and to identify ways to address overlapping codes without creating conflicts. City divisions and departments that participated in these discussions are as follows:

- Department of Community and Economic Development: Long Range Planning Division, Private Capital Division, Open Space Program, Building Inspectors, Floodplain management;
- Human Rights and Human Services: ADA concerns;
- Department of Public Works: Community Based Services, Environmental Science and Engineering Services (storm water, road maintenance program), Construction Division, Special Projects, Real Property Services and Facilities.

34. The third outreach component involved solicitation of comments from consultants that have historically worked within the City on Critical Area permits. Consultants have an important role in guiding customers with development actions through the critical area code requirements. They also have experience working in more than one jurisdiction and are able to provide valuable feedback with regard to which processes and code requirements provide streamlined services.
35. The proposed amendments to the Regulatory Code were presented to and discussed by the Planning Commission at their meetings, which are open to the public.
36. Notice of the Planning Commission's public hearing was distributed to Neighborhood Council board members, other neighborhood groups, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, the Puyallup Tribal Nation, major employers and institutions, City and State departments, and other known interested individuals or groups. The notice stated the time and place of the hearing, the purpose of the public hearing, information pertaining to the environmental determination, where and how additional information could be obtained and how to provide comments.
37. In addition, the notice could also be viewed and downloaded at the Planning Division's website (www.cityoftacoma.org/planning). The notice was also posted on the public information bulletin boards on the first and second floors of the Tacoma Municipal Building.
38. Advertisement of the public hearing and environmental review was published in *The News Tribune* on September 7, 2011.

D. CONCLUSIONS:

The Planning Commission concludes that the recommended amendments will encourage environmental stewardship and voluntary restoration activities by streamlining the permit review process and removing barriers to stewardship and restoration actions;

The Planning Commission further concludes that the recommended amendments will support the goals and policies of the Environmental Element and the Open Space Habitat and Recreation Plan and Program;

The Planning Commission further concludes that the recommended amendments are consistent with and supported by the Best Available Science;

The Planning Commission further concludes that the recommended amendments to wetland buffer standards will create more certainty in the permit process while continuing to provide the necessary wetland protections;

The Planning Commission further concludes that provisions allowing innovative mitigation techniques such as wetland mitigation banking and in-lieu-fee better position the City to achieve no net loss of ecological functions while focusing mitigation where it is most beneficial;

The Planning Commission further concludes that local approval of this TSMP will benefit the City as a whole, will not adversely affect the City's public facilities and services and advances and supports the general health, safety and welfare of the citizens of this City.

E. RECOMMENDATIONS:

The Planning Commission recommends that the City Council adopt the proposed amendments as set forth in the document entitled *Critical Areas Preservation Amendment, Planning Commission Recommendation, February 15, 2012*:

- Exhibit A: Amendments to Tacoma Municipal Code 13.05 Land Use Permit Procedures
- Exhibit B: Amendments to Tacoma Municipal Code 13.11 Critical Areas Preservation



2012 CRITICAL AREAS PRESERVATION AMENDMENT

Amendments to the Land Use Regulatory Code – Chapter 13.11

*Note – These amendments show all of the changes to the existing land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in strikethrough. Large sections that have been moved area are also noted in the right-hand margin.

Chapter 13.11

CRITICAL AREAS PRESERVATION

Sections:

- 13.11.100 General Provisions. The 100 and 200 sections contain the general provisions.
13.11.110 Purpose.
13.11.120 Intent.
13.11.130 Scope and Applicability.
13.11.140 Regulated Uses/Activities. Exempted Activities.
13.11.150 Pre-existing Uses/Structures Repealed.
13.11.160 Abrogation and Greater Restrictions. Pre-existing Uses/Structures.
13.11.170 Severability. Critical Area Designation and SEPA.
13.11.180 Critical Area Designation and SEPA. Abrogation and Greater Restrictions.
13.11.190 Review Process. Severability.
13.11.200 Allowed Activities Notice on Title
13.11.210 Activities Allowed with Staff Review Residential Density Credits.
13.11.220 Application Types. Regulated Uses/Activities.
13.11.230 Application Submittal Requirements – Application Types.
13.11.240 Legal Test(s).
13.11.250 General Standards. Review Process.
13.11.260 Residential Density Credits. General Mitigation Requirements.
13.11.270 General Mitigation Requirements. Sureties.
13.11.280 Conditions. Notice on Title and Appeals.
13.11.290 Sureties.
13.11.300 Wetlands.
13.11.310 Wetland Classification.
13.11.320 Wetland Buffers.
13.11.330 Wetland Buffer Modifications.

The Sections have been reorganized and renumbered to allow for a more logical flow of regulatory requirements.

13.11.340 Wetland Mitigation Requirements ~~Wetland Standards.~~

~~13.11.350 Wetland Mitigation Requirements.~~

~~13.11.360 Repealed.~~

13.11.400 Streams and Riparian Habitats.

13.11.410 Stream Classification.

13.11.420 Stream Buffers.

13.11.430 Stream Buffer Modifications.

13.11.440 Stream ~~Crossing~~ Standards.

13.11.450 Stream Mitigation Requirements.

13.11.500 Fish and Wildlife Habitat Conservation Areas (FWHCAs).

13.11.510 Classification.

13.11.520 Standards.

13.11.530 FWHCA's Shoreline – Marine Buffers.

13.11.540 FWHCA's Marine Buffer Modifications.

13.11.550 FWHCA's Mitigation Requirements.

13.11.560 FWHCA's Management Areas.

~~13.11.580 Habitat Zones.~~

13.11.600 Flood Hazard Areas.

13.11.610 Classification.

13.11.620 Standards.

13.11.700 Geologic Hazardous Areas.

13.11.710 Designation.

13.11.720 Classification.

13.11.730 General Development Standards.

13.11.800 Aquifer Recharge Areas.

13.11.810 Classification.

13.11.820 Standards.

13.11.900 Definitions.

~~13.11.100 General Provisions~~

~~The 100 and 200 sections contain the general provisions, including the following:~~

~~13.11.110 Purpose.~~

~~13.11.120 Intent.~~

~~13.11.130 Scope and Applicability.~~

~~13.11.140 Exempted Activities.~~

~~13.11.150 Repealed.~~

~~13.11.160 Pre-existing Uses/Structures.~~

~~13.11.170 Critical Area Designation and SEPA.~~

~~13.11.180 Abrogation and Greater Restrictions.~~

~~13.11.190 Severability.~~

~~13.11.200 Notice on Title.~~

~~13.11.210 Residential Density Credits.~~

~~13.11.220 Regulated Uses/Activities.~~

~~13.11.230 Application Types.~~

~~13.11.240 Legal Test(s).~~

~~13.11.250 Review Process.~~

~~13.11.260 General Mitigation Requirements.~~

~~13.11.270 Sureties~~

~~13.11.280 Conditions and Appeals.~~

13.11.120 Intent.

A. Critical areas include critical aquifer recharge areas, fish and wildlife habitat conservation areas (FWHCAs), flood hazard areas, geologically hazardous areas, stream corridors, and wetlands, and any buffer zones. These critical areas serve many important ecological functions. Many of the critical areas in Tacoma have been lost or degraded through past development. Tacoma, as an urban growth area, is experiencing increasing growth and its land resource is diminishing. This increasing growth and diminishing land resource is creating pressure for the development of critical areas. New construction technology is also creating pressure on these sites by making development feasible on sites where it was formerly impractical to build.

B. Because of the ecological benefits of critical areas, their past destruction, and the increasing pressure to develop them, the intent of this chapter is to ensure that the City's remaining critical areas are preserved and protected and that activities development in or adjacent to these areas is-are managed. The preservation standards are provisions designed to protect critical areas from degradation caused by improper development. These criteria and standards will secure the public health, safety, and welfare by:

1. Protecting members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, volcanic eruptions, flooding or similar events;
2. Maintaining healthy, functioning ecosystems through the protection of ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve biodiversity of plant and animal species;
3. Preventing cumulative adverse impacts to water quality, streams, FWHCAs, and wetlands including the prevention of net loss of wetlands.
4. Providing open space and aesthetic value;
5. Providing migratory pathways for fish and birds;
6. Giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries;
7. Providing unique urban wilds that serve as natural laboratories for schools and the general public;
8. Avoiding public expenditures to correct damaged or degraded critical ecosystems;
9. Alerting appraisers, assessors, owners, potential buyers, or lessees to the potential presence of a critical ecosystem and possible development limitations; and

10. Providing City officials with information, direction, and authority to protect ecosystems when evaluating development proposals.

13.11.130 Scope and Applicability.

A. The provisions of this chapter apply to all lands and waters, all land uses and development activities, and all structures and facilities in the City, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the City. This chapter specifically applies to any activity which would destroy ~~the natural~~ vegetation; result in a significant change in critical habitat, water temperature, physical, or chemical characteristics; or alter natural contours and/or substantially alter existing patterns of tidal, sediment, or storm water flow on any land which meets the classification standards for any critical area defined herein. Such activities include excavation, grading, filling, the removal of vegetation, and the construction, exterior alteration, or enlargement of any building or structure. In addition, this chapter applies to all public or private actions, permits, and approvals in or adjacent to a critical area and its buffer, ~~including, but not limited to, the following:~~

- ~~1. Building, demolition, clearing and grading, filling, special, storm water, and sanitary sewer permits, and local improvement districts;~~
- ~~2. Subdivisions and short plats;~~
- ~~3. Reclassifications, site plan approvals, shoreline substantial development permits, and special and conditional use permits and variances.~~

13.11.140~~220~~ Regulated Uses/Activities.

Pursuant to the requirements of this chapter, a site review or permit shall be obtained prior to undertaking any of the following activities within a wetland, stream, fish and wildlife habitat conservation area (FWHCA) or their associated buffer/management area, unless otherwise covered under Sections 13.11.200~~140~~ and 13.11.210.

A. Filling, placing, or dumping any soil, loam, peat, sand, gravel, rock, chemical substance, refuse, trash, rubbish, debris, or dredge material;

B. Excavating, dredging, grading or clearing any soil, loam, peat, sand, gravel, rock, vegetation, trees, or mineral substance;

C. Discharge of hazardous substances, including, but not limited to heavy metals, pesticides, petroleum products, or secondary effluent;

D. Any act which results in draining, flooding, or disturbing the water level or table;

All public and private actions, permits, and approvals in or adjacent to a critical area and buffer area are already included. A specific list is not required and permit types change over time.

This section is not new. It was moved with minor modifications.

E. Exterior aAlteration, construction, demolition, or reconstruction of a building, structure or infrastructure, including driving pilings or placing obstructions;

F. Destroying or altering vegetation through clearing, harvesting, shading, pruning, or planting vegetation that would alter the character of the site; and

G. Any act or use which would destroy natural vegetation; result in significant change in water level, water temperature, physical, or chemical characteristics of the wetland or stream; substantially alter the existing pattern of tidal flow, obstruct the flow of sediment, or alter the natural contours of a site.

13.11.1560 Pre-existing Uses/Structures.

A. An established use or existing structure that was lawfully permitted prior to adoption of this chapter, but which is not in compliance with this chapter, may continue subject to the provisions of Tacoma Municipal Code (TMC) Section 13.11.440, -Section 13.10 Shoreline Management and Section 13.06.630.

B. Except as otherwise required by law, a legal pre-existing use or structure may continue unchanged; or modified only where the use or structure becomes less non-conforming, and where the modification will increase the buffer, and increase the functions of the critical area.

C. All modifications for pre-existing structures, other than trails, shall conform to the current code provision to the maximum extent possible as determined by the Land Use Administrator.

13.11.1680 Abrogation and Greater Restrictions.

A. It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, provisions of this chapter shall prevail.

B. Where one site is classified as containing two or more critical areas, the project shall meet the minimum standards and requirements for each identified critical area set forth in this chapter.

13.11.1790 Severability.

If any clause, sentence, paragraph, section, or part of this chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances, and to this end, the provisions of each clause, sentence, paragraph, section, or part of this chapter are hereby declared to be severable.

This section was modified to allow activities or actions that lessens a non-conformity.

This section is not new. It was moved.

This section is not new. It was moved.

13.11.180 Critical Area Designation and SEPA.

A. Pursuant to WAC 197-11-908 and Section 13.12.930 of the TMC, aquifer recharge areas, fish and wildlife habitat conservation areas (FWHCAs), flood hazard areas, geologically hazard areas, wetlands, and streams are hereby designated as critical areas. Many of these areas are mapped on Tacoma's Generalized Critical Areas Maps available in the Community and Economic Development Department or as defined by this chapter. The following SEPA categorical exemptions shall not apply within these areas, unless the changes or alterations are confined to the interior of an existing structure or unless the project does not require a permit under this chapter: Section 13.12.310 of the TMC and the following subsections of WAC 197-11-800(1)(b); (2)(d) excluding landscaping, (e), (f), and (g); (3); 24(a), (b), (c), and (d).

B. The scope of environmental review of actions within critical areas shall be limited to: (a) documenting whether the proposal is consistent with the requirements of this chapter; and (b) evaluating potentially significant impacts on the critical area resources not adequately addressed by development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

13.11.19250 Review Process.

A. Overview. The Review Process is used to determine whether a critical area or critical area buffer is present on or adjacent to a proposal, and whether additional review or permitting is required.

1. Exemptions. Application for an Exemption under Section 13.11.140 shall be made in accordance with Subsection 13.11.140.B. City Staff shall issue an Exemption Letter to the applicant. The Exemption Letter is not subject to appeal separately from its associated permit.

2. Assessment, Verification, or Development Permit. Application for an Assessment, Verification or Development Permit for wetlands, streams and fish and wildlife habitat conservation areas (FWHCAs) by one or more property owners or applicants shall be made in accordance with the provisions of Chapter 13.05 to Building and Land Use Services. Building and Land Use Services may utilize information from the Critical area may be located through the use of information from the United States Department of Agriculture Natural Resource Conservation Service, the United States Geological Survey, the Washington Department of Ecology, the Coastal Zone Atlas, the Washington Department of Fish and Wildlife stream maps and Priority Habitat and Species maps, Washington DNR Aquatic Lands maps, the National Wetlands Inventory maps, Tacoma topography maps, the City's Generalized Wetland and Critical

The existing process language was included with the permit section where appropriate.

Duplicate language concerning map information is now combined under this section.

Areas Inventory maps, and Pierce County Assessor’s maps to establish general locations and/or verify the location of any wetland, or stream, or FWHCA site. The City’s Generalized Wetland and Critical Area Inventory maps and other above-listed sources are only guidelines available for reference. The actual location of critical areas must be determined on a site-by-site basis according to the classification criteria.

The City may utilize information from any source referred to above or available in order to establish general locations and/or to verify the location of any wetland, stream or FWHCA.

B. Site Review. In order to assist customers with potential proposals, City staff will provide an initial site review based on existing information, maps and a potential site visit to identify potential wetlands, streams, and their associated buffers within 300 feet, and FWHCAs and their marine habitat buffer/management areas will also be identified. The FWHCA management areas will be based on the type of critical habitat or species and WDFW recommendations. Site reviews are completed on a case site by case site basis and may require the applicant to submit a wetland delineation, wetland categorization, stream type and Ordinary High Water Mark location, hydrology reports, and priority fish and wildlife species and habitat presence information from WDFW or the City.

Following the site visit and Review Process, a project may proceed without further critical area permitting if the applicant can demonstrate the following:

1. There are no adverse impacts to the critical area or buffer, and
2. Structures and improvements are all located beyond the required buffers, and
3. Existing hydrology will be maintained to support critical areas, and
4. The proposed use or activity is consistent with WDFW species management recommendations.

C. In conjunction with the site review process, the Land Use Administrator may require additional information on the physical, biological, and anthropogenic features that contribute to the existing ecological conditions and functions to determine whether a formal wetland/stream/FWHCA exemption, assessment or development permit is required.

D. Review, Assessment and Permit Requirements.

1. Review of development activities within the jurisdiction of the Shoreline Management Act, including Puget Sound, Wapato Lake, or any stream where the mean annual flow is 20 cubic feet per second or greater are regulated under provisions of both this Chapter and TMC 13.10, Shoreline Management.

This section is not new. It was moved and combined with the process section.

Previously, an Assessment Permit was required for the review of projects that included development on a site with a wetland or buffer. Now, review may be conducted and the determination of no impact can be made without going through a permit process. This language is very similar to the previous “Assessment Permit” language.

This section is not new. It was moved.

If there are any conflicts between TMC 13.10, Shoreline Management, and Chapter 13.11, Critical Areas Preservation, the most restrictive requirements shall apply. Upon adoption of the new Shoreline Master Program and code, all critical area code excerpts referring to the regulation of critical areas within the shoreline will no longer be valid and those critical areas shall be regulated under the new shoreline code.

a. Development activities that require a Shoreline Substantial Development permit do not require a separate Wetland/Stream/FWHCA permit or exemption, provided the Shoreline Substantial Development Permit review includes review for consistency with this Chapter.

b. Development activities that require a Shoreline Exemption and a Wetland/Stream/FWHCA permit will be processed separately.

c. Development activities that require a Shoreline Exemption and a Wetland/Stream/FWHCA exemption will be processed under the Shoreline Exemption.

d. Development activities that do not require a building or land use permit may still be subject to a Wetland/Stream/FWHCA permit or exemption.

2. Review of development activities outside the jurisdiction of the Shoreline Management Act.

a. Development activities that require a land use or building permit do not require a separate FWHCA permit provided:

(1) Identification of FWHCA's and their Management Area is conducted according to 13.11.190250 and none are found that would affect the development site, or

(2) If a FWHCA or FWHCA Management Area is found on the project site the applicant complies with applicable WDFW species management recommendation or with an approved Habitat Management Plan (HMP) submitted by the applicant.

b. Development activities that do not require a land use or building permit may require a separate FWHCA permit under this Chapter.

c. A separate wetland/stream permit may be required when wetlands, streams or their associated buffers are found on the development site.

~~C. Critical areas may be located through the use of information from the United States Department of Agriculture Natural Resource Conservation Service, the United States Geological Survey, the Washington Department of Ecology, the Coastal Zone Atlas, the Washington Department of Fish and Wildlife Priority Habitat and Species maps, the Washington Department of Natural Resources Aquatic Lands Program, the National Wetlands Inventory maps, Tacoma topography maps, the City's Generalized Wetland and Critical Areas Inventory maps, and Pierce County Assessor's maps. The City's Generalized Wetland and Critical Areas Inventory maps and other above listed sources are only guidelines~~

The new Shoreline Master Program and shoreline code will regulate all critical areas contained within the shoreline upon the Department of Ecology approval and adoption. This statement is a placeholder acknowledging that upon adoption, certain provisions within this code will no longer apply. The clean up and removal of any extraneous language will be removed during a subsequent update.

Duplicative language moved and combined above.

available for reference. The actual location of critical areas must be determined on a site-by-site basis according to the classification criteria.

13.11.20140 Allowed Exempted Activities.

A. Purpose. The purpose of this section is to allow certain activities that are unlikely to result in critical area impacts. The activities must comply with the protective standards of this chapter and provisions of other local, state, and federal laws. All activities shall use reasonable methods to avoid and minimize impacts. Any incidental damage to, or alteration of, a critical area, or buffer, shall be restored or replaced at the responsible party's expense.

A. Exempt activities and impacts to critical areas. All work shall be conducted using best management practices to ensure that flow, circulation patterns, and chemical and biological characteristics of the critical area are not impaired. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

B. The following activities may occur without City review or approval in compliance with the purpose stated above.

1. The maintenance and repair of legally existing utilities, roads, structures, or facilities used in the service of the public provided such work does not expand the footprint of the facility or right-of-way or alter any regulated critical area or buffer. Activities must be in compliance with the current City Surface Water Management Manual and Regional Road Maintenance Manual and provide all known and reasonable protection methods for the critical area.

2. The maintenance and repair of legally existing roads, structures, or facilities used in the service of the public to provide stormwater services may occur provided such work is in compliance with the current City Surface Water Management Manual and Regional Road Maintenance Manual and provides all known and reasonable protection methods for the critical area, and does not expand further into the critical area.

3. Holding basins and detention ponds that are part of the municipalities storm water system are exempt from the permit provisions of this chapter when such holding basin and detention ponds is controlled by an engineered outlet.

4. Maintenance of legally existing structures, accessways, trails, promenades, stairways, parking lots, and landscaping provided such work does not expand the foot print of the structure or right-of-way and does not alter any regulated critical area or buffer.

5. ~~3-~~Passive recreational activities, educational activities and scientific research that do not have a detrimental effect within the critical area are allowed. Outdoor passive recreational

Allowed activities are those actions that may proceed without additional review or process. City staff may be contacted for assistance with any allowed activity, but it is not required.

Most of these allowed activities were contained within the previous code in some form. They have been modified or clarified to better describe the level of actions approved.

Routine Maintenance of public infrastructure was “split” into two sections. This section allows maintenance activities to occur without review when there is no alteration of the critical area or buffer such as working within right-of-way that is within a buffer or near a critical area.

The stormwater maintenance and repair, and Holding Basin provisions (#2 and #3) are not new. They were moved with minor changes.

Maintenance of private land amenities is allowed where there is no alteration of the critical area. The maintenance exemptions from the previous code are combined.

Previously approved passive activities are combined.

~~activities including, but are not limited to, fishing, bird watching, walking or hiking and non-motorized boating.~~

6. The following can be removed by hand or hand-held light equipment provided that appropriate methods are used to protect native vegetation. Removal methods may be found in the Green Tacoma Partnership Habitat Steward Field Guide.

a. English Ivy may be removed from plants on which is adhered or rolled up off the ground provided ground disturbance is minimal and does not cause erosion.

b. Regulated noxious weeds as listed on the Pierce County noxious weed list that are required to be eradicated (Class A and Class B) as specified by the Pierce County Noxious Weed Board.

c. Invasive species removal in a critical area buffer when the total area is 1,000 square feet or less and slopes are less than 15%.

d. Refuse and debris.

7. Native vegetation planting in a critical area buffer when the total area is 1,000 square feet or less, slopes are less than 15% and a City approved planting plan is utilized.

8. On-site response, removal or remedial action undertaken pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or remedial actions undertaken pursuant to a state Model Toxics Control Act (MTCA) order, agreed order or consent decree, or a Department of Homeland Security order that preempt local regulations in the findings of the order. Any subsequent use or redevelopment of the property may be eligible for modification of requirements in this chapter when they are in conflict with the order, such as re-vegetation that would disturb a protective cap placed to contain contaminated soils.

~~8. Activities and uses taken to comply with NRDA Consent Decrees or similar order, U.S. Environmental Protection Agency Superfund-related order or Consent Decree, or a Washington Department of Ecology order pursuant to the Model Toxics Control Act, or a Department of Homeland Security order that preempt local regulations in the findings of the order.~~

~~10. Orders and Consent Decrees. Any future development or use of property that is the subject of a consent decree or order described in TMC 13.11.140(C)(8) may be exempt from or eligible for modification of the requirements of this chapter if the City determines that it is necessary to comply with the requirements of such order through the permitting process.~~

13.11.210 Activities Allowed with Staff Review.

A. Purpose. The purpose of this section is to allow City staff review to determine whether potential impacts to a critical area or buffer may occur, without requiring a critical area

New vegetation management provisions allow removal of invasive plants and planting within small areas without formal oversight by the City. In an effort to assist residents, City approved planting plans or templates will be developed.

This provision (#8) was corrected and clarified as appropriate.

Activities Allowed with Staff Review require staff review and approval through a short, formal process. A letter may be issued that is similar to the exemption letters previously issued under the current code. These authorizations may also be conditioned. They are not subject to appeal with a land use permit. However, they are subject to LUPA.

permit. The staff review will ensure the activity meets the specific criteria below.

B. The following activities require review by City staff. Review and authorization may occur over-the-counter or staff may issue a letter of approval with conditions. Additional information and studies may be requested. Activities must comply with the protective standards of this chapter and provisions of other local, state, and federal laws. Any incidental damage to, or alteration of, a critical area shall be restored or replaced at the responsible party's expense.

Exemption application and review process. The following activities require letter of exemption in accordance with the process in Section 13.11.250. The exemption application shall include, but not be limited to a description of the specific activity, the critical area affected, the section of the code that applies, and a description of the reasonable methods to avoid and minimize impact to the critical area. The City may impose conditions to the exemption approval as necessary to meet the requirements of this Chapter. A Joint Aquatic Resource Permit Application (JARPA) is required for exemptions required by TMC 13.10, Shoreline Management.

1. Emergencies. Those activities necessary to prevent an immediate threat to public health, safety, or welfare or pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for normal processing. Emergency actions that create an impact to a critical area or its buffer shall use best management practices to address the emergency and, in addition, the action must have the least possible impact to the critical area or its buffer.

The person or agency undertaking such action shall notify the City within one (1) working day following the commencement of the emergency activity. The City shall determine if the action taken was within the scope of an emergency action and following that determination, may require the action to be processed in accordance with all provisions of this chapter including the application of appropriate permits within thirty (30) days of the impact. The emergency exemption may be rescinded at any time upon the determination by the City that the action was not, or is no longer necessary.

After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary mitigative actions including, but not limited to, restoration and rehabilitation or other appropriate mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved mitigation plan. All mitigation activities must take place within one (1) year following the emergency action and impact to the critical area, or within a timeframe approved by the City and reflected within an approved schedule. Monitoring will be required as specified in the General Mitigation Requirements (Section 13.11.2760).

2. ~~Utility operations and infrastructure maintenance and repair.~~

~~a.—Maintenance and repair of legally existing utilities, roads, structures, or facilities used in the service of the public-public may occur following review where alteration of the critical area or buffer is unavoidable. to provide transportation, electricity, gas, water, telephone, telegraph, telecommunication, sanitary sewer, or other services and the installation or construction within improved street rights-of-way of structures or facilities used to provide such services are exempt from the requirements of this chapter; provided a one-time application for such exemption is made to and approved by the City.— All activities must be in compliance with the current City Surface Water Management Manual and All work must be conducted using best management practices and comply with applicable manuals for the action, including but not limited to, the current Regional Road Maintenance Manual and provide all known and reasonable protection methods for the critical area and shall not expand further into the critical area.~~

~~b.—The maintenance and repair of legally existing roads, structures, or facilities used in the service of the public to provide storm water services may occur without application to and approval by the City provided such work is conducted using best management practices, and is in compliance with the current City Surface Water Management Manual.~~

~~e. Holding basins and detention ponds that are part of the municipality's storm water system are exempt from the provisions of this chapter when such holding basin and detention pond is controlled by an engineered outlet.~~

~~Any potential wetland area that does not meet the wetland definition as described within this Chapter is exempt from the provisions of this Chapter. Non-jurisdictional wetland determination may require a Wetland Assessment.~~

3. Isolated Category III or Category IV wetlands, which have been classified and identified as having a total cumulative area of less than 1,000 square feet, regardless of property lines are exempt from the provision of this Chapter provided they:

- a. Are of low habitat function (less than 20 points in the Washington Wetlands Rating System for Western Washington).
- b. Are hydrologically isolated and Aare not part of a mosaic wetland system.
- c. Are not associated with a Shoreline of the state or wetland that is part of a riparian habitat area, and
- d. Are not critical habitat to local populations of priority species.

4. Geotechnical investigation activities may be performed, provided that an access plan, protection measures, best management practices, and restoration are utilized to protect

Routine maintenance was “split” and this section requires some level of staff review where critical areas or buffer may be impacted and restorative work is necessary.

This section was moved and slightly modified.

This statement relates directly to the wetland definition and is not needed.

and maintain the critical area where possible. These items must be included with the ~~exemption~~ application.

5. Reconstruction or exterior remodeling, of existing structures and accessory structures provided that disturbance of native vegetation is kept to a minimum and any vegetation that is disturbed shall be replaced. Activities must comply with WDFW management recommendations where applicable. This shall not apply to reconstruction which is proposed as a result of structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area.

6. One-time expansion of existing structures and accessory structures, provided that expansion of the developed footprint within the critical area or buffer does not increase by more than 25 percent and that the new construction or related use extends away from the critical area ; keeps disturbance of native vegetation to a minimum; and replaces native vegetation that may be disturbed This expansion may also occur in a direction parallel to the critical area if the expansion takes place upon existing impervious surfaces. Activities must comply with WDFW management recommendations where applicable. A Notice on Title must be recorded to be eligible for staff review and approval.

~~Reconstruction, remodeling, or maintenance of existing structures and accessory structures that are located outside a flood hazard area and active landslide hazard area, provided that a one-time only expansion of the building footprint does not increase by more than 25 percent and that the new construction or related use extends away from the critical area or related buffer; keeps disturbance of native vegetation to a minimum; and replaces native vegetation that may be disturbed as a result of construction activity and does not have a significant impact on a FWHCA or its management area. The exemption shall not apply to reconstruction which is proposed as a result of structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area. Expansion up to 25 percent may also occur in a direction parallel to the critical area or related buffer if the expansion takes place upon existing impervious surfaces. A Notice on Title must be recorded to be eligible for this exemption.~~

76. Maintenance and repair of existing bulkheads, shoreline armoring, and bioengineered stabilization measures designed to protect property from erosion.

87. Interrupted wetland, stream, and FWHCA buffers.

a. Where a legally established, pre-existing use of the buffer exists, those proposed activities that are within the ~~-buffer wetland, stream, or FWHCA buffer,~~ but are separated from the critical area by ,or are located in, an existing permanent substantial improvement, which serves to eliminate or greatly reduce the impact of the proposed activity upon the critical area ~~may be allowed are exempt~~ provided that the detrimental impact to the critical area does not increase. However, if the

Items (#5 and #6). The previous exemption language was “split” to clarify the difference between reconstruction and expansion and the requirements for each.

The interrupted buffer provision was clarified regarding a project in or on an interruption. For example, levee or dike work would be on the interruption within the buffer.

impacts do increase, the City shall determine if additional buffer may be required along the impact area of the interruption. Substantial improvements may include developed public infrastructure (roads, railroads, dikes, and levees) and buildings. Substantial improvements may not include paved trails, sidewalks, parking areas, or bulkheads.

An exemption request for Review of an interrupted buffer may require a functional analysis report for the type of critical area buffer that is affected. In determining whether a functional analysis is necessary, the City shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the interruption.

b. Where a legally established, pre-existing structure or use is located within a regulated wetland or stream buffer area and where the regulated buffer is fully paved and does not conform to the interrupted buffer provision above, the buffer will end at the edge of pavement, adjacent to the wetland or stream.

98. Construction of pedestrian trails within the buffer of a wetland, stream, lake, pond, or FWHCA is permitted, subject to the following criteria:

a. The trail is constructed of pervious material such as bark chip or equivalent.

b. The trail does not cross or alter any regulated drainage features or waters of the state.

c. The trail shall be located within the outer quarter (1/4) edge of the buffer, where possible, with the exception for limited viewing platforms.

d. The trail system discourages pedestrians from using informal trails that are not part of the designated trail system.

e. The trail is designed to avoid human disturbance to priority species and priority habitat.

f. Low impact trails shall not be later widened or upgraded to impervious trails that encourage activities with greater impacts without additional review and required permitting.

g. Informational signs are required at trail heads, at a minimum, and are subject to City approval.

10. Voluntary enhancement of a critical area or buffer that exceeds the provisions above in 13.11.200.B.5 may be allowed if the activity meets the requirements of this section.

a. Individual projects

1) Enhancement activities shall be limited to planting native vegetation, controlling noxious and invasive species and providing minor habitat structures such as nest boxes.

2) Activities shall not include grading or water control structures.

3) A planting plan containing information on vegetation species, quantities, and general location of planting areas

Metro Parks and volunteer groups requested more guidance for passive and improved trail construction. This expanded trail language allows passive trails to be constructed with staff review and approval. Improved trails may be processed under a Minor Development permit, or Development permit depending upon any associated structures and impacts.

New provisions require informational signs at trailheads, placement of new trails at outer edge of buffer and clarification of “pervious” trails.

The new Voluntary Enhancement and Restoration provisions allow individuals and community groups to remove invasive plants and replant in critical areas and their buffers, and provide site amenities that do not require compensatory mitigation-thereby avoiding costly and unnecessary permits. The staff review and approval will allow appropriate level of review and assurance that protected critical areas are not inappropriately impacted.

including the identification of wetlands, streams, and their buffers, is required for review.

4) Proper erosion control measures are provided.

5) If equipment, other than hand-held equipment is utilized, list the type of equipment, methods and best management practices to prevent unnecessary impacts.

b. Community Projects

Multi-party projects within designated Habitat Corridors or Open Space Areas, or adjacent vegetated areas that form expanded corridors are encouraged. These projects shall not include new destination facilities or high-intensity recreation facilities as described in 13.06.560. A City approved habitat management template or equivalent must be provided that has been reviewed and approved by all property owners. In addition, the project is subject to the following:

1) The primary focus is preservation and increase in biological functions through the preservation and improvement of habitat, species diversity and natural features.

2) Preserves and connect habitat corridors.

3) Includes goals, objectives, and measureable performance standards

4) Includes a monitoring plan and contingency plan.

5) Trails shall comply with the provisions in Section 13.11.200.B.9.

6) Buildings and paved surfaces shall be located outside of the critical area and buffer.

7) Picnic Tables, benches, and signage are allowed when they are located to avoid and minimize impacts.

8) A maintenance plan that describes the proper techniques and methods used for on-going maintenance and preservation.

9) The identification of a trained habitat steward who will be responsible for overseeing volunteers, employees, and/or contractors for all aspects of the project.

119. Hazard trees. The removal of hazard trees from the critical area or critical area buffer -that are posing a threat to public safety, or -~~imposing an~~ imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement, may be allowed following City staff review, or to private property may be removed ~~provided~~ provided that a report from a certified arborist, landscape architect or professional forester is submitted to the City for review and approval. The report must include an evaluation for tree stabilization potential and removal techniques for the hazard tree and, procedures for protecting the surrounding critical area and replacement of native trees. Where possible, the hazard tree shall be left as a standing snag and the ~~ecut~~ portions of hazard trees are to shall be left within

New code language for recreation facilities is forthcoming and 13.06.560 refers to this new provision.

Additional qualified professionals were added to the list of people that may evaluate a hazard tree, and a provision to evaluate the tree's potential for stabilization with bracing techniques.

the critical area as a-habitat ~~tree such as a standing snag or downed woody debris.~~ unless removal is warranted due to fire hazard, disease, or pest control.

12. Tree Pruning. Tree pruning may be allowed provided a report from a certified arborist, landscape architect or professional forester regarding the health of the tree is submitted, and a functional impact analysis from a qualified professional evaluating the functions of the critical area as a result of the pruning, is also submitted to the City for review and approval. No topping, complete removal or impacts to the health of the tree shall be allowed.

~~10. Orders and Consent Decrees. Any future development or use of property that is the subject of a consent decree or order described in TMC 13.11.140(C)(8) may be exempt from or eligible for modification of the requirements of this chapter if the City determines that it is necessary to comply with the requirements of such order through the permitting process.~~

~~14.3. Within Shorelines of the State, as defined by RCW 90.58.030, activities exempt under WAC 173-27-040, with the exception of WAC 173-27-040 (2) (c), (g) and (h). This exemption shall not include activities within wetlands, streams, or their associated buffers, and also shall not include activities within associated wetlands or streams as established in RCW 90.58.030(2)(d).²~~

14. Watershed restoration projects that conform to the provisions of RCW 89.08.460 shall be reviewed without fee and approved within 45 days per RCW 89.08.490.

15. Fish habitat enhancement projects that conform to the provision of RCW 77.55.181 shall be reviewed without fee and comments provided as specified in RCW 77.55.181.

16. Maintenance and repair of existing bulkheads, stream bank armoring and bioengineered stabilization measures designed to protect property from erosion or slope failure.

~~17.2. Demolition of structures.~~

~~C. The following activities are allowed without an exemption approval unless otherwise required by TMC 13.10, Shoreline Management.~~

~~1. Maintenance of existing landscaping, including existing lawns, within a wetland, stream, FWHCA, or their associated buffers/management areas provided the maintenance does not expand the existing landscaped area.~~

~~2. Maintenance of existing public and private accessways, trails, paths, promenades, stairways, and parking lots provided the maintenance does not expand the aforementioned items.~~

~~3. Passive recreational activities, educational activities and scientific research that do not have a detrimental effect within the critical area are allowed. Outdoor passive recreational activities include but are not limited to fishing, bird watching, walking or hiking and non-motorized boating.~~

Tree pruning used to be processed under a Development Permit. This provision allows limited pruning following review for continued tree health and protection of the critical area.

Provisions #13, #14, #15 are not new; however, they have been reworded and corrected to reflect updated RCW's and WAC's.

These provisions C.1-C.8 have been moved.

~~4. The following vegetation removal activities are allowed, provided that appropriate removal methods are used to preserve and protect the underlying vegetation. Removal may be conducted by hand or with light equipment. The removal of any item that requires restoration, rehabilitation or other appropriate mitigation of the critical area or its buffer may require the action to be processed in accordance with all provisions of this chapter including the acquisition of appropriate permits.~~

~~a. English Ivy (*Hedera helix*) may be removed from plants on which it is adhered.~~

~~b. Noxious weeds as listed on the Pierce County noxious weed list.~~

~~5. Removal of refuse and debris, or other items detrimental to the critical area or buffer is allowed by hand or light equipment. The removal of any item that requires restoration, rehabilitation or other appropriate mitigation of the critical area may require the action to be processed in accordance with all provisions of this chapter including the acquisition of appropriate permits.~~

~~6. Any public or private project designed to improve fish or wildlife habitat or fish passage that qualifies for a shoreline substantial development permit exemption pursuant to RCW 90.58.147, RCW 90.58.515, WAC 173-27-040(2)(o), or WAC 173-27-040(2)(p), shall also qualify for a similar exemption from the permit requirements of this chapter when the City has determined that the project is consistent with the requirements of this chapter and either of the following apply:~~

~~a. The project has been approved by the Washington Department of Fish and Wildlife; or~~

~~b. The project has received Hydraulic Project Approval by the Washington Department of Fish and Wildlife, pursuant to RCW 77.55.~~

~~7. Fish habitat enhancement projects that conform to the provision of RCW 77.55.181 are exempt from the procedural and substantive requirements of Chapter 13.11.~~

~~8. Activities and uses taken to comply with NRDA Consent Decrees or similar order, U.S. Environmental Protection Agency Superfund related order or Consent Decree, or a Washington Department of Ecology order pursuant to the Model Toxics Control Act, or a Department of Homeland Security order that preempt local regulations in the findings of the order.~~

~~13.11.150— Allowed Activities.~~

~~Repealed by Ord. 27728~~

~~13.11.160— Pre-existing Uses/Structures.~~

~~A. An established use or existing structure that was lawfully permitted prior to adoption of this chapter, but which is not in compliance with this chapter, may continue subject to the~~

These sections 13.11.150-13.11.170 were moved.

~~provisions of Tacoma Municipal Code (TMC) Section 13.11.140, Section 13.10 Shoreline Management and Section 13.06.630.~~

~~13.11.170— Critical Area Designation and SEPA.~~

~~A. Pursuant to WAC 197 11 908 and Section 13.12.908 of the TMC, aquifer recharge areas, fish and wildlife habitat conservation areas (FWHCAs), flood hazard areas, geologically hazard areas, wetlands, and streams are hereby designated as critical areas. These areas are mapped on Tacoma’s Generalized Critical Areas Maps available in the Tacoma Economic Development Department or as defined by this chapter. The following SEPA categorical exemptions shall not apply within these areas, unless the changes or alterations are confined to the interior of an existing structure: Section 13.12.801 of the TMC and the following subsections of WAC 197 11 800(1)(b); (2)(d) excluding landscaping, (e), (f), and (g); (3); 24(a), (b), (c), and (d).~~

~~B. The scope of environmental review of actions within critical areas shall be limited to: (a) documenting whether the proposal is consistent with the requirements of this chapter; and (b) evaluating potentially significant impacts on the critical area resources not adequately addressed by development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.~~

~~13.11.180— Abrogation and Greater Restrictions.~~

~~A. It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, provisions of this chapter shall prevail.~~

~~B. Where one site is classified as containing two or more critical areas, the project shall meet the minimum standards and requirements for each identified critical area set forth in this chapter.~~

~~13.11.200— Notice on Title.~~

~~In addition to provisions of Chapter 13.05, the owner of any property upon which approval under Title 13, Tacoma Municipal Code, or Chapter 2.02, Building Code, of the TMC, is sought with a critical area or critical area buffer verified on site through a wetland/stream/FWHCA or building permit, shall record with the Pierce County Auditor a notice of presence of the critical area and buffer. Such recording shall contain notice of the critical area and buffer and the applicability of this chapter to said property. Such notification shall be in a form as specified by Building and Land Use Services. The notice shall be notarized and the applicant must submit proof that the notice has been legally recorded before the final approval for development is issued. The notice shall run with the land and failure to record such notice shall be in violation of this chapter.~~

These sections 13.11.180-13.11.200 were moved.

This section was moved.

~~13.11.210 Residential Density Credits.~~

~~A. For residential development proposals on lands containing fish and wildlife habitat conservation areas (FWHCAs), erosion hazard areas, landslide hazard areas or steep slopes, the density that would have been allowed in the critical area and buffer but for the provisions of this chapter is generally transferred to the remainder of the site not in the critical area or buffer. For residential development proposals on lands containing wetland or stream buffers, the density that would have been allowed in the buffer but for the provisions of this chapter is generally transferred to the remainder of the site not in the critical area or buffer. For wetlands and streams, density credits do not apply to the portion of the site occupied by the critical area. The allowable number of dwelling units shall be determined using the following formula, table, 125 percent maximum density rule and setback provisions.~~

~~B. The formula for determining the number of dwelling units allowed after the application of density credits is as follows:~~

~~Dwelling units allowed on site = (CA x DC + DA)/MLS, where:~~

~~CA = Critical acreage: The amount of land on the project site which is located in the critical area and required buffer and in which no regulated activity is allowed. For wetlands, streams, and FWHCAs the critical acreage only includes the amount of land which is located in the required buffer and in which no regulated activity is allowed.~~

~~DC = Density credit: The percentage of the density that would have been allowed in the critical area and/or required buffer but for the provisions of this chapter that is allowed to be transferred to the remainder of the site. The density credit is based on the percentage of the site in the critical area and/or buffer and is determined using the table in subsection C below.~~

~~DA = Developable acreage: The amount of land on the project site which is not located in the critical area or the required critical area buffer.~~

~~MLS = Minimum lot size: The minimum amount of land required for a dwelling unit in a specific zoning district.~~

~~C. Table of density credits.~~

~~Percentage of Site in Density~~

~~Critical Area and/or Buffer Credit~~

1-10%	100%
11-20%	90%
21-30%	80%
31-40%	70%
41-50%	60%
51-60%	50%

61—70%	—40%
71—80%	—30%
81—90%	—20%
91—99%	—10%

~~D. The 125 percent maximum density rule provides that the maximum number of dwelling units cannot exceed 125 percent of the allowed number of dwelling units without a density credit on the developable acreage of the site.~~

~~E. The setback requirements shall be the same as the setback requirements for Planned Residential Developments as provided in Section 13.06.140.~~

~~F. The density credits can only be transferred within the same development proposal site.~~

~~**13.11.220—Regulated Uses/Activities:**~~

~~Pursuant to the requirements of this chapter, a site review or permit shall be obtained prior to undertaking any of the following activities within a wetland, stream, fish and wildlife habitat conservation area (FWHCA) or their associated buffer/management area, unless otherwise exempted under Section 13.11.140:~~

~~A. Filling, placing, or dumping any soil, loam, peat, sand, gravel, rock, chemical substance, refuse, trash, rubbish, debris, or dredge material;~~

~~B. Excavating, dredging, or clearing any soil, loam, peat, sand, gravel, rock, vegetation, trees, or mineral substance;~~

~~C. Discharge of hazardous substances, including, but not limited to heavy metals, pesticides, petroleum products, or secondary effluent;~~

~~D. Any act which results in draining, flooding, or disturbing the water level or table;~~

~~E. Alteration, construction, demolition, or reconstruction of a structure or infrastructure, including driving pilings or placing obstructions;~~

~~F. Destroying or altering vegetation through clearing, harvesting, shading, pruning, or planting vegetation that would alter the character of the site; and~~

~~G. Any act or use which would destroy natural vegetation; result in significant change in water level, water temperature, physical, or chemical characteristics of the wetland or stream; substantially alter the existing pattern of tidal flow, obstruct the flow of sediment, or alter the natural contours of a site.~~

~~**13.11.230—Application Types**~~

~~A. This chapter allows four types of wetland/stream/fish and wildlife habitat conservation area (FWHCA) applications, three of which result in the issuance of an administrative appealable decision. Exemptions are issued by the Building~~

This section was moved.

The Application Types have been reorganized and changed. A brand new section follows.

and Land Use Services staff and are not subject to an administrative appeal. After the appeal period expires, an approved decision becomes the official permit for each project, so a separate permit is not issued. The Land Use Administrator issues a decision for Verifications, Assessments and Wetland/Stream/FWHCA development permit applications consistent with Chapter 13.05. All applications shall be consistent with the sections of this chapter, including provisions described below. Applications must contain all submittal requirements as specified in 13.11.250.

1. ~~Exemption.~~ An exemption may be issued by staff when a project meets the requirements as specified in Section 13.11.140.

2. ~~Verification.~~ Wetland Delineation, Stream OHWM, or FWHCA Verification. An applicant may request verification of a wetland, or stream, or FWHCA without submitting plans for a specific project.

3. ~~Assessment.~~ An assessment may be issued verifying whether a regulated wetland, stream or FWHCA exists on the subject site or within 300 feet of the subject site. This distance may be expanded if the type of critical habitat or species involved requires more than a 300-foot management area pursuant to WDFW management recommendations.

a. ~~Wetland/Stream Assessment.~~ An assessment may also be issued exempting a project from a wetland/stream development permit if the applicant can demonstrate the following:

- 1) No adverse impacts will occur to the wetland or stream and/or adjacent buffers; and
- 2) The proposed use or structure is located beyond the required buffers; and
- 3) Stormwater runoff will be appropriately analyzed to maintain existing flows to critical areas and additional stormwater runoff will discharge into an approved storm drainage system in accordance with 13.11.250 (h).

b. ~~FWHCA Assessment.~~ An assessment may also be issued exempting a project from a FWHCA development permit if the applicant can demonstrate the following:

- 1) No adverse impacts will occur to the FWHCA and their marine buffers/management areas; and
- 2) The proposed use or structure is located beyond the required marine buffer; and
- 3) The proposed use or activity is consistent with WDFW species management recommendations; and
- 4) Stormwater runoff will be appropriately analyzed to maintain existing flows to critical areas and additional stormwater runoff will discharge into an approved storm drainage system in accordance with 13.11.250 (h).

~~4. Wetland/Stream/FWHCA Development Permit. A Wetland/Stream/FWHCA Development decision will be issued where, in the opinion of the Land Use Administrator, the proposal may result in possible adverse impacts to the wetland, stream, or FWHCA; or the applicant cannot meet the minimum buffer requirements as provided in Chapter 13.11.~~

~~a. The applicant must meet the requirements of one of three legal tests; No Practicable Alternatives, Public Interest or Reasonable Use, and~~

~~b. Provide mitigation as required in accordance with this Chapter.~~

13.11.220 Application Types

A. This chapter allows three types of wetland/stream/fish and wildlife habitat conservation area (FWHCA) applications, which result in the issuance of an administratively appealable decision consistent with Chapter 13.05. After the appeal period expires, the Land Use Administrator’s approved decision becomes the official permit. Programmatic Restoration Projects processed under either the Minor Development Permit or the Development Permit may qualify for additional time extensions according to 13.05.070.

B. The three types of permits are as follows:

1. Verification. Wetland Delineation, Stream OHWM, or FWHCA Verification. An applicant may request verification of a wetland, or stream, or FWHCA on the subject site or within 300 feet of the subject site without submitting plans for a specific project. A verification request may include presence, a boundary determination through wetland delineation or an Ordinary High Water Mark determination. A verification request may also include the jurisdictional status of a critical area.

2. Minor Development Permit. A Minor Development permit may be issued when an applicant cannot meet the minimum buffer requirements or where the Land Use Administrator determines that the proposal will result in temporary, minor, or de-minimis impacts to the buffer or critical area. The Land Use Administrator will consider the size of the area affected, the sensitivity of the critical area and/or presence of priority species and habitat when determining whether the impact is temporary, minor, or de-minimis. The project must comply with the following:

a. The project will not result in a permanent impact to the critical area that would require compensatory mitigation; and

b. Mitigation is provided to restore the site to pre-development conditions, including the maintenance of pre-development hydrological conditions and vegetation conditions.

Jurisdictional verifications are currently processed through a “Wetland Assessment” permit process. Now, both types of verifications can be processed under the “Verification” section separately or together.

Permit incentives for-streamlining for voluntary restoration and enhancement by community volunteers has become a priority for the City. The extension process builds on the small scale “Allowed Activities” and “Activities Allowed with Staff Review” vegetation restoration and enhancement processes by allowing long term restoration efforts. This process is included in Chapter 13.05.

Minor (small) development projects may be processed through a Minor Development Permit process rather than a complex Development Permit process saving applicants and the City time and expense. If a critical area is also impacted that requires compensatory mitigation or if the temporary impacts cover a large area, then the project may be reviewed under a Development Permit, as determined by the Land Use Administrator.

- c. For buffer modification, the project meets the following:
 - i) Buffer averaging as allowed within Sections 13.11.330 and 13.11.430; or
 - ii) Buffer reduction as allowed within Section 13.11.330.
- 3. Development Permit. A decision will be issued where, the Land Use Administrator determines that avoidance and minimization have not eliminated all impacts and compensatory mitigation will be required as a result of the proposal.
 - a. The applicant must meet the requirements of one of three legal tests: No Practicable Alternatives, Public Interest or Reasonable Use, and
 - b. Demonstrate Mitigation Sequencing, and
 - c. Provide mitigation as required in accordance with this Chapter.

13.11.230. Application Submittal Requirements:

A. The purpose of information submittal and review is to require a level of study sufficient to protect critical areas and/or the public from hazards. All information submitted shall be reviewed as to its validity and may be rejected as incomplete or incorrect. Additional information or electronic copies of all information may be requested for review and to ensure compliance. In the event of conflicts regarding information submitted, the Land Use Administrator may, at the applicant's expense, obtain expert services to verify information.

B. The following items are required for permit review and approval, where applicable depending upon the project and permit type, and as determined necessary by City staff.

1. A Joint Aquatic Resource Permit Application and vicinity map for the project.

2. A surveyed site plan that includes the following:

a. Parcel line(s), north arrow, scale and two foot contours.

b. Location and square footage for existing and proposed site improvements including, utilities, stormwater and drainage facilities, construction and clearing limits, and off-site improvements. Include the amounts and specifications for all draining, excavation, filling, grading or dredging.

c. The location and specifications of barrier fencing, silt fencing and other erosion control measures.

Buffer Averaging and Buffer Reduction used to be processed through a Development Permit. Buffer modifications do not involve direct critical area impacts and are less complex to review. Thus, changing the permit type, but retaining the protection allows for a streamlined permit process.

“Mitigation sequencing” was added to clarify existing requirements.

The application submittal requirements have been re-written to combine and clarify requirements that were contained in various areas of the code. These requirements clarify application form information, critical area report information and compensatory mitigation plan requirements.

d. Base flood elevation, floodplain type and boundary and floodways, if site is within a floodplain.

e. Critical Areas including all surveyed, delineated wetland boundaries, and the ordinary high water mark of any stream and their buffers, and all Fish and Wildlife Conservation Areas (FWHCA), marine buffers and any FWHCA Management Areas.

f. The square footage of the existing critical areas and buffers located on-site and the location and square footage of any impacted areas.

g. Locations of all data collection points used for the field delineation and general location of off-site critical areas and any buffer that extends onto the project site. Location and dominant species for significantly vegetated areas.

h. The location and square footage of impact areas, mitigation areas and remaining critical areas and buffers; including areas proposed for buffer modification.

3. Critical Area report prepared by a qualified professional as defined in 13.11.900 Q. The analysis shall be commensurate with the sensitivity of the critical area, relative to the scale of potential impacts and consistent with best available science. The report must include the following where appropriate:

a. Delineation, characterization and square footage for critical areas on or within 300 feet of the project area and proposed buffer(s). Delineation and characterization is based on the entire critical area. When a critical area is located or extends off-site and cannot be accessed, estimate off-site conditions using the best available information and appropriate methodologies.

1) Wetland Delineations will be conducted in accordance with the current manual designated by the Department of Ecology, including federally approved manuals and supplements.

2) The wetland characterization shall include physical, chemical, and biological processes performed as well as aesthetic, and economic values and must use a method recognized by local or state agencies. Include hydrogeomorphic and Cowardin wetland type.

3) Ordinary high water mark determination shall be in accordance with methodology from the Department of Ecology.

4) Priority species and habitat identification shall be prepared according to professional standards and guidance from the Washington Department of Fish and Wildlife. Depending on the type of priority species, the review area may extend beyond 300 feet.

b. Field data sheets for all fieldwork performed on the site. The field assessment shall identify habitat elements, rare plant species, hydrologic information including inlet/outlets, water depths, and hydro-period patterns based on visual cues, and/or staff/crest gage data.

c. Provide a detailed description of the project proposal including off-site improvements. Include alterations of ground or surface water flow, clearing and grading, construction techniques, materials and equipment, and best management practices to reduce temporary impacts.

c. Assess potential direct and indirect physical, biological, and chemical impacts as a result of the proposal. Provide the square footage for the area of impact with the analysis. The evaluation must consider cumulative impacts.

d. Identification of priority species/habitats and any potential impacts. Incorporate Washington State Department of Fish and Wildlife and/or US Department of Fish and Wildlife management recommendations where applicable. When required, plan shall include at a minimum the following:

1) Special management recommendations which have been incorporated and any other mitigation measures to minimize or avoid impacts, including design considerations such as reducing impacts from noise and light.

2) Ongoing management practices which will protect the priority species and/or habitat after development, including monitoring and maintenance programs.

e. A hydrologic report or narrative demonstrating that pre and post development flows to wetlands and streams will be maintained.

f. Runoff from pollution generating surfaces proposed to be discharged to a critical area shall receive water quality treatment in accordance with the current City's Surface Water Management Manual, where applicable. Water quality treatment and monitoring may be required irrespective of the thresholds established in the manual. Water quality treatment shall be required for pollution generating surfaces using all known, available and reasonable methods of prevention, control and treatment.

g. Studies of potential flood, erosion, geological or any other hazards on the site and measures to eliminate or reduce the hazard.

4. A Compensatory mitigation plan shall be provided for all permanent impacts and will conform to the general mitigation requirements listed under Section 13.11.270 and any specific requirements identified in this chapter for the critical area. The plan shall include the following:

a. The applicant must demonstrate that they meet one of three legal tests provided in 13.11.240.

b. Mitigation sequencing. The applicant shall demonstrate that an alternative design could not avoid or reduce impacts and shall provide a description of the specific steps taken to minimize impacts.

c. Assessment of impacts including the amount, existing condition and anticipated functional loss. Include probable cumulative impacts.

d. The amount and type of mitigation. Include goals, objectives, and clearly defined and measurable performance standards. Include contingency plans that define the specific course of action if mitigation fails. The Land Use Administrator may waive the requirement that a mitigation plan be prepared by a qualified professional when mitigation is limited to standard planting or enhancement activities. The waiver shall not be granted for creation or restoration activities.

e. A description of the existing conditions and anticipated future conditions for the proposed mitigation area(s) including future successional community types for years 1,5,10 and 25, future wildlife habitat potential, water quality and hydrologic conditions. Compare this to the future conditions if no mitigation actions are undertaken.

f. Specifications of the mitigation design and installation including construction techniques, equipment, timing, sequencing, and best management practices to reduce temporary impacts.

g. A plant schedule including number, spacing, species, size and type, source of plant material, watering schedule and measures to protect plants from destruction;

h. Monitoring methods and schedule for a minimum of five years.

i. A maintenance schedule to include ongoing maintenance and responsibility for removal of non-native, invasive vegetation and debris after monitoring is complete;

j. A hydrologic report including any mitigative measures for alterations of the hydroperiod. The City may require additional pre- and post-development field studies and/or monitoring to establish water levels, hydroperiods, and water quality. Water quality shall be required for pollution generating surfaces using all known, available, and reasonable methods of prevention, control, and treatment.

k. When mitigation includes creation or restoration of critical areas, surface and subsurface hydrologic conditions including existing and proposed hydrologic regimes shall be provided.

Describe the anticipated hydrogeomorphic class and illustrate how data for existing hydrologic conditions were utilized to form the estimates of future hydrologic conditions

l. Existing topography must be ground-proofed at two foot contour intervals in the zone of any proposed creation or rehabilitation actions. Provide cross-sections of existing wetland and/or streams that are proposed to be impacted and cross-section(s) (estimated one-foot intervals) for the proposed areas of creation and/or rehabilitation.

m. A bond estimate for the compensatory mitigation using a bond quantity sheet provided by the City, or a minimum of three bond estimates.

n. An evaluation of potential adverse impacts on adjacent property owners resulting from the proposed mitigation and measures to address such impacts.

5. Programmatic Development Permit. In addition to the requirements above an application shall also include a Management Plan for the area using an approved template format or equivalent. The following information shall be included in the document:

a. Explanation of the voluntary restoration and enhancement components including phasing.

b. Identification of the qualified habitat steward who will be responsible for overseeing restoration and enhancement activities.

c. Explanation of training provided to individuals involved in activities to ensure an understanding of how to perform in accordance with the terms of the permit.

~~13.11.250 – Review Process.~~

~~A. Overview.~~

~~1. Exemptions. Application for an Exemption under Section 13.11.140 shall be made in accordance with Subsection 13.11.140.B. City Staff shall issue an Exemption Letter to the applicant. The Exemption Letter is not subject to appeal separately from its associated permit.~~

~~2. Assessment, Verification, or Development Permit. Application for an Assessment, Verification or Development Permit for wetlands, streams and fish and wildlife habitat conservation areas (FWHCAs) by one or more property owners or applicants shall be made in accordance with the provisions of Chapter 13.05 to Building and Land Use Services. Building and Land Use Services may utilize information from the United States Department of Agriculture Natural Resource Conservation Service, the United States Geological Survey, the Washington Department of Ecology,~~

This section was moved.

~~the Coastal Zone Atlas, the Washington Department of Fish and Wildlife stream maps and Priority Habitat and Species maps, Washington DNR Aquatic Lands maps, the National Wetlands Inventory maps, Tacoma topography maps, the City's Generalized Wetland and Critical Areas Inventory maps, and Pierce County Assessor's maps to establish general locations and/or verify the location of any wetland, or stream, or FWHCA site. The City's Generalized Wetland and Critical Area Inventory maps and other above listed sources are only guidelines available for reference. The actual location of critical areas must be determined on a site-by-site basis according to the classification criteria.~~

~~B. Site Review. City staff will provide an initial site review based on existing information, maps and a potential site visit to identify potential wetlands, streams, and their associated buffers within 300 feet, and FWHCAs and their marine habitat buffer/management areas. The FWHCA management areas will be based on the type of critical habitat or species and WDFW recommendations. Site reviews are completed on a site by site basis and may require a wetland delineation, wetland categorization, stream type and Ordinary High Water Mark location, hydrology reports, and priority fish and wildlife species and habitat presence information from WDFW or the City.~~

~~C. In conjunction with the site review process, the Land Use Administrator may require additional information on the physical, biological, and anthropogenic features that contribute to the existing ecological conditions and functions to determine whether a formal wetland/stream/FWHCA exemption, assessment or development permit is required.~~

~~D. Application Submittal Requirements:~~

~~1. For exemption submittal requirements, see Section 13.11.140 and conduct the site review in 13.11.250.B and C. Applications for permit decisions, with the exception of exemption approvals shall contain the information listed in this Section. Technical reports shall be submitted and the Land Use Administrator shall review all information submitted as to its validity and may reject it as incomplete or incorrect. Technical reports, such as wetland delineations, FWHCA or stream reports shall be prepared by a qualified professional as defined in 13.11.900.Q.~~

~~a. A Joint Aquatic Resource Permit Application including, but not limited to, the name and contact information of the applicant, the name, qualifications, and contact information for the primary author(s) of any Critical Area report, including Wetland Delineation reports or FWHCA reports, a description of the proposal, and identification of all the local, state and/or federal wetland related permit(s) required for the project, and a vicinity map for the project;~~

~~b. A surveyed site plan that:~~

~~(1) Identifies the surveyed, delineated, wetland boundary and buffer, the surveyed ordinary high water mark of any stream~~

This section was moved and combined with duplicate language.

and buffer, with an accompanying legal description and an electronic copy of all data; and

(2) Identifies FWHCAs, FWHCA Management Areas, and the ordinary high water mark and marine buffers within shoreline jurisdiction;

e. Documentation of any fieldwork performed on the site, including field data sheets for delineations, functional assessments, baseline hydrologic data, etc. Wetland Delineations shall be prepared according to the currently adopted Department of Ecology, Washington State Wetlands Identification and Delineation Manual; FWHCA Delineations and ordinary high water mark shall be prepared according to professional standards.

d. A description of the methodologies used to conduct the wetland delineations, functional assessments, or impact analyses including references;

e. Identification and characterization of all critical areas; wetlands, water bodies, shorelines, floodplains and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 300 feet of the project boundaries or more, if specified by state or federal agency guidelines, using best available information. In the event of conflicts regarding information in the delineation report, the Land Use Administrator may, at the applicant's expense, obtain competent expert services to verify information and establish a final delineation;

f. For each wetland/stream identified on site and within 300 feet of the project site, provide the wetland rating, stream type required buffers, hydrogeomorphic classification. Provide acreage for on site wetlands, streams, or buffers based on a professional survey from the field delineation.

For wetlands provide the Cowardin classification of vegetation communities including vegetation characterization, habitat elements, soil conditions based on site assessment, soil information, and to the extent possible, hydrologic information such as location of inlet/outlets (if they can be legally accessed), estimate water depths within the wetland, estimated hydro period patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.). Provide square foot estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site;

g. For all FWHCAs, marine buffers, or management areas, provide identification of the species and WDFW management recommendations. For FWHCAs within shoreline jurisdiction, also identify marine buffers and acreage.

h. A technical report containing a discussion of the potential direct and indirect physical and biological impacts to the wetland(s), stream(s), FWHCA(s) and associated impacts with anticipated hydro period alterations from the project;

i. A hydrologic study for the wetland or stream identifying the contributing basin and demonstrating that pre and post development flows will be maintained;

j. Shall demonstrate that all runoff from pollution generating surfaces discharging to wetlands or stream or FWHCA shall receive water quality treatment in accordance with the current City's Surface Water Management Manual. Water quality treatment is required for all sites irrespective of the thresholds established in this Manual; and

k. A description of the proposed actions including an estimation of square footage of impacts to wetland and buffers based on the field delineation and survey, and an analysis of site development alternatives including a no development alternative.

l. A Habitat Management Plan, biological evaluation, or equivalent, that is in accordance with WDFW management recommendations for the impacts associated with the development proposal and the identified FWHCAs, marine buffers, and any management areas that are found on site.

2. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:

a. Maps to scale depicting delineated and surveyed wetland, stream and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; and areas of proposed impacts to wetland(s), stream(s) and buffer(s), (include square footage estimates);

b. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas;

c. Two foot contours, terrain, and drainage flow, significantly vegetated areas, specific location and species name of trees/shrubs with \Rightarrow 6 inch caliper, existing site improvements/structures (calculate square feet and percentage of coverage/impervious surfaces), existing grading, drainage control facilities (natural and artificial), and existing utilities above and below ground where appropriate and required by the City; and

d. The specifications of all proposed draining, excavation, filling, grading or dredging, including exact locations, amounts and methods, control facilities and utilities.

3. For Wetland/Stream/FWHCA Development Permits, the additional following information is required.

a. A description of reasonable efforts made to apply mitigation sequencing pursuant to Section 13.11.260.DE, Mitigation Sequencing, to avoid, minimize, and mitigate impacts to critical areas;

- b. A mitigation plan for impacts associated with actions contained within a development permit application. The mitigation plan must be in conformance with the General Mitigation Requirements under Section 13.11.260 and the mitigation requirements specified under each critical area;
- c. Identification of which test(s) the applicant believes applies for a Development Permit application, an explanation of why the applicant believes it applies and an analysis of how the applicant intends to meet the requirements of the test(s);
- d. Assessment and documentation of the FWHCA's, wetland's or stream's functional characteristics, along with its ecological, aesthetic, economic, and other values. Evaluation of functions for the FWHCA, wetland or stream and adjacent buffer using a functions assessment method recognized by local or state agency staff and including the reference for the method and all data sheets;
- e. An assessment of the probable cumulative impacts to the FWHCAs, wetlands, streams and buffers resulting from the proposed development;
- f. Study of potential flood, erosion or other hazards on the site and provisions for protective measures that might be taken to reduce such hazards as required by the Land Use Administrator;
- g. Any other information deemed necessary to verify compliance with the provisions of this chapter; and
- h. A Construction Stormwater Pollution Prevention Plan shall be submitted by the applicant in accordance with the current City's Surface Water Management Manual.

13.11.25340 General Wetland Standards.

A. General permit standards. The Land Use Administrator shall issue wetland or stream development permits in accordance with the wetland or stream classification. No regulated activity or use shall be permitted within a wetland or stream corridor without prior approval and without meeting the provisions of this section. A permit for development in or adjacent to wetlands or stream corridors shall only be granted if it has been demonstrated that the permit, as conditioned, is consistent with the provisions of this chapter and provided:

1. The applicant has taken appropriate action to first, avoid adverse impacts, then minimize impacts and finally, compensate or mitigate for unavoidable impacts;
2. The result of the proposed activity is no net loss of wetland or stream functions;
3. The existence of plant or wildlife species appearing on the federal or state endangered or threatened species list will not be jeopardized;
4. The proposal will not lead to significant degradation of groundwater or surface water quality; and

This section is not new. It was moved from the wetland section because these provisions are relevant for any critical area.

Additional new trail language was added to clarify trails construction.

5. The proposal complies with the remaining standards of this chapter, which include those pertaining to wetland compensation and the provision of bonds.

B. Low-impact uses and activities consistent with the stream or wetland buffer function may be permitted within a buffer that has not been reduced depending upon the sensitivity of wetland and intensity of activity or use. These may include pedestrian trails, viewing platforms, utility easements and storm water management facilities such as grass-lined swales that are used to sustain existing hydrologic functions of the critical area.

C. Yard Reduction. In order to accommodate for the required buffer zone, the Land Use Administrator may reduce the front and/or rear yard set-back requirements on individual lots. The front and/or rear yard shall not be reduced by more than 50 percent. In determining whether or not to allow the yard reduction, the Land Use Administrator shall consider the impacts of the reduction on adjacent land uses.

D. As an incentive, the buffer area between a wetland or stream and regulated activity may be reduced or averaged, not less than $\frac{3}{4}$ of its standard regulated buffer width, depending upon the intensity of use and the wetland category or stream type, if the wetland or stream and its buffer area are dedicated to the public by deeding the property to the City, with City approval. The Land Use Administrator shall determine whether the dedication is of benefit to the City for protection of natural resources.

E. Trail use and construction

1. Trails shall be located on or near the outer quarter ($\frac{1}{4}$) edge of the buffer, where possible, with the exception of limited viewing platforms and crossings.

2. Where possible, trails and associated viewing platforms shall not be made of continuous impervious materials. Natural trails with pervious surfaces such as, but not limited to, bark chip are encouraged.

13.11.2610 Residential Density Credits.

A. For residential development proposals on lands containing fish and wildlife habitat conservation areas (FWHCAs), erosion hazard areas, landslide hazard areas or steep slopes, the density that would have been allowed in the critical area and buffer but for the provisions of this chapter is generally transferred to the remainder of the site not in the critical area or buffer. For residential development proposals on lands containing wetland or stream buffers, the density that would have been allowed in the buffer but for the provisions of this chapter is generally transferred to the remainder of the site not in the critical area or buffer. For wetlands and streams, density credits do not apply to the portion of the site occupied by the critical area. The allowable number of dwelling units

This section is not new. It was moved.

shall be determined using the following formula, table, 125 percent maximum density rule and setback provisions.

B. The formula for determining the number of dwelling units allowed after the application of density credits is as follows:

Dwelling units allowed on site = (CA x DC + DA)/MLS,
where:

CA = Critical acreage: The amount of land on the project site which is located in the critical area and required buffer and in which no regulated activity is allowed. For wetlands, streams, and FWHCAs the critical acreage only includes the amount of land which is located in the required buffer and in which no regulated activity is allowed.

DC = Density credit: The percentage of the density that would have been allowed in the critical area and/or required buffer but for the provisions of this chapter that is allowed to be transferred to the remainder of the site. The density credit is based on the percentage of the site in the critical area and/or buffer and is determined using the table in subsection C below.

DA = Developable acreage: The amount of land on the project site which is not located in the critical area or the required critical area buffer.

MLS = Minimum lot size: The minimum amount of land required for a dwelling unit in a specific zoning district.

C. Table of density credits.

Percentage of Site in Density

Critical Area and/or Buffer Credit

<u>1 – 10%</u>	<u>100%</u>
<u>11 – 20%</u>	<u>90%</u>
<u>21 – 30%</u>	<u>80%</u>
<u>31 – 40%</u>	<u>70%</u>
<u>41 – 50%</u>	<u>60%</u>
<u>51 – 60%</u>	<u>50%</u>
<u>61 – 70%</u>	<u>40%</u>
<u>71 – 80%</u>	<u>30%</u>
<u>81 – 90%</u>	<u>20%</u>
<u>91 – 99%</u>	<u>10%</u>

D. The 125 percent maximum density rule provides that the maximum number of dwelling units cannot exceed 125 percent of the allowed number of dwelling units without a density credit on the developable acreage of the site.

E. The setback requirements shall be the same as the setback requirements for Planned Residential Developments as provided in Section 13.06.140.

F. The density credits can only be transferred within the same development proposal site.

13.11.2760 General Mitigation Requirements.

A. Unless otherwise provided in this Title, if alteration to a wetland, stream, FWHCA, or its buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated using the best available science, so as to result in no net loss of critical area functions and values. In making a determination as to whether such a requirement will be imposed, and if so, the degree to which it would be required, the Land Use Administrator may consider the following:

1. The long-term and short-term effects of the action and the reversible or irreversible nature of the impairment to or loss of the FWHCA, wetland or stream;

2. The location, size, and type of and benefit provided by the original and altered FWHCA, wetland or stream;

3. The effect the proposed work may have upon any remaining critical area or associated aquatic system;

4. The cost and likely success of the compensation measures in relation to the magnitude of the proposed project or violation;

5. The observed or predicted trend with regard to the gains or losses of the specific type of wetland or stream; and

6. The extent to which the applicant has demonstrated a good faith effort to incorporate measures to minimize and avoid impacts within the project.

B. Mitigation projects shall not result in adverse impacts to adjacent property owners.

C. Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area.

D. Mitigation shall not be implemented until after permit approval of the Land Use Administrator and shall be in accordance with all reports and representations made therein.

E. Mitigation Sequencing. When an alteration to a critical area or its buffer is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference.

1. Avoiding the impact altogether by not taking a certain action or parts of an action.

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

This section was moved from the Conditions and Appeals section and appears to fit here as these are considerations by the Land Use Administrator, not conditional requirements.

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
6. Monitoring the required mitigation and taking remedial action where necessary.

F. Mitigation for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project or alteration to achieve functional equivalency or improvement and shall provide similar critical area or buffer functions as those lost, except when:

1. The lost critical area or buffer provides minimal functions as determined by a site-specific functional assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or
2. Out of kind replacement of wetland, stream or FWHCA type or functions will best meet watershed goals formally identified by the City, such as replacement of historically diminished critical areas.

G. Type and Location of Mitigation. Unless it is demonstrated that a higher level of ecological functioning would result from an alternative approach, compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same stream reach, subbasin, or drift cell (if estuarine wetlands are impacted). Mitigation action shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of the following apply:

1. There are no reasonable on-site or in subdrainage basin opportunities (e.g. on-site options would require elimination of high functioning upland habitat), or on-site and in subdrainage basin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated wetland/stream/FWHCA mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands, or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity);
2. Off-site mitigation has a greater likelihood of providing equal or improved critical area functions than the impacted critical area; and
3. Off-site locations shall be in the same sub-drainage basin unless established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions

have been established by the City and strongly justify location of mitigation at another site.

H. Wetland Mitigation Banks.

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - a. the bank is certified under state rules;
 - b. The Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits shall be consistent with terms and conditions of the bank's certification.
2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

I. In-Lieu Fee. To aid in the implementation of off-site mitigation, the City may develop a program which prioritizes wetland areas for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed and approved through a public process and be consistent with state and federal rules. The program should address:

1. The identification of sites within the City that are suitable for use as off-site mitigation. Site suitability shall take into account wetland functions, potential for wetland degradation, and potential for urban growth and service expansion, and
2. The use of fees for mitigation on available sites that have been identified as suitable and prioritized.

JH. Timing of Compensatory Mitigation. It is preferred that compensation projects will be completed prior to activities that will disturb the on-site critical area. If not completed prior to disturbance, compensatory mitigation shall be completed immediately following the disturbance and prior to the issuance of final certificate of occupancy. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

New mitigation options including mitigation banks and in lieu fee programs will be available to Tacoma development projects as they are developed and become available.

The Land Use Administrator may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified professional as to the rationale for the delay (i.e. seasonal planting requirements, fisheries window).

K. Critical Area Enhancement as Mitigation. Impacts to critical area functions may be mitigated by enhancement of existing significantly degraded critical areas, but should be used in conjunction with restoration and/or creation where possible. Applicants proposing to enhance critical areas or their buffers must include in a report how the enhancement will increase the functions of the degraded critical area or buffer and how this increase will adequately mitigate for the loss of critical area and function at the impact site. An enhancement proposal must also show whether any existing critical area functions will be reduced by the enhancement action.

L. Innovative Mitigation. The Land Use Administrator may approve innovative mitigation projects that are based on best available science including but not limited to activities such as advance mitigation and preferred environmental alternatives. Innovative mitigation proposals must offer an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter. Such mitigation proposals must demonstrate special consideration for conservation and protection measures for anadromous fisheries. The Land Use Administrator shall consider the following for approval of an innovative mitigation proposal:

1. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
2. The applicant demonstrates that long-term protection and management of the habitat area will be provided;
3. There is clear potential for success of the proposed mitigation at the proposed mitigation site;
4. Mitigation according to TMC 13.11.2760.E is not feasible due to site constraints such as parcel size, stream type, wetland category, or excessive costs;
5. A wetland of a different type is justified based on regional needs or functions and values;
6. The replacement ratios are not reduced or eliminated; unless the reduction results in a preferred environmental alternative; and
7. Public entity cooperative preservation agreements such as conservation easements are applied.

~~K. Mitigation Plan Requirements.~~

~~1. Compensatory mitigation shall be provided for all unavoidable adverse alterations to a critical area or buffer. A~~

This section moved and incorporated into Application Submittal Requirements section.

mitigation plan shall be consistent with best available science. The intent of these provisions is to require a level of technical study and analysis sufficient to protect critical areas and/or protect developments and occupants from critical areas involving hazards. The analysis shall be commensurate with the value or sensitivity of a particular critical area and relative to the scale and potential impacts of the proposed activity.

2. The mitigation plan shall provide for construction, maintenance, monitoring, and contingencies as required by conditions of approval and consistent with the requirements of this chapter.

3. The mitigation plan shall be prepared by a qualified professional; provided, that the Land Use Administrator may waive the requirement to hire a qualified professional to prepare a mitigation plan when the required mitigation involves standard planting or enhancement practices. The waiver shall not be granted for mitigation practices involving critical area creation, rehabilitation and/or restoration.

4. The mitigation plan shall contain the following information:

a. A description and scaled drawings of the activities proposed to reduce risks associated with geologic hazards and/or flooding, and/or to mitigate for impacts to critical area functions and values. This shall include all clearing, grading/excavation, drainage alterations, planting, invasive weed management, installation of habitat structures, irrigation, and other site treatments associated with the development activities.

b. Specific information on construction or the proposed mitigation activity including timing, sequence, equipment needs, and best management practices.

c. A description of the functions and values that the proposed mitigation area(s) shall provide, and/or a description of the level of hazard mitigation provided.

d. The goals, objectives, and performance standards that the proposed mitigation action(s) shall achieve.

e. A description of how the mitigation area(s) will be evaluated and monitored to determine if the performance standards are being met.

f. A program and schedule for construction and postconstruction monitoring of the mitigation project.

g. An evaluation of potential adverse impacts on adjacent property owners resulting from the proposed mitigation and measures to address such impacts.

h. Identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates that project performance standards are not being met.

i. Plan sheets showing the edge of the critical area and buffer area. The affected area shall be clearly staked, flagged, and/or fenced prior to and during any site clearing and construction to

~~ensure protection for the critical area and buffer during construction.~~

~~j. A description of other permits and approvals being sought, including the need for permits from state and/or federal agencies.~~

~~k. Additional information as required by the subsequent articles of this Chapter.~~

~~13.11.270 — Sureties.~~

~~The City will accept performance and monitoring and maintenance sureties in the form of bonds or other sureties in a form accepted in writing by the City. Sureties shall be posted prior to issuance of any development permits including, but not limited to, clearing and grading permits and building permits.~~

~~(1) Performance Surety. Except for public agencies, applicants receiving a permit involving compensation for mitigation are required to post a cash performance bond or other acceptable security to guarantee compliance with this chapter prior to beginning any site work. The surety shall guarantee that work and materials used in construction are free from defects. All sureties shall be approved by the City Attorney. The surety cannot be terminated or cancelled without written approval. The Land Use Administrator shall release the surety after documented proof that all structures and improvements have been shown to meet the requirements of this chapter.~~

~~(2) Monitoring and Maintenance Surety. Except for public agencies, an applicant shall be required to post a cash maintenance bond or other acceptable security guaranteeing that structures and improvements required by this chapter will perform satisfactorily for a minimum of five years after they have been constructed and approved. The value of the surety shall be based on the average or median of three contract bids that establish all costs of compensation, including costs relative to performance, monitoring, maintenance, and provision for contingency plans. The amount of the surety shall be set at 150 percent of the average expected cost of the compensation project. All surety shall be on a form approved by the City Attorney. Without written release, the surety cannot be cancelled or terminated. The Land Use Administrator shall release the surety after determination that the performance standards established for measuring the effectiveness and success of the project have been met.~~

13.11.280 Conditions and Appeals.

A. The Land Use Administrator shall have the authority, in accordance with Chapter 13.05, to attach such conditions to the granting of any permit under this chapter deemed necessary to mitigate adverse impacts and carry out the provisions of this chapter. In addition, such conditions may include, but are not limited to, the following:

This section was moved.

1. Placement of Notice on Title on the subject parcel;

13.11.200 – Notice on Title.

In addition to provisions of Chapter 13.05, the owner of any property upon which approval under Title 13, Tacoma Municipal Code, or Chapter 2.02, Building Code, of the TMC, is sought with a critical area or critical area buffer verified on site through a wetland/stream/FWHCA or building permit, shall record with the Pierce County Auditor a notice of presence of the critical area and buffer with the exception of protected information. Such recording shall contain notice of the critical area and buffer and the applicability of this chapter to said property. Such notification shall be in a form as specified by Building and Land Use Services. The notice shall be notarized and the applicant must submit proof that the notice has been legally recorded before the final approval for development is issued. The notice shall run with the land and failure to record such notice shall be in violation of this chapter.

2. Limitations on minimum lot size;
3. Provisions for additional vegetative buffer zones depending on the intensity of the use or activity;
4. Requirements that structures be elevated on piles, limited in size or located with additional setback requirements;
5. Dedication of utility easements;
6. Modification of waste disposal or water supply facilities;
7. Imposition of easement agreements or deed restrictions concerning future use including conservation easements within fish and wildlife habitat conservation area (FWHCA), wetland, stream or other natural area tracts and subdivision of lands;
8. Limitation of vegetation removal;
9. Setting minimum open space requirements;
10. Erosion control and storm water management measures, including restrictions on fill and other activities in the FWHCA, wetland or stream;
11. Development of a plan involving the creation or enhancement of a stream corridor, wetland, or FWHCA or restoration of a damaged or degraded stream corridor, wetland, or FWHCA to compensate for adverse impacts;
12. Permanent Signs may be required on each lot or FWHCA, wetland, stream or natural area tract, and shall be prepared in accordance with the approved City of Tacoma template for signs. Additional custom signs may be required for areas with sensitive species that require specific protection measures;
13. Fencing is required when the Land Use Administrator determines that a fence will prevent future impacts to a protected FWHCA, wetland or stream or other natural habitat

The Notice on Title language was clarified to exclude protected WDFW species and habitat information.

area. Fencing installed as part of a proposed activity shall not interfere with species migration, including fish runs, nor shall it impede emergency egress; and

14. Subdivisions. The subdivision and short subdivision of land in FWHCAs or wetlands and associated buffers is subject to the following and Chapter 13.04.310:

a. Land that is located partially within a FWHCA, wetland or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is located outside the wetland and its buffer.

b. Access roads and utilities serving the proposed subdivision may be permitted within the wetland and associated buffers only if the Land Use Administrator determines that no other feasible alternative exists and the project is consistent with the remaining provisions of this chapter.

c. A protection covenant such as a Conservation Easement shall be recorded with the Pierce County Assessor's Office for FWHCA, wetland, stream or natural area tracts that are created as part of the permitting process.

B. ~~Compensatory mitigation~~ as a condition. As a condition of a permit or as an enforcement action under this chapter, the City shall require, where not in conflict with a reasonable economic use of the property, that the applicant provide ~~compensatory mitigation~~ to offset, in whole or part, the loss resulting from an applicant's or violator's action or proposal. Such compensation may include the enhancement of a FWHCA, stream corridor or wetland, the restoration of a damaged or degraded wetland, FWHCA or stream; or the creation of a new FWHCA, wetland or stream.

~~In making a determination as to whether such a requirement will be imposed, and if so, the degree to which it would be required, the Land Use Administrator may consider the following:~~

~~1. The long-term and short-term effects of the action and the reversible or irreversible nature of the impairment to or loss of the FWHCA, wetland or stream;~~

~~2. The location, size, and type of and benefit provided by the original and altered FWHCA, wetland or stream;~~

~~3. The effect the proposed work may have upon any remaining critical area or associated aquatic system;~~

~~4. The cost and likely success of the compensation measures in relation to the magnitude of the proposed project or violation;~~

~~5. The observed or predicted trend with regard to the gains or losses of the specific type of wetland or stream; and~~

~~6. The extent to which the applicant has demonstrated a good faith effort to incorporate measures to minimize and avoid impacts within the project.~~

C. Appeals. An appeal of a decision regarding a critical area, except for staff decisions regarding exemptions which are not

subject to an administrative appeal, may be made in accordance with the provisions of Chapter 13.05 and Chapter 1.23 of the Tacoma Municipal Code.

13.11.2970 Sureties.

The City will accept performance and monitoring and maintenance sureties in the form of bonds or other sureties in a form accepted in writing by the City. Sureties shall be posted prior to issuance of any development permits including, but not limited to, clearing and grading permits and building permits.

(1) Performance Surety. Except for public agencies, applicants receiving a permit involving compensation for mitigation are required to post a cash performance bond or other acceptable security to guarantee compliance with this chapter prior to beginning any site work. The value of the surety shall be based on the average of three contract bids that establish all costs of compensation including costs relative to performance, monitoring, maintenance, and provisions for contingency plans. The amount of the surety shall be set at 150 percent of the average expected cost of the compensation project and include all review fees. The surety shall guarantee that work and materials used in construction are free from defects. All sureties shall be on a form approved by the City Attorney. Without written release, the surety cannot be terminated or cancelled without written approval. The Land Use Administrator shall release the surety after documented proof that all plantings, structures and improvements have been shown to meet the requirements of this chapter.

(2) Monitoring and Maintenance Surety. Except for public agencies, an applicant receiving a permit involving compensatory mitigation shall be required to post a cash maintenance bond or other acceptable security prior to beginning any site work guaranteeing that structures and improvements required by this chapter will perform satisfactorily for a minimum of five years after they have been constructed and approved. The value of the surety shall be based on the average or median of three contract bids that establish all costs of compensation, including costs relative to performance, monitoring, maintenance, and provision for contingency plans. The amount of the surety shall be set at 150 percent of the average expected cost of the compensation project and include all review fees. All sureties shall be on a form approved by the City Attorney. Without written release, the surety cannot be cancelled or terminated. The Land Use Administrator shall release the surety following a ~~after~~ determination that the performance standards established for measuring the effectiveness and success of the project have been met.

This section is not new. It was moved. The language was clarified to better describe the current internal process.

13.11.300 Wetlands.

The 300 section contains the regulations for wetlands, including the following:

- 13.11.310 Wetland Classification.
- 13.11.320 Wetland Buffers.
- 13.11.330 Wetland Buffer Modifications.
- 13.11.340 Wetland Standards.
- 13.11.350 Wetland Mitigation Requirements.
- 13.11.360 *Repealed.*

13.11.320 Wetland Buffers.

A. General. A buffer area shall be provided for all uses and activities adjacent to a wetland area to protect the integrity, function, and value of the wetland. Buffers adjacent to wetlands are important because they help to stabilize soils, prevent erosion, act as filters for pollutants, enhance wildlife diversity, and support and protect plants and wildlife. A permit may be granted if it has been demonstrated that no adverse impact to a wetland will occur and a minimum buffer width will be provided in accordance with this section. The buffer shall be measured horizontally from the delineated edge of the wetland. The buffer shall be vegetated with the exception of areas that include development interruptions as described within this chapter.

B. Minimum Requirement.

1. Wetlands. Wetland buffer widths shall be established according to the following tables which are based on wetland classification, habitat function, land use intensity, and local significance:

Table 1. Land use impact “intensity” based on development types	
Rating of impact from proposed changes in land use	Land Use Types
High	Commercial, Urban, Industrial, Institutional, Retail Sales, Residential with more than 1 unit/acre, new agriculture (high intensity processing such as dairies, nurseries and green houses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), high intensity recreation (golf courses, ball fields), hobby farms
Moderate	Residential with less than or equal to 1 unit/acre, moderate intensity open space (parks), new agriculture (moderate intensity such as orchards and hay fields)

Low	Forestry, open space (low intensity such as passive recreation and natural resources preservation)
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Table 12. Examples to minimize disturbance*		
Disturbance element	Minimum measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking Lots, Warehouses, Manufacturing, High Density Residential
Noise	Place activity that generates noise away from the wetland	Manufacturing, High Density Residential
Toxic runoff	Route all new untreated runoff away from wetland, Covenants limiting use of pesticides within 150 feet of wetland	Parking Lots, Roads, Manufacturing, residential Areas, Application of Agricultural Pesticides, Landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from surface	Any impermeable surface, lawns, tilling
Pets and Human disturbance	Fence around buffer, Plant buffer with "impenetrable" natural vegetation appropriate for region	Residential areas
Dust	Best Management Practices for dust	Tilled fields
*Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3		

Table 3. Buffer width for category I wetlands located within a Habitat Zone^a

Wetland Characteristics	Buffer Widths by Impact of Land Use (feet)	Other Measures Recommended for Protection
Natural Heritage Wetlands	Low—125 Moderate—190 High—250	No additional discharges of surface water. No septic systems within 300 feet. Restore degraded parts of the buffer.
Bogs	Low—125 Moderate—190 High—250	No additional surface discharges. Restore degraded parts of the buffer.
Forested	Low—150 Moderate—225 High—300	If forested wetland scores high for habitat, need to maintain connectivity to other natural areas. Restore degraded parts of the buffer.
Estuarine	Low—100 Moderate—150 High—200	N/A
Wetlands in Coastal Lagoons	Low—100 Moderate—150 High—200	N/A

Table 3. Buffer width for category I wetlands located within a Habitat Zone*

High level of function for habitat (score for habitat 29-36 pts.)	Low—150	Maintain connectivity to other natural areas.
	Moderate—225	
	High—300	Restore degraded parts of the buffer.
Moderate level of function for habitat (score for habitat 20-28 pts.)	Low—75	N/A
	Moderate—110	
	High—150	
High level of function for water quality improvement (24-32 pts.) and low for habitat (less than 20 pts.)	Low—50	No additional discharges of untreated runoff.
	Moderate—75	
	High—100	
Not meeting any criteria above	Low—50	N/A
	Moderate—75	
	High—100	

*Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3

Table 4. Buffer width for category II wetlands located within a Habitat Zone*

Wetland Characteristics	Buffer Widths by Impact of Land Use (feet)	Other Measures Recommended for Protection
High level of function for habitat (score for habitat 29-36 pts.)	Low—150	Maintain connectivity to other natural resources
	Moderate—225	
	High—300	
Moderate level of function for habitat (score for habitat 20-28 pts.)	Low—75	N/A
	Moderate—110	
	High—150	

Table 4. Buffer width for category II wetlands located within a Habitat Zone*

High level of function for water quality improvement and low for habitat (score for water quality 24-32 pts.; habitat less than 20 pts.)	Low—50 Moderate—75 High—100	No additional discharges of untreated runoff
Estuarine	Low—75 Moderate—110 High—150	N/A
Interdunal	Low—75 Moderate—110 High—150	N/A
Not meeting any criteria above	Low—50 Moderate—75 High—100	N/A

*Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3

Table 5. Buffer width for category III wetlands located within a Habitat Zone*

Wetland Characteristics	Buffer Widths by Impact of Land Use (feet)	Other Measures Recommended for Protection
Moderate level of function for habitat (score for habitat 20-28 points)	Low—75 Moderate—110 High—150	N/A
Not meeting the above criteria	Low—40 Moderate—60 High—80	N/A

*Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3

Table 6. Buffer width for category IV wetlands located within a Habitat Zone*

Wetland Characteristics	Buffer Widths by Impact of Land Use (feet)	Other Measures Recommended for Protection
Score for functions less than 30 pts.	Low—25 Moderate—40 High—50	N/A.

*Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3

Table 2.

Level of Function	Habitat Score in Rating System
High (H)	30-36
Medium (M)	20-29
Low (L)	<20

Table 37. Buffer width for all wetlands outside the perimeter of a Habitat Zone*

Wetland Category	Buffer Width (feet)
Category I	H and M -200 L-175
Category II	H and M- 150 L-100
Category III	H,M,L -75
Category IV	H,M,L - 50

*Best Available Science Review, City of Tacoma, Critical Areas Preservation Ordinance, Tacoma, Washington, June 15, 2004, prepared by GeoEngineers

Table 8. Wetlands of local significance*

Site	Buffers (feet)
Snake Lake	300
China Lake	300
DeLong Park	300
Wapato Lake	300
McKinley Park	300
<u>Puget Creek Park</u>	<u>300</u>

*Best Available Science Review Recommendation from City of Tacoma Critical Areas Task Force June 2004 and Focus Group 2011

Buffer widths are no longer dependent upon the Habitat Zone map. The new wetland buffer table is a modified version of the previous Alternative 1 Wetland Buffer Table with buffer distance dependent upon the habitat score.

~~13.11.330—Wetland Buffer Modifications.~~

~~A. Buffer Reduction. Buffer reduction does not apply to Table “7”, unless the reduction of the buffer is the result of a No Practicable Alternatives legal test or the Reasonable Use legal test.~~

~~Buffer widths that are recommended for land uses with high intensity impacts to wetlands can be reduced to those widths recommended for moderate intensity impacts if the following criteria are met:~~

~~1. Wetlands that score moderate or high for habitat (20 points or more). The width of the buffer around the wetland can be reduced if both of the following criteria are met;~~

~~a. A relatively undisturbed vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the Priority Habitat via some type of legal protection such as a conservation easement; and~~

~~b. Measures to minimize the impacts identified in Table “2” are applied.~~

~~2. Wetlands that score less than 20 points for habitat. The buffer width can be reduced to that required for moderate land use impacts if measures to minimize the impacts identified in Table “2” are applied.~~

~~B. Buffer Averaging.~~

~~The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for use of the parcel. Averaging may not be used in conjunction with the provisions for reductions in buffers listed above.~~

~~1. Averaging to improve wetland protection may be permitted when all of the following conditions are met:~~

~~a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a dual-rated wetland with a Category I area adjacent to a lower-rated area, and~~

~~b. The buffer is increased adjacent to the high-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion; and~~

~~c. The total area of the buffer after averaging is equal to the area required without averaging; and~~

~~d. The buffer at its narrowest point is never less than $\frac{3}{4}$ of the standard width.~~

~~2. Averaging to allow a reasonable use of a legal lot of record may be permitted when all of the following are met:~~

~~a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging; and~~

~~b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland expert;~~

~~c. The total area of the buffer after averaging is equal to the area required without averaging; and~~

~~d. The buffer at its narrowest point is never less than $\frac{3}{4}$ of the standard width.~~

~~C. Buffer Increases. The widths of the buffers may be required to be increased if the following conditions are found on the subject site.~~

~~1. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with non-native species that do not perform needed functions, the buffer must either be planted to create the appropriate plant community or the buffer must be widened to the maximum buffer for the land use intensity to ensure that adequate functions in the buffer are provided.~~

~~2. If the buffer for a wetland is based on the score for water quality, rather than habitat, then the buffer should be increased by 50% if the slope is greater than 30% (a 3-foot rise for every 10 feet of horizontal distance).~~

~~3. If the wetland provides habitat for a particularly sensitive species (such as threatened or endangered species), the buffer must be increased to provide adequate protection for the species based on its particular life history needs as required by the Washington State Department of Fish and Wildlife.~~

13.11.330 Wetland Buffer Modifications.

A. Buffer Requirements. The standard buffer widths in Table 2 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington. The use of the standard buffer

widths requires the implementation of the measures in Table 1, where applicable, to minimize the impacts of the adjacent land uses. The applicant shall demonstrate mitigation sequencing when using buffer averaging or buffer reduction.

B. Buffer Increases. Buffer widths shall be increased on a case by case basis as determined by the Administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or

b. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or

c. The adjacent land has minimal vegetative cover or slopes are greater than 30 percent.

d. The adjacent land contains an identified connective corridor that should not be bisected.

C. Buffer Averaging. The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for use of the parcel. Averaging may not be used in conjunction with the provisions for buffer reductions.

1. Averaging to improve wetland protection may be permitted when all of the following conditions are met:

a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a dual-rated wetland with a Category I area adjacent to a lower rated area, and

b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland expert; and

c. The buffer is increased adjacent to the high-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion; and

d. The total area of the buffer after averaging is equal to the area required without averaging; and

e. The buffer at its narrowest point is never less than $\frac{3}{4}$ of the required width.

Buffer increases, buffer averaging and buffer reduction language were modified for the new buffer table. Many of the elements in the language are similar to the previous code, but have been modified to allow their use without using the Alternative 3 buffer methodology.

2. Averaging to allow a reasonable use of a legal lot of record may be permitted when all of the following are met:

- a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging; and
- b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland expert;
- c. The total area of the buffer after averaging is equal to the area required without averaging; and
- d. The buffer at its narrowest point is never less than $\frac{3}{4}$ of the required width.

D. Buffer Reduction. Buffer widths can be reduced according to the following criteria:

1. The buffer for Category I and Category II wetlands that score moderate or high for habitat (20) points or more may be reduced to the low habitat buffer; or up to no less than 60 feet for Category III wetlands or 40 feet for Category IV wetlands, if the following criteria are met:

- a. A relatively undisturbed vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the Priority Habitat via some type of legal protection such as a conservation easement, or
- b. The remaining buffer area on site shall be enhanced and/or restored by removing invasive species that do not perform needed functions and replanting with an appropriate plant community.

E. -Buffer Averaging or Buffer Reduction beyond the minimum standards indicated above may be allowed to allow a reasonable use of a legal lot of record when all of the following criteria are met:

- a. There are no feasible alternatives to the site design that could be accomplished without the standard buffer averaging or buffer reduction provision above; and
- b. The averaged or reduced buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland expert, and
- c. The remaining buffer area on site shall be enhanced and/or restored by removing invasive species that do not perform needed functions and replanting with an appropriate plant community, and
- d. The project shall meet the requirements of one of the three legal tests; No Practicable Alternatives, Public Interest, or Reasonable Use.

~~13.11.340 Wetland Standards.~~

~~A. General permit standards. The Land Use Administrator shall issue wetland or stream development permits in accordance with the wetland or stream classification. No regulated activity or use shall be permitted within a wetland or stream corridor without prior approval and without meeting the provisions of this section. A permit for development in or adjacent to wetlands or stream corridors shall only be granted if it has been demonstrated that the permit, as conditioned, is consistent with the provisions of this chapter and provided:~~

- ~~1. The applicant has taken appropriate action to first, avoid adverse impacts, then minimize impacts and finally, compensate or mitigate for unavoidable impacts;~~
- ~~2. The result of the proposed activity is no net loss of wetland functions;~~
- ~~3. The existence of plant or wildlife species appearing on the federal or state endangered or threatened species list will not be jeopardized;~~
- ~~4. The proposal will not lead to significant degradation of groundwater or surface water quality; and~~
- ~~5. The proposal complies with the remaining standards of this chapter, which include those pertaining to wetland compensation and the provision of bonds.~~

~~B. Low impact uses and activities consistent with the stream or wetland buffer function may be permitted within a buffer that has not been reduced depending upon the sensitivity of wetland and intensity of activity or use. These may include pedestrian trails, viewing platforms, utility easements and storm water management facilities such as grass lined swales that are used to sustain existing hydrologic functions of the critical area.~~

~~C. Yard Reduction. In order to accommodate for the required buffer zone, the Land Use Administrator may reduce the front and/or rear yard set back requirements on individual lots. The front and/or rear yard shall not be reduced by more than 50 percent. In determining whether or not to allow the yard reduction, the Land Use Administrator shall consider the impacts of the reduction on adjacent land uses.~~

~~D. As an incentive, the buffer area between a wetland or stream and regulated activity may be reduced or averaged, not less than ¾ of its standard regulated buffer width, depending upon the intensity of use and the wetland category or stream type, if the wetland or stream and its buffer area are dedicated to the public by deeding the property to the City, with City approval.~~

13.11.3450 Wetland Mitigation Requirements.

A. The applicant shall avoid all impacts that degrade the functions and values of wetland and their buffers. Unless otherwise provided in this Title, if alteration to the wetland or its buffer is unavoidable, all adverse impacts resulting from a

This section was moved. These standards apply to other buffers and a General Standard Section was developed under Section 13.11.250.

development proposal or alteration shall be mitigated using the best available science, so as to result in no net loss of critical area functions and values.

B. All wetland mitigation will comply with applicable mitigation requirements specified in ~~13.11.260~~ and 13.11.270, including, but not be limited to, mitigation plan requirements, monitoring and bonding.

C. Preference of Mitigation Actions. Methods to achieve compensation for wetland functions shall be approached in the following order of preference:

1. Restoration (re-establishment and rehabilitation) of wetlands on upland sites that were formerly wetlands.
2. Creation (Establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native introduced species. This should only be attempted when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.
3. Enhancement of significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.

D. Mitigation ratios.

1. The ratios contained within Table “9” shall apply to all Creation, Re-establishment, Rehabilitation, and Enhancement compensatory mitigation.
2. Increased replacement ratios. The Land Use Administrator may increase the ratios under the following circumstances:
 - a. Uncertainty exists as to the probable success of the proposed restoration or creation;
 - b. A significant period of time will elapse between impact and replication of wetland functions;
 - c. Proposed mitigation will result in a lower category wetland or reduced function relative to the wetland being impacted; or
 - d. The impact was an unauthorized impact.

Table 9. Mitigation ratios for projects in Western Washington that do not alter the hydro-geomorphic setting of the site***

Category and Type of Wetland	Re-establishment or Creation	Rehabilitation	1:1 Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement only
All Category IV	1:5:1	3:1	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II Estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

Category II Interdunal	2:1 Compensation has to be interdunal wetland	4:1 compensation has to be interdunal	1:1 R/C and 2:1 E	8:1
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 E	16:1
Category I Natural Heritage site	Not considered possible	6:1	Case-by-case	Case-by-case
Category I Coastal lagoon	Not considered possible	6:1	Case-by-case	Case-by-case
Category I Bog	Not considered possible	6:1	Case-by-case	Case-by-case
Category I Estuarine	Case-by-case	6:1	Case-by-case	Case-by-case
<p>*Natural heritage site, coastal lagoons, and bogs are considered irreplaceable wetlands, and therefore no amount of compensation would replace these ecosystems. Avoidance is the best option. In the rare cases when impacts cannot be avoided, replacement ratios will be assigned on a case-by-case basis. However, these ratios will be significantly higher than the other ratios for Category I wetland.</p> <p>**Rehabilitation ratios area based on the assumption that actions judged to be most effective for that site are being implemented.</p> <p>**Rehabilitation ratios area based on the assumption that actions judged to be most effective for that site are being implemented.</p> <p>***Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3</p>				

E. Compensatory Mitigation Plan Requirements. When a project involves wetland or buffer impacts, a compensatory mitigation report shall be required, meeting the following minimum standards:

1. Preparation by qualified Wetland Specialist. A compensatory mitigation report for wetland or buffer impacts shall be prepared by a qualified Wetland Specialist as specified in 13.11.900.W.
2. A Wetland Delineation Report must accompany or be included in the compensatory mitigation report.

~~3. Compensatory Mitigation Report. Must include a written report and plan sheets that must contain, at a minimum, the following elements as found below. Full guidance can be found in the Draft Guidance on Wetlands Mitigation in Washington State, Part 2, 2004 (Washington State Department of Ecology, US Army Corps of Engineers Seattle District, and US~~

~~Environmental Protection Agency Region 10; Ecology Publication number 0406-013B). The written report must contain, at a minimum:~~

- ~~a. The name and contact information of the applicant, the name, qualifications, and contact information for the primary author(s) of the Compensatory Mitigation Report, a~~

description of the proposal, a summary of the impacts and proposed compensation concept, and identification of all the local, state, and federal wetland-related permit(s) required for the project, plus a vicinity map for the project;

b. Description of the existing wetland and buffer areas proposed to be impacted including: square footage based on professional surveys of the delineations; Cowardin classifications including dominant vegetation community types (for upland and wetland habitats); the results of a functional assessment for the entire wetland and the portions proposed to be impacted; wetland rating based on the provisions of this Title;

c. An assessment of the potential changes in wetland hydroperiod for the proposed project and how the design has been modified to avoid, minimize or reduce impacts to the wetland hydroperiod;

d. A description of the proposed conceptual compensation actions for wetland and upland areas. Describe future vegetation community types for years 1, 5, 10 and 25 post-installation including the succession of vegetation community types and dominants expected. Describe the successional sequence of expected changes in hydroperiod for the compensation site(s) for the same time periods as vegetation success. Describe the change in habitat characteristics expected over the same 25 year time period;

e. An assessment of existing conditions in the zone of the proposed compensation, including: vegetation community structure and composition, existing hydroperiod, existing soil conditions, existing habitat functions. Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e. how would this site progress through natural succession?);

f. The field data collected to document existing conditions and on which future condition assumptions are based for hydroperiod (e.g. existing hydroperiod based on piezometer data, staff/crest gage data, hydrologic modeling, visual observations, etc.) and soils (e.g. soil pit data hand dug or mechanically trenched, soil boring data; do not rely on soil survey data for establishing existing conditions);

g. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs. The monitoring plan should include a period of not less than 5 years, and establish the responsibility for long term removal of non-native, invasive vegetation;

h. Contingency plans which clearly define course of action or corrective measures needed if performance standards are not met; and

i. A bond estimate for the entire compensatory mitigation including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice/year for up to 5 years, annual monitoring

field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring.

4. The sealed plan sheets for the compensatory mitigation must contain, at a minimum:

a. Existing wetland and buffer surveyed edges, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation action, and a legal description of the wetland, stream and buffer for the proposed development site;

b. Existing topography, ground-graded, at two foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Indicate the existing cross sections of on-site wetland areas that are proposed to be impacted. Provide cross-section(s) (estimated one foot intervals) for the proposed areas of wetland or buffer compensation. c. Surface and subsurface hydrologic conditions including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Illustrate how data for existing hydrologic conditions were utilized to form the estimates of future hydrologic conditions;

d. Proposed conditions expected from the proposed action on site including future HGM types, vegetation community types by dominant species (wetland and upland), and future hydrologic regimes;

e. Required wetland buffers for existing wetlands and proposed compensation areas. Identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this title;

f. A plant schedule including all species by proposed community type and hydrologic regime, size and type of plant material to be installed, spacing of plants, "typical" clustering patterns, total number of each species by community type, timing of installation, nutrient requirements, watering schedule and where appropriate measures to protect plants from destruction;

g. Performance standards (measurable standards reflective of years post installation) for upland and wetland communities, monitoring schedule, reporting requirements to the City, and maintenance schedule and actions for each year of monitoring.

h. The applicant must demonstrate fiscal, administrative, and technical competence to successfully execute the overall project through completion. This compensation project shall be monitored for a minimum of five years, with monitoring reports provided to the City in accordance with the approved performance and maintenance agreement. In the event of a breach of any condition of said agreement, the Land Use Administrator may institute an action in court and prosecute the same to judgment and execution. Final approval for the completed compensation project involving creation, enhancement or restoration shall be granted by the Land Use

~~Administrator when the applicant submits documentation that all requirements of this section have been completed.~~

13.11.360 Bonds.

Repealed by Ord. 27728

13.11.400 Streams and Riparian Habitats.

The 400 section contains the regulations for streams, including the following:

- 13.11.410 Stream Classification.
- 13.11.420 Stream Buffers.
- 13.11.430 Stream Buffer Modification.
- 13.11.440 ~~Stream Crossing~~ Standards.
- 13.11.450 Stream Mitigation Requirements

13.11.410 Stream Classification.

A. Streams shall be generally classified in accordance with the Washington State Water Typing System set forth in WAC 222-16-030 to describe Type “S,” “F,” “Np” and “Ns” streams. Additional criteria typing for “F1”, and “F2” and “Ns1” and “Ns2” streams are included within this section.

~~For permits previously issued, and pre-existing uses and structures, refer to WAC 222-16-031, the interim water typing system that describes stream categories utilized prior to the adoption of this Chapter. The new water typing system described in WAC 222-16-030 separates streams and other water courses into Type S, F, Np and Ns Water. The interim water typing system described in WAC 222-16-031 separates streams into Type I, II, III, IV, and V streams and their respective conversions to the types described in WAC 222-16-030.~~

General descriptions of ~~the new water~~the water typing system are as follows:

1. Type “S” Water means all streams or rivers, within their bankfull width, inventoried as “shorelines of the state” or “shorelines of statewide significance” under the Tacoma Shoreline Management Program (TMC 13.10) or chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, including periodically inundated areas of their associated wetlands.
2. Type “F” Water means segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, ~~to~~ within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or as further described within WAC 222-16-030~~1~~. Type “F1” Water means segments of natural waters containing salmonid fishes. Type “F2” Water means segments of natural water containing fish that are not salmonids.
3. Type “Np” Water means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are

This section is not needed. It was used during an interim code in 2004-2005.

waters that do not go dry any time of a year of normal rainfall or as further described within WAC 222-16-030+.

4. Type “Ns” Water means all segments of natural waters within the bankfull widths of the defined channels that are not Type S, F, or Np Water. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. “Ns1” Waters must be physically connected by an above ground channel system to Type, F, or Np Waters. “Ns2” Waters may not be physically connected by an above ground channel system to Type, F, or Np Waters.

13.11.420 Stream Buffers.

A. General. A buffer area shall be provided for all uses and activities adjacent to a stream to protect the integrity and function of the stream. Buffers adjacent to streams are important because they help to stabilize soils, prevent erosion, act as filters for pollutants, enhance wildlife diversity, and support and protect plants and wildlife. ~~An assessment permit may be granted if it has been demonstrated that no adverse impact to a stream will occur and a minimum buffer width will be provided in accordance with this section.~~ The buffer shall be measured horizontally from the edge of the ordinary high water mark. ~~The buffer shall be vegetated with the exception of areas that include development interruptions as described within this Chapter.~~

B. Minimum Requirement.

1. Streams. Stream buffer widths shall be established according to the following table which is based on stream classification:

Stream Type	Buffer (feet)
Type S or Streams of local significance	150
Type F1 (Salmonids)	150
Type F2 (Non-Salmonids)	100
Type Np (No fish)	100
Type Ns1 (Connected to S, F, or Np)	75
Type Ns2 (Not connected to S, F, or Np)	25

This section removes the previous “assessment permit” language and the unclear vegetation language that appeared to direct restoration without development.

Streams of local significance	
Name	Buffer (feet)
Puyallup River	150
Hylebos Creek	150
Puget Creek	150
Wapato Creek	150
Swan Creek	150

13.11.430 Stream Buffer Modifications.

A. Stream Buffer Increase.

The required buffer widths shall be increased as follows;

1. When the Land Use Administrator determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area;
2. When the frequently flooded area exceeds the recommended buffer width, the buffer area ~~may~~ shall extend to the outer edge of the frequently flooded area, ~~where appropriate;~~
3. When a channel migration zone is present, the ~~stream buffer riparian habitat~~ area width shall be measured from the outer edge of the channel migration zone;
4. When the habitat area is in an area of high blowdown potential, the ~~stream buffer riparian habitat~~ area width shall be expanded an additional fifty feet on the windward side; or
5. When the habitat area is within an erosion or landslide area, or buffer, the ~~buffer riparian habitat~~ area width shall be the recommended distance, or the erosion or landslide hazard area or buffer, whichever is greater.

B.- Stream Buffer Averaging and Reduction :

The Land Use Administrator may allow the recommended stream buffer width to be ~~averaged or~~ reduced in accordance with a stream habitat analysis report only if:

1. The stream buffer areas that are reduced through buffer averaging will not reduce stream or habitat functions, including those of nonfish habitat;
2. The stream buffer areas that are reduced will not degrade the habitat, including habitat for anadromous fish;
- ~~3. The proposal will provide additional habitat protection;~~
- ~~4.~~ 4. The total area contained in the stream buffer of each stream on the development proposal site is not decreased;
- ~~5.~~ 5. The recommended stream buffer width is not reduced by more than twenty-five (25%) percent in any one location;
- ~~6.~~ 6. The stream buffer areas that are reduced will not be located within another critical area or associated buffer; and

Riparian habitat in this case was referring to the stream buffer and the language was changed to be consistent with other buffer sections.

~~67.~~ The stream buffer areas that are reduced and required mitigation are supported by best available science.

7. When averaging the stream buffer, the proposal will provide additional habitat protection by including more highly functioning areas and reducing the buffer only in the low functioning areas

8. When reducing the stream buffer, with an existing buffer that is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the remaining buffer shall be planted to create the appropriate plant community.

13.11.440 Stream-Crossing Standards.

A. Type F1, F2, Np, and Ns1, and Ns2 streams may be relocated or placed in culverts provided it can be demonstrated that:

1. There is no other feasible alternative route with less impact on the environment;
2. Existing location of the stream would prevent a reasonable economic use of the property;
3. No significant habitat area will be destroyed;
4. The crossing minimizes interruption of downstream movement of wood and gravel;
5. The new channel or culvert is designed and installed to allow passage of fish inhabiting or using the stream and complies with WDFW requirements;
6. The channel or culvert also complies with the City Tacoma current Storm Water Management Manual. is large enough to accommodate a 100-year storm;
7. The applicant will, at all times, keep the channel or culvert free of debris and sediment to allow free passage of water and fish;

~~8. The applicant will provide a bond or other financial security to ensure maintenance as provided in Section 13.11.360 hereof;~~

~~9.~~ Roads in riparian habitat areas or buffers shall not run parallel to the water body;

~~10. Trails shall be located on or near the outer edge of the riparian area or buffer, where possible, except for limited viewing platforms and crossings;~~

~~11.~~ Crossing, where necessary, shall only occur as near to perpendicular with the water body as possible;

~~12.~~ Road bridges are designed according to Washington Department of Fish and Wildlife Design of Road Culverts for Fish Passage, 2003, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossing, 2000; and

This additional language clarifies the requirements for stream buffer reduction and stream buffer averaging.

General trail standards are now included above.

~~13. Where possible, trails and associated viewing platforms shall not be made of continuous impervious materials. Natural trails with pervious surfaces such as, but not limited to, bark chip are encouraged.~~

13.11.450 Stream Mitigation Requirements.

~~All proposed alterations in the buffer of a stream with riparian habitat shall be in accordance with the standards for the applicable wetland category, where riparian wetland exists. Where riparian habitat does not exist, restoration, enhancement or creation will be required within the standard or modified buffer width.~~

~~All stream mitigation will comply with applicable mitigation requirements specified in 13.11.260 and 13.11.270, including, but not be limited to, mitigation plan requirements, monitoring and bonding.~~

In the event stream corridor alterations or relocations, as specified above, are allowed, the applicant shall submit an alteration or relocation plan prepared in association with a qualified professional with expertise in this area. In addition to the general mitigation plan standards, the plan shall address the following information:

1. Creation of natural meander patterns and gentle side slope formations;
2. Creation of narrow sub channel, where feasible, against the south or west bank;
3. Provisions for the use of native vegetation;
4. Creation, restoration or enhancement of fish spawning and nesting areas;
5. The proposed reuse of the prior stream channel;
6. Provision of a qualified consultant, approved by the City, to supervise work to completion and to provide a written report to the Land Use Administrator stating the new channel complies with the provisions of this chapter; and
7. When streambank stabilization is necessary, bioengineering or soft armoring techniques are required, where possible.

The Washington Department of Fish and Wildlife has authority over all projects in State Waters which impact fish. Construction in State Waters is governed by Chapter 75.20 RCW, Construction Projects in State Waters.

13.11.500 Fish and Wildlife Habitat Conservation Areas (FWHCAs).

The 500 section contains the regulations for fish and wildlife habitat conservation areas (FWHCAs), including the following:

- | | |
|-----------|-------------------------------------|
| 13.11.510 | Classification. |
| 13.11.520 | Standards. |
| 13.11.530 | FWHCA's Shoreline – Marine Buffers. |

- 13.11.540 FWHCA's Marine Buffer Modifications.
- 13.11.550 FWHCA's Mitigation Requirements.
- 13.11.560 FWHCA's Management Areas.
- 13.11.580 Habitat Zones.

13.11.510 Classification.

A. Fish and wildlife habitat conservation areas are areas identified by the Washington Department of Wildlife as being of critical importance to the maintenance of fish and wildlife species. These areas may include other critical areas such as geologically hazardous areas, stream corridors, wetlands, and these critical areas' associative buffers.

1. Fish and Wildlife Habitat Conservation Areas (FWHCAs). Fish and Wildlife habitat areas include:

- a. Lands and waters containing priority habitats and species including Commencement Bay and all waterways.
- b. All public and private tidelands or bedlands suitable for shellfish harvest, including any shellfish protection districts established pursuant to Chapter 90.72 RCW. The Washington Department of Health's classification system shall be used to classify commercial shellfish areas.
- c. Kelp and eelgrass beds and herring, sand lance, and smelt spawning areas. Kelp and eelgrass beds may be classified and identified by the Washington Department of Natural Resources Aquatic Lands Program and the Washington Department of Ecology. Locations are compiled in the WDNR Aquatic Lands Shore Zone Inventory, and the Puget Sound Environmental Atlas, Volumes 1 and 2. Herring, sand lance, and surf smelt spawning times and locations are outlined in RCW 220-110, Hydraulic Code Rules and the Puget Sound Environmental Atlas.
- d. Natural ponds under 20 acres and their submerged aquatic beds that provide critical fish or wildlife habitat.
- e. Waters of the State, which are defined in WAC Title 222, Forest Practices Rules and Regulations. Waters of the State must be classified using the system in WAC 222-16-030. In classifying waters of the state as FWHCAs the following may be considered:
 - (1) Species present which are endangered, threatened, sensitive, or priority;
 - (2) Species present which are sensitive to habitat manipulation;
 - (3) Historic presence of priority species;
 - (4) Existing surrounding land uses that are incompatible with salmonid habitat;
 - (5) Presence and size of riparian ecosystem;
 - (6) Existing water rights; and
 - (7) The intermittent nature of some of the higher classes of Waters of the State.

f. Lakes, ponds, streams and rivers planted with game fish, including those planted under the auspices of a federal, state, local, or tribal program and waters which support priority fish species as identified by the Washington Department of Fish and Wildlife.

13.11.580—Habitat Zones.

~~Habitat Zones. Areas designated and mapped that depict high quality, relatively undisturbed natural open spaces that provide valuable functions and values beyond the individual natural habitats contained within. Habitat Zones are lands mapped in the City of Tacoma for their biological diversity and remaining natural habitats for all flora and fauna native to the local environment, including special consideration for anadromous fish. The map depicting these lands is contained within the Environmental Policy Plan element of the Comprehensive Plan. Any parcel that is fifty percent (50%) or more within a mapped Habitat Zone shall be considered fully contained within the Habitat Zone.~~

13.11.600 Flood Hazard Areas.

The 600 section contains the regulations for flood hazard areas, including the following:

- 13.11.610 Classification.
- 13.11.620 Standards.
- 13.11.630 *Repealed.*

13.11.610 Classification.

Classifications of flood hazard areas shall be consistent with the most recent official map of the Federal Insurance Administration that delineates areas of special flood hazards and includes the risk premium zones applicable to the City or as determined by the FIA. Also known as “flood insurance rate map” or “FIRM.”

Where the flood insurance map and studies do not provide adequate information, the City, through Building and Land Use Services, shall consider and interpret information produced by the Army Corps of Engineers, Natural Resource Conservation Service, Department of Housing and Urban Development, or any other qualified person or agency to determine the location of Flood Hazard Areas and Coastal High Hazard Areas.

13.11.620 Standards.

All development proposals shall comply with Sections 2.12.040 through 2.12.050, Flood Hazard and Coastal High Hazard Areas, and Chapter 12.08 Surface Water Management Manual of the TMC for general and specific flood hazard protection. Development shall not reduce the base flood water storage ability. Construction, grading, or other regulated activities which would reduce the flood water storage ability must be mitigated by creating compensatory

The Habitat Zone map was used to determine the wetland buffer under the Alternative 3 buffer determination method. A modified version of Alternative 1 is now proposed; therefore, this map is no longer needed.

storage on- or off-site. Compensatory storage provided off-site for purposes of mitigating habitat shall comply with all applicable wetland, stream, and fish and wildlife habitat conservation area requirements. Compensatory storage provided off-site for purposes of providing flood water storage capacity shall be of similar elevation in the same floodplain as the development. Compensatory storage is not required in Coastal A and V Zone flood hazard areas or in flood hazard areas with a mapped floodway but containing no functional salmonid habitat on the site. For sites with functional connection to salmonid bearing waters that provide a fish accessible pathway during flooding, compensatory storage areas shall be graded and vegetated to allow fish refugia during flood events and their return to the main channel as floodwater recede without creating flood stranding risks. Base flood data and flood hazard notes shall be shown on the face of any recorded plat or site plan, including, but not limited to, base flood elevations, flood protection elevation, boundary of floodplain, and zero rise floodway.

13.11.630 General Development Standards.

(Deleted by Ord. 27431 § 49; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

The owner of any property upon which new development occurs is required to record a Notice on Title according to Section 13.11.280 if the property contains land with the 100-year floodplain and/or the Riparian Buffer zone, before a permit may be issued.

Development with a flood hazard area that does not otherwise require a building permit, such as material storage or building of small accessory structures, must still obtain review and approval prior to development, and is subject to all applicable regulations including flood, Critical Areas, and Shoreline regulations.

Stormwater and drainage features shall incorporate low impact development techniques that the mimic pre-development hydrologic conditions, when technically feasible.

13.11.900 Definitions.

Words and phrases used in this chapter shall be interpreted as defined below. Where ambiguity exists, words or phrases shall be interpreted so as to give this chapter its most reasonable application in carrying out its regulatory purpose.

13.11.900.A

Aleration. Any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation,

In order to implement the National Marine Fisheries Service's Biological Opinion on the National Flood Insurance Program for FEMA, the City of Tacoma has elected to use a checklist to demonstrate compliance with the performance standards of the Biological Opinion. The new language in Sections 13.11.620 and 13.11.630 clarifies review and permitting requirements designed to protect fish habitat.

or any other activity that changes the character of the critical area.

13.11.900.B

Buffer or Buffer zone. An area required by this chapter that is contiguous to and protects a critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area. The area may be surrounding a natural, restored, or newly created critical area.

13.11.900.C

Cumulative Impacts or Effects. The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with the effects of other action in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, hat should be the focus of cumulative impact an analysis and changes to policies and permitting decisions.

13.11.900.H

Habitat. The specific area or environment in which a particular type of animal lives. An ecological or environmental area that is inhabited by particular species of animal, plant or other type of organism. It is the natural environment in which an organism lives, or the physical environment that surrounds, influences, and is utilized by a species or population.

~~Habitat Zones. Areas designated and mapped that depict high quality, relatively undisturbed critical areas and natural open spaces that provide valuable functions and values beyond the individual natural habitats contained within. Habitat Zones are lands mapped in the City of Tacoma for their biological diversity and remaining natural habitats for all flora and fauna native to the local environment, including the special consideration for anadromous fish. The map depicting these lands is contained within the Environmental Policy Plan element of the Comprehensive Plan. Any parcel that is fifty percent (50%) or more within a mapped Habitat Zone shall be considered fully contained within the Habitat Zone.~~

13.11.900.I

In Lieu Fee Program. An agreement between a regulatory agency (state, federal, or local) and a single sponsor, generally a public agency or non-profit organization. Under an in lieu

fee agreement, the mitigation sponsor collects funds from an individual or a number of individuals who are required to conduct compensatory mitigation required under a wetland regulatory program. The sponsor may use the funds pooled from multiple permittees to create one or a number of sites under the authority of the agreement to satisfy the permittees' required mitigation.

Infiltration. The downward entry of water into the immediate surface of the soil.

13.11.900.M

Mature Forested Wetland. A wetland where at least one acre of the wetland surface is covered by woody vegetation greater than 20 feet in height with a crown cover of at least 30 percent and where at least 8 trees/acre are 80-200 years old or have average diameters (dbh) exceeding 21 inches (53 centimeters) measured from the uphill side of the tree trunk at 4.5 feet up from the ground.

13.11.900.N

Native vegetation. Vegetation comprised of plant species which are indigenous to the area in question, and were not introduced by human activities.

Nonwetlands. Uplands and lowland areas that are neither deepwater aquatic habitats, wetlands, nor other special aquatic sites. They are seldom or never inundated, or if frequently inundated, they have saturated soils for only brief periods during the growing season, and if vegetated, they normally support a prevalence of vegetation typically adapted for life only in aerobic soil conditions.

13.11.900. P

Programmatic Restoration Project. Projects where restoration with applicable public access are the primary functions and goals of the project. Advanced mitigation may be proposed and tracked for future development elements that are submitted during the 20-year timeline available through a 5-year extension process. Programmatic restoration projects will provide support and incentives to preserve City Open Space and park areas, recreation areas and trails. These projects will provide partnerships that enhance recreation opportunities. Programmatic restorations projects will allow implementation of new programs/ and activities, and maintenance of native vegetation within critical areas and buffers.

13.11.900.S

Streams. Lands and waters contained within a channel which support hydrophytes and where the substrate is predominantly undrained hydric soils, nonsoil and/or is saturated with water or covered by water each growing season. An area where open surface water produces a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff structures or other entirely artificial watercourses, unless they are used by fish or are used to convey a naturally occurring watercourse. A channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall.

13.11.900.W

“Waters of the State”. Lakes, rivers, ponds, streams, inland water, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Wetland Mosaic. An area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other and areas delineated as vegetated wetland are more than 50% of the total area of the entire mosaic, including uplands and open water.



2012 CRITICAL AREAS PRESERVATION AMENDMENT

Amendments to the Land Use Regulatory Code – Chapter 13.05

*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

Chapter 13.05

LAND USE PERMIT PROCEDURES

Sections:

13.05.005	Definitions.
13.05.010	Application requirements for land use permits.
13.05.020	Notice process.
13.05.030	Land Use Administrator – Creation and purpose – Appointment – Authority.
13.05.040	Decision of the Land Use Administrator.
13.05.050	Appeals of administrative decisions.
13.05.060	Applications considered by the Hearing Examiner.
13.05.070	Expiration of permits.
13.05.080	Modification/revision to permits.
13.05.090	Land Use Administrator approval authority.
13.05.095	Development Regulation Agreements.
13.05.100	Enforcement.
13.05.105	<i>Repealed.</i>
13.05.110	<i>Repealed.</i>

13.05.010 Application requirements for land use permits.

C. Application Requirements.

1. Predevelopment Conference. A predevelopment conference may be scheduled at the request of the Department or the applicant. The predevelopment conference is intended to define the project scope and identify regulatory requirements of Title 13, prior to preparing a land use proposal.

2. Pre-Application Meeting. The pre-application meeting is a meeting between Department staff and a potential applicant for a land use permit to discuss the application submittal requirements and pertinent fees. A pre-application meeting is required prior to submittal of an application for rezoning, platting, height variances, conditional use permit, shoreline management substantial development (including conditional use, variance, and revision), wetland/stream/Fish and Wildlife Habitat Conservation Area (FWHCA) development permits, wetland/stream/FWHCA assessments minor development permits, and ~~wetland delineation~~ wetland/stream/FWHCA verifications. This requirement may be waived by the Department. The pre-application meeting is optional for other permits.

13.05.020 Notice process.

A. Purpose. The purpose of this section is to provide notice requirements for land use applications.

B. Process I – Minor Land Use Decisions.

1. A notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.010.E. Examples of minor land use decisions are waivers, ~~and~~ variances, wetland/stream/FWHCA Verifications, and- wetland/stream/FWHCA Minor Development Permits,

C. Process II – Administrative Decisions Requiring an Environmental Determination and Height Variances, Shoreline Permits, Conditional Use, Special Development Permits, Wetland/Stream/Fish & Wildlife Habitat Conservation Area (FWHCA) Development Permits Wetland/Stream/FWHCA Assessments, and Wetland Delineation Verifications.

1. A notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.010.E.

2. Notice of application shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils in the vicinity where the proposal is located; qualified neighborhood or community organizations consistent with the requirements set forth for Process I land use permits; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); the Puyallup Indian Tribe for “substantial action” as defined in the “Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.020.G. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to all owners of property and/or taxpayers of record within the entire PRD District and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.020.G from the boundary of the PRD District.

3. Parties receiving notice of application shall be given 30 days, with the exception of five to nine lot preliminary plats which shall be given 20 days, ~~and Wetland/Stream Assessments which shall be given 14 days~~ from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department, unless a Public Meeting is held, as provided by Section 13.05.020.F. The notice shall indicate that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 30 days of the mailing of such notice, or who requests receipt of a copy of the decision.

4. A public information sign (or signs), provided by the Department for applications noted in Table G (Section 13.05.020.G), indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and where additional information can be obtained.

5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection G of this section.

G. Notice and Comment Period for Specified Permit Applications. Table G specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

Table G – Notice, Comment and Expiration for Land Use Permits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation/determination of code	Recommended	100 feet for site specific	For general application	Yes	14 days	LUA	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	LUA	No	No	None
Boundary line adjustment	Required	No	No	No	No	LUA	No	No	5 years***
Binding site plan	Required	No	No	No	No	LUA	No	No	5 years***
Environmental SEPA DNS/EIS	Optional	Same as case type	Yes if no hearing required	Yes for EIS	Same as case type	Dept. Director	No	No	None
Variance , height of main structure	Required	400 feet	No	Yes	30 days	LUA	No*	No	5 years
Open space classification	Required	400 feet	No	Yes	**	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	400 feet	Yes	Yes	21 days SEPA**	Hearing Examiner	Yes	Final Plat	5 years***
Plats 5-9 lots	Required	400 feet	Yes	Yes	20 days	LUA	No*	Final Plat	5 years***
Rezones	Required	400 feet	No	Yes	21 days SEPA**	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance	Required	400 feet	No	Yes	30 days*** **	LUA	No*	No	2 years/ maximum 6
Short plat	Required	No	No	No	No	LUA	No	No	5 years***
Site approval	Optional	400 feet	No	Yes	30 days*** **	LUA	No*	No	5 years
Conditional use	Required	400 feet	No	Yes	30 days*** **	LUA	No*	No	5 years****
Variance	Optional	100 feet	No	Yes	14 days	LUA	No*	No	5 years
Waiver	Optional	100 feet	No	Yes	14 days	LUA	No*	No	Condition of permit
Wetland/Stream/ FWHCA development permits	Required	400 feet	No	Yes	30 days	LUA	No*	No	5 years <u>with 5 year renewal option to maximum of 20 years total</u>
Wetland/stream/ FWHCA assessment Wetland/Stream/ FWHCA <u>Minor Development Permits</u>	Required	400 100 feet	No	Yes	14 days	LUA	No*	No	5 years <u>with 5 year renewal option to a maximum of 20 years total.</u>
Wetland/Stream/ FWHCA delineation verification	Required	400 100 feet	No	Yes	14 30 days	LUA	No*	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

- * When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).
- ** Comment on land use permit proposal allowed from date of notice to hearing.
- *** Must be recorded with the Pierce County Auditor within five years.
- **** Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Land Use Administrator's decision.
- ***** If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.

13.05.030 Land Use Administrator – Creation and purpose – Appointment – Authority.

C. Authority. The Land Use Administrator shall have the authority to act upon the following matters:

1. Interpretation, enforcement, and administration of the City’s land use regulatory codes as prescribed in this title;
2. Applications for conditional use permits;
3. Applications for site plan approvals;
4. Applications for variances;
5. Applications for waivers;
6. Applications for preliminary and final plats as outlined in Chapter 13.04, Platting;
7. Applications for Wetland/Stream/FWHCA Development Permits, ~~Wetland Delineation~~ ~~Wetland/Stream/FWHCA Verifications~~, and Wetland/Stream/FWHCA Minor Development Permits ~~Wetland/Stream/FWHCA Assessments~~ as outlined in Chapter 13.11;
8. Applications for Shoreline Management Substantial Development Permits/conditional use/ variances as outlined in Chapter 13.10;
9. Modifications or revisions to any of the above approvals;
10. Approval of landscape plans;
11. Extension of time limitations;
12. Application for permitted use classification for those uses not specifically classified.
13. Boundary line adjustments, binding site plans, and short plats;
14. Approval of building or development permits requiring Land Use Code and Environmental Code compliance.

13.05.040 Decision of the Land Use Administrator.

B. Conditioning Land Use Approvals. When acting on any land use matter, the Land Use Administrator may attach any reasonable conditions found necessary to make the project compatible with its environment, to carry out the goals and policies of the City’s Comprehensive Plan, including its Shoreline Master Program, or to provide compliance with applicable criteria or standards set forth in the City’s Land Use Regulatory Codes. Such conditions may include, but are not limited to:

1. The exact location and nature of the development, including additional building and parking area setbacks, screening in the form of landscape berms, landscaping or fencing;
2. Mitigating measures, identified in applicable environmental documents, which are reasonably capable of being accomplished by the project’s sponsor, and which are intended to eliminate or lessen the environmental impact of the development;
3. Provisions for low- and moderate-income housing as authorized by state statute;
4. Hours of use or operation, or type and intensity of activities;
5. Sequence in scheduling of development;
6. Maintenance of the development;

7. Duration of use and subsequent removal of structures;
8. Dedication of land or granting of easements for public utilities and other public purposes;
9. Construction of, or other provisions for, public facilities and utilities. In regard to the conditions requiring the dedication of land or granting of easements for public use and the actual construction of or other provisions for public facilities and utilities, the Land Use Administrator shall find that the problem to be remedied by the condition arises, in whole or significant part, from the development under consideration, the condition is reasonable, and is for a legitimate public purpose.
10. Wetland/stream/~~FWHCA~~ development permits, wetland/stream/~~FWHCA~~ minor development permits, wetland/stream assessments, and wetland delineation, and wetland/stream/~~FWHCA~~ verifications shall be subject to TMC Chapter 13.11.

Refer to Section 13.05.100 and TMC Chapter 13.11 for procedures to enforce permit decisions and conditions.

13.05.070 Expiration of permits.

(Refer to Table G in Section 13.05.020).

A. Expiration Schedule. The following schedule indicates the expiration provisions for land use permits within the City of Tacoma.

	Type of Permit	Maximum Duration
1.	Conditional Use Permit	5 years
2.	Variance	5 years
3.	Site Approval	5 years
4.	Waiver	5 years
5.	Wetland/Stream/FWHCA Development Permits and Wetland/Stream/FWHCA Minor Development Permits and Wetland/Stream/FWHCA Assessments	5 years <u>with 5 year renewal option to a maximum of 20 years.</u>
6.	Wetland Delineation Verifications	5 years
7.	Preliminary Plats, Binding Site Plans, Short Plats, Boundary Line Adjustments	5 years to record with Pierce County Auditor
8.	Shoreline Permits	2 years to commence construction; 5 years maximum, possible one-year extension

Conditional use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Land Use Administrator's decision.

The Hearing Examiner or Land Use Administrator may, when issuing a decision, require a shorter expiration period than that indicated in subsection A of this section. However, in limiting the term of a permit, the Hearing Examiner or Land Use Administrator shall find that the nature of the specific development is such that the normal expiration period is unreasonable or would adversely affect the health, safety, or general welfare of people working or residing in the area of the proposal. The Land Use Administrator may adopt appropriate time limits as a part of action on shoreline permits, in accordance with WAC 173-27-090.

C. When Permit Expired. A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired, with the exception of projects that qualify for a programmatic restoration project extension. Programmatic restoration

projects shall be allowed to be renewed every five (5) years for a maximum total of 20 years to allow implementation of long-term habitat recovery that may be utilized as advanced mitigation for future impacts associated with public access and enjoyment.

In order to renew every-5 years, the applicant is required to submit a status report explaining the progress of a minor development permit or development permit and shall identify the remaining items requiring additional permitting, including building permits. The applicant shall provide copies of any monitoring reports that were required as part of the permit conditions. The renewal application shall be submitted prior to the termination of the five year limit with the appropriate renewal fees.