



CITY OF TUKWILA
Department of Community Development
6300 Southcenter Boulevard, Tukwila, WA 98188
Telephone: (206) 431-3670

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

INFORMATION

State Shoreline requirements are implemented through the Shoreline Overlay District in the Tukwila Zoning Code (Tukwila Municipal Code (TMC) **18.44**). Tukwila's shoreline regulations were updated in October, 2011 when the Department of Ecology approved the City's new Shoreline Master Program (SMP).

REQUIREMENTS: All development over \$7,047¹ and within 200 ft. of the Duwamish/Green River and associated wetlands require a "Shoreline Substantial Development Permit" **except** the following:

- Owner-occupied construction of a single family house that does not exceed 35 feet in height and/or dock construction when the dock construction costs are less than \$2,500 in salt water and \$10,000 in fresh water;
- Normal maintenance and repair;
- Habitat improvements which are part of a watershed plan;
- Hazardous waste remediation when approved by the State;
- Emergency construction needed to protect property from imminent danger.

While a project may be exempt from the need to obtain a Shoreline Substantial Development Permit, the project must still be consistent with the requirements of Tukwila's SMP. The Director may impose conditions on the approval of exempt developments and/or uses as necessary to assure compliance of the project with the Shoreline Management Act and the City's SMP.

PROCEDURES: Your application must contain all of the items listed on the attached "Complete Application Checklist" including **Project Value Documentation**. You may request a waiver from items on the checklist that are not applicable to your project. Please discuss this waiver request with City planning staff prior to submitting the application.

Within 28 days of receiving your application, City staff will determine if it is complete based on the attached checklist. If the application is not complete, City staff will contact you about what additional information is needed. If you do not submit the requested materials within 90 days from the City's request for additional information, the City may cancel your application.

A shoreline permit decision is made administratively by the Director of the Department of Community Development after the expiration of the public notice period. The City's decision is sent to the Department of Ecology for its review. There is a 21 day appeal period on Shoreline Substantial Development Permits and no construction may occur during that time, although building permits may be reviewed.

EXPIRATION: Construction must begin within two years of permit approval and be completed within five years.

¹ Starting in 2007, the dollar threshold trigger for substantial development is adjusted every 5 years, to reflect increases in the Consumer Price Index.

COMPLETE APPLICATION CHECKLIST

The materials listed below must be submitted with your application unless specifically waived in writing by the Department of Community Development. Please contact DCD if you feel that certain items are not applicable to your project and should be waived. Application review will not begin until it is determined to be complete. **ADDITIONAL MATERIALS MAY BE REQUIRED.**

The initial application materials, once deemed complete, allow project review to begin and vest the applicant's rights. However, the City may require additional information as needed to establish consistency with development standards.

City staff are available to answer questions about application materials at 206-431-3670.

| Check items submitted with application | Information Required. <i>May be waived in unusual cases, upon approval of Planning.</i> |
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| APPLICATION MATERIALS: | |
| | 1. Application Checklist (1 copy) indicating items submitted with application. |
| | 2. Completed Application Form (page 7) and notarized Hold Harmless Agreement (page 9) (5 copies). |
| | 3. Application Fee: See Land Use Fee Schedule for Standard App fee. |
| | 4. Project Value Documentation. |
| | 5. Public Notice Materials and fee. See item A (page 4) for details. |
| | 6. Project Description/Analysis (5 copies) and other environmental reports (2copies). See item B (page 4) for details. |
| | 7. Drawings (5 copies) Additional copies may be required upon determination that the application is complete: a). Site Plan See item C (page 4) for details. |
| | b). Site Cross Sections along the shoreline . See item D (page 5) for details. |
| | c). Landscape Plans. See item E (page 5) for details. |
| | d). Civil Plans. See item F (page 5) for details. |
| | e). Other plans to help explain the project such as elevations, lighting plan, signage etc. See item G (page 6) for details. |
| | 8. One set of all plans reduced to 8 1/2" by 11" or 11" by 17". |
| | 9. An electronic copy of all project application materials. |
| | 10. Other land use applications, as applicable: SEPA Environmental Checklist, Design Review Application (see TMC 18.44.110 for review criteria), Special Permission, Director, for buffer reduction requests. |

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A. PUBLIC NOTICE MATERIALS:

| | | | | | | | |
|-----------|---|------------------|----------------|---------------|-----------|-----------------|------------------|
| | 1. Payment of notice board fee (see <u>Land Use Fee schedule</u>) to Fast Signs Tukwila or Provide a 4' x 4' public notice board on site within 14 days of the Department determining that a complete application has been received (see Public Notice Sign Specifications Handout). | | | | | | |
| | 2. Pay the fee as established by the <u>Land Use Fee Schedule</u> for generating mailing labels; Or provide an excel spreadsheet of mailing labels for all <i>property owners</i> and <i>tenants</i> (residents and businesses) within 500 feet of the subject property. Each unit in multiple family buildings e.g. apartments, condos, trailer parks--must be included. Once your project is assigned to a planner, you will be required to provide an electronic copy of the mailing label spreadsheet in the following format: Name, Street Address, City St Zip, with each of these fields as an individual column: | | | | | | |
| | <table border="1" style="margin-left: 40px;"> <tr> <td style="width: 25%;">Name</td> <td style="width: 25%;">Street Address</td> <td style="width: 50%;">City, St, Zip</td> </tr> <tr> <td>Mr. Smith</td> <td>1234 Park Ave S</td> <td>Tukwila WA 98188</td> </tr> </table> <p>PLEASE NOTE: Regardless of whether you pay the City to generate the mailing labels or you provide them, there is an additional fee for postage and material as listed under Public Notice Mailing Fee on the <u>Land Use Fee Schedule</u>. You will receive a separate bill for this fee and payment is due prior to issuance of the decision.</p> | Name | Street Address | City, St, Zip | Mr. Smith | 1234 Park Ave S | Tukwila WA 98188 |
| Name | Street Address | City, St, Zip | | | | | |
| Mr. Smith | 1234 Park Ave S | Tukwila WA 98188 | | | | | |
| | 3. <u>If providing your own labels</u> , include King County Assessor's map(s) which highlights each property within 500 feet of the project, and are included on the mailing list. | | | | | | |

B. PROJECT DESCRIPTION/ANALYSIS AND OTHER ENVIRONMENTAL REPORTS:

| | |
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| | 1. Vicinity Map with site location - does not have to be to scale. |
| | 2. Provide: a) a written discussion of project consistency with the Review Guidelines(see page 11), or a reference on plan sheets illustrating compliance with the Review Guidelines; and b) a response to the No Net Loss Checklist (see pages 13-14). Check with a planner if you are unsure what criteria apply to your project. |
| | 3. Provide two copies of sensitive area studies if needed per TMC 18.44.090 D (Environmentally Sensitive Areas within the shoreline jurisdiction section of the SMP). 4. Provide an analysis of river bank stability if alteration of the riverbank is proposed. See TMC 18.06.696 for the definition of a riverbank analysis and report. |
| | 5. Provide two copies of any other studies prepared for the project (Biological Assessment etc.). |

C. SHORELINE SITE PLAN:

| | |
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| | 1. The site plan must include a graphic scale, north arrow and project name. Maximum size 24" x 36". |
| | 2. Identify existing top of bank, landward and riverward toe of levee (or toe of bank if no levee), ordinary high water mark and base flood elevation (i.e., the 100 year flood). |
| | 3. For work riverward of the OHWM: Distance work extends into the river and distance to Federal projects and navigation channels. |

| Check items submitted with application | Information Required. <i>May be waived in unusual cases, upon approval of Planning.</i> |
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| | 4. Identify the location of the shoreline buffer (measured from the Ordinary High Water Mark) applicable to the shoreline environment in which the project is located: <ul style="list-style-type: none"> • Shoreline Residential Buffer - show where the top of the river bank would be at a 2.5:1 slope from OHWM and add twenty feet. If there is not enough room on the parcel for this buffer, the minimum buffer width is 50 ft.; • Urban Conservancy Buffer – 100 ft. non-levee area; 125 ft. in leveed area; • High Intensity Buffer - 100 ft. • The Aquatic Environment includes the area waterward of the OHWM and does not have an identified buffer. |
| | 5. Show any levee/riverbank maintenance easements. |
| | 6. Construction limit lines and areas of clearing/grading/filling. See TMC 18.44.070 J for land altering regulations. Removal of any significant trees or native vegetation in the shoreline jurisdiction requires a Shoreline Tree Removal and Vegetation Clearing Permit . |
| | 7. Show public access and/or trails per TMC 18.44.100 . |
| | 8. Show building footprint, parking lots, driveways, loading and service areas. See TMC 18.44.070 I for parking regulations. |
| | 9. Identify any sensitive areas and their buffers, as applicable. |
| D. CROSS-SECTIONS FOR SHORELINE PROJECTS | |
| | SHORELINE CROSS SECTIONS at maximum 75' intervals along the shoreline showing: <ol style="list-style-type: none"> 1. Existing and proposed elevations and improvements; 2. Limits of the applicable shoreline buffer and 200 foot shoreline jurisdiction, as measured from the OHWM; 3. The top of bank elevation, landward catch point toe of levee, riverbank toe, ordinary high water mark and base flood elevation (i.e., the 100 year flood as determined by the Federal Emergency Management Administration - FEMA), and levee/ riverbank maintenance easement and the location of the top of bank at a 2.5:1 slope. |
| E. LANDSCAPE PLAN: | |
| | 1. Landscape planting plan by a Washington State licensed landscape architect or an approved biologist. Plans must include the type, quantity, spacing and location of all plantings, soil preparation and amendment, irrigation, weed management, mulching and maintenance plan. Invasive vegetation must be removed and native vegetation planted. Maximum size 24" x 36". See TMC 18.44.080 for requirements. |
| | 2. Show all existing trees over 4" in caliper, indicating those to be retained, those to be removed and any tree protection measures required. Any trees removed over 4" in caliper are subject to the replacement requirements of TMC 18.44.080 B.4. |
| | 3. Provide notes on landscaping sheets that address consistency of landscaping with requirements of TMC 18.44. |
| F. CIVIL PLANS: | |
| | 1. One set of all civil plans and analyses shall be stamped, signed and dated by a licensed professional engineer. Include a graphic scale and north arrow. Maximum size 24" x 36". |
| | 2. Vertical datum NAVD 1988 and horizontal datum NAD 83/91. Conversion calculations to NGVD 1929, if in a flood zone or flood-prone area. Contact Public Works for further information. |

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| | 3. Existing (dashed) and proposed (solid) topography at 2' intervals. |
| | 4. Construction limit lines, areas of clearing/grading/filling including volume and type of expected cut and fill. |
| | 5. Existing and proposed utility easements and improvements. |
| | 6. If additional impervious surface is proposed, provide a storm drainage design at least 90% complete, which meets the King County Surface Water Design Manual (KCSWDM). For guidance on preparation of the Technical Information Report contact the Public Works Dept. or go to: http://tukwilawa.gov/wp-content/uploads/PW-Surface-Water-Comprehensive-Plan.pdf . See also TMC 18.44.070 D for additional surface water regulations. |
| | 7. Show the 100 yr. flood plain boundary and elevation as shown on FEMA maps which are available at the Tukwila Public Works Department counter. |
| | 8. Show all site improvements including footprints of all existing and proposed buildings, paved areas and any shoreline stabilization structures proposed in the shoreline. See TMC 18.44.070 E. |
| | 9. Show fences, rockeries and retaining walls. |
| | 10. Show docks and other overwater structures. See TMC 18.44.070 K. |
| G. OTHER PLANS: | |
| | 1. If new construction is proposed, provide dimensioned and scalable building elevations with keyed colors and materials. Show mechanical equipment and/or any proposed screening. |
| | 2. If site lighting changes are proposed, provide a luminaire plan including location and type of street and site lighting. Include proposed fixture cut sheets, site light levels (foot-candles), and what measures will be used to shield adjacent properties and the river from glare. |
| | 3. All existing and proposed signage with sign designs and locations. See TMC 18.44.070 L. |
| | 4. Any other drawings or materials needed to explain your proposal. |



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**SHORELINE
 SUBSTANTIAL
 DEVELOPMENT
 PERMIT**

APPLICATION

| <i>FOR STAFF USE ONLY</i> | |
|--|-----------------------------|
| Planner: | File Number: |
| Application Complete (Date:) | Project File Number: |
| Application Incomplete (Date:) | Other File Numbers: |
| | |

NAME OF PROJECT/DEVELOPMENT: _____

BRIEF DESCRIPTION OF PROJECT: _____

PROJECT VALUE (PLEASE ATTACH DOCUMENTATION): _____

THIS APPLICATION REQUIRES PUBLIC NOTICE. PLEASE REFER TO SECTION 'A' – PUBLIC NOTICE MATERIALS

LOCATION OF PROJECT/DEVELOPMENT: *Give street address or, if vacant, indicate lot(s), block and subdivision, access street, and nearest intersection.*

LIST ALL TAX LOT NUMBERS *(this information may be found on your tax statement or NWMaps.net).*

DEVELOPMENT COORDINATOR :

The individual who:

- has decision making authority on behalf of the owner/applicant in meetings with City staff,
- has full responsibility for identifying and satisfying all relevant and sometimes overlapping development standards, and
- is the primary contact with the City, to whom all notices and reports will be sent.

Name:

Address:

Phone:

E-mail:

Signature:

Date:



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AFFIDAVIT OF OWNERSHIP AND HOLD HARMLESS PERMISSION TO ENTER PROPERTY

STATE OF WASHINGTON

COUNTY OF KING

The undersigned being duly sworn and upon oath states as follows:

1. I am the current owner of the property which is the subject of this application.
2. All statements contained in the applications have been prepared by me or my agents and are true and correct to the best of my knowledge.
3. The application is being submitted with my knowledge and consent.
4. Owner grants the City, its employees, agents, engineers, contractors or other representatives the right to enter upon Owner's real property, located at _____ for the purpose of application review, for the limited time necessary to complete that purpose.
5. Owner agrees to hold the City harmless for any loss or damage to persons or property occurring on the private property during the City's entry upon the property, unless the loss or damage is the result of the sole negligence of the City.
6. Non-responsiveness to a City information request for ninety (90) or more days, shall be cause to cancel the application(s) without refund of fees.

EXECUTED at _____ (city), _____ (state), on _____, 20_____

(Print Name)

(Address)

(Phone Number)

(Signature)

On this day personally appeared before me _____ to me known to be the individual who executed the foregoing instrument and acknowledged that he/she signed the same as his/her voluntary act and deed for the uses and purposes mentioned therein.

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS _____ DAY OF _____, 20_____

NOTARY PUBLIC in and for the State of Washington
residing at _____

My Commission expires on _____

REVIEW GUIDELINES

Applicable City of Tukwila Shoreline Policies:

Please provide a narrative discussion on how your project is consistent with or implements the applicable Shoreline Master Program goals and policies. A list of these goals and policies can be found in Chapter 6 of the Shoreline Master Program, see Attachment A to Ordinance 2344:

<http://www.tukwilawa.gov/dcd/shoreline.html> . They are also available at the Tukwila Department of Community Development. Please discuss with a planner the goals and policies that should be addressed.

Applicable City of Tukwila TMC 18.44, Shoreline Overlay District Criteria:

City staff will review your project against the relevant criteria below. Please make sure you have addressed the appropriate requirements from TMC 18.44, Shoreline Overlay District in your project.

| Applicable to Project? | Review Criteria and TMC References |
|------------------------|--|
| | |
| | PERMITTED USES: The project will be reviewed to ensure the proposed use is consistent with TMC 18.44.030 - Shoreline Use Matrix, the uses permitted in the relevant shoreline environment and the underlying zoning: |
| | Shoreline Residential See TMC 18.44.040 |
| | Urban Conservancy See TMC 18.44.050 |
| | High Intensity See TMC 18.44.060 |
| | Aquatic See TMC 18.44.065 |
| | |
| | DEVELOPMENT STANDARDS: the project will be reviewed against the following development standards. Check with a planner if you have questions on whether a particular development standard applies to your project. Provide a written response to the development standards or cite a project drawing that responds to the relevant standard. |
| | General Shoreline Residential Environment Development Standards, TMC 18.44.070 B. |
| | High Intensity, Urban Conservancy and Aquatic Environment Development Standards, TMC 18.44.070 C. <ul style="list-style-type: none"> • General Standards • Setbacks and site configuration • Height Restrictions • Lighting |
| | |
| | TMC 18.44.080 |
| | The project will be reviewed for consistency with the SMP's vegetation and landscaping requirements. |
| | |
| | TMC 18.44.100 |
| | The project will be reviewed for consistency with the public access requirements of the SMP. |
| | |

NO NET LOSS CHECKLIST

What is No Net Loss?

The Washington State *Shoreline Management Act* (SMA) requires protection of the natural resources and ecological functions of the shoreline environment. *Ecological functions* are processes that characterize the river and its shoreline and form habitats for water- and land-based wildlife and vegetation. Ecological processes depend on the geology, soil type, topography, climate, and other physical characteristics in the region. In the Green/Duwamish River watershed, key ecological processes include:

- river flows, tidal fluctuations and saltwater influences;
- creation, transport and deposition of sediment (for example scouring of soils, and erosion and formation of mud-flats or beaches);
- transport of nutrients (from decomposition of plants and other organic materials);
- provision of woody debris from fallen limbs and trees along the banks or in the water (the trunks and branches help form pools for fish); and
- water quality (such as vegetation that can help to filter out pollutants that are washed into the river from parking lots and vegetation that can help reduce temperatures in the river, important for fish, especially salmon).

These physical and biological processes comprise the *ecological functions* of the shoreline.

The state guidelines that implement the SMA, adopted in 2003, establish the standard of “no net loss” of shoreline ecological functions for land uses and development within the shoreline jurisdiction. The No Net Loss standard is designed to stop the introduction of new negative impacts to shoreline ecological functions resulting from new development. Tukwila’s *Shoreline Master Program* (SMP) defines ***no net loss*** as a:

“...standard intended to ensure that shoreline development or uses, whether permitted or exempt, are located and designed to avoid loss or degradation of shoreline ecological functions that are necessary to sustain shoreline natural resources.”

In other words, the existing conditions of the shoreline ecological functions should not deteriorate due to new permitted development or new land use. A loss of ecological function can occur when a physical condition such as vegetation along the shoreline is removed or when habitat is altered through the construction of a dock or pier or other structures over this habitat. In order to maintain shoreline ecological functions, negative impacts must be mitigated to restore an equivalent amount of ecological function. The approach to mitigation must follow the mitigation sequencing steps adopted in the SMP (see next page). It should be noted that the SMA and the City’s SMP also require improvement of shoreline functions, and therefore, some re-vegetation of the shoreline will be required in proportion to the scale of the project, regardless of whether there is a net loss to ecological functions.

NO NET LOSS CHECKLIST

Please respond to the following questions to evaluate your project’s impacts and assist in analyzing whether there will be a net loss to shoreline ecological functions requiring mitigation:

1. Describe the existing condition of the shoreline area and riverbank. For example, what plants and how much vegetation currently exist within the 200 foot shoreline jurisdiction; what is the condition of the shoreline (how steep are the banks, is there any erosion or slope failure, what are the soils like); is there “hard armoring” on the riverbank (for example, concrete or wooden bulkheads, metal sheet piling, rip-rap [rocks or concrete/asphalt blocks]), is there paving or are there any structures within the 200 ft. shoreline jurisdiction; are there any docks, piers, decks or other structures near or over the water; are there any above-ground or below ground utilities; etc.?

2. How will your project change the existing condition of the shoreline described above?

3. Please respond to the questions in the following chart - A No Net Loss analysis (prepared by a qualified biologist) must be prepared if the response to any of the questions in the chart below is “yes”:

| WILL THE PROJECT: | NO | YES |
|--|----|-----|
| a. Alter/remove vegetation in the shoreline jurisdiction? | | |
| b. Alter the river bank (i.e. re-slope bank, add armoring etc.)? | | |
| c. Add fill in the shoreline jurisdiction? | | |
| d. Discharge new stormwater to the river? | | |
| e. Store or use hazardous materials in the shoreline jurisdiction? | | |
| f. Construct an in- or over-water structure? | | |
| g. Increase impervious surface in the shoreline jurisdiction? | | |

NO NET LOSS ANALYSIS

4. The way to achieve no net loss of ecological function is to mitigate the loss through one or a combination of the mitigation sequencing steps identified below. If preparing a No Net Loss analysis, please discuss how your project addresses the following mitigation sequencing steps (TMC 18.44.070 H.3.):
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.