



Legislation Passed November 17, 2020

The Tacoma City Council, at its regular City Council meeting of November 17, 2020, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 40686

A resolution setting Monday, December 14, 2020, at 5:00 p.m., as the date for a hearing by the Hearing Examiner to consider Local Improvement District No. 8667, for placement of permanent street pavement with a structural section, concrete curbs, gutters, surface water mains, and catch basins at the following locations: Ruby Street from Baltimore Street to Shirley Street and Mullen Street from North 46th Street to North 47th Street.

[Ralph Rodriguez, LID Administrator; Kurtis D. Kingsolver, P.E., Director, Public Works; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 40687

A resolution setting Monday, December 14, 2020, at 5:00 p.m., as the date for a hearing by the Hearing Examiner to consider Local Improvement District No. 8669, for placement of permanent street pavement with a structural section, concrete curbs, gutters, sidewalks, surface water mains, and catch basins, at Fir Street from North 13th Street to North 15th Street.

[Ralph Rodriguez, LID Administrator; Kurtis D. Kingsolver, P.E., Director, Public Works; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 40688

A resolution setting Monday, December 14, 2020, at 5:00 p.m., as the date for a hearing by the Hearing Examiner to consider Local Improvement District No. 8670, for placement of permanent street pavement with a structural section, concrete curbs, gutters, surface water mains, and catch basins, at Ferry Street from South 12th Street to South 14th Street.

[Ralph Rodriguez, LID Administrator; Kurtis D. Kingsolver, P.E., Director, Public Works; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 40689

A resolution stating a finding of substantial need, and authorizing an increase to the 2021 Ad Valorem property tax revenue collection for the General Fund property tax levy and Emergency Medical Services levy to 1 percent, as the implicit price deflator is less than 1 percent.

[Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

Ordinance No. 28700

An ordinance authorizing the reissuance of Tacoma Municipal Belt Line 8807 series freight switching tariff, effective January 1, 2021, and a tariff supplement, effective January 1, 2022.

[Dan McCabe, Rail Chief Information and Financial Officer; Dale King, Rail Superintendent]

Amended Ordinance No. 28701

An ordinance amending Title 2 of the Municipal Code, relating to Buildings, to change the name to “Building and Development Codes,” to streamline administration for fees and to update language for expanded use, increased flexibility, and other assistance in strategic permit services advancements, and by adding a new Chapter 2.22, entitled “Right-of-Way Development Code,” to provide guidance for permitting construction and maintenance activities with the City right-of-way and other administrative provisions.

[Corey Newton, P.E., Site and Building Manager; Peter Huffman, Director, Planning and Development Services]



RESOLUTION NO. 40686

1 A RESOLUTION relating to public works and improvements; setting the date of
2 Monday, December 14, 2020, at 5:00 p.m., as the date for a hearing by the
3 Hearing Examiner to consider the construction of certain improvements
4 and to form Local Improvement District No. 8667 in order to provide
5 long-term financing for the improvements.

6 WHEREAS the City received Advisory Survey No. 8556-B and Advisory
7 Survey No. 8558-B and received the consent of a majority of property owners for
8 establishing a grade and placing thereon a permanent street pavement with a
9 structural section, together with the installation of concrete curbs, gutters, surface
10 water mains, and surface water catch basins, where needed, on:

- 11 • Ruby Street, from Baltimore Street to Shirley Street; and
- 12 • Mullen Street, from North 46th Street to North 47th Street, and

13 WHEREAS such improvements may include driveway entrances;
14 wastewater lateral connections from the wastewater main to the property line; the
15 removal and planting of trees; and all other work necessary to complete the
16 improvement in full accordance with the plans and specifications to be prepared
17 by the City Engineer, and

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19 WHEREAS the real property to be benefited by the improvements which
20 will constitute Local Improvement District No. 8667 is described as follows:

21 Ruby Street from Baltimore Street to Shirley Street

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23 Those portions of the Northeast Quarter of the Southeast
24 Quarter of Section 23, Township 21 North, Range 02 East,
25 W.M., described as follows:
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Lots 1 through 20, Block 11 and Lots 1 through 20, Block 12, **Outlook 2nd Addition to Tacoma, Washington**, according to the plat thereof recorded in Volume 10, Page 120, filed May 24, 1918, records of Pierce County Auditor.

And together with Parcels 'A' and 'B', City of Tacoma Boundary Line Adjustment recorded under Recording Number 9704300215, records of Pierce County Auditor.

All situate in the City of Tacoma, County of Pierce, State of Washington.

Mullen Street from North 46th Street to North 47th Street

Those portions of the Northwest Quarter of the Southwest Quarter of Section 24, Township 21 North, Range 02 East, W.M., described as follows:

Lots 12 through 16, Block 9 and Lots 1 through 8, Block 10, **West Tacoma, W.T.**, according to the plat recorded in Volume 1, Page 24, filed September 13, 1871, records of Pierce County Auditor;

And together with Parcels 'A' and 'B', City of Tacoma Boundary Line Adjustment, recorded under Recording Number 9504240077, records of Pierce County Auditor.

All situate in the City of Tacoma, County of Pierce, State of Washington;

and

WHEREAS the estimated cost of the improvements described above is 1,070,568.00, except the sum of \$724,939.25, with the balance assessed against property benefitted by the improvements, and

WHEREAS the actual assessments may vary from assessment estimates so long as the assessments do not exceed a figure equal to the increased true and fair value the improvements adds to the property, and



1 WHEREAS, at the option of the property owners, the assessments levied
2 against the property shall become due and payable in cash, without interest,
3 within 30 days after publication of notice of assessment, or in 20 equal annual
4 installments with interest on deferred payments at a rate to be hereafter fixed,
5 but in no event greater than one-half percent above the rate of interest fixed
6 upon sale of bonds for the district, and

7 WHEREAS, pursuant to RCW 35.43.125, a public hearing shall be held
8 on the creation of a proposed L.I.D. that is initiated by Advisory Survey
9 No. 8556-B and Advisory Survey No. 8558-B; Now, Therefore,
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11 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

12 Section 1. That Monday, December 14, 2020, at 5:00 p.m., is hereby
13 fixed as the date and time, and the Council Chambers on the first floor in the
14 Tacoma Municipal Building, at 747 Market Street, or alternatively, a call-in
15 option will be provided until the end of the COVID-19 emergency, as the place
16 when and where said request will be heard by the Hearing Examiner of the City
17 of Tacoma, and that all persons who may desire to object to the formation of
18 Local Improvement District No. 8667 shall do so in writing and file such
19 remonstrance with the City Clerk before 5:00 p.m. on Monday, December 14,
20 2020, or shall appear and present their objections at the hearing, before the
21 Hearing Examiner of the City of Tacoma and that his recommendations
22 thereafter transmitted to the Council of the City of Tacoma.
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24 Section 2. That the Department of Public Works shall submit to the
25 Hearing Examiner, at a date prior to Monday, December 14, 2020, the estimated
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cost of the improvements; a statement of the proportionate amount thereof,
which should be borne by the property within the proposed Local Improvement
District; a statement of the aggregate actual value of the real estate, including
25 percent of the actual value of the improvements thereon within the district,
according to the valuation last placed upon it for the purpose of general taxation;
a statement in detail of the local improvement assessments outstanding and
unpaid against the property within the district, together with a diagram or print
showing the lots, tracts, and parcels of land that will be specially benefited by the
improvement; and the estimated amount of the cost and expense of the
improvements to be borne by each parcel of property.

Section 3. That the City Clerk shall publish this resolution in the official
newspaper of the City of Tacoma, as required by law.

Section 4. That the Department of Public Works shall give proper notice of
the hearing, as required by law.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department



RESOLUTION NO. 40687

1 A RESOLUTION relating to public works and improvements; setting the date of
2 Monday, December 14, 2020, at 5:00 p.m., as the date for a hearing by
3 the Hearing Examiner to consider the construction of certain
4 improvements and to form Local Improvement District No. 8669 in order
5 to provide long-term financing for the improvements.

6 WHEREAS the City received Advisory Survey No. 8601-A and received the
7 consent of a majority of property owners for establishing a grade and placing
8 thereon a permanent street pavement with a structural section, together with the
9 installation of concrete curbs, gutters, sidewalks, surface water mains, and
10 surface water catch basins, where needed, on:

- 11 • Fir Street from North 13th Street to North 15th Street, and

12 WHEREAS such improvements may include driveway entrances;
13 wastewater lateral connections from the wastewater main to the property line; the
14 removal and planting of trees; and all other work necessary to complete the
15 improvement in full accordance with the plans and specifications to be prepared
16 by the City Engineer, and

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18 WHEREAS the real property to be benefited by the improvements which
19 will constitute Local Improvement District No. 8669 is described as follows:

20 Fir Street from North 13th Street to North 15th Street

21 Those portions of the Northeast Quarter of the Southwest
22 Quarter, in Section 34, Township 21 North, Range 02 East,
23 W.M. described as follows:

24 Platted Property:

25 Lots 11 through 20, Block 4, **Narrows Bridge Addition to**
26 **Tacoma, Washington** according to the plat thereof



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recorded in Volume 12, Page 41, filed October 3, 1941,
records of Pierce County Auditor;

Lots 1 through 4, **Haddow's Narrows Addition** according
to the plat thereof recorded in Volume 39, Pages 55 & 56,
filed February 10, 1970, records of Pierce County Auditor;

All situate in the City of Tacoma, County of Pierce, State of
Washington.

Unplatted Property:

Beginning at the Northeast Corner of the Southwest
Quarter of the Northeast Quarter of the Southwest Quarter
of Section 34, Township 21 North, Range 02 East, W.M.,
with said Northeast Corner being 1.88 feet North of the
monument at the centerline of North 15th & Fir Streets in
Narrows Bridge Addition to Tacoma, Washington
according to the plat thereof recorded in Volume 12,
Page 41, filed October 3, 1941, records of Pierce County
Auditor; thence on the North line of said subdivision
West 165 feet, thence parallel with the East line of said
subdivision South 375.5 feet more or less to the North line
of Lot 1 of **Haddow's Narrows Addition**, according to the
plat thereof recorded in Volume 39, Pages 55 & 56, filed
February 10, 1970, records of Pierce County Auditor; ,
thence east along said North line and extension thereof
165 feet, thence North 375.5 feet more or less to the Point
of Beginning;
Except the East 30 feet for Fir Street per deed to City of
Tacoma recorded under recording number 1525378,
records of Pierce County Auditor.

All situate in the City of Tacoma, County of Pierce, State of
Washington;

and

WHEREAS the estimated cost of the improvements described above is
\$685,798.05, except the sum of \$441,495.65, with the balance assessed against
property benefitted by the improvements, and



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WHEREAS the actual assessments may vary from assessment estimates so long as the assessments do not exceed a figure equal to the increased true and fair value the improvements adds to the property, and

WHEREAS, at the option of the property owners, the assessments levied against the property shall become due and payable in cash, without interest, within 30 days after publication of notice of assessment, or in 20 equal annual installments with interest on deferred payments at a rate to be hereafter fixed, but in no event greater than one-half percent above the rate of interest fixed upon sale of bonds for the district, and

WHEREAS, pursuant to RCW 35.43.125, a public hearing shall be held on the creation of a proposed L.I.D. that is initiated by Advisory Survey No. 8601-A; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Monday, December 14, 2020, at 5:00 p.m., is hereby fixed as the date and time, and the Council Chambers on the first floor in the Tacoma Municipal Building, at 747 Market Street, or alternatively, a call-in option will be provided until the end of the COVID-19 emergency, as the place when and where said request will be heard by the Hearing Examiner of the City of Tacoma, and that all persons who may desire to object to the formation of Local Improvement District No. 8669 shall do so in writing and file such remonstrance with the City Clerk before 5:00 p.m. on December 14, 2020, or shall appear and present their objections at the hearing, before the Hearing



1 Examiner of the City of Tacoma and that his recommendations thereafter
2 transmitted to the Council of the City of Tacoma.

3 Section 2. That the Department of Public Works shall submit to the
4 Hearing Examiner, at a date prior to Monday, December 14, 2020, the estimated
5 cost of the improvements; a statement of the proportionate amount thereof,
6 which should be borne by the property within the proposed Local Improvement
7 District; a statement of the aggregate actual value of the real estate, including
8 25 percent of the actual value of the improvements thereon within the district,
9 according to the valuation last placed upon it for the purpose of general taxation;
10 a statement in detail of the local improvement assessments outstanding and
11 unpaid against the property within the district, together with a diagram or print
12 showing the lots, tracts, and parcels of land that will be specially benefited by
13 the improvement; and the estimated amount of the cost and expense of the
14 improvements to be borne by each parcel of property.
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17 Section 3. That the City Clerk shall publish this resolution in the official
18 newspaper of the City of Tacoma, as required by law.
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Section 4. That the Department of Public Works shall give proper notice of the hearing, as required by law.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Property description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department



RESOLUTION NO. 40688

1 A RESOLUTION relating to public works and improvements; setting the date of
 2 Monday, December 14, 2020, at 5:00 p.m., as the date for a hearing by the
 3 Hearing Examiner to consider the construction of certain improvements and
 4 to form Local Improvement District No. 8670 in order to provide long-term
 5 financing for the improvements.

6 WHEREAS the City received Advisory Survey No. 8565-A and received the
 7 consent of a majority of property owners for establishing a grade and placing
 8 thereon a permanent street pavement with a structural section, together with the
 9 installation of concrete curbs, gutters, surface water mains, and surface water
 10 catch basins, where needed, on:

- Ferry Street from South 12th Street to South 14th Street, and

11 WHEREAS such improvements may include driveway entrances;
 12 wastewater lateral connections from the wastewater main to the property line; the
 13 removal and planting of trees; and all other work necessary to complete the
 14 improvement in full accordance with the plans and specifications to be prepared
 15 by the City Engineer, and

16 WHEREAS the real property to be benefited by the improvements which
 17 will constitute Local Improvement District No. 8670 is described as follows:

18 Ferry Street from South 12th Street to South 14th Street

19 Those portions of the Northeast Quarter of the Southeast
 20 Quarter of Section 06, Township 20 North, Range 03 East,
 21 W.M., described as follows:

22 Lots 1 through 13, Block 2, Lots 1 through 18, Block 3,
 23 Lots 1 through 4, and the East 15 feet of Lot 5, Block 7, all
 24 in **J.S. Howell & Sons 3rd Addition to Tacoma,**
 25 **Washington,**
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according to the plat thereof recorded in Volume 7,
Page 11, filed September 9, 1892, records of Pierce County
Auditor.

And together with the North 100 feet of the West 115 feet,
the South 10 feet of the North 110 feet of the West 115 feet
and the West 50 feet of the South 121 feet, all of "**Howell
Place**" as the same is shown on **J.S. Howell & Sons 3rd
Addition to Tacoma, Washington**, according to the plat
thereof recorded in Volume 7, Page 11, filed September 9,
1892, records of Pierce County Auditor.

All situate in the City of Tacoma, County of Pierce, State of
Washington;

and

WHEREAS the estimated cost of the improvements described above is
\$492,691.50, except the sum of \$301,961.00, with the balance assessed against
property benefitted by the improvements, and

WHEREAS the actual assessments may vary from assessment estimates
so long as the assessments do not exceed a figure equal to the increased true
and fair value the improvements adds to the property, and

WHEREAS, at the option of the property owners, the assessments levied
against the property shall become due and payable in cash, without interest,
within 30 days after publication of notice of assessment, or in 20 equal annual
installments with interest on deferred payments at a rate to be hereafter fixed, but
in no event greater than one-half percent above the rate of interest fixed upon
sale of bonds for the district, and



WHEREAS, pursuant to RCW 35.43.125, a public hearing shall be held on
1 the creation of a proposed L.I.D. that is initiated by Advisory Survey No. 8565-A;

2 Now, Therefore,

3 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

4
5 Section 1. That Monday, December 14, 2020, at 5:00 p.m., is hereby fixed
6 as the date and time, and the Council Chambers on the first floor in the Tacoma
7 Municipal Building, at 747 Market Street, or alternatively, a call-in option will be
8 provided until the end of the COVID-19 emergency, as the place when and where
9 said request will be heard by the Hearing Examiner of the City of Tacoma, and
10 that all persons who may desire to object to the formation of Local Improvement
11 District No. 8670 shall do so in writing and file such remonstrance with the City
12 Clerk before 5:00 p.m. on Monday, December 14, 2020, or shall appear and
13 present their objections at the hearing, before the Hearing Examiner of the City of
14 Tacoma and that his recommendations thereafter transmitted to the Council of the
15 City of Tacoma.
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18 Section 2. That the Department of Public Works shall submit to the
19 Hearing Examiner, at a date prior to Monday, December 14, 2020, the estimated
20 cost of the improvements; a statement of the proportionate amount thereof, which
21 should be borne by the property within the proposed Local Improvement District; a
22 statement of the aggregate actual value of the real estate, including 25 percent of
23 the actual value of the improvements thereon within the district, according to the
24 valuation last placed upon it for the purpose of general taxation; a statement in
25 detail of the local improvement assessments outstanding and unpaid against the
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property within the district, together with a diagram or print showing the lots, tracts, and parcels of land that will be specially benefited by the improvement; and the estimated amount of the cost and expense of the improvements to be borne by each parcel of property.

Section 3. That the City Clerk shall publish this resolution in the official newspaper of the City of Tacoma, as required by law.

Section 4. That the Department of Public Works shall give proper notice of the hearing, as required by law.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Property description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department



RESOLUTION NO. 40689

1 A RESOLUTION relating to property tax levies; stating a finding of substantial need;
2 and authorizing the City to increase the 2021 Ad Valorem property tax
3 revenue collection for the General Fund property tax levy and Emergency
4 Medical Services levy to 1 percent, as the implicit price deflator is less than
5 1 percent.

6 WHEREAS RCW 84.55.0101 provides that upon a finding of substantial
7 need, the City may levy taxes in an amount no more than the limit factor multiplied
8 by the amount of regular property taxes lawfully levied for such district in the
9 highest of the three most recent years plus an additional dollar amount resulting
10 from new construction and improvements to property, newly constructed wind
11 turbines, and any increase in the assessed value of state-assessed property, and

12 WHEREAS, under RCW 84.55.005(2)(c), without a finding of substantial
13 need, the limit factor for a taxing jurisdiction with a population of more than 10,000
14 is the lesser of 101 percent or 100 percent plus inflation, and

15 WHEREAS RCW 84.55.005(1) defines "inflation" as the percentage change
16 in the implicit price deflator for personal consumption expenditures for the United
17 States, as published for the most recent 12-month period by the Bureau of
18 Economic Analysis of the Federal Department of Commerce in September of the
19 year before the taxes are payable, and

20 WHEREAS the implicit price deflator used for the 2021 property tax levy and
21 EMS levy is 0.60152 percent, and thus the limit factor is 0.60152 percent, meaning
22 the taxes levied in Pierce County in 2020 for collection in 2021 will not increase as
23 much as possible, except for the amounts resulting from new construction and
24 improvements
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to property, newly constructed wind turbines, and any increase in the value of state-assessed utility property, and

WHEREAS RCW 84.55.0101 provides for use of a limit factor of 101 percent or less with a finding of substantial need by a majority plus one council member, and

WHEREAS the proposed 2021-2022 budget assumes a 1 percent increase in property tax, and

WHEREAS, in order to maintain service levels and meet the City's long-term fiscal sustainability goals, staff is recommending that the City declare substantial need and set the City's limit factor for 2021 at 1 percent for both the regular property tax levy and Emergency Management Services levy; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City hereby find that a substantial need exists under RCW 84.55.0101 to increase the 2021 Ad Valorem property tax revenue collection for the General Fund property tax levy and Emergency Medical Services levy to 1 percent, as the implicit price deflator is currently less than 1 percent.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28700

1 AN ORDINANCE relating to the Department of Public Utilities; authorizing the
2 reissuance of Tacoma Municipal Belt Line 8807 series freight switching
3 tariff, effective January 1, 2021, and a tariff supplement, effective
4 January 1, 2022.

5 WHEREAS Tacoma Rail's customers consist of local industries and
6 other railroads, and the switching tariffs define the line haul and miscellaneous
7 switching charges allocated to the movement of railcars, and

8 WHEREAS Tacoma Rail's Tacoma Municipal Belt Line ("TMBL") tariff
9 rates associated with unit train and other City interchanged line haul traffic were
10 last updated in 2019, and miscellaneous switching rates were last updated in
11 2010, and

12 WHEREAS Tacoma Rail's rates encapsulate cost of service practices,
13 with line haul rates charged to the BNSF or Union Pacific railroads unless the
14 industry served or the shipper elects to pay the fees themselves, and

15 WHEREAS the switching tariff rate adjustments for 2021 include a
16 3 percent increase over current rates, and

17 WHEREAS the 2022 tariff supplement increases line haul traffic rates
18 and the intermodal intraterminal switching fee by 3 percent, and

19 WHEREAS such rate increases and changes to the switching tariff will
20 ensure reliable rail service at cost of service rates, and

21 WHEREAS, by adoption of Public Utility Board Resolution No. U-11215
22 on October 28, 2020, the proposed amendment was approved, pending
23 confirmation from the City Council; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the proposed Tacoma Rail Tariff Tacoma Municipal Belt Line 8807-J, with an effective date of January 1, 2021, is adopted in substantially the form as on file in the office of the City Clerk and in final form to be approved by the City Attorney.

Section 2. That the proposed tariff supplement with an effective date of January 1, 2022, is adopted in substantially the form as on file in the office of the City Clerk and in final form to be approved by the City Attorney.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board

Resolution No. 11215



ORDINANCE NO. 28701

1 AN ORDINANCE relating to the Building Code; amending Title 2 of the Tacoma
2 Municipal Code, "Buildings," to change the name to "Building and
3 Development Code"; to streamline administration for fees and to update
4 language for expanded use, increased flexibility, and other assistance in
5 strategic permit services advancements; and by adding a new Chapter 2.22,
6 to be known and designated as the "Right-of-Way Development Code," to
7 provide guidance for permitting construction and maintenance activities and
8 other administrative provisions.

9 WHEREAS the City is experiencing rapid growth and development, and has
10 received requests for additional neighborhood engagement before and during
11 construction projects, and

12 WHEREAS, on October 8, 2019, pursuant to Resolution No. 40443, the City
13 Council directed the City Manager to review the City's public engagement efforts
14 during construction projects and provide recommendations for improved
15 neighborhood engagement and protection standards to the City Council's
16 Infrastructure, Planning, and Sustainability Committee, and

17 WHEREAS, in response to this directive, the Planning and Development
18 Services ("PDS") Department is proposing amendments to Title 2 of the Tacoma
19 Municipal Code ("TMC"), "Buildings," to streamline development regulations to
20 make them easier to use, amend, and interpret, and to advance the creation of a
21 future unified development code, and

22 WHEREAS the proposed TMC amendments include various technical,
23 financial, and administrative changes recommended by PDS staff, including
24 changes to the development codes and the fee code, to enhance PDS' ability to
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fulfill administrative responsibilities and provide service to its permit customers,
1 stakeholders, and the community, and

2 WHEREAS the proposed TMC amendments also contain additional
3 administrative authority for public notifications, project meetings, and construction
4 nuisances, and this proposal, combined with PDS' Phase 3 recommendations, will
5 provide the City with additional tools to encourage better communication and
6 engagement on construction projects, and

7
8 WHEREAS PDS staff presented the proposed TMC amendments to the
9 Infrastructure, Planning, and Sustainability Committee at its meetings of
10 September 23 and October 14, 2020, and to the Government, Performance, and
11 Finance Committee at its meeting of October 20, 2020, and both committees
12 recommended that the proposed amendments be brought before the City Council
13 for consideration, and

14
15 WHEREAS the proposed TMC amendments are part of Phase 2 of PDS'
16 project related to Resolution No. 40443, and staff is recommending the changes to
17 recognize the construction impacts felt in residential neighborhoods, and

18
19 WHEREAS these changes will provide PDS with additional tools to mitigate
20 construction impacts and increase the City's positive community/customer
21 engagements, and

22
23 WHEREAS PDS staff has committed to bringing a follow-up presentation
24 and any new recommended changes before the Infrastructure, Planning, and
25 Sustainability Committee no later than nine months after passage of this
26 ordinance; Now, Therefore,



BE IT ORDAINED BY THE CITY OF TACOMA:

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Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That Title 2 of the Tacoma Municipal Code, "Buildings," is hereby amended as set forth in the attached Exhibit "A."

Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

EXHIBIT "A"

TITLE 2

BUILDINGS AND DEVELOPMENT CODE

Chapters:

| | |
|---------------------|--|
| Chapter 2.01 | Minimum Building and Structures Code |
| Chapter 2.02 | Building Code |
| Chapter 2.03 | <i>Repealed</i> |
| Chapter 2.04 | <i>Repealed</i> |
| Chapter 2.05 | Sign Code |
| Chapter 2.06 | Plumbing Code |
| Chapter 2.07 | Mechanical Code |
| Chapter 2.08 | <i>Repealed</i> |
| Chapter 2.09 | Fee Code |
| Chapter 2.10 | Energy Code |
| Chapter 2.11 | <i>Repealed</i> |
| Chapter 2.12 | <i>Repealed</i> |
| Chapter 2.13 | Waterfront Structures and Marina Code |
| Chapter 2.14 | <i>Repealed</i> |
| Chapter 2.15 | <i>Repealed</i> |
| Chapter 2.16 | Mobile Homes and House Trailers |
| Chapter 2.17 | Board of Building Appeals |
| Chapter 2.18 | <i>Repealed</i> |
| Chapter 2.19 | Site Development and Off-Site Improvements |
| Chapter 2.21 | Housing Code Requirements For Temporary Shelters |
| <u>Chapter 2.22</u> | <u>Right-of-Way Development Code</u> |

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CHAPTER 2.02 BUILDING CODE

Sections:

2.02.010 Adoption of International Building Code, International Residential Code, and International Existing Building Code.

2.02.015 Administrative Provisions.

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2.02.015 Administrative Provisions.

The Director of Planning and Development Services, with input from the Tacoma Permit Advisory Task Force or any other City Council appointed permitting advisory body then in existence, shall have the authority to develop rules, policies, and administrative procedures for, but not limited to, the following items:

A. Public notifications. Notices may be required for any permits issued under this chapter. When required, the notices shall be completed prior to the start of construction.

B. Project Meetings. Permittees, contractors, and others associated with a permit may be required to attend Project Meetings related to permit requirements, to address neighborhood impacts such as dust and construction noise or other neighborly issues that arise from the contractor's activities.

C. Construction Nuisances. Additional requirements may be imposed on project construction activities that impact the surrounding neighborhood, such as public safety, dust and construction noises. Identification of these issues may be by a complaint, City and/or other regulatory inspection. A project meeting may be called to address the impacts.

Violations of TMC 2.02 or any provision as required by the Director of Planning and Development Services under TMC 2.02.015 shall be administered as outlined in TMC 1.82 – Uniform Enforcement Code, and/or Chapter 2.02.130 of this code.

* * *

2.02.090 Amendment to IBC Section 105.2 – Work exempt from permit.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Fences not over 7 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls which are not over four feet (1219 mm) in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids. A Fence supported by a retaining wall shall be considered a surcharge.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and on grade concrete patios with a cumulative impact not exceeding 2,000 Sq. Ft. (185.81 sq-M), provided they are not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
8. Temporary motion picture, television, and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L), and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies supported by an exterior wall which do not project more than 54 inches (1372mm) from the exterior wall and do not require additional support.
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical: See TMC Chapter 12.06A.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.

105.2.2 Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps, or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

105.2.3 Public service agencies. A building permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution, or metering, or other related equipment that is under the ownership and control of public service agencies by established right. Other City permits shall still be required unless specifically exempted.

105.2.4 City of Tacoma Projects and Department of Transportation Projects. A building permit shall not be required for the construction of roads, highways, freeways, and other structures related to such construction, by or under contract to the City of Tacoma, or the Washington State Department of Transportation. Other City permits shall still be required unless specifically exempted.

Exceptions:

A. Buildings and other structures not normally included in road or highway construction shall require building and other construction permits.

2.02.100 Amendment to IBC Section 202 – Definitions – D, L, S, T, and W.

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State Building Code. For purposes of this Title, the State Building Code shall consist of the following national model codes and the following standards, as such model codes and standards are adopted and amended from time to time by the Washington State Building Code Council pursuant to Chapters 19.27 and 70.92 of the Revised Code of Washington and Title 51 of the Washington Administrative Code (Note: All amendments to the State Building Code adopted by the Washington State Building Council from time to time are hereby, upon the effective date of such amendments, incorporated in this Chapter as though fully set forth herein. In the event that any provisions of the State Building Code are renumbered, any reference in this chapter to such provision shall refer to such provision as renumbered):

1. The International Building Code (“IBC”), including Appendix E, published by the International Code Council, and including accessibility provisions in 2012 ANSI 117.1; and

2. The International Residential Code (“IRC”), including IRC Appendices F and Q, published by the International Code Council, and provided that IRC Chapters 11 and 25 through 43 are not adopted; and

3. The International Existing Building Code (“IEBC”) including Appendix A, published by the International Code Council; and

4. Except as provided in RCW 19.27.170, the Uniform Plumbing Code (“UPC”) including Appendices A, B, and I, published by the International Association of Plumbing and Mechanical Officials: ~~PROVIDED~~ provided that, UPC Chapters 12 and 14 are not adopted, and provided further that any provisions of the UPC affecting related to venting and combustion air of the fuel fired appliances as found in chapter 5 and those portion of the code addressing building sewers are not adopted; and

5. The International Mechanical Code (“IMC”), published by the International Code Council, including the International Fuel Gas Code (“IFGC”) and the National Fuel Gas Code, published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Liquefied Petroleum Gas Code) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code); and

6. The Washington State Energy Code (“WSEC”) Commercial Provisions and the Washington State Energy Code, Residential Provisions, under the authority of RCW 19.27A.020, and as set forth in WAC 51-11C and 51-11R, pursuant to the provisions of RCW 35.21.180, as published by the Washington State Building Code Council; and
7. The International Fire Code, published by the International Code Council, Inc. This code is adopted and amended in TMC Title 3.

* * *

2.02.135 Amendment to IBC Section 419 – Live/Work Units.

Section 419 in IBC shall be replaced in its entirety with the following:

Section 419 – Live/Work and Work/Live Units.

419.1 Live/Work Units.

419.1.1 General. A live/work unit shall comply with Sections 419.1.1 through 419.1.9.

Exception: Dwelling or sleeping units that include an office that is less than 10 percent of the area of the dwelling unit are permitted to be classified as dwelling units with accessory occupancies in accordance with Section 508.2.

419.1.1.1 Limitations. The following shall apply to all live/work areas:

1. The live/work unit is permitted to be not greater than 3,000 square feet (279 m²) in area; and
2. The nonresidential area of a live/work unit is permitted to be not more than 50 percent of the area of each live/work unit; and
3. The nonresidential area function shall be limited to the first or main floor only of the live/work unit.

419.1.2 Occupancies. Live/work units shall be classified as a Group R-2 occupancy. Separation requirements found in Sections 420 and 508 shall not apply within the live/work unit where the live/work unit is in compliance with Section 419.1. Nonresidential uses which would otherwise be classified as either a Group H or S occupancy, or occupancies related to marijuana growing, processing or retail sales shall not be permitted in a live/work unit.

Exception: Storage shall be permitted in the live/work unit provided the aggregate area of storage in the nonresidential portion of the live/work unit shall be limited to 10 percent of the space dedicated to nonresidential activities.

419.1.3 Means of egress. Except as modified by this section, the means of egress components for a live/work unit shall be designed in accordance with Chapter 10 for the function served.

419.1.3.1 Egress capacity. The egress capacity for each element of the live/work unit shall be based on the occupant load for the function served in accordance with Table 1004.1.45.

419.1.3.2 Spiral stairways. Spiral stairways that conform to the requirements of Section ~~1009.12~~1011.10 shall be permitted.

419.1.4 Vertical openings. Floor openings between floor levels of a live/work unit are permitted without enclosure.

[F] 419.1.5 Fire protection. The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9 and an automatic sprinkler system in accordance with Section 903.2.8.

419.1.6 Structural. Floor loading for the areas within a live/work unit shall be designed to conform to Table 1607.1 based on the function within the space.

419.1.7 Accessibility. Live/work units shall be accessible in accordance with Chapter 11 for the function served. For the residential portion of the live/work unit, accessibility requirements for R-2 occupancies in Chapter 1107.6 shall apply.

419.1.8 Ventilation. The applicable ventilation requirements of the International Mechanical Code shall apply to each area within the live/work unit for the function within that space.

419.1.9 Plumbing facilities. The nonresidential area of the live/work unit shall be provided with minimum plumbing facilities as specified by Chapter 29, based on the function of the nonresidential area. Where the nonresidential area of the live/work unit is required to be accessible by Section 1103.2.13, the plumbing fixtures specified by Chapter 29 shall be accessible.

* * *

2.02.540 Amendment to IRC Section R105.2 – Work Exempt From Permit, Building and Electrical Sections.

The following additional exceptions shall be added to R105.2 – Building:

Building:

5. Sidewalks and driveways. (Note: separate site development permits may be required for these items).

11. Reroofing of single family or duplex residential buildings, provided the existing roof coverings are removed prior to reroofing and the following conditions are met:

- a. The new roofing material does not exceed five (5) pounds per square foot, or
- b. For a vegetated roof, where it is the same weight as the previous roof and a vegetated roof was previously approved through a building permit.

The following amendment shall be made to R105.2 – Electrical:

Electrical: See TMC Chapter 12.06A.

* * *

CHAPTER 2.06
PLUMBING CODE

Sections:

2.06.010 Adoption of the Uniform Plumbing Code.

2.06.015 Administrative Provisions.

* * *

2.06.010 Adoption of the Uniform Plumbing Code.

The Uniform Plumbing Code as adopted by the State Building Code as defined in TMC 2.02.100 is hereby included in the City of Tacoma Plumbing Code as adopted by this chapter. Section 104.5, Table No. 104.5, and Section 1101.12.2.2.2 are hereby deleted from the UPC as amended in this chapter.

2.06.015 Administrative Provisions.

The Director of Planning and Development Services shall have the authority to develop rules, policies, and administrative procedures for, but not limited to, the following items:

A. Public notifications. Notices may be required for any permits issued under this chapter. When required, the notices shall be completed prior to the start of construction.

B. Project Meetings. Permittees, contractors, and others associated with a permit may be required to attend Project Meetings related to permit requirements, to address neighborhood impacts such as dust and construction noise or other neighborly issues that arise from the contractor's activities.

C. Construction Nuisances. Additional requirements may be imposed on project construction activities that impact the surrounding neighborhood, such as public safety, dust and construction noises. Identification of these issues may be by a complaint, City and/or other regulatory inspection. A project meeting may be called to address the impacts.

Violations of TMC 2.06 or any provision as required by the Director of Planning and Development Services under TMC 2.06.015 shall be administered as outlined in TMC 1.82 – Uniform Enforcement Code, and/or Chapter 2.02.130 of this code.

* * *

CHAPTER 2.07
MECHANICAL CODE

Sections:

- 2.07.010 Adoption of the International Mechanical Code.
2.07.015 Administrative Provisions.
2.07.020 *Repealed.*
2.07.030 *Repealed.*
2.07.040 *Repealed.*
2.07.050 Amendment to IMC Section 108 – Violations.
2.07.060 Amendment to IMC Section 109 – Board of Building Appeals.
2.07.070 *Repealed.*

2.07.010 Adoption of the International Mechanical Code.

The IMC as adopted by the State Building Code as defined in TMC 2.02.100 is hereby included in the City of Tacoma Mechanical Code as adopted by this chapter.

2.07.015 Administrative Provisions.

The Director of Planning and Development Services shall have the authority to develop rules, policies, and administrative procedures for, but not limited to, the following items:

A. Public notifications. Notices may be required for any permits issued under this chapter. When required, the notices shall be completed prior to the start of construction.

B. Project Meetings. Permittees, contractors, and others associated with a permit may be required to attend Project Meetings related to permit requirements, to address neighborhood impacts such as dust and construction noise or other neighborly issues that arise from the contractor’s activities.

C. Construction Nuisances. Additional requirements may be imposed on project construction activities that impact the surrounding neighborhood, such as public safety, dust and construction noises. Identification of these issues may be by a complaint, City and/or other regulatory inspection. A project meeting may be called to address the impacts.

Violations of TMC 2.07 or any provision as required by the Director of Planning and Development Services under TMC 2.07.015 shall be administered as outlined in TMC 1.82 – Uniform Enforcement Code, and/or Chapter 2.02.130 of this code.

* * *

CHAPTER 2.09
FEE CODE

Sections:

- 2.09.010 Purpose.
- 2.09.020 Adjustments.
- 2.09.030 Fee refunds and exemptions.
- 2.09.040 Dedicated ~~funds~~fees.

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2.09.020 Adjustments.

Fees will be evaluated and adjusted as needed on an annual basis in accordance with the PDS Financial Policy. The City Manager, or designee, is delegated limited authority to approve the following:

1. Annual adjustments to the PDS Fee Schedule shall be ~~adjusted~~made using the “Seattle-Tacoma- Bremerton, WA Consumer Price Index (CPI) for All Urban Consumers.” In January of each year, the CPI for the ~~year end shall be compared with the most recent~~most recent June-to-June index comparison, ~~and shall be used to adjust~~ the fees and charges ~~shall be adjusted~~ accordingly. Permit fees adjusted by the CPI will be rounded to the nearest \$0.50 for fees under \$10, to the nearest \$1 for fees between \$10 and \$100, and to the nearest \$10 for fees greater than \$100. Total permit fees due at issuance will be rounded to the nearest dollar.

All other adjustments or new fees shall be ratified by resolution.

2.09.030 Fee refunds and exemptions.

A. Fee refunds.

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2. Plan Review Fees. In the event of abandonment or discontinuance of work, or as otherwise approved, a refund of a portion of the plan review fee may be approved subject to the following:

- a. The period of time since the permit application has been submitted is less than 180 days.
- b. Review of the permit has not started.
- c. The following charges shall be deducted from any fee amount that may be refunded:

(1) Dedicated fund charges, including the Technology Fund, Emergency Preparedness Fund, Natural Resources Fund, and Reserve Fund, and

(a) State Building Code fee and other applicable sales taxes and charges, and

(b) Metered parking charges, where applicable, and

(c) Minimum Counter Transaction fee per the PDS Fee Schedule, or

(d) Twenty-five percent of the plan review fee as calculated from the PDS Fee Schedule, whichever is greater.

d. Where the ~~PDS~~ Director of Planning and Development Services ~~Director~~ has approved a refund for either all or a portion of the plan review fee for a new commercial building permit upon the applicant’s submittal of a refund request in accordance with PDS’ Fast, Friendly, or Free guarantee.

* * *

B. Fee exemptions/adjustments.

- 1. Building permit and plan review fees.

Where approved by the Director of Planning and Development Services ~~Director~~ and/or Fire Chief, building, mechanical, plumbing, and fire permit fees and associated plan review fees may be waived or modified for the permits in Table I:

Table I. Permits eligible for fee exemptions or adjustments

| Type of Project | Type of Permit Fees | Eligibility Requirements |
|------------------------|--|--|
| Residential | | |
| Single family/duplex | Building, plumbing, mechanical, permits for: – Alterations and repairs | Owned and occupied by: – senior citizen(s)(1) and – eligible for tax exemption due to financial status |
| | | Owned and occupied by: – permanently disabled person(s) (2) and – eligible for tax exemption due to financial status |
| | Building, plumbing, mechanical, fire permits for: Alterations and repairs New construction | All of the following conditions: – intended for low income families – construction involves volunteer labor – constructed by 501(c)(3) organization |
| | Building, plumbing, mechanical, fire permits for: – Alterations and repairs – New construction | Projects sponsored and developed by a public authority created under RCW 35.82.030 |
| Multifamily | Building, plumbing, mechanical, fire permits for: – Alterations and repairs | All of the following conditions: – intended for low income families – construction involves volunteer labor – constructed by 501(c)(3) organization – primarily owned and operated by a 501(c)(3) non-profit organization. |
| | Building permits for: – Alterations and repairs – New construction | Projects sponsored and developed by a public authority created under RCW 35.82.030 |
| Commercial | Building, plumbing, mechanical, fire, land use, or site development | Community service program(s) subsidized by the City of Tacoma |
| | building, plumbing, mechanical, fire, land use, or site development | Projects that meet the Strategic Goals of the City and are funded by the General Fund, as approved by the City Manager |

⁽¹⁾ Senior Citizen: Any person having attained the age of 62 years or older who qualifies for property tax reduction under the limited income guidelines as established by the State of Washington.

⁽²⁾ Disabled Person: Any person who has permanent physical or mental impairment which substantially limits that person’s ability to perform one or more of the following activities: walking, seeing, hearing, speaking, breathing, learning, and/or manual tasks. “Substantially” shall mean a degree of impairment which places that person at an obvious disadvantage when compared to a person without said impairment. The applicant has the burden of establishing the fact of disability to the satisfaction of the Building Official. The applicant must also qualify for property tax reduction under the limited income guidelines established by the State of Washington.

2. Other fee waivers.

The ~~Building Official~~ Director of Planning and Development Services or designee may waive or modify fees for building or other permits under the following situations:

A. Re-inspection fees if the Building Official determines that the original order or notice of non-compliance was invalid or when mitigating circumstances beyond the responsible party’s control exist including, but not limited to, conflicting enforcement requirements by other agencies or conditions caused by third parties.

B. Permit and plan review fees where the project valuation may need to be adjusted.

C. The Director of Planning and Development Services, or designee, shall have limited authority to adjust, delay, modify, refund, or remove any fee item, or other charge on a restricted basis to facilitate the administrative functions, advance strategic objectives, or as otherwise deemed necessary by the Director.

D. Other fees as determined by the City Manager to be paid for by the General Fund.

2.09.040 Dedicated fees funds.

Additional fees, in accordance with the PDS fee schedule, shall be collected to: (1) support and improve the delivery of permitting services and enhance public outreach and engagement in the permitting process through the specific programs listed below, and (2) to build and maintain adequate reserves to provide continuity of permitting services. Fees collected shall be placed in the Permit Enterprise Fund. The PDS Financial Policy shall establish policies for adjustments to these fees, as well as further clarify the uses of said fees.

A. Permitting Services Programs.

The following programs shall be created to support and improve the delivery of permitting services. Revenues generated from fees associated with these programs may be used for administration, public outreach and engagement, management, strategic planning, capital purchases and/or other purposes directly related to said programs as determined by the Director of Planning and Development Services:

1. Technology Program. Fees collected shall be used for expenditures related to technology operations, technology that improves customer experience, technology that enhances the speed and timeliness of issuing permits, and/or other technology that support permitting services.

2. Emergency Preparedness Program. Fees collected shall be used for expenditures related to emergency preparedness, evaluation of structures, other civil infrastructure, training, and/or other services related to emergency preparedness that support permitting services.

3. Natural Resources Program. Fees collected shall be used for expenditures related to evaluation and permitting related to natural resource protection, including, but not limited to, permitting within designated environmentally critical areas of City.

B. Reserve Fund.

1. Reserve Fund. Fees shall be used as reserve funds to maintain adequate staffing and service levels during periods of emergency, economic fluctuation, or to fund other unanticipated permit service funding needs. Reserve Fund balances shall be maintained in accordance with the PDS Financial Policy.

~~Additional fees in accordance with the PDS Fee Schedule shall be collected for the administration, management, and capital purchases under the following funds. Funds collected shall be placed in the Permit Enterprise Fund. The PDS Financial Policy shall establish policies for adjustments to the collection of these funds on a yearly basis.~~

~~A. Technology Fund. The fees collected are to be used for expenditures related to technology operations and modernization in support of permitting and development services.~~

~~B. Emergency Preparedness Fund. The fees collected are to be used for expenditures to support emergency preparedness programs related to buildings, structures, and associated site development.~~

~~C. Natural Resources Fund. The fees collected are to be used for expenditures related to the protection of natural resources in and surrounding the City.~~

~~D. Reserve Fund. The fees are to be used for providing adequate reserve funds for maintaining staffing and service levels during periods of economic fluctuation or to cover other unanticipated needs.~~

2.09.050 Building permit fees.

A. Permit fees.

Building permit fees shall be charged in accordance with the PDS Fee Schedule for the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, unless exempt by Chapter 2.02. Fees for each building permit shall be based upon the valuation of the work.

1. Valuation. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued. Finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, site work, and any other permanent work or permanent equipment shall be considered part of the valuation.

The valuation of construction for new structures and additions shall be based upon floor area whenever possible, and shall be calculated from the most recent available “Building Valuation Data” (“BVD”) published by the International Code Council. The BVD shall be updated [at the first of the month following publication of new dataas directed by the Director of Planning and Development Services](#). Where fees are based on building floor area, such floor area shall include all floor area within the exterior surfaces of the exterior walls, basement areas, areas of exterior exit stairways and balconies, and those parts of other exterior balconies and walkways under roof overhangs. Where it is not possible to base the permit fee on floor area, the permit shall be based on valuation of work directly, subject to approval by the Building Official. The building permit fee for alterations, repairs, towers, retaining walls tanks (other than domestic fuel oil tanks), and similar construction shall be based on valuation.

2. Phased building permits. Fees for phasing building permits shall be in accordance with the PDS Fee Schedule. For the purposes of determining fees, the building permit can be separated into the following phases:

- a. Foundation/Structural [Shell](#) permit: Where the foundation and structural elements are being authorized by the permit and there are no building walls or spaces above the foundation approved for occupancy.
- b. Shell Building: Where tenant spaces are not included in the permit and the spaces do not receive certificate of occupancy. A certificate of completion is issued for the completed shell space.
- c. Initial tenant improvement: Non-structural initial tenant alterations, which were not included in the building permit for the new building Work authorized at this rate will be limited to improvements to previously unoccupied space.

Fees for all tenant alterations beyond the first permit will be computed on the basis of valuation.

* * *

C. Demolition permits.

Demolition permit fees for buildings shall be charged in accordance with the PDS Fee Schedule. All demolition that is not the full building demolition or is for a non-building structure, including signs and billboards, shall be charged based on valuation of the work. [In addition, demolition work that affects the exterior building footprint or other surrounding site features may require additional permits related to the earthwork, paving, and stormwater management and erosion control.](#)

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2.09.170 Land use permit fees.

Fees for land use permits and land use services are in the PDS Fee Schedule. Land use permits include both discretionary and non-discretionary permits, including the following permit types:

* * *

Other land use permit services include the following:

1. Permit Waiver.
2. Permit Modification.
3. Appeal of a land uses permit.
4. Additional Notice.
5. Information Requests: Determination/interpretation by Director [of Planning and Development Services](#), Determination of Off-site improvement requirements and/or wetland inspection review, or Zoning Verification letter
6. GIS Drafting and scanning/indexing of plats, short plats, and BLAs.

2.09.175 Special fees.

A. Preapplication services. For inspection of existing buildings made at the request of the owner, tenant, mortgage company, or realty firm, to determine compliance with applicable City ordinances, or when inspections are requested of a structure for which a permit is only contemplated or for any special application review conducted by the Fire Department, an hourly fee shall be charged for review and/or inspection in accordance with the PDS Fee Schedule. This shall also include review and inspection of Adult Family Homes that are exempt from building permits.

B. Expedited Plan Review Fees. Where requested by the applicant and approved by the [Director of Planning and Development Services](#), ~~Director~~ or designee, expedited permit fees may be paid to shorten the review time for a permit application. Expedited plan review fees shall be paid in accordance with the PDS Fee Schedule and shall be in addition to all other permit and plan review fees for the permit application.

* * *

H. Appearance as a witness or to provide testimony. A fee may be required in accordance with the PDS Fee Schedule for civil interviews with City staff. A civil interview shall include any conversation with City employees regarding the employee's knowledge regarding a referenced incident or generalized knowledge relating to expert testimony and written exchange, including, but not limited to, informal interviews, depositions, court testimony, arbitrations and similar hearings, and requests to review and/or sign documents. Determination of whether a fee will be required will be made by the Director of Planning and Development Services-Director, or designee.

2.09.176 General permit services and fees.

Fees shall be charged in accordance with the PDS Fee Schedule for the following services:

* * *

D. Permit extensions.

For unexpired permits, the permittee may pay a fee to request an extension of time within which work under that permit may be continued when permittee is unable to commence or continue work within the time required. Fees will be charged for each permit extension in accordance with the PDS Fee Schedule.

For expired building, mechanical, or plumbing permits, a new plan review and permit fee shall be paid in accordance with the PDS Fee Schedule. The Building Official, or designee, may adjust the plan review or permit fee for building permits where the Building Official determines the full fees are not required. For other permit types, new permit fees shall be paid in accordance with the PDS Fee Schedule. The Director of Planning and Development Services, or designee, may adjust the permit fees when they determine the full fees are not required.

Approval of permit extensions shall be at the discretion of either the Planning-Director of Planning and Development Services, Building Official, Environmental Services-Director of Environmental Services, City Engineer, or other designee who has authority over the code for which a permit has been issued.

E. Permit transfers.

A fee shall be charged for transferring a permit in accordance with the PDS Fee Schedule. Permits may be transferred from one permit holder to a new permit holder on approval of the Planning-Director of Planning and Development Services, Building Official, Director of Environmental Services-Director, City Engineer, or other designee who has authority over the code for which a permit has been issued, provided the applicant submits documentation of permission to use the permit documents.

* * *

CHAPTER 2.19
SITE DEVELOPMENT ~~AND OFF-SITE IMPROVEMENTS~~CODE

Sections:

- 2.19.010 General.
- 2.19.015 Administrative Provisions.
- 2.19.020 Definitions.
- 2.19.030 ~~Site development~~Development Standards and Permit Requirements.
- 2.19.040 ~~Off-site improvements~~Repealed.
- 2.19.050 Clearing and Grading Requirements.
- 2.19.060 Surface Water Drainage and Erosion Control Requirements.
- 2.19.070 Inspection Requirements.

2.19.010 General.

A. Scope and Intent: This chapter provides requirements for the development and maintenance of building and building sites to minimize negative impacts to the environment and improvements to protect restore and enhance features and environmental quality of the site, including off-site improvements.

B. Referenced codes and standards: The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. To the extent any differences exist between the provisions of this code and the referenced standards, the provisions of this code shall apply.

2.19.015 Administrative Provisions.

The Director of Planning and Development Services shall have the authority to develop rules, policies, and administrative procedures for, but not limited to, the following items:

A. Public notifications. Notices may be required for any permits issued under this chapter. When required, the notices shall be completed prior to the start of construction.

B. Project Meetings. Permittees, contractors, and others associated with a permit may be required to attend Project Meetings related to permit requirements, to address neighborhood impacts such as dust and construction noise or other neighborly issues that arise from the contractor's activities.

C. Construction Nuisances. Additional requirements may be imposed on project construction activities that impact the surrounding neighborhood, such as public safety, dust and construction noises. Identification of these issues may be by a complaint, City and/or other regulatory inspection. A project meeting may be called to address the impacts.

Violations of TMC 2.07 or any provision as required by the Director of Planning and Development Services under TMC 2.07.015 shall be administered as outlined in TMC 1.82 – Uniform Enforcement Code, and/or Chapter 2.02.130 of this code.

2.19.020 Definitions.

For the purposes of this Chapter the following definitions shall apply:

* * *

2.19.020.K

KEY is a designed excavation in the soil beneath a fill slope to hold the fill in place.

~~2.19.020.L~~

~~LIVE/WORK. See Section 419 IBC~~

~~LOT FRONTAGE is the length of a building site abutting one or more dedicated city streets, whether improved or unimproved.~~

~~2.19.020.O~~

~~OFF-SITE IMPROVEMENTS include, but are not necessarily limited to, street paving, concrete curbs and gutters, surface and subsurface storm water drainage, utility relocation, sidewalks, and driveways.~~

2.19.020.R

RECOGNIZED ENGINEERING PRACTICES are the most current effective practices, science, and methods which are used to manage surface water, erosion, and soil/slope stability and which may include, but not be limited to, the most current version of the COTSWMM.

~~RIGHT OF WAY is any public street or easement as defined in TMC Chapter 10.22.~~

2.19.020.S

SLOPE is an inclined ground surface, the inclination of which is expressed as a percent ratio of the vertical distance to the horizontal distance and is categorized as follows:

1. Level to Shallow Slope – a slope less than 25 percent.
2. Moderate Slope - a slope greater than or equal to 25 percent and less than 40 percent.
3. Steep Slope - a slope greater than or equal to 40 percent

SOIL is any unconsolidated material composed of naturally occurring discrete solid particles with void spaces between.

SPECIAL INSPECTION is the inspection required by this chapter to be performed by, or under the supervision of a civil engineer, and shall include, but not be limited to compaction testing, inspection of retaining wall construction, excavations, fills and other grading activities, and inspection for soil/slope stability. Inspections shall be either continuous or periodic as defined as follows:

1. Continuous – the full-time observation of work requiring special inspection by an approved special inspector who is present in the area where the work is being performed.
2. Periodic – the part-time or intermittent observation of work requiring special inspection by an approved special inspector who is present in the area where the work has been or is being performed and at the completion of the work.

~~STREET FRONTAGE is the abutment of privately owned property along one side of a dedicated street between the intersections of dedicated streets, alleys or other public ways.~~

2.19.020.T

TERRACE is a relatively level step constructed in the face of a graded slope surface for drainage control, maintenance, or aesthetic purposes.

~~2.19.020.W~~

~~WORK/LIVE. See Section TMC 13.06A.050.~~

2.19.030 Site ~~development~~ Development Standards and Permit Requirements.

* * *

B. ~~Permits Requirements~~.

1. ~~Permits Requirements~~.

Except as specified below, no person shall grade, clear, pave, level, alter, construct, repair, remove or excavate, soils, pavement, walkways, vaults, private side sewers, private storm drainage facilities, or other site improvements in the City of Tacoma without first having obtained a Site Development Permit. The Director of Planning and Development Services, or designee, shall have the authority to determine if a permit is required for all other activities.

~~Except as specified in subsection 2.19.030.B.3, no person shall do any grading and/or clearing in the City of Tacoma without first having obtained a Site Development Permit.~~

C. Permit Expiration.

At any time during the permitting process: application, plan review, or construction; a permit will expire if no applicant activity within the specific process occurs within 180 days. The City will notify the applicant of its intent to cancel the permit at the end of 180 days. Upon notification, the applicant may request an extension of their permit in writing.

D. Application.

Application for a Site Development Permit shall be accompanied by plans and, as applicable, specifications, and shall conform to the provisions of IBC Section 106. In addition, the application shall state the estimated quantities of excavations, fills, grubbing, and relocation of soil in cubic yards and the area to be graded or cleared in square feet. Prior to plan submittal

the applicant shall determine whether the proposed project is located in a Critical Area as governed by TMC 13.11 and so state on the permit application.

E. Bonds.

The City may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond, the applicant may file a cash bond or assignment of funds with the City in an amount equal to that which would be required in the surety bond.

~~3. Clearing and Grading Prohibited. No permits to perform grading and/or clearing during the period from October 1st through April 30th shall be issued.~~

~~EXCEPTION: Planning and Development Services may approve a grading, and clearing plan, prepared by a civil engineer which is designed in accordance with the Recognized Engineering Practices that address surface water runoff during the winter season (October 1 to April 30), and issue a permit based on such plan.~~

4F. Exempted Work.

A ~~grading and clearing~~ Site Development Permit is not required for the following unless such work is in a Critical Area governed by TMC Chapter 13.11; however, all such work is subject to application of the Recognized Engineering Practices to mitigate the anticipated conditions:

~~1.a.~~ Grading, to include grubbing, less than 50 cubic yards or an area not to exceed 7,000 square feet, whichever is less, performed in a ~~two~~-year period ~~unless that is not~~ part of a building ~~addition or new building construction~~ project or new impervious surface that requires a permit.

~~b2.~~ All ~~e~~Clearing less than ~~one acre~~ 7,000 square feet in area meeting at least one of the following:

~~i~~a. Activities in preparation for site surveying, or other associated work. This does not permit grubbing or activities that cause soil disturbance.

~~ii~~b. Clearing within ten feet of the perimeter of buildings.

~~iii~~c. General property and utility maintenance, landscaping, or gardening in pre-existing developed land.

~~e~~3. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, or exempt any excavation having an unsupported height greater than five feet after the completion of such structure, or exempt any grading over 50 cubic yards.

~~e~~4. Refuse disposal sites controlled by other regulations.

~~e~~5. Hazardous waste remediation under the jurisdiction of other agencies.

~~f~~6. Excavation on private property for wells or tunnels. Backfill is also exempt, provided it is not transported off site, or the backfill is not imported from off-site. Other filling with the material from such excavation requires a permit. This does not exempt the Contractor from being required to follow Recognized Engineering Practices.

~~g~~7. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay where local regulation is pre-empted by state or federal law. Such operations shall follow Recognized Engineering Practices and be in compliance with the COTSWMM.

~~h~~8. Exploratory excavations under the direction of a civil engineer or geologist. This shall not exempt any fill made with the material from such excavation. Clearing or grading to construct an access road to an exploratory site shall require a permit if construction requires more than 50 cubic yards of grading or disturbs an area more than 7,000 square feet, whichever is less.

~~i~~9. Clearing associated with routine maintenance by utility agencies or companies. This does not exempt the utility agencies or companies from being required to follow Recognized Engineering Practices.

~~j~~10. Clearing or grading in the right-of-way associated with street, alley, or sewer work approved by the Public Works Department or road maintenance conducted in accordance with the Regional Road Maintenance Program.

~~k~~11. Removal of trees or other vegetation, which cause sight distance obstructions at intersections so determined by the City of Tacoma Traffic Engineer.

~~l~~12. Removal of hazardous trees on private property provided no more than 50 cubic yards of grading is required and no more than 7,000 square feet of area is disturbed, whichever is less.

~~m~~13. Forest practices under the jurisdiction of other agencies.

~~n~~14. Graves in legally established cemeteries.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of the City of Tacoma.

G. Emergency Work and Hazards.

E1. Emergency Grading.

Emergency Clearing and Grading activities, which if not performed immediately would substantially endanger life or property, are exempt from permits prior to beginning work only to the extent necessary to meet the emergency. Permits authorizing the emergency work will be required as soon as practical after starting work.

D2. Slope Stability Hazards.

The owner of the property upon which a landslide or other slope stability hazard has occurred shall be required to repair the slope for the following conditions:

~~1~~a. The landslide or slope stability hazard has occurred within 50 feet of a building structure.

~~2~~b. Where determined by the ~~Building Official~~City to be a hazard to life, limb, property or the public welfare.

~~3~~c. Where determined by the ~~Building Official~~City to adversely affect the safety, use, or stability of a public way or drainage channel.

The owner of the property, upon which the landslide or slope stability hazard is located, or other person or agent in control of said property, upon receipt of notice in writing from the ~~Building Official~~City, shall, within the period specified therein, repair or eliminate the hazard and be in conformance with the requirements of this code. Repair measures must be in conformance with a plan designed by a civil engineer.

EH. Definitions.

For the purposes of this chapter, the definitions listed herein shall be construed as specified in TMC 2.19.020.

F. Clearing and Grading Requirements

1. Clearing Requirements

~~a. General. All clearing not exempt under subsection 2.19.030.B.4 shall require a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall contain the location of the work, limiting dimensions of the proposed clearing, including any setbacks, and the location of any existing improvements or structures where work is to be performed, and the location of any existing improvements or structures within 50 feet of the proposed clearing area. The plans for clearing shall also contain provisions for the preservation of natural land and water features, vegetation, drainage, and other indigenous features of the site. Clearing associated with Engineered Grading work or within geohazard areas shall require a plan prepared by a civil engineer or approved hydrologist or forest management expert, unless otherwise approved by the Building Official.~~

~~b. Erosion and Drainage. Erosion control measures will be required in conformance with the COTSWMM, and will be reviewed and subject to approval of the Building Official.~~

~~Clearing shall be accomplished in a manner that will not create, or contribute to, flooding, erosion or increased turbidity, siltation or other forms of pollution. Clearing shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time, consistent with the construction schedule. Provisions shall be made for interim erosion control measures.~~

~~Clearing shall be accomplished in a manner that will not create, or contribute to, landslides, accelerated soil creep, settlement and subsidence on the subject property and/or adjoining properties.~~

~~e. Site Cleanup. Vegetative material from the cleared site shall be removed or chipped in an approved manner, within 60 days from the completion of the operation. Chipped material deposited on an interim basis shall be protected from becoming a fire hazard.~~

2. Grading Requirements

~~a. General Grading in excess of 500 cubic yards shall be performed in accordance with an approved grading plan prepared by a civil engineer, and shall be designated as Engineered Grading. The requirement for a civil engineer may be waived by the Building Official on a case by case basis.~~

Grading involving more than 50 cubic yards but less than 500 cubic yards shall be designated Regular Grading unless the permittee chooses to have the grading performed as Engineered Grading, or the Building Official determines that special conditions or unusual hazards exist, or that work is located in a Critical Area, in which case grading shall conform to the requirements for Engineered Grading

The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties, including public rights of way, for a minimum of 50 feet from the proposed grading area, but not less than is necessary to provide sufficient detail to identify how grade changes will conform to the requirements of this code. The plan shall also identify all drainage courses and surface water flow to and from the site, both existing and proposed.

b. Excavations. Unless otherwise recommended in an approved soils engineering report, excavations shall conform to the provisions of this section. The slope of excavated surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than two horizontal to one vertical (50 percent). Steeper slopes, if specifically addressed in the soils engineering report may be authorized by the Building Official.

EXCEPTIONS: An excavated surface may be at a slope of 1.5 horizontal to 1 vertical (67 percent) provided that all of the following are met:

- i. It does not support structures or surcharges.
- ii. It is protected against erosion.
- iii. It is no more than 8 feet in height.
- iv. It is approved by the Building Official.

3. Fills

a. General. Unless otherwise recommended in an approved soils engineering report, fills shall conform to the provisions of this section.

EXCEPTION: These provisions may be waived by the Building Official for minor fills not intended to support structures, sanitary or storm sewers, sidewalks, and private or public roads.

b. Surface Preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

e. Benches and Keys. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20 percent) and the depth of the fill exceeds 5 feet, benching and keying shall be provided. Benches shall be essentially level and a minimum of 5 feet in width. Keys shall be at the toe of the fill slope in undisturbed native soil and be placed beneath the fill. They shall be at least 10 feet in width and 2 feet in depth. (See Figure 2.19.1)

d. Fill Material. Fill material shall not include organic, frozen or other deleterious materials. Except as approved by the Building Official, no rock, broken concrete or similar irreducible material greater than 12 inches in any dimension shall be included in fills.

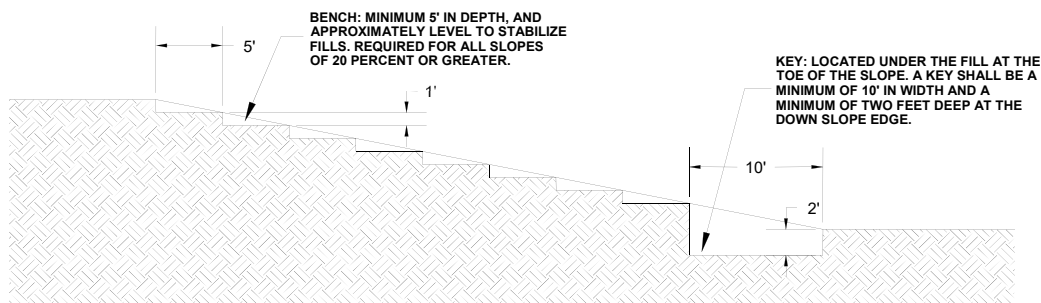


FIGURE 2.19.1

e. Compaction. All fills supporting buildings and other structures shall be compacted to a minimum of 90 percent Modified Proctor in accordance with ASTM D1557, or as specified by the civil engineer of record. Lifts shall not exceed 12 inches in

depth. Special inspection to verify compaction is required for fills supporting buildings or other structures. The number and frequency of field tests shall be specified by the civil engineer of record. Compaction in existing or future City rights of way shall be in accordance with the requirements of the City of Tacoma Public Works Department, Construction Division.

f. Maximum Slope. The slope of fills shall be no steeper than is safe for the intended use. Fill slopes shall not be steeper than two horizontal to one vertical, unless justified by a soils engineering report.

4. Setbacks

a. General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure 2.19.2, unless alternate setbacks are approved by the Building Official and/or a soils engineering report. The Building Official may require greater setbacks to protect public property.

b. Slope Setbacks. The top of slopes shall not be graded closer to the face of the footing than one third of the vertical height of the slope with a maximum of 40 feet (Figure 2.19.2). The setback may need to be increased for any required intercepter drains. The toe of slopes shall be graded not closer to the face of the structure than one half the height of the slope, with a maximum of 15 feet.

c. Special Provisions. Where a graded slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated into the work as the Building Official and/or soil engineering report deem necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

- i. Additional setbacks.
- ii. Provisions for retaining walls or similar structures.
- iii. Terracing.
- iv. Erosion protection of slopes, and other provisions for the control of surface water.

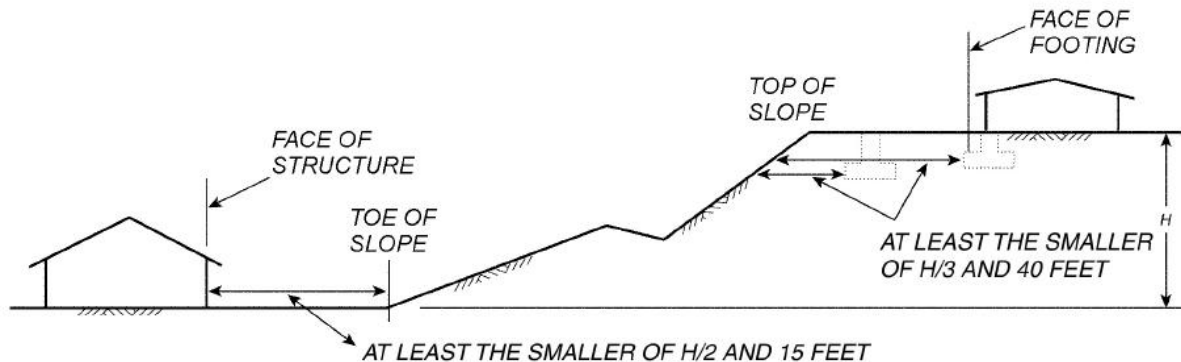


FIGURE 2.19.2
FOUNDATION CLEARANCES FROM SLOPES

5. Terracing and Associated Drainage

a. General. Unless otherwise recommended by a civil engineer, terracing and associated drainage facilities shall conform to the provisions of this section:

EXCEPTION: Terracing and associated drainage facilities are not required where the ground slope is not steeper than three horizontal to one vertical (33 percent), and provided surface water runoff and erosion are controlled.

b. Terraces. Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by a civil engineer and approved by the Building Official. Terraces shall be backsloped and cross sloped to capture surface water and to direct it to swales, ditches, and/or intercepter drains. Suitable access shall be provided to permit proper cleaning and maintenance.

G. Surface Water Drainage

1. General. All drainage facilities shall be designed per the requirements of the COTSWMM. Site drainage shall not be directed onto/across adjacent properties without first obtaining necessary easements from the property owner and approval of the Public Works Department. All existing and proposed drainage courses shall be identified on the plans. Existing drainage shall be maintained unless an alternative drainage system is provided that is approved by the Building Official. When approved by the Building Official, site drainage may be discharged into public streets, but may not drain directly over the public sidewalks and driveways. Recorded easements are required prior to issuance of the grading permit. Connections to the City storm drainage system require a separate permit.

2. Swales and Ditches. Swales or ditches, where provided, shall have a minimum gradient of 50 horizontal to 1 vertical (two percent) where paved and a minimum gradient of 20 horizontal to 1 vertical (five percent) otherwise. Paving for swales and ditches shall be with reinforced concrete not less than three inches in thickness, or other material approved by the Building Official. Unpaved swales and ditches shall be grass or rock lined. They shall have a minimum depth at the deepest point of 12 inches where paved and 24 inches where unpaved, and a minimum width of 5 feet. A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet of horizontal projected area without discharging to a private or public storm sewer pipeline.

3. Interceptor Drains. Interceptor drains shall be installed along the top of all slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite, or other material approved by the Building Official. They shall have a minimum depth of 12 inches and a minimum paved width of three feet, measured horizontally across the drain. The slope of the drain shall be approved by the Building Official, but shall not be less than 50 horizontal to 1 vertical (2 percent). Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the Building Official.

4. Subsurface Drains: Cut and fill slopes shall be provided with subsurface drainage as necessary for stability. Subsurface drains shall be designed by a civil engineer.

5. Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way that is approved by the Building Official or other approving agency as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

H. Erosion Control and Temporary Surface Water Control

1. Erosion and Sediment Control. The faces of cleared or graded slopes shall be prepared and maintained to control erosion. Such control shall consist of approved erosion and sediment control best engineering practices. Permanent protection for slopes shall be installed as soon as practicable and prior to calling for final approval.

2. Thresholds. A Construction Stormwater Pollution Prevention Plan (SWPPP) is required for all projects proposing to:

- a. Add or replace 2,000 square feet or more of impervious surface; and/or
- b. Disturb 7,000 square feet or more of land.

3. Erosion and Sediment Control (ESC) Lead. For all sites or projects requiring engineered grading in excess of 500 cubic yards, either a civil engineer or other person possessing an approved certificate for erosion and sediment control training shall be identified in the Construction SWPPP and shall be on site or on call at all times. Certification may be through the Washington State Department of Transportation/Associated General Contractors (WSDOT/AGC) Construction Site Erosion and Sediment Control Certification Program or any equivalent local or national certification and training program as approved by the Building Official.

4. Special Approved Discharge Permit (Construction Dewatering).

All discharges during construction to the City sewer system (storm or sanitary) require prior City approval. Discharge to the City sewer system during construction may require a separate Special Approved Discharge permit.

I. Soils Engineering Report

1. Soils Engineering Report Conditions. A soils engineering report will be required for the following conditions:

- a. Clearing or grading in an area with moderate to steep slopes (greater than 25 percent slopes).
- b. Grading that will require a cut or fill greater than 10 feet in height vertically.
- c. Grading in excess of 5,000 cubic yards, except where grading consists of fills less than 2 feet in depth on level to shallow slopes.
- d. Grading that may impact support or stability of public right of way, existing building foundations or adjacent property.

~~e. Grading work that will include installing retaining walls greater than 8 feet in height, or walls supported by soil nailing or tiebacks.~~

~~f. Grading in areas where previous grading or uncontrolled filling has been conducted without a grading permit.~~

~~g. Where groundwater seepage has been identified on the site.~~

~~h. As required by the Building Official.~~

~~2. Soils Engineering Report Contents. The soils engineering report shall include, but not be limited to:~~

~~a. Data regarding a description of geology of the site, the nature, distribution, and strength of existing soils.~~

~~b. Design criteria for retaining walls or similar structures.~~

~~c. Conclusions and recommendations for filling and grading procedures.~~

~~d. Design criteria for corrective measures, including buttress fills, when necessary.~~

~~e. Stability analysis of moderate and steep slopes.~~

~~f. Opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by geotechnical engineering and geologic factors.~~

~~g. Design parameters for and evaluation of the geologic impact of proposed retaining wall structures and soil nails and tiebacks on adjacent properties and City rights of way. Soil nails or tiebacks extending into public right of way are required to obtain a street occupancy permit from the City of Tacoma, and where extending into private property, a recorded easement is required prior to issuing said permits. Soil nailing and tiebacks shall be required to comply with the City of Tacoma Soil Nail Policy.~~

~~3. Liquefaction Study. For sites with mapped maximum considered spectral response accelerations at short periods (S_s) greater than 0.5g as determined by IBC Section 1613, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.~~

~~EXCEPTION: A liquefaction study is not required where the Building Official determines from established local data that liquefaction potential is low.~~

~~J. Clearing, Grading and Erosion Control Inspections.~~

~~1. General. Grading operations for which a permit is required shall be subject to inspection by the Building Official. Special inspection of grading operations shall be provided by a civil engineer retained to provide such services in accordance with this section and IBC Chapter 17 for engineered grading and as required by the Building Official for regular grading.~~

~~2. Civil Engineer. The civil engineer shall provide inspection within such engineer's area of technical specialty, which shall consist of the following:~~

~~a. Observation and review as to the establishment of line, grade, and surface drainage of the development area.~~

~~b. Observation during grading and testing for required compaction to verify required compaction called for in the specifications has been met.~~

~~c. Observation during the preparation of the natural ground, placement of fill, and construction of retaining walls to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter.~~

~~Revised plans or recommendations relating to conditions differing from the approved plans or soil engineering report shall be submitted to the Building Official.~~

~~3. Erosion Control Inspector. For Engineered Grading, or where required by the Building Official, either a civil engineer or other person possessing an approved certificate for erosion and sediment control training shall provide inspection of erosion and sediment control at the site. The erosion control inspector shall report to the Building Official and be responsible for assuring that all erosion control systems are installed and maintained until the site has been permanently stabilized. It shall also be the responsibility of this inspector to supervise the proper removal of temporary erosion control systems at the end of the project.~~

~~4. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. The permittee shall engage consultants, if required, to provide special inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor, and the Building Official. In the event of changed conditions, the permittee shall be responsible for informing the Building Official of such changes and shall provide revised plans for approval. The permittee is ultimately responsible for providing~~

and maintaining erosion control at all times until the site has been permanently stabilized. During periods of construction inactivity, the permittee must ensure the erosion control is functioning properly.

5. Building Official. The Building Official shall inspect the project at the critical stages of work requiring approval to determine that adequate control is being exercised by the professional consultants. The Building Official may require special inspection and testing by a civil engineer. When the Building Official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading requirements.

6. Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately to the Building Official.

7. Transfer of Responsibility. If the civil engineer of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the recommencement of such grading.

K. Completion of Work

1. Final Reports. Upon completion of the rough grading work and at the final completion of the work, the Building Official may require a Completion Report, which may include, but not be limited to, the following:

a. A record drawing prepared by the civil engineer showing original ground surface elevations, as graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and the outlets of subsurface drains. The civil engineer shall also provide a signed and stamped letter certifying the private storm drainage system was constructed as designed.

b. A report prepared by the civil engineer including locations and elevations of field density tests, summaries of field and laboratory tests, observations and testing during retaining wall construction, as constructed locations, elevations, and details of subsurface drains, and comments on any changes made during grading and their effect on the recommendations made in the approved soil engineering report.

c. Reports of erosion control inspections performed by either the civil engineer or other person possessing an approved certificate for erosion and sediment control training, details of replacement or maintenance of erosion and sediment control systems and cleanup of any spills during grading activities.

2. Notification of Completion. The permittee shall notify the Building Official when the clearing and grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures have been completed in accordance with the final approved clearing and grading plan, and the required reports have been submitted.

L. Bonds

The Building Official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond, the applicant may file a cash bond or assignment of funds with the Building Official in an amount equal to that which would be required in the surety bond.

2.19.040 Off-site improvements. Repealed.

A. Authority. The authority for this section is held by the Planning and Development Services Director or designee.

B. Scope and Intent.

1. The intent of this code is to consider the health, safety and general welfare of the public. Development shall not impact adjacent and/or downstream property owners in a detrimental manner compared to the pre-developed condition.

2. This code is intended to assist, but not to substitute, competent work by professional engineers. It is expected that the professional engineers will bring to each project the best of their skills and abilities to see that the project is thoroughly analyzed and designed correctly, accurately, and in compliance with generally accepted engineering practices. This code is not intended to address all situations or to unreasonably limit any innovative or creative effort in design and construction which may result in better quality, cost savings, or improved performance.

C. Off site Improvements and Development Standards.

1. Off site improvements and corresponding development standards (2.19.040.C.2) shall be required for all New Construction, Additions, Site Uses, Change of Occupancies as defined in Chapter 3 of the International Existing Building Code, Moved

Buildings, and Remodels/Alterations to existing buildings. Off site improvements, as defined in TMC 2.19.020, shall conform to the City of Tacoma Standards and be constructed in accordance with the Design Manual, Right of Way Restoration Policy, and the City of Tacoma Stormwater Management Manual.

The maximum level of off site improvements that may be imposed by project type is shown in Table 2.19.1, however, this limit shall not apply to projects that have requirements imposed by a SEPA, CUP, or other conditioning documents. The City shall determine the order of preference when determining off-site improvement requirements, considering general health, safety, and welfare as the primary objectives.

Projects involving more than one project type (New Construction, Additions, Change of Occupancy, and Remodel/Alteration), shall apply the most restrictive criteria in Table 2.19.1. The Planning and Development Services Director, or designee, is authorized to establish, and modify or eliminate the off-site improvement requirements shown in Table 2.19.1 for individual cases where there are practicable difficulties involved in implementation of the requirements of this code.

Table 2.19.1 Off site Improvement Determinations⁽¹⁾

| Project Type | Threshold | Off site Improvement Requirement ⁽²⁾ |
|---|--|--|
| New Construction | | |
| Commercial ⁽³⁾ | All new and moved buildings | No limit defined. Off site improvements pursuant to Section 2.19.040.C.2 and as determined by the Planning and Development Services Director, plus all utility construction or relocation and installation of safety mitigation measures. |
| Single family and two family dwellings | All new and moved buildings | No limit defined. Offsite improvements as determined by the Planning and Development Services Director. Fee In lieu available pursuant to Section 2.19.040.D. |
| Single family and two family accessory structures and garages | | None required; Access to property shall be in accordance with Section 2.19.C.2(e). |
| Additions | | |
| Commercial—Large ⁽³⁾ | 50% or greater than building area | No limit defined. Off site improvements pursuant to Section 2.19.040.C.2, and as determined by the Planning and Development Services Director, plus all utility construction or relocation and installation of safety mitigation measures. |
| Commercial—Small ⁽³⁾ | Less than 50% of building area | Off site Improvement Requirements up to approximately 10% of Addition Valuation. |
| Single family and two family dwelling | Additions | None required; Access to property shall be in accordance with Section 2.19.040.C.2(e), and compliance with Section 2.19.040.C.2(d). |
| Change of Occupancy | | |
| Large ⁽³⁾ | Change of Occupancy to 50% or greater of the building area | Off site Improvement Requirements up to the greatest of either: <input type="checkbox"/> 10% of Remodel Valuation ⁽⁴⁾ <input type="checkbox"/> 10% of the change to the building valuation based on the most current ICC Building Valuation table. Fee In lieu available pursuant to Section 2.19.040.D. |
| Small ⁽³⁾ | Change of Occupancy to greater than 10% but less than 50% of the building area | Off site Improvement Requirements up to the greatest of either: <input type="checkbox"/> 5% of Remodel Valuation ⁽⁴⁾ <input type="checkbox"/> 5% of the change to the building valuation based on the ICC Building Valuation. Fee In lieu available pursuant to Section 2.19.040.D. |

| | | |
|----------------------------|--|--|
| Exceptions | Change of use to: <input type="checkbox"/> Live/work occupancy for up to 10 dwelling units; <input type="checkbox"/> Work/live use for buildings less than 30,000 square feet (2787 m ²) | None required |
| Remodel/Alterations | | |
| Large ⁽³⁾ | Remodel Valuation 50% or greater than ICC Building Valuation | Off-site Improvement Requirements up to approximately 10% of Remodel Valuation ⁽⁴⁾ Fee In lieu available pursuant to Section 2.19.040.D. |
| Small ⁽³⁾ | Remodel Valuation greater than 10% but less than 50% of ICC Building Valuation | Off-site Improvement Requirements up to approximately 5% of Remodel Valuation ⁽⁴⁾ Fee In lieu available pursuant to Section 2.19.040.D. |
| Exception | Remodel Valuation less than 10% of ICC Building Valuation | Off-site improvements may be required at the discretion of the Planning and Development Services Director. |
| Exception | Water or Fire Damages repairs that are valued at less than 50% of the ICC Building Valuation | None required |

- (1) Limits listed are approximate, and the Planning and Development Services Director, or designee, may impose additional requirements as needed to protect the health, safety, and general welfare of the public.
- (2) Costs for utility construction or relocation and safety mitigation measures shall not be included in the owner's/developer's percentage of off-site improvement requirements. Off-site improvement requirements contributing to the percentage shall include, but not be limited to: street paving, concrete curbs and gutters, asphalt wedge curb, sidewalks, driveways, and curb ramps.
- (3) For Campus sites, the City Engineer, or designee, shall determine the required frontage improvements.
- (4) The Remodel Valuation limit shall be defined as the estimated construction cost of the project submitted by the contractor or owner at time of permit submittal as a percentage of the most recent version of the International Code Council Building Valuation Data. The estimate shall detail all major cost elements of the project. The remodel valuation limit shall not apply to projects that have requirements imposed by a SEPA, CUP, or other conditioning document.

2. The following development standards and related off-site improvements shall apply to all applicable project types listed in Table 2.19.1:

- (a) Alleys: When a lot adjoins an alley or street intersection, improvements shall also be installed at the alley or street intersection. Alleys shall be improved to City of Tacoma Standards when any access to the site is provided from the alley.
- (b) Off-site improvements are dependent on the project type and threshold listed in Table 2.19.1, and shall require the development of cement concrete curb and gutter, sidewalks, curb ramps, paving, safety measures, other right of way elements and drainage of all dedicated streets along the lot frontages, except, in cases where the topography or other conditions make it impractical.
- (c) Access to Property: Driveway approaches shall be in accordance with TMC 10.14 (Driveway Ordinance). Public roads fronting the property shall be comprised of an all-weather surface, or will need to be paved to provide an all-weather surface.
- (d) Where a site has existing improvements such as sidewalks, curbs, gutters, and paving, these improvements shall be replaced if they are broken, damaged or hazardous. Pavement shall also be required to be replaced when it does not meet the current standard pavement section for residential or arterial streets contained in the City of Tacoma Standards. Live/Work and Work/Live developments which are exempt from off-site improvements per Table 2.19.1 are only required to replace broken, damaged, or hazardous sidewalks along the street frontage.

D. Fee In Lieu of: Upon approval of the Planning and Development Services Director, or designee, a fee may be paid in lieu of construction of the required off-site improvements. In addition, the Director, or designee, shall determine the eligible off-site improvements and fee in lieu amount. The fees shall be paid at the time of permit issuance and deposited in the Fee In Lieu of Off-site Improvements Fund.

E. Covenant and Easement Agreement: Where development has been exempted from off-site improvement requirements for Live/Work or Work/Live uses, a covenant/use restriction shall be recorded on title of the exempt property as a covenant running with the land that the use giving rise to the exemption must be maintained for a minimum of 10 years. If Live/Work

or Work/Live use changes within the 10 year covenant/restriction period, off site improvement requirements may be imposed at the time of change of use.

2.19.050 Clearing and Grading Requirements.

A. Application Requirements.

1. General. The plans shall contain the location of the work, limiting dimensions of the proposed clearing, including any setbacks, and the location of any existing improvements or structures where work is to be performed, and the location of any existing improvements or structures within 50 feet of the proposed clearing area. The plans shall also contain provisions for the preservation of natural land and water features, vegetation, drainage, and other indigenous features of the site. Clearing associated with Engineered Grading work or within geohazard areas, or as determined by the Director of Planning and Development Services, or designee, shall require a plan prepared by a civil engineer and/or approved hydrologist or forest management expert.

2. Clearing. Clearing shall be accomplished in a manner that will not create, or contribute to, flooding, erosion, or increased turbidity, siltation, or other forms of pollution. Clearing shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time, consistent with the construction schedule. Provisions shall be made for interim erosion control measures. Clearing shall be accomplished in a manner that will not create, or contribute to, landslides, accelerated soil creep, settlement, and subsidence on the subject property and/or adjoining properties.

3. Site Cleanup. Vegetative material from the cleared site shall be removed or chipped in an approved manner, within 60 days from the completion of the operation. Chipped material deposited on an interim basis shall be protected from becoming a fire hazard.

4. Grading. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties, including public rights-of-way, for a distance as required by the City from the proposed grading area, but not less than is necessary to provide sufficient detail to identify how grade changes will conform to the requirements of this code. The plan shall also identify all drainage courses and surface water flow to and from the site, both existing and proposed.

B. Earthwork.

1. Excavations. Unless otherwise recommended in an approved soils engineering report, excavations shall conform to the provisions of this section. The slope of excavated surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than two horizontal to one vertical (50 percent). Steeper slopes, if specifically addressed in the soils engineering report, may be authorized by the City.

EXCEPTIONS: An excavated surface may be at a slope of 1.5 horizontal to 1 vertical (67 percent), provided that all of the following are met:

- a. It does not support structures or surcharges.
- b. It is protected against erosion.
- c. It is no more than 8 feet in height.
- d. It is approved by the Building Official.

2. Fills.

a. General. Unless otherwise recommended in an approved soils engineering report, fills shall conform to the provisions of this section.

EXCEPTION: These provisions may be waived by the Building Official for minor fills not intended to support structures, sanitary or storm sewers, sidewalks, and private or public roads.

b. Surface Preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil, and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

c. Benches and Keys. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20 percent) and the depth of the fill exceeds 5 feet, benching and keying shall be provided. Benches shall be essentially level and a minimum of 5 feet in width. Keys shall be at the toe of the fill slope in undisturbed native soil and be placed beneath the fill. They shall be at least 10 feet in width and 2 feet in depth.(See Figure 2.19.1)

d. Fill Material. Fill material shall not include organic, frozen, or other deleterious materials. Except as approved by the Building Official, no rock, broken concrete, or similar irreducible material greater than 12 inches in any dimension shall be included in fills.

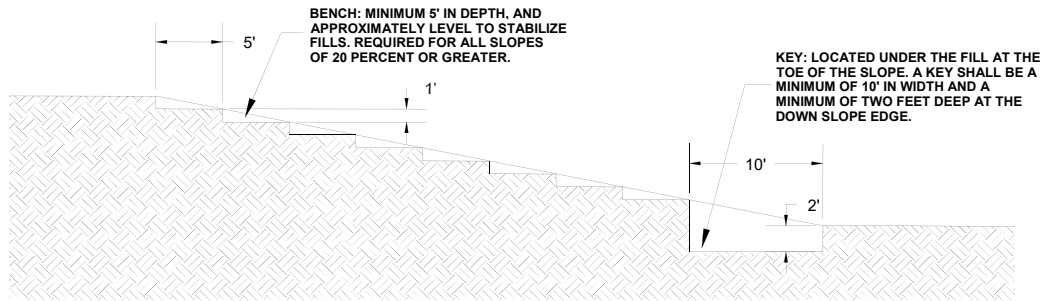


FIGURE 2.19.1

e. Compaction. All fills supporting buildings and other structures shall be compacted to a minimum of 90 percent Modified Proctor in accordance with ASTM D1557, or as specified by the civil engineer of record. Lifts shall not exceed 12 inches in depth. Special inspection to verify compaction is required for fills supporting buildings or other structures. The number and frequency of field tests shall be specified by the civil engineer of record. Compaction in existing or future City rights of way shall be in accordance with the requirements of the City of Tacoma Public Works Department, Construction Division.

f. Maximum Slope. The slope of fills shall be no steeper than is safe for the intended use. Fill slopes shall not be steeper than two horizontal to one vertical, unless justified by a soils engineering report.

3. Setbacks.

a. General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure 2.19.2, unless alternate setbacks are approved by the Building Official and/or a soils engineering report. The Building Official may require greater setbacks to protect public property.

b. Slope Setbacks. The top of slopes shall not be graded closer to the face of the footing than one-third of the vertical height of the slope with a maximum of 40 feet (Figure 2.19.2). The setback may need to be increased for any required interceptor drains. The toe of slopes shall be graded not closer to the face of the structure than one-half the height of the slope, with a maximum of 15 feet.

c. Special Provisions. Where a graded slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated into the work as the Building Official and/or soil engineering report deem necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

(1) Additional setbacks.

(2) Provisions for retaining walls or similar structures.

(3) Terracing.

(4) Erosion protection of slopes, and other provisions for the control of surface water.

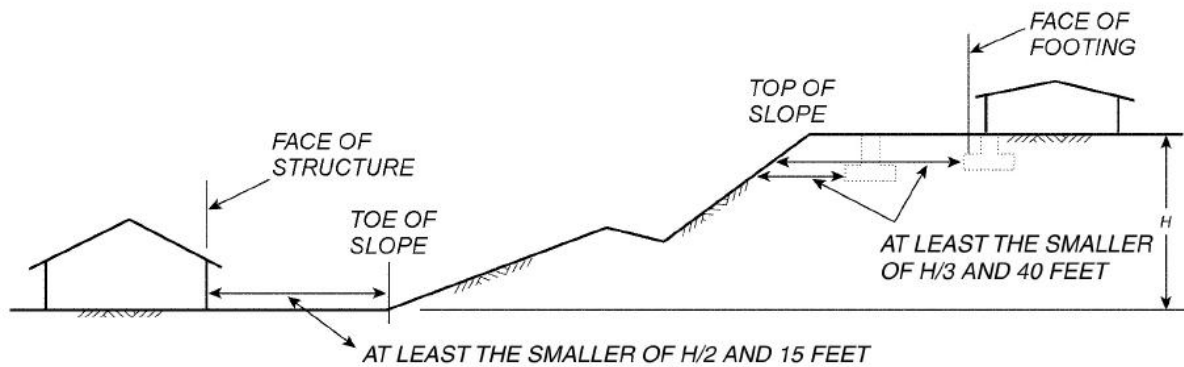


FIGURE 2.19.2
FOUNDATION CLEARANCES FROM SLOPES

4. Terracing and Associated Drainage

a. General. Unless otherwise recommended by a civil engineer, terracing and associated drainage facilities shall conform to the provisions of this section:

EXCEPTION: Terracing and associated drainage facilities are not required where the ground slope is not steeper than 3 horizontal to 1 vertical (33 percent), and provided surface water runoff and erosion are controlled.

b. Terraces. Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by a civil engineer and approved by the Building Official. Terraces shall be backsloped and cross sloped to capture surface water and to direct it to swales, ditches, and/or interceptor drains. Suitable access shall be provided to permit proper cleaning and maintenance.

2.19.060 Surface Water Drainage and Temporary Erosion Control Requirements.

A. Surface Water Drainage.

1. General. All drainage facilities shall be designed per the requirements of the COTSWMM. Site drainage shall not be directed onto/across adjacent properties without first obtaining necessary easements from the property owner and approval of the Public Works Department. All existing and proposed drainage courses shall be identified on the plans. Existing drainage shall be maintained unless an alternative drainage system is provided that is approved by the Building Official. When approved by the Building Official, site drainage may be discharged into public streets, but may not drain directly over the public sidewalks and driveways. Recorded easements are required prior to issuance of the grading permit. Connections to the City storm drainage system require a separate permit.

2. Swales and Ditches. Swales or ditches, where provided, shall have a minimum gradient of 50 horizontal to 1 vertical (two percent) where paved and a minimum gradient of 20 horizontal to 1 vertical (five percent) otherwise. Paving for swales and ditches shall be with reinforced concrete not less than three inches in thickness, or other material approved by the Building Official. Unpaved swales and ditches shall be grass or rock lined. They shall have a minimum depth at the deepest point of 12 inches where paved and 24 inches where unpaved, and a minimum width of 5 feet. A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet of horizontal projected area without discharging to a private or public storm sewer pipeline.

3. Interceptor Drains. Interceptor drains shall be installed along the top of all slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite, or other material approved by the Building Official. They shall have a minimum depth of 12 inches and a minimum paved width of three feet, measured horizontally across the drain. The slope of the drain shall be approved by the Building Official, but shall not be less than 50 horizontal to 1 vertical (2 percent). Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the Building Official.

4. Subsurface Drains: Cut and fill slopes shall be provided with subsurface drainage as necessary for stability. Subsurface drains shall be designed by a civil engineer.

5. Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage-way that is approved by the Building Official or other approving agency as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

B. Erosion Control and Temporary Surface Water Control.

1. Erosion and Sediment Control. The faces of cleared or graded slopes shall be prepared and maintained to control erosion. Such control shall consist of approved erosion and sediment control best engineering practices. Permanent protection for slopes shall be installed as soon as practicable and prior to calling for final approval.

2. Thresholds. A Construction Stormwater Pollution Prevention Plan (SWPPP) is required for all projects proposing to:

a. Add or replace 2,000 square feet or more of impervious surface; and/or

b. Disturb 7,000 square feet or more of land.

3. Erosion and Sediment Control (ESC) Lead. For all sites or projects requiring engineered grading in excess of 500 cubic yards, either a civil engineer or other person possessing an approved certificate for erosion and sediment control training shall be identified in the Construction SWPPP and shall be on-site or on-call at all times. Certification may be through the Washington State Department of Transportation/Associated General Contractors (WSDOT/AGC) Construction Site Erosion and Sediment Control Certification Program or any equivalent local or national certification and training program as approved by the Building Official.

4. Special Approved Discharge Permit (Construction Dewatering).

All discharges during construction to the City sewer system (storm or sanitary) require prior City approval. Discharge to the City sewer system during construction may require a separate Special Approved Discharge permit.

C. Soils Engineering Report.

1. Soils Engineering Report Conditions. A soils engineering report will be required for the following conditions:

a. Clearing or grading in an area with moderate to steep slopes (greater than 25 percent slopes).

b. Grading that will require a cut or fill greater than 10 feet in height vertically.

c. Grading in excess of 5,000 cubic yards, except where grading consists of fills less than 2 feet in depth on level to shallow slopes.

d. Grading that may impact support or stability of public right-of-way, existing building foundations or adjacent property.

e. Grading work that will include installing retaining walls greater than 8 feet in height, or walls supported by soil nailing or tiebacks.

f. Grading in areas where previous grading or uncontrolled filling has been conducted without a grading permit.

g. Where groundwater seepage has been identified on the site.

h. As required by the Building Official.

2. Soils Engineering Report Contents. The soils engineering report shall include, but not be limited to:

a. Data regarding a description of geology of the site, the nature, distribution, and strength of existing soils.

b. Design criteria for retaining walls or similar structures.

c. Conclusions and recommendations for filling and grading procedures.

d. Design criteria for corrective measures, including buttress fills, when necessary.

e. Stability analysis of moderate and steep slopes.

f. Opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by geotechnical engineering and geologic factors.

g. Design parameters for and evaluation of the geologic impact of proposed retaining wall structures and soil nails and tiebacks on adjacent properties and City rights-of-way. Soil nails or tiebacks extending into public right-of-way are required to obtain a street occupancy permit from the City of Tacoma, and where extending into private property, a recorded easement is required prior to issuing said permits. Soil nailing and tiebacks shall be required to comply with the City of Tacoma Soil Nail Policy.

3. Liquefaction Study. For sites with mapped maximum considered spectral response accelerations at short periods (Ss) greater than 0.5g as determined by IBC Section 1613, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

EXCEPTION: A liquefaction study is not required where the Building Official determines from established local data that liquefaction potential is low.

2.19.070 Inspection Requirements.

A. General.

Grading operations for which a permit is required shall be subject to inspection by the Director of Planning and Development Services, or designee. Special inspection of grading operations shall be provided by a civil engineer retained to provide such services where required by the Director of Planning and Development Services, or designee.

B. Inspections.

1. Civil Engineer Inspections. The civil engineer shall provide inspection within such engineer's area of technical specialty, which shall consist of the following:

a. Observation and review as to the establishment of line, grade, and surface drainage of the development area.

b. Observation during grading and testing for required compaction to verify required compaction called for in the specifications has been met.

c. Observation during the preparation of the natural ground, placement of fill, and construction of retaining walls to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter.

2. Erosion Control Inspections. Where required by the Director of Planning and Development Services, or designee, either a civil engineer or other person possessing an approved certificate for erosion and sediment control training shall provide inspection of erosion and sediment control at the site. The erosion control inspector shall report to the Director of Planning and Development Services, or designee, and be responsible for assuring that all erosion control systems are installed and maintained until the site has been permanently stabilized. It shall also be the responsibility of this inspector to supervise the proper removal of temporary erosion control systems at the end of the project.

C. Notification of Noncompliance.

If, in the course of fulfilling their respective duties under this chapter, the civil engineer finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately to the Director of Planning and Development Services, or designee.

D. Transfer of Responsibility.

If the civil engineer of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Director of Planning and Development Services, or designee, in writing of such change prior to the recommencement of such grading.

E. Completion of Work.

1. Final Reports. Upon completion of the rough grading work and at the final completion of the work, the Director of Planning and Development Services, or designee, may require a Completion Report which may include, but not be limited to, the following:

a. A record drawing prepared by the civil engineer showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and the outlets of subsurface drains. The civil engineer shall also provide a signed and stamped letter certifying the private storm drainage system was constructed as designed.

b. A report prepared by the civil engineer including locations and elevations of field density tests, summaries of field and laboratory tests, observations and testing during retaining wall construction, as-constructed locations, elevations, and details of subsurface drains, and comments on any changes made during grading and their effect on the recommendations made in the approved soil engineering report.

c. Reports of erosion control inspections performed by either the civil engineer or other person possessing an approved certificate for erosion and sediment control training, details of replacement or maintenance of erosion and sediment control systems and cleanup of any spills during grading activities.

2. Notification of Completion. The permittee shall notify the Director of Planning and Development Services, or designee, when the clearing and grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures have been completed in accordance with the final approved clearing and grading plan, and the required reports have been submitted.

* * *

CHAPTER 2.22
RIGHT-OF-WAY DEVELOPMENT CODE

Sections:

- 2.22.010 General Provisions.
- 2.22.015 Administrative Provisions.
- 2.22.020 Definitions.
- 2.22.030 Permit Requirements.
- 2.22.040 Off-site Improvement Requirements.

2.22.010 **General Provisions.**

A. Scope and Intent.

This chapter is intended to supplement the requirements of TMC 10.22 and provide guidance for permitting construction and maintenance activities within the City right-of-way.

B. Authority.

The provisions of this chapter are under the authority of the Director of Planning and Development Services, or designee.

C. Referenced codes, reports, and standards.

This code may reference separate codes or standards, and the provisions of those reference codes or standards shall apply unless they conflict with the provisions in this code. Where there are conflicts between the technical requirements in this Chapter and a site specific report (such as a geotechnical report) prepared by an approved design professional, the site specific report shall govern.

2.22.015 **Administrative Provisions.**

The Director of Planning and Development Services shall have the authority to develop rules, policies, and administrative procedures for, but not limited to, the following items:

A. Public notifications. Notices may be required for any permits issued under this chapter. When required, the notices shall be completed prior to the start of construction.

B. Project Meetings. Permittees, contractors, and others associated with a permit may be required to attend Project Meetings related to permit requirements, to address neighborhood impacts such as dust and construction noise or other neighborly issues that arise from the contractor's activities.

C. Construction Nuisances. Additional requirements may be imposed on project construction activities that impact the surrounding neighborhood, such as public safety, dust and construction noises. Identification of these issues may be by a complaint, City and/or other regulatory inspection. A project meeting may be called to address the impacts.

Violations of TMC 2.07 or any provision as required by the Director of Planning and Development Services under TMC 2.07.015 shall be administered as outlined in TMC 1.82 – Uniform Enforcement Code, and/or Chapter 2.02.130 of this code.

2.22.020 **Definitions.**

ADMINISTRATIVE PROCEDURES: The written process followed to implement a policy.

CIVIL ENGINEER: A professional engineer licensed in the State of Washington and specialized in the design, analysis and supervision of the construction of public and private works, especially roads, excavations, grading, filling, drainage, and erosion control.

POLICY: A written direction provided to City staff by the Director of any City of Tacoma Department, often providing clarification and interpretation of code or other requirements.

PROJECT MEETINGS: Either a private meeting with the City or a publicly accessible meeting with the public for a specific permit to discuss the project and any concerns or nuisances with the City, the permit holder, and the project contractor.

PUBLIC NOTIFICATIONS: A mechanism to inform the public regarding the scope and status of a project.

RIGHT-OF-WAY: Any public street or easement as defined in TMC 10.22

RULES: A written enforceable directive by the Director of any City of Tacoma Department.

STREET FRONTAGE: The abutment of privately owned property along one side of a street between the intersections of streets, alleys, and other public ways.

WORK/LIVE AND LIVE/WORK: See definitions in Chapter 2.02.100

2.22.030 Permit Requirements.

A. Permit Requirements.

All construction and maintenance activities shall require a permit as outlined in TMC 10.22.050.

B. Permit Expiration.

At any time during the permitting process: application, plan review, or construction; a permit will expire if no applicant activity within the specific process occurs within 180 days. The City will notify the applicant of its intent to cancel the permit at the end of 180 days. Upon notification, the applicant may request an extension of their permit and additional fees may be required for inspections or additional review.

C. Modifications or Alternate Means.

1. Where there are practical difficulties involved in carrying out the provisions of this code, the Director of Planning and Development Services, or designee, shall have the authority to grant modifications for individual cases provided that the modification is in compliance with the intent and purpose of this code. In addition, the provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that the Director of Planning and Development Services, or designee, finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material or method is for the purpose intended and not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, durability, and safety.

2. A Modification or Alternative Means request shall be in writing and shall fully describe the request including the code, design standard, regulatory requirements, and/or Engineering Best Practice and how the alternative proposal is in compliance with the intent and purpose of the code, design standard, regulatory requirements, or Engineering Best Practice. Upon review by the City, which may include requests for additional information, the Modification or Alternative Means will be denied or conditionally approved by the Director of Planning and Development Services, or designee, before being used for a project.

2.22.040 Off-site Improvement Requirements.

A. Scope and Intent.

1. The intent of this code is to consider the health, safety and general welfare of the public. Development shall not impact City Right-of-Way inconsistent with the most applicable current City codes and standards. In addition, development shall not impact adjacent and/or downstream property owners in a detrimental manner.

2. Proposed improvements shall require the submittal of plans completed by a professional civil engineer and/or surveyors licensed in the state of Washington consistent with the state licensure requirements and engineering best practice. In addition, all work shall be compliant with the City of Tacoma design requirements and using City of Tacoma benchmarks for surveying.

B. Off-site Improvements.

1. Off-site improvements shall be required for all New Construction, Additions, Site Uses, Change of Occupancies as defined in the International Existing Building Code, Moved Buildings, and Remodels/Alterations to existing buildings. Projects involving more than one project type (New Construction, Additions, Change of Occupancy, and Remodel/Alteration) shall apply the most restrictive criteria in Table 2.22.1.

2. The Director of Planning and Development Services, or designee, is authorized to establish and modify or eliminate the off-site improvement requirements shown in Table 2.22.1 for individual cases where there are practicable difficulties involved in implementation of the requirements of this code. The Director of Planning and Development Services, or designee, shall determine the order of preference when determining off-site improvement requirements, considering health, safety, and welfare, along with environmental protections as the primary objectives. Secondary objectives may include considerations for transportation corridors and proximity to schools and parks. Although a maximum level of off-site improvements that may be imposed by project type is shown in Table 2.22.1, this limitation shall not apply to any additional improvements for projects that have requirements imposed by a SEPA, Conditional Use Permit, or other conditioning documents. Nor does it absolve the property owner of the responsibility to repair any damaged or defective sidewalk.

3. Off-site improvements, as defined in TMC 2.19.020, shall be constructed to conform to City of Tacoma Standards as defined by, but not limited to, the City of Tacoma’s most current: Right-of-Way Design Manual; Right-of-Way Restoration Policy; Stormwater Management Manual; and/or Side Sewer and Sanitary Sewer Availability Manual.

4. The following off-site improvement requirements shall apply to all applicable project types listed in Table 2.22.1.

a. Alleys: When a lot adjoins an alley or street intersection, improvements shall also be installed at the alley or street intersection. Alleys shall be improved to City of Tacoma Standards when any access to the site is provided from the alley.

b. Off-site improvements are dependent on the project type and threshold listed in Table 2.22.1, and shall require the development of cement concrete curb and gutter, sidewalks, curb ramps, paving, safety measures, other right-of-way elements and drainage of all dedicated streets along the lot frontages, except, in cases where the topography or other conditions make it impractical.

c. Access to Property. Driveway approaches shall be in accordance with TMC 10.14 (Driveway Ordinance). Public roads fronting the property shall be comprised of an all-weather surface per the requirements of TMC 13.06, or will need to be paved to provide an all-weather surface.

d. Where a site has existing improvements such as sidewalks, curbs, gutters, and paving, these improvements shall be replaced if they are broken, damaged or hazardous. Pavement shall also be required to be replaced when it does not meet the current standard pavement section for residential or arterial streets contained in the City of Tacoma Standards. Live/Work and Work/Live developments which are exempt from off-site improvements per Table 2.22.1 are only required to replace broken, damaged, or hazardous sidewalks along the street frontage.

C. Fee In Lieu of.

Upon approval of the Director of Planning and Development Services, or designee, a fee may be paid in lieu of construction of the required off-site improvements. In addition, the Director of Planning and Development Services, or designee, shall determine the eligible off- site improvements and fee in lieu amount. The fees shall be paid at the time of permit issuance and deposited in the Fee In Lieu of Off-site Improvements Fund.

D. Covenant and Easement Agreement.

Where development has been exempted from off-site improvement requirements for Live/Work or Work/Live uses, a covenant/use restriction shall be recorded on title of the exempt property as a covenant running with the land that the use giving rise to the exemption must be maintained for a minimum of 10 years. If Live/Work or Work/Live use changes within the 10-year covenant/restriction period, off-site improvement requirements may be imposed at the time of change of use.

Table 2.22.1 Off-site Improvement Determinations(1)

| <u>Project Type</u> | <u>Threshold</u> | <u>Off-site Improvement Requirement(2, 4)</u> |
|--|--|--|
| <u>New Construction</u> | | |
| <u>Commercial(3)</u> | <u>All new and moved buildings</u> | <u>No limit defined. Off-site improvements pursuant to Section 2.19.040.C.2 and as determined by the Director of Planning and Development Services, plus all utility construction or relocation and installation of safety mitigation measures.</u> |
| <u>Single family and two family dwellings</u> | <u>All new and moved buildings</u> | <u>No limit defined. Offsite improvements as determined by the Director of the Planning and Development Services. Fee In-lieu available pursuant to Section 2.19.040.D.</u> |
| <u>Single family and two family accessory structures and garages</u> | | <u>None required; Access to property shall be in accordance with Section 2.19.C.2(c).</u> |
| <u>Additions</u> | | |
| <u>Commercial - Large(3)</u> | <u>50% or greater than building area</u> | <u>No limit defined. Off-site improvements pursuant to Section 2.19.040.C.2, and as determined by the Director of Planning and Development Services, plus all utility construction or relocation and installation of safety mitigation measures.</u> |
| <u>Commercial - Small(3)</u> | <u>Less than 50% of building area</u> | <u>Off-site Improvement Requirements up to approximately 10% of Addition Valuation.</u> |

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|---------------------------------------|---|--|
| Single family and two family dwelling | Additions | None required; Access to property shall be in accordance with Section 2.19.040.C.2(c), and compliance with Section 2.19.040.C.2(d). |
| <u>Change of Occupancy</u> | | |
| Large(3) | Change of Occupancy to 50% or greater of the building area | Off-site Improvement Requirements up to the greatest of either: A. 10% of Remodel Valuation(3) B. 10% of the change to the building valuation based on the most current ICC Building Valuation table. Fee In-lieu available pursuant to Section 2.19.040.D. |
| Small(3) | Change of Occupancy to greater than 10% but less than 50% of the building area | Off-site Improvement Requirements up to the greatest of either: A. 5% of Remodel Valuation(3) B. 5% of the change to the building valuation based on the ICC Building Valuation. Fee In-lieu available pursuant to Section 2.19.040.D. |
| Exceptions | Change of use to: <input type="checkbox"/> <input type="checkbox"/> Live/work occupancy for up to 10 dwelling units; <input type="checkbox"/> <input type="checkbox"/> Work/live use for buildings less than 30,000 square feet (2787 m2) | None required |
| <u>Remodel/Alterations</u> | | |
| Large(3) | Remodel Valuation 50% or greater than ICC Building Valuation | Off-site Improvement Requirements up to approximately 10% of Remodel Valuation(3) Fee In-lieu available pursuant to Section 2.19.040.D. |
| Small(3) | Remodel Valuation greater than 10% but less than 50% of ICC Building Valuation | Off-site Improvement Requirements up to approximately 5% of Remodel Valuation(3) Fee In-lieu available pursuant to Section 2.19.040.D. |
| Exception | Remodel Valuation less than 10% of ICC Building Valuation | Off-site improvements may be required at the discretion of the Director of Planning and Development Services. |
| Exception | Water or Fire Damages repairs that are valued at less than 50% of the ICC Building Valuation | None required |

Limits listed are approximate, and the Director of Planning and Development Services, or designee, may impose additional requirements as needed to protect the health, safety, and general welfare of the public.

Costs for utility construction or relocation and safety mitigation measures shall not be included in the owner's/developer's percentage of off-site improvement requirements. Off-site improvement requirements contributing to the percentage shall include, but not be limited to: street paving, concrete curbs and gutters, asphalt wedge curb, sidewalks, driveways, and curb ramps.

The Remodel Valuation limit shall be defined as the estimated construction cost of the project submitted by the contractor or owner at time of permit submittal as a percentage of the most recent version of the International Code Council Building Valuation Data. The estimate shall detail all major cost elements of the project. The remodel valuation limit shall not apply to projects that have requirements imposed by a SEPA, Conditional Use Permit, or other conditioning document.

Determination of the off-site improvement cost maximum limitation shall be for the finished construction costs not including soft costs (Permitting, Engineering, Inspection, etc.).