SHORELINE SUBSTANTIAL DEVELOPMENT CHECKLIST

Permit Type: Shoreline
Permit Subtypes: Substantial Development

City of Tukwila - Permit Center
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ABOUT SHORELINE PERMITS

A Shoreline Substantial Development Permit (SSDP) is required for any major construction, development, or land modification within designated shoreline. The permit ensures projects comply with state and local shoreline regulations, protecting environmental resources and public access. This review process assesses potential impacts on the shoreline environment and habitat, balancing development needs with ecological preservation.

Applicable Regulations:

- Tukwila Title 18 – Zoning

Resources:

- City Maps
- Land Use Permit Portal
- Permit Fees

SUBMITTAL CHECKLIST

A PDF of each document is required at time of submittal. Please label files as listed below:

Checklist	File Name	Description
		DOCUMENTS
	Affidavit	Completed and notarized Affidavit of Ownership and Hold Harmless Permission to Enter Property
	Project Narrative	• Written discussion or reference on plan sheet of project consistency with Review Guidelines (pg. 2) • Project valuation within shoreline jurisdiction (pg. 2) • Response to the No Net Loss Checklist (pg. 4)
		PLANSETS
	Plan Set	Refer to the Land Use Application Plan Set Guide for preparing plans.

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SHORELINE SUBSTANTIAL DEVELOPMENT REGULATIONS (TMC 18.06.817)

"Substantial development" means any development of which the total cost or fair market value exceeds the shoreline value threshold; effective July 1, 2022, the dollar threshold for substantial development is $8,504 (WSR-22-11-036). The dollar amount is adjusted for inflation by the Office of Financial Management every five years. The next adjustment is due July 1, 2027. In accordance with WAC 173-27-040, as it now reads and as hereafter amended, the following shall not be considered developments which require a shoreline substantial development permit, although shall still comply with the substantive requirements of the Shoreline Master Program:

1. Normal maintenance or repair of existing structures or developments, including repair of damage caused by accident, fire, or elements.
2. Emergency construction necessary to protect property from damage by the elements.
3. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, and alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.
4. Construction or modification of navigational aids such as channel markers and anchor buoys.
5. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.
6. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either:
    (a) In salt waters, the fair market value of the dock does not exceed $2,500; or
    (b) in fresh waters, the fair market value of the dock does not exceed:
        (1) $20,000 for docks that are constructed to replace existing docks, and are of equal or lesser square footage than the existing dock being replaced; or
        (2) $10,000 for all other docks constructed on fresh waters.
        (3) However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.
7. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.
8. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
9. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
10. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
    a. The activity does not interfere with the normal public use of the surface waters;

   b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
   c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
   d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure the site is restored to preexisting conditions; and
   e. The activity is not subject to the permit requirements of RCW 90.58.550 (Oil and Natural Gas exploration in marine waters).
11. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the department jointly with other state agencies under chapter 43.21C RCW.
12. Watershed restoration projects, which means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
   a. A project that involves less than 10 miles of stream reach, in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.
   b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.
   c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than 200 square feet in floor area and is located above the ordinary high water mark of the stream.
13. Watershed restoration plan, which means a plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area or watershed for which agency and public review has been conducted pursuant to the State Environmental Policy Act.
14. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
   a. The project has been approved in writing by the Department of Fish and Wildlife;
   b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to Chapter 77.55 RCW; and
   c. The local government has determined the project is substantially consistent with the local Shoreline Master Program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent. Additional criteria for determining eligibility of fish habitat projects are found in WAC 173-27-040 2 (p) and apply to this exemption.
15. The external or internal retrofitting of an existing structure for the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

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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 arc 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, most recently revised in 2020, 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 may be required in proportion to the scale of the project, regardless of whether there is a net loss to ecological functions.

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On a separate sheet of paper, 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
Alter/remove vegetation in the shoreline jurisdiction?		
Alter the river bank (i.e. re-slope bank, add armoring etc.)?		
Add fill in the shoreline jurisdiction?		
Discharge new stormwater to the river?		
Store or use hazardous materials in the shoreline jurisdiction?		
Construct an in- or over-water structure?		
Increase impervious surface in the shoreline jurisdiction?		

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 18.45.075):
   a. *Avoiding the impact altogether by not taking a certain action or parts of an action;*
   b. *Minimizing critical area or critical area buffer 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;*
      Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
   c. *Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;*
   d. *Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or*
   e. *Monitoring the impact and taking appropriate corrective measures.*