



**EXHIBIT “G”**  
**2014 ANNUAL AMENDMENT**

**Amendments to the Tacoma Municipal Code**

These amendments show all of the changes to the *existing* text of the Tacoma Municipal Code. 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 13.12**  
**ENVIRONMENTAL CODE**

Sections:

- 13.12.004 *Repealed.*
- 13.12.010 *Repealed.*
- 13.12.020 *Repealed.*
- 13.12.025 *Repealed.*
- 13.12.045 *Repealed.*
- 13.12.055 *Repealed.*

**Part One – Purpose and Authority**

- 13.12.100 Purpose of this part and adoption by reference.
- 13.12.120 Authority.
- 13.12.130 Purpose, applicability, and intent.
- 13.12.140 Environmental policy.
- 13.12.150 Severability.

**Part Two – General Requirements**

- 13.12.200 Purpose of this part and adoption by reference.
- 13.12.210 Lead agency – Responsibilities.
- 13.12.220 Designation of responsible official.
- 13.12.230 Designation and responsibility of the City’s SEPA public information center (SEPA PIC).
- 13.12.240 Timing of the SEPA process.

**Part Three – Categorical Exemptions**

- 13.12.300 Purpose of this part and adoption by reference.
- 13.12.305 *Repealed.*
- 13.12.310 Flexible thresholds for categorical exemptions.
- 13.12.315 *Repealed.*
- 13.12.320 Emergencies.
- 13.12.340 *Repealed.*
- 13.12.350 *Repealed.*
- 13.12.355 *Repealed.*

**Part Four – Categorical Exemptions And Threshold Determination**

- 13.12.400 Purpose of this part and adoption by reference.
- 13.12.408 *Repealed.*
- 13.12.410 Categorical exemptions.
- 13.12.420 Environmental checklist.
- 13.12.430 Determination of non-significance (DNS).
- 13.12.440 Mitigated DNS.
- 13.12.450 Optional DNS process.
- 13.12.460 *Repealed.*

**Part Five – Environmental Impact Statement (EIS)**

- 13.12.500 Purpose of this part and adoption by reference.
- 13.12.510 Scoping.
- 13.12.520 Expanded scoping (optional).
- 13.12.530 EIS preparation.
- 13.12.540 Issuance of final environmental impact statement (FEIS).
- 13.12.550 SEPA Planned Action EIS.
- 13.12.560 Optional Plan Elements and Development Regulations.
- 13.12.570 Archaeological, Cultural, and Historic Resources.
- 13.12.580 Traffic Impact Assessment.

**Part Six – Commenting**

- 13.12.600 Purpose of this part and adoption by reference.
- 13.12.610 Public notice.
- 13.12.620 Responding to SEPA Requests for Comment from Other Lead Agencies.
- 13.12.660 *Repealed.*
- 13.12.680 *Repealed.*
- 13.12.685 *Repealed.*

**Part Seven – Using Existing Environmental Documents**

- 13.12.700 Purpose of this part and adoption by reference.

**Part Eight – SEPA and Agency Decisions**

- 13.12.800 Purpose of this part and adoption by reference.
- 13.12.801 *Repealed.*
- 13.12.810 Substantive authority and mitigation.
- 13.12.820 Appeals of SEPA threshold determination and adequacy of final environmental impact statement.
- 13.12.880 *Repealed.*

**Part Nine – Definitions**

- 13.12.900 Purpose of this part and adoption by reference.
- 13.12.905 *Repealed.*
- 13.12.908 *Repealed.*
- 13.12.910 Additional definitions.
- 13.12.911 *Repealed.*
- 13.12.914 *Repealed.*

**Part Ten – Agency Compliance**

- 13.12.920 Purpose of this part and adoption by reference.
- 13.12.923 *Repealed.*
- 13.12.930 Critical areas.

**Part Eleven – Forms**

- 13.12.940 Purpose of this part and adoption by reference.
- 13.12.950 *Repealed.*

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**13.12.820 Appeals of SEPA threshold determination and adequacy of final environmental impact statement.**

A. All appeals under this chapter shall be conducted in accordance with RCW 43.21C.075 concerning appeals of Environmental Determinations. Except in the following cases, appeals on Environmental Determinations shall be heard at the same time as appeals on the underlying governmental action:

1. An appeal of a determination of significance;

- 2. An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under this chapter, including any appeals of its procedural determinations, prior to submitting an application for a project permit;
- 3. An appeal of a procedural determination made by an agency on a nonproject action; or
- 4. An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.

B. Appeal to the Hearing Examiner.

1. Initiating an Appeal

a. Threshold determination or adequacy of a final environmental impact statement for a proposed land use action shall be appealable to the Hearing Examiner. All other appeals under this chapter, other than appeals of environmental reviews associated with Shoreline Substantial Development Permits, shall be made as set forth in 13.12.820.B, below.

b. Appeal Procedure/Fee. A notice of appeal, together with a filing fee as set forth in Section 2.09 of the Tacoma Municipal Code, shall be filed with Planning and Development Services. Planning and Development Services shall process the appeal in accordance with Chapter 13.05 of this title.

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5. The Examiner’s decision for an appeal shall be made in accordance with Chapter 1.23 of the Tacoma Municipal Code.

C. Appeals of non-land use, shoreline, and other actions.

1. Appeals for environmental determinations which are not related to land use actions (i.e., permits issued pursuant to TMC 13.05), including building permits, shall be made to Superior Court.

a. The SEPA appeal period commences upon issuance of the underlying permit, not with the issuance of the SEPA determination.

b. Appeals shall be made to Superior Court within 21 days of the action.

2. Appeals of non-project actions (e.g., decisions made in the course of planning under the Growth Management Act/GMA or the Shoreline Management Act/SMA) shall be appealable to the Growth Management Hearings Board.

a. Appeals of GMA actions shall be made within 60 days of the City’s publication of the adopting ordinance;

b. Appeals of SMA actions shall be made within 60 days of the City’s publication of the Department of Ecology’s approval of the adopted document.

3. Appeals of SEPA associated with Shoreline Substantial Development Permits shall be made to the Shoreline Hearings Board in accordance with the Tacoma Shoreline Master Program Section 2.7.

4. Appeals of other actions shall be processed in accordance with the appeal provisions of the underlying action.

D. Notice of Action

Pursuant to RCW 43.21C.080, notice of any action taken by a governmental agency may be publicized by the applicant for, or proponent of, such action in the form as provided by Planning and Development Services and WAC 197-11-990.

The publication establishes a time period wherein any action to set aside, enjoin, review, or otherwise challenge any such governmental action on grounds of noncompliance with the provisions of SEPA must be commenced, or be barred. Any subsequent action of the City for which the regulations of the City permit use of the same detailed statement to be utilized and as long as there is not substantial change in the project between the time of the action and any such subsequent action, shall not be set aside, enjoined, reviewed, or thereafter challenged on grounds of noncompliance with RCW 43.21C.030(2)(c).

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