

SHORELINE CONDITIONAL USE PERMIT CHECKLIST

This checklist applies to:

- Shoreline Conditional Use Permit



These applications may be applied for under the SHORELINE Application Type in the Online Permitting Portal.

The materials listed below must be submitted at the time of your application. **ADDITIONAL MATERIALS MAY BE REQUIRED.** A pre-application meeting is encouraged prior to submitting an application.

Please ensure files are **saved as PDF** and conform to **City of Tukwila electronic submittal standards** prior to upload.

******ADDITIONAL PERMITS MAY BE REQUIRED******

ATTACHMENTS REQUIRED FOR ALL APPLICATIONS		ATTACHMENT FILE NAME
DOCUMENTS		
	1. Project Description/Analysis a. Written discussion of project consistency with the approval criteria of Tukwila Municipal Code chapter 18.44 (included in checklist).	Project Description
	2. Project Value Documentation	Project Value
	3. Notarized affidavit of ownership and hold harmless agreement.	Hold Harmless
PLANSETS		
	4. Plan Sheets - include the following: a. Site Plan b. Civil Plans, if available c. Landscape Plans, including proposed tree retention and removal d. If new construction is proposed provide dimensioned and scalable building elevations with keyed colors and material e. Luminaire plan (if new lighting is proposed applicable)	Planset

SHORELINE CONDITIONAL USE PERMIT PROCESS

Principally Permitted Uses and Shoreline Use and Modification Matrix (TMC 18.44.030)

- A. TMC Section 18.44.030.A, including the Use Matrix (Figure 18-1), specifies the uses that are permitted outright, permitted as a Conditional Use or prohibited altogether for each Shoreline Environment. Also included are special conditions and general requirements controlling specific uses. These regulations are intended to implement the purpose of each Shoreline Environment designation.
- B. In the matrix, shoreline environments are listed at the top of each column and the specific uses are listed along the left-hand side of each horizontal row. The cell at the intersection of a column and a row indicates whether a use may be allowed in a specific shoreline environment and whether additional use criteria apply. The matrix shall be interpreted as follows:
 1. If the letter “P” appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment if the underlying zoning also allows the use. Shoreline (SDP, CUP and Variance) permits may be required.
 2. If the letter “C” appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review and approval procedures specified in TMC Section 18.44.110.E.
 3. If the letter “X” appears in the box at the intersection of the column and the row, the use is prohibited in that shoreline environment.
- C. In addition to the matrix, the following general use requirements also apply to all development within the shoreline jurisdiction. Additional requirements controlling specific uses are set forth for each Shoreline Environment designation, to implement the purpose of the respective Shoreline Environment designations.
 1. The first priority for City-owned property, other than right-of-way, within the shoreline jurisdiction shall be reserved for water-dependent uses including but not limited to habitat restoration, followed by water-enjoyment uses, public access, passive recreation, passive open space uses, or public educational purposes.
 2. No hazardous waste handling, processing or storage is allowed within the SMA shoreline jurisdiction, unless incidental to a use allowed in the designated shoreline environment and adequate controls are in place to prevent any releases to the shoreline/river.
 3. Overwater structures, shall not cause a net loss of ecological function, interfere with navigation or flood management, or present potential hazards to downstream properties or facilities. They shall comply with the standards in the Overwater Structures Section of TMC Section 18.44.050.K.
 4. Parking as a primary use is not permitted, except for existing Park and Ride lots, where adequate stormwater collection and treatment is in place to protect water quality. Parking is permitted only as an accessory to a permitted or conditional use in the shoreline jurisdiction.
 5. All development, activities or uses, unless it is an approved overwater, flood management structure or shoreline restoration project, shall be prohibited waterward of the OHWM.

Shoreline Conditional Use Permit (TMC 18.44.110.E)

1. Purpose. As stated in WAC 173-27-160, the purpose of a Conditional Use Permit (CUP) is to allow greater flexibility in the application of use regulations of this chapter in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City or the Department of Ecology to prevent undesirable effects of the proposed use and/or assure

consistency of the project with the SMA and the City's SMP. Uses which are specifically prohibited by the Shoreline Master Program shall not be authorized with approval of a CUP.

2. Application. Shoreline Conditional Use Permits are a Type 3 Permit processed under TMC Chapter 18.104.
3. Application requirements. Applicants must meet all requirements for permit application and approvals indicated in TMC Chapter 18.104 and this chapter.
4. Approval Criteria.
 - a. Uses classified as shoreline conditional uses may be authorized, provided that the applicant can demonstrate all of the following:
 1. The proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Tukwila Shoreline Master Program;
 2. The proposed use will not interfere with the normal public use of public shorelines;
 3. The proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under the Comprehensive Plan and this chapter;
 4. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 5. The public interest suffers no substantial detrimental effect.
 - b. In the granting of all Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Conditional Use Permits were granted to other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of Chapter 90.58 RCW and all local ordinances and shall not produce substantial adverse effects to the shoreline environment.

SHORELINE USE MATRIX* (Figure 18-1)

P = May be permitted subject to development standards. C = May be permitted as a Shoreline Conditional Use. X = Not Allowed in Shoreline Jurisdiction.	Shoreline Residential		Urban Conservancy		High Intensity		Aquatic Environment
	Buffer	Non-Buffer	Buffer	Non-Buffer	Buffer	Non-Buffer	
AGRICULTURE							
Farming and farm-related activities	X	X	X	P	X	X	X
Aquaculture	X	X	X	X	X	X	X
COMMERCIAL (1)							
General	X	X	X	P	X	P (2)	P (3)
Automotive services, gas (outside pumps allowed), washing, body and engine repair shops (enclosed within a building)	X	X	X	C	X	C (2)	X
Contractors storage yards	X	X	X	C	X	C (2)	X
Water-oriented uses	C	P	C	P	C	P	C
Water-dependent uses	P (4)	P (5)	P (4)	P	P (4)	P	P
Storage	P (6)	P (5)	P (6)	P	P (6)	P	X
CIVIC/INSTITUTIONAL							
General	X	P	X	P	X	P	X
DREDGING							
Dredging for remediation of contaminated substances	C (7)	NA	C (7)	NA	C (7)	NA	C (7)
Dredging for maintenance of established navigational channel	NA	NA	NA	NA	NA	NA	P (8)
Other dredging for navigation	NA	NA	NA	NA	NA	NA	C (9)
Dredge material disposal	X	X	X	X	X	X	X
Dredging for fill	NA	NA	NA	NA	NA	NA	X
ESSENTIAL PUBLIC FACILITY (WATER DEPENDENT)	P	P	P	P	P	P	P
ESSENTIAL PUBLIC FACILITY (NONWATER DEPENDENT) (10)	C	C	C	C	C	C	C
FENCES	P (11)	P	C (11)	P	C (11)	P	X
FILL							
General	C (12)	P	C (12)	P	C (12)	P	C (12)
Fill for remediation, flood hazard reduction or ecological restoration	P (13)	P	P (13)	P	P (13)	P	P (13)

<p>P = May be permitted subject to development standards. C = May be permitted as a Shoreline Conditional Use. X = Not Allowed in Shoreline Jurisdiction.</p>	Shoreline Residential		Urban Conservancy		High Intensity		Aquatic Environment
	Buffer	Non-Buffer	Buffer	Non-Buffer	Buffer	Non-Buffer	
FLOOD HAZARD MANAGEMENT							
Flood hazard reduction (14)	P	P	P	P	P	P	P
Shoreline stabilization (15)	P	P	P	P	P	P	P
INDUSTRIAL (16)							
General	X	X	P (3)	P	P (3)	P (2)	P (3)
Animal rendering	X	X	X	C	X	X	X
Cement manufacturing	X	X	X	C	X	C (2)	X
Hazardous substance processing and handling & hazardous waste treatment and storage facilities (on or off-site) (17)	X	X	X	X	X	X	X
Rock crushing, asphalt or concrete batching or mixing, stone cutting, brick manufacture, marble works, and the assembly of products from the above materials	X	X	X	C	X	C (2)	X
Salvage and wrecking operations	X	X	X	C	X	C (2)	X
Tow-truck operations, subject to all additional State and local regulations	X	X	X	C	X	P (2)	X
Truck terminals	X	X	X	P	X	P (2)	X
Water-oriented uses	X	X	C	P	C	P	C
Water-dependent uses (17)	X	X	P (4)	P	P (4)	P	P
MINING							
General	X	X	X	X	X	X	X
OVERWATER STRUCTURES (18)							
Piers, docks, and other overwater structures	P (19)	NA	P (20)	NA	P (20)	NA	P (20,21)
Vehicle bridges (public)	P (31,4)	P (31)	P (31,4)	P (31)	P (31,4)	P (31)	P (31)
Vehicle bridge (private)	C	C	C	C	C	C	C
Public pedestrian bridges	P	P	P	P	P	P	P
PARKING – ACCESSORY							
Parking areas limited to the minimum necessary to support permitted or conditional uses	X	P (5)	X	P	X	P	X
RECREATION							
Recreation facilities (commercial – indoor)	X	X	X	P	X	P (22)	X
Recreation facilities (commercial – outdoor)	X	X	C (23,24)	C (24)	C (23,24)	C (24)	X
Recreation facilities, including boat launching (public)	P (23)	P	P (23,24,25)	C	P (23,25)	P	P (3)
Public and private promenades, footpaths, or trails	P	P	P (26)	P	P (26)	P	X
RESIDENTIAL – SINGLE FAMILY/MULTI-FAMILY							
Dwelling	X (27)	P	X	P	X	X	X
Houseboats	X	X	X	X	X	X	X
Live-aboards	X	X	X	X	X	X	P (21,28)
Patios and decks	P (29)	P	P (29)	P	P	P	X
Signs (30)	P	P	P	P	P	P	X
Shoreline Restoration	P	P	P	P	P	P	P
TRANSPORTATION							
General	C	C	C	C	C	C	C (3)
Park & ride lots	X	X	X	C (9)	X	C (9)	X
Levee maintenance roads	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	NA
Railroad	X	P	X	X	X	X	X

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	Buffer	Non-Buffer	Buffer	Non-Buffer	Buffer	Non-Buffer	
UTILITIES							
General (10)	P (4)	P	P (4)	P	P (4)	P	C
Provision, distribution, collection, transmission, or disposal of refuse	X	X	X	X	X	X	X
Hydroelectric and private utility power generating plants	X	X	X	X	X	X	X
Wireless towers	X	X	X	X	X	X	X
Support facilities, such as outfalls	P (33)	P	P (33)	P	P (33)	P	C (33)
Regional detention facilities	X	X	P (34)	P (34)	P (34)	P (34)	X
USES NOT SPECIFIED	C	C	C	C	C	C	C
<p><i>* This matrix is a summary. Individual notes modify standards in this matrix. Permitted or conditional uses listed herein may also require a shoreline substantial development permit and other permits.</i></p> <p>(1) Commercial uses mean those uses that are involved in wholesale, retail, service and business trade. Examples include office, restaurants, brew pubs, medical, dental and veterinary clinics, hotels, retail sales, hotel/motels, and warehousing.</p> <p>(2) Nonwater-oriented uses may be allowed as a permitted use where the City determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body.</p> <p>(3) Permitted only if water dependent.</p> <p>(4) Structures greater than 35 feet tall require a conditional use permit.</p> <p>(5) Permitted if located to the most upland portion of the property and adequately screened and/or landscaped in accordance with the Vegetation Protection and Landscaping section.</p> <p>(6) Outdoor storage within the shoreline buffer is only permitted in conjunction with a water-dependent use.</p> <p>(7) Conditionally allowed when in compliance with all federal and state regulations.</p> <p>(8) Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth and width.</p> <p>(9) Conditionally allowed when significant ecological impacts are minimized and mitigation is provided.</p> <p>(10) Allowed in shoreline jurisdiction when it is demonstrated that there is no feasible alternative to locating the use within shoreline jurisdiction.</p> <p>(11) The maximum height of the fence along the shoreline shall not exceed four feet in residential areas or six feet in commercial areas where there is a demonstrated need to ensure public safety and security of property. The fence shall not extend waterward beyond the top of the bank. Chain-link fences must be vinyl coated.</p> <p>(12) Fill minimally necessary to support water-dependent uses, public access, or for the alteration or expansion of a transportation facility of statewide significance currently located on the shoreline when it is demonstrated that alternatives to fill are not feasible is conditionally allowed.</p> <p>(13) Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments is permitted.</p> <p>(14) Any new or redeveloped levee shall meet the applicable levee requirements of this chapter.</p> <p>(15) Permitted when consistent with TMC Section 18.44.050.F.</p> <p>(16) Industrial uses mean those uses that are facilities for manufacturing, processing, assembling and/or storing of finished or semi-finished goods with supportive office and commercial uses. Examples include manufacturing processing and/or assembling such items as electrical or mechanical equipment, previously manufactured metals, chemicals, light metals, plastics, solvents, soaps, wood, machines, food, pharmaceuticals, previously prepared materials; warehousing and wholesale distribution; sales and rental of heavy machinery and equipment; and internet data centers.</p> <p>(17) Subject to compliance with state siting criteria RCW Chapter 70.105 (See also Environmental Regulations, Section 9, SMP).</p> <p>(18) Permitted when associated with water-dependent uses, public access, recreation, flood control or channel management.</p> <p>(19) Permitted when the applicant has demonstrated a need for moorage and that the following alternatives have been investigated and are not available or feasible:</p> <ul style="list-style-type: none"> (a) Commercial or marina moorage; (b) Floating moorage buoys; (c) Joint use moorage pier/dock. <p>(20) Permitted if associated with water-dependent uses, public access, recreation, flood control, channel management or ecological restoration.</p> <p>(21) Boats may only be moored at a dock or marina. No boats may be moored on tidelands or in the river channel.</p> <p>(22) Limited to athletic or health clubs.</p> <p>(23) Recreation structures such as benches, tables, viewpoints, and picnic shelters are permitted in the buffer provided no such structure shall block views to the shoreline from adjacent properties.</p> <p>(24) Permitted only if water oriented.</p> <p>(25) Parks, recreation and open space facilities operated by public agencies and non-profit organizations are permitted.</p> <p>(26) Plaza connectors between buildings and levees, not exceeding the height of the levee, are permitted for the purpose of providing and enhancing pedestrian access along the river and for landscaping purposes.</p> <p>(27) Additional development may be allowed consistent with TMC Section 18.44.110.G.2.f. A shoreline conditional use permit is required for water oriented accessory structures that exceed the height limits of the Shoreline Residential Environment.</p> <p>(28) Permitted only in the Aquatic Environment and subject to the criteria in TMC Section 18.44.050.K.sd</p>							

- (29) Patios and decks are permitted within the shoreline buffer so long as they do not exceed 18 inches in height and are limited to a maximum of 200 square feet and 50% of the width of the river frontage, whichever is smaller. Decks or patios must be located landward of the top of the bank and be constructed to be pervious and of environmentally-friendly materials. If a deck or patio will have an environmental impact in the shoreline buffer, then commensurate mitigation shall be required.
- (30) Permitted when consistent with TMC Section 18.44.050.L.
- (31) Permitted only if connecting public rights-of-way.
- (32) May be co-located with fire lanes.
- (33) Allowed if they require a physical connection to the shoreline to provide their support function, provided they are located at or below grade and as far from the OHWM as technically feasible.
- (34) Regional detention facilities that meet the City's Infrastructure Design and Construction Standards along with their supporting elements such as ponds, piping, filter systems and outfalls vested as of the effective date of this program or if no feasible alternative location exists. Any regional detention facility located in the buffer shall be designed such that a fence is not required, planted with native vegetation, designed to blend with the surrounding environment, and provide design features that serve both public and private use, such as an access road that can also serve as a trail. The facility shall be designed to locate access roads and other impervious surfaces as far from the river as practical.

(Ord. 2627 §18, 2020)

Shoreline Permits- Substantial Development, Shoreline Conditional Use, Environment Re-designation

