



**Shoreline Master Program Update**

Chapter 13.11 – Critical Areas Preservation  
*Proposed Amendments*

Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

**Chapter 13.11**  
**CRITICAL AREAS PRESERVATION**

\* \* \*

**13.11.130 Scope and Applicability.**

A. The provisions of this chapter apply to all lands, all land uses and development activities, and all structures and facilities in the City, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the City. Upon Department of Ecology approval of an updated City of Tacoma Shoreline Master Program, this chapter will no longer apply to lands and waters subject to the Shoreline Management Act and the Shoreline Master Program. Until such time, critical areas within or associated with Shorelines of the State will continue to be subject to the requirements and standards of this chapter. This chapter specifically applies to any activity which would destroy the natural vegetation; result in a significant change in critical habitat, water temperature, physical, or chemical characteristics; or alter natural contours and/or substantially alter existing patterns of tidal, sediment, or storm water flow on any land which meets the classification standards for any critical area defined herein. Such activities include excavation, grading, filling, the removal of vegetation, and the construction, exterior alteration, or enlargement of any building or structure. In addition, this chapter applies to all public or private actions, permits, and approvals in or adjacent to a critical area and its buffer, including, but not limited to, the following:

1. Building, demolition, clearing and grading, filling, special, storm water, and sanitary sewer permits, and local improvement districts;
2. Subdivisions and short plats;
3. Reclassifications, site plan approvals, shoreline substantial development permits, and special and conditional use permits and variances.

B. Review, Assessment and Permit Requirements.

1. Review of development activities within the jurisdiction of the Shoreline Management Act, including Puget Sound, Wapato Lake, or any stream where the mean annual flow is 20 cubic feet per second or greater are regulated under provisions of both this Chapter and TMC 13.10, Shoreline Management. If there are any conflicts between TMC 13.10, Shoreline Management, and Chapter 13.11, Critical Areas Preservation, the most restrictive requirements shall apply.

a. Development activities that require a Shoreline Substantial Development permit do not require a separate Wetland/Stream/FWHCA permit or exemption, provided the Shoreline Substantial Development Permit review includes review for consistency with this Chapter.

b. Development activities that require a Shoreline Exemption and a Wetland/Stream/FWHCA permit will be processed separately.

c. Development activities that require a Shoreline Exemption and a Wetland/Stream/FWHCA exemption will be processed under the Shoreline Exemption.

d. Development activities that do not require a building or land use permit may still be subject to a Wetland/Stream/FWHCA permit or exemption.

2. Review of development activities outside the jurisdiction of the Shoreline Management Act.

a. Development activities that require a land use or building permit do not require a separate FWHCA permit provided:

(1) Identification of FWHCA's and their Management Area is conducted according to 13.11.250 and none are found that would affect the development site, or

(2) If a FWHCA or FWHCA Management Area is found on the project site the applicant complies with applicable WDFW species management recommendation or with an approved Habitat Management Plan (HMP) submitted by the applicant.

b. Development activities that do not require a land use or building permit may require a separate FWHCA permit under this Chapter.

c. A separate wetland/stream permit may be required when wetlands, streams or their associated buffers are found on the development site.

C. Critical areas may be located through the use of information from the United States Department of Agriculture Natural Resource Conservation Service, the United States Geological Survey, the Washington Department of Ecology, the Coastal Zone Atlas, the Washington Department of Fish and Wildlife Priority Habitat and Species maps, the Washington Department of Natural Resources Aquatic Lands Program, the National Wetlands Inventory maps, Tacoma topography maps, the City's Generalized Wetland and Critical Areas Inventory maps, and Pierce County Assessor's maps. The City's Generalized Wetland and Critical Areas Inventory maps and other above-listed sources are only guidelines available for reference. The actual location of critical areas must be determined on a site-by-site basis according to the classification criteria.

D. Critical areas outside a shoreline district that involve a development activity that is reviewed, pursuant to Section 13.05.095 TMC (Development Regulation Agreements), except for projects identified in subsection 13.05.095(B)4 TMC, shall be considered during the Development Regulation Agreement review process; a separate critical areas permit is not required. Any approval(s) pursuant to Section 13.05.095 TMC shall, to the maximum extent feasible, avoid potential impacts to critical areas, and any unavoidable impacts to critical areas shall be fully mitigated, either on- or off-site

\* \* \*