

Members

Jeremy C. Doty, Chair
Thomas C. O'Connor, Vice-Chair
Chris Beale
Peter Elswick
Donald Erickson
Sean Gaffney
Scott Morris
Ian Morrison
Matthew Nutsch

Community and Economic Development Department

Ryan Petty, Director
Peter Huffman, Assistant Director
Charles Solverson, P.E., Building Official

Public Works and Utilities Representatives

Jim Parvey, City Engineer/Assistant Director, Public Works Department
Heather Pennington, Resource Planning Manager, Tacoma Water
Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power



Agenda

Tacoma Planning Commission

747 Market Street, Room 1036
Tacoma, WA 98402-3793
253-591-5365 (phone) / 253-591-2002 (fax)
www.cityoftacoma.org/planning

(Agenda also available online at: www.cityoftacoma.org/planning > "Planning Commission" > "Agenda Packets")

MEETING: Regular Meeting

TIME: Wednesday, April 6, 2011, 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402

A. CALL TO ORDER

B. QUORUM CALL

C. APPROVAL OF MINUTES – Regular Meeting of February 2, 2011
Regular Meeting and Public Hearing of March 2, 2011

D. GENERAL BUSINESS

(4:05 p.m.) **1. Billboard Regulations**

Description: Overview of testimony received at the March 16, 2011 public hearing and through the comment period ending on March 25, concerning the proposed code revisions for billboards

Actions Requested: Discussion, Direction

Support Information: See "Agenda Item GB-1"

Staff Contact: Shirley Schultz, 591-5121, shirley.schultz@cityoftacoma.org

(4:35 p.m.) **2. Master Program for Shoreline Development**

Description: Review of revised draft Shoreline Master Program (with tracked changes), and including changes to TMC 13.06 and TMC 13.11 that are necessary for consistency with the draft.

Actions Requested: Review, Comment, Direction

Support Information: See "Agenda Item GB-2"

Staff Contact: Steve Atkinson, 591-5531, satkinson@cityoftacoma.org



(5:30 p.m.) **3. 2011 Annual Amendment**

Description: Review of staff responses pertaining to public comments and recommendations, as appropriate, concerning the proposed amendments to the Comprehensive Plan and Land Use Regulatory Code for 2011

Actions Requested: Discussion, Direction

Support Information: See "Agenda Item GB-3"

Staff Contact: Donna Stenger, 591-5210, dstenger@cityoftacoma.org

E. COMMUNICATION ITEMS

1. E-mail from Heidi Stephens, March 24, 2011, regarding Gray Middle School and Barlow Annex in South Tacoma – *"Agenda Item C-1"*
2. Petitions in Opposition to Old Tacoma Residential Historic District Designation, from Homeowners Committee Opposed to Historic Designation, March 25, 2011 – *"Agenda Item C-2"*
3. E-mail from Pierce Transit, March 29, 2011, regarding Pierce Transit Reduction Plan and Public Hearings in April – *"Agenda Item C-3"*

F. COMMENTS BY LONG-RANGE PLANNING DIVISION

G. COMMENTS BY PLANNING COMMISSION

H. ADJOURNMENT

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(For Review/Approval on 4-6-11)

MEETING: Regular Meeting

TIME: Wednesday, February 2, 2011 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402

Members Present: Jeremy Doty (Chair), Thomas O'Connor (Vice-Chair), Chris Beale, Peter Elswick, Donald Erickson, Sean Gaffney, Scott Morris, Ian Morrison, Matthew Nutsch

Staff and Others Present: Donna Stenger, Steve Atkinson, Elliott Barnett, Brian Boudet, Ian Munce, Reuben McKnight, Diane Wiatr, Lihuang Wung, Jana Magoon, Barbara Serry, Shirley Schultz, Philip Kao, Noah Yacker, Cheri Gibbons (BLUS); Dana Brown, Josh Diekmann (Public Works); Heather Pennington (Tacoma Water); Kim Van Zwalenburg (DOE)

Chair Doty called the meeting to order at 4:06 p.m. There were no minutes to approve

GENERAL BUSINESS

1. Master Program for Shoreline Development

Mr. Stephen Atkinson continued to facilitate the Commission's review of public comments on the Preliminary Draft Tacoma Shoreline Master Program (TSMP) released in September 2010. He provided a summary of the vision for the Thea Foss Waterway from the 1992 Foss Plan and a brief overview of projects on both the West and East sides of the Waterway that directly implement that vision. He also highlighted additional project initiatives underway that also demonstrate consistency with the Foss Plan and the continued change in uses on the Waterway. After this discussion, Mr. Atkinson turned the Commission's attention to a number of issues that were raised by public comment with regard to the S-8 Thea Foss Waterway Shoreline District. These issues included:

- (a) The S-8 District Boundary and request of NuStar;
- (b) Restrictions on existing industrial use expansion on the eastside;
- (c) The applicability of draft Design Guidelines for the Thea Foss Waterway; and
- (d) Mixed-use development and interim uses on the West Foss.



The Commission discussed multiple options to address the S-8 Boundary concerns; questioned staff regarding the differences between S-8 and S-10 zoning regulations; and questioned staff and Department of Ecology representative Kim Van Zwahlenburg regarding the WAC rules for mixed-use development. After discussion of the issues, the Commission directed staff to make the following revisions to the draft TSMP:

- (a) Include the entirety of the NuStar site in the S-8 Shoreline District and address similar issues of split zoning;
- (b) Maintain the distinction between existing and new industrial uses on the East Foss;
- (c) Revise the Design Guidelines to discourage the use of tree grates; and
- (d) Provide flexibility for the market to drive the transition to water-oriented uses on the West side of the Waterway and to define 10 years as an appropriate time period for “interim use” classification.

2. Billboard Regulations

Ms. Shirley Schultz provided additional information regarding billboards and proposed changes to the sign regulations. She focused on issues relating to the size of billboards, receiving areas, buffering and dispersal standards, and technical specifications. She shared some of the statistics for what other cities are doing in regard to placement of billboards. Ms. Schultz also reported on the community meetings she had attended and feedback received. She asked for direction from the Commission on these issues. After discussion, the Commission directed staff to include in the proposed code that after the first 10 digital billboard faces are permitted, no more digital billboards could locate in the 19 receiving areas unless they met zoning, buffering and dispersal standards. The Commission indicated their preference for a simpler methodology for dispersal using the 500 ft radius. The Commission agreed that the maximum size of digital billboards should be 300 sq ft and that the maximum height would be 30 ft as currently allowed for standard billboards. The size and height limits would apply to digital billboards built after the first 10 identified in the Settlement Agreement. Commissioner Erickson noted that the Commission was not required to support the first 10 digital billboards mentioned in the Settlement Agreement. The Commission discussed lighting and how it will be measured and asked that the digital signs be turned off at 10 pm instead of midnight.

Commissioners suggested that they would like to see some illustrations/examples of digital billboards in terms of their sizes, heights, etc. within the code and to help the public understand the proposal. Ms. Schultz indicated she will incorporate the comments from the public meeting of January 31, 2011 and also the suggestions that were made by the Commissioners.

3. 2011 Annual Amendment Package

Ms. Donna Stenger facilitated the Commissioners’ review of the eight applications for amending the Comprehensive Plan and Land Use Regulatory Code as a package, with the intent of authorizing the release of the entire package of amendments for public distribution and comment. Each application was presented in a summary page describing the proposed amendment and the status of the Commission’s review to date. For those applications that the Commission had not completed their review, the summary pages included additional information as appropriate.

- **Amendment #2011-01: 49th & Pine Intensity & Zoning Change** – Commissioner Erickson pointed out that, in the general description of the proposed amendment, the applicant indicates that the proposed changes would allow for the construction of a multifamily

apartment complex of approximately 120 units. He suggested changing “120 units” to what the current zoning allows, i.e., “up to 145 units.” The proposed amendment, as modified, was authorized unanimously for public review and comment.

- **Amendment #2011-02: Historic Preservation Plan & Code Revisions** – Mr. Reuben McKnight, Historic Preservation Officer, highlighted some of the provisions in the summary page and the attached staff report in response to the suggestions and comments brought up by the Commission at previous meetings. The proposed amendment, as submitted, was authorized unanimously for public distribution and comment.
- **Amendment #2011-04: Water Level of Service Standard** – The Commission had completed the review of the proposed amendment at a previous meeting. The proposed amendment was authorized unanimously for public distribution and comment.
- **Amendment #2011-05: Transportation Element** – Commissioner Beale was concerned that the proposed wording for Policy T-ES-7 Electric Vehicles might be interpreted as inappropriately allowing low-speed electric vehicles to travel on streets with a 35 MPH speed limit. After brief discussion, the Commissioners did not feel the need to reword the language for public review purposes. The proposed amendment, as submitted, was authorized unanimously for public distribution and comment.
- **Amendment #2011-06: Regional Centers & Safety-Oriented Design** – Ms. Stenger highlighted some of the modifications made to the proposed amendment since the Commission’s last review, such as modifying the language of the Crime Prevention Through Environmental Design (CPTED) principles to place less emphasis on the “crime” aspect and more on safety-oriented design; replacing the “Working Definition of Downtown” with the “Downtown Regional Growth Center” boundaries for planning purposes; and boundary refinements for the Port of Tacoma Manufacturing/Industrial Center (M/IC), the South Tacoma M/IC and the 34th and Pacific Mixed-Use Center. The proposed amendment, as submitted, was authorized unanimously for public distribution and comment.
- **Amendment #2011-07: Park Zoning & Permitting** – Mr. Elliott Barnett highlighted some of the modifications made to the proposed amendment since the Commission’s last review. The modifications addressed such issues as street trees and parking lot landscaping, 10-foot setback for parking lots, transit support facilities, and signs. The proposed amendment, as submitted, was authorized unanimously for public distribution and comment.
- **Amendment #2011-08: Regulatory Code Refinements** – Mr. Brian Boudet highlighted some of the modifications made to the proposed amendment since the Commission’s last review. The modifications addressed such issues as pipe stem lots, Planned Residential Development District, and landscaping standards. Commissioner Beale noted that the City’s Urban Forester is working with a stakeholders group on reviewing the Zoning Code requirements for such matters as landscaping and street trees. He was concerned that this proposed amendment (#2011-08) might be a duplication of effort and should probably be held off until the completion of the stakeholders group. Mr. Boudet and Ms. Stenger responded that this amendment is code refinement and clean-up and differs from the Urban Forester’s work in the scope of work, level of alterations and timeline. The Commissioners also felt that this amendment can move forward to the public review process without going against what the Urban Forester intends to accomplish. With an 8-to-1 vote (Commissioner

Beale voting nay), the proposed amendment, as submitted, was authorized for public distribution and comment.

- **Amendment #2011-09: SEPA Regulations Amendment** – Ms. Schultz noted that a minor revision was added to the section of “Appeals of non-land use actions” to clarify that “appeals of other actions shall be processed in accordance with the appeal provisions of the underlying action.” The proposed amendment, as submitted, was authorized unanimously for public distribution and comment.

Upon completing the review of the eight applications, the Commission voted unanimously to authorize the annual amendment package, as submitted and as modified where applicable, for public distribution and comment, and set March 2, 2011 as the date for a public hearing.

COMMUNICATION ITEMS

Chair Doty acknowledged receipt of the following:

1. “Urban Studies Forum: The Urban University”, February 3, 2011, UWT
2. Letters of Comment concerning the Shoreline Master Program Update:
 - a. John Roller, NuStar Energy, December 1, 2010
 - b. Toby Murray, Chamber of Commerce, December 15, 2010
 - c. Gary Brackett, Chamber of Commerce, December 20, 2010
 - d. Leslie Ann Rose, Citizens for a Healthy Bay, January 15, 2011
 - e. Alexander Mackie, Perkins Coie (to Matthew Parker, Schnitzer Steel), January 19, 2011

COMMENTS BY LONG-RANGE PLANNING DIVISION

Ms. Stenger reported that the City Council’s Environment and Public Works Committee and the Economic Development Committee will conduct three joint meetings on February 8, February 23 and March 9, 2011, concerning the Shoreline Master Program Update. They will hear staff presentations and public comments, focusing on such issues as public access, S-7 District and S-8 District. The Commissioners expressed their concerns about the timing of the City Council’s action amidst the Planning Commission’s review of the subject, which is unusual for a legislative process. Ms. Stenger acknowledged that the sequencing is unusual but explained that the members of these Council Committees requested the scheduled meetings mainly in response to constituents’ requests. The meetings will keep the Council members abreast of shoreline issues that are of great community interest and concern.

On a separate topic, Mr. Boudet invited the Commissioners to participate in the planning and organization for the 3rd annual “Conversations Re: Tacoma” urban design lecture series that will be held this fall.

COMMENTS BY PLANNING COMMISSION

Commissioner Gaffney disclosed that he had met with Gary Knudson of Historic Tacoma last week to discuss historic preservation, the City’s vision, and other generic topics. Commissioner Erickson disclosed that he had also met with Mr. Knudson last week over similar issues.

ADJOURNMENT

The meeting adjourned at 7:15 p.m.

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Jeremy C. Doty, Chair
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 Chris Beale
 Peter Elswick
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 Sean Gaffney
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Minutes

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(For Review/Approval on 4-6-2011)

MEETING: Regular Meeting and Public Meeting

TIME: Wednesday, March 2, 2011 4:00 p.m.

PLACE: Council Chambers, Tacoma Municipal Building, 1st Floor
 747 Market Street, Tacoma, WA 98402

Members Present: Jeremy Doty (Chair), Thomas O'Connor (Vice-Chair), Peter Elswick, Donald Erickson, Sean Gaffney, Scott Morris, Matthew Nutsch, Ian Morrison

Members Absent: Chris Beale

Staff Present: Donna Stenger, Jana Magoon, Steve Atkinson, Elliott Barnett, Brian Boudet, Sue Coffman, Shanta Frantz, Philip Kao, Karla Kluge, Reuben McKnight, Shirley Schultz, Barbara Serry, Lisa Spadoni, Diane Wiatr, Lihuang Wung, Noah Yacker (Building and Land Use Services); Josh Diekmann (Public Works); Susan Clark (Tacoma Water)

Chair Doty called the meeting to order at 4:05 p.m. There were no minutes to approve

GENERAL BUSINESS**1. Critical Areas Preservation Ordinance (CAPO) Update**

Ms. Karla Kluge, Building and Land Use Services, reviewed the process used to develop buffer method determinations and mitigations review in the existing code. She stated that there were several methods that were evaluated by the focus group and that ultimately a type of "hybrid" determination worked best. Ms. Kluge discussed what would need to be taken into consideration to make mitigation work. There were two options that were highlighted – mitigation banks and in lieu fee programs. The Commissioners were interested in knowing if these options were entirely successful in practice. Ms. Kluge was able to answer these concerns and stated that mitigation banks were successful and had been around for some time, while the in lieu fee programs are new and have not been evaluated thoroughly as to effectiveness.



2. Development and Permitting Activity Reports

Ms. Sue Coffman, Division Manager of Building and Land Use Services (BLUS Permit Center), summarized the number of building permits according to each different type and the valuation of the work. Specifically, Ms. Coffman gave a breakdown as to the number of commercial, residential (new construction and remodels) as well as mechanical and plumbing permits that were issued for the year (2010) as well as land use permits. She also displayed a chart that showed the number of permits that were issued over a ten-year period.

Ms. Jana Magoon, Land Use Administrator gave a detailed review of some recent land use permits that had some controversy or were of special note to citizens, e.g., Murray Morgan Bridge and Tacoma Lawn and Tennis Club. In her conclusion, she brought out that the permitting activity for land use permits was down but that this was not just a result of the economy but also the result of the recent Code changes which reduced the number of permits.

Ms. Lisa Spadoni, BLUS, gave an update on the status of some current projects. She highlighted the issuance of permits for the LeMay Car Museum, the proposed mixed-use project in the 6th Avenue mixed-use center, "Mark on the Ave.", the Elks Project in the Tacoma Central mixed-use district, and UW Tacoma. Ms. Spadoni reviewed the current trends seen by her section such as inquiries for medical marijuana dispensary.

PUBLIC HEARING

1. 2011 Annual Amendment Package

Chair Doty called the public hearing to order at 5:06 p.m., and stated that the subject of the hearing was 2011 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code, and described the procedures for receiving oral testimony. He also stated that written comments may be provided in letters, faxes, e-mails, or on the Comment Sheets provided by staff, and submitted by Friday, March 11, 2011, 5:00 p.m. He called on Ms. Donna Stenger to provide a staff presentation.

Ms. Stenger provided a brief overview of the legislative requirements and process for the drafting of the annual amendments and a summary of the following proposed revisions for 2011:

- #2011-01 – 49th and Pine Intensity and Zoning Change
- #2011-02 – Historic Preservation Plan and Code Revisions
- #2011-04 – Water Level of Service Standard
- #2011-05 – Transportation Element
- #2011-06 – Regional Centers & Safety-Oriented Design
- #2011-07 – Park Zoning and Permitting
- #2011-08 – Regulatory Code Refinements
- #2011-09 – SEPA Regulations Amendment

Ms. Stenger also summarized the technical analysis, environmental evaluation and public review process for these proposed revisions, as well as the notification efforts for the public hearing.

Chair Doty called for testimony.

- **Joe Quilici:**

Mr. Quilici submitted and read a letter regarding the Historic Preservation Plan and Code Revisions (Amendment #2011-02). He gave a concise history of the character of Tacoma's neighborhoods and said that the code should protect and preserve neighborhoods. He felt that this amendment will help the neighborhoods preserve their own character and would like to see it pass. He suggested that the amendment language be changed to reflect that conservation districts should supersede other codes.
- **Ted Turner:**

Mr. Turner would like to have his neighborhood added as a conservation district, even though it does not quite meet the current criteria in that it is considered a "stand alone neighborhood" and not abutting a historic site. He would like to make sure that Amendment #2011-02 takes into account neighborhoods such as the one he lives in and that each neighborhood be judged by a Historic Preservation Officer. Mr. Turner also submitted a letter for the record.
- **David Zurfluh:**

Mr. Zurfluh, Chairman of West Slope Neighborhood Coalition, representing some 300 residents, indicated that the residents would like to have their neighborhood designated as a conservation district. He went over the statistics that he felt would make a case for being a part of a conservation district. Mr. Zurfluh also submitted a letter for the record.
- **Tom Rickey:**

Mr. Rickey indicated that the West Slope Neighborhood Coalition would like to be included in the conservation district amendment. Since his neighborhood has been designated a "stand alone neighborhood", they went through the steps to make it an historic district but found that they actually fit more of the criteria for being designated a conservation district. He felt that the current amendment will accomplish the goal of the neighborhood coalition. Mr. Rickey also submitted a letter for the record.
- **Mike Fleming:**

Mr. Fleming indicated that he and his wife wholeheartedly support the implementation of the conservation district amendment. He provided the rationale for why his neighborhood should be allowed to be a part of a conservation district. He also urged the Commissioners to accept the updates for the sake of all the neighborhoods in Tacoma and not just the neighborhood that he lives in. Mr. Fleming also submitted a letter for the record.
- **Jori Adkins:**

Ms. Adkins indicated that the Historic Preservation Plan amendment is an important tool to preserve the character and "heart" of Tacoma and save some of the older buildings in downtown and not let them be torn down as has happened to some buildings.
- **Paul Casey:**

Mr. Casey, representing the applicant for the S. 49th and Pine Intensity and Zoning Change (Amendment #2011-01), indicated that this amendment offers a diverse means of preserving the residential character of the neighborhood. He also submitted a traffic study which indicates that the proposed uses would be more compatible with the neighborhood than the uses currently allowed on the property.

- **Mark Holcomb:**
Mr. Holcomb, in support of the S. 49th and Pine Intensity and Zoning Change, indicated that the site should be changed from two zones to one zone, as proposed. He feels that it is a “good fit” with the area and with the goals of the Growth Management Act.
- **Mark Gary:**
Mr. Gary, MultiCare Health System, indicated their general support for the goals in the proposed Historic Preservation Plan and Code Revisions, but indicated there are several areas that need some scrutiny before adoption. He stated that their attorney felt that some of the language was unorthodox and not clear enough as to what would be considered a conservation district and what is a historic district. Mr. Gary also submitted a letter for the record.
- **Kathy Russell:**
Mrs. Russell stated that her main objection to the passing of the S. 49th and Pine Street amendment was because of traffic concerns. She felt that if the amendment were allowed to pass this would just bring too much traffic. She asked that the City take a better look at this and institute some measures to control this.
- **Victoria Geehan-Shilley:**
Ms. Geehan-Shilley, a resident of many years of Narrowmoor II, would like to see the conservation district pass in order to preserve the quality of life that both she and her family have enjoyed for many years in her unique neighborhood. She felt that the inclusion of Narrowmoor II would act as a model and a symbol of what a conservation district should be. Mr. Geehan-Shilley also submitted a letter for the record.
- **Mark Langford:**
Capt. Langford, Tacoma Police Department, was in support of the Crime Prevention Through Environmental Design (CPTED) component of Amendment #2011-06, as a tool for preventing crime in neighborhoods. He believed adequate design will go a long way toward reducing crime.
- **Gary Knudson:**
Mr. Knudson encouraged the adoption of the Historic Preservation Plan as an important policy tool to help preserve and protect neighborhoods, encourage communication between developers and citizens, and preserve commercial buildings. He indicated that Tacoma has many areas that would benefit by passage of this amendment.
- **Donna Buck:**
Ms. Buck, speaking in support of the CPTED component of Amendment #2011-06, saw it as a safety issue. She talked about lighting as one example of CPTED applications that has had a very beneficial effect on fighting crime in her area.
- **Tilinda Grote:**
Ms. Grote was in support of Amendment #2011-06 for the CEPTED features that helps cut down on crime. She has put the principles into practice and feels that this is an important step for the City to move into the future.

- **Jeanine Peterson:**
Ms. Peterson of the Hilltop Action Coalition, a strong advocate for CPTED principles, spoke on crime prevention. She said that even though these may appear to be simple steps they are important in crime prevention and if incorporated properly in design plans would accomplish much good.
- **Art Grant:**
Mr. Grant expressed concerns about the proposed S. 49th and Pine Intensity and Zoning Change. He was mainly worried about the additional young adults that would be brought to the neighborhood with the proposed development of approximately 150 multifamily units. Currently, there is no safe place for all the new teenagers that have moved to the neighborhood to go and that would be worsened with the increased housing proposed. He did not believe the City has the tools and capability to appropriately address that issue.
- **Elly Johnson:**
Ms. Johnson indicated that if the S. 49th and Pine Intensity and Zoning Change is to be approved that there should be traffic calming put in place along South Pine Street. She suggested adding such things as roundabouts, speed bumps, etc., to accomplish this.
- **Tony Abuan:**
Lt. Abuan, Tacoma Police Department, expressed some concerns about any additional park space associated with the S. 49th and Pine Intensity and Zoning Change and Amendment #2011-07 (Park Zoning) because the potential for them to allow gang activity. He noted the negative impact that neighborhoods sometimes have when open spaces are turned into parks, which also become unfunded mandates for enforcement. He would like the Commissioners to consider that point when looking at these amendments.
- **Diane Walkup:**
Ms. Walkup is an enthusiastic supporter of the revisions that are put forth in the Historic Preservation Plan and Code Revisions. She stated that the revisions would only be a positive step in preserving older neighborhoods and act as a tool toward making sure that neighborhood buildings are not made targets for demolition. The proposed components of the amendment will be wonderful tools to help accomplish this.

Chair Doty concluded the public hearing at 6:26 p.m.

GENERAL BUSINESS (continued)

3. Master Program for Shoreline Development

Mr. Stephen Atkinson began by providing the Commission a brief summary of the City Council joint committee meeting of the Environment and Public Works and Economic Development Committees. On February 23rd the joint committee heard public comment on the Preliminary Draft Shoreline Master Program. Mr. Atkinson and Ms. Stenger provided a summary of the comments that were heard at that meeting. Following a brief discussion of the City Council committee meetings, Mr. Atkinson provided an overview of the City's draft Cumulative Impacts Analysis. Mr. Atkinson explained that under the shoreline guidelines, local jurisdictions are required to evaluate and consider cumulative impacts of reasonably foreseeable future development in the shorelines of the state (WAC 173-26-186(8)(d)). The purpose of evaluating cumulative impacts is to ensure that, when implemented over time, the proposed SMP goals,

policies and regulations will achieve no net loss of shoreline ecological functions from current “baseline” conditions. Mr. Atkinson pointed out that baseline conditions are established and described in the City of Tacoma Shoreline Inventory and Characterization Report (ESA Adolfson, 2007). He then described the methodology and conclusions of that report, including:

- (a) Current circumstances affecting the shorelines and relevant natural processes;
- (b) Reasonably foreseeable future development and use of the shoreline; and
- (c) Beneficial effects of any established regulatory programs under other local, state, and federal laws.

In conclusion, Mr. Atkinson reported that “when the anticipated uses in the shoreline are considered together with the regulations that would apply, in most cases there would be no change from the existing level of ecological functions. The cumulative actions taken over time in accordance with the City’s proposed TSMP are not likely to result in a net loss of shoreline ecological functions from existing baseline conditions. In concert with implementation of restoration actions in the city and other on-going state and federal programs, the regulatory provisions of the proposed TSMP would serve to maintain the overall condition of shoreline resources in the city and in certain circumstances improve the overall condition.”

The Commissioner’s asked several follow up questions during the presentation to clarify that the Cumulative Impacts Analysis will not be considered part of the Master Program but a supporting analysis, clarification on impacts from overwater structures and log rafting, as well as providing guidance on some language changes in the text.

COMMUNICATION ITEMS

Chair Doty acknowledged receipt of the following:

1. Public Review Booklet concerning the Proposed Code Revisions for Billboards, prepared for the Planning Commission’s Public Hearing on March 16, 2011

COMMENTS BY LONG-RANGE PLANNING DIVISION

Ms. Stenger made an announcement of the following topics to be discussed at City Council meetings and a reminder of the upcoming public meeting concerning the proposed billboard regulations:

1. “Affordable Housing strategies”, Neighborhoods and Housing Committee, March 7, 4:30 p.m. Room 248;
2. “Billboard Regulations”, Joint Meeting of Economic Development Committee and Environment and Public Works Committee, March 8, 3:00 p.m. Room 248;
3. “Shoreline Master Program Update”, Joint Meeting of Environment and Public Works Committee and Economic Development Committee, March 9, 4:30 p.m. Room 16; and
4. Billboard Regulations Informational Session (in preparation for the Planning Commission’s public hearing on March 16), March 9, 6:00 p.m., City Council Chambers

COMMENTS BY PLANNING COMMISSION

None.

ADJOURNMENT

The meeting adjourned at 7:13 p.m.



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-1

TO: Planning Commission
FROM: Shirley Schultz, Principal Planner, Current Planning Division
SUBJECT: Billboard Regulations – Public Comment and Review Schedule
DATE: March 30, 2011

The public comment period for the proposed changes to the billboard regulations closed at 5:00 p.m. on March 25. A total of 245 letters and e-mails were received, including letters from several Neighborhood Councils and business districts. Of these, about 93% were generally opposed to billboards (both digital and standard) and approximately 7% were written in support of Clear Channel and/or the proposal. Copies of the written testimony and supplemental materials that were submitted, as well as a summary of the testimony from the public hearing held on March 16, 2011, has been posted on the Planning Division website (www.cityoftacoma.org/planning). A hard copy of the public comments will be provided to Commission members at your meeting.

While staff intends to provide a complete Comments and Staff Responses Report that addresses all of the issues raised for the Commission's April 20 meeting, to facilitate the Commission's discussion on April 6 staff have identified some of the most common themes from the testimony. While this is not intended to be a complete list it does provide a general sense of the recurring comments and key issues raised. The list is broken down into opposing and supportive comments and then in general order of frequency.

General Opposition to Digital Billboards

1. Aesthetics
 - All billboards are unattractive
 - Digital billboards, in particular, are garish and an eyesore and are contrary to livable communities and pedestrian orientation
2. Safety
 - Concerned about driver distraction and safety hazards created and/or exacerbated by digital billboards
3. Receiving areas
 - The "special receiving area" at Division/Sprague & 6th should be removed
 - Receiving areas should not include locations close to residential, historic, or X-districts
 - The "special receiving areas" should be eliminated
4. Illumination
 - Concerned about light pollution, brightness, hours of operation and energy use

Planning Commission

March 30, 2011

Page 2 of 2

5. Settlement Agreement

- The reasoning behind the determination to settle the lawsuit is not clear and potentially not valid
- The proposed exchange is inadequate and favors Clear Channel
- There has been insufficient public process

6. Size

- The proposed 672 sq. ft. size for the first 10 digital billboards is too large

7. Image

- Concerned about the timing of images, the frequency and potential flashing and movement

8. Environmental issues

- Concerned about potential noise, energy use, and electronic waste

Supportive Comments

1. Community benefits

- Billboard operators provide discounted and pro bono advertising to community organizations, as well as marketing and outreach assistance
- Clear Channel is committed to giving back to the community
- Digital billboards provide the ability to effectively communicate public service announcements, such as amber alerts

2. Effective communication

- Digital billboards provide a good way to communicate messages and provide time-sensitive information and support local business activity

3. Billboard reduction

- The proposal would result in a significant reduction in the number of billboards

Staff is seeking general direction from the Commission to assist in the review of the testimony and formulating a recommendation to the City Council. Attached is a tentative schedule for the remaining portions of this process, as well as a timely article from this month's Planning magazine concerning digital billboards.

If you have any questions, please contact Shirley Schultz at (253) 591-5121 or shirley.schultz@cityoftacoma.org.

attachments

c Peter Huffman, Assistant Director



BILLBOARD CODE REVISIONS

Tentative Schedule
April 6, 2011

DATE	EVENT
February 16	Planning Commission authorization and set hearing date
March 9	Question and answer session
March 16	Planning Commission Public Hearing
April 6	Planning Commission overview of testimony and schedule
April 20	Planning Commission discussion of testimony
May 4	Planning Commission discussion of testimony
May 18	Planning Commission recommendations
May 24	EDC/EPW Joint Meeting
June 14	City Council study session on draft amendments
June 21	City Council resolution to set hearing date
July 19	City Council public hearing on draft amendments
July 26	City Council study session
July 26	City Council-first reading of ordinance to adopt proposed amendments
August 2	City Council- second reading and adoption of draft amendments
August 12	Submit final amendments to State
August 14	Effective date of amendments

Digital Billboards, Distracted Drivers

Remember Burma Shave®? Large electronic signs distract drivers in new ways.

By Jerry Wachtel



Jerry Wachtel

The principal purpose of the 1965 Highway Beautification Act was to preserve scenic beauty by removing and regulating billboards along the nation's roadways. Today, however, the law is widely considered a failure. Not only did it fail to regulate traditional billboards; it promises to have little impact on the newest version, digital billboards.

It's driver distraction that gives DBBs such a bad name. Some distraction is unavoidable, even necessary, on modern roads. Everyone must occasionally look away from the road to heed a dashboard alert, or attend to a warning sign or traffic light. When driving conditions are good, some distractions can be tolerated with no ill effect. But billboards are the only roadside objects that are both intentionally distracting and irrelevant to the task at hand. They are typically placed where driving conditions are challenging, and distraction can cause drivers to drift into another lane or fail to notice a car stopping ahead.

According to an important recent study,

a two-second distraction of any kind more than doubles the risk of a crash or near crash. Another study, this one done for the outdoor advertising industry itself, showed that drivers take their eyes off the road for two seconds or longer twice as often when they are looking at digital advertising signs than when they are looking at traditional billboards—or no billboards at all. This study was conducted in daylight. The researchers predicted that driver distraction from digital roadside ads would be far worse at night, but the sponsor said no to a nighttime study.

It's human nature

Much of the focus on distracted driving has been on distraction inside the vehicle, particularly that caused by cell phones and text messaging. But research in the U.S. and three other countries over the past five years suggests a real concern with external

distractions (not just billboards but also rubbernecking at crash scenes and searching for street names or addresses).

So why do we look? A lot of it has to do with physiology and the ease with which human beings can be enticed by bright lights. This is the so-called "moth effect," technically a variant of phototropism. We must put up with some distraction from official highway signs, but unlike most billboards, they provide necessary regulatory, warning, and guidance information. Moreover, there are substantial differences in the design and placement of the two types of signs.

Official signs adhere to the standards of the *Manual of Uniform Traffic Control Devices* and the FHWA sign design handbook. They

use specified colors, contrasts, and fonts that make them easily legible and their message unambiguous. In addition, official signs are uniform nationally and employ standard coding in their shapes, colors, and symbols. They are carefully placed where they will be most needed—avoiding curves and interchanges where the demands on the driver may be heightened. And they are separated from one another so as not to overload the driver with too much information at once.

Billboard designers have access to the same human factors studies that guide the makers of official signs. But their motives are different. They want to attract the driver's attention long enough to get their (sometimes complex) message across, with bright colors and splashy typography. They may include telephone numbers, web addresses, even text message codes—all requiring longer and more frequent glances. And, since the billboards are designed to attract as many viewers as possible, they tend to be placed at the very locations where official signs are avoided, such as the apex of a curve or the intersection of two roadways. Finally, they are often placed very close together, making it hard for drivers to focus on the task at hand.

When are DBBs okay?

Is it possible to erect and operate a digital billboard consonant with traffic safety? Our research suggests that the answer is yes. We have isolated four DBB characteristics that are major contributors to distraction. Each can be modified by a simple operational change—if the owner or operator is willing. These are our recommendations:

- *Control the lighting.* The light-emitting diodes typically used with digital signs must be turned up to be visible in daylight. But if the levels are not substantially reduced when it gets dark, drivers are inevitably attracted to the DBB's light from far away. Recent research in the Netherlands suggests that it is difficult to look away from a bright light source despite conscious efforts to do so. Moreover, the glare that may result makes it easy to miss critical cues such as pedestrians or the brake lights of vehicles that are ahead. Older drivers are particularly susceptible to the debilitating effects of glare.

Although some DBBs have sensors that automatically reduce nighttime luminance, there is no requirement for their use. There are also strong disagreements between traffic safety and lighting experts (one camp), and billboard industry representatives (the

DBB companies are proud of their public service messages like this AMBER alert, which appeared on a Wisconsin billboard last July (this photo blurs revealing details). Previous page: a DBB advertising a new game.



other camp) about acceptable nighttime light levels and measurement methods. The problem could be solved by adopting a measurement protocol and setting an upper luminance level that is acceptable to both the billboard industry and traffic safety experts.

- *Lengthen dwell time.* Messages on DBBs in the U.S. are typically changed every six to eight seconds. Such short “dwell times” yield more displays per day—more revenue for the billboard owner. But because it's the message change itself that captures the driver's attention, these quick changes increase the risk of distraction.

We suggest that dwell time be calculated in this way: Multiply the sight distance to the DBB (in feet) by the speed limit (in feet per second). That allows you to determine the number of seconds that the message will be visible to an approaching driver. Setting this value as the minimum dwell time ensures that no motorist will see more than one message change, thus reducing distraction.

- *Keep it simple.* Designing the message display to ensure minimum standards of legibility and readability is another way to limit distraction. Some controls are already in place, including a ban on displaying images that may be confused with official traffic control devices. But even these minimal controls are rarely enforced. Outside the U.S., the display of telephone numbers or website addresses is commonly banned. And some countries further minimize distraction by limiting the number of words and symbols allowed.

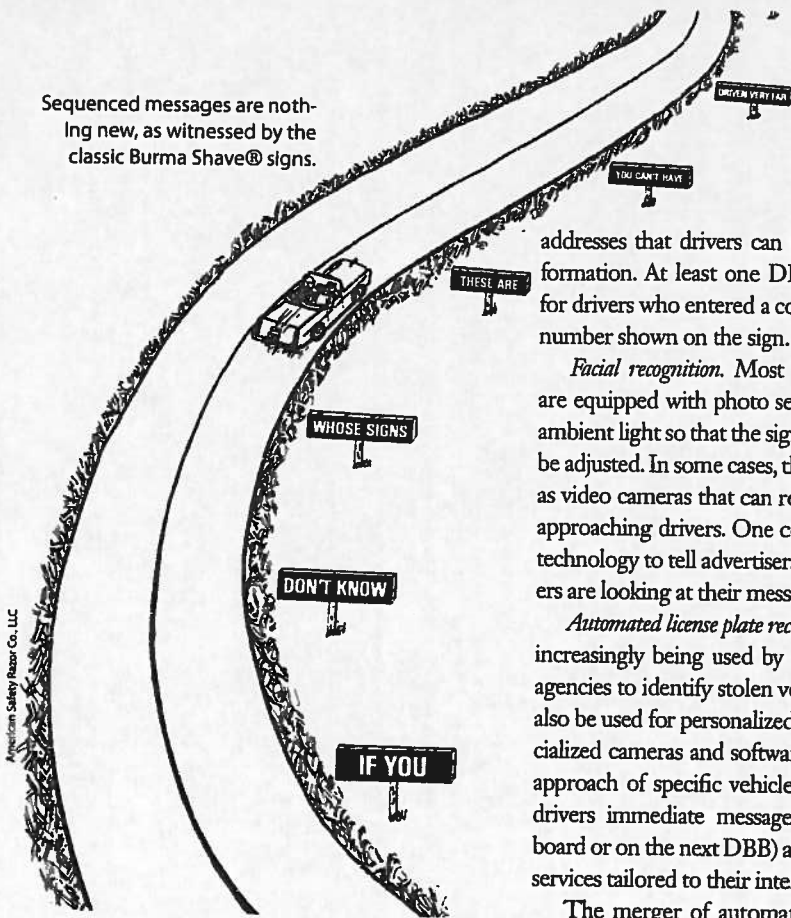
- *Prohibit message sequencing.* Using multiple, sequential messages to present a single ad is a common advertising technique. Each screen depicts only part of the whole message, keeping viewers' eyes glued to the billboard(s) to figure out what comes next. It's the modern equivalent of the iconic “Burma Shave” signs from nearly a century ago. (“Although insured/Remember kiddo/They don't pay you/They pay/Your widow/Burma Shave®.”) Today, a sequential message can be presented over time on a single sign or on a series of DBBs in close proximity—or even on billboards on both sides of the highway.

A role for the public?

Planners are accustomed to presenting their ideas, concepts, and proposals to the public, and to responding to public comment. And many planners have been vocal in commenting on billboards of all types. In the U.S., however, public opinion is rarely sought as part of the billboard application and permitting process. In several other countries—notably Australia, the United Kingdom, and Japan—the public's views are generally considered as part of the billboard permitting process.

These efforts were studied firsthand during the recently completed International Scan on Outdoor Advertising Control, undertaken by the Federal Highway Administration and the American Association of State Highway and Transportation Officials. (I performed the first part of this process, the “desk scan” of control efforts in various

Sequenced messages are nothing new, as witnessed by the classic Burma Shave® signs.



addresses that drivers can text for more information. At least one DBB offered prizes for drivers who entered a contest by texting a number shown on the sign.

Facial recognition. Most digital billboards are equipped with photo sensors to measure ambient light so that the sign's luminance can be adjusted. In some cases, the sensors double as video cameras that can record the faces of approaching drivers. One company uses this technology to tell advertisers how many drivers are looking at their message.

Automated license plate recognition. ALPR is increasingly being used by law enforcement agencies to identify stolen vehicles, but it can also be used for personalized marketing. Specialized cameras and software can detect the approach of specific vehicles and send their drivers immediate messages (on the dashboard or on the next DBB) about products or services tailored to their interests.

The merger of automated license plate recognition, vehicle identification, driver facial recognition, and vehicle location data provides a powerful new tool for advertisers—and raises new concerns about privacy for drivers.

The debate continues

In responding to critics, the billboard industry has taken two tacks. First, it insists that research (which it sponsored) shows that DBBs do not increase the number of crashes. This claim is unsupported, and the research has been discredited by independent peer review.

Second, they promote the public service benefits of DBBs—that they post messages

about missing children, wanted criminals, and hazardous road conditions. And such benefits can be real. But the fact is that highway agencies increasingly operate their own, growing networks of changeable message signs for traffic control and safety. These changeable message signs are sited in accord with positive guidance principles and thus are in a better position (literally) than DBBs to convey timely information to drivers. In addition, when DBBs provide service messages such as AMBER alerts, they typically use the same excessively demanding display features as many commercial messages, with the same distracting results.

The billboard industry contends that DBBs have become a mainstream, widely accepted form of roadside advertising. This is far from the case. We know that the technology isn't going away, but study after study provides evidence of distraction. Motorists continue to attribute some of their own driving errors and crashes to distraction from billboards. And government agencies are beginning to consider the views of the affected communities in their permitting processes.

Meanwhile, the billboard industry has steadfastly refused to make even minor adjustments in DBB operations—adjustments that could effectively resolve both the safety concerns and the community issues that generate such controversy. Add to this new technology that will make it possible for DBBs to access and use personal information from drivers, and it seems likely a new era of litigation will soon begin.

■ Jerry Wachtel is an engineering psychologist and president of The Veridian Group, a consulting firm in Berkeley, California. He has worked for both the billboard industry and public agencies, and has assisted several local governments in redesigning their sign ordinances to address new technologies.

countries. The second part involved site visits.) As a followup, FHWA and AASHTO are now beginning to study ways of increasing community and citizen involvement in the outdoor advertising planning process here in the U.S.

But DBB technology is advancing faster than policy makers can deal with it. Until recently, these advances were limited to sign size, brightness, and image fidelity. The newest technologies focus on capturing the motorist's attention in ever more sophisticated ways, thus raising new questions for regulators and privacy advocates. Among the new technologies are these:

Personalized messages. Billboards (as forecast in the film *The Minority Report*) can now extend personal greetings to drivers. A Mini buyer, for instance, might enter an electronic key code into the company's database. "Hi Kate—Nice day for your convertible" will flash whenever Kate's car approaches a Mini USA billboard.

Interactive displays. Secretary of Transportation Ray LaHood has made driver distraction a high priority, but his focus has been on cell phone calls and texting. Yet recent research indicates that there is a considerable problem with visual distraction from sources outside the vehicle, including billboards. As interactive billboards continue to multiply, they will exacerbate this problem. Some even provide

RESOURCES

ONLINE

The final reports of FHWA's International Scan on Outdoor Advertising Control and Driver Visual Distraction in the Presence of Commercial Electronic Variable Message Signs will be available at www.fhwa.dot.gov/realestate/out_ad.htm. For the sign industry's take on digital billboards, see the "Digital Signage" section of the articles archive at www.signindustry.com. Comprehensive regulations controlling outdoor advertising in Queensland, Australia's Department of Main Roads are at www.tmr.qld.gov.au/~media/a3fd17d1-2b31-499a-83f6-1cbe25ea96a3/roadsideadvertisingguideaugust2009.pdf.

A 2009 report by Jerry Wachtel on "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs" is available at: www.scenic.org/pdfs/NCHRP%20Digital%20Billboard%20Report.pdf.



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-2

TO: Planning Commission
FROM: Donna Stenger, Manager, Long-Range Planning Division
SUBJECT: Shoreline Master Program Update
DATE: March 31, 2011

On April 6th, staff will be presenting a track change draft of the City of Tacoma Shoreline Master Program for review and discussion. A preliminary draft of the TSMP was released for public comment in September, 2010. Comments were compiled on November 30th for Planning Commission review, though additional comments have been submitted since. The Planning Commission reviewed the comments and provided staff with direction on a number of issues, including:

- November 17th - Discussion of comments related to exemptions, submittal requirements, and marine buffers;
- January 5th - Discussion of comments related to general public access requirements;
- January 19th - Discussion of comments related to the S-7 Schuster Parkway Shoreline District;
- February 2nd - Discussion of comments related to the S-8 Thea Foss Waterway Shoreline District;
- February 16th – Review and summary of previous discussions and Commission direction;
- March 2nd – Review of Draft Cumulative Impacts Analysis; and
- March 16th – Discussion of non-conforming use and structures, log rafting and storage, and Wapato Lake.

In addition, staff has made further revisions per comments submitted on the preliminary draft TSMP. The attached summary table provides a reference for and brief description of the topics and revisions that have been made to respond to public comments. Staff is seeking Planning Commission review and concurrence on these changes.

In support of this discussion, staff is providing the following materials as background for the Commission's review:

- Summary Table of Revisions
- Draft Tacoma Shoreline Master Program with track changes
- Draft Shoreline Environment Designations Map
- Draft TMC 13.11 Critical Areas Preservation Ordinance
- Draft TMC 13.06 Sign Code
- Draft TMC 13.05 Land Use Permit Procedures

Planning Commission

March 31, 2011

Page 2 of 2

If you have any questions on any of the attached materials, please contact Stephen Atkinson at 591-5531 or satkinson@cityoftacoma.org.

DS:sa

Attachments

c. Peter Huffman, Assistant Director

SHORELINE MASTER PROGRAM

Planning Commission Review

04.06.2011

Topic	Summary of Revisions	Chapters
Exemptions	<ul style="list-style-type: none">• Added exemption for signs and public art.• Revised requirement for letter of exemption so that only specific kinds of activities will require a letter of exemption (such as clearing and grading, in-water work).	Chapter 2.3 Shoreline Permits and Exemptions.
Submittal Requirements	<ul style="list-style-type: none">• Uncoupled exemptions from submittal requirements for permits.• Added permit submittal requirements from WAC 173-27-180.• Added specific submittal requirements for “Moorage Facilities” and “Major Utilities.”	Chapter 2.4 Minimum Permit Application Submittal Requirements.
Nonconforming Uses/Structures	<ul style="list-style-type: none">• Revised non-conforming uses to allow the use to be restored without a threshold (up to 100% loss).• Revised non-conforming structures to identify all such existing structures as “permitted”; retained 75% threshold for conformance in the event of a fire or other catastrophe.• Deleted exception language from “Shoreline Land Use” and “Marine Buffer Standards” sections.	Chapter 2.5 Nonconforming Uses and Development.
Environment Designations	<ul style="list-style-type: none">• Re-added designation criteria that were used in development of recommendations.• Revised the following designations:<ul style="list-style-type: none">○ Natural designation revised to include S-12 Hylebos Creek,○ Urban Conservancy revised to include Sperry Ocean Dock site,○ Downtown Waterfront revised to include entirety of NuStar site.	Chapter 5.5 Shoreline Environment Designations.
Critical Areas	<ul style="list-style-type: none">• Added provision to allow for site specific buffer in circumstances where a modification of the shoreline resulting from a mitigation or voluntary restoration project would cause the standard buffer to encumber adjacent uses and structures.• Revised Marine Buffer reductions to add clarity for water-dependent uses and public access.• Revised standard buffer for Wapato Lake and its associated wetlands.	Chapter 6.4 Marine Shoreline and Critical Areas Protection; 6.4.3 Marine Shorelines; 6.4.5 Wetlands; 6.4.6 Streams and Riparian Habitats.

	<ul style="list-style-type: none"> • Revised text for wetland and stream buffer reductions to clarify under what circumstances the buffer may be reduced. • Added standards for mitigation banks. • Made minor reorganization to wetland and stream standards to group like issues together. 	
Public Access	<ul style="list-style-type: none"> • Re-framed public access provisions around potential impacts and mitigation for substantiated impacts. • Revised applicability so that access will only be required under specific circumstances. • Deleted references to fee-in-lieu and public access fund as options. • Revised public access preferences so that on-site access is preferred first and foremost in all circumstances where access is required. • Added requirement for Land Use Administrator to prepare written findings demonstrating the essential nexus and rough proportionality of the required mitigation. • Provided an option for exemption where an applicant demonstrates that the strict application of public access standards would violate constitutional or other statutory limitations. 	Chapter 6.5 Public Access.
Shoreline Uses	<ul style="list-style-type: none"> • Made clarifying text changes to “Boating Facilities.” • Added standards for log rafting and storage to “Port, Terminal and Industrial Use”; permitted in S-10. • Deleted multiple standards for “Signs” and relocated to TMC 13.06. • Revised and re-organized chapter on “Utilities” to more clearly address standards for major facilities versus standards for accessory utilities. 	7.3 Boating Facilities; 7.5 Port, Terminal and Industrial Use; 7.8 Signs; 7.12 Utilities.
Shoreline Modifications	<ul style="list-style-type: none"> • Made minor text changes to “Fill and Excavation.” • Moved “Moorage Facilities” from uses to modifications, per WAC recommendations. • Revised “Moorage Facilities” to distinguish more clearly between different types of facilities and to address standards for mooring 	8.3 Fill and Excavation, Dredging and Dredge Material Disposal, 8.6 Moorage Facilities

	buoys and mooring buoy fields.	
District Boundary	<ul style="list-style-type: none"> • Made district boundary map changes to the following districts: <ul style="list-style-type: none"> ○ S-7 Schuster Parkway, to include Sperry Ocean Dock site as part of S-6 Ruston Way Shoreline District; ○ S-8 Thea Foss Waterway, to include the entirety of the NuStar site; ○ S-12 Hylebos Creek, to include that portion of Hylebos Creek West of SR-509 in the S-10 Port Industrial Shoreline District. 	Chapter 9 District-Specific Regulations.
Use and Development Standards Table	<ul style="list-style-type: none"> • Reorganized table to account for relocation of use/modification categories. • Revised permitted uses for S-12 Hylebos Creek (changing from Urban-Conservancy to Natural Designation). • Added line items for specific types of transportation facilities. 	Table 9-2, page 195.
Definitions	Added and revised definitions as necessary.	Chapter 10 Definitions.
General Cleanup	Fixed internal and external references, corrected formatting, spelling, etc.	Throughout the draft.
TMC 13.11	Added language in the applicability section stating that upon the adoption of the updated SMP, TMC 13.11 will cease to apply in areas governed by the Shoreline Management Act and the adopted SMP.	
TMC 13.06	Added shoreline sign standards and revised to make shoreline districts consistent with draft SMP. Revised definitions where appropriate.	
TMC 13.05	Deleted references to “waiver” as shoreline signs will be exempt in the SMP and will be subject to variance in 13.06 rather than shoreline variance criteria.	

WORKING DRAFT TSMP



DRAFT Shoreline Master Program

~~SEPTEMBER~~ MARCH 2010
CITY OF TACOMA, WASHINGTON

WORKING DRAFT TSMP

CHAPTER 1 INTRODUCTION	5
1.1 Purpose and Intent.....	5
1.2 Title.....	6
1.3 Governing Principles	6
1.4 Adoption Authority.....	7
1.5 Master Program Amendments	7
1.6 Relationship to Other Plans and Regulations.....	7
1.7 Applicability	8
1.8 Liberal Construction	8
1.9 Severability	9
1.10 Effective Date	9
1.11 Master Program Review	9
CHAPTER 2 ADMINISTRATION.....	10
2.1 General Compliance.....	10
2.2 Administrative Authority and Responsibility	11
2.3 Shoreline Permits and Exemptions	11
2.4 Minimum Permit Application Submittal Requirements	19
2.5 Non-Conforming Uses and Development.....	29
2.6 Public Notice Requirements	32
2.7 Public Hearings.....	32
2.8 Enforcement.....	33
CHAPTER 3 GOALS AND OBJECTIVES.....	35
3.1 Overarching Shoreline Goal of the City of Tacoma	35
3.2 Shoreline Land Use.....	35
3.3 Economic Development.....	36
3.4 Conservation	36
3.5 Restoration	37
3.6 Flood Prevention and Flood Damage Minimization.....	38
3.7 Archaeological, Historic, and Cultural Resources	38
3.8 Public Access.....	39
3.9 Recreation	40
3.10 Transportation and Essential Public Facilities.....	40
3.11 View and Aesthetics	41
CHAPTER 4 SHORELINES OF THE STATE	43
4.1 Shoreline Jurisdiction.....	43
4.2 Designation of Shorelines of Statewide Significance.....	44
4.3 Statewide Interests Protected	44
4.4 Policies for Shorelines of Statewide Significance	44
CHAPTER 5 SHORELINE ENVIRONMENT DESIGNATIONS	46
5.1 Introduction.....	46
5.2 Authority	46
5.3 Shoreline Environment Designations	46
5.4 Official Shoreline Environment Designation Map	47
5.5 Shoreline Environment Designations	48

WORKING DRAFT TSMP

CHAPTER 6 GENERAL POLICIES AND REGULATIONS.....	59
6.1 Shoreline Use.....	59
6.2 Site Planning.....	61
6.3 Archeological, Cultural and Historic Resources.....	64
6.4 Marine Shoreline and Critical Areas Protection.....	65
6.5 Public Access.....	98
6.6 Vegetation Conservation.....	106
6.7 Views and Aesthetics.....	109
6.8 Water Quality and Quantity.....	114
CHAPTER 7 GENERAL USE POLICIES AND REGULATIONS.....	117
7.1 Prohibited Uses.....	117
7.2 Aquaculture.....	117
7.3 Boating Facilities.....	117
7.4 Commercial Use.....	124
7.5 Port, Terminal and Industrial Use.....	128
7.6 Recreational Development.....	135
7.7 Residential Development.....	137
7.8 Signs.....	140
7.9 Parking.....	141
7.10 Transportation.....	142
7.11 Solid Waste Disposal.....	146
7.12 Utilities.....	147
CHAPTER 8 SHORELINE MODIFICATION POLICIES AND REGULATIONS	153
8.1 General Shoreline Modification Policies.....	153
8.2 Shoreline Stabilization, Bulkheads, Breakwaters, Jetties, Groins, Weirs, Flood Control Works and In-Stream Structures.....	153
8.3 Fill and Excavation, Dredging and Dredge Material Disposal.....	157
8.4 Clearing and Grading.....	160
8.5 Ecological Restoration and Enhancement.....	161
8.6 Moorage Facilities.....	163
CHAPTER 9 DISTRICT-SPECIFIC REGULATIONS.....	169
9.1 S-1A Western Slope South S (HI).....	169
9.2 S-1b Western Slope South N (SR).....	170
9.3 S-2 Western Slope Central (UC).....	171
9.4 S-3 Western Slope North (UC).....	171
9.5 S-4 Point Defiance Natural (N).....	172
9.6 S-5 Point Defiance Conservancy (UC).....	173
9.7 S-6 Ruston Way (UC).....	174
9.8 S-7 Schuster Parkway (HI).....	175
9.9 S-8 Thea Foss Waterway (DW).....	176
9.10 S-9 Puyallup River (UC).....	186
9.11 S-10 Port Industrial (HI).....	187
9.12 S-11 Marine View Drive (UC).....	188
9.13 S-12 Hylebos Creek (N).....	188
9.14 S-13 Waters of the State (A).....	189

WORKING DRAFT TSMP

9.15	S-14 Wapato Lake (UC)	191
9.16	S-15 Point Ruston / Slag Peninsula (HI).....	192
CHAPTER 10 DEFINITIONS		200

List of Tables

Table 6-1	Minimum Marine Buffers	73
Table 6-2.	Wetland Buffer Widths	79
Table 6-3.	Lakes of Local Significance	80
Table 6-4	Mitigation ratios for projects in Western Washington that do not alter the hydro-geomorphic setting of the site.....	85
Table 6-5.	Stream Types	87
Table 6-6	Streams of local significance.....	87
Table 9-1.	Building Envelope Standards Table	182
Table 9-2.	Shoreline Use and Development Standards	195

List of Figures

Figure 9-1.	Western Slope South (HI)	169
Figure 9-2.	Western Slope South (SR)	170
Figure 9-3.	Western Slope Central.....	171
Figure 9-4.	Western Slope North	172
Figure 9-5.	Point Defiance Natural (N)	173
Figure 9-6.	Point Defiance Conservancy (UC).....	174
Figure 9-7.	Ruston Way	175
Figure 9-8.	Schuster Parkway	176
Figure 9-9.	Thea Foss Waterway	177
Figure 9-10.	Puyallup River.....	186
Figure 9-11.	Port Industrial.....	187
Figure 9-12.	Marine View Drive	188
Figure 9-13.	Hylebos Creek.....	189
Figure 9-14.	Waters of the State	190
Figure 9-15.	Wapato Lake	192
Figure 9-16.	Point Ruston/Slag Peninsula	193

List of Appendices

Appendix A:	Unofficial Shoreline Map
Appendix B:	Shoreline Restoration Plan
Appendix C:	Tacoma Waterfront Design Guidelines <u>Public Access Alternatives Plan</u>
Appendix D:	<u>Thea Foss Waterfront Design Guidelines and Standards</u>

CHAPTER 1 INTRODUCTION

1.1 Purpose and Intent

The purposes of this Tacoma Shoreline Master Program (TSMP) are:

1. To guide the future development of shorelines in the City of Tacoma in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (the "Act") as amended (RCW 90.58).
2. To promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of Tacoma's shorelines; and
3. To ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State:

"It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

1.2 Title

This document shall be known and may be cited as the Tacoma Shoreline Master Program (the “Program”, “Master Program” or “TSMP”).

1.3 Governing Principles

1. The goals, policies, and regulations of this Program are intended to be consistent with the State shoreline guidelines in Chapter 173-26 of the Washington Administrative Code (WAC). The goals, policies and regulations are informed by the Governing Principles in WAC 173-26-186, and the policy statements of RCW 90.58.020.
2. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
3. Regulatory or administrative actions contained herein must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
4. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program may extend beyond the designated shoreline boundaries.
5. The policies and regulations established by the Program must be integrated and coordinated with those policies and rules of the Tacoma Comprehensive Plan and development regulations adopted under the Growth Management Act (RCW 36.70A) and RCW 34.05.328, Significant Legislative Rules.
6. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecology from such impairments in the following ways:
 - a. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines.
 - b. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e)(i), Comprehensive Process to Prepare or Amend Shoreline Master Programs.
 - c. By including policies and regulations to address cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.
 - d. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such functions have been identified.

1.4 Adoption Authority

1. This Master Program is adopted under the authority granted by the Act and WAC Chapter 173-26.

1.5 Master Program Amendments

A. General

1. Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Amendments or revision to the Master Program, as provided by law, do not become effective until approved by the Washington State Department of Ecology.
2. Proposals for shoreline environment re-designation (i.e., amendments to the shoreline maps and descriptions) must demonstrate consistency with the criteria set forth in WAC 173-22-040.

B. Planning Commission

1. The Tacoma Planning Commission shall be responsible for hearing and making recommendations for action to the City Council on the following types of matters:
2. Amendments to the Shoreline Master Program. Any of the provisions of this Master Program may be amended as provided for in WAC 173-26-100.

C. City Council

1. The Tacoma City Council shall be responsible for making final determinations on amendments to the Shoreline Master Program, for review and approval by Ecology, which shall be adopted by ordinance. The Council shall enter findings and conclusions setting forth the factors it considered in reaching its decision.

D. State Department of Ecology

1. The duties and responsibilities of the Washington Department of Ecology shall include, but are not limited to the following:
 - a. Reviewing and approving Master Program amendments prepared by the City of Tacoma pursuant to WAC 173-26-120 (State Process for Approving/Amending Shoreline Master Programs). Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by the Washington State Department of Ecology.
 - b. Final approval and authority to condition or deny Shoreline Conditional Use Permits and Shoreline Variance Permits filed in the City of Tacoma.

1.6 Relationship to Other Plans and Regulations

1. Uses, developments and activities regulated by this Master Program may also be subject to the provisions of the Tacoma Comprehensive Plan, the Washington State Environmental

WORKING DRAFT TSMP

- Policy Act ("SEPA," Chapter 43.21C RCW and Chapter 197-11 WAC), other provisions of the Tacoma Municipal Code, including Title 13 Land Use Regulatory Code and various other provisions of local, state and federal law, as may be amended.
2. Pursuant to RCW 90.58, in the event this Program conflicts with other applicable City policies or regulations, all regulations shall apply and unless otherwise stated, the more restrictive provisions shall prevail.
 3. Proponents of shoreline use/development shall comply with all applicable laws prior to commencing any shoreline use, development, or activity.
 4. Where this Program makes reference to any RCW, WAC, or other state, or federal law or regulation the most recent amendment or current edition shall apply.

1.7 Applicability

1. The Act and this Program adopted pursuant thereto comprise the basic state and city law regulating use of shorelines in the City of Tacoma. In the event provisions of this Program conflict with other applicable city policies or regulations, the policies of the Act shall prevail.
- ~~1.2.~~ All proposed uses and development occurring within shoreline jurisdiction must conform to the Shoreline Management Act and this Program. The policies and regulations of this Program apply to all shoreline uses and developments within shoreline jurisdiction whether or not a shoreline permit or statement of permit exemption is required.
- ~~2.3.~~ This Master Program shall apply to all of the lands and waters within the City limits of Tacoma that fall under the jurisdiction of the Act. This includes the portions of the Puget Sound, the Puyallup River and Wapato Lake that meet the definition of 'shorelines of the state'.
- ~~3.4.~~ This Master Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or non-federal entity which develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.
- ~~4.5.~~ Classification of a use or development as permitted does not necessarily mean the use/development is allowed. It means the use/development may be allowed subject to review and approval by the City and/or the Department of Ecology. The City may attach conditions of approval to any permitted use via a permit or statement of exemption as necessary to assure consistency of the project with the Act and the Program.
- ~~5.6.~~ Federal agency actions must comply with this Master Program and the Act.
- ~~6.7.~~ Non-federal agency actions undertaken on private lands must comply with this Master Program and the Act when such lands fall within the external boundaries of federally owned lands (e.g., private in-holdings in the National Forest).

1.8 Liberal Construction

As provided for in RCW 90.58.900, Liberal Construction, the Act is exempted from the rule of strict construction; the Act and this Program shall therefore be liberally construed to give full

WORKING DRAFT TSMP

effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted.

1.9 Severability

~~The Act and this Program adopted pursuant thereto comprise the basic state and city law regulating use of shorelines in the City of Tacoma. In the event provisions of this Program conflict with other applicable city policies or regulations, the policies of the Act the more restrictive shall prevail. Should any section or provision of this program be declared invalid, such decision shall not affect the validity of this Program as a whole.~~

1.10 Effective Date

This Master Program shall take effect on _____ and shall apply to new applications submitted on or after that date and to incomplete applications submitted prior to that date.

1.11 Master Program Review

This Master Program shall be periodically reviewed and adjustments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with WAC 173-26 requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

CHAPTER 2 ADMINISTRATION

2.1 General Compliance

1. To be authorized under this Program, all uses and developments shall be planned and carried out in a manner that is consistent with the TMC and this Program regardless of whether a shoreline substantial development permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.
2. The City shall not issue any permit for development within shoreline jurisdiction until approval has been granted pursuant to the adopted Program.
3. A development or use that does not comply with the bulk, dimensional and/or performance standards of this Program shall require a shoreline variance even if the development or use does not require a substantial development permit.
4. A development or use that is listed as a conditional use pursuant to this Program, or is an unlisted use, must obtain a conditional use permit even if the development or use does not require a substantial development permit.
5. Issuance of a shoreline substantial development permit, shoreline variance or shoreline conditional use permit does not constitute approval pursuant to any other federal, state or City laws or regulations.
6. All shoreline permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Land Use Administrator, documenting compliance with bulk and dimensional policies and regulations of this Program. The Land Use Administrator may attach conditions to the approval as necessary to assure consistency with the RCW 90.58 and this Program. Such conditions may include a requirement to post a performance bond assuring compliance with permit requirements, terms and conditions.
7. Proposed actions that would alter designated critical areas or their buffers, as established by this Program (TSMP section 6.4) shall be reviewed for compliance with the provisions of this Program. Applicable critical area report and/or mitigation plan and/or habitat management plan shall be prepared consistent with the requirements of TSMP section 26.4.2 and submitted as part of the development application or request for statement of exemption. The critical area review shall be conducted and processed in conjunction with the highest threshold of review that is applicable to the primary development proposed:
 - a. Review pursuant to TSMP Section 2.3.3 (List of Exemptions);
 - b. Land Use Permit or Building Permit;
 - c. Excavation, Grading, Clearing and Erosion Control Permit;
 - d. SEPA Threshold Determination;
 - e. Shoreline Substantial Development Permit;

- f. Shoreline Conditional Use Permit; or
- g. Shoreline Variance.

2.2 Administrative Authority and Responsibility

A. Land Use Administrator

1. The Land Use Administrator shall have the authority to act upon the following matters:
 - a. Interpretation, enforcement, and administration of the City's Shoreline Master Program as prescribed in this title;
 - b. Applications for Shoreline Management Substantial Development Permits as prescribed in this title;
 - c. Applications for Shoreline Conditional Use Permits as prescribed in this title;
 - d. Applications for Shoreline Variances as prescribed in this title;
 - e. Modifications or revisions to any of the above approvals.

2.3 Shoreline Permits and Exemptions

2.3.1 Shoreline Substantial Development Permit Required

1. ~~Substantial development as defined by this program and RCW 90.58.030 shall not be undertaken by any person on the shorelines of the state without first obtaining a substantial development permit from the Land Use Administrator.~~ A shoreline substantial development permit shall be required for all proposed use and development of shorelines unless the use or development is specifically identified as exempt from a substantial development permit, in which case a letter of exemption is required.
2. The Land Use Administrator may grant a substantial development permit only when the development proposed is consistent with the policies and procedures of RCW.90.58; the provisions of WAC 173-27; and this Program.
- ~~2.3.~~ In the granting of all shoreline substantial development permits, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area. For example, if shoreline substantial development permits were granted for other developments in the area where similar circumstances exist, the sum of the permitted actions should also remain consistent with the policy of RCW 90.58.020 and should not produce significant adverse effects to the shoreline ecological functions and processes or other users.

2.3.2 Exemptions from a Substantial Development Permit

1. Uses and developments that are not considered substantial developments pursuant to RCW 90.58.030(3)(e), WAC 173-27-040 (List of Exemptions), and TSMP Section 2.3.3 shall not require a substantial development permit but shall conform to the policies and regulations of this Program.

WORKING DRAFT TSMP

2. If any part of a proposed development is not eligible for exemption as defined in RCW 90.58.030(3)(e), WAC 173-27-040 and TSMP Section 2.3.3, then a substantial development permit is required for the entire proposed development project.
3. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
4. The burden of proof that a development or use is exempt is on the applicant or proponent of the development action.

2.3.3 Exemptions Listed

The following activities shall be considered exempt from the requirement to obtain a shoreline substantial development permit but shall obtain a statement of exemption, as provided for in Section 2.3.4:

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand seven hundred and eighteen dollars (\$5,718.00), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW [90.58.030](#) (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;
2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment. Relocation and reconfiguration of the structure or development may be performed within the existing property boundaries if the relocation or reconfiguration results in a measurable and sustainable ecological improvement;
3. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage

by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the state department of fish and wildlife.

4. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Land Use Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter [90.58](#) RCW, these regulations, or this Program, shall be obtained. All emergency construction shall be consistent with the policies of chapter [90.58](#) RCW and this Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;
5. Construction or modification of navigational aids such as channel markers and anchor buoys;
6. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the City and state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter [90.58](#) RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards (250 cy) and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;
7. 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 a single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

WORKING DRAFT TSMP

- a. In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars (\$2,500.00); For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including Puget Sound and all bays and inlets associated with such water body; or
 - b. In fresh waters the fair market value of the dock does not exceed ten thousand dollars (\$10,000.00), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500.00) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.
8. 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 ground water from the irrigation of lands;
 9. 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;
 10. 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;
 11. Any project with a certification from the governor pursuant to chapter [80.50 RCW](#) (certification from EFSEC);
 12. 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 any 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 that the site is restored to pre-existing conditions; and
 - e. The activity is not subject to the permit requirements of RCW [90.58.550](#) (Oil & Natural Gas Exploration in Marine Waters);
 13. The process of removing or controlling aquatic noxious weeds, 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 of ecology jointly with other state agencies under chapter [43.21C RCW](#);

WORKING DRAFT TSMP

- ~~14.~~ Watershed restoration projects as defined in Chapter 10. The City shall review the projects for consistency with this Program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant.
14. Signs and public art projects approved by the City of Tacoma Arts Administrator that are no larger or taller than the allowance for free-standing signs in the applicable Shoreline District in which they are located, provided that the installation does not degrade any stream, wetland and/or associated buffers and the proposal complies with sections 13.06.520, 13.06.521 and 13.06.522 of the TMC.
15. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
- The project has been approved in writing by the department of fish and wildlife;
 - The project has received hydraulic project approval by the state department of fish and wildlife pursuant to chapter [77.55](#) RCW; and
 - The City has determined that the project is substantially consistent with the shoreline master program. The City shall make such determination in a timely manner and provide it by letter to the project proponent.

2.3.4 Statement of Exemption

- ~~1. Any person claiming exemption from the substantial development permit requirements shall make an application to the Land Use Administrator for such an exemption in the manner prescribed by the Land Use Administrator.~~
- ~~2.1.~~ The Land Use Administrator is hereby authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in TSMP Section ~~243.3~~. The statement shall be in writing and shall indicate the specific exemption of this Program that is being applied to the development, and shall provide a summary of the Land Use Administrator's analysis of the consistency of the project with this Program and the Act. The letter shall be sent to the applicant and the Department. Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the Program and Act.
- ~~3.2.~~ Exempt activities related to any of the following shall not be conducted until a statement of exemption has been obtained from the Land Use Administrator: dredging, flood control and in-water structures, archaeological or historic site alteration, clearing and ground disturbing activities such as filling and excavation, docks, shore stabilization, free-standing signs, public art projects approved by the Arts Administrator, or activities determined to be located within a wetland, stream or FWHCA critical area and/or its buffer., ~~or free-standing signs.~~
3. No statement of exemption shall be required for other uses or developments exempt pursuant to TSMP 2.3.3 unless the administrator. The Land Use Administrator shall have the authority to require a statement of exemption for any proposed development or use if s/he has cause to believe a substantial question exists as to qualifications of the specific use or development for the exemption or there is a likelihood of adverse impacts to shoreline ecological functions.

WORKING DRAFT TSMP

4. Whether or not a written statement of exemption is issued, all permits and decisions issued within the area of shorelines shall include a record of review actions prepared by the Administrator, including compliance with bulk and dimensional standards and policies and regulations of this Program.
5. No written statement of exemption is required for emergency development pursuant to WAC 173-14-040(2)(d).
- ~~6. Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the Program and Act.~~
6. A notice of decision for shoreline statements of exemption shall be provided to the applicant/proponent and any party of record. Such notices shall also be filed with the Department of Ecology, pursuant to the requirements of WAC 173-27-050 when the project is subject to one or more of the following Federal Permitting requirements:
 - a. A U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899; or
 - b. A Section 404 permit under the Federal Water Pollution Control Act of 1972.
7. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. In accordance with TSMP Section 2.7, the Land Use Administrator's decision on a statement of exemption is not subject to administrative appeal.

2.3.5 Shoreline Variance

1. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant/proponent or thwart the policies set forth in RCW 90.58.020 and this program.
2. Shoreline variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the SMA (RCW 90.58.020). In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
3. The Land Use Administrator is authorized to grant a variance from the performance standards of this Program only when all of the following criteria are met (WAC 173-27-170).
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - ~~a.~~b. That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

WORKING DRAFT TSMP

- ~~a.c.~~ That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - ~~a.d.~~ That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - ~~a.e.~~ That the variance requested is the minimum necessary to afford relief; and
 - ~~a.f.~~ That the public interest will suffer no substantial detrimental effect.
4. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
- a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
 - ~~a.b.~~ That the proposal is consistent with the criteria established under subsection (3)(b) through (f) of this section; and
 - ~~a.c.~~ That the public rights of navigation and use of the shorelines will not be adversely affected.
5. In the granting of all shoreline variances, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area.
- ~~5.6.~~ Before making a determination to grant a shoreline variance, the City shall consider issues related to the conservation of valuable natural resources, and the protection of views from nearby public roads, surrounding properties and public areas. ~~Shoreline variance requests based on the applicant's/proponent's desire to enhance the view from the subject development may be granted where there are no likely detrimental effects to existing or future users, other features or shoreline ecological functions and/or processes, and where reasonable alternatives of equal or greater consistency with this Program are not available. Shoreline variances shall not be granted that allow a greater height or lesser shore setback than what is typical for the area immediately surrounding the development site.~~
- ~~5.7.~~ A variance from City development code requirements shall not be construed to mean a shoreline variance from shoreline master program use regulations and vice versa.
- ~~5.8.~~ Shoreline variances may not be used to permit a use or development that is specifically prohibited in an environment designation.
- ~~5.9.~~ The burden of proving that a proposed shoreline variance meets the conditions in this section and the criteria of this program shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

2.4.62.3.6 Shoreline Conditional Use Permit

- ~~10.1.~~ The purpose of the conditional use permit is to provide greater flexibility in varying the application of the use regulations of this Program in a manner which will be consistent with the policies of RCW 90.58, particularly where denial of the application would thwart the policies of the Shoreline Management Act.
- ~~1.2.~~ When a conditional use is requested, the Land Use Administrator shall be the final approval authority for the City. However, shoreline conditional uses must have approval from the state. Department of Ecology shall be the final approval authority under the authority of WAC 173-27-200.
- ~~1.3.~~ Conditional use permits shall be authorized only when they are consistent with the following criteria:
 - a. The proposed use is consistent with the policies of RCW 90.58.020, WAC 173-27-160 and all provisions of this Program;
 - ~~a.b.~~ The use will not interfere with normal public use of public shorelines;
 - c. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;
 - ~~a.d.~~ That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this Program;
 - ~~a.e.~~ The public interest will suffer no substantial detrimental effect;
 - ~~a.f.~~ Consideration has been given to cumulative impact of additional requests for like actions in the area.
- ~~4.~~ Other uses not set forth in the shoreline master program may be authorized through a conditional use permit if the applicant can demonstrate that other the proposed uses are is consistent with the purpose of the shoreline environmental designation and compatible with existing shoreline improvements or that extraordinary circumstances preclude reasonable use of the property; however, uses specifically prohibited by the master program may not be authorized.
- ~~14.4.~~ The burden of proving that a proposed shoreline conditional use meets the criteria of this program in WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.
- ~~4.5.~~ The City is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

2.4.72.3.7 Ecology Review

1. Ecology shall be notified of any Substantial Development, Conditional Use or Variance Permit decisions made by the Land Use Administrator (or Hearing Examiner when required pursuant to TMC 13.05.060), whether it is an approval or denial. The notification shall occur

WORKING DRAFT TSMP

after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed. When a Substantial Development Permit and either Conditional Use or Variance Permit are required for a development, the submittal of the permits shall be made concurrently. The Land Use Administrator shall file the following with the Department of Ecology and Attorney General:

- a. A copy of the complete application per WAC 173-27-180;
 - ~~a.b.~~ Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable Master Program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s);
 - ~~a.c.~~ The final decision of the City;
 - ~~a.d.~~ The permit data sheet per WAC 173-27-990;
 - ~~a.e.~~ Affidavit of public notice; and
 - ~~a.f.~~ Where applicable, the Land Use Administrator shall also file the applicable documents required by the State Environmental Policy Act (RCW 43.21C).
2. When the project has been modified in the course of the local review process, plans or text shall be provided to Ecology that clearly indicates the final approved plan.
 - ~~2.3.~~ If Ecology determines that the submittal does not contain all of the documents and information required by this section, Ecology shall identify the deficiencies and notify the City and the applicant in writing. Ecology will not act on Conditional Use or Variance Permit submittals until the material requested in writing is submitted to them.
 - ~~2.4.~~ Ecology shall convey to the City and applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days (30) of the date of submittal by the City. The Land Use Administrator will notify those interested persons having requested notification of such decision.
 - ~~2.5.~~ Ecology shall base its determination to approve, approve with conditions or deny a Conditional Use Permit or Variance Permit on consistency with the policy and provisions of the SMA, the criteria listed in WAC 173-27 and this Program.

a)2.4 Minimum Permit Application Submittal Requirements

2.4.1 General Requirements

Pursuant to WAC 173-27-180, All applications for a shoreline substantial development permit, conditional use, or variance, ~~or shoreline exemption~~ shall provide, at a minimum, the following:

1. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.

WORKING DRAFT TSMP

2. The name, address and phone number of the applicant's representative if other than the applicant.
3. The name, address and phone number of the property owner, if other than the applicant.
4. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
5. Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.
6. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
7. A general description of the property as it now exists including its physical characteristics and improvements and structures.
8. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
9. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 - a. The boundary of the parcel(s) of land upon which the development is proposed.
 - b. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.
 - c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
 - d. A delineation of all wetland areas that will be altered or used as a part of the development.
 - e. A general indication of the character of vegetation found on the site.
 - f. The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic

WORKING DRAFT TSMP

tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

- g. Where applicable, a landscaping plan for the project.
- h. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
- i. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
- j. Quantity, composition and destination of any excavated or dredged material.
- k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
- l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
- ~~n. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses. An assessment of the existing ecological functions and/or processes provided by topographic, physical and vegetation characteristics of the site. Such assessments shall include the following general information:~~
- ~~n. Impacts of the proposed construction/use/development on ecological processes with clear designation of existing and proposed routes for water flow, wildlife movement and other features.~~
- ~~e.m. Infrastructure requirements such as parking, services, lighting and other features and an assessment of the effects of those infrastructure improvements on shoreline ecological functions and/or processes~~

2.5.12.4.2 Critical Areas

A. Shoreline Critical Areas Review

1. City staff will provide an initial site review based on existing information, maps and a potential site visit to identify marine buffers, wetlands, streams, FWHCA, and their associated buffers within 300 feet of a proposed project. The review distance for FWHCA management areas will be based on the type of priority habitat or species and WDFW recommendations. Site reviews are completed on a site by site basis and the City may provide preliminary information or require an applicant provide information regarding the ordinary high water mark location, wetland delineation, wetland categorization, stream type, hydrology report, or priority fish and wildlife species and habitat presence information. Formal Priority Habitats and Species (PHS) information is available from WDFW.

- ~~4.2.~~ The Building and Land Use Services Division may utilize 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 stream maps and Priority Habitat and Species maps, Washington DNR Aquatic Lands maps, the National Wetlands Inventory maps, Tacoma topography maps, the City's Generalized Wetland and Critical Areas Inventory maps, and Pierce County Assessor's maps to establish general locations and/or verify the location of any wetland, or stream, or FWHCA site. The City's Generalized Wetland and Critical Area 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.

- ~~3.~~ 3. The Land Use Administrator shall ~~determine~~ make a determination based on the site review described in 2.4.1, whether application for a shoreline permit or exemption will be required to include the marine shoreline and critical areas information specified in 2.4.24(B), below.
- ~~4.4.~~ 4.4. The Land Use Administrator may require additional information on the physical, biological, and anthropogenic features that contribute to the existing ecological conditions and functions to make this determination.

B. Application Requirements

1. Application for any shoreline development permit ~~or exemption~~ for a project or use which includes activities within a marine shoreline buffer, wetland, stream, fish and wildlife habitat conservation area (FWHCA) or their associated buffer shall comply with the provisions of this section and shall contain the ~~following information listed in 6.4.2 including the following and may request additional information as necessary:~~ following information:
 - a. A Joint Aquatic Resources Permit Application including, but not limited to, a description of the proposal, vicinity map for the project and identification of all the local, state and/or federal related permit(s) required for the project.
 - ~~a.b.~~ a.b. A technical report that identifies and characterizes all critical areas, including wetlands, streams, fish and wildlife conservations areas and their associated priority species and/or habitats, water bodies, shorelines, marine buffer areas, floodplains and associated buffers on or adjacent to the project area. For areas off-site but within 300 feet of the project boundaries, estimate conditions using best available information. Review for priority species may extend beyond 300 feet and will be based on WDFW's published management recommendations for each species. The report shall include the following:
 - i. The name, qualifications, and contact information for the primary author(s);
 - ~~i.ii.~~ i.ii. Documentation of any fieldwork performed on the site, including field data sheets for delineations, functional assessments, baseline hydrologic data, etc. Wetland Delineations shall be prepared according to the currently adopted Department of Ecology, Washington State Wetlands Identification and Delineation Manual; FWHCA Delineations and ordinary high water mark shall be prepared according to professional standards;
 - ~~i.iii.~~ i.iii. A description of the methodologies used to conduct the wetland delineations, functional assessments, or impact analyses including references;

WORKING DRAFT TSMP

- ~~i.iv.~~ The appropriate wetland rating, stream type, type of priority species and/or habitat, any critical marine resources, any WDFW management recommendations and required buffers for each critical area identified;
- ~~i.v.~~ A characterization of the marine shoreline or critical area including but not limited to size, rating and classification will be based on the entire system, not only the portions present on the project site;
- ~~i.vi.~~ For wetlands, the Cowardin classification and hydrogeomorphic classification, habitat elements, and to the extent possible hydrologic information such as location of inlet/outlets (if they can be legally accessed), estimate water depths and hydro-period patterns within the wetland based on visual cues (e.g. algal mats, drift lines, flood debris, etc.);
- ~~i.vii.~~ A discussion of the proposed project and the potential direct and indirect physical and biological impacts;
- ~~i.viii.~~ A hydrologic study or narrative as required by staff, for the wetland or stream identifying the contributing basin and demonstrating that pre and post development flows will be maintained;
- ~~i.ix.~~ Demonstration that all runoff from pollution generating surfaces discharging to shorelines, wetlands, streams or FWHCA shall receive water quality treatment in accordance with the current City's Surface Water Management Manual. Water quality treatment is required for all sites irrespective of the thresholds established in this Manual; and
- ~~i.x.~~ Any other information deemed necessary to verify compliance with the provisions of this chapter.
- ~~b.~~ In the event of conflicts regarding information in the report, the Land Use Administrator may, at the applicant's expense, obtain competent expert services to verify information and establish a final delineation;
- ~~b.c.~~ A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:
 - ~~i.~~ A surveyed site plan that identifies the development proposal, all shorelines of the state SMA shorelines and marine buffers, critical areas and their associated buffers including square footage estimates for critical areas, buffers, and areas of proposed impacts. The on-site marine buffer shall be surveyed and based on the ordinary high water mark. Wetland boundaries shall be surveyed and based upon a wetland delineation. On-site stream boundaries shall be surveyed and based on the stream's ordinary high water mark;
 - ~~i.ii.~~ Buffers for off-site critical areas that extend onto the project site;
 - ~~i.iii.~~ The development proposal including the location of proposed utilities including stormwater management facilities, specification of all proposed draining, excavation, filling, grading and dredging; and

WORKING DRAFT TSMP

- ~~i-iv.~~ Two-foot contours, terrain, and drainage flow, significantly vegetated areas and dominate vegetation, existing site improvements/structures, drainage control facilities (natural and artificial), existing utilities above and below ground where appropriate and required by the City.
- ~~e-d.~~ For shoreline permits ~~and exemptions~~ that will have impacts to Wetland/Stream/FWHCA or marine buffers, the additional following information is required:-
 - i. A description of reasonable efforts made to apply mitigation sequencing pursuant to TSMP Section 6.4.2(C);
 - ~~i-ii.~~ An analysis of site development alternatives including a no development alternative;
 - ~~i-iii.~~ An assessment and documentation of the shoreline and/or critical areas functional characteristics, along with its ecological, aesthetic, economic, and other values. Functional analysis must be done using a functional assessment method recognized by local or state agency staff and shall include a reference for the method and all data sheets.
 - ~~i-iv.~~ An assessment of the probable cumulative impacts resulting from the proposed development;
 - ~~i-v.~~ A mitigation plan for impacts associated with actions. The mitigation plan must be in conformance with the General Mitigation Requirements under TSMP Section 6.4.2(C) and (D) as well as the specific mitigation requirements contained in this section;
 - ~~i-vi.~~ A study of potential flood, erosion or other hazards on the site and provisions for protective measures that might be taken to reduce such hazards as required by City staff; and
 - ~~i-vii.~~ A Construction Stormwater Pollution Prevention Plan that shall be submitted by the applicant in accordance with the current City's Surface Water Management Manual.
- ~~d-e.~~ For development proposals that will have impacts to a FWHCA, a habitat management plan, biological evaluation, or equivalent shall be submitted. The report shall incorporate the items within this section and shall ~~include~~ also include at a minimum:
 - i. Analysis and discussion of ~~on~~ the project's effects on critical fish and wildlife habitat;
 - ~~i-ii.~~ An assessment and discussion on special management recommendations which have been developed for species or habitats located on the site by any federal or state agency;
 - ~~i-iii.~~ Proposed mitigation measures which could minimize or avoid impacts and are consistent with 6.4.2(C);
 - ~~i-iv.~~ An assessment and evaluation of the effectiveness of mitigation measures proposed; and

WORKING DRAFT TSMP

i.v. An assessment and evaluation of ongoing management practices which will protect critical fish and wildlife habitat after development of the project site, including proposed monitoring and maintenance programs.

f. In the event of conflicts regarding information in the report, the Land Use Administrator may, at the applicant's expense, obtain competent expert services to verify information and establish a final delineation;

2. Technical reports shall be submitted and the Land Use Administrator shall review all information submitted as to its validity and may reject it as incomplete or incorrect. All technical reports shall be prepared by a qualified professional as defined in TSMP Chapter 10.

3. The Land Use Administrator may waive requirements on a case by case basis and may request additional information as necessary.

2.5.2.4.3 **Boating Facilities**

2.1. Application Requirements. Applications for new boating facilities, including marinas and launch ramps, shall be approved only if enhanced public access to public waters outweighs the potential adverse impacts of the use. Applications shall be accompanied by supporting application materials that document the market demand for such facilities, including

a. The total amount of moorage proposed;

a.b. The proposed supply, as compared to the existing supply within the service range of the proposed facility, including vacancies or waiting lists at existing facilities;

a.c. The expected service population and boat ownership characteristics of the population;

a.d. Existing approved facilities or pending applications within the service area of the proposed new facility.

3.2. New marinas with in-water moorage and expansion of in-water moorage facilities in existing marinas shall be approved only when:

a. Opportunities for upland storage sufficient to meet the demand for moorage are not available on site.

4.3. Applications for launch ramps shall contain:

a. A habitat survey;

a.b. A slope bathymetry map;

a.c. Evaluation of effects on littoral drift.

5.4. Applications for marinas, launch ramps, and accessory uses shall include an assessment of existing water-dependent uses in the vicinity including, but not limited to, navigation, fishing, shellfish harvest, pleasure boating, swimming, beach walking, picnicking and shoreline viewing and document potential impacts and mitigating measures. Impacts on these resources

WORKING DRAFT TSMP

shall be considered in review of proposals and specific conditions to avoid or minimize impacts may be imposed.

- 4.5. Marina and launch ramp proposals may be required to prepare a visual assessment of views from surrounding residential properties, public viewpoints and the view of the shore from the water surface.

2.4.4 Moorage Facilities

1. As part of any application for shoreline substantial development that involves the construction of piers, wharves, docks, and floats, the applicant shall provide the following:
 - a. Environmental and navigational impact, pier density, waste disposal, oil and gas spillage, parking availability, and impact on adjacent lands;
 - b. Whether cooperative use is present or may be present in the future;
 - c. Whether existing facilities may be used or expanded to be used in preference to the construction of new facilities. New facilities should require a demonstration of public benefit as appropriate;
 - d. Whether an open pile or floating structure is the appropriate design.

2.4.5 Major Utilities

1. Application Requirements. Application requirements for the installation of major utility facilities shall include the following:
 - a. Description of the proposed facilities;
 - b. Reasons why the utility facility requires a shoreline location; Alternative locations considered and reasons for elimination; Location of other utility facilities in the vicinity of the proposed project and any plans to include the other types of utilities in the project;
 - c. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the utility;
 - d. Plans for control of erosion and turbidity during construction and operation; and Identification of any possibility for locating the proposed facility at another existing location.

2.5.3 2.4.6 Archaeological, Cultural and Historic Resources

C.A. Known Archaeological, Cultural and Historic Resources

1. Applications for a shoreline permit ~~or request for a statement of exemption~~ shall identify whether the property is within 500 feet of a site known to contain an historic, cultural or archaeological resource(s). Records of known sites are restricted. Consultation with Washington Department of Archaeology and Historic Preservation or a certified archaeologist will be required. If the property is determined to be within 500 feet of a site known to contain an historic, cultural, or archaeological resources, the City shall require a cultural resource site assessment; provided that, the provisions of this section may be waived

WORKING DRAFT TSMP

if the Land Use Administrator determines that the proposed development activities do not include any ground disturbing activities and will not impact a known historic, cultural or archaeological site. The site assessment shall be conducted in accordance with Washington State Department of Archaeology and Historic Preservation guidelines for survey and site reporting to determine the presence of significant historic or archaeological resources. The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party.

~~4.2.~~ If the cultural resource site assessment identifies the presence of significant historic or archaeological resources, a Cultural Resource Management Plan (CRMP) shall be prepared by a professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party. In the preparation of such plans, the professional archaeologist or historic preservation professional shall solicit comments from the Washington State Department of Archaeology and Historic Preservation, and the Puyallup Tribe. Comments received shall be incorporated into the conclusions and recommended conditions of the CRMP to the maximum extent practicable.

~~4.3.~~ A CRMP shall contain the following minimum elements:

a. The CRMP shall be prepared by a qualified cultural resources consultant, as defined by the Washington State Department of Archaeology and Historic Preservation.

~~a.b.~~ The CRMP shall include the following information:

~~a.i.~~ Description of the Area of Potential Effect (APE) for the project, including a general description of the scope of work for the project and the extent and locations of ground disturbing activities. Ground disturbing activities include excavations for footings, pilings, utilities, environmental testing or sampling, areas to be cleared and/or graded, demolition, removal or relocation of any existing structures, and any other ground disturbances that may occur as a result of construction activities.

~~b.ii.~~ Photographs of the APE, including existing structures and areas of construction activities.

~~e.iii.~~ An examination of project on-site design alternatives;

~~d.iv.~~ An explanation of why the proposed activity requires a location on, or access across and/or through, a significant historic or archaeological resource; and

~~e.v.~~ Citations with dates, of any previous written documentation on listed or known culturally significant sites. In compiling this information consultations with the following agencies shall be necessary. A list of the agency officials that were consulted with shall be included:

~~i.~~ State Department of Archaeology and Historic Preservation to identify buildings, sites or objects within the APE that are listed on or the National Register of Historic Places or the Washington State Heritage Register.

~~ii.~~ City of Tacoma Historic Preservation Office to identify any buildings, sites, or objects within the APE listed on the Tacoma Register of Historic Places.

WORKING DRAFT TSMP

iii. The Puyallup Tribe of Indians Historic Preservation Section to identify any buildings, sites, or objects within the APE within the 1873 Land Claims Settlement Survey Area, and areas regulated under TMC 13.10 Shoreline Management.

f.vi. An assessment of probable adverse impacts to culturally significant buildings, sites or objects, resulting from:

i. Demolition of any buildings or structures over 50 years of age.

ii. The potential for the site to contain historic or prehistoric archaeological materials, based on the topography of the property, historical literature, geological data, geographical context, or proximity to areas of known cultural significance.

g.vii. A description of how potential adverse effects to cultural resources as a result of construction activities will be mitigated or minimized. Mitigation includes but is not limited to:

i. Additional consultation with Federal, State, local and Tribal officials or Tacoma Landmarks Commission.

ii. Additional studies such as pedestrian surveys, subsurface testing, remote sensing, phased or periodic testing as a part of any geotechnical assessment or soil testing required for the project, or monitoring during construction.

iii. Subject to review and approval of the City's Historic Preservation Officer other potential mitigation measures may include:

1. Avoidance of historic/cultural resources

2. Retention of all or some of historic structure into a new development

3. Interpretive/educational measures

4. Off-site/on site preservation of another historic resource

5. Recording the site with the State Department of Archaeology and Historic Preservation, or listing the site in the National Register of Historic Places, Washington Heritage Register, as applicable, or any locally developed historic registry formally adopted by the City of Tacoma;

6. Preservation in place;

7. Reinterment in the case of grave sites;

8. Covering an archaeological site with a nonstructural surface to discourage pilferage (e.g., maintained grass or pavement); Excavation and recovery of archaeological resources;

9. Inventorying prior to covering of archaeological resources with structures or development; and

10. Monitoring of construction excavation.

4. Upon receipt of a complete development permit application in an area of known historic/archaeological resources, the City shall notify and request a recommendation from appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, and the Puyallup Tribe. Recommendations of such agencies and other affected persons shall be duly considered and adhered to whenever possible and reasonable.

WORKING DRAFT TSMP

5. The recommendations and conclusions of the CRMP shall be used to assist the Administrator in making final administrative decisions concerning the presence and extent of historic/archaeological resources and appropriate mitigating measures. The Administrator shall consult with the Washington State Department of Archaeology and Historic Preservation, and the Puyallup Tribe prior to approval of the CRMP.

~~5.6.~~ The Administrator may reject or request revision of the conclusions reached in a CRMP when the Administrator can demonstrate that the assessment is inaccurate or does not fully address the historic/archaeological resource management concerns involved.

~~D.B.~~ _____ Unanticipated Discovery of Archaeological, Cultural and Historic Resources

1. All applications for a shoreline permit ~~or request for a statement of exemption~~ shall prepare a plan for the possible unanticipated discovery of historic, cultural or archaeological resource(s), including a point of contact, procedure for stop-work notification, and for notification of appropriate agencies.

b)2.5 Non-Conforming Uses and Development

~~E.A.~~ _____ Nonconforming Uses

1. Nonconforming uses include shoreline uses which were lawfully established prior to the effective date of the Act or this Master Program, or amendments thereto, but which do not conform to the present regulations or standards of this Program. The continuance of a nonconforming use is subject to the following standards:
 - a. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that the use does not change or intensify;
 - ~~a.b.~~ Additional development of any property on which a nonconforming use exists shall require that all new uses conform to this Master Program and the Act;
 - ~~a.c.~~ If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed;
 - d. A nonconforming use which is moved any distance must be brought into conformance with the Master Program and the Act;
 - ~~a.e.~~ A nonconforming use may convert to another nonconforming use of a similar intensity, through a conditional use permit, provided the conversion does not increase any detrimental impact to the shoreline environment;
 - ~~a.f.~~ When the operation of a nonconforming use is vacated or abandoned for a period of 12 consecutive months or for 18 months of any 3-year period, the nonconforming use rights shall be deemed extinguished and the future use of such property shall be in accordance with the permitted and conditional use regulations of the Shoreline District in which it is located;
 - g. If a nonconforming use is damaged by fire, flood, explosion, or other natural disaster and the damage is less than seventy five percent (75%) of the replacement cost of the

WORKING DRAFT TSMP

~~structure or development~~, such use may be resumed at the time the building is repaired; Provided, such restoration shall be undertaken within 18 months following said damage;

- h. Normal maintenance and repair of a nonconforming use or structure may be permitted provided all work is consistent with the provisions of this Program.

F.B. Nonconforming Structures

1. Nonconforming structures includes shoreline structures which were lawfully constructed or placed prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present bulk, height, dimensional, setback, or density requirements. Existing nonconforming structures shall be considered permitted for the purposes of this Program and may continue even though the structures fail to conform to the present requirements of the district in which they are located. A legally nonconforming structure may be maintained as follows:

- a. If a nonconforming structure or development is damaged by fire, flood, explosion, or other natural disaster and the damage is less than seventy-five percent (75%) of the replacement cost of the structure or development, it may be restored or reconstructed to those configurations existing at the time of such damage, provided:
- ~~i.~~ The reconstructed or restored structure will not cause additional adverse effects to adjacent properties or to the shoreline environment; and
 - ~~ii.~~ The rebuilt structure shall not expand the footprint or height of the damaged structure;
 - ~~iii.~~ No degree of relocation shall occur, except to increase conformity or to increase ecological function, in which case the structure shall be located in the least environmentally damaging location possible;
 - ~~iv.~~ The submittal of applications for permits necessary to restore the development is begun within eighteen (18) months of the damage. The Land Use Administrator may waive this requirement in situations with extenuating circumstances; and
 - ~~v.~~ The reconstruction is commenced within one (1) year of the issuance of permits. The Land Use Administrator may allow a one (1) year extension.
- b. Except where otherwise specified in this Program, if a non-conforming structure or development is damaged by fire, flood, explosions, or other natural disaster and the damage exceeds seventy-five percent (75%) of the replacement cost of the original structure or development, all reconstructed or restored structures shall conform to the provisions of this Program and all applicable City codes. Where the strict application of this provision may result in a 'taking' the Administrator may permit the restoration or reconstruction of the structure to those configurations existing at the time of such damage through a shoreline variance. However, any residential structures, including multifamily structures, may be reconstructed up to the size, placement and density that existed prior to the catastrophe, so long as the conditions in 2.5(B) are met.
- ~~b.c.~~ A nonconforming building or structure may be repaired and maintained as provided in and as limited by this section. The maintenance of such building or structure shall include

WORKING DRAFT TSMP

only necessary repairs and incidental alterations, which alterations, however, shall not extend the nonconformity of such building or structure; provided that necessary alterations may be made as required by other law or ordinance.

- ~~b.d.~~ Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming structure; provided that the cost of the desired improvement or repair does not exceed one-half of the replacement cost of the nonconforming structure over any consecutive five-year period, with replacement cost determined according to the Building Code.
2. A building or structure, nonconforming as to the bulk, dimensional and density requirements of this title, with a conforming use, may be added to or enlarged if such addition or enlargement conforms to the regulations of the shoreline environment and district in which it is located. In such case, such addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this title, and shall be subject to the following: ~~The Administrator may allow a one time landward enlargement or expansion of a non-conforming structure by the addition of space to the exterior of the main structure or the addition of normal appurtenances provided that the expansion is consistent with all other Provisions of this Program and subject to the following:~~
- ~~3. The structure is located landward of the ordinary high water mark; and No enlargement or expansion will occur waterward of the existing structure's foundation walls; and~~
- ~~3. The increase/expansion in total footprint area does not have an adverse impact on a critical area; and~~
- ~~3. Any increased height does not significantly impair the public's view of the shoreline or result in significant shading of the nearshore;~~
- ~~3. Upon application for the one time enlargement or expansion, the applicant shall record notice on Title;~~
- ~~3. Any enlargement or expansion of that portion of the structure or development that is within a buffer area, and that occurs parallel to the ordinary high water mark, shall be replaced at a 1:1 ratio of square footage, with restored marine buffer. The restored marine buffer shall be in accordance with the landscaping requirements in TSMP section 6.7.2.~~
- ~~3. Expansion or enlargement is subject to the mitigation requirements for impacts to the shoreline marine buffer or critical areas and their buffers contained in TSMP section 6.4.2.~~
- a. The Administrator may allow a one time expansion of nonconforming overwater structures up to ten (10) percent of the total square footage of the structure, provided there is no increase in overwater area or shading, or overall height of the structure and the expansion is consistent with all other provisions of this Program. The applicant shall record notice on Title.
3. No expansion may occur which extends or otherwise increases the nonconformity.

G.C. _____ Nonconforming Lots

WORKING DRAFT TSMP

1. Undeveloped lots, tracts, parcels, or sites located landward of the ordinary high water mark that were established prior to the effective date of the Act and the Master Program, or amendments thereto, but that do not conform to the present lot size or density standards are considered nonconforming lots of record and are legally buildable subject to the following conditions:
 - a. All new structures or additions to structures on any nonconforming lot must meet all setback, height and other construction requirements of the Master Program and the Act.
 - b. Parcel modifications, such as a boundary line adjustment, property combinations, segregations, and short and long plats shall be allowed, without need for a variance, to modify existing parcels that are nonconforming to minimum lot size requirements, such as minimum area, width or frontage, as long as such actions would make the nonconforming parcel(s) more conforming to the minimum lot size requirements and would not create any new or make greater any existing nonconformities.

e)2.6 Public Notice Requirements

~~H.A.~~ Public notice for applications shall be provided in accordance with TMC 13.05 Land Use Permit Procedures. This may include mailed public notice, posting signs on the site, newspaper notice and notice to qualified neighborhood groups. The public shall be provided with opportunity to comment upon applications in accordance with TMC 13.05.

d)2.7 Public Hearings

~~H.A.~~ General

1. Appeals of administrative decisions shall be reviewed in accordance with the procedures described in TMC 13.05 Land Use Permit Procedures.
- ~~4.2.~~ The purpose of this section is to cross reference the procedures for appealing administrative decisions on land use proposals.
- ~~4.3.~~ The provisions of this section shall apply to any order, requirement, permit, decision, or determination on land use proposals made by the Land Use Administrator. These may include, but are not limited to, variances, shoreline, short plat, wetland/stream development, site approval, and conditional use permits, modifications to permits, interpretations of land use regulatory codes, and decisions for the imposition of fines. These provisions do not apply to decisions of the Land Use Administrator for revised shoreline permits (refer to TMC 13.10.200).

~~H.B.~~ Shoreline Hearings Board

1. Appeals of any final permit decision may be made to the Shorelines Hearing Board as governed by the procedures established in RCW 90.58.180 (Appeals from Granting, Denying, or Rescinding Permits) and WAC 461-08 (Practice and Procedure, Review of the Granting, Denying or Rescinding of Substantial Development Permits, Hearings). All appeals of any final permit decision must be made to the Shorelines Hearing Board within twenty-one (21) days after receipt of the City's or Ecology's final decision concerning the shoreline permit or formal approval or revisions of the permit.

e)2.8 Enforcement

~~K~~.A. _____ Enforcement

1. The enforcement provisions of RCW 90.58.210 through 90.58.230 and WAC 173-27-240 through 173-27-310 shall apply.
- ~~4~~.2. The Shoreline Management Act calls for a cooperative enforcement program between local and state government. It provides for both civil and criminal penalties, orders to cease and desist, orders to take corrective action and permit rescission. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.
- ~~4~~.3. The Land Use Administrator, and/or authorized representative, shall have the authority to enforce the land use regulations of the City of Tacoma in accordance with the TMC 13.05.100.

~~(a)~~B. _____ Penalties

- ~~4~~.1. Any person found to have willfully engaged in activities on the City's shorelines in violation of the Shoreline Management Act of 1971 or in violation of the City's Shoreline Master Program, rules or regulations adopted pursuant thereto shall be subject to the penalty provisions of the TMC 13.05.100.

2)CHAPTER 3 GOALS AND OBJECTIVES

a)3.1 Overarching Shoreline Goal of the City of Tacoma

Develop the full potential of Tacoma's shoreline in accord with the unusual opportunities presented by its relation to the City and surrounding area, its natural resource values, and its unique aesthetic qualities offered by water, topography, views, and maritime character; and to develop a physical environment which is both ordered and diversified and which integrates water, shipping activities, and other shoreline uses with the structure of the City while achieving a net gain of ecological function.

b)3.2 Shoreline Land Use

The shoreline use element considers the use and development of shorelines and adjacent land areas for housing, business, industry, transportation, recreation, education, public institutions, utilities and other categories of public and private land use with respect to the general distribution, location and extent of such uses and developments.

2.43.2.1 Shoreline Land Use Goal

To preserve and develop shorelines in a manner that allows for an orderly balance of uses.

2.4.13.2.2 Shoreline Land Use Objectives

1. Encourage new water-dependent, water-related, and water-enjoyment uses in priority order.
- ~~1.2.~~ Support the City Comprehensive Plan policies as they relate to the shoreline
- ~~1.3.~~ Implement regulations and standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.
- ~~1.4.~~ Encourage mixed use developments that include and support water-oriented uses and provide a substantial public benefit consistent with the public access and ecological restoration goals and policies of the Act.
- ~~1.5.~~ Balance the location, design, and management of shoreline uses throughout the city to prevent a net loss of shoreline ecological functions and processes over time.
- ~~1.6.~~ Encourage shoreline uses and development that enhance shoreline ecological functions and/or processes or employ innovative features that further the purposes of this Program.
- ~~1.7.~~ Discourage new non-water-oriented industrial uses from locating inside shoreline jurisdiction, in order to reserve adequate land supply to serve future water-dependent and water-related industrial uses.
- ~~1.8.~~ Support the long-term and widespread economic contribution of our international container ports and related industrial lands and transportation systems, and ensure that container ports continue to function effectively alongside vibrant city waterfronts.
- ~~1.9.~~ Encourage shoreline uses and development that enhance and/or increase public access to the shoreline.

e)3.3 Economic Development

The economic development element provides for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent upon a shoreline location and/or use of the shorelines of the state.

2-53.3.1 Economic Development Goal

To create and maintain a dynamic and diversified economic environment that can coexist harmoniously with the natural and human environments.

2-5-13.3.2 Economic Development Objectives

1. Encourage new economic uses in priority order. Preference should be given to water-dependent uses. Secondary preference should be given to water-related and water-enjoyment uses.
- 1-2. Encourage new economic development to locate in areas that are already developed with similar uses.
- 1-3. Ensure that only those new industries that are either water-dependent or water-related operate in the shoreline area.
- 1-4. Implement economic development policies contained in the Comprehensive Plan in shoreline areas consistent with this Program and the Act.
- 1-5. Encourage economic development that has minimal adverse effects and mitigates unavoidable impacts upon shoreline ecological functions and processes and the built environment.
- 1-6. Support the long-term and widespread economic contribution of our international container ports and related industrial lands and transportation systems, and ensure that container ports continue to function effectively alongside vibrant city waterfronts.
- 1-7. Encourage shoreline development that has a positive effect upon economic and social activities of value to the City and region.

d)3.4 Conservation

The shoreline conservation element provides for the protection of natural resources, and shoreline ecological functions and processes. Resources to be conserved and protected include, but are not limited to, wetlands; riparian, nearshore, and aquatic habitats; priority fish and wildlife habitats and species; floodplains; feeder bluffs and other geological features; cultural and historic resources; as well as scenic vistas and aesthetics.

2-63.4.1 Conservation Goal

To conserve shoreline resources and important shoreline features, and protect shoreline ecological functions and the processes that sustain them to the maximum extent practicable.

2.6.13.4.2 Conservation Objectives

1. Ensure new shoreline developments achieve no net loss of shoreline ecological functions and processes.
- ~~1.2.~~ Prioritize protection and/or conservation of shoreline areas that are ecologically intact and minimally developed or degraded.
- ~~1.3.~~ Acquire or otherwise protect a maximum amount of prime habitat for conservation purposes.
- ~~1.4.~~ Conserve urban open space to provide habitat for wildlife and native plants.
- ~~1.5.~~ Require that all shoreline uses conform to applicable federal, state, and local laws and regulations relating to environmental quality and resource protection.
- ~~1.6.~~ Encourage public and private property owners to protect beneficial shoreline plants and animals.
- ~~1.7.~~ Conserve, to the greatest extent feasible, the streams and ravines, steep slopes, and the anadromous fish runs of Commencement Bay and the City of Tacoma.

e)3.5 Restoration

This element provides for the timely restoration and enhancement of ecologically impaired areas in a manner that achieves a net gain in shoreline ecological functions and processes above baseline conditions as of the adoption of this Program.

2.7.3.5.1 Restoration Goal

To re-establish, rehabilitate and/or otherwise improve impaired shoreline ecological functions and/or processes through voluntary and incentive-based public and private programs and actions that are consistent with the Shoreline Master Program Restoration Plan and other approved restoration plans.

2.7.13.5.2 Restoration Objectives

1. Restore, replenish, and maintain publically-owned shoreline beach properties to as natural a condition as possible.
- ~~1.2.~~ Identify, enhance and restore shoreline areas that have exceptional geological, ecological or biological significance, or are required to support publically-owned natural resources, or are required for resource conservation and improvements to urban life.
- ~~1.3.~~ Coordinate with federal and State agencies that have jurisdiction over fish and wildlife resources.
- ~~1.4.~~ Encourage and facilitate voluntary, cooperative restoration and enhancement programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or processes.
- ~~1.5.~~ Direct restoration and enhancement efforts towards improving the habitat of priority wildlife species.

WORKING DRAFT TSMP

- ~~4-6.~~ Ensure restoration and enhancement is consistent with and, where practicable, prioritized based on the biological recovery goals for early Chinook, bull trout populations and other species and/or populations for which a recovery plan is available.
- ~~4-7.~~ Integrate restoration and enhancement with other parallel natural resource management efforts such as the WRIA 10 and 12 Salmon Habitat and Protections Strategy, Lower Puyallup Watershed Action Plan, NRDA Trustees Commencement Bay Natural Resource Restoration Plan, and the Puget Sound Salmon Recovery Plan.

~~f)3.6~~ Flood Prevention and Flood Damage Minimization

This element provides for minimization and/or prevention of flood damages within the City of Tacoma shoreline jurisdiction

~~2-83.6.1~~ Flood Prevention and Flood Damage Minimization Goal

Protect shoreline resources and shoreline development and ensure public safety through land use controls and implementation of federal, state and local flood hazard programs, development standards and building codes.

~~2-8-13.6.2~~ Flood Prevention and Flood Damage Minimization Objectives

1. Manage flood protection in accordance with the City's current flood hazard regulations; Sections 2.12.040 through 2.12.050, Flood Hazard and Coastal High Hazard Areas, and Chapter 12.08 Surface Water Management Manual of the TMC for general and specific flood hazard protection.
- ~~4-2.~~ Participate in regional efforts on flood protection issues, coordinating with the Federal Emergency Management Agency (FEMA), the State of Washington, Pierce County as well as other jurisdictions, particularly those with jurisdiction of the Puyallup River and neighboring Puget Sound shorelines.
- ~~4-3.~~ Discourage development in floodplains, channel migration zones and coastal high hazard areas associated with the City's shorelines that would individually or cumulatively result in an increased risk of flood damage.
- ~~4-4.~~ Give preference to flood hazard avoidance and non-structural flood hazard reduction measures over structural measures.

~~g)3.7~~ Archaeological, Historic, and Cultural Resources

The archaeological, historic, cultural element provides for protection, preservation and/or restoration of buildings, sites, and areas having archaeological, historic, or cultural value or significance.

~~2-93.7.1~~ Archaeological, Historic and Cultural Resources Goal

Protect and enhance shoreline features of archaeological, historic, and cultural value or significance and to preserve these features for the public benefit through coordination and consultation with the appropriate local, state and federal authorities, including affected Indian tribes.

2.9.13.7.2 Archaeological, Historic and Cultural Resources Objectives

1. Recognize the importance of the waterfront to Tacoma’s history and character.
- ~~1.2.~~ Recognize the high probability that development may encounter archaeological, historic and cultural resources, and ensure that appropriate measures are taken to protect, preserve, and enhance sites and features of archaeological, historic, and cultural value or significance.
- ~~1.3.~~ Collaborate on cultural resource management issues with the appropriate tribal, state, federal and local governments and entities.
- ~~1.4.~~ Encourage cooperation between public and private entities in the identification, protection and management of cultural resources.
- ~~1.5.~~ Where appropriate, make access to such sites available to parties of interest, provided that access to such sites must be designed and managed in a manner that gives maximum protection to the resource.
- ~~1.6.~~ Provide opportunities for education related to archaeological, historical and cultural features where appropriate and incorporated into public and private programs and development.

h)3.8 Public Access

The public access element provides for public access to publicly owned or privately owned shoreline areas where the public is granted a right of use or access.

2.103.8.1 Public Access Goal

To increase the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and/or to view the water and the shoreline from adjacent locations, provided that private rights, the public safety, and shoreline ecological functions and processes are protected consistent with the U.S. and State constitutions, state case law, and state statutes.

2.10.13.8.2 Public Access Objectives

1. Establish public access to and along the City’s shorelines to the maximum extent feasible.
- ~~1.2.~~ Develop a continuous system of vistas, view areas, view corridors, scenic drives, trails, and bike paths that capitalize on Tacoma’s unique relationship to Puget Sound.
- ~~1.3.~~ Establish a linear system of public access along the Tacoma shoreline, starting with high-density intensive-use urban activity on the Thea Foss Waterway, moving to moderate-use paved walkways on Schuster Parkway, to an intensive-use, multimodal pathway along Ruston Way, to a moderate-intensity promenade in Point Defiance Park from the boathouse to Owen Beach, and finally to a completely natural beach walk from Owen Beach to Salmon Beach.
- ~~1.4.~~ Locate, design, manage and maintain public access in a manner that protects shoreline ecological functions and processes and public health and safety.
- ~~1.5.~~ Design and manage public access in a manner that ensures compatibility with water-oriented uses.

WORKING DRAFT TSMP

4.6. Encourage cooperation among the City, landowners, developers, other agencies and organizations to enhance and increase public access to shorelines as specific opportunities arise. Provide for diverse shoreline access and recreational experiences for the citizen's of the City of Tacoma and the Puget Sound region.

4.7. Design public access sites to provide continuity of site details to increase the ability of the public to discern public from private spaces.

i)3.9 Recreation

The recreation element provides for the preservation and expansion of water-oriented recreational opportunities that facilitate the public's ability to enjoy the physical and aesthetic qualities of the shoreline through parks, public access to tidelands and beaches, bicycle and pedestrian paths, viewpoints and other recreational amenities.

2.11.3.9.1 Recreation Goal

To provide opportunities, spaces, and appropriate facilities for diverse forms of water-oriented recreation that takes advantage of the unique waterfront setting.

2.11.13.9.2 Recreation Objectives

1. Locate only water-oriented recreational uses in the shoreline area.
- 4.2. Locate, design, manage and maintain recreation uses and facilities in a manner that protects shoreline ecological functions and processes and public health and safety.
- 4.3. Locate, design, and operate recreational development in a manner that minimizes adverse effects on adjacent properties as well as other social, recreational, or economic activities.
- 4.4. Acquire additional recreation areas and public access areas with a high recreation value prior to demand to assure that sufficient shoreline recreation opportunities are available to serve future recreational needs.
- 4.5. Encourage cooperation among public agencies, non-profit groups, and private landowners and developers to increase and diversify recreational opportunities through a variety of means including incorporating water-oriented recreational opportunities into mixed use developments and other innovative techniques.
- 4.6. Recognize and protect the interest of all people of the state by providing increased recreational opportunities within shorelines of statewide significance and associated shorelands.
- 4.7. Encourage private and public investment in recreation facilities.

j)3.10 Transportation and Essential Public Facilities

The transportation and essential public facilities element provides for the general location and extent of existing and proposed public thoroughfares, transportation routes, terminals, and other public utilities and facilities.

2.11.23.10.1 Transportation and Essential Public Facilities Goal

To provide transportation systems and essential public facilities in shoreline areas without adverse effects on existing shoreline use and development or shoreline ecological functions and/or processes.

2.11.33.10.2 Transportation and Essential Public Facilities Objectives

1. Locate, develop, manage, and maintain transportation systems and essential public facilities in a manner that protects shoreline ecological functions and processes.
2. Locate and design transportation systems and essential public facilities to be harmonious with the existing and future economic and social needs of the community.
3. Discourage the development of non-water-dependent transportation systems and essential public facilities unless no feasible alternatives exist.
4. Encourage alternate modes of travel and provide multiple use transportation corridors where compatible in association with shoreline transportation development.
5. Require transportation systems and essential public facility development in shoreline areas to protect and enhance physical and visual shoreline public access.
6. Develop a coherent network of motorized and non-motorized transportation facilities that relate the circulation system more closely to the shoreline area that it serves.
7. Protect the public's right to use navigable waters, together with the right to use state-owned Harbor Areas for the development of landings, wharves, and associated facilities.

2.12.3.11 View and Aesthetics

This element provides for preservation and/or protection of scenic vistas, views of the water, and other aesthetic qualities of shorelines for public enjoyment.

2.12.13.11.1 View and Aesthetics Goals

To assure that the public's ability and opportunity to enjoy shoreline views and aesthetics is protected.

2.12.23.11.2 View and Aesthetics Objectives

1. Preserve, to the greatest extent feasible, the public's opportunity to enjoy the physical and aesthetic qualities of the City's shorelines.
2. Identify and protect areas with scenic vistas and areas where the shoreline has high aesthetic value.
3. Minimize adverse impacts from new development on views from public property or views enjoyed by a substantial number of residences.
4. Enhance the shoreline's positive and distinct features, unify shoreline areas visually, and give definition to sub-areas.
5. Encourage design details such as form, scale, proportion, color, materials, and texture to be compatible with shoreline areas wherever feasible.

WORKING DRAFT TSMP

6. Improve the appearance of the shoreline for those who live and work there and make it a more attractive and interesting place to visit.
7. Design shoreline areas for a variety of uses and users and to improve accessibility to all of Tacoma's residents.
8. Design and locate new shoreline uses to take full advantage of the waterfront views and location.

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Chapter 3 ~~CHAPTER 4~~ SHORELINES OF THE STATEWIDE SIGNIFICANCE

~~3.14.1~~ Shoreline Jurisdiction

Per the SMA (RCW 90.58.030), the shoreline area to be regulated under the City of Tacoma's TSMP includes all "shorelines of statewide significance", "shorelines of the state" and their adjacent shorelands, defined as the upland area within 200 feet of the OHWM, as well as any associated wetlands. "Associated wetlands" means those wetlands that are in proximity to and either influence or are influenced by tidal waters or lake or streams subject to the SMA (WAC 173-22-030(1)).

So as to avoid any duplication of regulation between the TSMP and TMC 13.11 Critical Areas, associated wetlands and their buffers shall be regulated solely under the TSMP; where the buffer of an unassociated wetland is determined to overlap shoreline jurisdiction, that portion of the buffer that is within shoreline jurisdiction shall be regulated solely under the TSMP, whereas the area outside shoreline jurisdiction shall be regulated by TMC 13.11. Unassociated wetlands shall be regulated according to the following:

~~Where a wetland is not associated with the shoreline but is partially within or wholly within shoreline jurisdiction, it and its buffer shall be regulated in its entirety by the TSMP.~~

~~Where a wetland is not associated with the shoreline and is located outside shoreline jurisdiction but its buffer is partially within shoreline jurisdiction, that portion of the buffer that is within shoreline jurisdiction shall be regulated under the TSMP, the area outside the shoreline shall be regulated under TMC 13.11.~~

The City's shoreline jurisdiction is also required to include, at a minimum, the floodway and contiguous areas of the 100-year floodplain landward 200 feet from such floodways (RCW 90.58.030(f)). Under SMA (RCW 90.58.030(f)(i) and (ii)), the City may determine that portion of the 100-year floodplain to be included in its master program provided the minimum required extent, noted in RCW 90.58.030(f) is included. The City may also include those critical areas buffers regulated under TMC 13.11, that are located landward of the minimum shoreline extent required under SMA.

For the purposes of this Program, shoreline jurisdiction shall include designated floodways and the minimum 100-year floodplain, as outlined above, that are within 200 feet of the designated floodway. Areas of the 100-year floodplain that are landward beyond 200 feet from the floodway -are not included in the shoreline jurisdiction and are not regulated by this Program.

Water bodies in Tacoma regulated under the SMA and this Program include the marine shorelines of Puget Sound and Commencement Bay, the Puyallup River, and Wapato Lake. Portions of Hylebos Creek in the City are also regulated under this Program. The Puyallup River and marine areas waterward of extreme low tide are designated as "shorelines of statewide significance." Wapato Lake and marine areas landward of extreme low tide are designated as "shorelines of the state." For non-SMA streams, only that portion of the stream that is located within shoreline jurisdiction shall be regulated by this Program.

For other critical areas that occur within shoreline jurisdiction, such as geologically hazardous areas, only that portion of the critical area and its buffer that is within 200' of the ordinary high water mark (OHWM) of a marine or freshwater shoreline shall be regulated by this Program. That portion of the critical area that occurs outside 200' of the OHWM shall be regulated by TMC 13.11.

To avoid dual regulatory coverage of a critical area by the TSMP and TMC 13.11 Critical Areas, TMC 13.11 shall not apply to any portion of a critical area and/or its buffer that is within the jurisdiction of this Program.

3.24.2 Designation of Shorelines of Statewide Significance

In accordance with RCW 90.58.030(2)(f), the following City of Tacoma shorelines are designated shorelines of statewide significance:

1. The Puyallup River and associated shorelands within the City boundary consistent with RCW 90.58.030(2)(f)(v)(A) and (vi); and
- ~~1.2. Those areas of The waters of the Puget Sound and Commencement Bay within the City lying seaward from the line of extreme low tide, between the ordinary high water mark and the line of extreme low tide.~~

k)4.3 Statewide Interests Protected

In accordance with RCW 90.58.020, the City shall manage shorelines of statewide significance in accordance with this section and in accordance with this Program as a whole. Preference shall be given to uses that are consistent with the statewide interest in such shorelines. Uses that are not consistent with this section or do not comply with the other applicable polices and regulations of this Program shall not be permitted on shorelines of statewide significance. In managing shorelines of statewide significance, The City of Tacoma shall:

1. Recognize and protect the statewide interest over local interest;
- ~~1.2. Preserve the natural character of the shoreline;~~
- ~~1.3. Seek long-term benefits over short-term benefit;~~
- ~~1.4. Protect the resources and ecology of the shoreline;~~
- ~~1.5. Increase public access to publicly owned areas of the shoreline;~~
- ~~1.6. Increase recreational opportunities for the public in the shoreline; and~~
- ~~1.7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.~~

l)4.4 Policies for Shorelines of Statewide Significance

The statewide interest should be recognized and protected over the local interest in shorelines of statewide significance. To ensure that statewide interests are protected over local interests, the City shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.020 and the following policies:

- ~~8.1. Redevelopment of shorelines should be encouraged where it restores or enhances shoreline ecological functions and processes impaired by prior development activities.~~
- ~~1.2. The Washington Departments of Fish and Wildlife and Ecology, the Puyallup Tribe, and other resource agencies should be consulted for development proposals that could affect anadromous fisheries.~~

WORKING DRAFT TSMP

- 4.3. The range of options for shoreline use should be preserved to the maximum possible extent for succeeding generations. Development that consumes valuable, scarce or irreplaceable natural resources should not be permitted if alternative sites are available.
- 4.4. Potential short term economic gains or convenience should be measured against potential long term and/or costly impairment of natural features.
- 4.5. Protection or enhancement of aesthetic values should be actively promoted in ~~design review~~ of new or expanding development.
- 4.6. Resources and ecological systems of shorelines of statewide significance should be protected.
- 4.7. Those limited shorelines containing unique, scarce and/or sensitive resources should be protected to the maximum extent feasible.
- 4.8. Erosion and sedimentation from development sites should be controlled to minimize adverse impacts on ecosystem processes. If site conditions preclude effective erosion and sediment control, excavations, land clearing, or other activities likely to result in significant erosion should be severely limited.
- 4.9. Public access development in extremely sensitive areas should be restricted or prohibited. All forms of recreation or access development should be designed to protect the resource base upon which such uses in general depend.
- 4.10. Public and private developments should be encouraged to provide trails, viewpoints, water access points and shoreline related recreation opportunities whenever possible. Such development is recognized as a high priority use.
- 4.11. Development not requiring a waterside or shoreline location should be located upland so that lawful public enjoyment of shorelines is enhanced.
- 4.12. Lodging and related facilities should be located upland and provide for appropriate means of access to the shoreline.

3)CHAPTER 5 SHORELINE ENVIRONMENT DESIGNATIONS

a)5.1 Introduction

The intent of designating shoreline environment is to encourage development that will enhance the present or desired character of the shoreline. To accomplish this, segments of shoreline are given an environment designation based on existing development patterns, natural capabilities and limitations, and the aspirations of the local community. Environment designations are categories that reflect the type of development that has occurred, or should take place in a given area. The scheme of classifications represents a relative range of development, from high to low intensity land use, and targets types of development to specific areas. The environment classification scheme is intended to work in conjunction with local comprehensive planning and zoning.

Management policies are an integral part of the environment designations and are used for determining uses and activities that can be permitted in each environment. Specific development regulations specify how and where permitted development can take place within each shoreline environment. Development Regulations in this chapter generally govern use, height limits, and setbacks. Additional policies and development regulations are provided for specific situations, uses and developments in other chapters of this Master Program.

b)5.2 Authority

Local governments are required, under the Washington State Shoreline Management Act of 1971 through WAC 173-26, to develop and assign a land use categorization system for shoreline areas as a basis for effective Shoreline Master Programs. The state's Shoreline Master Program Guidelines describe the purpose of environment designations in WAC 173-26-191(1)(d): Shoreline management must address a wide range of physical conditions and development settings along shoreline areas. Effective shoreline management requires that the Shoreline Master Program prescribe different sets of environmental protection measures, allowable use provisions, and development Regulations for each of these shoreline segments.

The method for local government to account for different shoreline conditions is to assign an environment designation to each distinct shoreline section in its jurisdiction. The environment designation assignments provide the framework for implementing shoreline policies and regulatory measures specific to the environment designation.

c)5.3 Shoreline Environment Designations

The City of Tacoma classification system consists of six shoreline environments that are consistent with, and implement the Washington State Shorelines Management Act (Chapter 90.58 RCW), the Shoreline Master Program Guidelines (Chapter 173-26 WAC), and the City of Tacoma Comprehensive Plan. These environment designations have been assigned consistent with the corresponding designation criteria provided for each environment. In delineating environment designations, the City of Tacoma aims to assure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should also be consistent with policies for restoration of degraded shorelines. The six shoreline environments are:

~~20~~.1. Aquatic

~~4~~.2. Natural

WORKING DRAFT TSMP

1.3. Residential

1.4. Urban Conservancy

1.5. High Intensity

1.6. Downtown Waterfront

d)5.4 Official Shoreline Environment Designation Map

3.35.4.1 Map Established

The location and extent of areas under the jurisdiction of this Master Program, and the boundaries of the various shoreline environments affecting the lands and waters of the City shall be as shown on the map, entitled, “Official Shoreline Environments Designation Map, City of Tacoma, Washington.” The official shoreline map and all the notations, references, and amendments thereto and other information shown thereon are hereby made a part of this Master Program, just as if such information set forth on the map were fully described and set forth herein.

In the event that new shoreline areas are discovered (e.g., associated wetlands) that are not mapped and/or designated on the official shoreline map, these areas are automatically assigned a Natural designation if they include critical areas, or, if no critical areas are included, an Urban Conservancy designation shall be applied until the shoreline can be re-designated through an TSMP amendment (WAC 173-26-211(2)(e)).

3.3-15.4.2 File Copies

The official shoreline district maps shall be kept on file in the office of the City of Tacoma Building and Land Use Services Division, the Washington State Department of Ecology, and the Washington State Code reviser. Unofficial copies of the map may be prepared for administrative purposes. To facilitate use of this Master Program unofficial shoreline district maps and boundary descriptions are provided in TSMP Chapter 9. An unofficial city-wide Shoreline Environment Designations map is included with this Program as Appendix A.

3.3-25.4.3 Map Amendments

The designation map is an integral part of this Master Program and may not be amended except upon approval by the City and the Washington State Department of Ecology, as provided under the Shoreline Management Act.

3.3-35.4.4 Boundary Interpretation

A. Boundary Interpretation

(i)1. If disagreement develops as to the exact location of a shoreline environment designation boundary line shown on the Official Shoreline Map, the following rules shall apply:

(ii)a. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.

(iii)b. Boundaries indicated as approximately following roads or railways shall be respectively construed to follow their centerlines.

WORKING DRAFT TSMP

- (iv)c. _____ Boundaries indicated as approximately parallel to or extensions of features indicated in (1) or (2) above shall be so construed.
2. Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Shoreline Administrator shall interpret the boundaries, with deference to actual conditions. Appeals of such interpretations may be filed pursuant to the applicable appeal procedures described in Chapter 2, Administrative Provisions.

B. Split Zoning

- a. Whenever a zone boundary line passes through a single unified parcel of land as indicated by record of the Pierce County Auditor as of the adoption of the Shoreline Management Act and such parcel is of an area equal to the minimum requirements of either zone, the entire parcel may be used in accordance with the provisions of the least restrictive of the two zones; provided, more than 50 percent of the parcel is located within the least restrictive of the two zones.
- b. Whenever a shoreline jurisdiction boundary line passes through a single unified parcel of land as indicated by record of the Pierce County Auditor as of the adoption of the Shoreline Management Act, the shoreline zone may be applied to the whole parcel where the conditions in (a) above are met; in no instance shall non-shoreline zoning be applied to that portion of the parcel that is within shoreline jurisdiction.

e)5.5 Shoreline Environment Designations

The following section contains purpose statements, designation criteria and management policies for each of the six shoreline environment designations established by this Program. Areas included in each shoreline environments are listed in this section and shown in TSMP Chapter 9. The management policies are implemented through use regulations and development standards included in Table 9-2 and TSMP Chapters 6 through 9.

3.45.5.1 Natural Environment

A. Purpose

The purpose of the "natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of this designation, the City of Tacoma should plan for the restoration of degraded shorelines within this environment.

B. Areas Proposed for Designation

1. District S-4 Point Defiance — Natural
2. District S-12 – Hylebos Creek

C. Designation Criteria

WORKING DRAFT TSMP

The "natural" environment designation is assigned to shoreline areas that have the following characteristics:

1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

E.D. Management Policies

1. Preservation of the area's ecological functions, natural features and overall character must receive priority over any other potential use. Uses should not degrade shoreline ecological functions or processes or the natural character of the shoreline area.
- ~~4.2.~~ New development or significant vegetation removal that would reduce the capability of the shoreline to perform a full range of ecological functions or processes should not be permitted.
- ~~4.3.~~ Private and/or public enjoyment of natural shoreline areas should be encouraged and facilitated through low intensity recreational, scientific, historical, cultural, and educational research uses such as walking/hiking trails, provided that no significant ecological impact on the area will result.
- ~~4.4.~~ Beaches, sea cliffs, and forests shall be retained in their natural state.

5.5.5.2 Aquatic Environment

D.A. Purpose

The purpose of the "aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the marine areas waterward of the ordinary high-water mark.

E.B. Areas Proposed for Designation

1. District S-13 Waters of the State

C. Designation Criteria

The "aquatic" environment designation is assigned to lands waterward of marine waters below the ordinary high-water mark and the underlying lands.

F.D. Management Policies

1. Uses
 - a. Limit new uses and activities within the Aquatic environment, with few exceptions, to water-dependent uses and public access/recreational improvements designed to provide access to the shoreline for a substantial number of people.
 - ~~a.b. Allow Permit~~ water-enjoyment and water-related uses in existing over-water buildings.

WORKING DRAFT TSMP

- ~~a.c.~~ Permit non-water oriented uses on/in existing over-water structures only where they are in support of water-oriented uses and the size of the use is limited to the minimum necessary to support the structure's intended use.
 - d. New uses and development in the Aquatic environment that have an upland connection should also be consistent with the permitted uses in the adjacent upland shoreline designation and district. Uses prohibited in the upland shoreline district should not be permitted.
 - ~~a.e.~~ Aquatic uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrologic conditions including sediment transport and benthic drift patterns.
 - ~~a.f.~~ Water oriented recreational uses in the aquatic environment should not detrimentally impact the operations of water-dependent industrial uses.
2. New Over-Water Structures
- a. ~~Allow~~ Permit new over-water structures only for ~~industrial~~-water-dependent uses, restoration projects, public access, or emergency egress. New over-water structures must show significant public benefits. Pursuant to this policy, upper-story balconies or cantilevered decks may be permitted for the purpose of dedicated public access if attached to an existing legally established building, provided that ecological functions are not impacted.
 - b. Prohibit non-water-dependent uses on new overwater structures.
 - ~~a.c.~~ New overwater residential uses are strictly prohibited.
 - ~~a.d.~~ The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
 - ~~a.e.~~ In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.
3. Reuse of ~~Historic~~-Over-water Structures
- a. Permit minor expansions, up to ten (10) percent of the total square footage of the structure, of existing ~~historic~~-over-water structures when necessary to provide public access, to facilitate environmental restoration, or to meet building safety codes.
 - ~~a.b.~~ Refurbish or rebuild existing piers and wharves along Thea Foss Waterway and Ruston Way to maintain a modern-day link with the community's maritime history.
 - ~~a.c.~~ Develop, in coordination with the Foss Waterway Development Authority, a moorage float and dock facility for passenger-only ferries and other seasonal commercial tour vessels at the Municipal Dock site on the Thea Foss Waterway.
4. Design Elements

WORKING DRAFT TSMP

- a. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to be compatible with adjacent aquatic and upland uses, and to consider impacts to public views.
5. Environmental Protection
- a. Shoreline uses and modifications within the Aquatic environment should be designed and managed consistent with the Environmental Protection policies and regulations of Chapter 6 including but not limited to preservation of water quality, habitat (such as eelgrass, kelp, forage fish spawning beaches, etc.), natural hydrographic conditions, and safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
 - ~~a.b.~~ Remove abandoned over-water structures when they no longer serve their permitted use unless:
 - i. Retaining such structures provides a net environmental benefit, for example, artificial reef effect of concrete anchors; or
 - ~~i.ii.~~ Such structures can be reused in a manner that helps maintain the character of the City's historic waterfront; or
 - ~~i.iii.~~ Removing such structures would have substantial potential to release harmful substances into the waterways despite use of reasonable precautions.

3.4.25.5.3 Shoreline Residential Environment

A. Purpose

The Shoreline Residential designation accommodates residential development and accessory structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

B. Areas Proposed for Designation

1. District S-1b Western Slope South – Shoreline Residential

~~C. District S-16 Browns Point UGA~~

C. Designation Criteria

The "shoreline residential" environment designation is assigned to shoreline areas in the city if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

D. Management Policies

Development within Shoreline Residential shoreline areas shall be consistent with the following policies:

1. New development should be designed and located to preclude the need for shoreline armoring, flood control works, vegetation removal and other shoreline modifications.

WORKING DRAFT TSMP

- ~~4.2.~~ The scale and density of new uses and development should be compatible with the existing residential character of the area while sustaining or enhancing shoreline ecological functions and processes.
- ~~4.3.~~ Public ~~or private~~ outdoor recreation facilities should be encouraged if compatible with the character of the area. Preferred uses include water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline.
- ~~4.4.~~ Commercial development should be limited to water-oriented uses.
- ~~4.5.~~ ~~Alternatives to traditional impervious areas~~ Low impact development should be implemented to the maximum extent possible to avoid and minimize impacts to water quality and quantity.
- ~~4.6.~~ Multi-family residential, multi-lot (4 or more lots) and recreational developments should provide shoreline areas for joint use, and public access to the shoreline.
- ~~4.7.~~ Establishment of native vegetation within a required buffer to slow surface and ground water movement and for improvement of the near-shore function including habitat and natural resources should be a priority

5.5.4 Urban Conservancy Environment

~~E.A.~~ Purpose

The “urban conservancy” environment is intended to protect and restore the public benefits and ecological functions of open space, natural areas and other sensitive lands where they exist within the City, while allowing a variety of compatible uses. It is the most suitable designation for shoreline areas that possess a specific resource or value that can be protected without excluding or severely restricting all other uses. It should be applied to those areas that would most benefit the public if their existing character is maintained, but which are also able to tolerate limited or carefully planned development or resource use. Permitted uses may include recreational, cultural and historic uses provided these activities are in keeping with the goals of protection and restoration as stated.

~~F.B.~~ Areas Proposed for Designation:

1. District S-2 Western Slope Central
- ~~4.2.~~ District S-3 Western Slope North
- ~~4.3.~~ District S-5 Point Defiance – Urban Conservancy
- ~~4.4.~~ District S-6 Ruston Way
- ~~4.5.~~ District S-9 Puyallup River
- ~~4.6.~~ District S-11 Marine View Dr.
- ~~7.~~ ~~District S-12 Hylebos Creek~~
- ~~4.7.~~ District S-14 Wapato Lake

C. Designation Criteria

The "urban conservancy" environment designation is assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that are not generally suitable for water-dependent uses, if any of the following characteristics apply:-

- a. They are suitable for water-related or water-enjoyment uses;
- b. They are open space or other sensitive areas that should not be more intensively developed;
- c. They have potential for ecological restoration;
- d. They retain important ecological functions, even though partially developed; or
- e. They have the potential for development that is compatible with ecological restoration.

G.D. Management Policies

- 1. Permitted uses should be those that would preserve the natural character of the area and/or promote the protection and restoration of ecological function within critical areas and public open spaces, either directly or over the long term.
- ~~1.2.~~ Restoration of shoreline ecological function concurrent with development and redevelopment within Urban Conservancy shorelines should be a priority.
- ~~1.3.~~ New development should be designed and located to preclude the need for shoreline armoring, flood control works, vegetation removal and other shoreline modifications.
- ~~1.4.~~ When development requires shoreline modification or stabilization, bioengineered shoreline stabilization measures, conservation of native vegetation, and Low Impact Development techniques for surface water management should be implemented to minimize adverse impacts to existing shoreline ecological functions ~~unless some other form of modification or stabilization is necessary.~~
- ~~1.5.~~ Public access and public recreation objectives should be implemented whenever feasible and adverse ecological impacts can be avoided. Continuous public access along the marine shoreline should be provided, preserved, or enhanced consistent with this policy.
- ~~1.6.~~ Protection of ecological functions should have priority over public access, recreation and other development objectives whenever a conflict exists.
- ~~1.7.~~ ~~Primary~~ Permitted uses should consist of low intensity uses that preserve the natural character of the area or promote preservation of open space and critical areas.
- ~~1.8.~~ Water-oriented commercial uses are encouraged when specific uses and design result in substantial open space, public access and/or restoration of ecological functions and if compatible with surrounding uses.
- ~~1.9.~~ Existing historic and cultural buildings and areas should be preserved, protected and reused when feasible.

a-5.5.5 High-Intensity Environment

H.A. Purpose

The purpose of the "high-intensity" environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

H.B. Areas Proposed for Designation:

1. District S-1a Western Slope South – High-intensity

1.2. District S-7 Schuster Parkway

1.3. District S-10 Port/Industrial Area

1.4. District S-15 Point Ruston/Slag Peninsula

C. Designation Criteria

The "high-intensity" environment designation is assigned to shoreline areas, if they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.

H.D. Management Policies

1. First priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water oriented uses should not be permitted except as part of mixed use developments and where they do not conflict with or limit opportunities for water oriented uses or on sites where there is no direct access to the shoreline.

1.2. Full utilization of existing high intensity areas should be achieved before further expansion of intensive development is permitted.

1.3. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with relevant state and federal law.

1.4. Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221(4)(d). Pedestrian and bicycle paths should be permitted as public access opportunities.

1.5. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

1.6. Require new development to provide physical and visual access to shorelines whenever possible and consistent with constitutional and statutory limitations, provided such access does not interfere with industrial operations or endanger public health and safety.

5.5.6 Downtown Waterfront

~~K.A.~~ Purpose

1. Foster a mix of private and public uses, including parks and recreation facilities, that are linked by a comprehensive public access system, including a continuous walkway encircling the entire Thea Foss Waterway;
- ~~1.2.~~ Strengthen the pedestrian-orientation of development on the Thea Foss Waterway;
- ~~1.3.~~ Promote the design vision for the Thea Foss Waterway through the establishment and implementation of design guidelines and standards;
- ~~1.4.~~ Manage the shoreline area in a way that optimizes circulation, public access, development, and environmental protection;
- ~~1.5.~~ Encourage and provide opportunities for mixed-use development that supports water-oriented uses and provides significant public benefit and enjoyment of the Waterway for the citizens of Tacoma;
- ~~1.6.~~ Promote the east side of the Foss Waterway as a center for industries and firms specializing in the design, research, development, and implementation of clean technology;
- ~~1.7.~~ Encourage a mix of uses, including water-oriented industrial and commercial uses that are compatible with public access objectives, and residential uses except in that area of the east side of the Foss Waterway north of 11th Street, reserved primarily for water-oriented industrial and commercial development; and
- ~~1.8.~~ Retain and enhance characteristics of the Thea Foss Waterway that support marine and recreational boating activities.

~~(a)B.~~ Areas Proposed for Designation

- ~~9.1.~~ District S-8 Thea Foss Waterway

C. Designation Criteria

The "downtown Waterfront" environment designation is generally assigned to shoreline areas that are- contained within the Downtown Tacoma Regional Growth Center and comprised of or planned for a mix of higher intensity uses in mixed use buildings. The Downtown Waterfront designation is applied to shoreline areas that:

1. Are zoned for commercial, industrial and high density residential uses;
2. Are within or adjacent to the downtown core;
3. Are primarily developed with high intensity uses;
4. Are currently characterized by a dense mix of residential, commercial and industrial uses;
5. Contain historic structures, sites related to the Foss Waterway's maritime history as well as cultural, educational and institutional uses; and

WORKING DRAFT TSMP

~~L~~.D. General Management Policies

1. Land Use

a. General

- i. Retain and enhance characteristics of the Thea Foss Waterway that support marine and boating activities.
- ~~i~~.ii. Buildings adjacent to the esplanade/public walkway and public access/view corridors should provide ground-level uses that are pedestrian-friendly and publicly accessible where appropriate.
- ~~i~~.iii. Encourage and provide opportunities for mixed use development that supports water-oriented uses and provides significant public benefit and enjoyment of the Waterway for the citizens of Tacoma.
- ~~i~~.iv. Encourage uses that generate significant walk-in and casual visitors.
- ~~i~~.v. Promote diverse, high-quality, pedestrian-related development that highlights the rich cultural, natural and maritime history of the Thea Foss Waterway.

b. East Foss

- i. Retain the “working waterfront” by encouraging a mix of water-oriented commercial, industrial, retail and office uses, and industries specializing in the design and development of clean technology.
- ii. Encourage residential uses only in that area south of 11th Street.
- ~~ii~~.iii. Residential and hotel/motel uses are not permitted north of 11th Street.

2. Views and Aesthetics

- a. Emphasize the uniqueness of the Thea Foss Waterway as a protected waterway immediately adjacent to a downtown core, bringing together the attractions of the downtown area, the industrial, mixed-use waterfront, and public spaces.
- ~~a~~.b. Important public views of the Thea Foss Waterway from downtown should be protected.
- ~~a~~.c. Encourage existing industrial and commercial uses to improve the aesthetics of the Waterway through techniques such as aesthetic treatments of storage tanks, cleanup of blighted areas, landscaping, exterior cosmetic improvements, landscape screening, and support of the Waterway environmental cleanup and remediation.
- ~~a~~.d. Foster desirable character through the establishment and application of design guidelines and standards.
- ~~a~~.e. Public art, historical interpretation and/or design elements which enrich the area are encouraged.

WORKING DRAFT TSMP

- ~~a.f.~~ Encourage the incorporation of aesthetic elements and/or artwork in the design of public facilities and amenities.
 - ~~a.g.~~ Historic markers and design elements that reflect the history and culture of local and indigenous peoples should be encouraged where appropriate.
 - ~~a.h.~~ Develop site features that facilitate public participation in maritime events and activities.
3. Public Access
- a. Provide a wide variety of physical settings, landscaped parks, plazas, and pedestrian attractions.
 - ~~a.b.~~ Unify and link parks, public areas, uses and attractions by a public walkway along the shoreline edge, where appropriate.
 - c. Public spaces should be designed to be recognizable as ‘public’ areas and to promote a unified access system, including the design and location of site details and amenities consistent with the Thea Foss Waterway Design Guidelines and Standards.
 - ~~(i)d.~~ Public attractions on the Thea Foss Waterway should give preference to those which are water-oriented or relate to the Waterway’s maritime history.

4)CHAPTER 6 GENERAL POLICIES AND REGULATIONS

The following regulations shall apply to all uses and all districts in the City of Tacoma shoreline jurisdiction.

a)6.1 Shoreline Use

3.56.1.1 Policies

1. Shoreline uses that are water-dependent, water-related or water-enjoyment should be given preference (RCW 90.58.020). Such uses should be located, designed, and maintained in a manner that minimizes adverse impacts to shoreline ecological functions and/or processes.
- ~~1.2.~~ Non-water-oriented uses may be permitted, provided that existing water-dependent uses and water-related uses are not displaced and the future supply of sites for water-dependent or water-related uses is not compromised, or, when the non-water-oriented use is part of a mixed use project or facility that supports water-oriented uses.
- ~~1.3.~~ Adequate space should be reserved on shorelines to meet the current and projected demand for water-dependent uses.
- ~~1.4.~~ Encourage close cooperation and coordination between both public and private shoreline interests including private property owners, the City, the Metropolitan Park District and the Port of Tacoma in the overall management and/or development of shorelines land use.
- ~~1.5.~~ Shoreline uses should not deprive other uses of reasonable access to navigable waters. Public recreation activities such as fishing, swimming, boating, wading, and water-related recreation should be preserved and enhanced. The rights of treaty tribes to resources within their usual and accustomed areas should be accommodated.
- ~~1.6.~~ Mixed-use structures projects or facilities that result in significant public benefit are encouraged in shoreline locations designated High Intensity and Downtown Waterfront.

3.5.26.1.2 Regulations

1. Restoration of ecological functions and processes shall be permitted on all shorelines and shall be located, designed and implemented in accordance with applicable policies and regulations of this Program.
- ~~2. Shoreline uses and developments that are water dependent shall be given priority.~~
- ~~1.2.~~ Shoreline uses and developments shall be located, designed, and managed so that other appropriate uses are neither subjected to substantial or unnecessary adverse impacts, nor deprived of reasonable, lawful use of navigable waters, publicly owned shorelines, or private property.
- ~~1.3.~~ Shoreline uses and developments shall be designed and located to minimize the need for future shoreline stabilization.

WORKING DRAFT TSMP

- ~~4.4.~~ Water-enjoyment uses shall be designed to be oriented towards the shoreline such that the general public has the opportunity to enjoy the aesthetics of a shoreline location and have physical and/or visual access to the shoreline.
- ~~6.~~ At the time of adoption of this Program, legally established uses and/or structures located outside a critical area or buffer and upland of the OHWM, shall be considered a permitted use/structure. Expansion or modification of said use or structure shall be permitted in accordance with the requirements of this Program.
5. Water-dependent uses shall be given preference over water-related and water-enjoyment uses. Prior to approval of water-dependent uses, the Land Use Administrator shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-dependent use.
6. Water-related uses may not be approved if they displace existing water dependent uses. Prior to approval of a water-related use, the Land Use Administrator shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-related use.
7. Water-enjoyment uses may not be approved if they displace existing water-dependent or water-related uses or if they occupy space designated for water dependent or water-related use identified in a substantial development permit or other approval. Prior to approval of water-enjoyment uses, the Administrator shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-enjoyment use.
- ~~9.8.~~ Non-water oriented uses ~~are permitted~~ may be permitted only when one of the following conditions is met:
- a. The use is part of a mixed-use project or facility that includes water-oriented uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
 - ~~a.b.~~ Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.
 - ~~a.c.~~ The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way (excluding public access features), or existing use.
- ~~10.9.~~ Non-water-oriented uses within a mixed-use project or facility, as specified in ~~86(a)~~, above, shall be established or developed concurrently with a water-oriented use and shall provide public access and habitat restoration subject to the requirements below.
- ~~9.10.~~ The following standards apply to non-water-oriented uses permitted, in accordance with ~~9(a) through (c)~~ ~~6.1.2.7~~ above, in the shoreline:
- a. When a mixed-use project or facility that contains non-water-oriented uses is proposed in the shoreline, public access shall be provided between the subject development and the adjacent shoreline concurrently and shall be consistent with an adopted public access

WORKING DRAFT TSMP

plan. In cases where said public access cannot be provided due to seasonal constraints, including fish windows, the timing with other planned / ongoing soil remediation or implementation of a habitat restoration project, said public access shall be secured with a financial surety totaling 150% of the cost of the required access or some other acceptable surety as may be specified by the Land Use Administrator.

- a.b. When a mixed-use project or facility that contains non-water-oriented uses is proposed in the shoreline, restoration of shoreline functions shall be provided consistent with an adopted Restoration Plan and shall meet the mitigation requirements in TSMP Section 6.4.2 (C) and (D) and the following:
 - i. ~~Restoration actions~~ 80% of the remaining buffer area shall be restored/enhanced on site or an equivalent shall be restored off site, consistent with the provisions above shall accomplish three (3) objectives from the Restoration Plan or equivalent;
 - i.ii. Required restoration shall be completed prior to occupancy of the subject use. In cases where the required mitigation cannot be provided due to seasonal constraints, including fish windows, or the timing with other planned / ongoing soil remediation or implementation of public access projects, said mitigation shall be secured with a financial surety totaling 150% of the required restoration project or some other acceptable surety as may be specified by the Land Use Administrator.
- c. Non-water-oriented uses shall not occupy the portion of the ground floor of a mixed-use structure that fronts on or is adjacent to the shoreline, except where specifically authorized in this Program.
- e.d. Only parking on the landward side in the rear of the ground floor of a shoreline mixed-use structure is permitted.
- e.e. In no case may residential uses within a shoreline mixed-use structure occupy the ground floor.
- ~~12.11.~~ Non-water-dependent loading and service areas shall not be located between the shoreline and the development.
- ~~11.12.~~ All uses and developments in Shoreline Districts shall comply with the use regulations and developments standards contained in Table 9-2. Refer to TSMP Chapter 7 for all applicable provisions related to specific uses and development standards.

6.2 Site Planning

3-66.2.1 Policies

1. The design, density and location of all permitted uses and development should consider physical and natural features of the shoreline and should assure no net loss of ecological functions by avoiding and minimizing adverse effects on shoreline ecology.
- ~~1.2.~~ Site plans and structural designs for shoreline development in shoreline areas should acknowledge the water's proximity and value as an ecological and scenic resource.

WORKING DRAFT TSMP

- ~~4.3.~~ Development and use should be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation; minimize impervious surfaces and runoff; protect riparian, nearshore and wetland habitats; protect wildlife and habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values. This may be accomplished by minimizing the project footprint and other appropriate design approaches.
- ~~4.4.~~ Low impact and sustainable development practices such as rain gardens and pervious surfacing methods including but not limited to, porous paving blocks, porous concrete and other similar materials, should be incorporated in developments where site conditions allow to maintain shoreline ecological functions and processes. Topographic modification, vegetation clearing, use of impervious surfaces and alteration of natural drainage or other features should be limited to the minimum necessary to accommodate approved uses and development. An engineering geologist should be consulted prior to using infiltration practices on shore bluffs.
- ~~4.5.~~ Accessory development or use that does not require a shoreline location should be located outside of shoreline jurisdiction unless such development is necessary to serve approved uses. When sited within shorelines jurisdiction, uses and/or developments such as parking, service buildings or areas, access roads, utilities, signs and storage of materials should be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses.
- ~~4.6.~~ Development should be located, designed, and managed so that impacts on shoreline or upland uses are minimized through setbacks, buffers, and control of proximity impacts such as noise or light and glare.

3.6-26.2.2 Regulations

1. All shoreline uses and developments shall provide setbacks from adjacent property lines or the landward edge of marine shoreline buffers in accordance with the standards contained in this Program and Table 9-2.
- ~~4.2.~~ Side and front setbacks shall be of adequate width to attenuate proximity impacts such as noise, light and glare, scale, and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen. Refer to Chapter 9 for all applicable provisions related to district-specific setback regulations.
- ~~4.3.~~ Rear setback from the landward edge of the marine shoreline buffer shall be no less than 10 feet unless otherwise specified in Table 9-2.
- ~~4.4.~~ Unless otherwise stated elsewhere in this Program, modifications to front and side setbacks within shoreline districts may be authorized by the Land Use Administrator under the following circumstances:
 - a. The adjacent land use is of such a character as to render a setback unreasonable or unnecessary (e.g., industrial development);
 - ~~a.b.~~ Increased physical or visual access by the public to the shorelines and adjacent waters is reasonable and provides enhanced public benefit;

WORKING DRAFT TSMP

- ~~a.c.~~ Better and/or more environmentally sensitive site and structure design ~~can~~ will achieve greater protection of or lessen impacts upon ecological functions with a lesser setback;
 - ~~a.d.~~ Where a previously established setback line can be ascertained on adjacent properties, structures may be permitted similar setback as if a line were extended across the subject property from nearest points of the adjacent structures;
 - ~~a.e.~~ For side setback/view corridors: two or more contiguous properties are being developed under an overall development plan where view corridors will be provided which meet the intent and purposes of this Program and the Act;
 - ~~a.f.~~ A significant portion of the site, greater than that required, is being set aside for public access, public open space, or public access elements; or
 - ~~a.g.~~ Excessive removal of vegetation would be necessary to meet the required setback.
5. In authorizing a lesser setback, the Land Use Administrator shall determine that the following criteria have been met:
- a. One or more of the circumstances set forth in TSMP Section 6.2.2(4) are present or will occur;
 - ~~a.b.~~ The reduction or elimination of the setback is consistent with the intended character of the shoreline district as well as the purpose and Management Policies of the Shoreline Environment Designation and will not adversely affect the intended character of the shoreline district and the rights of neighboring property owners and will secure for neighboring properties substantially the same protection that the regulation, if enforced literally, would have provided;
 - ~~a.c.~~ Vehicular sight distance and pedestrian safety will not be adversely affected; and
 - ~~a.d.~~ Undue view blockage or impairment of existing or proposed pedestrian access to the shorelines and adjacent waters will not result.
6. In authorizing modifications to required setbacks, the Land Use Administrator may impose conditions on the permit as necessary to ensure compliance with this Program.
- ~~6.7.~~ Design of structures shall conform to natural contours and minimize disturbance to soils and native vegetation.
- ~~6.8.~~ Stormwater infiltration systems shall be employed to mimic the natural infiltration and ground water interflow processes where appropriate.
- ~~6.9.~~ Fences, walls and similar structures shall only be permitted as normal appurtenances to single-family developments, water-dependent uses, for protecting critical areas, and where there is a safety or security issue. Fencing, walls and similar structures shall be designed in a manner that does not significantly interfere with public views of the shoreline.
- ~~6.10.~~ Accessory uses that do not require a shoreline location shall be sited away from the shoreline and upland of the principal use.

WORKING DRAFT TSMP

- ~~6.11.~~ Unless otherwise specified, integral to a permitted water-oriented use, accessory uses shall observe the marine shoreline and critical area regulations in TSMP Section 6.4.
- ~~6.12.~~ Development shall be located, designed, and managed so that impacts on public use of the shoreline are minimized.
- ~~6.13.~~ Interior and exterior lighting shall be designed and operated to avoid illuminating nearby properties, public areas, or waters; prevent glare on adjacent properties, public areas or roadways to avoid infringing on the use and enjoyment of such areas, and to prevent hazards. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas and screening.

~~e)6.3~~ Archeological, Cultural and Historic Resources

~~3.7.6.3.1~~ Policies

1. The City should work with tribal, state, federal and local governments as appropriate to identify and maintain an inventory of all known significant local historic, cultural and archaeological sites in observance of applicable state and federal laws protecting such information from general public disclosure. As appropriate, such sites should be protected, preserved and/or restored for study, education and/or public enjoyment to the maximum possible extent.
- ~~4.2.~~ Where adverse impacts are unavoidable, the City should require documentation and data recovery consistent with the requirements of this chapter. Adverse impacts should be mitigated according to the requirements of this chapter.
- ~~4.3.~~ If development is proposed adjacent to an identified historic, cultural or archaeological site, then the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural or archaeological site.
- ~~4.4.~~ Owners of property containing identified historic, cultural or archaeological sites should make development plans known well in advance of application, so that appropriate agencies have ample time to assess the site and make arrangements to preserve historical, cultural and archaeological values as applicable.
- ~~4.5.~~ Private and public owners of historic sites should be encouraged to provide public access and educational opportunities in a manner consistent with long term protection of both historic values and shoreline ecological functions.
- ~~4.6.~~ Cooperation among involved private and public parties is encouraged to achieve the Archeological, Historical and Cultural element goals and objectives of this Program.

~~3.7.26.3.2~~ Regulations

A. General

1. Archaeological sites located in shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records).

WORKING DRAFT TSMP

~~4.2.~~ Development or uses that may impact such sites shall comply with WAC 25-48 as well as the requirements within this Program, where applicable.

~~4.3.~~ Development that is proposed in areas documented to contain archaeological resources shall have a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.

B. Unanticipated Discovery of Historic, Cultural or Archaeological Resource

1. Consistent with TSMP 2.4, all applications for a shoreline permit or request for a statement of exemption shall prepare a plan for the possible unanticipated discovery of historic, cultural or archaeological resource(s), including a point of contact, procedure for stop-work notification, and for notification of appropriate agencies.

~~4.2.~~ Whenever historic, cultural or archaeological sites or artifacts are discovered in the process of development on shorelines, work on that portion of the development site shall be stopped immediately, the site secured and the find reported as soon as possible to the Administrator. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation and the Puyallup Tribe, and the Administrator shall conduct a site investigation to determine the significance of the discovery. Based upon the findings of the site investigation and consultation with the Washington State Department of Archaeology and Historic Preservation, the Puyallup Tribe, and the proponents unanticipated discovery plan prepared consistent with TSMP 2.4, the Administrator may require that an immediate site assessment be conducted or may allow stopped work to resume.

~~4.3.~~ If a site assessment is required, the area of inadvertent discovery shall be stabilized, contained or otherwise protected until the site assessment and/or CRMP is completed. The site assessment shall be prepared to determine the significance of the discovery and the extent of damage to the resource and shall be distributed to the Washington State Department of Archaeology and Historic Preservation, and the Puyallup Tribe

~~4.4.~~ Upon receipt of a positive determination of a site's significance, the Administrator may invoke the provisions of TSMP 2.4.63 for a Cultural Resource Management Plan (CRMP), if such action is reasonable and necessary to implement.

~~d)6.4~~ Marine Shoreline and Critical Areas Protection

~~3.86.4.1~~ Policies

1. Maintain healthy, functioning ecosystems through the protection of ground and surface waters, marine shorelines, wetlands, and fish and wildlife and their habitats, and to conserve biodiversity of plant and animal species.

~~4.2.~~ Prevent cumulative adverse impacts to water quality, streams, FWHCAs, shoreline functions and processes, and wetlands over time.

~~4.3.~~ Give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

WORKING DRAFT TSMP

- ~~4.4.~~ Shoreline use and development should be carried out in a manner that ~~prevents or mitigates adverse impacts so that the resulting ecological condition does not become any worse than the current condition~~ achieves no net loss of ecological functions; in assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts should be considered.
- ~~4.5.~~ The City should encourage innovative restoration strategies to provide for comprehensive and coordinated approaches to mitigating cumulative impacts and restoration rather than piecemeal mitigation.
- ~~4.6.~~ Required mitigation should be in-kind and on-site, when feasible and practicable, and sufficient to maintain the functions and processes of the modified critical area or buffer.
- ~~4.7.~~ Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, volcanic eruptions, flooding or similar events.

3.8.26.4.2 General Regulations

A. General Regulations

1. Shoreline use and development shall be carried out in a manner that prevents or mitigates adverse impacts so that no net loss of existing ecological functions occurs; in assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts shall be considered.
- ~~4.2.~~ Any shoreline development proposal that includes modification to a marine shoreline, marine buffer, critical area or buffer is subject to the Review Process in TSMP section 2.4.24.

B. Critical Area Buffer Modification

1. Modification of a critical area and/or marine buffer is prohibited except when:
 - a. Modification is necessary to accommodate an approved water-dependent or public access use, including trails and/or pedestrian/bicycle paths; provided, that such development is operated, located, designed and constructed to minimize and, where possible, avoid disturbance to shoreline functions and native vegetation to the maximum extent feasible; or
 - ~~a.b.~~ Modification is necessary to accommodate a water-related or water-enjoyment use or mixed-use development if it includes a water-oriented component provided that the proposed development is operated, located, designed and constructed to minimize and, where possible, avoid disturbance to native vegetation and shoreline and critical area functions to the maximum extent feasible; or
 - ~~a.c.~~ Modification is associated with a mitigation, restoration, or enhancement action that has been approved by the City and which complies with all of the provisions of this Program; or
 - ~~a.d.~~ Modification is approved pursuant to the variance provisions of this Program (TSMP section 2.33.5).

WORKING DRAFT TSMP

2. The following specific activities may be permitted within a critical area or marine buffer as part of an authorized use or development, subject to submittal of a critical area report, when they comply with the applicable policies and regulations of this Program.
 - a. Clearing, filling and grading;
 - ~~a.b.~~ New, replacement, or substantially improved shoreline modification and/or stabilization features;
 - ~~a.c.~~ Construction of trails, roadways, and parking;
 - ~~a.d.~~ New utility lines and facilities;
 - ~~a.e.~~ Stormwater conveyance facilities (this does not include stormwater management facilities such as detention ponds, stormwater vaults or wetlands) may be permitted within a required buffer when all of the following are demonstrated:
 - i. No other feasible alternatives with less impact exist; Mitigation for impacts including water quality is provided;
 - ~~i.ii.~~ Stormwater conveyance facilities shall incorporate fish habitat features;
 - ~~i.iii.~~ Vegetation shall be maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water;
 - ~~i.iv.~~ Vegetation shall consist of species capable of achieving a height sufficient to provide substantial shade to the adjacent water-body provided they do not alter channel migration and flood conveyance capacity.
3. To avoid penalizing property owners or development proponents wishing to voluntarily restore shoreline conditions by removing riprap, bulkheads, or other shoreline modifications, and promoting development of natural vegetation, or where adjacent property owners may be harmed by mitigation actions that modify or relocate the OHWM, thereby expanding the critical area or marine shoreline buffer onto adjacent properties, the Land Use Administrator may approve a site-specific alternative to the standard buffer on restored shorelines. The buffer alternative shall not create encumbrances on adjoining properties. The Land Use Administrator shall require the project proponent to prepare a restoration plan showing the pre- and post restoration conditions, the proposed building envelope, and shoreline setback and buffer. In granting this relief, the Land Use Administrator may consider the quality and function of the remaining buffer, the type, intensity and location of adjacent uses, and any other information as necessary to ensure the sustained function of the critical area or marine shoreline.
- ~~3.4.~~ Modification of a shoreline or critical area buffer is subject to the site review requirements in TSMP section 2.4.2~~1~~.

C. General Mitigation Requirements

1. If modification to a marine shoreline, wetland, stream, FWHCA, or buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated so as to result in no net loss of shoreline and/or critical area functions or processes.

~~4.2.~~ Mitigation shall occur in the following prioritized order:

- a. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;
- ~~a.b.~~ Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts;
- ~~a.c.~~ Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment;
- ~~a.d.~~ Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of action;
- ~~a.e.~~ Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures;
- ~~a.f.~~ Monitoring the impact and compensation projects and taking appropriate corrective measures.

3. Type and Location of Mitigation

- a. Preference shall be given to mitigation projects that are located within the City of Tacoma. Prior to mitigating for impacts outside City of Tacoma jurisdiction, applicants must demonstrate that the preferences herein cannot be met within City boundaries.
- ~~a.b.~~ Natural, Shoreline Residential and Urban Conservancy Environments:
 - i. Compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same reach, subbasin, or drift cell, except when all of the following apply:
 - ~~i.●~~ There are no reasonable on-site or in subbasin opportunities (e.g. on-site options would require elimination of high functioning upland habitat), or on-site and in subbasin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated marine shoreline/wetland/stream mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands, or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity); and
 - ~~ii.●~~ Off-site mitigation has a greater likelihood of providing equal or improved critical area functions than the impacted critical area.
- c. High-Intensity and Downtown Waterfront Environments:

WORKING DRAFT TSMP

- i. The preference for compensatory mitigation is for innovative approaches that would enable the concentration of mitigation into larger habitat sites in areas that will provide greater critical area or shoreline function.
- i.ii. The Administrator may approve innovative mitigation projects including but not limited to activities such as advance mitigation, mitigation banking and preferred environmental alternatives. Innovative mitigation proposals must offer an equivalent or better level of protection of critical area functions and values than would be provided by a strict application of on-site and in-kind mitigation. The Administrator shall consider the following for approval of an innovative mitigation proposal:
 - iii.• Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
 - iv.• Consistency with Goals and Objectives of the Shoreline Restoration Plan and the Goals and Objectives of this Program;
 - v.• The applicant demonstrates that long-term management and protection of the habitat area will be provided;
 - vi.• There is clear potential for success of the proposed mitigation at the proposed mitigation site;
 - vii.• Restoration of marine shoreline functions or critical areas of a different type is justified based on regional needs or functions and processes;
 - viii.• Voluntary restoration projects initiated between 2006 and the adoption of this program when they comply with Section D Mitigation Plan Requirements;
 - ix.• The replacement ratios are not reduced or eliminated, unless the reduction results in a preferred environmental alternative; and
 - x.• Public entity cooperative preservation agreements such as conservation easements.

d. Aquatic Environments:

- i. Compensatory mitigation should be consistent with the preference and requirements of the adjacent upland designation.

4. Fee-in-lieu.

- a. In cases where mitigation pursuant to this section (TSMP 6.4) is not possible, or where the maximum possible onsite mitigation will not wholly mitigate for anticipated impacts, or where an alternative location, identified in an adopted restoration plan, would provide greater ecological function, the Land Use Administrator may approve a payment of a fee-in-lieu of mitigation. The fee shall be reserved for use in high value restoration actions identified through the Shoreline Restoration Plan (Appendix B).

WORKING DRAFT TSMP

- b. To aid in the implementation of off-site mitigation, the City may develop a formal program which prioritizes wetland and/or other critical areas for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed and approved through a public process and be consistent with state and federal rules. The program should address:
 - i. The identification of sites within the City that are suitable for use as off-site mitigation. Site suitability shall take into account critical area functions, potential for degradation, and potential for urban growth and service expansion; and
 - ii. The use of fees for mitigation on available sites that have been identified as suitable and prioritized for restoration and/or enhancement.
 - c. Any off-site mitigation would have to be consistent with the goals and objectives of the Shoreline Restoration Plan.
 - e. ~~In cases where development activities are limited to the marine buffer, landward of the ordinary high water mark, and mitigation pursuant this section (TSMP 6.4) is not possible, or where the maximum possible onsite mitigation will not wholly mitigate for anticipated impacts, or where an alternative location, identified in an adopted restoration plan, would provide greater ecological function, the Administrator may approve a payment of a fee in lieu of mitigation. The fee shall be reserved for use in high value restoration actions identified through the Shoreline Restoration Plan (Appendix B).~~
- 4.5. Timing of Compensatory Mitigation. Compensation projects should be completed prior to activities that will disturb the on-site critical area. If not completed prior to disturbance, compensatory mitigation shall be completed immediately following the disturbance and prior to final occupancy. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.
- 4.6. ~~The Land Use Administrator may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified professional as to the rationale for the delay (i.e. seasonal planting requirements, fisheries window).~~

D. Mitigation Plan

- 1. A mitigation plan shall be prepared consistent with best available science. The intent of these provisions is to require a level of technical study and analysis sufficient to protect the shoreline and critical areas and/or protect developments and occupants from critical areas involving hazards. The analysis shall be commensurate with the value or sensitivity of a particular shoreline or critical area and relative to the scale and potential impacts of the proposed activity.
- 4.2. ~~The mitigation plan shall provide for construction, maintenance, monitoring, and contingencies as required by conditions of approval and consistent with the requirements of this Program.~~
- 4.3. ~~The mitigation plan shall be prepared by a qualified professional; provided, that the Land Use Administrator may waive the requirement to hire a qualified professional to prepare a mitigation plan when the required mitigation involves standard planting or enhancement~~

WORKING DRAFT TSMP

practices. The waiver shall not be granted for mitigation practices involving critical area creation, rehabilitation and/or restoration.

~~1-4.~~ The mitigation plan shall contain the following information:

- a. A description and scaled drawings of the activities proposed to reduce risks associated with geologic hazards and/or flooding, and/or to mitigate for impacts to shoreline buffers or critical area functions and values. This shall include all clearing, grading/excavation, drainage alterations, planting, invasive weed management, installation of habitat structures, irrigation, and other site treatments associated with the development activities;
- ~~a.b.~~ Specific information on construction or the proposed mitigation activity including timing, sequence, equipment needs, and best management practices;
- ~~a.c.~~ A description of the shoreline ecological functions or critical areas functions and values that the proposed mitigation area(s) shall provide, and/or a description of the level of hazard mitigation provided;
- ~~a.d.~~ The goals, objectives, and performance standards that the proposed mitigation action(s) shall achieve;
- ~~a.e.~~ A description of how the mitigation area(s) will be evaluated and monitored to determine if the performance standards are being met;
- ~~a.f.~~ A program and schedule for construction and post-construction monitoring of the mitigation project;
- ~~a.g.~~ An evaluation of potential adverse impacts on adjacent property owners resulting from the proposed mitigation and measures to address such impacts;
- ~~a.h.~~ Identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates that project performance standards are not being met;
- ~~a.i.~~ Plan sheets showing the edge of the shoreline marine buffer, critical area and/or critical area buffer. The affected area shall be clearly staked, flagged, and/or fenced prior to and during any site clearing and construction to ensure protection for the critical area and buffer during construction;
- ~~a.j.~~ A description of other permits and approvals being sought, including the need for permits from state and/or federal agencies; and
- ~~a.k.~~ Additional information as required by the subsequent articles of this Program.

E. Sureties

1. The City will accept performance and monitoring and maintenance sureties in the form of bonds or other sureties in a form accepted in writing by the City. Sureties shall be posted prior to issuance of any shoreline permit.
2. Performance Surety. Except for public agencies, applicants receiving a permit involving compensation for mitigation are required to post a cash performance bond or other acceptable

security to guarantee compliance with this chapter prior to beginning any site work. The surety shall guarantee that work and materials used in construction are free from defects. All sureties shall be approved by the City Attorney. The surety cannot be terminated or cancelled without written approval. The Land Use Administrator shall release the surety after documented proof that all structures and improvements have been shown to meet the requirements of this chapter.

~~2.3.~~ **Monitoring and Maintenance Surety.** Except for public agencies, an applicant shall be required to post a cash maintenance bond or other acceptable security guaranteeing that structures and improvements required by this chapter will perform satisfactorily for a minimum of five (5) years after they have been constructed and approved. The value of the surety shall be based on the average or median of three contract bids that establish all costs of compensation, including costs relative to performance, monitoring, maintenance, and provision for contingency plans. The amount of the surety shall be set at 150 percent of the average expected cost of the compensation project. All surety shall be on a form approved by the City Attorney. Without written release, the surety cannot be cancelled or terminated. The Land Use Administrator shall release the surety after determination that the performance standards established for measuring the effectiveness and success of the project have been met.

6.4.3 Marine Shorelines

F.A. Classification

1. Marine shorelines include all marine “shorelines of the state”, including commencement Bay and the Tacoma Narrows, as defined in RCW 90.58.030 within the City of Tacoma.

G.B. Marine Shoreline Buffers

1. A buffer area shall be maintained on all marine shorelines for all uses adjacent to the marine shoreline to protect and maintain the integrity, functions and processes of the shoreline and to minimize risks to human health and safety. The buffer shall be measured horizontally from the edge of the ordinary high water mark landward.
- ~~4.2.~~ Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions and processes of the shoreline. Required buffer widths shall reflect the sensitivity of the shoreline functions and the type and intensity of human activity proposed to be conducted nearby.
- ~~4.3.~~ Buffer widths shall be established according to Table 6-1. Buffer widths may be increased under the following circumstances:
 - a. The Administrator determines that the minimum width is insufficient to prevent loss of shoreline functions.
 - ~~a.b.~~ The Administrator determines that the proposed modification would result in an adverse impact to critical saltwater habitats including kelp beds, eelgrass beds, or spawning and holding areas for forage fish.

Table 6-1 Minimum Marine Buffers^{2*}

Marine Habitat Area	Buffer Width (feet)
Tacoma Narrows South (from south city limits to waterward extension of 6th Avenue).	50
Tacoma Narrows Central (from public ownership starting at waterward extension of 6th Avenue to centerline of SR 16).	115
Tacoma Narrows North and Point Defiance (from centerline of SR 16 to the existing northwesterly portion of the existing bulkheaded promenade at Owen Beach)	200
Commencement Bay West (the northwesterly portion of the existing bulkheaded promenade at Owen Beach to Thea Foss Waterway, except for Slag Island beginning at the boundary between parcels 8950100017 and 8940100016 that runs perpendicular from Eaton Street and continuing to Point Ruston, the site of the former ASARCO Tacoma Smelter, at the waterward extension of North 49th Street.)	115 (50 feet for Slag Island and former ASARCO Tacoma Smelter site)
Commencement Bay Waterways (industrial waterways and Thea Foss)	50
Commencement Bay East (East 11th Street to city limits)	115

~~At the time of adoption of this Program, where a legally established water-oriented use or structure is located within a marine buffer, it shall be considered as permitted. Expansion or modification of said use or structure shall be permitted in accordance with the requirements of this Program.~~

~~Except as otherwise identified in this Program, at the time of adoption of this Program where a legally established non-water-oriented use or structure is located within a marine buffer, it shall be considered as permitted, subject to the requirements of this Program and subject to the following limitations:~~

~~Additional development shall conform to this Master Program and the Act;~~

~~If the non-water-oriented use is converted to a water-oriented use, then all future uses shall be in accordance with the permitted and conditional use regulations of the Shoreline District in which it is located;~~

~~The non-water-oriented use may convert to another non-water-oriented use of a similar intensity, provided the conversion does not increase any detrimental impact to the shoreline environment;~~

WORKING DRAFT TSMP

~~When the operation of the non-water oriented use is vacated or abandoned for a period of 12 consecutive months or for 18 months of any 3 year period, the future use of such property shall be in accordance with the permitted and conditional use regulations of the Shoreline District in which it is located;~~

~~If the use or structure is damaged by fire, flood, explosion, or other natural disaster and the damage is less than seventy five percent (75%) of the replacement cost of the structure or development, such use may be resumed at the time the building is repaired; Provided, such restoration shall be undertaken within 18 months following said damage;~~

~~If the use or structure is damaged by fire, flood, explosion, or other natural disaster and the damage is more than seventy five percent (75%) of the replacement cost of the structure or development, the replacement structure and use shall be in accordance with the use and development provisions of this Master Program;~~

~~Normal maintenance and repair may be allowed provided all work is consistent with the provisions of this Program.~~

H.C. ~~Marine Shoreline Buffer Modifications~~ Reductions

- ~~1. Water-dependent and public access uses and development may reduce the standard buffer such that direct- water access is provided.~~
 - ~~2. Water-related and water-enjoyment uses and development may reduce the standard buffer when mitigation sequencing has been applied to the greatest extent practicable. Buffer shall be reduced to no less than 25 feet from OHWM. Any further reduction- shall require a shoreline variance.~~
 - ~~3. Reductions of the standard buffer for any non-water-oriented use or development shall not be allowed except through a shoreline variance.~~
 - ~~4. Reduction of the standard buffer may be permitted for stairs or walkways necessary to access the shoreline provided that any stair or walkway in the marine shoreline complies with all provisions of the Program, conforms to the existing topography and, to the extent feasible, minimizes impervious surfaces.~~
 - ~~5. Where a marine buffer geographically coincides with a stream, FWHCA or wetland, provisions for increasing buffers, buffer averaging, and buffer reductions for the wetland and stream component shall apply as described within this chapter only when there is no impact to shoreline functions associated with the marine shoreline.~~
- ~~1. At the time of adoption of this Program, where a legally established water oriented use or structure is located within a marine buffer, it shall be considered a legal non-conforming use. Expansion or modification of said use or structure shall be permitted in accordance with the requirements of this Program.~~
 - ~~2. Except as otherwise identified in this Program, at the time of adoption of this Program where a legally established non-water oriented use or structure is located within a marine buffer, it shall be considered as a legal non-conforming use, subject to the requirements of this Program and subject to the following limitations:~~

WORKING DRAFT TSMP

- ~~a. Additional development shall conform to this Master Program and the Act;~~
 - ~~b. If the non water oriented use is converted to a water oriented use, then all future uses shall be in accordance with the permitted and conditional use regulations of the Shoreline District in which it is located;~~
 - ~~c. The non water oriented use may convert to another non water oriented use of a similar intensity, provided the conversion does not increase any detrimental impact to the shoreline environment;~~
 - ~~d. When the operation of the non water oriented use is vacated or abandoned for a period of 12 consecutive months or for 18 months of any 3 year period, the future use of such property shall be in accordance with the permitted and conditional use regulations of the Shoreline District in which it is located;~~
 - ~~e. If the use or structure is damaged by fire, flood, explosion, or other natural disaster and the damage is less than seventy five percent (75%) of the replacement cost of the structure or development, such use may be resumed at the time the building is repaired; Provided, such restoration shall be undertaken within 18 months following said damage;~~
 - ~~f. If the use or structure is damaged by fire, flood, explosion, or other natural disaster and the damage is more than seventy five percent (75%) of the replacement cost of the structure or development, the replacement structure and use shall be in accordance with the use and development provisions of this Master Program;~~
 - ~~g. Normal maintenance and repair may be allowed provided all work is consistent with the provisions of this Program.~~
- ~~3. Where a marine buffer geographically coincides with a stream, FWHCA or wetland, provisions for increasing buffers, buffer averaging, and buffer reductions for the wetland and stream component shall apply as described within this chapter only when there is no impact to shoreline functions associated with the marine shoreline.
 - ~~a. For non water dependent and public access uses, the marine buffer shall not be modified to any less than 25 feet, as measured from the OHWM.~~~~
 - ~~4. Modification may be permitted for stairs or walkways necessary to access the shoreline provided that any stair or walkway in the marine shoreline complies with all provisions of the Program, conforms to the existing topography and, to the extent feasible, minimizes impervious surfaces.~~

I.D. Marine Shoreline Mitigation Requirements

1. All marine shoreline buffer mitigation shall comply with applicable mitigation requirements specified in TSMP Section 6.4.2(C) and (D) and 6.4.3 (D) and (E) including, but not limited to, mitigation plan requirements, monitoring and bonding.
- ~~1.2.~~ Where a designated marine shoreline geographically coincides with a FWHCA, stream or wetland, mitigation will comply with applicable mitigation requirements for those resources as described within this Program.

WORKING DRAFT TSMP

F.E. Marine Shoreline Mitigation Ratios

1. The following mitigation ratios are required for impacts to the marine shoreline buffer. The first number specifies the area of replacement shoreline buffer area, and second specifies the area of altered shoreline buffer area.
 - a. 1:1 for areas on the parcel or on a parcel that abuts the ordinary high watermark within one quarter (1/4) mile along the shoreline from where the vegetation removal, placement of impervious surface or other loss of habitat occurred.
 - ~~b. 2:1 for impacts to the marine buffer, upland of the OHWM, when the applicant implements a mitigation project identified in the adopted Shoreline Restoration Plan, Appendix B or contributes a fee in lieu of off site mitigation to be used by the City for implementing restoration and enhancement projects identified in the Shoreline Restoration Plan.~~
 - ~~a.b.~~ 3:1 for off-site mitigation that occurs more than one quarter (1/4) mile along the shoreline from where the vegetation removal, placement of impervious surface or other loss of habitat occurred. Mitigation must be consistent with the Shoreline Restoration Plan (Appendix B).
2. If mitigation is performed off-site, a conservation easement or other legal document must be provided to the City to ensure that the party responsible for the maintenance and monitoring of the mitigation has access and the right to perform these activities.

3-6.4.4 Fish and Wildlife Habitat Conservation Areas (FWHCAs)

A. FWHCA Classification

4-1. Fish and Wildlife Habitat Conservation Areas (FWHCAs) shall include:

- a. Lands containing priority habitats and species;
- ~~a.b.~~ All public and private tidelands or bedlands suitable for shellfish harvest, including any shellfish protection districts established pursuant to RCW 90.72. The Washington Department of Health's classification system shall be used to classify commercial shellfish areas;
- ~~a.c.~~ Critical saltwater habitats including kelp and eelgrass beds and herring, sand lance, and smelt spawning areas. Kelp and eelgrass beds may be classified and identified by the Washington Department of Natural Resources Aquatic Lands Program and the Washington Department of Ecology. Locations are compiled in the WDNR Aquatic Lands Shore Zone Inventory, and the Puget Sound Environmental Atlas, Volumes 1 and 2. Herring, sand lance, and surf smelt spawning times and locations are outlined in RCW 220-110, Hydraulic Code Rules and the Puget Sound Environmental Atlas;
- ~~a.d.~~ Natural ponds or lakes under 20 acres and their submerged aquatic beds that provide critical fish or wildlife habitat; and

WORKING DRAFT TSMP

~~a.e.~~ Lakes, ponds, streams and rivers planted with game fish, including those planted under the auspices of a federal, state, local, or tribal program and waters which support priority fish species as identified by the Washington Department of Fish and Wildlife.

~~K.B.~~ FWHCA Standards

1. Whenever activities are proposed within or adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with a critical area report and habitat management plan prepared by a qualified professional and approved by the City.
2. If the Administrator determines that a proposal is likely to adversely impact a FWHCA, s/he may require additional protective measures such as a buffer area.
3. Any activity proposed in a designated FWHCA shall be consistent with the species located there and all applicable state and federal regulations regarding that species. In determining allowable activities for priority habitats and species that are known or that become known, the provisions of the Washington State Hydraulic Code and Department of Fish and Wildlife's (WDFW) Management Recommendations for Washington Priority Habitats and Species shall be reviewed.
4. Where a designated FWHCA geographically coincides with a marine shoreline, stream or wetland, the appropriate wetland or stream buffer and associated buffer requirements shall apply as described in this Program.
5. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). The City shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the habitat management plan by the Washington Department of Fish and Wildlife.
6. All activities, uses and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat.
7. No structures of any kind shall be placed in or constructed over critical saltwater habitats unless they result in no net loss of ecological function, are associated with a water-dependent or public access use, comply with the applicable requirements within this Program and meet all of the following conditions: ~~Should be more discouraging in code. Specific critical saltwater habitats should be avoided.~~
 - a. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat;
 - ~~a.b.~~ Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;
 - ~~a.c.~~ The project is consistent with the state's interest in resource protection and species recovery;

WORKING DRAFT TSMP

- ~~a.d.~~ The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;
- e. Shorelands that are adjacent to critical saltwater habitats shall be regulated per the requirements within this Program;
- ~~e.f.~~ A qualified professional shall demonstrate compliance with the above criteria in addition to the required elements of a critical area report as specified in this Chapter.

L.C. FWHCA Mitigation Requirements

1. All FWHCA mitigation shall comply with applicable mitigation requirements specified in TSMP Section 6.4.2 including, but not limited to, mitigation plan requirements, monitoring and bonding.
- ~~1.2.~~ Where a designated FWHCA geographically coincides with a marine shoreline, stream or wetland, mitigation will comply with applicable mitigation requirements for those resources as described within this Program.
3. Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors, in accordance with a mitigation plan that is part of an approved critical area report, to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.
- ~~3.4.~~ Mitigation shall achieve equivalent or greater biological and hydrological functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

1-6.4.5 Wetlands

M.A. Wetland Classification

1. Wetlands shall be classified Category I, II, III, and IV, in accordance with the criteria from the Washington State Wetlands Rating System for Western Washington, August 2004, Revised Annotated Version, August 2006, Publication Number 04-06-025, August 2004.
2. Category I wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions. Category I wetlands include the following types of wetlands: Estuarine wetlands, Natural Heritage wetlands, Bogs, Mature and Old-growth Forested wetlands; wetlands that perform many functions very well and that score 70 or more points in the Washington Wetlands Rating System for Western Washington.
- ~~2.3.~~ Category II wetlands are those that are difficult to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include the following types of wetlands: Estuarine wetlands, and wetlands that perform functions well and score between 51-69 points.

WORKING DRAFT TSMP

4. Category III wetlands are those that perform functions moderately well and score between 30-50 points, and. These wetlands have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II.
- 4.5. Category IV wetlands are those that have the lowest levels of functions (less than 30 points) and are often heavily disturbed. These are wetlands that may be replaced, and in some cases may be improved.
- 4.6. In addition, wetlands that require special protection and are not included in the general rating system shall be rated according to the guidelines for the specific characteristic being evaluated. The special characteristics that should be taken into consideration are as follows:
 - a. The wetland has been documented as a habitat for any Federally -listed Threatened or Endangered plant or animal species. In this case, “documented” means the wetland is on the appropriate state or federal database.
 - a.b. The wetland has been documented as a habitat for State- listed Threatened or Endangered plant or animal species. In this case “documented” means the wetland is on the appropriate state database.
 - a.c. The wetland contains individuals of Priority Species listed by the WDFW for the State.
 - a.d. The wetland has been identified as a Wetlands of Local Significance.

N-B. Wetland Buffers

1. A buffer area shall be provided for all uses and activities adjacent to a wetland area to protect the integrity, function, and value of the wetland. The buffer shall be measured horizontally from the delineated edge of the wetland.
- 4.2. Wetland buffer widths shall be established according to the following tables (Tables 6-2 through 6-3):

Table 6-2. Wetland Buffer Widths

Wetland Category	Buffer Width (feet)
Category I	200
Category II	100
Category III	75
Category IV	50
*Best Available Science Review, City of Tacoma, Critical Areas Preservation Ordinance, Tacoma, Washington, June 15, 2004, prepared by GeoEngineers	

Table 6-3. Lakes of Local Significance*

Site	Buffers (feet)
Wapato Lake and associated wetlands	300 200, but not to exceed the the centerline of Alaska Street.
*Best Available Science Review Recommendation from City of Tacoma Critical Areas Task Force June 2004	

Ø.C. Wetland Buffer Modifications-Reductions

1. A wetland buffer may be reduced only for a water-oriented use, per 6.4.2(B) and in accordance with the provisions of this Section, when mitigation sequencing has been applied to the greatest extent practicable. The buffer shall not be reduced to any less than ¾ of the standard buffer width. The remaining buffer on-site shall be enhanced or restored to provide improved wetland function. Any other proposed wetland buffer reduction shall require a shoreline variance.
2. Low impact uses and activities consistent with the wetland buffer function may be permitted within a buffer that has not been reduced depending upon the sensitivity of wetland and intensity of activity or use. These may include pedestrian trails, viewing platforms, utility easements and storm water management facilities such as grass-lined swales that are used to sustain existing hydrologic functions of the wetland.
- 1.3. Buffer widths for wetlands that score less than 20 points for habitat may be reduced the buffer when M-measures identified in Table 6-4 are shall be used to minimize impacts to the wetland to the greatest extent practicable.

Table 6-4. Examples to Minimize Disturbance*

Disturbance element	Minimum measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking Lots, Warehouses, Manufacturing, High Density Residential
Noise	Place activity that generates noise away from the wetland	Manufacturing, High Density Residential
Toxic runoff	Route all new untreated runoff away from wetland, Covenants limiting use of pesticides within 150 feet of wetland	Parking Lots, Roads, Manufacturing, residential Areas, Application of Agricultural Pesticides, Landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from surface	Any impermeable surface, lawns, tilling

WORKING DRAFT TSMP

Disturbance element	Minimum measures to minimize impacts	Activities that may cause the disturbance
Pets and Human disturbance	Fence around buffer, Plant buffer with “impenetrable” natural vegetation appropriate for region	Residential areas
Dust	Best Management Practices for dust	Tilled fields
*Washington State Department of Ecology and Washington State Department of Fish and Wildlife’s Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3		

~~3. Buffer widths for wetlands that score moderate or high for habitat (20 points or more), may be reduced if both of the following criteria are met:~~

~~i. A relatively undisturbed vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the Priority Habitat via some type of legal protection such as a conservation easement; and~~

~~i. Measures to minimize the impacts identified in Table 6-4 are applied.~~

4. As an incentive, the buffer area between a wetland and a regulated activity may be reduced or averaged, not less than ¾ of its standard regulated buffer width, without providing compensatory mitigation, depending upon the intensity of use and the wetland category, if the wetland and its buffer area are dedicated to the public by deeding the property to the City, with City approval. The Land Use Administrator shall determine whether the dedication is of benefit to the City for the protection of natural resources.

D. Yard Reduction

1. In order to accommodate for the required buffer zone, the Land Use Administrator may reduce the front and/or rear yard set-back requirements on individual lots. The front and/or rear yard shall not be reduced by more than 50 percent. In determining whether or not to allow the yard reduction, the Land Use Administrator shall consider the impacts of the reduction on adjacent land uses.

~~When a buffer is modified for a water-oriented use, per 6.4.2(B), it shall not be reduced to any less than ¾ of the standard buffer width.~~

E. Buffer Averaging

4.1. The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for use of the parcel. Averaging may not be used in conjunction with the provisions for reductions in buffers listed above.

WORKING DRAFT TSMP

~~4.2.~~ Averaging to improve wetland protection may be approved when all of the following conditions are met:

- a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a dual-rated wetland with a Category I area adjacent to a lower rated area, and
- ~~i.~~b. The buffer is increased adjacent to the high-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion; and
- ~~i.~~c. The total area of the buffer after averaging is equal to the area required without averaging; and
- ~~i.~~d. The buffer at its narrowest point is never less than $\frac{3}{4}$ of the standard width.

~~5.3.~~ Averaging to allow a reasonable use of a legal lot of record may be permitted when all of the following conditions are met:

- a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging;
- ~~i.~~b. The averaged buffer will not result in degradation of the wetland's functions as demonstrated by a report from a qualified wetland expert;
- ~~i.~~c. The total area of the buffer after averaging is equal to the area required without averaging; and
- ~~i.~~d. The buffer at its narrowest point is never less than $\frac{3}{4}$ of the standard width.

~~6.F.~~ Buffer Increases

1. The widths of the buffers may be required to be increased if the following conditions are found on the subject site:
 - a. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with non-native species that do not perform needed functions, the buffer must either be planted to create the appropriate plant community or the buffer must be widened to the maximum buffer for the land use intensity to ensure that adequate functions in the buffer are provided.
 - ~~a.~~b. If the buffer for a wetland is based on the score for water quality, rather than habitat, then the buffer should be increased by 50% if the slope is greater than 30% (a 3-foot rise for every 10 feet of horizontal distance).
 - ~~a.~~c. If the wetland provides habitat for a particularly sensitive species (such as threatened or endangered species), the buffer must be increased to provide adequate protection for the species based on its particular life history needs as required by the Washington State Department of Fish and Wildlife.

~~Q.G.~~ Wetland Standards

WORKING DRAFT TSMP

1. General standards. No regulated activity or use shall be permitted within a wetland or stream corridor without prior approval and without meeting the provisions of this Program. All development proposals that are anticipated to impact a wetland or stream corridor are subject to the review process in TSMP section 2.4.2~~1~~. Any permitted wetland modification shall demonstrate the following:
 - a. The applicant has taken appropriate action to first, avoid adverse impacts, then minimize impacts and finally, compensate or mitigate for unavoidable impacts;
 - ~~a.b.~~ The result of the proposed activity is no net loss of wetland functions;
 - ~~a.c.~~ The existence of plant or wildlife species appearing on the federal or state endangered or threatened species list will not be jeopardized;
 - ~~a.d.~~ The proposal will not lead to significant degradation of groundwater or surface water quality; and
 - ~~a.e.~~ The proposal complies with the remaining standards of this chapter, which include those pertaining to wetland compensation and the provision of bonds.
- ~~2. Low impact uses and activities consistent with the stream or wetland buffer function may be permitted within a buffer that has not been reduced depending upon the sensitivity of wetland and intensity of activity or use. These may include pedestrian trails, viewing platforms, utility easements and storm water management facilities such as grass lined swales that are used to sustain existing hydrologic functions of the critical area.~~
- ~~2. Yard Reduction. In order to accommodate for the required buffer zone, the Land Use Administrator may reduce the front and/or rear yard set back requirements on individual lots. The front and/or rear yard shall not be reduced by more than 50 percent. In determining whether or not to allow the yard reduction, the Land Use Administrator shall consider the impacts of the reduction on adjacent land uses.~~
- ~~2. As an incentive, the buffer area between a wetland or stream and regulated activity may be reduced or averaged, not less than ¾ of its standard regulated buffer width, depending upon the intensity of use and the wetland category or stream type, if the wetland or stream and its buffer area are dedicated to the public by deeding the property to the City, with City approval.~~

~~R.H.~~ _____ Wetland Mitigation Requirements

- ~~1. Preference of Mitigation Actions. Methods to achieve compensation for wetland functions shall be approached in the following order of preference:~~
 - a. Restoration (re-establishment and rehabilitation) of wetlands on upland sites that were formerly wetlands.
 - ~~a.b.~~ Creation (Establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native introduced species. This should only be attempted when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.

WORKING DRAFT TSMP

- ~~a-c.~~ Enhancement of significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.
2. Wetland Mitigation Banks
- a. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:
- i. The bank is certified under Chapter 173-700 WAC;
 - ii. The Administrator determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and
 - iii. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
- b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
- c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

S.I. Mitigation Ratios

1. The ratios contained within Table 6-45 shall apply to all Creation, Re-establishment, Rehabilitation, and Enhancement compensatory mitigation.
- ~~1.2. Increased replacement ratios.~~ The Land Use Administrator may increase the ratios under the following circumstances:
 - a. Uncertainty exists as to the probable success of the proposed restoration or creation;
 - ~~a.b.~~ A significant period of time will elapse between impact and replication of wetland functions;
 - ~~a.c.~~ Proposed mitigation will result in a lower category wetland or reduced function relative to the wetland being impacted; or
 - ~~a.d.~~ The impact was an unauthorized impact.

WORKING DRAFT TSMP

Table 6-4 Mitigation ratios for projects in Western Washington that do not alter the hydro-geomorphic setting of the site***

Category and Type of Wetland	Re-establishment or Creation	Rehabilitation	1:1 Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement only
All Category IV	1:5:1	3:1	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II Estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
Category II Interdunal	2:1 Compensation has to be interdunal wetland	4:1 compensation has to be interdunal	1:1 R/C and 2:1 E	8:1
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 E	16:1
Category I Natural Heritage site	Not considered possible	6:1	Case-by-case	Case-by-case
Category I Bog	Not considered possible	6:1	Case-by-case	Case-by-case
Category I Estuarine	Case-by-case	6:1	Case-by-case	Case-by-case
<p>*Natural heritage site, coastal lagoons, and bogs are considered irreplaceable wetlands, and therefore no amount of compensation would replace these ecosystems. Avoidance is the best option. In the rare cases when impacts cannot be avoided, replacement ratios will be assigned on a case-by-case basis. However, these ratios will be significantly higher than the other ratios for Category I wetland.</p> <p>**Rehabilitation ratios area based on the assumption that actions judged to be most effective for that site are being implemented.</p> <p>**Rehabilitation ratios area based on the assumption that actions judged to be most effective for that site are being implemented.</p> <p>***Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3</p>				

F.J. Compensatory Mitigation Plan Requirements

1. When a project involves wetland or buffer impacts, a compensatory mitigation report shall be prepared consistent with the requirement in 6.4.2(D) of this Program.

a.6.4.6 Streams and Riparian Habitats

A. Stream Classification

WORKING DRAFT TSMP

~~2.1.~~ Streams shall be generally classified in accordance with the Washington State Water Typing System set forth in WAC 222-16-030 to describe Type “S,” “F,” “Np” and “Ns” streams. Additional criteria typing for “F1”, and “F2” and “Ns1” and “Ns2” streams are included within this section.

~~1.2.~~ For permits previously issued, and non-conforming uses and structures, refer to WAC 222-16-031, the interim water typing system that describes stream categories utilized prior to the adoption of this Program. The new water typing system described in WAC 222-16-030 separates streams and other water courses into Type S, F, Np and Ns Water. The interim water typing system described in WAC 222-16-031 separates streams into Type I, II, III, IV, and V streams and their respective conversions to the types described in WAC-222-16-030.

~~1.3.~~ General descriptions of the new water typing system are as follows:

- a. Type “S” Water means all streams or rivers, within their bankfull width, inventoried as “shorelines of the state” or “shorelines of statewide significance” under this Program
- ~~a.b.~~ Type “F” Water means segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, to within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or as further described within WAC 222-16-031. Type “F1” Water means segments of natural waters containing salmonid fishes. Type “F2” Water means segments of natural water containing fish that are not salmonids.
- ~~a.c.~~ Type “Np” Water means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall or as further described within WAC 222-16-031.
- ~~a.d.~~ Type “Ns” Water means all segments of natural waters within the bankfull widths of the defined channels that are not Type S, F, or Np Water. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. “Ns1” Waters must be physically connected by an above ground channel system to Type, F, or Np Waters. “Ns2” Waters may not be physically connected by an above ground channel system to Type, F, or Np Waters.

~~U.B.~~ Stream Buffers

~~1.~~ A buffer area shall be provided for all uses and activities adjacent to a stream to protect the integrity and function of the stream. The buffer shall be measured horizontally from the edge of the ordinary high water mark.

~~1.~~ A buffer area shall be provided for all uses and activities adjacent to a stream to protect the integrity and function of the stream. The buffer shall be measured horizontally from the edge of the ordinary high water mark.

~~2.~~ Concurrent with new development, the buffer shall be vegetated.

4.2. Stream buffer widths shall be established according to Table 6-5, which is based on stream classification. Stream buffers for “Streams of local importance” are shown in Table 6-6.

Table 6-5 Stream Types

Stream Type	Buffer (feet)
Type S or Streams of local significance	150
Type F1 (Salmonids)	150
Type F2 (Non-Salmonids)	100
Type Np (No fish)	100
Type Ns1 (Connected to S, F, or Np)	75
Type Ns2 (Not connected to S, F, or Np)	25

Table 6-6 Streams of local significance

Name	Buffer (feet)
Puyallup River	150
Hylebos Creek	150
Puget Creek	150
Wapato Creek	150
Swan Creek	150

~~V.C.~~ Stream Buffer Increase ~~Stream Buffer Modification~~

1. The required buffer widths shall be increased as follows:
 - a. When the Land Use Administrator determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area;
 - ~~a.b.~~ When the frequently flooded area exceeds the recommended buffer width, the buffer area shall may extend to the outer edge of the frequently flooded area, where appropriate;
 - ~~a.c.~~ When a channel migration zone is present, the riparian habitat stream buffer area width shall be measured from the outer edge of the channel migration zone;

WORKING DRAFT TSMP

- ~~a.d.~~ When the ~~habitat stream buffer area~~ is in an area of high blowdown potential, the ~~riparian habitat stream buffer area~~ width shall be expanded an additional fifty feet on the windward side; or
- ~~a.e.~~ When the ~~habitat area stream buffer~~ is within an erosion or landslide area, or buffer, the ~~riparian habitat stream buffer area~~ width shall be the recommended distance, or the erosion or landslide hazard area or buffer, whichever is greater.

D. Stream Buffer Reduction

1. A stream buffer may be reduced only for a water-oriented use, per 6.4.2(B) and in accordance with the provisions of this Section, when mitigation sequencing has been applied to the greatest extent practicable. The buffer shall not be reduced to any less than $\frac{3}{4}$ of the standard buffer width. The remaining buffer on-site shall be enhanced or restored to provide improved stream and riparian function. Any other proposed stream buffer reduction shall require a shoreline variance.
2. Low impact uses and activities consistent with the stream buffer function may be permitted within a buffer that has not been reduced depending upon the sensitivity of stream riparian area and intensity of activity or use. These may include pedestrian trails, viewing platforms, utility easements and storm water management facilities such as grass-lined swales that are used to sustain existing hydrologic functions of the critical area.
3. As an incentive, the buffer area between a stream and a regulated activity may be reduced or averaged, not less than $\frac{3}{4}$ of its standard regulated buffer width, without providing compensatory mitigation, depending upon the intensity of use and the stream type, if the stream and its buffer area are dedicated to the public by deeding the property to the City, with City approval. The Land Use Administrator shall determine whether the dedication is of benefit to the City for the protection of natural resources.

E. Yard Reduction

1. In order to accommodate for the required buffer zone, the Land Use Administrator may reduce the front and/or rear yard set-back requirements on individual lots. The front and/or rear yard shall not be reduced by more than 50 percent. In determining whether or not to allow the yard reduction, the Land Use Administrator shall consider the impacts of the reduction on adjacent land uses.

F. Stream Buffer Averaging

- ~~2.1.~~ The Land Use Administrator may allow the recommended stream buffer width to be reduced averaged in accordance with a stream habitat analysis report only if:
 - ~~a.~~ The stream buffer areas that are reduced through buffer averaging will not reduce stream or habitat functions, including those of nonfish habitat;
 - ~~a.b.~~ The stream buffer areas that are reduced will not degrade the habitat, including habitat for anadromous fish;
 - ~~a.c.~~ The proposal will provide additional habitat protection;

WORKING DRAFT TSMP

- ~~a.d.~~ The total area contained in the stream buffer of each stream on the development proposal site is not decreased;
- ~~a.e.~~ The recommended stream buffer width is not reduced by more than twenty-five (25%) percent in any one location;
- ~~a.f.~~ The stream buffer areas that are reduced will not be located within another critical area or associated buffer; and

W.G. ~~Stream Crossing Standards~~

1. Type F1, F2, Np, and Ns1, and Ns2 streams may be relocated or placed in culverts provided it can be demonstrated that:
 - a. There is no other feasible alternative route with less impact on the environment;
 - ~~a.b.~~ Existing location of the stream would prevent a reasonable economic use of the property;
 - ~~a.c.~~ No significant habitat area will be destroyed;
 - ~~a.d.~~ The crossing minimizes interruption of downstream movement of wood and gravel;
 - ~~a.e.~~ The new channel or culvert is designed and installed to allow passage of fish inhabiting or using the stream, and complies with WDFW requirements;
 - ~~a.f.~~ The channel or culvert complies with the current adopted City of Tacoma Storm Water Manual is large enough to accommodate a 100-year storm;
 - ~~a.g.~~ The applicant will, at all times, keep the channel or culvert free of debris and sediment to allow free passage of water and fish;
 - ~~h.~~ The applicant will provide a bond or other financial security to ensure maintenance as provided in TSMP Section 6.4.2(E);
 - ~~a.h.~~ Roads in riparian habitat areas or buffers shall not run parallel to the water body;
 - ~~j.~~ Trails shall be located on or near the outer edge of the riparian area or buffer, where possible, except for limited viewing platforms and crossings;
 - ~~a.i.~~ Crossing, where necessary, shall only occur as near to perpendicular with the water body as possible;
 - ~~a.j.~~ Road bridges are designed according to Washington Department of Fish and Wildlife Design of Road Culverts for Fish Passage, 2003, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossing, 2000; and
 - ~~m.~~ Where possible, trails and associated viewing platforms shall not be made of continuous impervious materials. Natural trails with pervious surfaces such as, but not limited, to bark chip are encouraged.
 - ~~a.k.~~ Proposals for a steam crossing are subject to the review process in TSMP Section 2.4.1.

H. Public Access within a Stream Buffer

- a. Where possible, trails and associated viewing platforms shall not be made of continuous impervious materials. Natural trails with pervious surfaces such as, but not limited, to bark chip are encouraged.
- b. Trails shall be located on or near the outer edge of the riparian area or buffer, where possible, except for limited viewing platforms and crossings;

E.I. Stream Mitigation Requirements

1. Where a riparian wetland exists, aAll proposed alterations in the buffer of a stream with riparian habitat shall be in accordance with the standards for the applicable wetland category.
- ~~1.2.~~ Where riparian habitat does not exist, restoration, enhancement or creation will be required within the standard or modified buffer width.
- ~~1.3.~~ In the event stream corridor alterations or relocations, as specified above, are permitted, the applicant shall submit an alteration or relocation plan prepared in association with a qualified professional with expertise in this area. In addition to the general mitigation plan standards, the plan shall address the following information:
 - a. Creation of natural meander patterns and gentle side slope formations;
 - ~~a.b.~~ Creation of narrow sub channel, where feasible, against the south or west bank;
 - ~~a.c.~~ Provisions for the use of native vegetation;
 - ~~a.d.~~ Creation, restoration or enhancement of fish spawning and nesting areas;
 - ~~a.e.~~ The proposed reuse of the prior stream channel;
 - ~~a.f.~~ Provision of a qualified consultant, approved by the City, to supervise work to completion and to provide a written report to the Land Use Administrator stating the new channel complies with the provisions of this chapter; and
 - ~~a.g.~~ When streambank stabilization is necessary, bioengineering or soft armoring techniques are required, where possible.
- ~~3.4.~~ The Washington Department of Fish and Wildlife has authority over all projects in State Waters which impact fish. Construction in State Waters is governed by Chapter 75.20 RCW, Construction Projects in State Waters.

~~a.6.4.7~~ Geologically Hazardous Areas

~~Y.A.~~ _____ Designation.

1. Designation of Geologically Hazardous Areas. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. Areas susceptible to one or more of the following types of geo-hazards shall be designated as a geologically hazardous area:

WORKING DRAFT TSMP

- a. Erosion hazard;
- ~~a.b.~~ Landslide hazard;
- ~~a.c.~~ Seismic hazard;
- ~~a.d.~~ Mine hazard;
- ~~a.e.~~ Volcanic hazard; and
- ~~a.f.~~ Tsunami hazard.

Z.B. _____ Classification

1. Erosion hazard areas. Erosion hazard areas generally consist of areas where the combination of slope and soil type makes the area susceptible to erosion by water flow, either by precipitation or by water runoff. Concentrated stormwater runoff is a major cause of erosion and soil loss. Erosion hazard critical areas include the following:
 - a. Areas with high probability of rapid stream incision, stream bank erosion or coastal erosion, or channel migration.
 - ~~a.b.~~ Areas defined by the Washington Department of Ecology Coastal Zone Atlas as one of the following soil areas: Class U (Unstable) includes severe erosion hazards and rapid surface runoff areas, Class Uos (Unstable old slides) includes areas having severe limitations due to slope, Class Urs (Unstable recent slides), and Class I (Intermediate).
 - ~~a.c.~~ Any area characterized by slopes greater than 15 percent; and the following types of geologic units as defined by draft geologic USGS maps: m (modified land), Af (artificial fill), Qal (alluvium), Qw (wetland deposits), Qb (beach deposits), Qtf (tide-flat deposits), Qls (landslide deposits), Qmw (mass-wastage deposits), Qf (fan deposits), Qvr and Qvs series of geologic material types (Vashon recessional outwash and Steilacoom Gravel), and Qvi (Ice-contact deposits).
 - ~~a.d.~~ Slopes steeper than 25% and a vertical relief of 10 or more feet.
2. Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope, slope aspect, structure, hydrology, or other factors. Landslide hazard areas are identified as any area with all three of the following characteristics:
 - a. Slopes steeper than 25 percent and a vertical relief of ten (10) or more feet.
 - ~~a.b.~~ Hillsides intersecting geologic contacts that contain impermeable soils (typically silt and clay) frequently inter-bedded with permeable granular soils (predominantly sand and gravel), or impermeable soils overlain with permeable soils.
 - ~~a.c.~~ Springs or groundwater seepage.
 - ~~a.d.~~ Any area which has exhibited movement during the Holocene epoch (from 10,000 years ago to present) or that are underlain or covered by mass wastage debris of that epoch.

WORKING DRAFT TSMP

- ~~a.e.~~ Any area potentially unstable due to rapid stream incision stream bank erosion or undercutting by wave action.
 - ~~a.f.~~ Any area located on an alluvial fan presently subject to, or potentially subject to, inundation by debris flows or deposition of stream-transported sediments.
 - ~~a.g.~~ Any area where the slope is greater than the angle of repose of the soil.
 - ~~a.h.~~ Any shoreline designated or mapped as Class U, Uos, Urs, or I by the Washington Department of Ecology Coastal Zone Atlas.
3. Seismic hazard areas. Seismic hazard areas shall include areas subject to severe risk of damage as a result of seismic-induced settlement, shaking, lateral spreading, surface faulting, slope failure, or soil liquefaction. These conditions occur in areas underlain by soils of low cohesion or density usually in association with a shallow groundwater table. Seismic hazard areas shall be as defined by the Washington Department of Ecology Coastal Zone Atlas (Seismic Hazard Map prepared by GeoEngineers) as: Class U (Unstable), Class Uos (Unstable old slides), Class Urs (Unstable recent slides), Class I (Intermediate), and Class M (Modified) as shown in the Seismic Hazard Map.
- ~~3.4.~~ Mine Hazard Areas. Mine hazard areas are those areas underlain by or affected by mine workings such as adits, gangways, tunnels, drifts, or airshafts, and those areas of probable sink holes, gas releases, or subsidence due to mine workings. Underground mines do not presently exist within City limits¹.
- ~~3.5.~~ Volcanic Hazard Areas. Volcanic hazard areas are areas subject to pyroclastic flows, lava flows, debris avalanche, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity. The most likely types of volcanic hazard within the City are mudflows, lahars, or flooding relating to volcanic activity. The boundaries of the volcanic hazard areas within the City are shown in the volcanic hazard map.
- ~~3.6.~~ Tsunami hazard areas. Tsunami hazard areas are coastal areas and large lake shoreline areas susceptible to flooding and inundation as the result of excessive wave action derived from seismic or other geologic events. Currently, no specific boundaries have been established in the City limits for this type of hazard area.

~~AA.C.~~ General Regulations

1. The following regulations apply to all geologically hazardous areas:
 - a. New development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development shall be prohibited.

¹ An underground structure, consisting of a partially completed underground railroad tunnel, exists within City limits, as defined in the mine hazard areas map. The tunnel was constructed in 1909 and discontinued that same year due to excessive groundwater flows within the tunnel. The dimensions of the tunnel are presently unknown, and it was reportedly backfilled with wood, sand, and gravel in 1915.

WORKING DRAFT TSMP

- ~~a.b.~~ New development or the creation of new lots that would require structural shoreline stabilization over the life of the development shall be prohibited, except where:
- i. stabilization is necessary to protect an permitted use; and
 - ~~i.ii.~~ no alternative location is available; and
 - ~~i.iii.~~ no net loss of ecological functions will result.
- c. Under such circumstances, the stabilization measures shall conform to all provisions included in Chapter 8 of this Program.
- ~~e.d.~~ Stabilization structures or measures to protect existing primary residential structures may be permitted where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure provided they are designed and constructed consistent with conform with the provisions of Chapter 8 of this Program.
- ~~BB.D.~~ Erosion and Landslide Hazards - Development Standards
1. Structures and improvements shall be required to maintain a minimum 50-foot geo-setback from the boundary of all erosion and landslide hazard areas (Note: where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops greater than 10 feet or more vertically within a horizontal distance of 25 feet). No geo-setback shall be required where the vertical relief of the slope is 10 feet or less. The geo-setback may be reduced to 30 feet where the vertical relief of the slope is greater that 10 feet but no more than 20 feet.
 - ~~1.2.~~ The 30-foot or 50-foot geo-setback may be reduced to a minimum of 10 feet for the following:
 - a. Construction of one-story detached accessory structures (garages, sheds, playhouses of similar structures not used for continuous occupancy) with less than 1,000 square feet of floor area, whichever is greater for existing residences.
 - ~~a.b.~~ Addition to existing residences, including decks that have a maximum 250 square feet footprint of building, deck or roof area, whichever is greater, and are not closer to the top or bottom of the slope than the existing residence.
 - ~~a.c.~~ Installation of fences where they do not impede emergency access.
 - ~~a.d.~~ Clearing only up to 2,000 square feet during May 1 to October 1, if determined by the Building Official to not cause significant erosion hazard.
 - ~~a.e.~~ Grading up to 5 cubic yards during April 1 to October 1 over an area not to exceed 2,000 square feet, if determined by the Building Official that such grading will not cause a significant erosion hazard.
 - ~~a.f.~~ Removal of noxious or invasive weeds, provided such areas are protected from erosion with either native vegetation or other approved erosion protection.

- ~~a.g.~~ Forest practices regulated by other agencies.
 - ~~a.h.~~ The construction of public or private utility corridors; provided it has been demonstrated that such construction will not significantly increase erosion risks.
 - ~~a.i.~~ Trimming and limbing of vegetation for the creation and maintenance of view corridors, removal of site distance obstructions as determined by the City Traffic Engineer, removal of hazardous trees, or clearing associated with routine maintenance by utility agencies or companies; provided that the soils are not disturbed and the loss of vegetative cover will not significantly increase risks of landslide or erosion.
 - ~~a.j.~~ The construction of approved public or private trails; provided they are constructed in a manner which will not contribute to surface water runoff.
 - ~~a.k.~~ Remediation or critical area restoration project under the jurisdiction of another agency.
 - ~~a.l.~~ Where it can be demonstrated through an erosion and/or landslide hazard analysis prepared by a geotechnical hazards specialist that there is no significant risk to the development proposal or adjacent properties, or that the proposal can be designed so that any erosion hazard is significantly reduced, the geo-setback may be reduced as specified by the geotechnical specialist. This geo-setback may be increased where the Building Official determines a larger geo-setback is necessary to prevent risk of damage to proposed and existing development. The development must also comply with the Specific Development Standards for Erosion and Landslide Hazard Areas.
 - ~~a.m.~~ The erosion hazard analysis shall include the information specified in TMC 13.11.730(A)(1)(l) and the landslide hazard analysis shall include information specified in TMC 13.11.730(B)(1)(o).
 - ~~a.n.~~ In addition to the erosion hazard analysis, a Construction Stormwater Pollution Prevention Plan shall be required that complies with the requirements in the currently adopted City Stormwater Management Manual. Clearing and grading activities in an erosion hazard area shall also be required to comply with the City amendments to the most recently adopted International Building Code.
- ~~CC.E.~~ Erosion and Landslide Hazard Areas - Specific Development Standards
1. The development shall not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions. Note that point discharges onto adjacent properties is not permitted without approved easements. Dispersed flows meeting pre-developed flows will be permitted provided other development standards can be met.
 - ~~1.2.~~ The development shall not decrease slope stability on adjacent properties.
 - ~~1.3.~~ Such alterations shall not adversely impact other critical areas.
 - ~~1.4.~~ The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.

WORKING DRAFT TSMP

~~4.5.~~ Structures and improvements shall minimize alterations to the natural contour of the slope, and the foundation shall be tiered where possible to conform to existing topography. Terracing of the land; however, shall be kept to a minimum to preserve natural topography where possible. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation.

~~4.6.~~ Development shall be designed to minimize impervious lot coverage. All development shall be designed to minimize impervious lot coverage and should incorporate understructure parking and multi-level structures within the existing height limit.

~~4.7.~~ Roads, walkways, and parking areas should be designed parallel to topographic contours with consideration given to maintaining consolidated areas of natural topography and vegetation.

~~4.8.~~ Removal of vegetation shall be minimized. Any replanting that occurs shall consist of trees, shrubs, and ground cover that is compatible with the existing surrounding vegetation, meets the objectives of erosion prevention and site stabilization, and does not require permanent irrigation for long-term survival.

~~4.9.~~ The proposed development shall not result in greater risk or need for increased geo-buffers on neighboring properties.

~~4.10.~~ Structures and improvements shall be clustered where possible. Driveways and utility corridors shall be minimized through the use of common access drives and corridors where feasible. Access shall be in the least sensitive area of the site.

~~DD.F.~~ Seismic Hazard Areas - General Development Standards

1. A hazard analysis report, which shall include the information specified in TMC 13.11.730(D)(2), will be required for structures and improvements in a seismic hazard area. All developments shall be required to comply with the requirements of the most recently adopted edition of the International Building Code. The following types of projects will not require a seismic hazardous analysis report:

a. Construction of new buildings with less than 2,500 square feet footprint of floor or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly.

~~a.b.~~ Additions to existing residences, including decks that have a maximum 250 square feet footprint of building, deck or roof area, whichever is greater.

~~a.c.~~ Installation of fences where they do not impede emergency access.

2. The exceptions above may not apply to areas that are also landslide hazard areas.

3. All developments shall be required to comply with the requirements of the most recently adopted edition of the International Building Code.

~~EE.G.~~ Volcanic Hazard Areas - General Development Standards

WORKING DRAFT TSMP

1. Development in volcanic hazard areas shall comply with the zoning and Building Code requirements of the TMC. New developments in volcanic hazard areas shall be required to submit an evacuation and emergency management plan, with the exception of the following:
 - a. Construction of new buildings with less than 2,500 square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;
 - ~~a.b.~~ Additions to existing residences, including decks that have a maximum 250 square feet footprint of building, deck or roof area, whichever is greater; and
 - ~~a.c.~~ Installation of fences where they do not impede emergency egress.

~~FF.H.~~ Mine Hazard Areas - General Development Standards

1. Critical facilities, as defined by the currently adopted version of International Building Code, are not permitted in the area of the former railroad tunnel. Other development within 50 feet of the mapped location of the former railroad tunnel shall be required to perform a hazard analysis that includes the information specified in TMC 13.11.730(F)

~~GG.I.~~ Tsunami Hazard Areas - General Development Standards

1. Development in tsunami hazard areas shall comply with the zoning and Building Code requirements of the TMC. There are no other specific development standards for tsunami hazard areas.

~~3.8.36.4.8~~ Flood Hazard Areas

A. Classification.

1. Classifications of flood hazard areas shall be consistent with the most recent official map of the Federal Insurance Administration that delineates areas of special flood hazards and includes the risk premium zones applicable to the City. Also known as “flood insurance rate map” or “FIRM.”
- ~~1.2.~~ Where the flood insurance map and studies do not provide adequate information, the City, through its Public Works Department, shall consider and interpret information produced by the Army Corps of Engineers, Natural Resource Conservation Service, Department of Housing and Urban Development, or any other qualified person or agency to determine the location of Flood Hazard Areas and Coastal High Hazard Areas.

B. Flood Hazard Area Standards

1. All development proposals shall comply with TMC 2.12.040 through 2.12.050, Flood Hazard and Coastal High Hazard Areas, and TMC 12.08 Surface Water Management Manual for general and specific flood hazard protection.
- ~~1.2.~~ Development shall not reduce the base flood water storage ability. Construction, grading, or other regulated activities which would reduce the flood water storage ability must be mitigated by creating compensatory storage on- or off-site.

WORKING DRAFT TSMF

3. Development in floodplains shall not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted pursuant to chapter 86.12 RCW, provided the plan has been adopted after 1994 and approved by the department. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway. The following uses and activities may be appropriate and or necessary within the channel migration zone or floodway:
 - a. Actions or projects that protect or restore the ecosystem-wide processes or ecological functions.
 - ~~b. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.~~
 - ~~c. Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.~~
 - ~~a.b.~~ Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are permitted, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.
 - ~~a.c.~~ Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
 - ~~f.~~ Development with a primary purpose of protecting or restoring ecological functions and ecosystem wide processes.
 - ~~a.d.~~ Modifications or additions to an existing non-agricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
 - ~~a.e.~~ Development in incorporated municipalities and designated urban growth areas, as defined in Chapter 36.70A RCW, where existing structures prevent active channel movement and flooding.
 - ~~a.f.~~ Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.
4. Base flood data and flood hazard notes shall be shown on the face of any recorded plat or site plan, including, but not limited to, base flood elevations, flood protection elevation, boundary of floodplain, and zero rise floodway.
- ~~4.5.~~ Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts ecological functions and priority species and habitats can be successfully mitigated so as to assure no net

WORKING DRAFT TSMP

loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5).

- 4.6. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the department that evaluates cumulative impacts to the watershed system.
- 4.7. New structural flood hazard reduction measures shall be placed landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below. Provided that such flood hazard reduction projects be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.
- 4.8. Require that new structural public flood hazard reduction measures, such as dikes and levees, dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and un-mitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.
- 4.9. Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with this chapter and permitted only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

e)6.5 Public Access

3.96.5.1 Policies

1. Public access to shorelines is required, where feasible, to the fullest extent allowed by law, provided that the provision of the public access results in no net loss of ecological function.
2. Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines.
- 4.3. Impacts to public access from new development should be mitigated through the provision of on-site visual and physical public access, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline.
- 2.4. Public access should be provided to the shoreline as a primary use in its own right or as a secondary use provided as development or redevelopment occurs, provided that private property rights and public safety are protected. Public access elements may include, but should not be limited to the following:
 - a. Bicycle paths along or adjacent to the shoreline;
 - a.b. Shoreline parks;

WORKING DRAFT TSMP

- ~~a.c.~~ Beach areas;
 - ~~a.d.~~ Piers, wharves, docks, and floats;
 - ~~a.e.~~ Transient moorage;
 - ~~a.f.~~ Trails, promenades, or other pedestrian ways along or adjacent to the shoreline edge.
- ~~3.5.~~ Publicly funded development projects should be required to incorporate public access features except where access is incompatible with safety, security, or environmental protection.
- ~~5.6.~~ Where public access cannot be provided on-site, the City should consider innovative measures to allow permit applicants to provide public access off-site, ~~including contributing to a public access fund to develop planned shoreline access projects.~~
- ~~5.7.~~ Public access provisions should be consistent with all relevant constitutional and other limitations that apply to public requirements that are placed on private property, including the nexus and proportionality requirements.
- ~~5.8.~~ Public access requirements on privately owned lands should be commensurate with the scale of the development and should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.
- ~~5.9.~~ Public access should not compromise, in any significant manner, the rights of navigation and space necessary for water-dependent uses.
- ~~5.10.~~ New public access should be sited and appropriately designed to avoid causing detrimental impacts to the operations of existing water-dependent and water-related uses.
- ~~5.11.~~ New development should not conflict with existing public access or preclude the ability to implement planned public access projects.
- ~~5.12.~~ Public and private property owners should use a variety of techniques, including acquisition, leases, easements and design and development innovations, in order to achieve the public access goals and to provide diverse public access opportunities.
- ~~5.13.~~ Preference should be given to provision of on-site public access. Off-site public access is appropriate where it would provide more meaningful public access, prevent or minimize safety or security conflicts, or where off-site public access is consistent with an approved public access plan.
- ~~5.14.~~ Water-enjoyment and non-water-oriented uses that front on the shoreline should provide continuous public access along the water's edge.
- ~~5. Off site public access or other innovative methods for providing public access are preferred for satisfying the public access requirements of this Program for all development within the S-10 Shoreline District, and for water-oriented Port, Terminal, and Industrial uses in the "S-7" and "S-8" shoreline districts.~~

WORKING DRAFT TSMP

- 5-15. Public access should be provided as close as possible to the water's edge without significantly adversely affecting a sensitive environment or resulting in significant safety hazards. Improvements should allow physical contact with the water where feasible.
- 5-16. Public access improvements should be generally consistent with the Public Access Alternatives Plan, the Open Space Habitat and Recreation Plan, ~~and~~ the Mobility Master Plan, and any other adopted public access plan if the project area is covered by these plans. However, an alternative proposed by the Applicant may be approved if it is consistent with the goals, objectives, and policies in this TSMP.
- 5-17. Developments within shoreline jurisdiction that do not have shoreline frontage should provide public access by providing trails or access corridors through or from their sites, or by contributing to a public access fund for the purpose of implementing planned public access improvement projects.
- 5-18. Where new development occurs in a location where access along or to the shoreline already exists, the new development should either contribute additional recreation or access facilities to enhance the existing access, or contribute a fee-in-lieu of access that will be used to develop additional system capacity.
- 5-19. Public access provided by street-ends, utility corridors, and public rights-of-way should be addressed in public access plans and should be preserved, maintained and improved.
- 5-20. An applicant may construct public access improvements before site development as a part of an overall site master plan, which may be phased. The applicant would receive credit for those improvements at time of development.
- 5-21. ~~Public access sites should be designed to provide continuity of site details to increase the ability of the public to discern public from private spaces. Public spaces should be designed to be recognizable as 'public' areas and to promote a unified access system, including the design and location of site details and amenities, and to provide a safe and welcoming experience for the public.~~

6.5.2 Regulations

B.A. General Regulations

1. When public access is provided it shall achieve no net loss of existing shoreline ecological functions.
- a.2. Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines.
- a.3. Public access shall be required to the extent allowed by law in the review of all shoreline substantial development permits and conditional use permits where any of the following conditions exist:: ~~except for projects which meet one of the following criteria:~~
 - a. The project increases or creates public demand for access;

WORKING DRAFT TSMP

- b. The project interferes with existing access by blocking access or discouraging use of existing access;
 - c. The project interferes with public use of waters subject to the Public Trust Doctrine;
 - d. The project is a non-water –dependent use, or a non-preferred use under the SMA; or
 - e. The project is publicly funded or on public lands.
 - i. ~~Environmental remediation projects involving no proposed use of the property;~~
 - ii. ~~Projects involving only ecological enhancement and restoration;~~
 - iii. ~~Projects in shoreline jurisdiction with no waterfront and no possible trail connections to existing or potential public access sites;~~
 - iv. ~~A subdivision of land into four or fewer parcels for future single family development, or development of individual single family residences;~~
 - v. ~~A development that consists solely of maintenance dredging, the construction of a private dock serving four or fewer dwelling units, flood control measures, stabilization measures, signage, or lighting, except where specifically required in this Program.~~
4. The Land Use Administrator shall review the proposed use or development and make specific findings demonstrating the essential nexus between the use or development and the permit conditions requiring public access. Findings shall also include a determination that the permit conditions requiring public access are roughly proportional to the impacts caused by the proposed use or development.
5. Required public access may include the preservation of shoreline views, the establishment of public access easements to and along the shoreline, enhancement of an adjacent street-end or park or other consideration commensurate with the degree of impact caused by the development.
6. Public access is not required if the applicant can demonstrate, to the satisfaction of the City, that constitutional and or statutory limitations would be violated.
7. Alternatives to on-site, physical access to the shoreline may be approved if the applicant can demonstrate to the satisfaction of the City that one or more of the following conditions exist. In reviewing the proposed use or development and making a determination that one or more of the following conditions would preclude on site public access, the Administrator shall consider on site alternatives such as regulating access by such means as limiting hours of use to daylight hours, or utilizing site configurations or design elements, such as fences, terraces, hedges, and other landscaping, to separate uses and activities. ÷
- a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;

WORKING DRAFT TSMP

- b. Access is not feasible due to the configuration of existing parcels and structures, such that access areas are blocked in such a way that cannot be reasonably remedied by the proposed development;
 - c. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;
 - d. The cost of providing on-site access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
 - e. Unacceptable environmental harm which cannot be mitigated, such as damage to spawning areas or nesting areas, will result from the public access; or
 - f. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated. ~~Provided further, that the applicant has first demonstrated and the City has determined that all reasonable alternatives have been exhausted, including but not limited to:~~
 - ~~Regulating access by such means as limiting hours of use to daylight hours.~~
 - ~~Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.~~
- b. ~~Public access shall be provided on site, except for projects which meet one of the following criteria as determined by the Land Use Administrator:~~
- ~~i. It is demonstrated to be infeasible due to unavoidable reasons of incompatibility of uses, public health and safety, security or where significant harm to the ecological function of the shoreline environment cannot be mitigated. In determining the infeasibility or incompatibility of public access in a given situation, the City shall consider alternate methods of providing public access, such as off site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.~~
 - ~~ii. More meaningful access that is better than that provided by the application of the goals, objectives and policies of this plan can be provided off site.~~
 - ~~iii. The project is located in the S-10 shoreline district or is associated with a water-oriented Port, Terminal and Industrial use in the S-7 or S-8 shoreline districts.~~
8. Projects which meet the criteria in ~~TSMP Regulation 6.5.2(A4)(7e)~~ above must either construct off-site public access improvements of comparable function and value. ~~Where no reasonable off site alternatives are available or all reasonable off site alternatives have been exhausted, new uses and development may be permitted without providing public access, if approved by the Land Use Administrator, contribute to a public access fund established by the City to construct off-site public access improvements of comparable value.~~
9. In determining whether the proposed use or development meets one or more of the criteria in 6.5.2(A)(7) above, the City shall require substantial, credible evidence furnished by the applicant demonstrating how the proposal meets the criteria.

WORKING DRAFT TSMP

- ~~g.10.~~ When public access is required it shall be provided on the waterward side of the proposed development or use between the development and the shoreline or, where safety or security considerations prevent access in close proximity to the water, the access shall be provided as close to the shoreline edge as is practicable. ~~and may be provided within a required buffer area subject to the requirements and exceptions below and in accordance with mitigation sequencing in 6.4.2(C).~~
- ~~g.11.~~ Water-enjoyment uses and non-water-oriented uses that front on the shoreline shall provide a continuous public access walkway along the entire site's shoreline between the use and the shoreline edge.
- ~~g.12.~~ Where a project is located within an area covered by an adopted public access plan, including the Open Space Habitat and Recreation Plan and Mobility Master Plan, public access improvements shall be generally consistent with the adopted plan. However, the City may approve an alternative proposed by the Applicant that meets the goals, objectives, and policies in this Program.
- ~~g.13.~~ Public access improvements shall be designed to minimize impacts to critical areas, ecological functions, or ecosystem-wide processes. A biological assessment or a habitat management plan consistent with TSMP section 6.4 may be required for public access developments in shoreline jurisdiction. The City may require that buffers be increased based upon the results of that assessment. Full mitigation of impacts shall be required.
- ~~g.14.~~ In instances where public access is proposed in conjunction with a restoration or environmental mitigation project that includes work within a critical area or its buffer, the public access element may be provided within a critical area or its buffer provided it is the minimum necessary to provide an access function appropriate to the site and is consistent with applicable requirements in this Program. The design and location of said access feature shall not compromise the ability of the restoration project's ability to achieve its intended objectives.
15. A project applicant may participate in "advance mitigation" by providing public access improvements prior to the time a project is constructed.
- ~~g.~~ Public agencies may develop their own public access master plans in-lieu of providing public access on a permit by permit basis. The public access plan shall be reviewed by the City of Tacoma for agencies may enter into an Inter-local Agreement with the City of Tacoma, per RCW 39.34, in order to satisfy the requirements for public access in accordance with the requirements of this Program. The access provided and shall be commensurate with the agencies projected development plans for a time period to be established as part of the agency's agreement public access plan. The agreement plan shall include a public participation plan, timeline for implementation, a maintenance plan, and a schedule for review-reporting and monitoring to ensure ongoing compliance with the requirements of this Program. The public access plan must be approved and adopted by the City of Tacoma through an appropriate mechanism.
- ~~g.16.~~ Where feasible, development uses and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's physical access to the water and shorelines.

WORKING DRAFT TSMP

~~§~~17. Public access provided by street ends, public utilities, and public rights-of-way shall not be diminished.

~~§~~18. Public access sites shall be connected directly to adjacent public streets and trails.

~~§~~19. Required public access improvements shall be fully developed and available for public use at the time of occupancy of the use or activity unless there are mitigating circumstances and an agreement setting forth an alternative schedule acceptable to the Land Use Administrator is in place.

~~§~~20. Public access easements and shoreline permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition of approval. Said recording with the County Auditor's Office shall occur at the time of shoreline permit approval. Future actions by the applicant and/or successors in interest or other parties shall not diminish the usefulness or value of the public access provided, unless a new shoreline permit is secured.

~~§~~21. The standard state approved logo or other signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant, consistent with the sign standards in the ~~Tacoma~~ Thea Foss Waterfront Design Guidelines and Standards. Signs may control or restrict public access as a condition of permit approval.

~~§~~22. All public access sites city wide shall provide site furnishings appropriate for the intended use of the access site, the estimated demand, site context and hours of use. New shoreline access sites and facilities shall incorporate site details and amenities consistent with the standards in the Tacoma Waterfront Design Guidelines.

~~§~~23. Pedestrian access shall be required along new and reconstructed dikes, jetties, and groins, except where the access meets the test in 6.5.2(A)(7e)

~~§~~24. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, or security.

~~§~~25. Existing public access shall not be eliminated unless the Applicant shows that there is no feasible alternative and replaces the public access at another location.

~~§~~26. Public access improvements shall include provisions for disabled and physically impaired persons where reasonably feasible.

~~C~~.B. "S-15" Point Ruston/Slag Peninsula Shoreline District, "S-6" Ruston Way Shoreline District,

1. All new development that fronts on the shoreline shall provide a continuous public access walkway along the entire site's shoreline, improved to a minimum average width of 15 feet and ADA accessible. A public access/view corridor from the street right-of-way to the public walkway shall be provided for each development and shall be a minimum of 10 feet wide and ADA accessible. The required pedestrian circulation link shall be located within the required side yard/view corridor and be counted toward said side yard/view corridor requirement. Provision shall be made to provide access from the parking lot to the main building entrance.

~~D~~.C. "S-7" Schuster Parkway Shoreline District

WORKING DRAFT TSMP

1. All new development that fronts on the shoreline, except water-oriented Port, Terminal and Industrial use, shall provide a continuous public access walkway along the entire site's shoreline, improved to a minimum average width of 15 feet and ADA accessible.
- ~~a.2.~~ When public access requirements cannot be met or are not required on-site, off-site improvements shall be accomplished that implements one of the following access priorities occur in the following order of preference:
 - a. Completion of the multi-modal Schuster Parkway Trail, as identified in the Public Access Plan, including site amenities;
 - ~~i.b.~~ Completion of the Bayside Trail, including site amenities;
 - ~~i.c.~~ Improving connections between Schuster Parkway and the Bayside Trail;
 - ~~i.d.~~ Provide access to the shoreline via flyovers or pedestrian bridges to permit viewing of industrial properties and Commencement Bay. access directly along the water when the protection of private property rights, public safety and the environment can be ensured. This access may require connections to existing points of public access through creative means such as flyovers.

E.D. "S-8" Thea Foss Waterway Shoreline District

1. On the west side of the Thea Foss Waterway, new development shall provide a continuous, unobstructed, publicly accessible esplanade or boardwalk fronting on the shoreline edge where the minimum improved surface shall be 20 feet wide. Connections between Dock Street and the esplanade or boardwalk shall be provided through designated public access/view corridors, and possibly additional public access corridors.
- ~~a.2.~~ On the east side of the Thea Foss Waterway, new development, with the exception of new and existing water-oriented Port, Terminal and Industrial development, shall provide a continuous, unobstructed, publicly accessible walkway or boardwalk fronting on the shoreline edge where the improved surface shall be a minimum of 15 feet wide, except that the walkway shall end at the southern boundary of parcel number 8950000720, 526 East D Street. Connections between the walkway and East D Street shall be provided through public access/view corridors as required in ~~regulation~~ TSMF 6.5.2. Existing industrial uses, at the time of the adoption of this Program, are not subject to the public access requirements.
- ~~a.3.~~ A public access/view corridor from the street right-of-way to the public esplanade, walkway or boardwalk shall be provided for each development, and shall be a minimum of 10 feet wide and ADA accessible. The required pedestrian circulation link shall be located within the required side yard/view corridor and be counted toward said side yard/view corridor requirement. Provision shall be made to provide access from the parking lot to the main building entrance.
- ~~a.4.~~ On both the west and east sides of the Thea Foss Waterway, site amenities, such as benches, lights, and landscaping, shall be included as part of the esplanade or boardwalk construction consistent with the ~~Tacoma Waterfront~~ Thea Foss Waterfront Design Guidelines and Standards, Appendix DC.

~~a.5.~~ On the western side of the Thea Foss Waterway, new permanent buildings are not permitted in any designated waterfront esplanade, boardwalk, or public access/view corridor unless otherwise specified, except that pedestrian bridges connecting development site buildings, weather protection features, public art or structures provided primarily as public access or a public amenity such as viewing towers, decks, and public restrooms may be located in or over these areas.

f)6.6 Vegetation Conservation

3.106.6.1 Policies

1. Where new developments and/or uses are proposed, native shoreline vegetation should be conserved and/or enhanced to maintain shoreline ecological functions and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. It is recognized that all vegetation is beneficial to the shoreline; however, native vegetation is preferable and is the term used in this section. Important functions of shoreline vegetation include, but are not limited to:
 - a. Providing shade necessary to maintain water temperatures required by salmonid, forage fish, and other aquatic biota;
 - ~~a.b.~~ Regulating microclimate in riparian and nearshore areas;
 - ~~a.c.~~ Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates;
 - ~~a.d.~~ Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides;
 - ~~a.e.~~ Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff;
 - ~~a.f.~~ Improving water quality through filtration and vegetative uptake of nutrients and pollutants;
 - ~~a.g.~~ Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase aquatic diversity for salmonid and other species;
 - ~~a.h.~~ Providing habitat for wildlife, including connectivity for travel and migration corridors.
2. Limit removal of native vegetation to the minimum necessary to accommodate shoreline development.
 - ~~2.3.~~ Restrict native vegetation removal within shoreline jurisdiction in order to maintain the functions and values of the shoreline environment, including protection of habitat and shoreline bluffs.
 - ~~2.4.~~ Use best management practices (BMPs) to control erosion.
 - ~~2.5.~~ Voluntary restoration plans and projects should incorporate native vegetation management plans that are similar to the standards as specified in 6.6.2(3) below.

WORKING DRAFT TSMP

~~2.6.~~ Maintaining well-vegetated shorelines is preferred over clearing vegetation to create views or provide lawns. Limited and selective clearing for views and lawns may be permitted when slope stability and ecological functions are not compromised. Trimming and pruning are generally preferred over removal of native vegetation.

~~2.7.~~ Property owners are strongly encouraged to avoid use of fertilizers, herbicides and pesticides.

~~2.8.~~ Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat.

3.10.26.6.2 Regulations

1. Proponents of all new shoreline uses or developments shall demonstrate that site designs and layouts are consistent with the policies of this section to ensure shoreline functions, values, and processes are maintained and preserved. A shoreline permit or written statement of exemption shall not mandate, nor guarantee, unobstructed horizontal or lateral visibility of the water, shoreline or any specific feature near or far.
- ~~1.2.~~ Proponents of all new shoreline uses or developments shall maintain existing native shoreline vegetation to the maximum extent practicable.
- ~~1.3.~~ Removal of native vegetation within shoreline jurisdiction shall only be permitted upon approval of a detailed vegetation management plan prepared by a qualified landscape professional. The vegetation management plan shall include:
 - a. A map illustrating the distribution of existing plant communities in the area proposed for clearing and/or grading. The map must be accompanied by a description of the vegetative condition of the site, including plant species, plant density, any natural or manmade disturbances, overhanging vegetation, and the functions served by the existing plant community (e.g., fish and wildlife habitat values, slope stabilization).
 - ~~a.b.~~ A description of the shade conditions created by existing vegetation. This description shall include an inventory of overhanging vegetation as well as a determination of how much shade is created by standing trees, during midday at midsummer.
 - ~~a.c.~~ A detailed landscape map indicating which areas will be preserved and which will be cleared, including tree removal.
 - ~~a.d.~~ Drawings illustrating the proposed landscape scheme, including the species, distribution, and density of plants. Any pathways or non-vegetated portions shall be noted.
 - ~~a.e.~~ A description of the maintenance and monitoring strategies to ensure the replacement vegetation meets the standards contained herein.
4. The following standards shall apply for removal and replacement of existing native vegetation that occurs outside of a shoreline critical area and/or buffer:
 - a. Proponents shall use native species approved by the Land use Administrator that are of a similar diversity, density, and type to that occurring in the general vicinity of the site prior to any shoreline alteration. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time;

WORKING DRAFT TSMP

- ~~a.b.~~ A minimum of 4 inches of wood chip mulch, or equivalent, distributed over the entire planting area;
 - ~~a.c.~~ The applicant may be required to install and implement an irrigation system to insure survival of vegetation planted. For remote areas lacking access to a water-system, an alternative method (e.g., hand watering) may be approved;
 - ~~a.d.~~ Replacement shall occur as close to the ordinary high water mark as practicable;
 - ~~a.e.~~ For a period of three (3) years after initial planting, the applicant shall replace any unhealthy or dead vegetation planted as part of a vegetation management plan.
5. Trimming of trees is allowed without a vegetation management plan, provided:
- a. This provision is not interpreted to allow clearing of vegetation;
 - ~~a.b.~~ Trimming does not include topping, stripping or imbalances; a minimum of 60% of the original crown shall be retained to maintain tree health;
 - ~~a.c.~~ Trimming does not directly impact the nearshore functions including fish and wildlife habitat;
 - ~~a.d.~~ Trimming is not within a wetland, stream or their buffers;
 - ~~a.e.~~ Trimming will not adversely impact a priority species; and
 - ~~a.f.~~ Trimming in landslide and erosion hazard areas does not impact soil stability.
6. Removal of native vegetation within the marine buffer, critical areas and/or their buffers shall provide a vegetation management plan consistent with the provisions of this chapter and shall comply with the mitigation requirements in TSMP Section 6.4.2.
- ~~6.7.~~ Hazard trees that are within a marine buffer or critical area and/or its buffer, that pose a threat to public safety or an imminent risk of damage to private property may be removed provided that a report from a certified arborist is submitted to the City for review and approval. The report must include removal techniques, procedures for protecting the surrounding and/or critical area and its buffer, and replacement of native trees. Where possible, cut portions of hazard trees are to be left on site as a habitat element such as a standing snag tree or downed woody debris.
- ~~6.8.~~ The City may require a performance bond as a condition of shoreline exemption or shoreline permit approval, to ensure compliance with this Master Program.
- ~~6.9.~~ If the timing of required installation occurs between April 1st and October 1st of any given year, said installation may be postponed until after October 1st of the same year, provided a written request for postponement is submitted by the proponent, the financial surety has been secured by the City and the Land Use Administrator has issued a letter of approval for said postponement of native vegetation installment.
- ~~6.10.~~ Materials required in TSMP section 6.6.2(3) and (-4), above, shall be submitted, reviewed and approved by the Land Use Administrator prior to issuance of any development

permits on the site. Installation of all required vegetation and submittal of the maintenance and monitoring report shall be completed prior to occupancy for the subject use. As-installed reports shall be submitted to the Land Use Administrator at the end of each year for the five-year maintenance and monitoring period to assure compliance.

~~6.11.~~ Unless otherwise stated, native vegetation management does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other non-forestry uses and those other forest practice activities over which the City has authority.

~~6.12.~~ As with all Master Program provisions, native vegetation management provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a permit.

~~6.13.~~ Like other Master Program provisions, native vegetation management standards do not apply retroactively to existing uses and structures.

g)6.7 Views and Aesthetics

3.116.7.1 Policies

~~A. General Policies~~

1. To the extent feasible and consistent with the overall best interest of the state and the people generally, the public's opportunity to enjoy the aesthetic qualities of shorelines of the state, including views of the water, should be advanced.
- ~~4.2.~~ Shoreline use and development activities should be oriented to take the greatest advantage of shoreline views. Buildings should be designed to provide maximum view opportunities from within.
- ~~4.3.~~ Locate paths, benches, and picnic areas to take full advantage of marine views.
- ~~4.4.~~ Shoreline use and development that are adjacent to pedestrian access ways should orient building facades to those pedestrian routes and utilize façade treatments that maximize the enjoyment of shoreline areas.
- ~~4.5.~~ Consider the use of rooftop surfaces for open space and public recreation purposes.
- ~~4.6.~~ View and public access corridors should be designed and developed to encourage pedestrian uses.
7. Shoreline use and development activities should be designed and operated to minimize obstructions to the public's visual access to the water and shoreline.
- ~~4.8.~~ As mandated by the Act (RCW 90.58.320), no permit should be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where this Program does not prohibit such development and only when overriding considerations of the public interest will be served.

WORKING DRAFT TSMP

- 4-9. Shoreline use and development should not significantly detract from shoreline scenic and aesthetic qualities that are derived from natural or cultural features, such as shoreforms, vegetative cover and historic sites/structures.
- 4-10. New development should emphasize the water as a unique community asset.
- 4-11. New development should emphasize the bluffs abutting waterfront areas as natural design features that give definition to the urban form.
- 4-12. Views and the physical form of the waterfront should be preserved by maintaining low structures near the water and at the tops of the bluffs, and by allowing non view blocking vertical development at the base of the bluffs.
- 4-13. New uses and developments in shoreline areas should be designed and constructed for a “human scale” and pedestrian orientation.
- 4-14. Encourage design details such as form, scale, proportion, color, materials and texture to be compatible within shoreline areas wherever feasible.
- 4-15. Provide for uniform and recognizable design and signage elements in public access areas.
- 4-16. Continuous planting or other ground surface treatment should be used to physically and visually link the waterfront areas to the City and to each other.
- 4-17. Encourage the development of viewing areas wherever appropriate and feasible.

3.11.26.7.2 Regulations

A. General

1. New development shall be located and designed to mitigate adverse impacts to views from public vistas, viewpoints, and scenic drives.
2. View corridors, as specified in Table 9.2, shall be provided concurrent with any new use or development.
3. Structures are not permitted in any required view corridor, except that weather protection features, public art, and areas provided primarily for public access, such as viewing towers and pedestrian bridges, may be located in or over these areas.
4. As mandated by the Act (RCW 90.58.320), no permit may be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where this Program does not prohibit such development and only when overriding considerations of the public interest will be served. Private views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase the intervening property, and/or seek other similar private means of minimizing view obstruction.
5. Protection and/or enhancement of critical areas and their associated buffers shall be preferred over provisions for visual access, when there is an irreconcilable conflict between the two.

WORKING DRAFT TSMP

- ~~a.6.~~ View protection does not justify the excessive removal of vegetation to create views or enhance partial existing views. Retaining vegetation and “windowing” or other pruning techniques shall always be preferred options over vegetation removal.
- ~~b.7.~~ Water-dependent uses and/or public access uses shall be preferred over provisions for visual access, when there is an irreconcilable conflict between the two.
- ~~e.8.~~ The following standards shall apply to developments and uses within the jurisdiction of this Program:
- ~~i.a.~~ Where commercial, industrial, mixed-use, multifamily and/or multi-lot developments are proposed, primary structures shall provide for reasonable view/access corridors between buildings consistent with the development standards contained in Table 9-2.
 - ~~ii.b.~~ Buildings shall incorporate architectural features that reduce scale such as setbacks, pitched roofs, offsets, angled facets, and recesses;
 - ~~iii.c.~~ _____ The first floor of structures adjacent to pedestrian public access-ways or street ROW shall be designed to maximize transparency, where appropriate;
 - ~~iv.d.~~ _____ Building surfaces on or adjacent to the water shall employ materials that minimize reflected light;
 - ~~v.e.~~ Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent possible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment;
 - ~~vi.f.~~ Fences, walls, hedges and other similar appurtenances and accessory structures shall be designed in a manner that does not preclude or significantly interfere with the public’s view of the water, to the extent feasible.
- ~~d.~~ As part of meeting project site area landscaping requirements, the applicant for a proposed new development or redevelopment project must submit a landscaping plan for approval specifying installation of minimum ten-foot wide planting bed(s) of native riparian vegetation within and along portions of the fifteen-foot wide strip of land lying immediately landward of (a) the ordinary high water mark (OHWM) for currently unarmored shorelines, or (b) the landward edge of existing shoreline armoring for currently armored shorelines. (Where portions of already developed sites are proposed to be redeveloped, the planting bed(s) shall only be required along those redeveloping portion(s) of the site actually abutting the shoreline). Riparian vegetation should be encouraged, but not required, elsewhere on the project site for aesthetic continuity with the riparian vegetation within the bed(s) required along the shoreline. The landscaping plan must also meet the following requirements:
- ~~i.~~ Locations and Sizes of Required Shoreline Planting Beds. The landscaping plan shall specify (a) particular species of native salt tolerant riparian vegetation that are to be planted in ground level or raised planting beds (see the next section), (b) that each planting bed shall be a minimum of ten feet in width and a minimum of ten feet in length (a minimum of one hundred square feet), and (c) that the total minimum linear

WORKING DRAFT TSMF

~~footage of planting beds along the project's shoreline shall be fifty percent of the project's shoreline length;~~

- ~~ii. Plant Selection. The native riparian plant species shall be specified on the landscaping plan. The suitability of the species must be reviewed and approved by a biologist/riparian plant specialist. The plant names listed on the landscaping plan shall comply with the names generally accepted in the riparian plant nursery trade. The plan shall further specify that (a) all plant materials shall be true to species and variety and legibly tagged, and (b) riparian plant materials shall be nursery grown in the Puget Sound area of Washington except that dug plants may be used upon approval of the biologist/riparian plant specialist;~~
- ~~iii. Plant Sizes. The landscaping plan shall specify the sizes of the riparian plants to be installed. The plan may also specify that larger stock may be substituted provided that (a) it has not been cut back to the specified size, and (b) the root ball is proportionate to the size of the plant. Because smaller stock may be acceptable based upon site specific conditions, the plan may specify that the biologist/riparian plant specialist may make field determinations to substitute smaller stock for the stock size set forth on the plan.~~
- ~~iv. Site Preparation. The landscaping plan shall specify that (a) an amended planting soil shall be placed in the planting beds if needed, (b) all existing exotic vegetation must be removed from the planting beds, and (c) the project biologist/riparian plant specialist may make field determinations for the installation of barriers to limit Canada geese intrusion and feeding on installed plants;~~
- ~~v. Plant Monitoring. The landscaping plan shall specify that five year monitoring will be conducted to ensure the long term survival and stability of the riparian planting beds, with the elements of the monitoring to be (a) annual inspections of the plants, (b) replacement of failed riparian plants, (c) removal of exotic invasive species that may have become established, and (d) photographic documentation of planting success;~~
- ~~vi. Criteria for Success. The landscaping plan shall specify that, at the end of the fifth year of the monitoring, the riparian planting beds shall be considered successful if the following performance standards are met: (1) a minimum eighty percent survival rate of the riparian vegetation within the planting beds; and (2) a minimum of fifty percent cover within the planting beds by riparian vegetation four feet tall or taller.~~

B. Landscaping

- e.1. As part of meeting project site area landscaping requirements, the applicant for a proposed new development or redevelopment project must submit a landscaping plan for approval specifying installation of minimum ten-foot wide planting bed(s) of native riparian vegetation within and along portions of the fifteen-foot wide strip of land lying immediately landward of (a) the ordinary high water mark (OHWM) for currently unarmored shorelines, or (b) the landward edge of existing shoreline armoring for currently armored shorelines. (Where portions of already-developed sites are proposed to be redeveloped, the planting bed(s) shall only be required along those redeveloping portion(s) of the site actually abutting the shoreline). Riparian vegetation should be encouraged, but not required, elsewhere on the

WORKING DRAFT TSMP

project site for aesthetic continuity with the riparian vegetation within the bed(s) required along the shoreline. The landscaping plan must also meet the following requirements:

- i.a. Locations and Sizes of Required Shoreline Planting Beds. The landscaping plan shall specify (a) particular species of native salt tolerant riparian vegetation that are to be planted in ground-level or raised planting beds (see the next section), (b) that each planting bed shall be a minimum of ten feet in width and a minimum of ten feet in length (a minimum of one hundred square feet), and (c) that the total minimum linear footage of planting beds along the project's shoreline shall be fifty percent of the project's shoreline length;
- i.b. Plant Selection. The native riparian plant species shall be specified on the landscaping plan. The suitability of the species must be reviewed and approved by a biologist/riparian plant specialist. The plant names listed on the landscaping plan shall comply with the names generally accepted in the riparian plant nursery trade. The plan shall further specify that (a) all plant materials shall be true to species and variety and legibly tagged, and (b) riparian plant materials shall be nursery grown in the Puget Sound area of Washington except that dug plants may be used upon approval of the biologist/riparian plant specialist;
- i.c. Plant Sizes. The landscaping plan shall specify the sizes of the riparian plants to be installed. The plan may also specify that larger stock may be substituted provided that (a) it has not been cut back to the specified size, and (b) the root ball is proportionate to the size of the plant. Because smaller stock may be acceptable based upon site-specific conditions, the plan may specify that the biologist/riparian plant specialist may make field determinations to substitute smaller stock for the stock size set forth on the plan.
- i.d. Site Preparation. The landscaping plan shall specify that (a) an amended planting soil shall be placed in the planting beds if needed, (b) all existing exotic vegetation must be removed from the planting beds, and (c) the project biologist/riparian plant specialist may make field determinations for the installation of barriers to limit Canada geese intrusion and feeding on installed plants;
- i.e. Plant Monitoring. The landscaping plan shall specify that five year monitoring will be conducted to ensure the long-term survival and stability of the riparian planting beds, with the elements of the monitoring to be (a) annual inspections of the plants, (b) replacement of failed riparian plants, (c) removal of exotic invasive species that may have become established, and (d) photographic documentation of planting success;
- 2.f. Criteria for Success. The landscaping plan shall specify that, at the end of the fifth year of the monitoring, the riparian planting beds shall be considered successful if the following performance standards are met: (1) a minimum eighty percent survival rate of the riparian vegetation within the planting beds; and (2) a minimum of fifty percent cover within the planting beds by riparian vegetation four feet tall or taller.

C. S-8 Thea Foss Waterway

1. All new development in the "S-8" Thea Foss Waterway Shoreline District shall also be designed in accordance with the Thea Foss Waterway Design Guidelines and Standards.

WORKING DRAFT TSMP

2. For all new development that exceeds 35 feet in height, the project proponents shall conduct a view impact analysis. The purposes of the view analysis are to assist in addressing the requirements of the Act, including RCW 90.58.320, and to protect a locally significant public view. The analysis shall be submitted to the City as a part of the shoreline permit application. In addition, for projects utilizing the FWDA design review process, the analysis shall be submitted to and reviewed as part of their design review process.
3. In the “S-8” Thea Foss Waterway Shoreline District, the view analysis required under TSMP 6.7.2(C4)(2) shall include the following:
 - a. The view analysis shall identify potential impacts to public access to the shorelines of the state and the view obstruction of a substantial number of residences on areas adjoining the west side of the Waterway.
 - b. The view analysis shall also identify potential impacts to the locally significant public view of Mount Rainier, behind the Murray Morgan Bridge, as seen from the northern end of the southernmost viewpoint projection in Fireman’s Park.
 - c. In addition to the requirements found in the Shoreline Management Act, including RCW 90.58.320, shoreline permits shall not be approved for any new or expanded building or structure of more than 50 feet in height that will obstruct the locally significant public view of Mount Rainier, as described above.

h)6.8 Water Quality and Quantity

3.12.6.8.1 Policies

1. Stormwater should be managed through the Tacoma Stormwater Management Manual (TMC 12.08) and the Comprehensive Plan.
- ~~1.2.~~ The location, construction, operation and maintenance of all shoreline uses and developments should maintain or enhance the quantity and quality of surface and ground water over the long term.
- ~~1.3.~~ Shoreline use and development should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and ground water and/or soils, and adverse effects on shoreline ecological functions and values.
- ~~1.4.~~ Effective erosion/sedimentation controls for construction in the shoreline areas should be required.

3.12.26.8.2 Regulations

1. Shoreline use and development shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws and in such a manner as to ensure no net loss of ecological function.
- ~~1.2.~~ New development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the current stormwater management standards. Deviations from these standards may be approved where it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality

WORKING DRAFT TSMP

facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.

- 4.3. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control (TESC) plan, or administrative conditions.
- 4.4. All materials that may come in contact with water shall be constructed of materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in or above shoreline water bodies.
- 4.5. All proposed developments shall include measures to prevent minimize erosion during and after project construction and for the replanting of the site after construction in such a manner as to ensure no net loss of ecological function.
- 4.6. All proposed developments shall include measures to prevent the minimize contamination of surface waters, depletion and contamination of ground water supplies, and the generation of increased surface runoff.
- 4.7. All proposed developments shall provide for the disposal of any increased surface runoff without damage to streams or other wetlands.
- 4.8. All proposed developments shall provide storm drainage facilities which are separate from sewage disposal systems and which are constructed and maintained to meet all applicable standards for of water quality, including the Tacoma Stormwater Management Manual (TMC 12.08), Health Department Regulations, and other applicable Federal, State, and local regulations.
- 4.9. All proposed developments shall provide facilities or appurtenances for disposal of sanitary waste and shall manage and monitor the use of chemicals, fertilizers and other pollutants in such a manner so as to not degrade existing levels of water quality.

5)CHAPTER 7 GENERAL USE POLICIES AND REGULATIONS

The following policies and regulations shall apply in all City of Tacoma shoreline districts.

a)7.1 Prohibited Uses

The following uses are prohibited in all shoreline environments:

- 4.1. Agriculture;
- 4.2. Forest Practices; and
- 4.3. Mining.

b)7.2 Aquaculture

~~3.13~~—Aquaculture refers to the farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater, and may include development such as structures, as well as use of natural spawning and rearing areas.

7.2.1 Policies

1. Commercial aquaculture should be prohibited within the City of Tacoma.

3.13-27.2.2 Regulations

1. Aquaculture is prohibited in all shoreline districts, except for the following.
 - 4.2. Aquaculture for the purpose of enhancing indigenous salmonid populations and fisheries or for educational purposes shall be permitted.

c)7.3 Boating Facilities

Boating facilities includes marinas, including foreshore and backshore types, dry storage and wet-moorage types, covered moorage, boat launches, and marine travel lifts. For purposes of the Shoreline Master Program, boating facilities excludes docks serving four or fewer single-family residences.

Boating facilities refer to facilities or structures that provide access in and out of the water for vessels. They include marinas, launching ramps, rails, or lift stations.

3.147.3.1 Policies

A. General Policies

1. Proposals for boating facilities development should ensure that there will be no net loss of ecosystem functions associated with the development.
 - 4.2. In locating marinas and boat launch facilities, provisions for protection and/or improvement of resources shall be incorporated within the design of the facility.

WORKING DRAFT TSMP

- ~~4.3.~~ Marinas and boat launch facilities should be designed in a manner that will reduce damage to fish and shellfish resources
- ~~4.4.~~ Marinas and boat launch facilities should be designed and located to be aesthetically compatible with adjacent areas.
- ~~4.5.~~ Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.
- ~~4.6.~~ Shallow water areas with poor flushing action should not be considered for overnight and long-term moorage facilities.
- ~~4.7.~~ Marinas should be located so as to minimize the consumption of our conserve limited shoreline resources, upland boat storage should be preferred over new marinas. This implies dry land, inland marinas when appropriate.
- ~~4.8.~~ Boat launch facilities should be located in areas to minimize water pollution and should be separated from swimming beaches.
- ~~4.9.~~ Discourage New enclosed and/or covered moorages and boathouses should be prohibited. Allow improvement or replacement of covered moorages provided they are of uniform design and designed consistent with the overall design of a marina facility.
- ~~4.10.~~ Encourage the installation of new technology and materials which will conserve space, be less damaging to the environment, and be more efficient.
- ~~4.11.~~ Encourage more efficient use and additions to existing marinas where appropriate rather than ~~proliferations~~ construction of new marinas.
- ~~4.12.~~ Parking areas for marinas and boat launch facilities should be located on the landward side of the primary use, outside of the marine buffer, and sites away from the shoreline and should be properly screened from adjacent uses.
- ~~4.13.~~ Marinas should incorporate public access and viewing opportunities, overwater where possible, and with regard for public safety.
- ~~4.14.~~ Marinas with live-aboard vessels should only be permitted where compatible with the surrounding area and where adequate marina facilities exist.
- ~~15.~~ Boaters should be encouraged to use biodegradable cleaning products to help minimize the introduction of pollutants into the water.
- ~~45-16.~~ Encourage guest/transient moorage as part of tourist and recreational attractions.

B. "S-8" Thea Foss Waterway Shoreline District

1. Boating facilities are encouraged on the Thea Foss Waterway, provided they are developed consistent with the ~~p~~Provisions of this Program.
- ~~2.~~ Encourage visitor/transient moorage as part of tourist and recreational attractions.

WORKING DRAFT TSMP

- ~~4.2.~~ Encourage the establishment of new harbor areas where they do not impede with navigability of existing uses on the Waterway.

~~3.14.27.3.2~~ Regulations

A. General Regulations

1. Any new shoreline substantial development or conditional use permit for a marina or boat launch facility shall include provisions for site restoration once any permitted facility or facilities ceases to be in water-oriented use for a continuous twelve month period.
- ~~4.2.~~ All facilities shall be constructed so as not to interfere with or impair the navigational use of surface water.
- ~~4.3.~~ New marinas and/or boating facilities shall only be permitted where it can be demonstrated that:
 - a. That the proposed site has the flushing capacity required to maintain water quality;
 - ~~a.b.~~ That adequate facilities for the prevention and control of fuel spillage are incorporated into the marina proposal;
 - ~~a.c.~~ That there shall be no net loss of ecological functions as a result of the development of boating facilities and associated recreational opportunities;
 - ~~a.d.~~ The proposed design will minimize impediments to fish migration.

B. Site Location

1. Marinas or launch ramps shall not be permitted on the following marine shores unless it can be demonstrated that interference with littoral drift and/or degradation or loss of shoreline ecological functions and processes, especially those vital to maintenance of nearshore habitat, will not occur. Such areas include:
 - a. Feeder bluffs ~~exceptional~~; and
 - ~~a.b.~~ High energy input driftways.
2. Marinas or launch ramps shall not be permitted within the following marine shoreline habitats because of their scarcity, biological productivity and sensitivity unless no alternative location is feasible, the project would result in a net enhancement of shoreline ecological functions, and the proposal is otherwise consistent with this Program:
 - a. Marshes, estuaries and other wetlands;
 - ~~a.b.~~ Kelp beds, eelgrass beds, spawning and holding areas for forage fish (such as herring, surf smelt and sandlance);
 - ~~a.c.~~ Other critical saltwater habitats.

WORKING DRAFT TSMP

3. Foreshore marinas or launch ramps may be permitted on low erosion rate marine feeder bluffs or on low energy input erosional driftways if the proposal is otherwise consistent with this Program.
- ~~3.4.~~ Where foreshore marinas are permitted, the following conditions shall be met:
 - a. Open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions or processes or shore features; and
 - ~~a.b.~~ Solid structures that block fish passage shall not be permitted to extend without openings from the shore to zero tide level (Mean Lower Low Water, or MLLW), but shall stop short to allow sufficient shallow fringe water for fish passage.
5. Foreshore and backshore marinas shall be designed to allow the maximum possible circulation and flushing of all enclosed water areas.
- ~~5.6.~~ New or expanding marinas with dredged entrances that adversely affect littoral drift to the detriment of other shores and their users shall be required to periodically replenish such shores with the requisite quantity and quality of aggregate as determined by professional coastal geologic engineering studies.
- ~~5.7.~~ Design and other standards for physical improvement of docks and piers are found in TSMP Section 7.6, Moorage Facilities: Docks, Wharves, Piers, Floats, and Buoys.

C. Public Access Associated with Marinas and Boating Facilities

1. New launch ramps shall be approved only if they provide public access to public waters, which are not adequately served by existing access facilities, or if use of existing facilities is documented to exceed the designed capacity. Prior to providing ramps at a new location, documentation shall be provided demonstrating that expansion of existing launch facilities would not be adequate to meet demand. Public access areas shall provide space and facilities for physical and/or visual access to water bodies, including feasible types of public shore recreation.
- ~~4.2.~~ Marinas and boat launches shall provide public access for as many water-dependent recreational uses as possible, commensurate with the scale of the proposal. Features for such access could include, but are not limited to docks and piers, pedestrian bridges to offshore structures, fishing platforms, artificial pocket beaches, and underwater diving and viewing platforms.
- ~~4.3.~~ Marinas over 25 slips in size must provide a public access to the water, where feasible, ~~waterfront public viewing site a minimum of 200 square feet in size and~~ consistent with the public access requirements of TSMP Section 6.5. An additional public access feature or equivalent increase in size of an existing feature shall be provided with each additional 75 slips. Expansion of existing marinas shall meet these standards when an additional 25 slips, or more, are added.

WORKING DRAFT TSMP

D. Site Considerations

1. Marinas, launch ramps, and accessory uses shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed nor made dangerous.
- ~~1.2.~~ Public launch ramps and/or marina entrances shall not be located near beaches commonly used for swimming, valuable fishing and shellfish harvest areas, or sea lanes used for commercial navigation unless no alternative location exists, and mitigation is provided to minimize impacts to such areas and protect the public health, safety and welfare.
- ~~1.3.~~ Marinas and accessory uses shall be located only where adequate utility services are available, or where they can be provided concurrent with the development.
- ~~1.4.~~ Marinas, launch ramps, and accessory uses shall be located where water depths are adequate to avoid the need for dredging and minimize potential loss of shoreline ecological functions or processes.
- ~~1.5.~~ Marinas, launch ramps, and accessory uses shall be located and designed with the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft from floods, abnormally high tides, and/or destructive storms.

~~(a)~~E. Boat Storage

- ~~6.1.~~ Marinas, with the exception of facilities for transient or guest moorage, shall provide dry upland boat storage with a launch mechanism to protect shoreline ecological functions and processes, efficiently use shoreline space, and minimize consumption of public water surface area unless:
 - a. No suitable upland locations exist for such facilities; or
 - ~~a.b.~~ It can be demonstrated that wet moorage would result in fewer impacts to ecological functions and processes; and
 - ~~a.c.~~ It can be demonstrated that wet moorage would enhance public use of the shoreline.
- ~~7.2.~~ Dry ~~moorage and other~~ storage areas shall be located away from the shoreline and be landscaped with native vegetation to provide a visual and noise buffer for adjoining dissimilar uses or scenic areas.
- ~~2.~~ Legally permitted covered moorage that was in lawful existence at the time of passage of this Program, or subsequent amendment to this program may continue as permitted uses subject to the requirements of this Master Program and the following restrictions:
 - ~~a.~~ Existing covered moorage and boathouses shall not increase overwater coverage;
 - ~~a.~~ All work and materials shall be performed using Best Management Practices (BMPs);
 - ~~a.~~ Existing covers may be repaired and maintained provided the amount of cover does not increase and light transmission is improved to meet state and federal standards;

WORKING DRAFT TSMP

- ~~a. Walls and fences for covered moorage shall be prohibited above deck or float level, except that handrails which are open in nature and not higher than 42 inches above the deck or float may be permitted;~~
- ~~a. Existing covered moorage and boathouses may be relocated and reconfigured within an approved marina if the relocation and reconfiguration does not result in an increase in overwater coverage and the new location results in an improvement to shoreline ecological functions.~~
- ~~4. New covered moorage for boat storage and new overwater boat houses shall be prohibited.~~
- ~~4. Covered over water structures may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be the minimum necessary over water.~~

E.F. Waste Disposal at Boating Facilities

- 1. Marinas shall provide pump out, holding, and/or treatment facilities for sewage contained on boats or vessels. These facilities shall be low-cost or free, visible, and readily accessible by marina patrons. The responsibility for providing adequate facilities for the collection of vessel sewage and solid waste is that of the marina operator.
- ~~4.2.~~ Discharge of solid waste or sewage into a water body is prohibited. Marinas and boat launch ramps shall provide adequate restroom and sewage disposal facilities in compliance with applicable health regulations.
- ~~4.3.~~ Garbage, litter, and recycling receptacles and facilities shall be provided and maintained by the marina operator as required by federal, state, and local laws and regulations.
- ~~4.4.~~ Marinas shall provide adequate disposal facilities for the Disposal or discarding of fish or shellfish cleaning wastes, scrap fish, viscera, or unused bait into water or in other than designated garbage receptacles is prohibited.
- ~~4.5.~~ Marina operators shall post all regulations pertaining to handling, disposal and reporting of waste, sewage, fuel, oil or toxic materials where all users may easily read them.

E.G. Oil Product Handling, Spills, and Wastes

- 1. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan for oil and other products, shall be required of new marinas and expansion or substantial alteration of existing marinas. Compliance with federal or state law may fulfill this requirement.
- ~~4.2.~~ Handling of fuels, chemicals or other toxic materials must be in compliance with all applicable Federal and State water quality laws as well as health, safety and engineering requirements.
- ~~4.3.~~ Rules for spill prevention and response, including reporting requirements, shall be posted on site.

WORKING DRAFT TSMP

G.H. Parking and Vehicle Access

- ~~1.~~ Bicycle parking shall be provided commensurate with the anticipated demand.
- ~~2.1.~~ Public or ~~quasi-private~~ public launch ramps shall provide trailer spaces, ~~at least 10 feet by 40 feet,~~ commensurate with projected demand.
- ~~4.2.~~ Connecting roads between marinas and public streets shall have all weather surfacing, and be satisfactory to the City Engineer in terms of width, safety, alignment, sight distance, grade and intersection controls.

H.I. Launch Ramp Design

1. Preferred ramp designs, in order of priority, are:
 - a. Open grid designs with minimum coverage of beach substrate;
 - ~~a.b.~~ Seasonal ramps that can be removed and stored upland; and
 - ~~a.c.~~ Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in beach profile.
2. Ramps shall be placed and maintained near flush with the foreshore slope.

H.J. Accessory Uses

1. Accessory uses at marinas or launch ramps including parking, boat repair and services, open air storage, waste storage and treatment, in-water net pens for baitfish, stormwater management facilities, utility and upland transportation development, shall be permitted provided they are consistent with all other provisions of this Program (including those for parking, transportation, and utilities) and, where possible, provide public physical or visual shoreline access.
2. Water-oriented accessory uses reasonably related to marina operation may be located over water or at the waters edge by conditional use provided the operator can demonstrate that an over-water or waters' -edge location is essential to the operation of the use and that the accessory use will avoid or mitigate any impacts to shoreline functions so that no net loss of shoreline functions results.
- ~~2.3.~~ Minor boat repair and maintenance shall be permitted in conjunction with marina operation provided that the operator can demonstrate such accessory use is clearly incidental and subordinate to the marina development, and that best management practices for small boat yards are employed.

J.K. Live-Aboards

1. No vessel berthed in a marina shall be used as a place of residence except as authorized by the marina operator in conjunction with a ~~marina~~ permit from the City.
- ~~4.2.~~ No more than twenty (20) percent of the slips at a marina shall be occupied by live-aboard vessels without a shoreline substantial development permit or shoreline variance granted in

WORKING DRAFT TSMP

accordance with the provisions of TSMP Chapters 1 and 2 of this Program. Any marina with live-aboard vessels shall require:

- a. That all live-aboard vessels are connected to utilities that provide sewage conveyance to an approved disposal facility; or
 - ~~a.b.~~ That marina operators or live-aboards are contracted with a private pump-out service company that has the capacity to adequately dispose of live-aboard vessel sewage; or
 - ~~a.c.~~ That a portable pump-out facility is readily available to live-aboard vessel owners²;
 - ~~a.d.~~ That all live-aboard vessels shall have access to utilities that provide potable water;
 - ~~a.e.~~ That live-aboard vessels are of the cruising type, and are kept in good repair and seaworthy condition ~~in order to leave the marina in the event of an emergency.~~
3. Marinas with live-aboard vessels shall only be permitted where compatible with the surrounding area and where adequate sanitary sewer facilities exist (as listed in section ~~KJ.1.a, b, and c~~ above) within the marina and on the live-aboard vessel.

L. "S-8" Thea Foss Waterway Shoreline District

1. New marina development may only occur in conjunction with an adjacent upland, non-marina use.
2. For purposes of marina location, the designated primary or secondary public access/view corridors specified in TSMP section 9.9~~8~~ are extended into the Waterway on the west side, and are fixed in location. Marinas may not be located in or within 20 feet of these public access/view corridors. Further, marinas are prohibited south of the extension of South 18th Street to the south end of the Waterway. Visitor moorage is permitted, and required public access features for marinas such as viewing platforms and piers may be located in the public access/view corridors.

d)7.4 Commercial Use

Commercial use regulations apply to business uses or activities at a scale greater than a home occupation or cottage industry involving retail or wholesale marketing of goods and services.

3.157.4.1 Policies – General

A. General Policies

1. Commercial uses and development should be designed and constructed in such a manner as to result in no net loss of ecosystem functions including implementation of Low Impact Development techniques to the maximum extent feasible.

² These requirements are in addition to the requirement that all marinas provide portable, floating, or stationary facilities for the disposal of sanitary waste as stated above.

WORKING DRAFT TSMP

- 4.2. Priority should be given to those commercial uses which are determined to be water-dependent uses or uses that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Non water-oriented uses should be conditional uses in shoreline areas.
- 4.3. New commercial uses on shorelines should be encouraged to locate in those areas where current commercial uses exist.
- 4.4. An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.
5. Commercial uses should contain provisions for substantial public access to the shoreline. Such access should be appropriately signed and may be regulated to a reasonable degree, but should be generally available to the public and guaranteed by dedication, easement, or other legally binding document.
- 5.6. Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources for all water-related and -dependent commercial uses consistent with all relevant constitutional and other legal limitations on the regulation of private property.
7. Design non-water-dependent commercial uses adjacent to the ordinary high water mark in a manner that provides shoreline setback enhancement and environmental restoration at the water's edge consistent with constitutional and other limitations on the regulation of private property.
- 4.8. New non-water dependent commercial uses should not interfere with or compromise the operation of existing adjacent water-dependent uses or decrease opportunities for the general public to access adjacent shorelines.
- 4.9. Non-water-dependent commercial uses should take advantage of ~~its~~ the shoreline location by locating and designing the use to bring a large number of citizens to the shorelines.
- 4.10. Where commercial uses are separated from the shoreline by a public right of way, they should be designed to facilitate pedestrian traffic from the adjacent right of way.
- 4.11. The following provisions should be considered in evaluating proposals for commercial uses:
 - a. Structure orientation and location which provide for large open spaces between structures providing views of the shorelines;
 - a.b. Building design which provides for significant viewing opportunities from within buildings and which may include viewing areas specifically designed and designated for the general public;
 - a.c. Decks and rooftop structures which provide ~~viewing by the public~~ public views of the shorelines.

WORKING DRAFT TSMP

B. "S-8" Thea Foss Waterway Shoreline District

1. Non-water-oriented commercial uses should be permitted only in combination with water-oriented uses as part of a mixed-use ~~project~~development or facility.
- ~~1.2.~~ Commercial water-related activities such as boat building and repair on the east side of the Waterway should be encouraged where appropriate.
- ~~1.3.~~ Commercial uses specializing in clean technology are encouraged on the east side of the Waterway north of the centerline of 15th Street.
- ~~1.4.~~ Mixed-use projects should support the development and sustainability of water-oriented uses such as retail, including marine supplies, restaurants, and other uses that allow people to enjoy the waterfront on a casual basis.
- ~~1.5.~~ Water-oriented retail uses should be clustered and incorporated into mixed-use development on the ground floor near pedestrian access points and centers of activity.
- ~~1.6.~~ Outdoor commercial uses and activities (such as restaurants, retail facilities, public markets, and mobile vendors) are encouraged. Such uses should be designed and located to be compatible with the surrounding environment. Such uses and activities may be located in public access/view corridors, but should not unduly or unreasonably obstruct circulation in the public right-of-way. Vendor carts should be located along the esplanade and view corridors.

~~3.15.27.4.2~~ **Regulations**

A. General Regulations

1. Commercial uses shall achieve no net loss of ecological function.
- ~~1.2.~~ Commercial uses shall incorporate Low Impact Development techniques where feasible.
- ~~1.3.~~ New non-water dependent commercial uses shall not interfere with or compromise the operation of existing adjacent water-dependent uses or decrease opportunities for the general public to access adjacent shorelines.
- ~~1.4.~~ In construction of commercial uses, it is the intent of the City to require that all permitted commercial uses, either through the nature of their use, their design and location, and/or through provisions for public access, take full advantage of the waterfront setting to maximize views of the shoreline both for the commercial use and for the general public, and enhance the aesthetic value of the shoreline through appropriate design treatments. An applicant for a commercial use shall demonstrate the following:
 - a. That the proposed development will be designed and oriented to take advantage of the waterfront siting and the water view;
 - ~~a.b.~~ That the proposed development will be designed to maximize to the greatest extent feasible public view and public access to and along the shoreline, as provided in Section 6.5 of this Program;

WORKING DRAFT TSMP

- ~~a.c.~~ That the proposed development will be designed to be compatible with existing and/or proposed uses and plans for adjacent properties;
 - ~~a.d.~~ That landscaping for proposed developments will receive special consideration to screen unsightly aspects of their operation from the public view but to minimize blockage of the existing water scenic view;
 - ~~a.e.~~ That the proposed development will be designed to be compatible with the character of the Shoreline District in which it is located;
 - ~~a.f.~~ That the proposed development will be designed to have a minimum adverse impact on the natural environment of the site, and shall fully mitigate for any adverse impact.
5. New non-water-oriented commercial uses or development are prohibited unless they meet one of the following tests and as a conditional use unless otherwise specified:
- a. The use is part of a mixed-use project -or facility that supports water-oriented uses and provides a significant public benefit with respect to the public access and restoration goals of this Program.
 - ~~a.b.~~ Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the public access and restoration goals of this Program.
 - ~~a.c.~~ The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way, or existing use, and provides a significant public benefit with respect to the public access and restoration goals of this Program. For the purposes of this Program, public access trails and facilities do not constitute a separation.
6. An applicant for a non-water-oriented commercial use shall demonstrate ecological restoration is undertaken to the greatest extent feasible.
- ~~6.7.~~ Non-water-dependent commercial uses shall avoid impacts to existing navigation, recreation, and public access.
- ~~6.8.~~ Non-water-dependent commercial uses are prohibited over water except for water-related and water-enjoyment commercial uses in existing structures, and where necessary to support water-dependent uses.
- B. “S-5” Pt. Defiance Shoreline District
- 1. New commercial development shall be limited to upland locations only. Existing water-oriented commercial uses at the ~~Pavilion Boathouse~~ Point Defiance Marina Ce complex may be continued and be modified provided modifications do not adversely affect ecological conditions and comply with all other provisions of this Program.
- C. “S-8” Thea Foss Shoreline District
- 1. Artisan/craftsperson uses must demonstrate that the use is compatible with surrounding uses and protection of public safety. Further, the site must be consistent with public access components as specified for water-enjoyment uses.

WORKING DRAFT TSMP

~~4.2.~~ Uses may be permitted to occur outdoors; provided that shoreline permits involving outdoor activities may be reviewed on a five- year basis for ongoing compatibility. Permitted outdoor uses include: uses associated with permitted indoor use, mobile vendors, and permanent outdoor structures. Mobile vendors shall not be permitted in the Dock Street and East D Street rights-of-way.

~~4.3.~~ Hotel/Motel uses are permitted on the west side of the Foss Waterway, and on the east side of the Foss Waterway only south of the centerline of 11th Street.

e)7.5 Port, Terminal and Industrial Use

In applying the regulations of this section, the following definitions are used:

1. “Port” means a center for water-borne commerce and traffic.
2. “Terminal” means a building or complex containing facilities needed by transportation operators and passengers at either end of a travel or shipping route by air, rail, road or sea.
- ~~(3).~~ “Industrial means” means the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

3.15.37.5.2 Policies

A. General Policies

1. Because of the great natural deep water potential of Commencement Bay, new deep water terminal and port-related industrial development is encouraged.
- ~~4.2.~~ Because of the exceptional value of Puget Sound shorelines for residential, recreational, resource and other economic elements requiring clean water, deep water terminal expansion should not include oil super tanker transfer or super tanker storage facilities.
3. Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources for all water-related and -dependent industrial uses consistent with all relevant constitutional and other legal limitations on the regulation of private property.
- ~~4.4.~~ Expansion or redevelopment of water-dependent industrial facilities and areas should be encouraged, provided it results in no net loss of shoreline functions.
- ~~4.5.~~ Industrial uses and related redevelopment projects are encouraged to locate where environmental cleanup can be accomplished.
- ~~4.6.~~ The preferred location for future non-water-dependent industry is in industrial areas away from the shoreline.
- ~~4.7.~~ The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.

WORKING DRAFT TSMP

~~4.8.~~ Land transportation and utility corridors serving ports and water-related industry should follow the guidelines provided under the sections dealing with utilities and road and railroad construction. Where feasible, transportation and utility corridors should not be located in the shoreline to reduce pressures for the use of waterfront sites.

~~4.9.~~ Port, terminal, and industrial uses should be encouraged to permit viewing of harbor areas from viewpoints, and similar public facilities which would not interfere with operations or endanger public health and safety.

~~4.10.~~ Special attention should be given to the design and development of facilities and operational procedures for fuel handling and storage in order to minimize accidental spills and to the provision of means for satisfactorily handling those spills which do occur.

B. "S-8" Thea Foss Shoreline District

1. Existing industrial uses should be allowed to continue current operations.

~~4.2.~~ Improvements to existing industrial uses, such as the aesthetic treatment of storage tanks, cleanup of blighted areas, landscaping, exterior cosmetic improvements, landscape screening, and support of the Waterway environmental cleanup and remediation plan effort should be encouraged.

~~3.7.5.3~~ Regulations

~~C.A.~~ General Regulations

1. Water-dependent port, terminal, and industrial uses shall have shoreline location priority over all other uses in the S-7 and S-10 Shoreline Districts.

~~4.2.~~ The location, design, and construction of port, terminal, and industrial uses shall assure no net loss of ecological functions.

~~4.3.~~ New non-water-oriented port, terminal, and industrial uses are prohibited unless they meet one of the following criteria:

a. The use is part of a mixed-use project or facility that supports water-oriented uses and provides a significant public benefit with respect to the public access and restoration goals of this Program;

~~a.b.~~ Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the public access and restoration goals of this Program;

~~a.c.~~ The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way, or existing use, and provides a significant public benefit with respect to the public access and restoration goals of this Program. For the purposes of this Program, public access trails and facilities do not constitute a separation.

4. Deep-water terminal expansion shall not include oil super tanker transfer or super tanker storage facilities.

WORKING DRAFT TSMP

- ~~4.5.~~ Where shoreline stabilization or in-water structures are required to support a water-dependent industrial use, the applicant shall be required to demonstrate:
- a. That existing ecological function shall be improved, especially in regard to viability for migratory salmonids and other aquatic species;
 - ~~a.b.~~ That contaminated sediments are managed and/or remediated in accordance with state and federal laws;
 - ~~a.c.~~ That public access to the water body is provided where safety and operation of use are not compromised;
 - ~~a.d.~~ That shading and water surface coverage is the minimum necessary for the use.
6. Best management practices shall be strictly adhered to for facilities, vessels, and products used in association with these facilities and vessels.
- ~~6.7.~~ All developments shall include the capability to contain and clean up spills, discharges, or pollutants, and shall be responsible for any water pollution which they cause.
- ~~6.8.~~ Petroleum products sump ponds shall be covered, screened, or otherwise protected to prevent bird kill.
- ~~6.9.~~ Procedures for handling toxic materials in shoreline areas shall prevent their entering the air or water.

~~D.B.~~ Log Rafting and Storage

1. Log Rafting and storage shall only be allowed in the "S-10" Port/Industrial Shoreline District and in the corresponding portions of the "S-13" Waters of the State Shoreline District.
2. Restrictions shall be considered in public waters where log storage and handling are a hindrance to other beneficial water uses.
3. Offshore log storage shall only be allowed on a temporary basis, and should be located where natural tidal or current flushing and water circulation are adequate to disperse polluting wastes.
4. Log rafting or storage operations are required to implement the following, whenever applicable:
 - a. Logs shall not be dumped, stored, or rafted where grounding will occur.
 - b. Easy let-down devices shall be provided for placing logs in water. The freefall dumping of logs into water is prohibited.
 - c. Bark and wood debris controls and disposal shall be implemented at log dumps, raft building areas, and mill-side handling zones. Accumulations of bark and wood debris on the land and docks around dump sites and upland storage sites shall be kept out of the water. After cleanup, disposal shall be at an upland site where leachate will not enter surface or ground waters.

WORKING DRAFT TSMP

- d. Where water depths will permit the floating of bundled logs, they shall be secured in bundles on land before being placed in the water. Bundles shall not be broken again except on land or at mill sites.
- e. Stormwater management facilities shall be provided to protect the quality of affected waters.
5. Log storage facilities shall be located upland and properly sited to avoid fish and wildlife habitat conservation areas.
6. Log storage facilities must be sited to avoid and minimize the need for dredging in order to accommodate new barging activities at the site.
7. Log booming shall only be allowed offshore in sub-tidal waters in order to maintain unimpeded nearshore migration corridors for juvenile salmonids and to minimize shading impacts from log rafts. Log booming activities include the placement in or removal of logs and log bundles from the water, and the assembly and disassembly of rafts for waterborne transportation.
8. A Debris Management Plan describing the removal and disposal of wood waste must be developed and submitted to the City. Debris monitoring reports shall be provided, where stipulated.
9. Existing in-water log storage and log booming facilities in critical habitats utilized by threatened or endangered species classified under ESA shall be reevaluated if use is discontinued for two (2) years or more, or if substantial repair or reconstruction is required. The evaluation shall include an alternatives analysis in order to determine if logs can be stored upland and out of the water. The alternatives analysis shall include evaluation of the potential for moving all, or portions of, log storage and booming to uplands.
- ~~1. Log rafting and water storage of logs shall be prohibited in all shoreline districts.~~
- ~~2. Log storage shall be limited to upland locations in the "S-10" Port/Industrial shoreline district. Log storage shall be prohibited in all other districts.~~
- ~~3. Accumulations of bark and wood debris on the land and docks around upland storage sites shall be kept out of the water. After cleanup, disposal shall be at an upland site where leachate will not enter surface or ground waters.~~

~~E.C.~~ _____ "S-8" Thea Foss Waterway Shoreline District

1. Water-oriented industrial development shall be permitted on the easterly side of the Waterway, north of the centerline of East 15th Street only.
- ~~1.2.~~ Existing industrial uses may expand, adapt, repair, replace, or otherwise modify, including changes necessitated by technological advancements; provided, however, that the uses may not be expanded beyond property boundaries currently owned, leased, or operated by the industrial user at the time of adoption of this Master Program.

f) ~~Moorage Facilities: Docks, Wharves, Piers, and Floats~~

Moorage facilities refer to piers, docks, buoys, floats (either fixed or floating), to which vessels may be secured.

7.6.1 Policies

- ~~1. Piers, wharves, docks and floats should be designed to minimize interference with public use of the water and shoreline. Whenever possible, the design should enhance public access.~~
- ~~1. Multiple use and expansion of existing facilities is preferred over development of new facilities. New developments should demonstrate public benefit.~~
- ~~1. Mooring facilities should be design and located to protect significant public views and to minimize view impacts from adjacent properties.~~
- ~~1. Piers, wharves, docks, and floats should be constructed so as to not obstruct or impair the navigational use of surface waters.~~
- ~~1. The cooperative use of piers, wharves, docks, and floats is encouraged. Priority should be given to community facilities in all waterfront development where appropriate.~~
- ~~1. Environmental impact, navigational impact, waste disposal, oil and gas spillage, parking availability, and the impact on adjacent lands should be considered in evaluating requests for projects involving the construction of piers, wharves, docks, and floats.~~
- ~~1. Non-commercial structures should be encouraged to be built perpendicular rather than parallel to the shoreline.~~
- ~~1. Open pile structures are encouraged where:
 - ~~a. Shore trolling is important;~~
 - ~~a. There is significant longshore drift;~~
 - ~~a. Scenic values are not impaired;~~
 - ~~a. Damage to marine resources can be minimized; and~~
 - ~~a. Alterations to the existing shoreline are minimized.~~~~
- ~~9. Floating docks are encouraged where:
 - ~~a. Longshore drift is not significant;~~
 - ~~a. They will not interfere with fishing or recreational boating; and~~
 - ~~a. Non-biodegradable materials are used in structures.~~~~
- ~~10. Piers, wharves, docks, and floats should conform to the Washington Department of Fish and Wildlife development criteria.~~

WORKING DRAFT TSMP

~~10. The use of pilings made of materials other than treated wood or creosote should be required.~~

7.6.2 Regulations

A. General Regulations

- ~~1. New piers, wharves, docks, and floats may be permitted only for water dependent uses or public access and shall be restricted to the minimum size necessary to serve a proposed water dependent use.~~
- ~~1. There shall be no net loss of ecological functions as a result of development of moorage facilities and associated recreational opportunities.~~
- ~~1. Extended moorage on waters of the State without a lease or permission is prohibited.~~
- ~~1. Design and construction of all piers, wharves, docks, and floats is required to avoid, minimize, and mitigate for impacts to ecological processes and functions and to be constructed of approved materials.~~
- ~~1. Pilings for newly constructed piers, wharves, docks, and floats shall be of materials other than treated wood. The afore cited prohibition does not apply to fender systems, mooring bollards, dolphins, batter walls or wing walls; nor wood treatments deemed acceptable in the future by State and Federal agencies with expertise. For replacement of more than 50 percent of the pilings in an existing pier, wharf, dock, or float, materials other than treated wood shall be used unless extreme adverse economic or engineering impacts can be demonstrated. The exceptions listed above also apply to this limitation.~~
- ~~1. In water fixed platform structures supported by piles that do not abut the shoreline shall be prohibited.~~
- ~~1. Noncommercial piers, wharves, docks, and floats shall be constructed perpendicular to the shoreline where practicable.~~
- ~~1. Pier, wharf, dock, and float facilities shall be equipped with adequate lifesaving equipment such as life rings, hooks, and ropes.~~
- ~~1. When plastics or other non-degradable materials are used in the construction of piers, wharves, docks, and floats, the materials shall be safely contained.~~
- ~~1. Piers, wharves, docks, and floats shall be constructed so as to avoid or minimize impairment of views from existing uses or structures on neighboring properties.~~
- ~~1. Piers, wharves, docks, and floats shall be constructed so as not to interfere with or impair the navigational use of surface water.~~
- ~~1. When piers, wharves, docks, and floats are removed, the site shall be restored.~~
- ~~1. Piers, wharves, docks, and floats shall be designed and constructed to minimize interference with public use of the water and shoreline. The design of piers, wharves, docks, and floats should enhance public access and shall include access, unless access is incompatible with a water dependent or single family use.~~

WORKING DRAFT TSMP

~~1. As part of any application for shoreline substantial development that involves the construction of piers, wharves, docks, and floats, the applicant shall provide the following:~~

~~a. Environmental and navigational impact, pier density, waste disposal, oil and gas spillage, parking availability, and impact on adjacent lands;~~

~~a. Whether cooperative use is present or may be present in the future;~~

~~a. Whether existing facilities may be used or expanded to be used in preference to the construction of new facilities. New facilities should require a demonstration of public benefit as appropriate;~~

~~a. Whether an open pile or floating structure is the appropriate design.~~

~~B. Moorage Facilities Associated with Residential Uses~~

~~1. Docks associated with single family residences are defined as water dependent uses provided they are designed and intended as a facility for access to watercraft.~~

~~1. If permitted under this Program, no more than one (1) dock/pier and one (1) float and one (1) boat/ski lift may be permitted on a single lot owned for residential use or private recreational use.~~

~~1. The length of docks and piers accessory to residential use/development shall be no greater than that required for safety and practicality for the residential use. The maximum length for residential docks or piers shall be limited to sixty (60) feet as measured horizontally from the ordinary high water mark. The maximum width for residential docks or piers shall be limited to six (6) feet. The Land Use Administrator may approve a different dock or pier length when needed to:~~

~~a. Avoid critical saltwater habitats; or~~

~~a. Reach adequate depths to accommodate watercraft; or~~

~~a. Accommodate shared use.~~

~~4. Docks serving four or fewer single family residences shall be permitted only when a specific need is demonstrated.~~

~~4. New residential developments of more than two dwellings shall provide joint use or community docks, rather than individual docks.~~

~~C. "S 8" Thea Foss Waterway Shoreline District~~

~~1. New marina development may only occur in conjunction with an adjacent upland, non-marina use.~~

~~1. For purposes of marina location, the designated primary or secondary public access/view corridors specified in TSMP section 9.8 are extended into the Waterway on the west side, and are fixed in location. Marinas may not be located in or within 20 feet of these public access/view corridors. Further, marinas are prohibited south of the extension of South 18th Street to the south end of the Waterway. Visitor moorage is permitted, and required public~~

WORKING DRAFT TSMP

~~access features for marinas such as viewing platforms and piers may be located in the public access/view corridors.~~

~~h)7.6~~ **Recreational Development**

Recreational development refers to commercial and public facilities designed and used to provide recreational opportunities to the public. Recreation means the refreshment of body and mind through forms of play, sports, relaxation, or contemplation.

~~7.7.17.6.1~~ **Policies**

A. General Policies

1. Priority should be given to commercial or public recreational development that provides access to and use of the water.
- ~~1.2.~~ The public's right to the use of navigable waters should be strongly protected.
- ~~1.3.~~ Only water-oriented recreational uses should be permitted on the shorelines.
- ~~1.4.~~ Non-water-oriented recreational facilities should be located outside the shoreline area.
- ~~1.5.~~ The City should insure that any recreational use is consistent with the ability of the shoreline to support that use.
- ~~1.6.~~ Recreational uses should achieve no net loss of ecological function.
- ~~1.7.~~ Recreational developments should be located, designed and operated to be compatible with and minimize adverse effects on environmental quality and valuable natural features, as well as on adjacent and surrounding land and water uses.
- ~~1.8.~~ In approving shoreline recreational developments, the City should ensure that the development will preserve, enhance, restore or create desirable shoreline features. Such features include unique and fragile areas, scenic vistas and aesthetic values.
- ~~1.9.~~ Encourage development of marina and boat launch facilities where appropriate, where physical space is available to alleviate unmet needs, and where it can be accommodated with minimal damage to the environment.
- ~~1.10.~~ Public recreation activities such as fishing, clam digging, swimming, boating, wading, and water-related recreation should be permitted provided they do not adversely affect shoreline functions.
- ~~1.11.~~ Shoreline parks and public access points should be linked through a continuous linear route, abutting the shoreline where feasible and appropriate. Preference is given to non-motorized uses such as pedestrian easements along tidelands, hiking paths and bicycle trails.
- ~~1.12.~~ Diversity of recreational uses should be based on the natural features of the shorelines and the preservation of scenic views.

WORKING DRAFT TSMP

~~4-13.~~ Recreational development in commercial projects which promotes multiple use of the shoreline is encouraged.

~~4-14.~~ Additional shoreline recreational lands should be acquired through a variety of means including donations and fee purchase. Acquisition of easements, options and development rights can also provide recreational opportunities.

~~4-15.~~ To avoid wasteful use of the limited supply of recreational shoreline, parking areas should be located inland away from the immediate edge of the water. Access should be provided by walkways or other methods.

~~4-16.~~ Maintain level of service to ensure that all people have access to the shoreline. Overuse of shoreline areas should be addressed by adding shoreline recreational capacity.

B. "S-4" Point Defiance Shoreline District

1. Recreational uses should not require structural modification of the shoreline.

C. "S-8" Thea Foss Shoreline District

1. Recreational boat building and restoration activities associated with maritime organizations (such as, but not limited to, the Sea Scouts and Maritime Center) are encouraged.

~~4-1.~~ Public attractions on the Thea Foss Waterway should give preference to those which are water-oriented or relate to the Waterway's maritime history.

7.7.27.6.2 Regulations

A. General Regulations

1. Recreational development shall achieve no net loss of ecological processes and functions and should be designed to be compatible with surrounding properties.

~~4-2.~~ Proposals for recreational developments which would substantially alter the natural characteristics of the shoreline shall be considered a conditional use.

~~4-3.~~ Any recreational building or structure, excluding piers or docks or floats, proposed to be built over water, shall be considered a conditional use.

~~4-4.~~ Non-water-oriented recreational development shall be located outside the shoreline jurisdiction.

~~4-5.~~ Recreational development shall be designed and constructed so as to not unnecessarily interfere with public use of shorelines.

~~4-6.~~ Recreational uses and improvements shall include public access to shorelines.

~~4-7.~~ Proposals for recreational development shall be found to not have an adverse effect on industrial deep water terminal operations and facilities.

~~4-8.~~ Accretional beaches shall be retained in their natural state for water-dependent uses such as swimming, clamming, and beachcombing.

WORKING DRAFT TSMP

~~4.9.~~ Underwater parks and artificial reefs established in cooperation with State agencies shall include safety provisions to warn boating traffic of their location and shall not include materials toxic or otherwise hazardous to persons, fish, or wildlife.

~~4.10.~~ Accesses for boats shall allow safe and convenient passage to the public water, dictated by the class of boats using the access; the public's right to use navigable waters shall be protected.

~~4.11.~~ Where public access has been unlawfully appropriated to private use, or otherwise unlawfully denied to the public, such prohibition shall be abated, and the area made accessible to the public.

~~4.12.~~ Trails shall be permitted, where they will not cause erosion or landslides, and will not result in a net loss of ecological functions. Trails in the marine buffer may be permitted consistent with TSMP Section 6.4.3.

B. "S-2" Western Slope Central Shoreline District

1. In the Hidden Beach Rocky Point area, the only recreational use permitted which requires structural modification of the shoreline shall be the construction and maintenance of walkways, trails and adjacent seating.

C. "S-4" Point Defiance Shoreline District

1. Recreational uses shall not require structural modification of the shoreline.

~~7.7~~ Residential Development

Residential development regulations apply to the development of single-family residences, including appurtenant structures and uses; multifamily development; and the creation of new residential lots through land division.

~~7.8.17.7.1~~ Policies

A. General Policies

1. Single family residences should be identified as a priority use only when developed in a manner consistent with control of pollution and with prevention of damage to the natural environment.

~~4.2.~~ Development of residential units should result in no net loss of ecological function.

~~4.3.~~ Any residential development along the shoreline should be set back from steep slopes and eroding shoreline areas so that the shoreline is not further eroded and structural improvements are not required to protect property.

~~4.4.~~ Residential development should be designed to minimize the amount of impervious area and should utilize Low Impact Development techniques to the greatest extent practicable (e.g., permeable pavers, stormwater infiltration and filtration).

WORKING DRAFT TSMP

- 4.5. In cases where either large tracts are subdivided into single-family residential parcels or where contiguous individual building sites are developed for single-family residences, community access areas and one joint-use dock should be developed for the use of residents of the subject subdivision.
- 4.6. Residential development should be designed at a level of density that is compatible with the adjoining uses and the physical capabilities of the shoreline and water.
- 4.7. Multiple-family residential development of more than four (4) units, should be required to provide public pedestrian access to and along the waterfront within the project where appropriate.
- 4.8. Residential developments should be designed to adequately protect the water and shoreline aesthetics.
- 4.9. New residential development overwater and floating homes should be prohibited.
- 4.10. Residential proposals should be required to provide plans that ensure the preservation of existing native vegetation and the control of erosion, to the greatest extent possible.
- 4.11. Sewage disposal, water supply and storm drainage facilities should be provided in full compliance with City and State health regulations.
- 4.12. In mixed-use development with a residential component, residential units should occupy the upper floors of structures and ground floors should be occupied by water-oriented uses.
- 4.13. Parking for residential development should be located on uplands or on the street/landward side of the building.

B. "S-8" Thea Foss Waterway Shoreline District

1. Residential uses should promote a variety of housing types, including live/work arrangements.

7.8-27.7.2 Regulations

A. General Regulations

1. Residential development shall achieve no net loss of ecological function.
- 4.2. Single family residences shall be permitted only when developed in a manner consistent with control of pollution and with prevention of damage to the natural environment.
- 4.3. Residential development over water, including garages, accessory buildings, houseboats, and floating homes, are prohibited.
- 4.4. Mobile homes shall not be permitted within the shoreline.
5. New multifamily residential uses and development is prohibited unless they meet one of the following criteria:

WORKING DRAFT TSMP

- a. The use is part of a mixed-use project or facility that supports water-oriented uses and provides a significant public benefit with respect to the public access and restoration goals of this Program;
 - b. Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the public access and restoration goals of this Program;
 - c. The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way, or existing use, and provides a significant public benefit with respect to the public access and restoration goals of this Program. For the purposes of this Program, public access trails and facilities do not constitute a separation.
- ~~4.6.~~ Residential uses shall not be permitted on the ground floor of mixed-use structures.
- ~~4.7.~~ Outdoor parking areas shall be located on the street/landward side of residential units.
- ~~4.8.~~ Public access to and from the water's edge shall be included in multiple-family developments of four or more dwelling units.
- ~~4.9.~~ Residential development shall be designed, located and developed to avoid the need for future stabilization.
- ~~4.10.~~ Sewage disposal, water supply and storm drainage facilities shall be provided in full compliance with City and State health regulations.
- ~~4.11.~~ New (subdivided) lots shall be designed, configured, and developed to:
- a. Prevent the loss of ecological functions at full build-out of all lots; and
 - ~~a.b.~~ Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.
- B. "S-3" Western Slope North Shoreline District
1. Due to the historic nature of the Salmon Beach residential community, any residential structure existing at the time of the adoption of this Program may be rebuilt in accordance with the Non-Conforming Use and Development regulations in 2.6.
 - ~~4.2.~~ Structures, including accessory buildings, shall not be permitted on the steep slope area to the east. The existing stairways and trail systems which provide access from the two off-street parking areas serving Salmon Beach shall be permitted within the steep slope area.
- C. "S-8" Thea Foss Waterway Shoreline District
1. Residential development shall be permitted in upland locations on the west side of the waterway and on the east side only, south of the East 11th Street right of way, and shall be designed for multiple-family development only, excluding duplex and/or triplex development.
- D. "S-11" Marine View Drive Shoreline District

WORKING DRAFT TSMP

1. New single family and multi-family residential development is permitted only in that area north of the property line of 5410 Marine View Drive.

~~7.8~~ Signs

The following sign regulations apply to any device, flag, light, figure, picture, letter, work, message, symbol, plaque, poster or building face that is visible from outside the lot on which it is located and that is designed to inform or attract the attention of the public through visual communication.

~~7.9.17.8.1~~ Policies

1. Signs in the shoreline should be designed and placed in a manner that will not interfere with the public's ability to access the shoreline, will minimize light impacts to the nearshore area, and will achieve no net loss of shoreline ecological functions.
- ~~1.2.~~ Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the design, placement, or lack of maintenance of signs.
- ~~1.3.~~ When feasible, signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

~~7.9.27.8.2~~ Regulations

1. Signs in the shoreline shall be designed and placed in a manner that:
 - a. does not interfere with the public's ability to access the shoreline;
 - b. does not interfere or degrade the public's ability to view the shoreline from view corridors, vistas and viewpoints;
 - c. minimizes light impacts to the nearshore area; and
 - d. will not result in a net loss of shoreline ecological functions.
- ~~1.2.~~ Signs located within a Shoreline District are subject to the standards and regulations included in TMC 13.06. Variances to the sign provisions of Sections 13.06.520, 13.06.521, and 13.06.522 shall be granted according to the criteria listed in TMC 13.06.645.B.5.
- ~~2.~~ In addition to the provisions of this Program, signs in the shoreline shall comply with the sign regulations and standards in TMC 13.06.
- ~~1.~~ Signs for industrial and commercial water-oriented uses having both land and water access may have one sign facing landward and one facing seaward.
- ~~1.~~ Signs required for safety and security, customarily incidental to the use of the property (e.g., marina dock rules and regulation signs and bulletin boards) shall be permitted.
- ~~1.~~ Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses. No external bare bulb illumination of signs shall be permitted, except that neon signs shall be permitted in the "S-8" Shoreline

WORKING DRAFT TSMP

~~District. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be permitted.~~

- ~~1. Plans for signs shall be submitted for review and approval at the time of Shoreline Permit Approval. Signs proposed to be added to developments subsequent to permit approval or to a preexisting use, shall be reviewed and approved by the Land Use Administrator to ensure conformance with TSMP section 6.7. Appeal of any ruling by the Land Use Administrator on a sign shall be carried out under the procedures specified in Chapter 2 of this Program.~~
- ~~1. The Land Use Administrator may waive or modify the sign standards contained in this Program or TMC 13.06.521 where a finding is made that such waiver(s) would be consistent with the provisions of this Program. Applications for waivers shall be processed in accordance with the provisions of Chapter 13.05.~~

k)7.9 Parking

The following parking regulations apply to parking, which is the principal use on a property, as well as accessory parking, which is accessory to an approved use and directly serves that use.

7.10.17.9.1 Policies

1. Parking as a primary use (stand-alone use) within the shoreline jurisdiction should be prohibited.
- ~~1.2.~~ Parking should not be permitted between the development and the adjacent water body.
- ~~1.3.~~ Parking for permitted uses should be in a structure.
- ~~1.4.~~ Visual impacts of surface parking facilities should be effectively mitigated. Parking for permitted uses within the shoreline jurisdiction (but not including parking that is underground) should be minimized and screened from adjacent public access and buffer areas.
- ~~1.5.~~ Where surface parking is developed within the shoreline jurisdiction, Low Impact Development techniques should be implemented.
- ~~1.6.~~ Lighting for parking areas should be oriented away from nearshore areas and sensitive habitat sites to minimize impacts on the nearshore environment, except where needed to promote public safety and CPTED considerations.
- ~~1.7.~~ Loading and unloading zones, especially those inherent to a permitted use, parking for ADA and public parking on improved public rights-of-way, should be allowed when within shoreline jurisdiction.

7.10.27.9.2 Regulations

1. Parking as a primary or stand-alone use is prohibited.
- ~~1.2.~~ Parking shall not be located within a required ~~shoreline or~~ critical area and/or ~~its marine buffers~~ except when the parking is integral to a water-oriented use or when the parking is within or beneath a permitted use.

WORKING DRAFT TSMP

- ~~4.3.~~ Parking is not required, but when parking is provided, it should be provided in accordance with the development regulations in TMC 13.06 unless otherwise specified in this Chapter. Requirements shall be a condition of a Shoreline Management Substantial Development Permit when not specifically set forth in TMC 13.06.
- ~~4.4.~~ Parking for a permitted use or activity shall not be permitted between the development and the adjacent shoreline ~~with the exception of parking that is required for water dependent uses.~~
- ~~4.5.~~ Loading and unloading zones that are an inherent element of a water-dependent or a water-related use are permitted between the shoreline and the use area when it is adjacent to the shoreline but, when feasible, should not be within or adjacent to a required buffer.
- ~~4.6.~~ Where parking areas are located adjacent to a required buffer the parking area shall be setback from the required buffer an additional 15 feet for installation of landscape screening.
- ~~4.7.~~ Parking areas shall be landscaped in accordance with the standards in TMC 13.06.
- ~~4.8.~~ Required landscaping, as specified in 7 above, shall include a mix of native trees and shrubs that effectively screen headlights from vehicles to the abutting buffer area. Gaps in screening are permitted to allow access to viewing areas or public areas where applicable.
- ~~4.9.~~ When surface parking areas for permitted uses are designed and constructed, they shall achieve the following objectives:
- a. A safe and signed pedestrian entry point to an established or proposed shoreline trail / walkway or viewing area for physical and visual access to the shoreline;
 - ~~a.b.~~ Implementation of Low Impact Development techniques for stormwater management and provide for the disposal of any increased surface runoff without damage to surrounding waters, wetlands, or waterfront areas;
 - ~~a.c.~~ Locate as far from a required shoreline or critical area buffer as possible.
10. Public parking on public street ends that are within shorelines but outside of required buffers is permitted.
- ~~10.11.~~ For developments which include public access features, one parking space for each 20 parking spaces provided shall be set aside and appropriately marked for public access use only, except as specified in Section 6.5.2(D)-4 for the western side of Thea Foss Waterway.
- ~~10.12.~~ Parking areas for public water access areas shall be connected to the water by access paths.
- ~~10.~~ When trailer spaces are provided for launch ramps and marinas, the spaces shall be at least 10 feet by 40 feet.

7.10 Transportation

The following transportation regulations apply to transportation facilities that include roads and railways, related bridges and culverts, fills, embankments, causeways, and bus and truck terminals. Off-street bicycle or recreational trails are not included.

7.11-17.10.1 Policies

A. General Policies

1. New roadways, arterials, and railways, including expansions of these systems, should be designed and located to assure no net loss of shoreline ecological functions.
- ~~1.2.~~ New roadways, arterials, and railways, including expansions or reconstruction of these systems, should be designed to accommodate transit, bicycle and pedestrian transportation facilities consistent with the Complete Streets Design Guidelines and the Non-Motorized Transportation Element of the Comprehensive Plan.
- ~~1.3.~~ Only under exceptional circumstances should major highways, freeways and railways be located near shorelines, except in port and heavy industrial areas, so that existing shoreline roads may be reserved for slow moving recreational traffic.
- ~~1.4.~~ Maximize the capacity of existing roadways to minimize the need for new streets and arterials.
- ~~1.5.~~ Location and design of new roadways including arterials should not compromise existing and planned shoreline public access and existing and planned habitat restoration and enhancement.
- ~~1.6.~~ New roadways, especially arterials, should be designed to be the minimum length necessary to serve a circulation function for vehicular modes of travel.
- ~~1.7.~~ When it is required for new roadways including arterials to be located within a critical area and/or critical area, ~~buffer,~~ or marine buffer, the absolute minimum necessary amount of improved right-of-way should be developed.
- ~~1.8.~~ New roadways including access roads and driveways associated with a permitted use should be the minimum necessary to serve the required access function.
9. New roadways including arterials should be designed and constructed to implement a range of available Low Impact Development techniques.
- ~~9.10.~~ High Intensity shorelines and shorelines having water-enjoyment uses or recreation activities should be adequately served by public transportation. Public transportation facilities may include:
 - a. Streetcars
 - ~~a.b.~~ Inter- and intra-city commuter water transportation and ferry service
 - ~~a.c.~~ Transient moorage
 - ~~a.d.~~ Non-motorized transportation facilities
 - ~~a.e.~~ Public transit
- ~~10.11.~~ Pedestrian overpasses should be built where access to the shoreline has been or could be cut off by transportation facilities.

WORKING DRAFT TSMP

~~40.12.~~ Transportation facilities should be designed and located to avoid air and noise impacts to the shoreline environment and adjacent residential and recreational areas.

~~40.13.~~ Transient moorage is encouraged at marinas where feasible.

~~40.14.~~ New ferry service that utilizes existing moorage facilities should be permitted.

~~40.15.~~ Transportation modes that are pollution free should be encouraged.

B. "S-8" Thea Foss Shoreline District

1. Pursue the development of an integrated Thea Foss Waterway transportation system that features pedestrian and bicycle pathways, passenger ferries, vehicular, and transit connections.

~~4.2.~~ The Thea Foss Waterway area should be well connected with neighboring districts, especially the downtown, Ruston Way, and Tacoma Dome areas.

~~4.3.~~ Encourage improved transportation linkages between Downtown and the Foss Peninsula.

~~4.4.~~ Transportation improvements or expansions should remain within the existing rights-of-way with the exception of the SR-509 ramps.

~~4.5.~~ The streetscape encircling the Waterway should provide for comfortable pedestrian circulation and bicycle transportation.

~~4.6.~~ East D Street should be designed and reconstructed as a transition between the mixed-use shoreline zoning and the industrial zoning east of East D Street and to achieve functional separation of industrial and nonindustrial traffic where feasible.

~~4.7.~~ Existing access points directly to Dock Street and on adjacent streets should be improved to reduce traffic obstructions from railroad crossings and future congestion.

~~4.8.~~ Expansion of railroad right-of-way should not be permitted.

7.11.27.10.2 Regulations

A. General Regulations

1. Proposed transportation facilities are required to be planned, located, and designed in such a manner that routes will have the least possible adverse effect on unique or fragile shoreline features and will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses and public access.

~~4.2.~~ Transportation system plans shall include pedestrian, bicycle, and public transportation facilities and be consistent with the Complete Streets Design Guidelines and the Non-Motorized Transportation Element of the Comprehensive Plan where applicable.

~~4.3.~~ Where proposed transportation facilities will cut off access to the shoreline, pedestrian overpasses shall be built to provide access.

WORKING DRAFT TSMP

- ~~4.4.~~ Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading and alteration of topography and natural features. Roadway and driveway alignment shall follow the natural contours of the site and minimize width to the maximum extent feasible. Elevated walkways should be utilized to cross wetlands.
- ~~4.5.~~ Any new railroad construction shall be a conditional use except extensions of existing railroad spurs on private property.
- ~~4.6.~~ New roadways including arterials shall be designed and constructed to implement a range of available Low Impact Development techniques.
- 7. When it is required for new roadways including arterials to be located within a critical area and/or its required buffer, the absolute minimum necessary amount of improved right-of-way shall be developed.
- ~~4.8.~~ When they are necessary, crossings shall co-locate using existing crossings where feasible. New crossings shall be by the most direct route possible.
- ~~4.9.~~ New roadways including arterials shall be designed and constructed to enhance physical and visual access to the shoreline.
- ~~4.10.~~ Roads and railroads along public shoreline areas shall provide for safe pedestrian and bicycle circulation through the shoreline area. Pedestrian circulation shall be provided to the shoreline unless the access meets the criteria in 6.5.2(A)(7).

B. "S-6" Ruston Way Shoreline District

- 1. Roadways shall be limited to one moving lane in each direction. Further construction shall be limited to the repair, maintenance, and improvement of existing thoroughfares and shall not include any new facilities dedicated solely to SOV-oriented automobile travel. None of the existing 100-foot Ruston Way right-of-way shall be vacated.
- ~~4.2.~~ New HOV and transit-oriented infrastructure including rail lines for streetcars and light rail shall be permitted provided their development is consistent with all other provisions of this Program.

C. "S-7" Schuster Parkway and "S-15" Point Ruston/Slag Peninsula

- 1. Further construction shall be limited to the repair, maintenance, and improvement of existing thoroughfares and shall not include any new facilities dedicated solely to SOV-oriented automobile travel. None of the existing Ruston Way right-of-way shall be vacated.
- ~~4.2.~~ New HOV and transit-oriented infrastructure including rail lines for streetcars and light rail shall be permitted provided their development is consistent with all other provisions of this Program.

D. "S-8" Thea Foss Shoreline District

- 1. Transportation improvements or expansions shall remain within the existing rights-of-way with the exception of the SR-509 ramps.

WORKING DRAFT TSMP

- 4.2. The streetscape encircling the Waterway shall provide adequate facilities for pedestrian circulation and bicycle transportation.
- 4.3. Expansion of railroad right-of-way shall not be permitted.
- 4.4. Dock Street shall be limited to one moving lane in each direction. Further construction shall be limited to the repair, maintenance, and improvement of existing thoroughfares and shall not include any new facilities, but may include center turn lanes and other turning lanes. New transit infrastructure including rail lines for streetcars and light rail shall be permitted provided their development is consistent with all other provisions of this Program.
- 4.5. Street improvements shall be consistent with the unifying design elements in the Thea Foss Waterway Design Guidelines and Standards.

m)7.11 _____ Solid Waste Disposal

Solid waste refers to all solid and semi-solid wastes, except wastes identified in WAC 173-304-015, including, but not limited to, junk vehicles, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities, but excluding agricultural wastes and crop residues returned to the soil at agronomic rates. This includes all liquid, solid and semi-solid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. Unrecovered residues from recycling operations shall be considered solid waste

7.12.17.11.1 Policies

1. Shoreline areas should not be disposal sites for solid waste; however, disposal of hazardous substances and other materials should be permitted if in conjunction with an environmental cleanup in accordance with state and federal regulations.
- 4.2. All developments, public and private, should provide for an adequate means for disposal of solid waste and should comply with existing City regulations concerning the handling of solid waste.
- 4.3. All shoreline areas should be kept litter-free. Private shoreline owners should be encouraged to maintain litter-free beaches.
- 4.4. Recycling of solid waste now existing or generated within shoreline areas should be encouraged.
- 4.5. Where solid waste disposal sites are presently located in shoreline areas, the site should be rehabilitated to control leaching of contaminants.
- 4.6. The use of biodegradable products should be encouraged to minimize pollution from boat cleaning and from grey water.

7.12.27.11.2 Regulations

1. Permanent treatment and/or storage facilities for solid waste shall be prohibited in the shorelines. All garbage shall be deposited in trash or recycling receptacles. The handling of all solid waste in the shoreline shall conform to the provisions of TMC 12.09.
- ~~1.2.~~ Disposal of hazardous substances or other materials generated, treated, or disposed of in conjunction with an environmental cleanup is permitted if in accordance with State and Federal regulations.
- ~~1.3.~~ No person shall throw, discharge, or deposit from any vessel or the shore, pier, wharf, dock, float, or otherwise, any refuse matter of any kind whatsoever into or upon the waters or land area of Tacoma or Puget Sound, in accordance with local refuse disposal requirements.
- ~~1.4.~~ No person shall dump or discharge oil, spirits, inflammable liquid, or contaminated bilge water into or upon the waters or land areas of Tacoma or Puget Sound.

n)7.12 Utilities

The regulations of this section apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

7.13.17.12.1 Policies

1. Design, location and maintenance of utilities is required to assure no net loss of ecological functions.
2. Utilities are required to be located in existing rights-of-ways whenever possible.
- ~~1.3.~~ Utilities for the delivery of services and products such as but not limited to public sewer, water and storm mains and services, pipelines, power and transmission facilities ~~should be~~ required to be located outside of shoreline jurisdiction unless no other feasible option exists. ~~s, critical areas and their associated buffers unless intended specifically for a permitted use.~~
4. Prohibit utilities in wetlands and other critical areas unless no other practicable alternative exists.
5. Ensure that whenever utilities must be placed in a shoreline area, the location is chosen to:
 - a. ~~Utilities should be located to~~ Meet the needs of future populations in areas planned to accommodate ~~planned~~ this growth. Utilize existing transportation and utility sites, rights-of-ways and corridors, whenever possible.
 - b. Joint use of rights-of-way and corridors should be encouraged. Preserve scenic views and aesthetic qualities of the shoreline area.
 - c. Be located such that shoreline armoring and defense works will not be required for the life of the project.

WORKING DRAFT TSMP

- a.d. Non-water-oriented parts of wastewater treatment, water reclamation, desalinization, and power plant facilities shall be located outside shoreline jurisdiction unless it can be demonstrated that no other feasible option is available.
- ~~2. Whenever feasible, utilities should be co-located within existing right-of-way corridors.~~
- ~~4.6. Utilities within shorelines should be under-grounded.~~
- ~~4.7. Upon completion of utility installation/maintenance projects on shorelines, banks should be restored to pre-project configuration, replanted and provided maintenance care until the newly planted vegetation is established. Plantings should be native species and/or be similar to vegetation in the surrounding area.~~
- ~~8. When reasonably feasible, the co-location of new public and private utility distribution facilities should be promoted in shared trenches and overhead rights-of-way. The timing of construction should be coordinated to minimize construction related disruptions to the public and reduce the cost to the public utility delivery.~~
- ~~5.9. Placement of utilities in shoreline areas should be planned and designed to avoid degradation of the shorelines and shoreline views during and after installation.~~

7.13.27.12.2 Regulations

A. General Regulations

- 1. Utility development shall, through coordination with local government agencies, provide for compatible, multiple uses of sites and rights-of-way.
- 2. Utilities shall be designed and installed to meet future needs when possible.
- ~~4.3. Wireless communication facilities shall comply with City of Tacoma Municipal Code 13.06.545. The design, location, and maintenance of utilities shall be undertaken in such a manner as to assure no net loss of ecological functions; collocation is encouraged.~~
- ~~1. Utilities shall be located within roadway and driveway corridors and right-of-ways wherever feasible.~~
- ~~1. Utility production and processing facilities and transmission facilities shall be located outside of shoreline jurisdiction unless no other feasible option exists.~~
- ~~1. Utilities shall be installed in such a manner that all banks are restored to a stable condition, replanted, and provided maintenance care until the newly planted vegetation is established. Plantings shall be native species or be similar to vegetation in the surrounding area.~~
- ~~1. Construction of new storm drains or other outfalls into water bodies and improvements to existing facilities shall be accomplished to meet all applicable standards of water quality.~~
- ~~1. Public access along utility rights-of-way shall be provided where possible. This shall not include access underneath overhead transmission lines, which shall not be permitted.~~

WORKING DRAFT TSMP

- ~~1. New distribution lines or extension of existing distribution lines shall only be permitted underground, except where the applicant can demonstrate that, due to economic, technical, environmental, or safety considerations, placing utilities underground is infeasible.~~
- ~~1. Outfalls shall be located and constructed in accordance with regulations of the Washington Department of Ecology, the U.S. Environmental Protection Agency and any other agency having regulatory jurisdiction.~~

B. Uses

1. The following new major utility facilities may be permitted in shoreline jurisdiction if it can be shown that no practicable alternative exists outside of shoreline jurisdiction.
 - a. Electrical energy generating plants, substations, and transmission lines;
 - b. Sanitary sewer outfalls;
 - c. Sewage system mains, interceptors, pump stations, and treatment plants; Storm drainage mains and regional outfalls;
 - d. Submarine telecommunications cables; and Water lines and water system treatment plants.
2. Upgrades to existing major utilities are permitted.
3. Minor utilities are allowed as a permitted use, provided that within the Natural Designation, it has been determined that no other feasible alternative exists.

C. Location

1. New distribution lines or extension of existing distribution lines shall only be permitted underground, unless otherwise specified, or, ~~except~~ where the applicant can demonstrate that, due to economic, technical, environmental, or safety considerations, placing utilities underground is infeasible.
 2. Above ground utilities are permitted in the S-3, S-9, S-10, and S-11 shoreline district.
 3. Utility production and processing facilities and transmission facilities shall be located outside of shoreline jurisdiction unless no other feasible option exists.
 4. Utilities shall be located within roadway and driveway corridors and right-of-ways wherever feasible. Joint use of rights-of-way and corridors is encouraged.
- ~~B. Sewage treatment, water reclamation, desalinization, and power plants shall be located to minimize interference with adjacent uses of the water and shorelands.~~

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D. Environmental Protection

WORKING DRAFT TSMP

1. The design, location, and maintenance of utilities shall be undertaken in such a manner as to assure no net loss of ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses.
2. Utilities shall be installed in such a manner that all banks are restored to a stable condition, replanted, and provided maintenance care until the newly planted vegetation is established. Plantings shall be native species or be similar to vegetation in the surrounding area.
3. Construction of new storm drains or other outfalls into water bodies and improvements to existing facilities shall be accomplished to meet all applicable standards of water quality.
4. Outfalls shall be located and constructed in accordance with regulations of the Washington Department of Ecology, the U.S. Environmental Protection Agency and any other agency having regulatory jurisdiction.
5. To protect the aesthetic qualities of the shoreline, new utility lines including electricity, communications, and fuel lines shall be located underground, unless otherwise specified, or ~~except~~ where the applicant can demonstrate that, due to economic, technical, environmental, or safety considerations, placing utilities underground is infeasible.
6. When they are necessary, stream crossings for utilities shall co-locate using existing crossings where feasible. New crossings shall be by the most direct route possible.
7. Underground utility crossings shall use the least impacting installation methods to the extent feasible.
8. Underground utility installation in high groundwater area shall avoid alteration of groundwater patterns to the extent feasible.
9. Utility developments shall be located and designed so as to avoid, to the extent practicable, the need for any structural or artificial shoreline modification works for the life of the project.:
10. Major utilities should be avoided in floodplains to the greatest extent practicable; if necessary, flood protection structures shall not increase flood hazards in other areas along the waterbody.
11. Installation of utilities shall assure the prevention of siltation or beach erosion.
12. Undergrounding of utilities across a water body shall comply with all applicable local, state, and federal agency regulations and requirements; a shoreline permit is required.

E. Public Access

1. When feasible, utility development shall include public access to the shorelines, trail systems, and other forms of recreation, provided such uses will not unduly interfere with utility operations, or endanger the public health, safety and welfare.
2. When feasible, utilities within the shoreline area shall be placed underground and utility corridors shall be used for shoreline access.

WORKING DRAFT TSMP

B.F. _____ “S-11” Marine View Drive Shoreline District

1. Open channels shall be used where feasible for discharge from existing springs to the salt water.

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6)CHAPTER 8 SHORELINE MODIFICATION POLICIES AND REGULATIONS

a)8.1 General Shoreline Modification Policies

- ~~2~~.1. Shoreline modification activities should protect or restore ecological processes and functions and minimize alterations of the natural shoreline, currents, and movement of sand and water circulation to avoid adverse effects on nearby shorelines.
- ~~1~~.2. Shoreline modification activities should not degrade water quality; and best management practices should be employed to prevent recontamination of shoreline areas.
- ~~1~~.3. Shoreline modifications should be constructed in such a way as to minimize damage to fish and shellfish resources and habitats; minimize damage to wildlife propagation and movement; and to conform to Washington Department of Fish and Wildlife design criteria.
- ~~1~~.4. New development siting and design should be conducted in such a manner that the need for continued shoreline modification activities such as dredging or channelization, to maintain the use is unnecessary.
- ~~1~~.5. Proposals for shoreline modification activities and associated uses should demonstrate that the construction and subsequent operation will not be detrimental to the public interest and uses of the shoreline and water body, including navigation and recreation.
- ~~1~~.6. Shoreline modification activities should demonstrate that impacts have been avoided, minimized and mitigated.
- ~~1~~.7. Shoreline modifications and associated uses should consider multiple use opportunities to enhance public access, use and enjoyment of the shoreline and water body where appropriate.

b)8.2 Shoreline Stabilization, Bulkheads, Breakwaters, Jetties, Groins, Weirs, Flood Control Works and In-Stream Structures

3.248.2.1 Policies

1. Non-structural or soft-shore bank stabilization techniques are preferred over structural shoreline stabilization, such as bulkheads, seawalls, and breakwaters.
- ~~1~~.2. Structural stabilization devices are discouraged in designated urban conservancy environments and should not be permitted in natural environments.
- ~~1~~.3. Structural stabilization devices should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline.
- ~~1~~.4. The construction of structural stabilization devices should be permitted only where there is a demonstrated need to protect upland areas or facilities, not for the purpose of creating land by filling.
- ~~1~~.5. Structural stabilization devices may be permitted for water-dependent uses in committed port, terminal and industrial waterways or where such construction can be integrated with the

WORKING DRAFT TSMP

existing shoreline in such a way that they will substantially preclude any resultant damage to marine resources or adverse effects on adjacent properties.

- ~~4.6.~~ Where flood protection measures such as dikes are planned, they should be placed landward of the stream-way, including associated wetlands directly interrelated and interdependent with the stream proper.

3.24-28.2.2 Regulations

A. Regulations – Stabilization

1. Shoreline stabilization shall be designed, located, and mitigated to achieve no net loss of ecological functions.
- ~~4.2.~~ Shoreline stabilization shall be permitted only where appropriate to the specific type of shoreline and environmental conditions for which it is proposed.
- ~~4.3.~~ All shoreline stabilization measures shall be constructed to minimize damage to fish and shellfish habitat, and shall conform to the requirements of the Washington Department of Fish and Wildlife Hydraulics Code.
- ~~4.4.~~ New development, including newly created parcels, shall be designed and located so as to prevent the need for future shoreline stabilization.
- ~~4.5.~~ New development that would require shoreline stabilization which is likely to cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited.
- ~~4.6.~~ Shoreline stabilization structures shall not be permitted for the direct or indirect purpose of creating land by filling behind the structure.
- ~~4.7.~~ New structural shoreline armoring may be permitted and existing structural shoreline armoring may be expanded as a conditional use when one or more of the following apply:
 - a. When necessary to support a project whose primary purpose is enhancing or restoring ecological functions;
 - ~~a.b.~~ As part of an effort to remediate hazardous substances pursuant to RCW 70.105;
 - ~~a.c.~~ When necessary to protect public transportation infrastructure or essential public facilities and other options are infeasible;
 - ~~a.d.~~ When necessary to protect a water-oriented use or an existing, lawfully established, primary structure, including a residence that is in imminent danger of loss or substantial damage from erosion caused by tidal action, currents, or waves;
- ~~8.~~ ~~New structural shoreline armoring for water dependent uses shall be permitted without a conditional use permit or shoreline variance when the requirements listed in TSMP section 8.2.2(7)(a) through (d) are met.~~
- ~~9.8.~~ Proposals for new, expanded, or replacement structural shoreline armoring permitted under this Program shall clearly demonstrate all of the following:

WORKING DRAFT TSMP

- a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
 - ~~a.b.~~ Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
 - ~~a.c.~~ The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves;
 - ~~a.d.~~ The erosion control structure will not result in a net loss of shoreline ecological functions.
- ~~10.9.~~ When evaluating the need for new, expanded, or replacement structural shoreline armoring, the Land Use Administrator shall require the applicant to examine and implement alternatives to structural shoreline armoring in the following order of preference:
- a. No action (allow the shoreline to retreat naturally);
 - ~~a.b.~~ Increased building setbacks and/or relocated structures;
 - ~~a.c.~~ Use of flexible/natural materials and methods, vegetation, beach nourishment, protective berms or bioengineered shoreline stabilization.
- ~~11.10.~~ The City shall require applicants for new, expanded, or replacement structural shoreline armoring to provide credible evidence of erosion as the basis for documenting that the primary structure is in imminent danger from shoreline erosion caused by tidal action, currents, or waves. The evidence shall:
- a. Demonstrate that the erosion is not due to landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope; and
 - ~~a.b.~~ Include an assessment of on-site drainage and vegetation characteristics and their effects on slope stability.
- ~~12.11.~~ Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there is an overriding safety or environmental concern. In such cases, the replacement structure shall abut the existing stabilization structure.
- ~~13.12.~~ Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.
- ~~12.13.~~ Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the

WORKING DRAFT TSMP

opportunity to use measures that avoid impacts on ecological functions. All geotechnical reports shall also identify any potential impacts to downstream structures.

~~12.14.~~ Shoreline stabilization structures shall be limited to the minimum size necessary.

~~12.15.~~ Public access, consistent with TSMP 6.5.2, is required, where feasible, as part of to be an integral part of any shoreline stabilization construction or replacement project on public land or control measures that using involve public financing funds.

~~12.16.~~ In permitting shoreline stabilization structures on public lands, factors to be considered shall include: possible damage to marine life, reduction of beach surface area, reduction in hours of beach accessibility on tidal waters, reduction of navigable water surface, and limitation of points of access to the beach.

~~12.~~ When a shoreline stabilization structure is constructed or replaced on public lands and where a beach is present, physical access to the beach shall be provided.

~~12.17.~~ Impacts to sediment conveyance systems shall be avoided or minimized.

~~12.18.~~ Bulkheads shall be constructed of concrete, wood, rock, riprap, or other suitable materials. The design and construction of such bulkheads shall, to the maximum extent feasible, preserve the natural characteristics of the shoreline, including beaches, and shall take into account habitat protection and aesthetics, including consideration of Washington Department of Fish and Wildlife criteria.

B. Regulations - Breakwaters, Jetties, Groins, and Weirs

1. Floating breakwaters shall be used in place of fixed types, where they can withstand extensive wave action, in order to maintain sediment movement, fish habitat, and water circulation. Fixed breakwaters shall be permitted only where design can maintain desired movement of sediment and circulation of water.

~~1.2.~~ Breakwaters, jetties, groins, and weirs waterward of the OHWM are permitted only for water-dependent uses, public access, shoreline stabilization, or other specific public purpose; protection of critical areas and appropriate mitigation is required.

~~1.3.~~ A shoreline conditional use permit is required for all breakwaters, jetties, groins and weirs.

~~1.4.~~ The construction of breakwaters, jetties, groins and weirs shall be permitted only in cases where overall public benefit can be demonstrated.

~~1.5.~~ Breakwaters and jetties shall incorporate public access to the maximum extent feasible.

~~1.6.~~ Construction of breakwaters, jetties and groins shall not create significant interference with the public use of the water surface.

~~1.7.~~ The effect on sediment movement shall be a primary consideration in the evaluation of proposed jetties or groins. Provision shall be made to minimize potential adverse effects on natural systems caused by jetties or groins, and costs of mitigating damages which do occur shall be borne by the project applicant.

~~4.8.~~ Consideration shall be given to the effect which jetties and groins will have on wildlife propagation and movement, particularly with reference to the out migration of juvenile salmonids from the Puyallup River and Hylebos Creek systems, and to a design of these structures which will not detract from the aesthetic quality of the shoreline.

~~4.9.~~ Public access for sightseeing and public fishing shall be considered in jetty and groin design wherever such access would not interfere with the public safety.

C. Regulations - Flood Control Works and In-stream Structures

1. New in-stream structures shall protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including fish and fish passage, wildlife and water resources, shoreline critical areas, hydrological processes, and natural scenic vistas.

~~4.2.~~ The following regulations shall be applied to proposed flood control and in-stream structures:

a. Materials used for bank stabilization shall consist of concrete, rock, or other materials of the earth and shall be of sufficient size to prevent their being washed away by high water, wave, or current action. Automobile bodies or other waste materials shall not be used;

~~a.b.~~ No bank stabilization shall create hydrodynamic changes which may necessitate additional bank stabilization downstream;

~~a.c.~~ Dikes, levees, berms, and similar flood control structures shall be shaped and planted with native vegetation suitable for wildlife habitat;

~~d.~~ Materials capable of supporting growth used in construction of shoreline protection structures shall be revegetated with plants native to the area.

~~a.3.~~ Flood control works and in-stream structures shall also be subject to the stabilization standards in TSMP 8.2.2(A) above.

~~e)8.3~~ Fill and Excavation, Dredging and Dredge Material Disposal

~~3.258.3.1~~ Policies

1. Shoreline landfills should not be authorized unless a specific use for the site is evaluated and permitted. Speculative landfills should not be permitted.

~~4.2.~~ Where there is a demonstrated need for shoreline landfills, they should only be considered for water-dependent uses in committed port, terminal and industrial waterways or where such construction can be integrated with the existing shoreline to substantially preclude any resultant damage to marine resources or adverse effects on adjacent properties. Landfills should not be permitted in identified channel migration zones.

~~4.3.~~ The location, design, and construction of all fill should protect ecological processes and functions, including channel migration. In evaluating fill projects such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat, and the effects on state-owned resources should be considered.

WORKING DRAFT TSMP

- ~~1.4.~~ The perimeter of the fill should be provided with a vegetative buffer or other means to prevent erosion.
- ~~1.5.~~ Uses of dredge material that can benefit shoreline resources are to be addressed through implementation of regional interagency dredge material management plans and watershed planning.
- ~~1.6.~~ Dredging of bottom materials for the primary purpose of obtaining fill, material should be prohibited.

~~3.25-28.3.2~~ Regulations

A. Regulations - Fill and Excavation

1. Fill placed waterward of the OHWM is prohibited except for the following instances. All instances shall require a conditional use permit, except for fill related to restoration of ecological functions: If permitted, shoreline fill waterward of the OHWM shall only be permitted as a conditional use for the following activities:
 - a. Water-dependent use;
 - ~~a.b.~~ Public access;
 - ~~a.c.~~ Clean-up and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
 - ~~a.d.~~ Disposal of dredged material in accordance with a DNR Dredged Material Management Program;
 - ~~a.e.~~ Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline (if alternatives to fill are shown not to be feasible).
2. Fill waterward of the OHWM shall be permitted for ecological restoration and enhancement projects, provided the project is consistent with all other provisions of this program.
- ~~2.3.~~ Fill and excavation must avoid impacts to buffers exception for those instances in section (1) above and restoration actions, when consistent with all other provisions of this Program.
- ~~2.4.~~ Fill is prohibited within the Puyallup River, except for environmental remediation and habitat improvement projects.
- ~~2.5.~~ Fill and excavation shall be considered only where such construction can be integrated with the existing shoreline.
- ~~2.6.~~ Fill and excavation shall not be authorized unless a specific use for the site has been evaluated and permitted; speculative fill and excavation shall be prohibited in all Shoreline Districts.
- ~~2.7.~~ Applications for fill or excavation shall address methods which will be used to minimize damage of the following types:
 - a. Biota:

WORKING DRAFT TSMP

- i. Reduction of habitat;
- ~~i.ii.~~ Reduction of feeding areas for shellfish, fishlife, and wildlife;
- ~~i.iii.~~ Reduction of shellfish, fishlife, and wildlife reproduction areas;
- ~~i.iv.~~ Reduction of fish migration areas.

b. Physical:

- i. Alteration of local current;
- ~~i.ii.~~ Wave damage;
- ~~i.iii.~~ Total water surface reduction;
- ~~i.iv.~~ Navigation restriction;
- ~~i.v.~~ Impediment to water flow and circulation;
- ~~i.vi.~~ Reduction of water quality;
- ~~i.vii.~~ Loss of public access;
- ~~i.viii.~~ Elimination of accretional beaches;
- ~~i.ix.~~ Erosion;
- ~~i.x.~~ Aesthetics.

~~7.8.~~ All perimeters of fills shall use vegetation, retaining walls, or other means for erosion control.

~~7.9.~~ Only materials that comply with State Water Quality Standards may be used in permitted landfill projects.

~~7.10.~~ Dust control measures, including plants and vegetation where feasible, shall be taken in all fill and excavation projects.

~~7.11.~~ Beach materials shall not be used for fill behind bulkheads, other than clean dredge materials from a permitted dredge and fill operation and materials excavated during construction of the bulkheads.

B. Regulations - Dredging and Dredge Material Disposal

1. Dredging and dredge material disposal shall avoid or minimize significant ecological impacts; impacts that cannot be avoided shall be ~~mitigated~~ compensated for to achieve no net loss of ecological functions.

~~1.2.~~ Dredging to establish, expand, relocate, or reconfigure navigation channels are permitted only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized or compensated for ~~and when mitigation is provided.~~

WORKING DRAFT TSMP

- 4.3. New non-water-dependent development that would result in the need for new ~~or maintenance~~ dredging shall be prohibited.
- 4.4. Dredge disposal within river channel migration zones is prohibited.
- 4.5. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing channels and basins at their authorized location, depth, and width.
- 4.6. Deposit of dredge materials shall only be permitted in an approved disposal site, for habitat improvement, to correct material distribution problems which are adversely affecting fish and shellfish resources, where land deposition would be more detrimental to shoreline resources than water deposition, as a cap for contaminated sediments, or a fill used in conjunction with an approved environmental remediation project. Where deposit of dredge material is allowed upland, it shall avoid buffers and wildlife habitat and and be subject to the regulations of fill in TSMP 8.3.2(A).
- 4.7. Dredging of bottom materials for the primary purpose of obtaining fill materials shall not be permitted, except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a Shoreline Conditional Use Permit. In such cases, placement of fill must be waterward of the OHWM.
- 4.8. Returned water from any dredge material disposed of on land shall meet all applicable water quality standards in accordance with applicable water quality regulations.
- 4.9. Sides of dredged channels for port and industrial use shall be designed and constructed to prevent erosion and permit drainage.
- 4.10. On-site containment facilities shall only be permitted in the “S-10” Port Industrial Shoreline District, where such on-site containment facilities shall be conditional uses.

d)8.4 Clearing and Grading

3.268.4.1 Policies

1. Clearing and grading should only be allowed in the shoreline in conjunction with a permitted use or development, unless otherwise allowed in this Program.
- 4.2. Disturbance to and removal of native soils should be minimized within shorelines.
- 4.3. Uses and site design should incorporate protection or reestablishment of the maximum amount of native vegetation on a particular site.
- 4.4. Vegetation that is removed as part of a permitted use should be reestablished within a required buffer.

3.26.28.4.2 Regulations

1. Clearing and grading activities shall only be permitted as an element of development for an authorized activity, a restoration action, or as otherwise permitted in this Program.

~~4.2.~~ All clearing and grading activities shall achieve no net loss of ecological functions.

~~4.3.~~ All clearing and grading activities shall meet the following standards:

- a. All clearing and grading activities shall be limited to the minimum necessary for the intended development;
- ~~a.b.~~ Exposed soils shall be immediately developed or re-vegetated to prevent erosion;
- ~~a.c.~~ Exposed soils must be replanted such that complete coverage of exposed soils is attained within one growing season, or otherwise stabilized using mulch or other BMPs;
- ~~a.d.~~ In all cases where clearing is followed by re-vegetation, native plants shall be required, unless an alternative is specifically authorized;
- ~~a.e.~~ Re-vegetation shall avoid the need for chemical and fertilizer applications;
- ~~a.f.~~ Removal of noxious weeds and/or invasive species shall be incorporated in vegetation management plans, as necessary, to facilitate establishment of a stable community of native plants; and
- ~~a.g.~~ The moisture holding capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltration capacity on all areas of the project area not covered by impervious surfaces.

e)8.5 Ecological Restoration and Enhancement

3.278.5.1 Policies

1. Ecological restoration and enhancement actions are encouraged in all shoreline districts, and are considered to be consistent with all kinds of uses, including residential, commercial, and industrial, provided that both are designed sensitively.
- ~~4.2.~~ Ecological restoration and enhancement actions should be approached on a watershed basis, and should seek to promote an ecosystem or landscape approach to provide functioning and sustainable habitats.
- ~~4.3.~~ Ecological restoration and enhancement actions should be focused on sites with low possibilities of contamination.
- ~~4.4.~~ Ecological restoration and enhancement actions should be integrated with other regulatory efforts, including environmental remediation, source control, and site development actions, as well as long-range planning activities.
- ~~4.5.~~ Where ecological restoration and enhancement are proposed as mitigation measures, a nexus should be established between the impacted and proposed habitat, considering habitat type, size, functions, and values, and connection to the larger ecosystem.
- ~~4.6.~~ The environmental quality of Commencement Bay, its associated waterways, and the Puyallup River watershed, including all nearshore and adjacent upland areas, should be improved through comprehensive cleanup strategies, including priorities for identification of

WORKING DRAFT TSMP

- contaminated sites; source control of contaminated sites; coordination with the Environmental Protection Agency, the Washington Department of Ecology, and other agencies to ensure the most comprehensive, timely and cost-effective cleanup actions.
- ~~4.7.~~ The City should seek to protect ecological restoration and enhancement projects in perpetuity.
- ~~4.8.~~ The goals and objectives of the Restoration Plan in Appendix B should be considered for all restoration and conservation projects as well as the Programmatic Restoration Opportunities within the functional analysis of the subject reach in the 2007 Shoreline Characterization and Inventory.
- ~~4.9.~~ Restoration and enhancement may take place as a stand-alone project or as a required element of a larger development proposal. In either case the following should be achieved as is feasible:
- a. Non-native vegetative species should be eliminated and soil amendments should be made including mulching to help establish new native vegetation;
 - ~~a.b.~~ Installation of native vegetation should be an appropriate mix of deciduous, conifer, under-story and groundcover species that are capable of achieving substantial water body shading, provide food sources for a variety of species, enhance and connect to habitat corridors and slow movement of groundwater and sheet-flow towards the water body;
 - ~~a.c.~~ Introduction of LWD to the water body is encouraged, but should not adversely impact fish passage or hydrologic function; and
 - ~~a.d.~~ Design and implementation of restoration projects that alter the location of the OHWM should not negatively impact abutting or proximate (third party) property owners, compromise the integrity or threaten the loss of existing structures, transportation routes, public access areas or cause significant additional erosion.

3.27-28.5.2 Regulations

1. Ecological restoration and enhancement shall be approached on a watershed basis and shall seek to promote an ecosystem or landscape approach, including integrating projects into their surrounding environments and promoting greenbelts for movement and use by species.
- ~~4.2.~~ To the greatest extent feasible, ecological restoration and enhancement projects shall be protected in perpetuity. If future development proposes to impact existing ecological restoration and enhancement sites, it must be demonstrated that there are no practicable alternatives to avoid adverse impacts, and further, that adequate mitigation is provided to address unavoidable losses.
- ~~4.3.~~ Environmental remediation activities shall utilize cleanup options which will not pose a threat to human health or the environment. Said cleanup options shall be compatible with adjacent and existing land uses.
- ~~4.4.~~ Restoration projects that are within critical areas, shorelines or their required buffers are allowed subject to the applicable requirements within this Program.

WORKING DRAFT TSMP

- 4.5. Restoration projects that achieve the objectives within the Shoreline Restoration Plan, Appendix B shall have priority over other restoration projects.
- 4.6. Restoration projects shall be designed such that there are no adverse impacts on ecological resources or functions within the same watershed or sub-drainage.
- 4.7. Restoration projects shall include a maintenance and monitoring plan, as well as a contingency plan in the event that said project does not achieve its intended objective. The maintenance and monitoring plan shall be consistent with the requirements in 6.4.2, but does not require a bond.

8.6 Moorage Facilities

Moorage facilities refer to piers, wharves, docks, floats, mooring buoys and other structures (either fixed or floating), to which vessels may be secured.

8.6.1 Policies

1. Moorage facilities should be designed to minimize interference with public use of the water and shoreline. Whenever possible, the design should enhance public access.
2. Multiple use and expansion of existing facilities is preferred over development of new facilities. New developments should demonstrate public benefit.
3. Mooring facilities should be design and located to protect significant public views and to minimize view impacts from adjacent properties.
4. Moorage facilities should be constructed so as to not obstruct or impair the navigational use of surface waters.
5. The cooperative use of moorage facilities is encouraged. Priority should be given to community facilities in all waterfront development where appropriate.
6. Environmental impact, navigational impact, waste disposal, oil and gas spillage, parking availability, and the impact on adjacent lands should be considered in evaluating requests for projects involving the construction of moorage facilities.
7. Moorage facilities should conform to the Washington Department of Fish and Wildlife development criteria.
8. Pier and dock construction should be limited to the minimum size necessary to meet the needs of the proposed water-dependent use.
9. Encourage the consideration of mooring buoys in place of piers, docks and floats.
10. Allow mooring buoys for transient boaters as a means to encourage economic development and recreation. Designated mooring buoys provide boaters with an alternative to anchoring in critical eelgrass beds.
11. Prohibit mooring buoys where sufficient dock facilities exist.

WORKING DRAFT TSMP

12. Ensure that mooring buoy fields are located, designed and operated so as to be compatible with adjacent uses and protect the aesthetic qualities of the shoreline environment.
13. Ensure that mooring buoys are located, designed, constructed, and operated in a manner that will minimize damage to sensitive ecological areas such as eelgrass beds, except where the impacts of the mooring buoys will replace existing and ongoing practices that cause greater ecological degradation.
14. The use of pilings made of materials other than treated wood or creosote should be required.
15. Non-commercial structures should be encouraged to be built perpendicular rather than parallel to the shoreline.
16. Open pile structures are encouraged where:
 - a. Shore trolling is important;
 - b. There is significant longshore drift;
 - c. Scenic values are not impaired;
 - d. Damage to marine resources can be minimized; and
 - e. Alterations to the existing shoreline are minimized.
17. Floating docks are encouraged where:
 - a. Longshore drift is not significant;
 - b. They will not interfere with fishing or recreational boating; and
 - c. Non-biodegradable materials are used in structures.

8.6.2 Regulations

A. General Regulations

1. There shall be no net loss of ecological functions as a result of development of moorage facilities and associated recreational opportunities.
2. Moorage facilities shall be located, designed, constructed, and operated so as to minimize impacts to shoreline resources and unnecessary interference with the right of adjacent property owners, public navigation of public waters, as well as adjacent shoreline or water uses.
3. Extended moorage on waters of the State without a lease or permission is prohibited.

B. Mooring Buoys and Mooring Buoy Fields

1. Mooring buoys and mooring buoy fields shall be located, designed, constructed, and operated so as to minimize impacts to shoreline resources and unnecessary interference with the right of adjacent property owners, as well as adjacent shoreline or water uses.

WORKING DRAFT TSMP

2. Mooring buoy fields shall provide for adequate upland support facilities (e.g., restrooms, dumpsters, etc.).
3. The buoy system shall be adequate to withstand the maximum expected physical stress that the environment and moored craft will place on the buoy.
4. New mooring buoys shall not significantly interfere with navigation.
5. New mooring buoys shall demonstrate compliance with mitigation sequencing techniques. When impacts cannot be avoided, impacts must be mitigated to assure no net loss of function necessary to sustain shoreline resources.

C. Piers, Wharves, Docks and Floats

1. New piers, wharves, docks, and floats may be permitted only for water-dependent uses or public access and shall be restricted to the minimum size necessary to serve a proposed water-dependent use.
2. Design and construction of all piers, wharves, docks, and floats is required to avoid, minimize, and mitigate for impacts to ecological processes and functions and to be constructed of approved materials.
3. Pilings for newly constructed piers, wharves, docks, and floats shall be of materials other than treated wood. The afore cited prohibition does not apply to fender systems, mooring bollards, dolphins, batter walls or wing walls; nor wood treatments deemed acceptable in the future by State and Federal agencies with expertise. For replacement of more than 50 percent of the pilings in an existing pier, wharf, dock, or float, materials other than treated wood shall be used unless extreme adverse economic or engineering impacts can be demonstrated. The exceptions listed above also apply to this limitation.
4. In-water fixed platform structures supported by piles that do not abut the shoreline shall be prohibited.
5. Noncommercial piers, wharves, docks, and floats shall be constructed perpendicular to the shoreline where practicable.
6. Pier, wharf, dock, and float facilities shall be equipped with adequate lifesaving equipment such as life rings, hooks, and ropes.
7. When plastics or other non-degradable materials are used in the construction of piers, wharves, docks, and floats, the materials shall be safely contained.
8. Piers, wharves, docks, and floats shall be constructed so as to avoid or minimize impairment of views from existing uses or structures on neighboring properties.
9. Piers, wharves, docks, and floats shall be constructed so as not to interfere with or impair the navigational use of surface water.
10. When piers, wharves, docks, and floats are removed, the site shall be restored.

WORKING DRAFT TSMP

11. Piers, wharves, docks, and floats shall be designed and constructed to minimize interference with public use of the water and shoreline. The design of piers, wharves, docks, and floats should enhance public access and shall include access, unless access is incompatible with a water-dependent or single-family use.

D. Covered Moorage

1. Legally permitted covered moorage and boathouses that were in lawful existence at the time of passage of this Program, or subsequent amendment to this Program, may continue as permitted/conforming structures subject to the requirements of this Master Program and the following restrictions:
 - a. Existing covered moorage and boathouses shall not increase overwater coverage;
 - b. All work and materials shall be performed using Best Management Practices (BMPs);
 - c. Existing structures may be repaired and maintained provided the amount of cover does not increase and light transmission is improved to meet state and federal standards;
 - d. Walls and fences for covered moorage shall be prohibited above deck or float level, except that handrails which are open in nature and not higher than 42 inches above the deck or float may be permitted;
 - e. Existing covered moorage and boathouses may be relocated and reconfigured within an approved marina if the relocation and reconfiguration does not result in an increase in overwater coverage and the new location results in an improvement to shoreline ecological functions.
2. New covered moorage for boat storage and new overwater boat houses shall be prohibited.
3. Covered over-water structures may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be the minimum necessary over water.

E. Moorage Facilities Associated with Residential Uses

1. Docks associated with single family residences are defined as water-dependent uses provided they are designed and intended as a facility for access to watercraft.
2. If permitted under this Program, no more than one (1) dock/pier and one (1) float and one (1) boat/ski lift may be permitted on a single lot owned for residential use or private recreational use.
3. The length of docks and piers accessory to residential use/development shall be no greater than that required for safety and practicality for the residential use. The maximum length for residential docks or piers shall be limited to sixty (60) feet as measured horizontally from the ordinary high water mark. The maximum width for residential docks or piers shall be limited to six (6) feet. The Land Use Administrator may approve a different dock or pier length when needed to:
 - a. Avoid critical saltwater habitats; or

WORKING DRAFT TSMP

- b. Reach adequate depths to accommodate watercraft; or
- c. Accommodate shared use.
- 4. Docks serving four or fewer single family residences shall be permitted only when a specific need is demonstrated.
- 5. New residential developments of more than two dwellings shall provide joint-use or community docks, rather than individual docks.

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7) CHAPTER 9 DISTRICT-SPECIFIC REGULATIONS

The following TSMP provisions apply to each shoreline district specifically. Shoreline Environment Designations, as described in Chapter 5 of this program, are provided for each district.

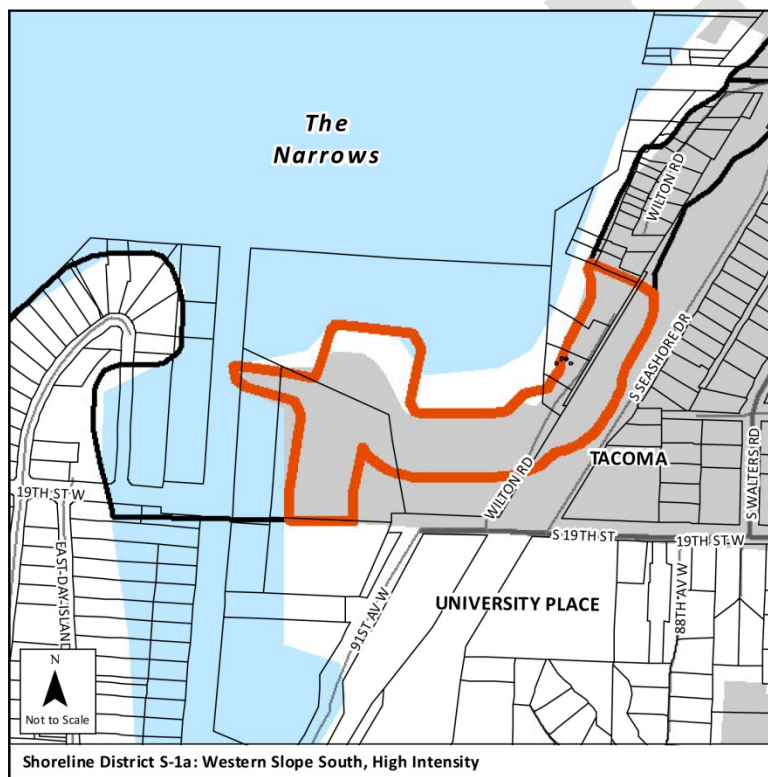
a) 9.1 S-1A Western Slope South S (HI)

B.A. Intent. The intent of the “S-1a” Shoreline District is to retain the existing water-dependent uses and to encourage supplemental mixed-use development that results in additional public access and shoreline enhancement while minimizing impacts to the adjacent neighborhoods.

A.B. District Boundary Description. The S-1a Shoreline District extends from the City limit at south 19th street to the transition between the multifamily and single family residential at the end of the 1600 block of Wilton Road, and including that area upland within 200’ of the OHWM.

A.C. Map of District. Refer to Figure 9-1 below for a map of the “S-1a” Western Slope South district boundaries:

Figure 9-1. Western Slope South (HI)



E.D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. In order to achieve consistency with adjacent lands, uses and developments on parcels located within a shoreline zoning district, but only partially in shoreline jurisdiction, are governed solely by this Program and the use and development standards for the S-1a shoreline District.

WORKING DRAFT TSMP

D.E. District-Specific Development Standards. All developments in “S-1a” Western Slope South Shoreline District shall comply with the standards included in Table 9-2 and the general regulations included in this Chapter.

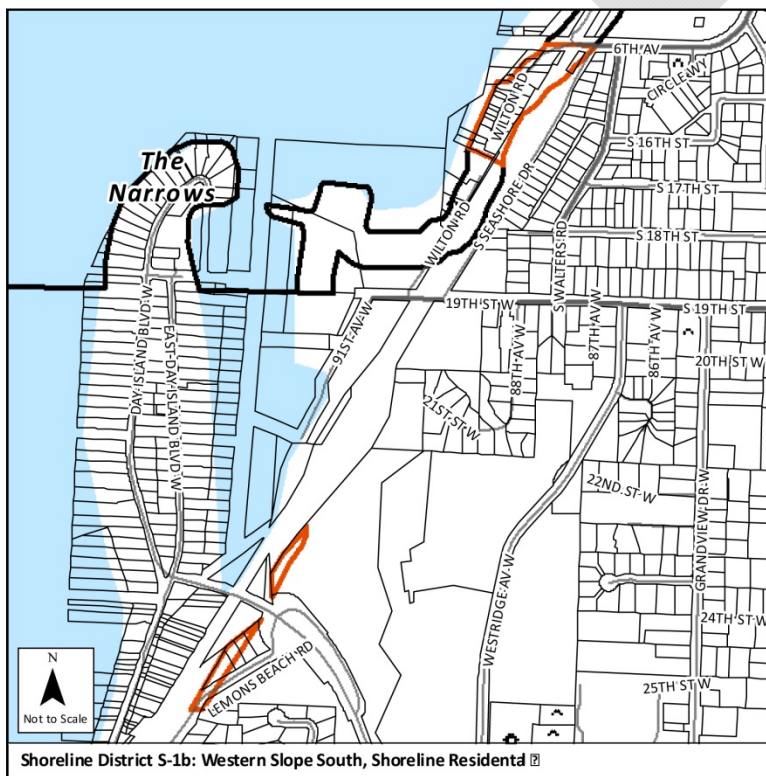
b)9.2 S-1b Western Slope South N (SR)

G.A. Intent. The intent of the “S-1b” shoreline district is to maintain the existing residential uses while allowing new water-oriented uses only when they are compatible with the existing character of the district.

A.B. District Boundary Description. The S-1b Shoreline District includes two separate and distinct areas. The first is located at 26th and Lemons Beach Road and includes that area within City of Tacoma jurisdiction that is upland within 200’ of the OHWM, but separated from the shoreline by University Place jurisdiction. The second area is contiguous to the S-1a Shoreline District, from the 1600 block of Wilton Road, where the single family residential uses begin, north to the centerline of 6th Avenue (extended), and including that area upland and within 200’ of the OHWM.

A.C. Map of District. Refer to Figure 9-2 below for a map of the “S-1b” Western Slope South Shoreline District boundaries:

Figure 9-2. Western Slope South (SR)



J.D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

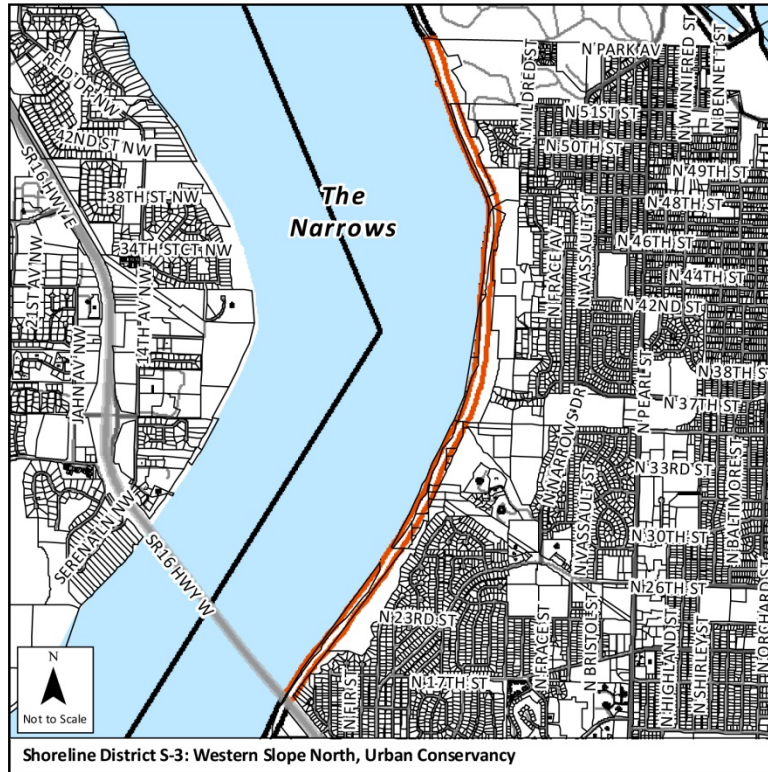
D.E. Development Standards. All permitted uses in the “S-1b” Western Slope South district shall comply with the standards included in Table 9-2 and the general regulations in this Chapter.

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A-B. _____ District Boundary Description. The S-3 Shoreline District extends north from the centerline of the Highway 16 right-of-way to the centerline of the North Park Avenue (extended) right-of-way, including that area upland within 200' of the OHWM and associated wetlands.

A-C. _____ Map of District. Refer to Figure 9-4 below for a map of the S-3 Western Slope South district boundaries:

Figure 9-4. Western Slope North



F-D. _____ District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Permitted uses and activities are also subject to the district-specific regulations listed below:

D-E. _____ Development Standards. All permitted uses in the “S-3” shoreline district shall comply with the standards included in Table 9-2, except as provided in the general regulations in this Chapter.

e)9.5 S-4 Point Defiance Natural (N)

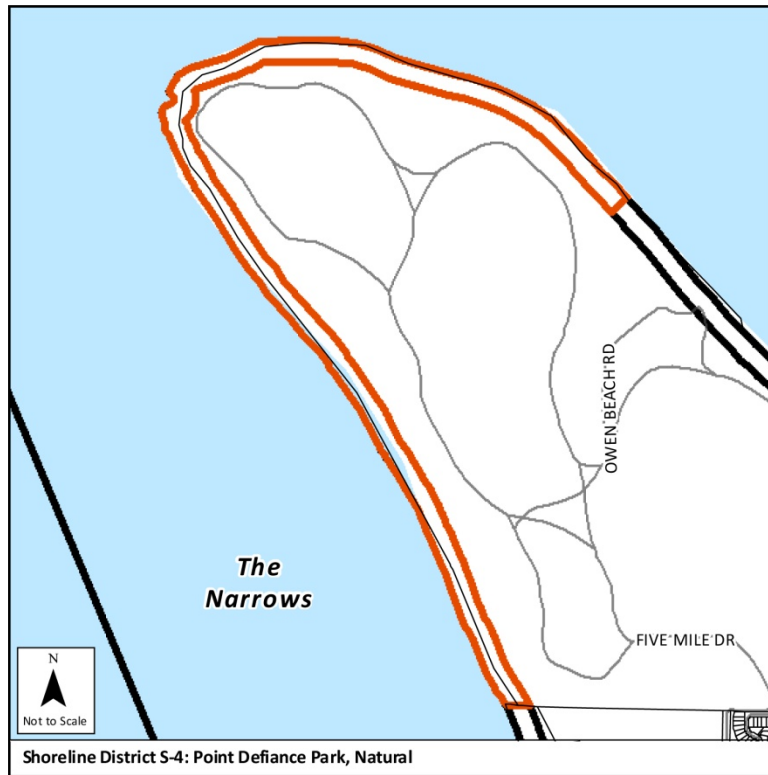
V-A. _____ The intent of the “S 4” Shoreline District is to protect the existing natural environment of the area, provide for perpetual utilization for park purposes, and encourage the creation and improvement of view areas and trail systems.

A-B. _____ District Boundary Description. The S-4 Shoreline District extends from North Park Avenue (extended), at the northern edge of the Salmon Beach Community, and around Point Defiance to the start of the concrete promenade at Owen Beach, and including only those areas upland within 200' of the OHWM.

WORKING DRAFT TSMP

A-C. Map of District. Refer to Figure 9-5 below for a map of the S-4 Point Defiance district boundaries:

Figure 9-5. Point Defiance Natural (N)



Y-D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

D-E. Development Standards. All permitted uses in the S-4 shoreline district shall comply with the standards included in Table 9-2, except as provided in the general regulations in this Chapter.

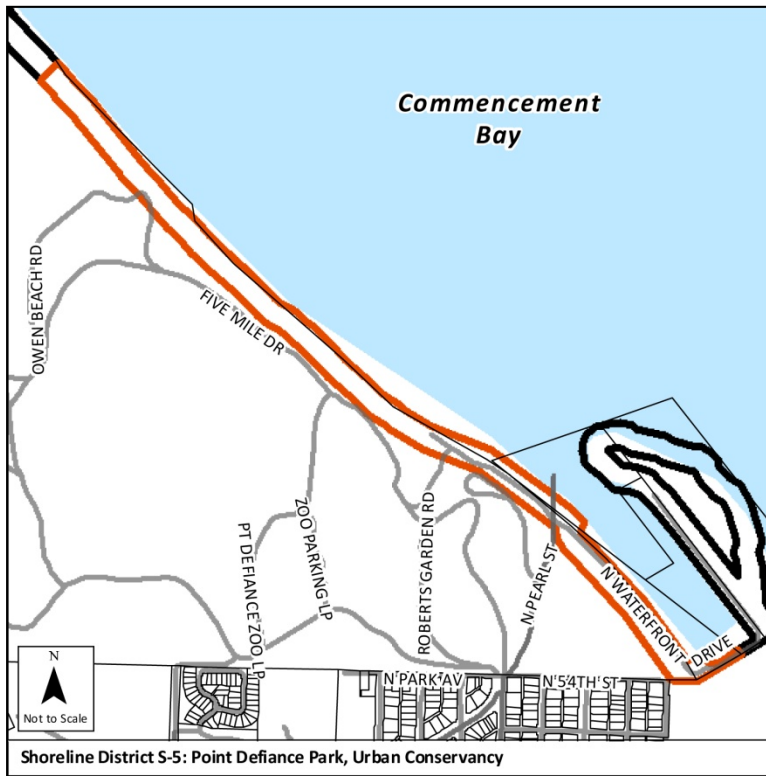
§9.6 S-5 Point Defiance Conservancy (UC)

AA-A. The intent of the “S-5” Shoreline District is to provide for perpetual utilization for park and recreational uses and encourage the creation and enhancement of view areas and trail systems, while allowing development of marinas, boat launch facilities, and low intensity water-oriented commercial uses.

A-B. District Boundary Description. The S-5 Point Defiance Shoreline District extends from the start of the promenade at Owen Beach to the southern edge of the boat basin at Point Defiance, following N Waterfront Drive and ending at the gate to the Tacoma Yacht Club, and including only that area upland within 200’ of the OHWM.

A-C. Map of District. Refer to Figure 9-6 below for a map of the S-5 Point Defiance – Conservation district boundaries.

Figure 9-6. Point Defiance Conservancy (UC)



~~D.D.~~ District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

~~D.E.~~ District-Specific Development Standards. All permitted developments and uses in the “S-5” Point Defiance - Conservation Shoreline District shall comply with the regulations included in the general regulations and development standards included in Table 9-2.

g)9.7 S-6 Ruston Way (UC)

~~FF.A.~~ The intent of the S-6 Shoreline District is to encourage low intensity water-oriented commercial, recreational, and open space development that provides public access and enjoyment opportunities, is designed and developed to be compatible with intact shoreline processes and functions and results in a net-gain of shoreline function over time.

~~A.B.~~ District Boundary Description. The S-6 Shoreline District boundary extends from the centerline of N 49th Street to the boundary between the Chinese Reconciliation Park and Tahoma Salt Marsh, including only those areas upland to the westernmost extent of the Ruston Way right-of-way or upland within 200’ of the OWHM, and excluding the Sperry Ocean Dock access road. The S-6 Shoreline District boundary extends from the centerline of N 49th Street to the southeasternmost extent of the Sperry Ocean Dock site (Parcel #8950002312), including only those areas upland within 200’ of the OWHM and to the westernmost extent of the Ruston Way right-of-way, for the purposes of consistent zoning, where it exceeds 200’ from the OWHM.

~~A.C.~~ Map of District. Refer to Figure 9-7 below for a map of the S-6 Ruston Way district boundaries:

Figure 9-8. Schuster Parkway



N.N.D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

D.E. Development Standards. All permitted developments and uses in the “S-7” Schuster Parkway Shoreline District shall comply with the standards included in Table 9-2 and the general regulations included in this Chapter.

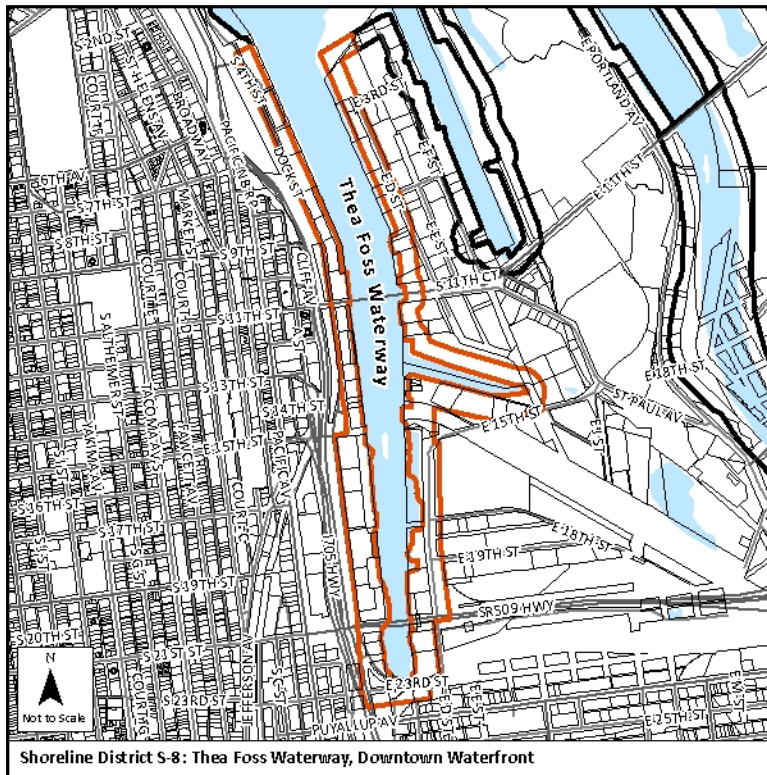
9.9 S-8 Thea Foss Waterway (DW)

P.P.A. The intent of the “S-8” Thea Foss Waterway Shoreline District is to improve the environmental quality of the Thea Foss Waterway; provide continuous public access to the Waterway; encourage the reuse and redevelopment of the area for mixed-use pedestrian-oriented development, cultural facilities, marinas and related facilities, water-oriented commercial uses, maritime activities, water oriented public parks and public facilities, residential development, and waterborne transportation; and to allow new water-oriented industrial uses where appropriate.

A.B. District Boundary Description. The S-8 Shoreline District boundary extends from Thea’s Park on the northwest side of the waterway to the northeastern tip of the mouth of the waterway and including the areas upland within 200’ of the OHWM or to the Dock Street and East D Street rights-of-way.

A.C. Map of District. Refer to Figure 9-9 below for a map of the “S-8” Thea Foss Waterway Shoreline District boundaries:

Figure 9-9. Thea Foss Waterway



SS.D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Permitted uses and activities are also subject to the district-specific regulations listed below:

1. Any building adjacent to Dock Street or the esplanade shall include water-oriented uses which are directly accessible from the adjacent public spaces. These water-oriented uses include uses which are open to the general public on a casual (“walk-in”) basis during regular business hours, including, but not limited to, retail stores and eating and drinking establishments. A minimum of 75 percent of the esplanade frontage and 20 percent of the Dock Street frontage shall be occupied by water-oriented uses, with the following exceptions:
 - a. To respond to short-term market conditions, non-water-oriented uses shall be permitted to occupy the water-oriented frontages so long as the structure meets the requirements in 6.1.2(9) and at least 25 percent of the shoreline frontage is occupied by a water-oriented use. Such uses may be permitted on an interim basis for a period up to 10 years, with a 5 year extension contingent upon approval by the Administrator. Permit conditions shall include a time frame for transition to water-oriented uses.—A new mixed-use structure adjacent to Dock Street or the esplanade may be permitted under this provision so long as the development standards in Table 9-2 and TSMP Section 9.9 are met.
 - a.b. To respond to short-term market conditions, mixed-use developments shall be permitted via a conditional use permit, to be occupied in their entirety by non-water-oriented uses so long as the requirements in 6.1.2(9) are met. Such uses may be permitted on an interim basis for a period up to 10 years, with a 5 year extension contingent upon approval by the

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~~Administrator. Permit conditions shall include a time frame for transition to water-oriented uses.~~ A new mixed-use structure adjacent to Dock Street or the esplanade may be permitted under this provision so long as the development standards in 9.9 are met.

~~FF.E.~~ District-Specific Development Standards. In addition to the development standards included in Table 9-2 and the general regulations included in this Chapter, development in the “S-8” Thea Foss Waterway Shoreline District shall comply with all requirements included in the following three subsections. The development standards section is divided into three separate subsections. The first subsection is applicable to the west side of the Waterway; the second subsection is applicable to the east side of the Waterway; and the third subsection is applicable to both sides of the Waterway.

3.289.9.2 West Side of the Waterway

The following regulations apply to the west side of the Waterway. Any new building, structure or portion thereof erected on the west side shall be subject to the following standards.

1. Area Regulations

- a. Due to the significant public ownership on the west side of the Waterway, the areas bounded by Dock Street, designated public access/view corridors between Dock Street and the Waterway, and shoreline edge areas designated for public use and access, are termed “development sites.” ~~Twelve specific development sites are established per the Thea Foss Waterway Design and Development Plan (Foss Plan). The term “development site,” when utilized in this section, refers to the areas described herein and in the Foss Plan.~~
- ~~a.b.~~ The Foss Waterway Development Authority (FWDA) shall administer development of publicly- owned properties and shall conduct design review of projects on public property on the west side of the Waterway. Developers of private property are encouraged, but not required, to participate in the design review process conducted by the FWDA. If the FWDA design review process is not utilized for development on private property, City staff shall conduct the design review as part of the shoreline permit process and shall solicit comments from the FWDA. The required design review shall utilize the design guidelines and other requirements found in Appendix ~~DC~~, Thea Foss Tacoma Waterfront Design Guidelines and Standards and shall include consideration of view impacts, as further described below. The findings and/or comments of the FWDA’s design review shall be referenced in shoreline permit decisions and given substantial weight in determining whether a proposed project is consistent with ~~the Foss Plan~~ this Program and ~~and~~ its design requirements.
- ~~e.~~ View Impact Analysis. Project proponents shall conduct a view impact analysis for all new development that exceeds 35 feet in height. The purposes of the view analysis are to assist in addressing the requirements of the Shoreline Management Act, including RCW 90.58.320, and to protect a locally significant public view. The analysis shall be submitted to the City as a part of the shoreline permit application. In addition, for projects utilizing the FWDA design review process, the analysis shall be submitted to and reviewed as part of their design review process.

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- ~~i.~~ The view analysis shall identify potential impacts to public access to the shorelines of the state and the view obstruction of a substantial number of residences on areas adjoining the west side of the Waterway.
- ~~ii.~~ The view analysis shall also identify potential impacts to the locally significant public view of Mount Rainier, behind the Murray Morgan Bridge, as seen from the northern end of the southernmost viewpoint projection in Fireman's Park.
- ~~iii.~~ In addition to the requirements found in the Shoreline Management Act, including RCW 90.58.320, shoreline permits shall not be approved for any new or expanded building or structure of more than 50 feet in height that will obstruct the locally significant public view of Mount Rainier, as described above.
- ~~iv.~~ Pedestrian bridges, "lids," or other features that connect the Waterway to the surrounding environment are likely to exceed the height requirements of these areas. Approving height variances for these structures is supported, provided that these structures provide public viewing features, and the height of structures on the bridge deck does not create significant view impairment for surrounding uses. These features may touch down on development sites or within public access/view corridors. When located within public access/view corridors, care should be taken to preserve access and views from Dock Street and to provide safe, usable space under the bridge.

~~e.c.~~ Blank walls (walls that do not contain doors, windows, or ventilation structures) between two feet and eight feet above the adjacent sidewalk shall be no longer than 20 feet in length.

~~e.d.~~ Frontage Requirements. For all structures adjacent to Dock Street or the esplanade, seventy-five percent (75%) of the esplanade frontage and twenty percent (20%) of the Dock Street frontage shall be designed and constructed to accommodate water-oriented uses. New mixed-use structures that cannot meet the use requirements in 9.9(D) above, and are permitted subject to 9.9(D) above, shall design and construct those frontages not occupied by water-oriented uses at the time of permitting, for future conversion to water-oriented uses. The required frontages shall meet the following standards:

- ~~i.~~ The distance from the finished floor to the finished ceiling above shall be at least 12 feet. The area must have a minimum average depth of 25 feet measured from the sidewalk or esplanade level façade.
- ~~i.ii.~~ The sidewalk or esplanade level facades must include a pedestrian entrance or entrances to accommodate a single or multiple tenants or be structurally designed so entrances can be added when converted to the required uses in 9.9(D) above.
- ~~iii.~~ At least 25 percent of the sidewalk level façade of the portion of the building designed and constructed to accommodate future conversion to preferred uses shall provide transparency through the use of windows and doors for the area located between 2 feet above grade and 12 feet above grade.

2. Public Access/View Corridors.

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- a. Fourteen public access/view corridors are located adjacent to the development sites and are defined below. By specifically designating these areas for public use and access, setbacks are not required on the front (Dock Street), side and rear edges of the development sites (except as specifically required below); provided, that the required public access areas, amenities and area-wide design features are provided.
- ~~a.b.~~ Fourteen 80-foot wide public access/view corridors between Dock Street and the inner harbor line and generally aligned with the extension of the urban street grid are hereby established. Three primary public access/view corridors are established at the alignment with South 13th, 15th, and 17th Streets. Eleven secondary public access/view corridors are established immediately south of the Dock Building, north and south of the Puget Sound Freight Building, north of the Municipal Dock Building, and at the alignment of South 9th, 11th, 12th, 14th, 16th, 18th, and 20th Streets.
- ~~a.c.~~ Public access/view corridors shall be developed concurrent with improvements on adjacent development sites. These corridors shall be designed and constructed in coordination with the FWDA. All developments abutting a public access/view corridor(s) shall be required to develop one-half of all public access/view corridors abutting their development site(s).
- ~~a.d.~~ Buildings are not permitted in any designated waterfront esplanade, boardwalk, or public access/view corridor, except that weather protection features, public art, or areas provided primarily for public access, such as viewing towers and pedestrian bridges, may be located in or over these areas. Pedestrian bridges over secondary public access/view corridors between development sites are permitted provided they are a maximum of 10 feet in width and 12 feet in height, and with a minimum clearance of 25 feet from the ground to the underside of the structure.
- ~~a.e.~~ Primary public access/view corridors may not be reduced in width and are generally fixed in location, but may be moved up to 25 feet in either direction to accommodate site development. Secondary public access/view corridors may be moved to accommodate site development, although the total corridor width must not be reduced. To move public access/view corridors, the applicant must demonstrate the following:
 - i. The movement is necessary to facilitate site design and would not compromise future development on remaining development sites;
 - ~~i.ii.~~ The new public access/view corridors created provide the same or greater public use value;
 - ~~i.iii.~~ Building design reflects the original public access/view corridor by reducing building height in this area or by providing additional public access and viewing opportunities.
- f. If the distance between any two public access/view corridors is greater than 500 lineal feet, an additional public access between Dock Street and the esplanade must be provided. This public access must be a minimum of 20 feet in width, signed for public access, open to the public, and may be either outdoors or within a structure.
- ~~f.g.~~ Development over public access/view corridors established at the alignment of South 16th and 18th Streets may occur; provided, the structure meets the following conditions:

WORKING DRAFT TSMP

- i. The height to the underside of the structure is a minimum of 25 feet;
 - ~~i.ii.~~ The height does not exceed 50 feet;
 - ~~i.iii.~~ The structure is set back a minimum of 20 feet from the Dock Street facade of adjacent development sites;
 - ~~i.iv.~~ The total depth does not exceed 80 feet.
- h. Pedestrian bridges, “lids,” or other features that connect the Waterway to the surrounding environment shall not be subject to the height limitations of RCW 90.58.320 or the height limitations of this Chapter. When located within public access/view corridors, care should be taken to preserve access and views from Dock Street and to provide safe, usable space under the bridge.
- ~~h.i.~~ Municipal Dock Site. Buildings on the Municipal Dock site shall be setback at least 10 feet from the edge of the public access/view corridor between the Municipal Dock site and Development Site 10. This additional setback area shall be designed and developed to facilitate additional public access and function as an extension of the abutting public access/view corridor. This setback requirement is not subject to variance.

Table 9-1. Building Envelope Standards Table

	North end of Waterway to center of secondary view/access corridor between Development Site 11 and the Puget Sound Freight Building	Center of the secondary view/access corridor between Development Site 11 and the Puget Sound Freight Building to center of the secondary view/access corridor between Development Site 10 and Municipal Dock site		Center of the secondary view/access corridor between Development Site 10 and Municipal Dock site to center of 11th Street	Center of 11th Street to center of 15th Street, extended	Center of 15th Street, extended, to center of 18th Street, extended	Center of 18th Street, extended, to south end of Waterway
Alternatives	None	Alternative 1	Alt. 2 ¹	None	None	None	None
Minimum Height ¹	50	50	none	50	50	40	40
Maximum Height	100	100	180	90	130	100	65
Modulation Required – from edge of view/ access corridors²	8 feet in at a height of 50 feet and between 50-100 feet	8 feet in at a height of 50 feet and between 50-100 feet	Alternative 2 See Section 13.10.110G.1.g. below, for additional standards for Alternative 2	8 feet in at a height of 50 feet and between 50-100 feet	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet	8 feet in at two locations between a height of 25 and 50 feet
Modulation Required – from edge of esplanade ³	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet		8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet	8 feet in at two locations, one between a height of 25 and 50 feet and one between 50 and 75 feet
Footnotes:							
1. All new buildings must meet the minimum height limit for 50 percent of the structure footprint. This requirement does not apply to buildings which existed as of January 1, 1996, structures in parks, the view/access corridors, the esplanade, or temporary uses or maintenance structures.							
2. Where a specific height is indicated, the actual modulation may occur at the floor elevation closest to the identified height.							
3. Required building modulation at 25 feet in height adjacent to esplanade is not required if actual building height at this location is less than 40 feet.							

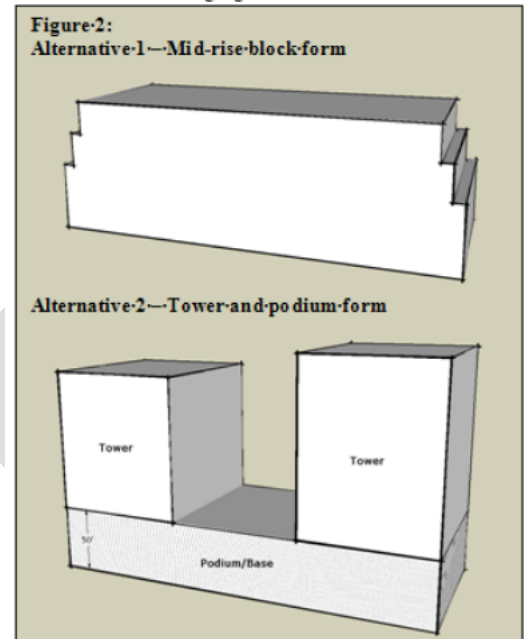


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3. Site Coverage Restrictions. The following site coverage restrictions are imposed to reduce building profile and bulk as buildings increase in height. These restrictions do not apply to developments along the westside of the Waterway that utilize the Alternative 2 development option in TSMP 9.9.2(6).
 - a. From grade to 50 feet in height: 100 percent coverage of development site permitted (subsurface parking may extend under adjacent public access/view corridors if conforming to Section 13.10.110.G.3.b(h) and/or beyond development sites north of 11th Street where the esplanade is several feet higher in elevation than Dock Street.)
 - ~~a.b.~~ From 50 feet to 100 feet: 70 percent coverage of the at-grade area is available for development, inclusive of required modulations.
 - ~~a.c.~~ Above 100 feet: 50 percent coverage of the at-grade area is available for development, inclusive of required modulations.
4. Any new building must extend to the site edge for a minimum of 60 percent of the site perimeter. This provision does not apply to developments along the west side of the Waterway that utilize the Alternative 2 development option in in TSMP 9.9.2(6).
5. Reduction of the required modulations and/or increased height limits on the western side of Waterway to accommodate structural elements may be authorized in conjunction with the issuance of a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit when all of the following are satisfied. This provision does not apply to developments along the west side of the Waterway that utilize the Alternative 2 development option in Section in TSMP 9.9.2(6).
 - a. That portion of the structure exceeding the underlying height limit or contained within the required modulation:
 - i. Is designed primarily as an architectural or artistic feature and does not include signage or exterior mechanical equipment;
 - ii. Does not provide habitable floor space;
 - iii. Does not exceed the underlying height limit by more than 25 feet;
 - iv. Has a cumulative width of 15 percent or less of the development site's Dock Street frontage;
 - v. Does not extend waterward of ordinary high water; and
 - vi. Is designed to minimize view impacts from neighboring properties through the use of location, materials, and orientation.
 - b. The reduction of the required modulations and/or the increased height will not adversely affect the intended character of the shoreline district and will secure for neighboring properties substantially the same protection that a literal application of the regulation would have provided.

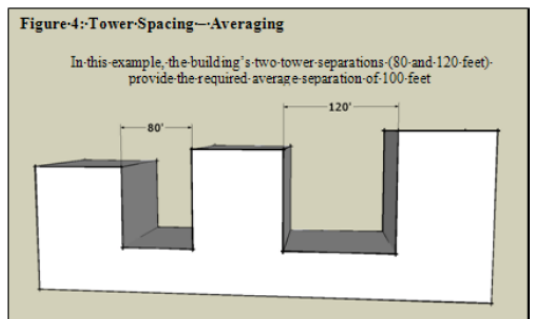
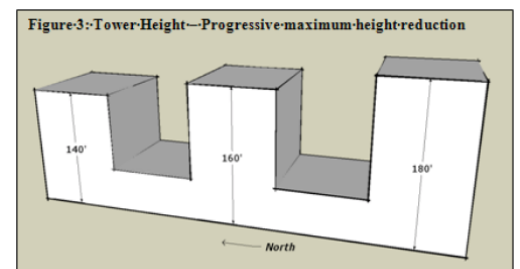
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- c. The reduction of the required modulations and/or the increased height will not be contrary to the intent of the Shoreline Management Act.
6. Alternative 2 Development Option. As noted in the building envelope standards table in Subsection G.1.c, above, within the area between the center of the public access/view corridor between Development Site 11 and the Puget Sound Freight Building and the center of the secondary public access/view corridor between Development Site 10 and Municipal Dock site, there are two basic development alternatives. Alternative 1 represents a midrise block form of building design. The basic development standards associated with Alternative 1 are mostly provided in the table and subsections above. Alternative 2 represents a tower and podium form of building design, which utilizes a combination of a low-rise block form with one or more tower elements that project up from the base (see Figure 2). Most of the development standards associated with Alternative 2 do not fit within the format of the above table and subsections and, therefore, are provided below. For projects utilizing Alternative 2, the following additional development standards shall apply:



- a. Podium Height. The height of the podium shall be no greater than 50 feet. Mechanical equipment and parapet walls, as well as railings, planters, seating, shelters, and other similar amenities associated with the use of the podium roof as recreational space, shall be permitted up to a maximum height of 60 feet.

- b. Tower Height. The maximum height for any tower shall be 180 feet. Any portion of a building extending above the maximum height of the podium shall be considered a part of a tower. For projects with multiple towers on a single development site, only one of the towers shall be permitted to the maximum height limit. The maximum allowable height for each additional tower on that development site shall be progressively reduced by at least 20 feet. For example, a project with three towers could have one tower up to 180 feet tall, one tower up to 160 feet tall and one tower up to 140 feet tall (see Figure 3). Additionally, the tallest tower on each development site shall be the southernmost tower and additional towers shall step down in elevation as they progress to the north; provided, an alternative tower arrangement can be permitted if it is found to provide improved public access and reduced view impacts. This height limit is not subject to variance.

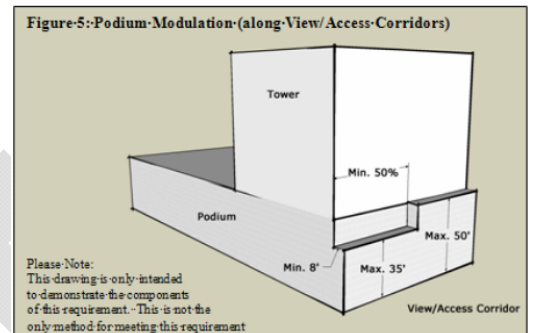


- c. Tower Spacing. For buildings that incorporate multiple towers, the minimum spacing between towers shall be an average of 100 feet, with no less than 80 feet between any

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portions of any two towers (see Figure 4). For single projects with multiple buildings and multiple towers, the average spacing between towers may be calculated based on all of the towers contained in that project.

- d. Tower Width. The maximum width of any tower shall be 125 feet. For purposes of this requirement, the width shall be measured in a north-south direction, parallel to Dock Street.
- e. Tower Floorplate. The maximum floorplate area per floor for the portion of any tower above 50 feet in height shall be 15,000 square feet. The maximum floorplate area per floor for the portion of any tower above 100 feet in height shall be 12,000 square feet.
- f. Podium Setback. The podium portion of any building shall be setback at least 10 feet from the edge of any public access/view corridor. This additional setback area shall be designed and developed to facilitate additional public access and function as an extension of the abutting public access/view corridor. This setback requirement is not subject to variance.
- g. Tower Setback. Along the public access/view corridors, the tower portion(s) of any building shall be setback at least 8 feet from the primary exterior face of the podium wall along the public access/view corridors.
- h. Podium Modulation. For the portion of the exterior wall along the public access/view corridors that is above 35 feet in height, at least 50 percent of the length of the podium wall shall be setback a minimum of 8 feet (see Figure 5).
- i. Podium Roof. At least 50 percent of the podium roof shall be improved as recreational space for use by the tenants and/or public. At least 30 percent of this improved recreational space on the podium roof shall be landscaped. The use of native vegetation is encouraged.



9.9.3 East Side of the Waterway.

The following regulations apply to the east side of the Waterway:

- 7.1. Building Height. Any building, structure, or portion thereof hereafter erected shall not exceed a height of 100 feet on the east side of the Waterway, except for the area north of East 15th Street, where an additional four feet of additional height is permitted for every one foot a structure is set back on all sides.

3.28-29.9.4 Additional Development Standards.

These additional development standards apply to the entire “S-8” Shoreline District.

1. The following structures are permitted above the height limit: television antennas, chimneys, and similar building appurtenances, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining the shoreline, and then only provided they meet structural requirements of the City of Tacoma and provide no usable

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D.E. _____ District-Specific Development Standards. Development in the “S-9” Puyallup River Shoreline District shall comply with the standards included in Table 9-2 and the general regulations included in this Chapter.

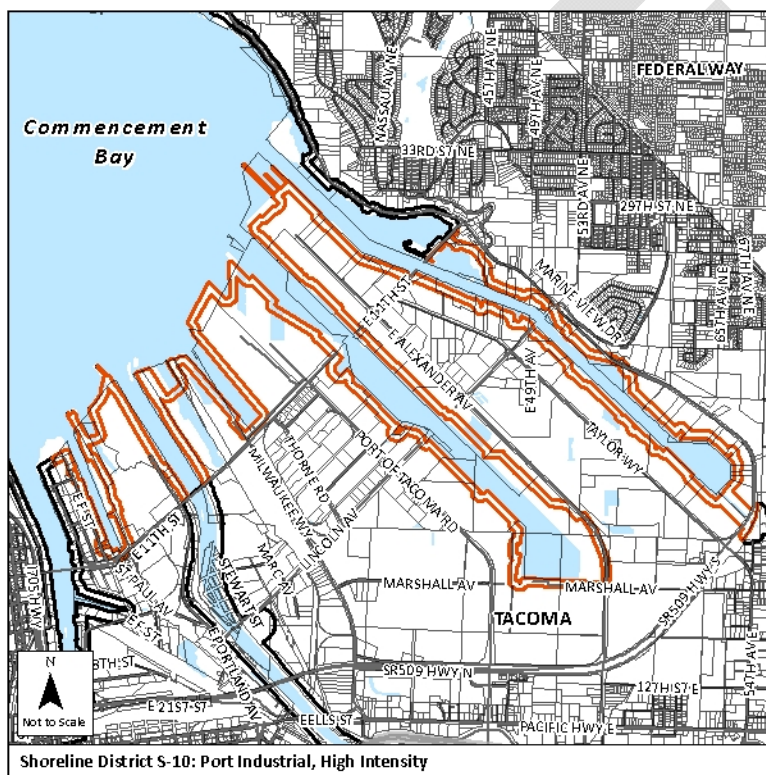
k) 9.11 S-10 Port Industrial (HI)

G.A. _____ The intent of the “S-10” Port Industrial Shoreline District is to allow the continued development of the Port Industrial Area, with an increase in the intensity of development and a greater emphasis on terminal facilities within the City.

A.B. _____ District Boundary Description. The S-10 Shoreline District extends from the northeast line of Thea Foss Waterway, to the Hylebos Waterway, including only those areas upland 200’ of the OHWM and except that portion of the Puyallup River southeast of East 11th Street and including except that portion of Hylebos Waterway and Hylebos Creek landward of SR 509 that is within the S-12 Hylebos Creek Shoreline District.

A.C. _____ Map of District. Refer to Figure 9-11 below for a map of the “S-10” Port Industrial Shoreline District Shoreline District boundaries:

Figure 9-11. Port Industrial



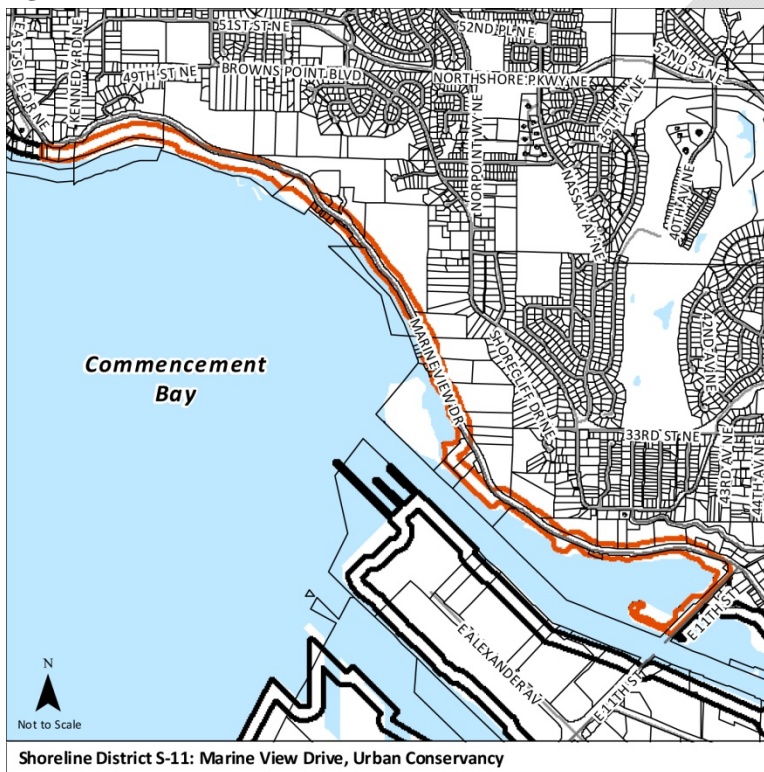
h)9.12 S-11 Marine View Drive (UC)

L-A. _____ The intent of the “S-11” Marine View Drive Shoreline District is to encourage the development of water-related parks, open space, and recreation facilities, to allow development of marinas and related facilities, water-oriented commercial uses, and residential uses that are compatible with the existing shoreline processes and functions and that result in a net gain of shoreline functions over time.

A-B. _____ District Boundary Description. The S-11 Shoreline District boundaries include that area upland within 200’ of the OHWM and from centerline of the 11th Street Bridge north to the City Limit at Eastside Dr. NE (extended).

A-C. _____ Map of District. Refer to Figure 9-12 below for a map of the “S-11” Marine View Drive Shoreline District Shoreline District boundaries:

Figure 9-12. Marine View Drive



Ø-D. _____ District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

Ð-E. _____ District-Specific Development Standards. Developments in the “S-11” Marine View Drive Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Chapter.

m)9.13 S-12 Hylebos Creek (NUC)

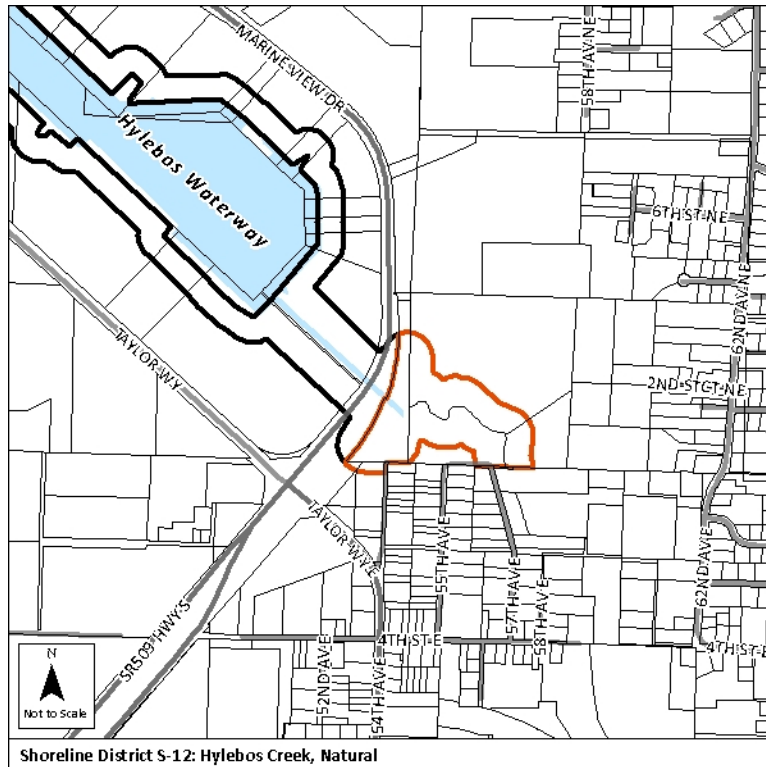
Q-A. _____ The intent of the “S-12” Hylebos Creek Shoreline District is to protect and restore the historic functions of Hylebos Creek and achieve while allowing adjacent water dependent uses that result in a net gain of shoreline function over time.

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A-B. District Boundary Description. The S-12 Shoreline District boundary includes both the in-water portion of the stream and the areas upland within 200' of the OHWM from SR 509 to mouth of Hylebos Creek to the City limit.

A-C. Map of District. Refer to Figure 9-13 below for a map of the “S-12” Hylebos Creek Shoreline District boundaries:

Figure 9-13. Hylebos Creek



T-D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

D-E. District-Specific Development Standards. Developments in the “S-12” Hylebos Creek Marine View Drive South Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Chapter Program.

n)9.14 S-13 Waters of the State (A)

V-A. The intent of the “S-13” Waters of the State Shoreline District is to maintain these water bodies for the use by the public for navigation, commerce and recreation purposes and to manage in-water structures in a consistent manner throughout the City’s shorelines.

A-B. District Boundary Description. The S-13 Shoreline District boundary includes all marine waters below the ordinary high water mark, waterward to the Outer Harbor Line of Commencement Bay and the Tacoma Narrows, or the Federal Pierhead Line in areas where the Outer Harbor Line is nonexistent, and the seaward City limit common to the City of Tacoma and Pierce County, except that area lying within the Town limits of the Town of Ruston.

WORKING DRAFT TSMP

A-C. _____ Map of District. Refer to Figure 9-14 below for a map of the “S-13” Waters of the State Shoreline District boundaries:

Figure 9-14. Waters of the State



Y-D. _____ District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Permitted uses and activities are also subject to the district-specific regulations listed below:

1. The following regulations shall apply to overwater uses and development within the “S-13” Shoreline District:
 - i. New uses and development in the S-13 Shoreline District shall only be permitted where the use or development is consistent with the permitted uses in the upland Shoreline District.
 - ~~ii.~~ New overwater residential structures are strictly prohibited. This prohibition does not apply to live-aborads, which must comply with the regulations in 7.3.2(K).
 - ~~iii.~~ New over-water structures shall only be permitted for water-dependent uses, restoration projects, and public access. Any new over-water structures must show significant public benefits.
 - iv. New structures for non-water-dependent or non-public access uses are prohibited.
 - ~~v.~~ The size of new over-water structures shall be limited to the minimum necessary to support the structure's intended use.

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~~iv~~.vi. Non-water-oriented uses shall only be permitted on existing over-water structures as part of an permitted mixed-use development that contains a water-dependent component.

~~v~~.vii. Water-oriented commercial uses shall only be permitted over-water on existing overwater structures.

~~vi~~.viii. New overwater structures shall comply with the provisions in TSMP Section 7.6.

~~vi~~.ix. Improvement or modifications to residential or non-water-oriented commercial uses on existing overwater structures shall be permitted; provided, that the modifications do not result in an increase in overwater area and that the improvements are designed consistent with Washington Department of Fish and Wildlife standards to limit impacts on the aquatic environment and fisheries habitat, and do not adversely affect the public use of the shoreline area or surface waters.

~~vi~~.x. All modification of existing uses on recognized overwater structures shall occur in a manner consistent with all provisions of this program as well as building, fire, health, and sanitation codes.

~~Z~~.E. District-Specific Development Standards. Developments in the “S-13” Waters of the State Shoreline District shall comply with the regulations and standards included the Table 9-2 and the general regulations included in this Chapter.

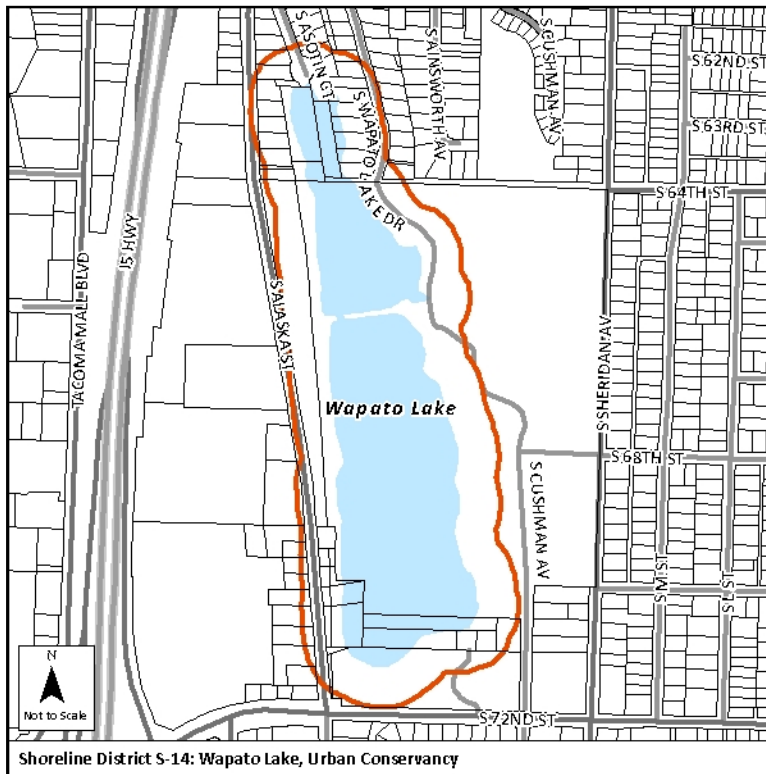
~~9~~.15 S-14 Wapato Lake (UC)

~~AA~~.A. The intent of the “S-14” Wapato Lake Shoreline District is to encourage the development of water-related parks, open space, and recreation facilities that achieve no net loss of ecological function, and prioritize vegetation and shoreline enhancement activities that result in a net gain of shoreline function over time.

~~A~~.B. District Boundary Description. The S-14 Shoreline District boundary includes all areas both in-water and upland within 200’ from the ordinary high water mark of the Lake and including all associated wetlands and buffers.

~~A~~.C. Map of District. Refer to Figure 9-15 below for a map of the “S-14” Wapato Lake Shoreline District boundaries:

Figure 9-15. Wapato Lake



D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.

~~D~~E. District-Specific Development Standards. Developments in the “S-14” Marine View Drive South Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Chapter.

p)9.16 S-15 Point Ruston / Slag Peninsula (HI)

~~E~~A. The intent of the “S-15” Point Ruston / Slag Peninsula Shoreline District is to establish continuous public access along the shoreline that will take full advantage of the unique shoreline location and views of Puget Sound and Commencement Bay while integrating high intensity upland development that includes mixed-use residential and commercial structures.

A-B. District Boundary Description. The S-15 Shoreline District extends from N Waterfront Drive at the Tacoma Yacht Club gate, around the Slag Peninsula to the centerline of N 49th Street, and including that area upland within 200’ of the OHWM, excluding that area within Town of Ruston jurisdiction. In order to achieve consistency with adjacent lands, the use and developments regulation of the S-15 shoreline district shall apply to the entirety of the Point Ruston Development site from the OHWM to the Ruston Way right-of-way.

A-C. Map of District. Refer to Figure 9-16 below for a map of the “S-15” Point Ruston / Slag Peninsula Shoreline District boundaries:

Figure 9-16. Point Ruston/Slag Peninsula



D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Permitted uses and activities are also subject to the district-specific regulations listed below:

1. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Commercial use and development located on parcels within the S-15 shoreline district, but outside of shoreline jurisdiction shall be permitted outright provided the proposal is consistent with all other provisions of this Program.

~~HH.~~

~~D-E.~~ District-Specific Development Standards. Developments in the “S-15” Point Ruston / Slag Peninsula Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Chapter.

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Table 9-2. Shoreline Use and Development Standards

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE																
District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial	Marine View Drive	Hylebos Creek	Waters of the State	Wapato Lake	Point Ruston / Slag Pen.
Shoreline Designation	HI	SR	UC	UC	N	UC	UC	HI	DW	UC	HI	UC	UCN	A	UC	HI
Shoreline Uses																
Agriculture																
Agriculture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Aquaculture																
Aquaculture, general	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Artwork																
Artwork	P	P	P	P	P	P	P	P	P	P	P	P	P	CU	P	P
Boating Facilities																
Marinas	P	N	N	N	N	P	N	P	P	N	P	P	N	P/CU ¹	N	P
Boat Launch Ramps and Lifts	P	N	CU	N	N	P	N	N	P ²	N	P	P	N	P	N	P
Non-motorized Boat Launch	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mooring Buoy	P	P	P	P	P	P	P	P	N	N	P	P	PN	P	N	P
Navigation Aids	P	P	P	P	P	P	P	P	P	N	P	P	PN	P	N	P
Covered Moorages/Boat Houses ³	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Commercial Development																
Water dependent	P	N	P	N	N	P	P	P	P	P	P	P	PN	P	N	P
Water related	P	N	P	N	N	P	P	P	P	P	N	P	N	N/P ⁴³	N	P
Water enjoyment	P	P	P	N	N	P ³⁵	P	P	P	P	N	P	N	N/P ⁴³	N	P
Non Water oriented ⁴¹	N/PCU ⁶⁴	N	N	N	N	N/UCU ⁶	N/PCU ⁶⁴	NCU	P/UCU ⁵⁷	NCU/P ⁶⁴	N/PCU ⁶⁴	N/PCU ⁶⁴	N	N/P	N	CU ⁶⁸
Ecological Restoration / Enhancement / Mitigation																
Ecological Restoration / Enhancement / Mitigation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Educational, Cultural and Scientific																
Educational, Cultural and Scientific	P	CU	P	P	P	P	P	P	P	P	P	P	P	P/N ²⁹	P	P
Forest Practices																
Forest Practices	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Port, Terminal, and Industrial Development																
Water-dependent	CU ⁸¹⁰	N	N	N	N	N	N	P	P ¹¹⁹	P	P	N	P ¹² N	P	N	N
Water-related	N/UCU ¹⁰⁸	N	N	N	N	N	N	P	P ¹¹⁹	P	P	N	N	N	N	N
Non water oriented ¹⁰	N	N	N	N	N	N	N	N	CU ¹³	CU	NCU	N	N	N	N	N
Log Rafting and Storage	N	N	N	N	N	N	N	N	N	N	P	N	N	PN	N	N
Mining																
Mining	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Boating Facilities: Piers, Wharves, Docks and Mats																
Associated with Residential Uses	N	P	P	P	N	N	N	N	N	N	N	N	N	P	N	N
Associated Public Access Uses	P	P	P	P	N	P	P	P	P	N	P	P	CU	P	P	CU
Associated with Water Dependent Uses	P	N	P	P	N	P	P	P	P	N	P	P	CU	P	N	N
Parking																
Associated with an Approved Use	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P	P
As a Primary Use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Development																
Water oriented (including public and private facilities and off-street bicycle and pedestrian paths and trails)	P	P	P	P	P	P	P	P	P	P	P	P	P	CU	P	P
Non-Water oriented	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE

District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial	Marine View Drive	Hylebos Creek	Waters of the State	Wapato Lake	Point Ruston / Slag Pen.
Shoreline Designation	HI	SR	UC	UC	N	UC	UC	HI	DW	UC	HI	UC	UCN	A	UC	HI
Residential Development																
Single-family ^{14,11}	N	P	P	P	N	N	N	N	N	N	N	P	N	N	P	P/CUN ¹²
Multifamily – stand alone	PN/CU ^{23,1} ₃	N	N	N	N	N	N	N	P ¹⁵ N/CU ¹⁴ ₁₅	N	N	N/CU ^{13,23}	N	N	N	P ¹⁵ /CU ^{16,7} ₆
Multifamily as part of a mix-use development	P	N	N	N	N	N	N	N	P ^{15,14}	N	N	P	N	N	N	P ¹⁵
Home Occupation	P	P	P	P	N	N	N	N	P	N	N	P	N	N	N	P
Signs																
Interpretive/Educational	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Advertising/Other	P	P	P	N	N	P	P	P	P	P	P	P	PN	CU	P	P
Solid Waste Disposal																
Solid Waste Disposal	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	N	N
Transportation																
New SOV-oriented Facilities	N	N	N	N	N	N	N	N	CU	CUP	P	N	N	N	N	P
New HOV or Transit-oriented Facilities	P	N	P	N	N	P	P	P	P	CUP	P	N	N	N	P	P
New Railways	N	N	N	N	N	N	N	N	N	CUP	P	N	N	N	N	N
Expansion of Existing Facilities	P	CU	P	P	N	P	P	P	CU	P	P	P	CU	CU	P	P
Passenger only ferry- and water taxi-related Facilities	CU	N	CU	N	N	P	P	P	P	N	N	P	N	P	N	CU
Fixed-wing landing areas	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Helicopter Landing Pads	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	N	N
Seaplane Floats	CU	N	N	N	N	N	CU	N	P	N	N	CU	N	P	N	N
—Non-motorized facilities, new or expansion (on-street)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities¹¹																
Primary ¹⁷ -Underground	P	P	P	P	PN	P	P	P	P	P	P	P	PN	CU	P	P
-Accessory, Above-ground ¹²	PN	P	PN	P	NCU	PN	PN	PN	PN	P	P	P	PN/CU	CU	PN	PN
-Wireless Communications Facility	CUN	N	N	N	N	N	N	CUN	NCU	N	P	N	N	N	N	CUN
Shoreline Modification																
Shoreline Stabilization																
For water-dependent uses ^{18,17}	P	P	P	P	N	P	P	P	P	P	P	P	P	P	P	P
For Non-water-dependent uses	CU	CU	CU	CU	N	CU	CU	CU	CU	CU	CU	CU	CUN	CU	CU	CU
Breakwaters, Jetties, Groins and Weirs																
Associated with marinas and boating facilities	CU	N	N	N	N	CU	N	N	CU	N	CU	CU	N	CU	N	N
For shoreline erosion control	CU	N	N	N	N	CU	CUN	N	CU	N	CU	CU	N	CU	N	N
For Navigational purposes	CU	N	CU	N	N	CU	N	N	CU	N	CU	CU	N	CU	N	N
As part of Ecological Restoration and Enhancement	P	N	P	P	N	P	P	P	P	P	P	P	P	P	N	P
Dredging and Dredge Material Disposal																
Non-maintenance dredging	CU	N	N	N	N	N	CU	N	CU	CU	CU	CU	N	CU	N	CU
Maintenance dredging	P	N	N	N	N	P	P	P	P	P	P	P	PN	P	P	P
As Part of Ecological Restoration / Enhancement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fill and Excavation																
Fill and Excavation, Below OHWM	CU	CU	N	N	CU	CU	CU	NCU	NCU	N	CU	N	CU	N	N	CU
Below OHWM for Ecological Restoration and Enhancement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Above OHWM	P	P	P	N	P	P	P	CU	P	CU	P	CU	CU	N/A	N	P
Flood Control Works and In-stream Structures	N	N	N	N	N	N	N	N	N	CU	CU	N	CU	CU	N	N
	N	N	N	N	N	N	N	N	N	CU	CU	N	CU	CU	N	N

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE

District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15	
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial	Marine View Drive	Hylebos Creek	Waters of the State	Wapato Lake	Point Ruston / Slag Pen.	
Shoreline Designation	HI	SR	UC	UC	N	UC	UC	HI	DW	UC	HI	UC	UC N	A	UC	HI	
Ecological Restoration / Enhancement / Mitigation																	
Ecological Restoration / Enhancement / Mitigation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Mooring Facilities																	
Piers, Wharves, Docks and Floats																	
Associated with Residential Uses	N	P	P	P	N	N	N	N	N	N	N	N	N	P	N	N	
Associated Public Access Uses	P	P	P	P	N	P	P	P	P	N	P	P	N	P	P	CU	
Associated with Water Dependent Uses	P	N	P	P	N	P	P	P	P	N	P	P	N	P	N	N	
Mooring Buoy	P	P	P	P	P	P	P	P	N	N	P	P	N	P	N	P	
Mooring Buoy Field	P	N	N	N	N	P	CU	P	N	N	P	P	N	CU	N	P	
Navigational Aids	P	P	P	P	P	P	P	P	P	N	P	P	N	P	N	P	
Covered Moorages/Boat Houses ³	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
General Minimum Development Standards																	
Critical Areas_ Buffers_ per TSMP Chapter 6 ¹⁹	50 ft. from OHWM	50 ft. from OHWM	115 ft. from OHWM	200 ft. from OHWM	200 ft. from OHWM	115 ft. from OHWM	115 ft. from OHWM	115 ft. from OHWM	50 ft. from OHWM	150 ft. from OHWM	50 ft. from OHWM	115 ft. from OHWM	150 ft. from OHWM	N/A	2300 ft. from OHWM ²⁰	50 ft. from OHWM	
Height Limit ²¹	35 ft within marine buffer; 75 ft upland and outside marine buffer with view study	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	100 ft for deep water facilities ¹⁹² otherwise 35 ft ²³⁹	Refer to S-8 Shoreline District Regulations	35 ft	100 ft ²³⁹	35 ft	35 ft	35 ft, unless associated with Port/Industrial or transportation facilities.	35 ft	35 ft within 100 ft of OHWM; 50 ft from 100 – 200 ft.
Side Yard/View Corridor ²⁴⁺⁸	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage	30% of shoreline frontage ²³⁹	30% of shoreline frontage	30% of shoreline frontage	0 ft ²³⁹	30% of shoreline frontage	30% of shoreline frontage	N/A	30% of shoreline frontage	30% of shoreline frontage	
Front Yard Setback	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft ²³⁹	20 ft	50 ft from centerline of Puyallup river Dike	0 ft ²³⁹	20 ft	20 ft	N/A	20 ft	20 ft	
Rear Yard Setback (from edge of applicable buffer)	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft ²³⁹	10 ft	10 ft	0 ft ²³⁹	10 ft	10 ft	N/A	10 ft	10 ft	
Lot Area																	
Minimum Ave. Width	50 ft	50 ft	50 ft	50 ft		50 ft	50 ft			50 ft		50 ft	50 ft	N/A	50 ft		
Minimum Lot Frontage	25 ft	25 ft	25 ft	25 ft		25 ft	25 ft			25 ft		25 ft	25 ft	N/A	25 ft		
Minimum Lot Area for SF Dwelling	5,000 sq ft	5,000 sq ft	5,000 sq ft	5,000 sq ft		5,000 sq ft	5,000 sq ft			5,000 sq ft		5,000 sq ft	5,000 sq ft	N/A	5,000 sq ft		
Minimum Lot Area for MF Dwelling	6,000 sq ft	6,000 sq ft	6,000 sq ft	6,000 sq ft		6,000 sq ft	6,000 sq ft			6,000 sq ft		6,000 sq ft	6,000 sq ft	N/A	6,000 sq ft		

Key:
P Permitted
N Prohibited
CU Conditional Use

WORKING DRAFT TSMP

Notes:

- 1 Expansion of an existing marina shall be permitted consistent with the provisions of this Program, new marina development shall be a conditional use.
- 2 Boat ramps shall be permitted only in that area on the east side of the Foss Waterway north of the Centerline of 15th Street.
- 3 ~~Existing boat houses and covered moorage shall be permitted in all districts.~~
- 4~~3~~ Water-enjoyment and -related commercial uses shall be permitted over-water only as a reuse of an existing structure or when located within a mixed-use structure.
- 5 ~~Commercial development shall be limited to businesses providing recreational equipment, services or food services.~~
- 6~~4~~ Non-water-oriented commercial uses shall only be permitted in accordance with the regulations in TSMP section 7.4.2 and only as a conditional use.
- 7~~5~~ Non-water-oriented commercial uses shall be permitted outright as part of a mixed-use development with a water-oriented component; Non-water-oriented commercial uses in a mixed use development without a water-oriented component shall be permitted as a conditional use consistent with TSMP 9.9~~8~~(D).
- 8~~6~~ Non-water-oriented commercial uses shall be permitted outside 150' of OHWM only, except as specified in note 16-
- 9~~7~~ New educational, historic, and scientific uses are permitted over-water or in the S-13 Shoreline District (Waters of the State) only when water-dependent or as a reuse of an existing structure.
- 10~~8~~ Water-dependent ~~and -related~~ port, terminal and industrial uses shall be permitted only in existing ~~overwater~~ structures.
- 9 Water-dependent and -related port, terminal and industrial uses shall only be permitted on the east side of the Foss Waterway north of 15th Street.
- 11 ~~Water dependent and -related port, terminal and industrial uses shall only be permitted on the east side of the Foss Waterway north of 15th Street.~~
- 13~~10~~ Non-water-oriented industrial uses shall only be permitted in accordance with the regulations in TSMP section 7.5.2.
- 14~~11~~ New single-family residential development shall only be permitted in upland locations.
- 12 Detached single-family residential use and development is allowed in the S-15 shoreline district outside of shoreline jurisdiction.
- 13 New stand alone multi-family residential uses may be permitted as a conditional use in accordance with the regulations in TSMP section 7.7.2.
- 14~~5~~ Multi-family residential development shall only be permitted on the west side of the Foss Waterway, and on the east side of the Foss Waterway south of the centerline of E. 11th Street.
- 15~~6~~ Multifamily rResidential uses shall be permitted in upland locations, outside 150' of OHWM.
- 16 Townhouses may be permitted in upland locations up to 100' from OHWM as a conditional use and may include an office use on the ground floor.
- 17 Above ground utilities are only allowed consistent with TSMP 7.12.2.
- 18 Structural shoreline stabilization shall be permitted only when necessity has been demonstrated as described in TSMP section 8.2.2. ~~The side/yard corridor may be distributed between the two sides at the discretion of the proponent, provided a minimum 5 foot set back is maintained from either lot line.~~
- 19 Buffer reductions allowed for water-dependent uses per TSMP 6.4.3(c). ~~The maximum height standard excludes equipment used for the movement of waterborne cargo between storage and vessel or vessel and storage.~~
- 20 Except that the buffer shall not extend beyond the centerline of Alaska street.
- 21 District specific height limitations shall not apply to bridges in the shoreline. Bridges should be kept to the minimum height necessary and shall provide a view study to determine whether the structure will cause any significant impacts to public views of the shoreline.
- 20~~22~~ The maximum height standard excludes equipment used for the movement of waterborne cargo between storage and vessel or vessel and storage.
- 23 Any building, structure, or portion thereof hereafter erected (excluding equipment for the movement of waterborne cargo between storage and vessel, vessel and storage) shall not exceed a height of 100 feet. Unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.
- 24 The side/yard corridor may be distributed between the two sides at the discretion of the proponent, provided a minimum 5 foot set back is maintained from either lot line.

8) CHAPTER 10 DEFINITIONS

1. Act

"Act" means the Washington State Shoreline Management Act of 1971, as amended, chapter 90.58 RCW.

2. Accessory Structure

An "accessory structure" is a subordinate building or use incidental to the use of the main building or use.

3. Agriculture

"Agriculture" means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops conducting agricultural operations; and maintaining agricultural lands under production or cultivation;

4. Amendment

"Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

5. Approval

"Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to Ecology for review and official action pursuant to this chapter; or an official action by Ecology to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

6. Appurtenance

"Appurtenance, normal" means a structure or use that is necessarily connected to a primary development and is located landward of the ordinary high water mark. Normal appurtenances include, but are not limited to, utilities, septic tanks and drainfields, and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark, as well as driveways, walkways, and fences upon which the primary use is dependent.

7. Aquaculture

"Aquaculture" means the farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater, and may include development such as structures, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of wildstock geoduck on state-owned lands. Wildstock geoduck harvest is a fishery. Aquaculture does not include recreational shellfish harvesting for personal use and consumption; harvesting for educational projects; or improvements of habitats.

8. Artisan/craftsperson

"Artisan/craftsperson" means commercial activities that may have industrial characteristics such as noise, vibrations, odors, use of mechanical equipment or material storage, but provide public involvement or public access to unique artistic, crafts, or heritage skills. Examples include glass blowing, wooden boat building or restoration, pottery, and artist studios and schools.

9. Associated Wetlands

"Associated Wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake, stream or river subject to the Shoreline Management Act.

WORKING DRAFT TSMP

10. Average Grade Level

"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

~~11.~~ 11. Bedlands

"Bedlands" means those submerged lands, including tidelands where appropriate, underlying navigable waters.

~~2.~~ 12. Bioengineering

"Bioengineering" means project designs or construction methods which use living plant material or a combination of living plant material and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

~~3.~~ 13. Boat

See definition under "Vessel."

14. Boat Lift

"Boat lift" means a mechanical device that can hoist vessels out of the water for storage and place vessels into the water. These devices are usually located along a pier.

~~14.~~ 15. Boating Facilities

"Boating facilities" includes marinas, including foreshore and backshore types, dry storage and wet-moorage types, covered moorage, boat launches, and marine travel lifts. ~~means a facility or structure providing access in and out of the water for vessels, such as marinas, launching ramps, rails, or lift station.~~ For purposes of the Shoreline Master Program, boating facilities excludes docks serving four or fewer single-family residences.

~~15.~~ 16. Boat House

"Boat house" means covered moorage that includes walls and a roof to protect the vessel.

~~16.~~ 17. Breakwater

"Breakwater" means an offshore structure that is generally built parallel to shore that may or may not be connected to land, and may be floating or stationary. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion.

~~17.~~ 18. Building

A "building" is any structure having a roof supported by columns or walls for the housing, shelter, or enclosure of persons, animals, or chattels; when separated by dividing walls without openings, each portion of such building so separated shall be deemed a separate building.

~~18.~~ 19. Bulkhead

A "bulkhead" is a solid, open pile, or irregular wall of rock, rip-rap, concrete, steel, or timber or combination of these materials erected parallel to and near ordinary high water mark to provide a protective wall resistant to water and wave action.

WORKING DRAFT TSMP

A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing upland structure or use and appurtenant structures from loss or damage by erosion

~~19,20.~~ Buoy

"Buoys" are floating devices anchored in a waterbody for navigational purposes or moorage. See also "moorage buoy."

~~20,21.~~ City

The City of Tacoma, Washington

~~21,22.~~ Clearing

"Clearing" means the destruction or removal of logs, scrub shrubs, stumps, trees or any vegetative material by burning, chemical, mechanical or other means.

~~22,23.~~ Commercial

Commercial means a business use or activity at a scale greater than a home occupation or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include restaurants, offices, and retail shops.

~~23,24.~~ Commercial Fishing

Commercial fishing is the activity of capturing fish and other seafood under a commercial license.

~~24,25.~~ Conditional Use

"Conditional use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the Master Program.

26. Covered Moorage

"Covered moorage" means boat moorage, with or without walls, that has a roof to protect the vessel.

~~25,27.~~ Critical Saltwater Habitat

Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

28. Cumulative Impact

"Cumulative Impact" means the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

~~26,29.~~ Department of Ecology

"Department of Ecology" means the Washington State Department of Ecology.

~~27,30.~~ Development

"Development" is an activity consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which may interfere with the

WORKING DRAFT TSMP

normal public use of the surface of the waters overlying lands subject to the Shorelines Management Act of 1971 at any state of water level.

28.31. Development Regulations

"Development regulations" means the controls placed on development or land uses, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

29.32. Dike

A "dike" is an artificial embankment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

30.33. Dock

"Dock" means a place or structure that connects with the shore and provides access to a boat vessel from the land.

31.34. Document of Record

"Document of record" means the most current shoreline master program officially approved or adopted by rule by Ecology for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

32.35. Dredging

"Dredging" is the removal of earth, sand, sludge or other material from the bottom of a water body, by mechanical or hydraulic means.

33.36. Dredging spoils

"Dredging spoils" are the bottom materials obtained from dredging.

34.37. Drift Cell

"Drift cell," "drift sector" or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

35.38. Driftway

"Driftway" means that portion of the marine shore process corridor, primarily the upper foreshore, through which sand and gravel are transported by littoral drift. The driftway is the essential component between the feeder bluff(s) and accretion shoreform(s) of an integral drift sector. Driftways are also characterized by intermittent, narrow berm beaches.

36.39. Ecological Functions

"Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

37.40. Ecology

"Ecology" refers to the Washington State Department of Ecology.

38.41. Ecosystem-wide Processes

WORKING DRAFT TSMP

"Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

39.42. Educational Facilities

"Educational facilities" means a building or place for teaching and learning; or for the acquisition, conservation, study, assembly and public display and/or exhibition, and educational interpretation of objects having historical, cultural, scientific, or artistic value such as a museum.

40.43. Emergency

An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

41.44. Environmental Remediation

"Environmental remediation" consists of those actions taken to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment. Such actions include any investigative, site remediation, and monitoring activities undertaken with respect to any release or threatened release of a hazardous substance.

42.45. Essential Public Facilities

"Essential public facilities" are broadly defined in RCW 36.70A.200 as being those types of facilities that are typically difficult to site. This definition includes but is not limited to, the following:

- a. Airports
- b. State education facilities
- c. State and regional transportation facilities
- ~~e.d.~~ State and local correctional facilities
- ~~e.e.~~ Solid waste handling facilities
- ~~e.f.~~ Inpatient facilities
- ~~e.g.~~ Mental health facilities
- ~~e.h.~~ Group Homes

43.46. Exempt

"Exempt" developments are those set forth in Section 5.7.4(Exemptions from Substantial Development Permit) of this Program which are not required to obtain a Shoreline Substantial Development Permit but which must otherwise comply with applicable provisions of the act and the local master program.

44.47. Extreme Low Tide

"Extreme low tide" means the lowest line on the land reached by a receding tide.

45.48. Fair Market Value

"Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development

WORKING DRAFT TSMP

from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

46.49. Feasible

"Feasible" means, for these purposes, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- b. The action provides a reasonable likelihood of achieving its intended purpose; and
- ~~b.c.~~ The action does not physically preclude achieving the project's primary intended legal use.
- ~~b.d.~~ In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.
- ~~b.e.~~ In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

47.50. Feeder Bluff Exceptional

"Feeder Bluff Exceptional" means relatively rapidly eroding bluff segments identified by the presence of landslide scarps, bluff toe erosion, and a general absence of vegetative cover and/or portions of bluff face fully exposed. Other indicators included the presence of colluvium (slide debris), boulder or cobble lag deposits, and fallen trees across the beachface. Feeder bluff exceptional segments lack a backshore, old or rotten logs, and coniferous bluff vegetation.

48.51. Fill

"Landfill" means placing soil, sand, rock, dredge material, gravel, or other material (excluding solid waste) to provide new land, tideland, or bottom land area along the shoreline below the ordinary high water mark, or on upland areas in order to raise the elevation. Disposal of hazardous substances and other materials in conjunction with an environmental cleanup in accordance with State and Federal regulations is considered environmental remediation.

52. Fixed-wing landing areas

"Fixed-wing landing areas" means a cleared and paved area used for the takeoff and landing of fixed-wing aircraft.

49.53. Float

"Float" means a fixed platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water dependent recreation or moorage for vessels or watercraft, and that does not include above water storage.

50.54. Floating Home

A "floating home" is a building constructed on a float, used in whole or in part as a dwelling, and not a vessel, and is typically characterized by permanent utilities, a semi-permanent anchorage/moorage design, and by the lack of adequate self propulsion to operate as a vessel.

51.55. Flood Hazard Reduction

"Flood hazard reduction" means measures taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management

WORKING DRAFT TSMP

programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

52.56. Flood Plain

"Flood plain" is synonymous with the one hundred-year flood plain and refers to the land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

53.57. Floodway

"Floodway" means the area, as identified in a master program as a floodway, and that has been established as such in federal emergency management agency (FEMA) flood insurance rate maps (FIRM) or floodway maps.

54.58. Footprint

"Footprint – building" means that area defined by the exterior walls of a structure.

55.59. Forest Land

"Forest land" means all land that is capable of supporting a merchantable stand of timber and is not being actively used, developed, or converted in a manner that is incompatible with timber production.

56.60. Forest Practices

Forest practice means any activity conducted on or directly pertaining to forest land and relating to growing or harvesting of timber, or the processing of timber, including but not limited to: road and trail construction and maintenance; harvest, final and intermediate; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.

57.61. Geotechnical Report

"Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

58.62. Grading

"Grading" refers to excavating, filling, leveling, or artificially modifying surface contours.

59.63. Grey Water

"Grey water" means wastewater generated by water-using fixtures and appliances such as sinks, showers, and dishwaters, but excluding the toilet.

60.64. Groin

A "groin" is a barrier structure extending from the shore to the water. It is used to interrupt lateral sediment movement along the shore.

61.65. Guidelines

WORKING DRAFT TSMP

"Guidelines" means those standards adopted by Ecology to implement the policy of chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and Ecology in developing and amending master programs.

62-66. Habitat Improvement

"Habitat improvement" means any actions taken to intentionally improve the overall processes and functions of critical habitats, including wetland, stream, and aquatic habitats. Such actions may or may not be in conjunction with a specific development proposal, and include, but are not limited to, restoration, creation, enhancement, preservation, acquisition, maintenance, and monitoring

63-67. Harbor Area

"Harbor area" means the area of navigable tidal waters between the inner and outer harbor lines where established in front of and within one mile of the corporate limits of an incorporated city or town by the Board of Natural Resources acting as the State Harbor Lines Commission as established by Section 1 of Article XV of the Washington State Constitution. This area may be leased but never sold by the State, and must be reserved for the purpose of navigation and commerce.

64-68. Hazardous Substances

"Hazardous substances" means those wastes designated by WAC 173-340-200, and regulated as hazardous substances by Ecology.

65-69. Hearings Board

"Hearing[s] board" or "State Shorelines Hearings Board" means the shoreline[s] hearings board established by 90.58 RCW. This is the hearings board established by the Shorelines Management Act of 1971 to decide appeals of cases involving shoreline substantial development permits, conditional uses, or variances.

66-70. Height

"Height" is measured from average grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included; provided further, that temporary construction equipment is excluded in this calculation.

67-71. Houseboat

"Houseboat" means a vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities for facilities, anchoring, and the presence of adequate self-propulsion to operate as a vessel.

4-72. Helicopter Landing Pad

"Helicopter Landing Pad" means a facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep- gradient aircraft.

68-73. Inner Harbor Line

"Inner harbor line" means the line established by the State in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area. This line determines the seaward extent of private ownership in tidal or shoreland areas (often corresponds to the "bulkhead line").

69-74. In-stream Structure

WORKING DRAFT TSMP

"In-stream structure" means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

~~70:~~75. Jetty

A "jetty" is a structure that is generally perpendicular to shore extending through or past the intertidal zone. Jetties are built singly or in pairs at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift in entrance channels, which may or may not be dredged. Jetties also serve to protect channels from storm waves or cross currents, and stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.

~~71:~~76. Land use Administrator

The "Administrator" is the City Land Use Administrator or his/her designee.

~~72:~~77. Live-aboard vessel

"Live-aboard vessel" means a vessel used primarily as a residence, and if used as a means of transportation or recreation, said transportation or recreation is a secondary or subsidiary use. Any vessel used for overnight accommodation for more than 15 nights in a one-month period shall be considered a residence.

~~73:~~78. Local Government

"Local government" means the City of Tacoma.

~~74:~~79. Lot Frontage

"Lot frontage" means that portion of a lot abutting upon the lot line running parallel to and farthest landward of the ordinary high water mark. Low Impact Development (LID)

~~75:~~80. Low Impact Development (LID)

"Low Impact Development" means a stormwater management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings. "LID" can include the following:

- Permeable pavements;
- Vegetated roofs;
- Rainwater harvesting; and
- Bioretention areas (rain gardens).

For further information, please refer to http://www.psp.wa.gov/downloads/LID/LID_manual2005.pdf

~~76:~~81. Maintenance Dredging

"Maintenance dredging" refers to dredging for the purpose of maintaining a prescribed minimum depth previously authorized by a federal, state, and/or local permit as part of any specific waterway project.

~~77:~~82. Marina

"Marina" means a water-dependent facility that provides launching, storage, supplies, moorage and other accessory services for five or more pleasure and/or commercial water craft ~~consisting of a system of piers, buoys or floats which provides moorage and may include related services.~~

WORKING DRAFT TSMP

78.83. Marine

"Marine" means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

79.84. Maritime Facility

A facility which is open to the public in which the primary activities relate to the commercial fishing industry; boat building and repair; or other maritime activities or the history thereof.

80.85. Master Program

"Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

81.86. May

"May" means the action is acceptable, provided it conforms to the provisions of this Master Program.

82.87. Mean Higher High Water

"Mean Higher High Water" is the line on tidal beaches where the mean of the higher of each day's high tides has left a mark upon the beach distinctly separating the tidal area from adjoining uplands. For Tacoma, 11.80 feet above Mean Lower Low Water shall constitute the line of Mean Higher High Water, in those cases where the line of Ordinary High Water cannot be determined or established.

83.88. Mitigation

"Mitigation" means a negotiated action involving the avoidance, minimization, or compensation for possible adverse impacts.

84.89. Mixed-use Project

"Mixed-use projects" means developments which include a combination of components, such as residential uses, hotels, marinas, public access provisions, and other uses. are developments that combine water-dependent/ water-related uses with water-enjoyment uses and/or non-water-oriented uses. Mixed-use developments can be a tool for increased water-dependent activities, civic revitalization, and public access to the shoreline. To encourage mixed-use projects that achieve a public benefit, special provisions can be included in a master program that offer a potential developer incentives or more latitude than normal master program requirements. In return, the developer's proposal must include elements that further the objectives of the Shoreline Management Act and benefit the public. Implicit in the concept of mixed-use provisions is that additional development incentives must be justified by increased and long-term public benefit resulting from the project and that the public benefit must relate to SMA objectives. Generally in mixed-use projects the water-oriented uses and non-revenue recreation uses are "subsidized" by the economic advantages of the other uses in the sense that the water-oriented uses could not be economically developed without support from viable non-water-oriented uses.

90. Mixed-Use Facility

A "mixed use facility" is a structure or development that combines non-water-oriented uses such as transient accommodations, residential units, or retail with one or more water-oriented uses in a manner that takes advantage of a shoreline location and which, as a general characteristic of the use, provides shoreline recreational and aesthetic enjoyment for a substantial number of people. In order to meet the definition of a mixed use facility, the facility must be

WORKING DRAFT TSMP

designed to protect views to the shoreline, must be open to the general public and must be devoted to the specific aspects of the use that foster shoreline enjoyment.

85.91. Moorage

“Moorage” is a pier, dock, buoy or float, either fixed or floating, to which vessels may be secured.

“Covered moorage” refers to moorage which has a roof.

“Individual mooring facilities” refers to moorage for single vessels.

86.92. Moored Boat

A “moored boat” is a vessel that is secured to a pier, float, dock, buoy or other vessel.

87.93. Mooring Buoy

“Mooring buoy” means an anchored floating device in a water body used for the landing or storage of a vessel or water craft.

94. Mooring Buoy Field

“Mooring Buoy Field” means the existence or establishment of 12 or more mooring buoys in a contiguous area.

88.95. Multifamily Residential Development

“Multifamily Residential Development” means a building or portion thereof designed for or used as the residence of four or more families living independently of each other.

88.96. Must

"Must" means a mandate; the action is required.

89.97. Natural Topography

"Natural topography" or "existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

90.98. Navigational Channels

“Navigational channels” are those logical routes on the waters of Tacoma beyond the outer harbor line, commonly used by ships for useful commerce.

91.99. Navigable Waters

“Navigable waters” means waters which are, in fact and without substantial alteration, capable of being used practically for the carriage of commerce. Navigable waters include waters meandered by government surveyors as navigable unless otherwise declared by a court. Navigable waters do not include waters inside an inner harbor line.

100. Nexus

“Nexus” is the rational relationship between a probable adverse impact from a proposed development on a legitimate governmental interest or purpose.

92.101. Non-conforming Use/Structure

“Non-conforming use/development” means a shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable Act or Master Program provision, and which no longer conforms to the applicable shoreline provisions.

WORKING DRAFT TSMP

93.102. Normal Maintenance

"Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

94.103. Normal Protective Bulkhead

"Normal protective bulkhead" means a those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion (See WAC 173-27-040).

95.104. Normal Repair

"Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

96.105. Ordinary High Water Mark

"Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or Ecology: PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

97. Outdoor Advertising

See "Sign, advertising."

98.106. Outer Harbor Line

"Outer harbor line" is the line located and established by the State Department of Natural Resources in navigable waters beyond which the State shall never sell or lease any rights whatever. This line determines the extent of water area that may be leased to private interests.

99.107. Over-water Structure

An "over-water structure" refers to a structure or other construction located waterward of the Ordinary High Water Mark (OHWM) or a structure or other construction erected on piling above the surface of the water, or upon a float.

100.108. _____ Parking

"Principal use parking" is parking which is the principal use on the property and is not accessory to another use.

"Accessory Parking" is the use of land for the purpose of accommodating motor vehicles, motorized equipment, or accessory units, such as trailers, and directly serves an approved shoreline use.

101.109. _____ Party of Record

WORKING DRAFT TSMP

"Party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

~~102~~.110. _____ Permit

"Permit" means any Substantial Development, Variance, Conditional Use Permit, or revision authorized under chapter 90.58 RCW.

~~103~~.111. _____ Person

"Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

~~104~~.112. _____ Pier

"Pier" means a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above water storage.

~~105~~.113. _____ Port, Terminal, Industrial

"Port" means a center for water-borne commerce and traffic.

"Terminal" means a building or complex containing facilities needed by transportation operators and passengers at either end of a travel or shipping route by air, rail, road or sea.

"Industrial means" means the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

~~106~~.114. _____ Practicable

"Practicable" means a requirement or provision for a use or development that is capable of being put into practice or of being done or accomplished.

~~107~~.115. _____ Priority Habitat

"Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- a. Comparatively high fish or wildlife density;
- b. Comparatively high fish or wildlife species diversity;
- ~~b.c.~~ Important wildlife habitat;
- ~~b.d.~~ Important fish or wildlife seasonal range;
- ~~b.e.~~ Important fish or wildlife movement corridor;
- ~~b.f.~~ Rearing and foraging habitat;
- ~~b.g.~~ Important marine mammal haul-out;
- ~~b.h.~~ Refugia habitat;
- ~~b.i.~~ Limited availability;
- ~~b.j.~~ High vulnerability to habitat alteration;
- ~~b.k.~~ Unique or dependent species; or

WORKING DRAFT TSMP

~~b.l.~~ Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

~~408.116.~~ Priority Species

"Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

- a. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- b. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
- ~~b.c.~~ Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
- ~~b.d.~~ Criterion 4. Species listed under the federal Endangered Species Act as proposed, threatened, or endangered.

~~409.117.~~ Provisions

"Provisions" means policies, regulations, standards, guideline criteria or environment designations.

~~440.118.~~ Public Access Area

"Public access area" means an area, pathway, road, or structure open to use by the general public and affording contact with or views of public waters.

~~441.119.~~ Public Access

"Public access" refers to a provision of physical or visual approach from upland or adjacent properties or public waters or from shorelines or public waters to upland or adjacent properties, available to the general public.

~~442.120.~~ Public Interest

"Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

~~443.121.~~ Qualified professional

WORKING DRAFT TSMP

“Qualified professional” means a person who, at a minimum, has earned a degree from an accredited college/university in the relevant scientific or engineering discipline appropriate to the critical area subject and two years of related professional work experience; or eight years of professional work experience in the relevant critical area subject.

114.122. _____ Recreation

“Recreation” means the refreshment of body and mind through forms of play, sports, relaxation, or contemplation. Water-oriented recreation includes activities such as boating, fishing, swimming, skin diving, scuba diving, and enjoying the natural beauty of the shoreline or its wildlife through nature walks, photography, wildlife observation, and hiking.

115.123. _____ Recreational Development

“Recreational development” includes commercial and public facilities designed and used to provide recreational opportunities to the public.

116.124. _____ Residential Development

“Residential Development” includes the development of single-family residences, including appurtenant structures and uses. Residential development also includes multifamily development and the creation of new residential lots through land division.

117.125. _____ Restore

"Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

118.126. _____ Revetment

A sloped wall constructed of riprap or other material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes waterward and has rough or jagged facing. The slope differentiates it from a bulkhead, which is a vertical structure.

119.127. _____ Rip-Rap

“Rip-rap” is a foundation or retaining wall of stones or rock placed along the water's edge or on an embankment to prevent erosion.

128. _____ Rough Proportionality Test

_____ “Rough Proportionality Test” is a case by case determination by the City that a particular condition of approval on a proposed project is reasonably related to both the character and the degree of a probable impact of the project on the public health, safety and welfare.

120.129. _____ Setback

“Setback” means a space unoccupied by structures except where intrusions are specifically permitted by this Program.

121.130. _____ Setback, Front

“Front Setback” means the space abutting a street right-of-way, access easement or private road either from which the lot is addressed or from which the lot gains primary access, and extending the full width of the lot; and at the intersection of two public rights-of-way, space abutting each right-of-way extending the full width of the lot.

WORKING DRAFT TSMP

~~122~~.131. _____ Setback, Rear

“Rear Setback” means the space abutting a property line or landward edge of the marine buffer, as established by this Program, and opposite to the front setback or as nearly so as the lot shape permits, and extending the full width of the lot or buffer. If more than one rear setback or more than one front setback exists, the Land Use Director shall designate the rear setback.

~~123~~.132. _____ Setback, Side

“Side Setback” means the space abutting a property line, access easement or private road and generally between the required front and rear setbacks. Any setback not defined as a front or rear setback is a side setback.

~~124~~.133. _____ Sewage

“Sewage” means wastewater associated with human habitation, including that portion of the wastewater from toilets or any other receptacles containing human or animal excreta and urine, commonly known as “black water.”

~~125~~.134. _____ Shall

"Shall" means a mandate; the action must be done.

~~126~~.135. _____ Shared Moorage

“Shared Moorage” or “joint use” means moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents of a certain subdivision or community within shoreline jurisdiction or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft. If a shared moorage provides commercial services or is of a large scale (more than four slips), it shall be considered a marina. Shared moorage proposed to be leased to upland property owners shall also be considered a marina. If a proposal includes covered moorage, commercial sale of goods or services, or a means of launching other than a ramp, swinging boom, or davit style hoist, it shall be considered a marina.

~~127~~.136. _____ Shorelands/Shoreland Areas

“Shoreland” or “shoreland areas” means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark of Puget Sound, Commencement Bay, Thea Foss Waterway, Middle Tacoma Waterway Municipal Code City Clerk’s Office 13-283 (Revised 08/2009), St. Paul Waterway, Puyallup Waterway and the Puyallup River (including Clear Creek), Milwaukee Waterway, Sitcum Waterway, Blair Waterway (including Wapato Creek), Hylebos Waterway (including Hylebos Creek), Wapato Lake, Titlow Lagoon, floodways and contiguous floodplain areas landward 200 feet from such floodways, and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of the Act.

~~128~~.137. _____ Shoreline Environmental Designations

Shoreline Environmental Designation. There are six shoreline environments defined and designated to exist on the shorelines of the City of Tacoma. These shoreline environmental designations are summarily defined in subsection 3.3 of this Program

~~129~~.138. _____ Shoreline Jurisdiction

"Shoreline jurisdiction" means all "shorelines of the state" and "shorelands."

~~130~~.139. _____ Shoreline Master Program

"Shoreline master program (TSMP)" or "master program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material

WORKING DRAFT TSMP

and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program approved under chapter 90.58 RCW shall be considered an element of the city's comprehensive plan. All other portions of the shoreline master program for a city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the city's development regulations.

~~131.~~140. _____ Shoreline Modifications

"Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

~~132.~~141. _____ Shoreline Stabilization

"New shoreline stabilization" refers to the construction or addition of hard or soft shoreline stabilization measures, including but not limited to bulkheads, revetments, rip rapping, anchor trees and slope bioengineering along a property abutting the shoreline.

"Replacement shoreline stabilization" refers to the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose.

~~133.~~142. _____ Shoreline Substantial Development Permit

A "Shoreline Substantial Development Permit" is the permit required by this Master Program for uses which are substantial developments in shoreline jurisdiction.

~~134.~~143. _____ Shorelines

"Shorelines" means all of the water areas of the City, including reservoirs, and their associated shorelands, together with the lands underlying them, except: (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes. Within the City of Tacoma, "shorelines" include: (1) Wapato Lake, (2) Titlow Lagoon, and (3) those areas of Puget Sound and those areas within the manmade waterways of Commencement Bay lying landward from the line of extreme low tide.

~~135.~~144. _____ Shorelines of Statewide Significance

"Shorelines of Statewide Significance" means the following shorelines of the State:

- a. The area between the ordinary high water mark and the western boundary of the State from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;
- b. Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:
 - (1) Nisqually Delta – from DeWolf Bight to Tatsolo Point,
 - (2) Birch Bay – from Point Whitehorn to Birch Point,
 - (3) Hood Canal – from Tala Point to Foulweather Bluff,
 - (4) Skagit Bay and adjacent area – from Brown Point to Yokeko Point, and
 - (5) Padilla Bay – from March Point to William Point;

WORKING DRAFT TSMP

- c. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwaters north to the Canadian line and lying seaward from the line of extreme low tide;
- e.d. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more, measured at the ordinary high water mark;
- e.e. Those natural rivers or segments thereof, as follows:
 - (1) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second, or more, and
 - (2) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at 200 cubic feet per second, or more, or those portions of rivers east of the crest of the Cascade range downstream from the first 300 square miles of drainage area, whichever is longer;
- f. Those shorelands associated with paragraphs a, b, d, and e above.

Within the City of Tacoma, the Puyallup River is the only river which has been designated as having shorelines of statewide significance. Because the Puyallup River within the City has been diked, the shorelines of statewide significance include the shoreline area on both sides of the river landward 200 feet from the ordinary high water mark. When dikes are located beyond 200 feet of the ordinary high water mark, the wetlands will be that area lying between the dike and the ordinary high water mark.

Other shorelines of statewide significance within the City of Tacoma are those areas of Puget Sound lying seaward from the line of extreme low tide. Within manmade waterways in Commencement Bay, shorelines of statewide significance include the area lying seaward from the line of extreme low tide. In some waterways, where extensive bulkheading has taken place, the line of extreme low tide may only mean a difference in water depth within the channel. In those situations, the shoreline of statewide significance is taken from the water line at extreme low tide seaward.

~~136.145.~~ _____ Shorelines of the City

“Shorelines of the City” means the total of all “shorelines” and “shorelines of statewide significance” within the City.

~~137.146.~~ _____ Shorelines of the State

"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state.

~~138.147.~~ _____ Should

"Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

~~139.148.~~ _____ Sign

“Sign” means any device, flag, light, figure, picture, letter, work, message, symbol, plaque, poster or building face that is visible from outside the lot on which it is located and that is designed to inform or attract the attention of the public through visual communication, excluding murals or architectural designs that do not advertise a business, product or service..

~~140. Sign, Advertising~~

~~“Sign, advertising” means all publicly displayed attached or freestanding signs whose purpose is to provide commercial identification of goods and services available on a site and advertising other than the name, occupation, and/or nature of the enterprise conducted on the premises. “Sign, advertising” shall not include merchandise and pictures or models of products or services incorporated in a window display or works of art which in no way identify a product, subject, however, to the illumination restrictions contained in Section 13.10.175.~~

WORKING DRAFT TSMF

141.149. _____ Sign, Directional

“Sign, directional” means attached or freestanding railroad, highway, road, or traffic signs or signals erected, constructed, or maintained for the purpose of providing safety and directional information within public and private properties or rights-of-way for the movement of pedestrian and vehicular traffic.

142.150. _____ Sign, Freestanding

“Sign, freestanding” means a self-supporting sign placed off and away from the building or use to which it is related. Freestanding signs may be single faced or consist of two parallel and fully connected faces. The square footage of such signs shall be determined by the dimensions of the frame or edges of the sign, regardless of whether it is one- or twofaced.

143. ~~Sign, Identification~~

~~“Sign, identification” means any attached or freestanding sign identifying the name, occupant, development, business, location, and/or nature of the enterprise conducted on the premises.~~

144.151. _____ Sign, Informational ~~Interpretive~~

“Sign, informational” means a sign designed to impart educational, instructive, or historic information, or to identify parks or other public recreational facilities.

145. ~~Sign, Public Park Activity~~

~~“Sign, public park activity” means any attached or freestanding sign comprised of a series of one foot by one foot sign placards which may be twofaced, bearing Federal recreation symbols, and an area identification placard (i.e., Ruston Way Logo) for the purpose of providing information as to the activities available at a public park facility. Such signs are excluded from regulation by this chapter.~~

146.152. _____ Significant Vegetation Removal

"Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

147.153. _____ Single Family Residence

"Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program.

148.154. _____ Solid Waste

Solid waste means all solid and semi-solid wastes, except wastes identified in WAC 173-304-015, including, but not limited to, junk vehicles, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities, but excluding agricultural wastes and crop residues returned to the soil at agronomic rates. This includes all liquid, solid and semi-solid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes but is not limited to sludge from

WORKING DRAFT TSMP

wastewater treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. Unrecovered residues from recycling operations shall be considered solid waste.

~~149~~.155. _____ Solid Waste Facility

“Solid waste facility” or “transfer facility” refers to any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations, landfills, or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and reclamation activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.

~~150~~.156. _____ State Master Program

"State master program" means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by Ecology.

~~151~~.157. _____ Stockpiling of Materials

“Stockpiling of materials” means the accumulation and storage of raw materials, equipment, apparatus and/or supplies by an individual, business, or organization. Stockpiling of materials as a primary use activity is subject to all applicable shoreline permits. Stockpiling of materials as a secondary use activity pursuant to a valid shoreline permit is considered a permitted use activity.

~~152~~.158. _____ Stream

“Stream” means a naturally occurring body of periodic or continuously flowing water where the water is contained within a channel.

~~153~~.159. _____ Streamway

Streamway” means the bed and banks of a stream.

~~154~~.160. _____ Structure

"Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

~~155~~.161. _____ Substantial Development

"Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand seven hundred and eighteen dollars (\$5,718), or as adjusted by the State Office of Financial Management, or any development which materially interferes with the normal public use of the water or shorelines of the state.

~~156~~.162. _____ Substantially Degrade

"Substantially degrade" means to cause significant ecological impact.

~~157~~.163. _____ Support

“Support” means that a non-water-oriented component of a mixed-use project is necessary to pay the costs of or provide a basis for the existence and ongoing subsistence of the water-oriented component.

~~158~~.164. _____ Townhouse

“Townhouse” means a building on its own separate parcel of land containing one single-family dwelling unit that occupies space from the foundation to the roof and is attached to one or more other townhouse dwelling units by at least one common wall.

WORKING DRAFT TSMP

158.165. _____ Transmit

"Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination.

159.166. _____ Transportation Facility

A "transportation facility" includes roads and railways, related bridges and culverts, fills, embankments, causeways, parking lots, parking structures, and bus and truck terminals. Not included is off-street bicycle or recreational trails.

160.167. _____ Underground Utilities

"Underground utilities" means services which produce and carry electric power, gas, sewage, communications, oil, water, and storm drains below the surface of the ground.

161.168. _____ Uplands

"Uplands" means dry lands landward of OHWM.

162.169. _____ Uses and Development Activities

"Uses and development activities" for the purposes of this chapter means the following uses and development activities as defined in the Final Guidelines of the Department of Ecology (WAC 173-16-060), RCW 90.58.030, and the adopted Master Program for the City of Tacoma: Tacoma Municipal Code City Clerk's Office 13-285 (Revised 08/2009)

163.170. _____ Utilities

"Utilities" are services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. ~~On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.~~ Utilities have been categorized in this Master Program as primary, accessory, and personal wireless facilities:

a) Primary utilities are services and facilities that produce, transmit, carry, store, process or dispose of power, gas, water, sewage, communications (excepting wireless facilities, see below), oil and the like. For example: sewage treatment plants and outfalls, public high-tension utility lines, power generating or transfer stations, gas distribution lines and storage facilities.

b) Accessory utilities are small-scale distribution services directly serving a permitted shoreline use. For example, power, telephone, cable, communication antennas, water, sewer lines, including stormwater systems.

c) Personal wireless facilities meaning any unstaffed facility for the transmission and/or reception of personal wireless services. This can consist of an equipment shelter or cabinet, a support structure or existing structure used to achieve the necessary elevation, and the antenna or antenna array.

164.171. _____ Variance

"Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

165.172. _____ Vegetation Conservation

WORKING DRAFT TSMP

“Vegetation conservation” includes activities to protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion and flooding and contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species. Vegetation management provisions apply even to those shorelines and uses that are exempt from a permit requirement.

166.173. _____ Vessel

"Vessel" includes ships, boats, barges, or any other floating watercraft which are designed and used for navigation and do not interfere with the normal public use of the water.

167.174. _____ Water-dependent

"Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, boat ramps and transient moorage, aquaculture, and float plane facilities.

168.175. _____ Water-enjoyment

"Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers, view towers, interpretive centers and other improvements facilitating public access to shorelines of the state. General water-enjoyment uses may include but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts and convention centers, and public markets, PROVIDED, that such uses conform to the above water-enjoyment specifications and the provisions of the Master Program.

169.176. _____ Water-oriented

"Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

~~"Nonwater oriented uses" means those uses that are not water dependent, water related, or water-enjoyment.~~

177. _____ Non-water-oriented

- “Non-water-oriented uses” describes those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores and gas stations.

170.178. _____ Water Quality

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"Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

~~171.~~179. _____ Water-Related Use

"Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

~~a.~~ a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include, but should not be limited to, manufacturers of large materials for which transportation cost becomes a significant factor, professional services serving primarily water-dependent activities, warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

~~b.~~

~~172.~~180. _____ Watershed Restoration

"Watershed restoration project" 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 ten miles of streamreach, in which less than twenty-five 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; or
- ~~b.c.~~ 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 two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

"Watershed restoration plan" 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 chapter 43.21C RCW, the State Environmental Policy Act.

~~173.~~181. _____ Weir

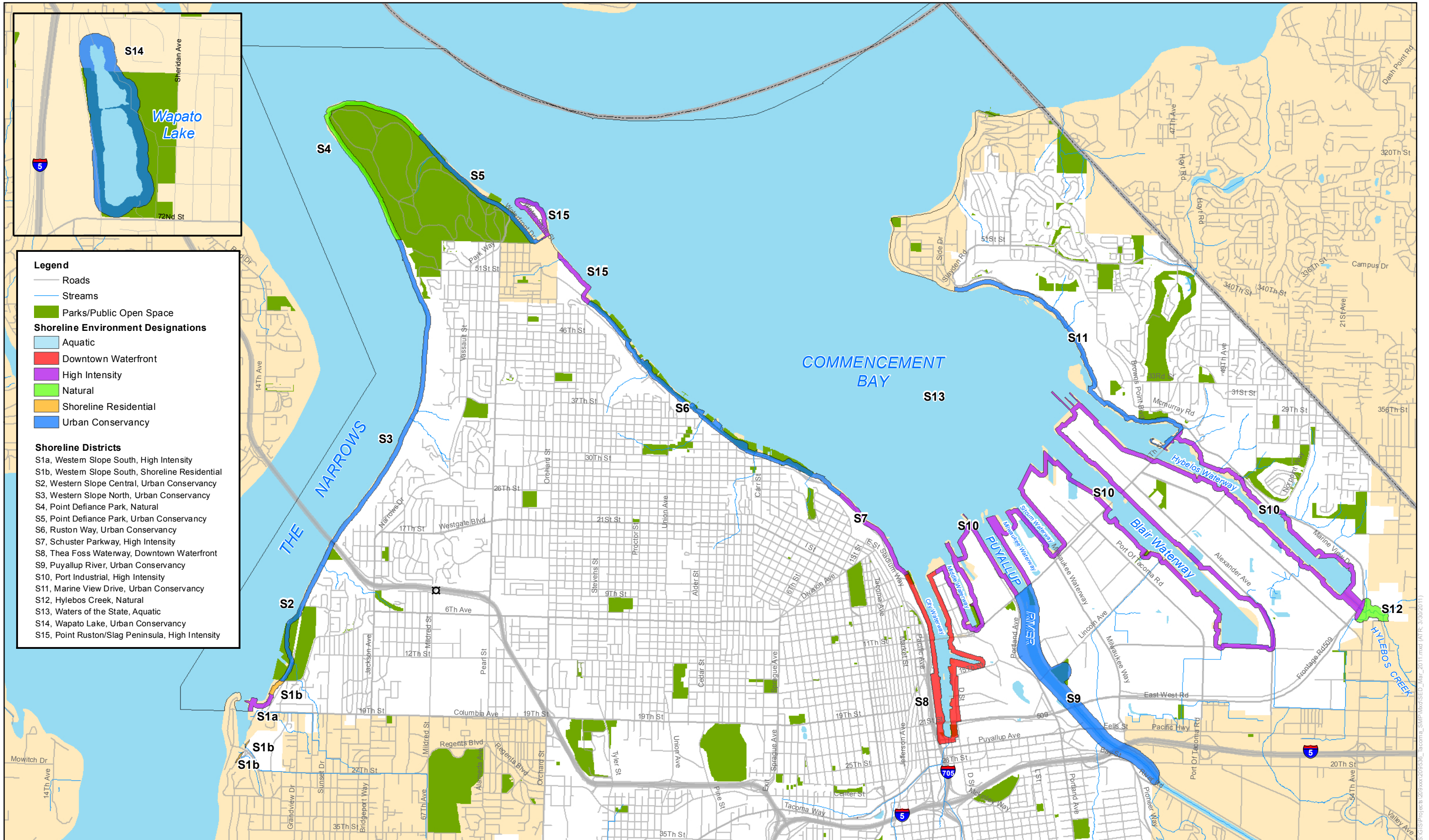
"Weir" means a structure in a stream or river for measuring or regulating stream flow.

~~174.~~182. _____ Wetlands

WORKING DRAFT TSMP

"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

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Chapter 13.11
CRITICAL AREAS PRESERVATION

Sections:

13.11.100	General Provisions.
13.11.110	Purpose.
13.11.120	Intent.
13.11.130	Scope and Applicability.
13.11.140	Exempted Activities.
13.11.150	<i>Repealed.</i>
13.11.160	Pre-existing Uses/Structures.
13.11.170	Critical Area Designation and SEPA.
13.11.180	Abrogation and Greater Restrictions.
13.11.190	Severability.
13.11.200	Notice on Title.
13.11.210	Residential Density Credits.
13.11.220	Regulated Uses/Activities.
13.11.230	Application Types.
13.11.240	Legal Test(s).
13.11.250	Review Process.
13.11.260	General Mitigation Requirements.
13.11.270	Sureties.
13.11.280	Conditions and Appeals.
13.11.300	Wetlands.
13.11.310	Wetland Classification.
13.11.320	Wetland Buffers.
13.11.330	Wetland Buffer Modifications.
13.11.340	Wetland Standards.
13.11.350	Wetland Mitigation Requirements.
13.11.360	<i>Repealed.</i>
13.11.400	Streams and Riparian Habitats.
13.11.410	Stream Classification.
13.11.420	Stream Buffers.
13.11.430	Stream Buffer Modification.
13.11.440	Stream Crossing Standards.
13.11.450	Stream Mitigation Requirements.
13.11.500	Fish and Wildlife Habitat Conservation Areas (FWHCAs).
13.11.510	Classification.
13.11.520	Standards.
13.11.530	FWHCA's Shoreline – Marine Buffers.
13.11.540	FWHCA's Marine Buffer Modifications.
13.11.550	FWHCA's Mitigation Requirements.
13.11.560	FWHCA's Management Areas.
13.11.580	Habitat Zones.
13.11.600	Flood Hazard Areas.
13.11.610	Classification.
13.11.620	Standards.
13.11.700	Geologic Hazardous Areas.
13.11.710	Designation.
13.11.720	Classification.
13.11.730	General Development Standards.
13.11.800	Aquifer Recharge Areas.
13.11.810	Classification.
13.11.820	Standards.
13.11.900	Definitions.

13.11.100 General Provisions

The 100 and 200 sections contain the general provisions, including the following:

13.11.110	Purpose.
13.11.120	Intent.
13.11.130	Scope and Applicability.
13.11.140	Exempted Activities.
13.11.150	<i>Repealed.</i>
13.11.160	Pre-existing Uses/Structures.
13.11.170	Critical Area Designation and SEPA.
13.11.180	Abrogation and Greater Restrictions.
13.11.190	Severability.
13.11.200	Notice on Title.
13.11.210	Residential Density Credits.
13.11.220	Regulated Uses/Activities.
13.11.230	Application Types.
13.11.240	Legal Test(s).
13.11.250	Review Process.
13.11.260	General Mitigation Requirements.
13.11.270	Sureties.
13.11.280	Conditions and Appeals.

(Ord. 27912 Ex. A; passed Aug. 10, 2010; Ord. 27893 Ex. A; passed Jun. 15, 2010)

13.11.110 Purpose.

The purpose of this chapter is to protect the public health, safety, and welfare by establishing a regulatory scheme based on Best Available Science that classifies, protects, and preserves Tacoma's critical areas; by providing standards to manage development in association with these areas; and by designating some of these areas as environmentally sensitive in accordance with the State Environmental Policy Act (SEPA). Many critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the City and its residents, while others may pose a threat to human safety, or to public and private property. (Ord. 27431 § 13; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

13.11.120 Intent.

A. Critical areas include critical aquifer recharge areas, fish and wildlife habitat conservation areas (FWHCAs), flood hazard areas, geologically hazardous areas, stream corridors, wetlands, and any buffer zones. These critical areas serve many important ecological functions. Many of the critical areas in Tacoma have been lost or degraded through past development. Tacoma, as an urban growth area, is experiencing increasing growth and its land resource is diminishing. This increasing growth and diminishing land resource is creating pressure for the development of critical areas. New construction technology is also creating pressure on these sites by making development feasible on sites where it was formerly impractical to build.

B. Because of the ecological benefits of critical areas, their past destruction, and the increasing pressure to develop them, the intent of this chapter is to ensure that the City's remaining critical areas are preserved and protected and that development in or adjacent to these areas is managed. The preservation standards are provisions designed to protect critical areas from degradation caused by improper development. These criteria and standards will secure the public health, safety, and welfare by:

1. Protecting members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, volcanic eruptions, flooding or similar events;
2. Maintaining healthy, functioning ecosystems through the protection of ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve biodiversity of plant and animal species;
3. Preventing cumulative adverse impacts to water quality, streams, FWHCAs, and wetlands including the prevention of net loss of wetlands.

4. Providing open space and aesthetic value;
5. Providing migratory pathways for fish and birds;
6. Giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries;
7. Providing unique urban wilds that serve as natural laboratories for schools and the general public;
8. Avoiding public expenditures to correct damaged or degraded critical ecosystems;
9. Alerting appraisers, assessors, owners, potential buyers, or lessees to the potential presence of a critical ecosystem and possible development limitations; and
10. Providing City officials with information, direction, and authority to protect ecosystems when evaluating development proposals. (Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 14; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

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 Tacoma 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.

13.06.520 Signs.

C. Definitions.

~~Directional sign. A sign that is an attached or freestanding railroad, highway, road, or traffic signs or signals erected, constructed, or maintained for the purpose of providing safety and directional information within public and private properties or rights-of-way for the movement of pedestrian and vehicular traffic. Any sign which serves solely to designate the location of any place, area, or business within the City limits of Tacoma, whether on-premises or off-premises.~~

~~Directory sign. A sign on which the names and locations of occupants or the use of a building is given.~~

Electrical sign. A sign or sign structure in which electrical wiring, connections, and/or fixtures are used as any part of the sign.

Flashing sign. An electrical sign or portion which changes light intensity in sudden transitory bursts, but not including signs which appear to chase or flicker and not including signs where the change in light intensity occurs at intervals of more than one second.

Freestanding sign. A permanently installed, self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

Frontage.

1. Freestanding sign. For the purpose of computing the size of a freestanding sign, frontage shall be the length of the property line parallel to and abutting each public right-of-way bordered.

2. Building mounted sign. For the purpose of computing the size of building mounted signs, frontage shall be the length of that portion of the building containing the business oriented onto a right-of-way or parking lot. For a business with more than one frontage, the largest frontage with a public entrance shall be used.

Graphics. An aggregate of designs, shapes, forms, colors, and/or materials located on an exterior wall and relating to or representing a symbol, word, meaning, or message.

Ground sign. A sign that is six feet or less in height above ground level and is supported by one or more poles, columns, or supports anchored in the ground.

~~Identification or directory sign. A combination sign used to identify numerous buildings, persons, or activities which relate to one another, which is used~~

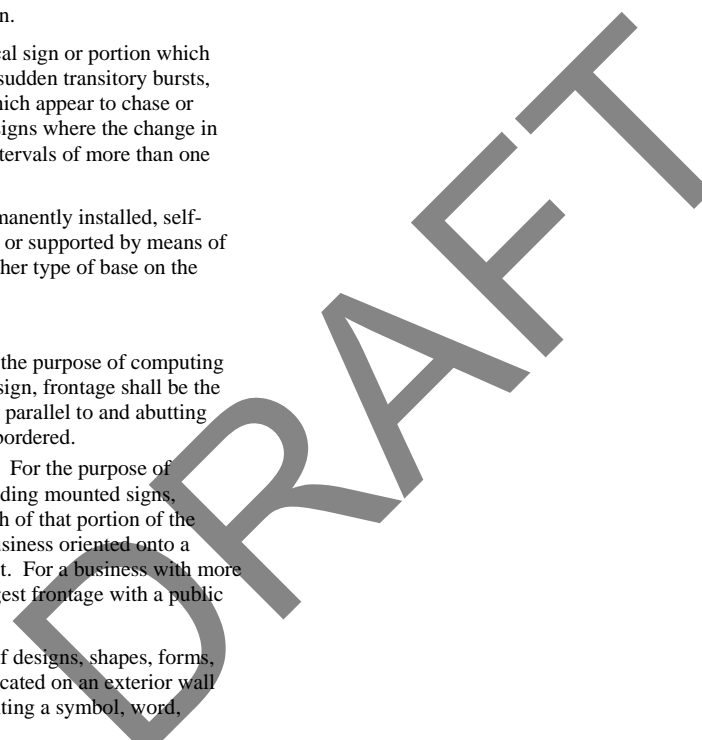
as an external way-finding for both vehicular and pedestrians traffic.

13.06.521 General sign regulations.

13.06.522 District sign regulations.

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Section 13.06.522.N. Sign regulations specific to signage within the Shoreline Districts –
The following are regulations concerning the size limitations of signs which apply to all proposed
and existing developments on the shoreline and associated wetlands or wetland areas of the City:

1. Multiple-Family Residential:

	<u>All Shoreline Districts</u>
<u>Sign Allocation</u>	
<u>Total Sign Area Allocation for signs attached to buildings and freestanding signs</u>	<u>1 per development site</u>
<u>Signs Attached to Buildings</u>	
<u>Max Number</u>	<u>1</u>
<u>Max area per Sign</u>	<u>20 square feet in area</u>
<u>Freestanding Signs</u>	<u>Subject to Provisions of 13.06.521.G</u>
<u>Max Number</u>	<u>1</u>
<u>Max Area per Sign</u>	<u>15 square feet in area per face</u>
<u>Maximum Height</u>	<u>6</u>
<u>Location</u>	<u>A freestanding sign may not be placed anywhere on a site where it significantly degrades a vista, viewpoint, or view shed presently available to the public, or impairs the visual access to the water from such view areas.</u>
<u>Lighting</u>	
<u>Lighting and Illumination Restrictions for signs attached to buildings and freestanding signs</u>	<u>Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses.</u> <u>No external bare bulb illumination of signs shall be allowed, except that neon signs shall be allowed in the “S-8” Shoreline District. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.</u>

2. Commercial:

	<u>S-7, S-9, and S-10 Districts</u>	<u>S-8 District</u>	<u>S-1a, S-1b,S-5,S-6, S-11 and S-15 Districts</u>
<u>Sign Allocation</u>			
<u>Total Sign Area Allocation for signs attached to buildings and freestanding signs</u>	<u>1 per development site</u> <u>Signs having both land and water access may have one sign facing landward and one facing waterward.</u>	<u>2 signs, on separate building faces</u> <u>Signs having both land and water access may have one sign facing landward and one facing waterward.</u>	<u>1 per development site</u> <u>Signs having both land and water access may have one sign facing landward and one facing waterward.</u>
<u>Signs Attached to Buildings</u>			
<u>Max Number</u>	<u>1 per development site</u> <u>For development sites that contain multiple tenants, each tenant may have an additional single building face sign which shall be</u>	<u>2 signs, on separate building faces</u> <u>For buildings containing multiple businesses, each tenant may have an additional single building</u>	<u>1 per development site</u> <u>For development sites that contain multiple tenants, each tenant may have an additional single building face sign which shall be</u>

	<u>limited to a maximum total area of 6 square feet. This sign area is not included in the total sign area.</u>	<u>face sign which shall be limited to a maximum total area of 10 square feet. This sign area is not included in the total sign area.</u>	<u>limited to a maximum total area of 6 square feet. This sign area is not included in the total sign area.</u>
<u>Max area per Sign</u>	<u>60 sq feet</u>	<u>Buildings containing one business are allowed .75 square-foot of sign area per lineal foot of building frontage .</u> <u>Buildings on development sites containing multiple buildings may calculate their sign area based on .75 square feet of sign area per lineal street frontage.</u> <u>The maximum area for any sign is 75 square feet.</u>	<u>60 sq feet</u>
<u>Freestanding Signs</u>			
<u>Max Number</u>	<u>1 per development site</u>	<u>1 per development site</u> <u>Buildings containing multiple businesses may provide one additional non-freestanding sign (for a total of three).</u>	<u>1 per development site</u>
<u>Max Area per Sign</u>	<u>45 sq feet;</u>	<u>Buildings containing one business are allowed .75 square-foot of sign area per lineal foot of building frontage .</u> <u>Buildings on development sites containing multiple buildings may calculate their sign area based on .75 square feet of sign area per lineal street frontage.</u> <u>The maximum area for any sign is 75 square feet.</u>	<u>30 sq ft</u>
<u>Maximum Height</u>	<u>15 ft;</u>	<u>20 feet and oriented landward</u>	<u>8 ft</u>
<u>Location</u>	<u>A freestanding sign may not be placed anywhere on a site where it significantly degrades a vista, viewpoint, or view shed presently available to the public, or impairs the visual access to the water from such view areas.</u>		
<u>A-Board</u>		<u>One non-illuminated A-board sign limited to a maximum total area of 10</u>	

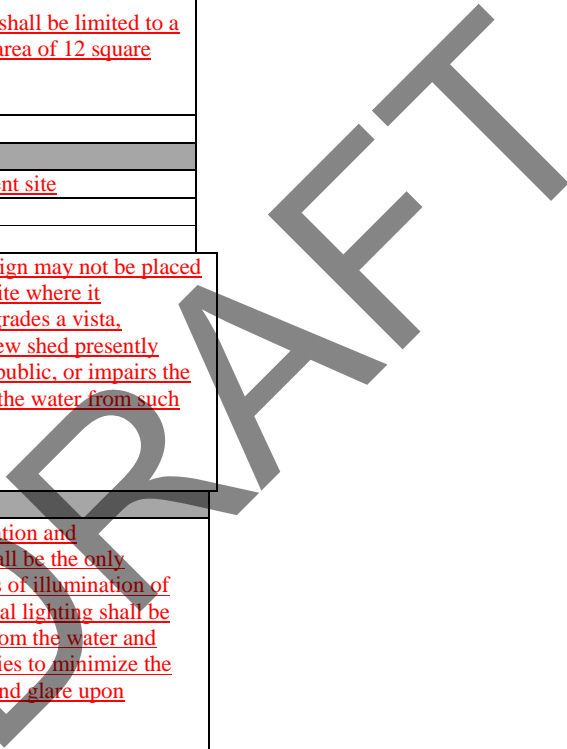
		<u>square feet for each use is allowed; provided, that the sign area provided is included in the total allowable sign area and does not obstruct designated public or vehicular access routes.</u>	
<u>Lighting</u>			
<u>Lighting and Illumination Restrictions for signs attached to buildings and freestanding signs</u>	<u>Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses. No external bare bulb illumination of signs shall be allowed. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.</u>	<u>Neon signs shall be allowed in the "S-8" Shoreline District. No other external bare bulb illumination of signs shall be allowed.</u> <u>Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.</u>	<u>Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses. No external bare bulb illumination of signs shall be allowed. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.</u>

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3. Industrial:

	S-1a, S-7, S-8, S-9, and S-10 Districts
<u>Sign Allocation</u>	
<u>Total Sign Area Allocation for signs attached to buildings and freestanding signs</u>	1 per development site Signs having both land and water access may have one sign facing landward and one facing waterward.
<u>Signs Attached to Buildings</u>	
<u>Max Number</u>	1 per development site In addition, where a development site contains one or more tenants, each tenant may have a single building face sign which shall be limited to a maximum total area of 12 square feet.
<u>Max area per Sign</u>	100
<u>Freestanding Signs</u>	
<u>Max Number</u>	1 per development site
<u>Max Area per Sign</u>	75 sq ft
<u>Maximum Height</u>	20
<u>Location</u>	A freestanding sign may not be placed anywhere on a site where it significantly degrades a vista, viewpoint, or view shed presently available to the public, or impairs the visual access to the water from such view areas.
<u>Lighting</u>	
<u>Lighting and Illumination Restrictions for signs attached to buildings and freestanding signs</u>	Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses. No external bare bulb illumination of signs shall be allowed, except that neon signs shall be allowed in the "S-8" Shoreline District. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.

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4. Park/Recreational

	<u>All Shoreline Districts</u>
<u>Sign Allocation</u>	
<u>Total Sign Area Allocation for signs attached to buildings and freestanding signs</u>	<u>1 per development site</u>
<u>Freestanding Signs</u>	
<u>Max Number</u>	<u>1 per development site</u>
<u>Max Area per Sign</u>	<u>30</u>
<u>Maximum Height</u>	<u>8</u>
<u>Location</u>	<u>A freestanding sign may not be placed anywhere on a site where it significantly degrades a vista, viewpoint, or view shed presently available to the public, or impairs the visual access to the water from such view areas.</u>
<u>Lighting</u>	
<u>Lighting and Illumination Restrictions for signs attached to buildings and freestanding signs</u>	<u>Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses.</u> <u>No external bare bulb illumination of signs shall be allowed, except that neon signs shall be allowed in the "S-8" Shoreline District. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.</u>

(Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27432 § 10; passed Nov. 15, 2005; Ord. 27296 § 23; passed Nov. 16, 2004; Ord. 27245 § 16; passed Jun. 22, 2004; Ord. 27079 § 40; passed Apr. 29, 2003; Ord. 26966 § 15; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002)

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Chapter 13.05

LAND USE PERMIT PROCEDURES

Sections:

13.05.005	Definitions.
13.05.010	Application requirements for land use permits.
13.05.020	Notice process.
13.05.030	Land Use Administrator – Creation and purpose – Appointment – Authority.
13.05.040	Decision of the Land Use Administrator.
13.05.050	Appeals of administrative decisions.
13.05.060	Applications considered by the Hearing Examiner.
13.05.070	Expiration of permits.
13.05.080	Modification/revision to permits.
13.05.090	Land Use Administrator approval authority.
13.05.095	Development Regulation Agreements.
13.05.100	Enforcement.
13.05.105	<i>Repealed.</i>
13.05.110	<i>Repealed.</i>

13.05.005 Definitions.

As used in this chapter, the following terms are defined as:

A. Abate: To repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this title by such means and in such a manner and to such an extent as the Land Use Administrator determines is necessary in the interest of the public health, safety, and welfare of the community

B. Aggrieved Person: In an appeal, an “aggrieved person” shall be defined as a person who is suffering from an infringement or denial of legal rights or claims.

C. Appeal, for Standing: An aggrieved person or entity has “standing” when such person or entity is entitled to notice under the applicable provision of the Tacoma Municipal Code, or when such person or entity can demonstrate that such person or entity is within the zone of interest to be protected or regulated by the City law and will suffer direct and substantial impacts by the governmental action of which the complaint is made, different from that which would be experienced by the public in general.

D. Application, Complete: An application which meets the procedural requirements outlined in Section 13.05.010.C.

E. Department: As used in this chapter, “Department” refers to the Community and Economic Development Department.

F. Open Record Hearing: A hearing, conducted by a single hearing body or officer authorized to conduct such hearings that create a record through testimony and submission of evidence and information.

G. Owner: Any person having any interest in the real estate in question as indicated in the records of the office of the Pierce County Assessor, or who establishes, under this chapter, his or her ownership interest therein.

H. Person in Control of Property: Any person, in actual or constructive possession of a property, including, but not limited to, an owner, occupant, agent, or property manager of a property under his or her control.

I. Premises and property: Used by this chapter interchangeably and means any building, lot, parcel, dwelling, rental unit, real estate, or land, or portion thereof.

J. Project Permit or Project Permit Application: Any land use or environmental permit or license required for a project action, including, but not limited to, subdivisions, binding site plans, planned developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by the critical area preservation ordinance, site-specific rezones authorized by a Comprehensive Plan or sub area plan, but excluding the adoption or amendment of a Comprehensive Plan, sub area plan, or development regulations, except as otherwise specifically included in this subsection. This chapter does not apply to Exempted Activities under Section 13.11.140.

K. Public Meeting: An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the decision. A public meeting does not constitute an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation shall be included in the project permit application file.

L. Violation: Any act which results in non-compliance with any of the standards outlined within this title or conditions imposed from land use permits granted by the City.

M. Work Plan: Any document containing information detailing all of the required approvals, processes, timelines, actions, reports, etc., that are necessary to remedy a violation of this title and that said approvals, processes, timelines, actions, reports, etc. will be undertaken in order to gain compliance with this title. (Ord. 27912 Ex A; passed Aug. 10, 2010:

Ord. 27728 Ex A; passed Jul. 1, 2008: Ord. 27431 § 4; passed Nov. 15, 2005: Ord. 25852 § 1; passed Feb. 27, 1996)

13.05.010 Application requirements for land use permits.

H. Limitations on Refiling of Application.

1. Applications for a land use permit pursuant to Title 13 on a specific site shall not be accepted if a similar permit has been denied on the site within the 12 months prior to the date of submittal of the application. The date of denial shall be considered the date the decision was made on an appeal, if an appeal was filed, or the date of the original decision if no appeal was filed.

2. The 12-month time period may be waived or modified if the Land Use Administrator finds that special circumstances warrant earlier reapplication. The Land Use Administrator shall consider the following in determining whether an application for permit is similar to, or substantially the same as, a previously denied application:

a. An application for a permit shall be deemed similar if the proposed use of the property is the same, or substantially the same, as that which was considered and disallowed in the earlier decision;

b. An application for a permit shall be deemed similar if the proposed application form and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as that which was considered and disallowed in the earlier decision; and

c. An application for a variance ~~or waiver~~ shall be deemed similar if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those considered and rejected in the earlier decision.

In every instance, the burden of proving that an application is not similar shall be upon the applicant.

13.05.020 Notice process.

A. Purpose. The purpose of this section is to provide notice requirements for land use applications.

B. Process I – Minor Land Use Decisions.

1. A notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.010.E. ~~A variance is an e~~Examples of a minor land use decision ~~s are waivers and variances.~~

Table G – Notice, Comment and Expiration for Land Use Permits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation/determination of code	Recommended	100 feet for site specific	For general application	Yes	14 days	LUA	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	LUA	No	No	None
Boundary line adjustment	Required	No	No	No	No	LUA	No	No	5 years***
Binding site plan	Required	No	No	No	No	LUA	No	No	5 years***
Environmental SEPA DNS/EIS	Optional	Same as case type	Yes if no hearing required	Yes for EIS	Same as case type	Dept. Director	No	No	None
Variance , height of main structure	Required	400 feet	No	Yes	30 days	LUA	No*	No	5 years

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Open space classification	Required	400 feet	No	Yes	**	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	400 feet	Yes	Yes	21 days SEPA**	Hearing Examiner	Yes	Final Plat	5 years***
Plats 5-9 lots	Required	400 feet	Yes	Yes	20 days	LUA	No*	Final Plat	5 years***
Rezones	Required	400 feet	No	Yes	21 days SEPA**	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance	Required	400 feet	No	Yes	30 days*** **	LUA	No*	No	2 years/ maximum 6
Short plat	Required	No	No	No	No	LUA	No	No	5 years***
Site approval	Optional	400 feet	No	Yes	30 days*** **	LUA	No*	No	5 years
Conditional use	Required	400 feet	No	Yes	30 days*** **	LUA	No*	No	5 years****
Variance	Optional	100 feet	No	Yes	14 days	LUA	No*	No	5 years
Waiver	Optional	100 feet	No	Yes	14 days	LUA	No*	No	Condition of permit
Wetland/Stream/ FWHCA development permits	Required	400 feet	No	Yes	30 days	LUA	No*	No	5 years
Wetland/stream/ FWHCA assessment	Required	400 feet	No	Yes	14 days	LUA	No	No	5 years
Wetland delineation verification	Required	400 feet	No	Yes	30 days	LUA	No	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).

** Comment on land use permit proposal allowed from date of notice to hearing.

*** Must be recorded with the Pierce County Auditor within five years.

**** Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Land Use Administrator's decision.

***** If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.

(Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. C; passed Jun. 30, 2009; Ord. 27771 Ex. B; passed Dec. 9, 2008; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27631 Ex. A; passed Jul. 10, 2007; Ord. 27431 § 6; passed Nov. 15, 2005; Ord. 27245 § 2; passed Jun. 22, 2004; Ord. 27158 § 1; passed Nov. 4, 2003; Ord. 26195 § 1; passed Jan. 27, 1998; Ord. 25852 § 1; passed Feb. 27, 1996)

13.05.030 Land Use Administrator – Creation and purpose – Appointment – Authority.

A. Creation and Purpose. The position of Land Use Administrator is hereby created. The Land Use Administrator shall act upon land use regulatory permits as specified in this chapter. In order to ensure that the Land Use Administrator is free from improper influence, no individual, City employee, and member of the City Council, or other City board, commission or committee shall interfere with the exercise of the Land Use Administrator’s duties and responsibilities set forth herein.

B. Appointment. The Land Use Administrator shall be appointed by the Director of the Community and Economic Development Department, upon advice of the Director of Public Works and the City Attorney. The Director of the Community and Economic Development Department may also designate an Acting Land Use Administrator who shall, in the event of the absence or the inability of the Land Use Administrator to act, have all the duties and powers of the Land Use Administrator.

C. Authority. The Land Use Administrator shall have the authority to act upon the following matters:

1. Interpretation, enforcement, and administration of the City’s land use regulatory codes as prescribed in this title;
2. Applications for conditional use permits;
3. Applications for site plan approvals;
4. Applications for variances;
5. Applications for waivers;
6. Applications for preliminary and final plats as outlined in Chapter 13.04, Platting;
7. Applications for Wetland/Stream/FWHCA Development Permits, Wetland Delineation Verifications, Wetland/Stream/FWHCA Assessments as outlined in Chapter 13.11;
8. Applications for Shoreline Management Substantial Development Permits/conditional use/ variances as outlined in Chapter 13.10;
9. Modifications or revisions to any of the above approvals;
10. Approval of landscape plans;
11. Extension of time limitations;
12. Application for permitted use classification for those uses not specifically classified.
13. Boundary line adjustments, binding site plans, and short plats;
14. Approval of building or development permits requiring Land Use Code and Environmental Code compliance.

D. Interpretation and Application of Land Use Regulatory Code. In interpreting and applying the provisions of the Land Use Regulatory Code, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, morals or general welfare. It is not intended by this code to interfere with or abrogate or annul any easements, covenants or agreements between parties. Where this code imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires larger yards or setbacks and open spaces than are required in other ordinances, codes, regulations, easements, covenants or agreements, the provisions of this code shall govern. An interpretation shall be utilized where the factual basis to make a determination is unusually complex or there is some problem with the veracity of the facts; where the applicable code provision(s) is ambiguous or its application to the facts unclear; or in those instances where a person applying for a license or permit disagrees with a staff determination made on the application. Requests for interpretation of the provisions of the Land Use Regulatory Code shall be processed in accordance with the requirements of Section 13.05.040.

E. Permitted Uses – Uses Not Specifically Classified. In addition to the authorized permitted uses for the districts as set forth in this title, any other use not elsewhere specifically classified may be permitted upon a finding by the Land Use Administrator that such use will be in conformity with the authorized permitted

uses of the district in which the use is requested. Notification of the decision shall be made by publication in a newspaper of general circulation.

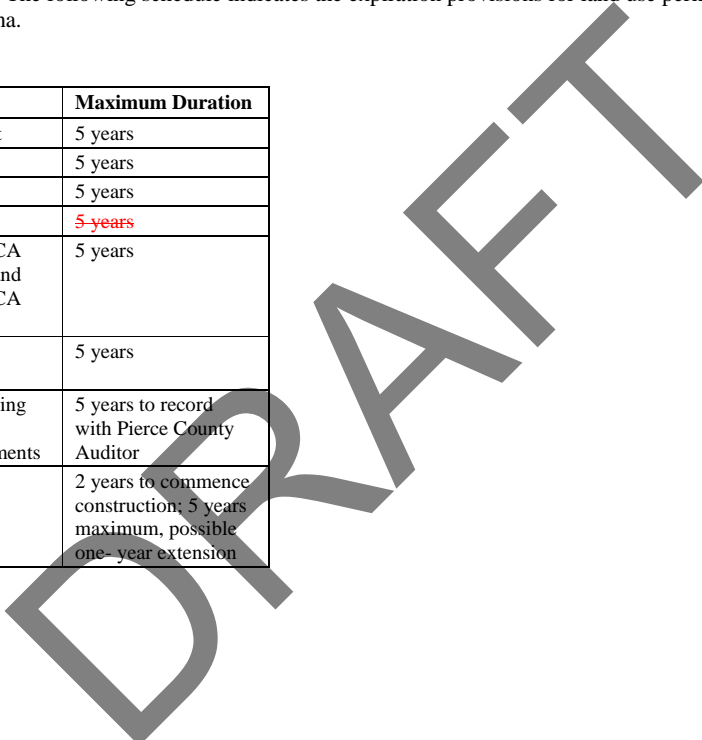
F. Reasonable Accommodation. Any person claiming to have a handicap, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC § 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Land Use Administrator with verifiable documentation of handicap eligibility and need for accommodation. The Administrator shall act promptly on the request for accommodation. If handicap eligibility and need for accommodation are demonstrated, the Administrator shall approve an accommodation, which may include granting an exception to the provisions of this Code. The City shall not charge any fee for responding to such a request. (Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. C; passed Jun. 30, 2009; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27539 § 1; passed Oct. 31, 2006; Ord. 27466 § 35; passed Jan. 17, 2006; Ord. 27431 § 7; passed Nov. 15, 2005; Ord. 27245 § 3; passed Jun. 22, 2004; Ord. 27017 § 5; passed Dec. 3, 2002; Ord. 26195 § 2; passed Jan. 27, 1998; Ord. 25852 § 1; passed Feb. 27, 1996)

13.05.070 Expiration of permits.

(Refer to Table G in Section 13.05.020).

A. Expiration Schedule. The following schedule indicates the expiration provisions for land use permits within the City of Tacoma.

	Type of Permit	Maximum Duration
1.	Conditional Use Permit	5 years
2.	Variance	5 years
3.	Site Approval	5 years
4.	Waiver	5 years
5.	Wetland/Stream/FWHCA Development Permits and Wetland/Stream/FWHCA Assessments	5 years
6.	Wetland Delineation Verifications	5 years
7.	Preliminary Plats, Binding Site Plans, Short Plats, Boundary Line Adjustments	5 years to record with Pierce County Auditor
8.	Shoreline Permits	2 years to commence construction; 5 years maximum, possible one-year extension





City of Tacoma
Community and Economic Development Department

Agenda Item
GB-3

TO: Planning Commission

FROM: Donna Stenger, Manager, Long-Range Planning Division

SUBJECT: Public Hearing on 2011 Annual Amendment Package

DATE: March 30, 2011

The Planning Commission will review the testimony from the public hearing held on March 2, 2011, on the draft *Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2011* (the "Annual Amendment Package"). The Annual Amendment Package consists of the following applications:

- #2011-01 – 49th and Pine Intensity and Zoning Change
- #2011-02 – Historic Preservation Plan and Code Revisions
- #2011-04 – Water Level of Service Standard
- #2011-05 – Transportation Element
- #2011-06 – Regional Centers & Safety-Oriented Design
- #2011-07 – Park Zoning and Permitting
- #2011-08 – Regulatory Code Refinements
- #2011-09 – SEPA Regulations Amendment

A copy of the compilation of the written comments and a summary of oral testimony was distributed to Commission members at your last meeting in the "green book". Please bring this book with you to the next meeting.

Attached is a copy of the "Summary of Public Comments and Staff Responses Report" which summarizes the public comments and provides a staff response or recommendation as appropriate. In addition, the specific text changes relative to the Park Zoning and Permitting project (Application #2011-07) are also attached, as well as a sheet outlining a few additional technical changes proposed by staff as part of the Regulatory Code Refinements (Application #2011-08).

If you have any questions, please contact Donna Stenger at 591-5210 or dstenger@cityoftacoma.org.

DS:ds

c. Peter Huffman, Assistant Director

Attachments



2011 ANNUAL AMENDMENT
SUMMARY OF PUBLIC COMMENTS AND STAFF RESPONSES REPORT

March 30, 2011

	COMMENTS	SOURCE(S)	STAFF RESPONSE
#2011-01 – 49th and Pine Intensity and Zoning Change			
1.	This area is currently underserved by park and recreation facilities, especially with all of the recent growth in the West Mall area. This project will exacerbate that problem and the City does not have the tools to appropriately address this issue.	Grant, Art	There are a few recreational facilities located in and around this general area, including South Park, the Water Ditch Trail, and the play areas at the former Madison School. However, staff acknowledges Mr. Grant’s concerns, which has also been expressed by others in the community, about a perceived lack of park facilities. While the city does not have impact fees for parks, in 2008, partly in response to this issue, the City Council adopted a new “yard space” requirement for residential developments. This new requirement will ensure that this project, if developed, provides at least 10% of its site as a functional open space and recreation area. However, while this private recreational area would help ensure that this project does not exacerbate such concerns it will also not provide additional recreational space for the general community. While staff recognizes this remaining issue, it is not appropriate, particularly in light of this new requirement, to hold up this proposal based on a concern about how other projects and other areas have been developed. It should also be noted that MetroParks, who is the primary provider of public recreational facilities in the city, has not expressed any concern about this proposal or its impact on the park and recreation system in this area
2.	Expressed concern about any new park space that might be required as part of this project as those spaces often become magnets for gang activity and an unfunded mandate for enforcement.	Abaun, Tony	Concerns noted. As indicated above, the only required park space associated with this project would be private yard space within the proposed complex.
3.	Expressed concern about the increased traffic that this project would bring to the neighborhood.	Russell, Kathy	See Comment #10.
4.	If this proposal is allowed, there should be traffic calming measures put in place along South Pine Street to slow speeding and cut-through traffic along this residential street.	Russell, Kathy; Johnson, Elly (<i>also a petition signed by approximately 15 neighbors</i>)	Staff concurs with this neighborhood concern and has indicated that as part of the development review of this project (or any other significant project on this site), additional traffic analysis will be conducted. It is anticipated that a proposed project of this scale will be required to provide measures to address neighborhood traffic impacts. As noted below under Comment #6, the applicant has also expressed and concurred with this concern and has expressed their desire to implement additional traffic calming along South Pine Street as part of the development of their project.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
5.	Proposed change would be consistent with Growth Management Act (GMA) by placing new growth adjacent to the Mixed-Use Center, a transit center, and a major employment center.	Holcomb, Mark; Casey, Paul	Staff generally concurs that the proposed change is consistent with multiple goals of the GMA.
6.	The applicant owns numerous apartment complexes in this area and shares many of the community's concerns, including speeding along Pine Street and has indicated their willingness to install traffic calming measures along Pine Street as part of the street improvements that will be required for this project.	Casey, Paul	Staff acknowledges the applicant's expressed willingness to work with the Traffic Engineering Division and the community to institute reasonable traffic calming measures as part of their development. If approved, additional traffic study will be required and such measures will likely be required.
7.	The proposed change will provide a reasonable transition between the mixed-use center and the adjacent single-family neighborhood while preserving the residential character of the area and adding new, diverse housing opportunities.	Casey, Paul	Support noted.
8.	The proposal would eliminate the existing commercial zoning on the property, develop of which has the potential to negatively impact the neighborhood even more.	Casey, Paul	The site currently contains two zoning classifications – the majority of the site is zoned R-2 Single-Family Dwelling District while the northeast corner of the site is zoned C-1 General Neighborhood Commercial District. As described in the staff report, C-1 zoning allows for a wide range of uses, such as smaller scale office, retail and services uses. It is likely that some of these allowed uses would be less desirable and potential more impactful to the neighborhood than the uses allowed under the proposed R-4L Low Density Multi-Family Dwelling District, although the proposal also involves rezoning the remaining portion of the site, which is currently zoned for single-family homes.
9.	The requested zoning includes development standards that will help ensure the project is reasonably compatible with the surrounding neighborhood.	Casey, Paul	While the proposed R-4L zoning would provide for an increase in the allowed number of dwelling units on the site it would also limit the use of the site to low-density multi-family uses and restrict other uses that could potentially be allowed under the existing Low Intensity or proposed Medium Intensity designations. In addition, the R-4L District is specifically designed to serve as a transition between single-family areas and more intensely developed areas and includes numerous development standards to help ensure that new development is reasonably compatible, such as density limitations, height limits, setbacks, and yard space requirements (many of which actually mirror the standards applicable in the single-family zones).

	COMMENTS	SOURCE(S)	STAFF RESPONSE
10.	The applicant submitted a traffic generation study that compares estimated vehicle trips generated by the previous use of the site, the allowed uses under the proposed zoning and intensity, and the allowed uses under site's current zoning and intensity (such as single-family homes and a convenience store in the C-1 portion).	Casey, Paul	The preliminary report has been reviewed by the City's Traffic Engineering Division. Staff concurs with the general assertion of the report – that while the proposed multi-family complex will generate more traffic than the previous use did, that it is less than the amount of traffic associated with some uses that are currently allowed on the property. While this report does not address all potential traffic issues associated with future development and additional analysis will be necessary at the project development stage, its findings are informative in the sense that the proposed zoning does not necessarily represent a significant increase in potential traffic generated by redevelopment of this site over what could be allowed under the current zoning.
#2011-02 – Historic Preservation Plan and Code Revisions			
11.	Support the conservation district code and comprehensive plan amendments.	Quilicy, Joe; Turner, Ted; Zurfluh, David; Rickey, Tom; Adkins, Jori; Geehan-Shilley, Victoria; Fleming, Mike & Nancy	Support noted.
12.	Support the preservation plan and regulatory code amendments.	Adkins, Jori; Knudson, Gary; Bardwill, Mark, Moore, Chris; Pinto, Mark; Turner, Julie & Jay; Winters, Sharon; Zurfluh, David	Support noted.
13.	Suggest that that the amendment language regarding conservation districts be changed to reflect that conservation district should supersede other codes.	Quilicy, Joe	Currently, under a proposed modification to 13.06.100.C, contributing properties within historic districts may be granted relief from development standards that conflict with the application of the historic standards. There currently is no language reflecting a need to exempt Conservation District properties with similar conflicts (design review guidelines conflicting with development standards). In effect, this would mean that the City would be substituting some land use regulatory review with discretionary design review. This may present issues beyond the scope of the current amendment; however, if directed, Staff could develop this policy proposal further.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
14.	MultiCare Medical Center is generally supportive of the goals in the proposed Historic Preservation Plan and Code Revisions, but there are several areas that need some scrutiny before adoption. He stated that their attorney felt that some of the language was un-orthodox and not clear enough as to what would be considered a conservation district and what is a historic district.	Gary, Mark	Thank you for your comment. Please see Staff Responses at Comments 21-24.
15.	We are concerned that the transfer of design guidelines to administrative rules not diminish enforcement by Building and Land Use Services (BLUS), and therefore we suggest that the TMC section establishing a historic district, e.g. TMC 13.07.230, reference the specific section of the LPC administrative rules containing that district's design review guidelines. This would also help property owners be aware of these rules and where to locate them.	Bardwill, Mark	Staff recommends incorporating this suggestion into the amended code.
16.	If the North Slope Historic District (NSHD) guidelines currently located at TMC 13.07.310 are to be moved to LPC administrative rules, then it seems that the same should be done with the Specific Exemptions section currently located at 13.07.330. The current markup shows these will remain in the code as TMC 13.07.240. This inconsistency will only cause confusion.	Bardwill, Mark	The district exemptions define the Commission's scope of authority for design review, and this language, along with other language relating to design review requirements, is proposed to remain in TMC 13.07. The design guidelines themselves, which do not describe or establish jurisdiction, are proposed to be administratively managed for the sake of efficiency. However, there is no reason why the district exemptions cannot be also included as a part of the administrative guidelines document. Staff therefore recommends that the exemptions for historic districts be included in any future design guidelines.
17.	Because historic district design guidelines are currently in the regulatory code, certain public hearing procedures and notifications are required when changes are proposed, as with this current code update. We think that, even as LPC administrative rules, the process for how, how frequently and with what notifications these design guidelines will be amended should be, at least, minimally outlined in the proposed TMC 13.07.120 section.	Bardwill, Mark	Staff recommends incorporating this suggestion into the draft code, to include basic public hearing notification consistent with that for landmarks designation, as well as limiting review to the design guidelines to an annual basis.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
18.	Section TMC 13.05.047.F. Economic Hardship outlines a process whereby an applicant for a Certificate of Approval may claim special consideration due to economic hardship. The focus of this section appears to be demolition rather than remedying an enforcement violation, though it is used for both. Currently this process does not require the applicant to meet any guidelines for income as, for example, the city's LID Assistance Program does. For LPC to make an informed decision regarding economic hardship, we think that the applicant should provide some evidence to substantiate their need.	Bardwill, Mark	The current provision for economic hardship focuses on the property itself, and not on the resources or abilities of the owner. Using the resources of the owner as a measure is not recommended by most legal documents on the subject. However, staff is continuing to explore the best approach regarding potential clarification of the economic hardship provision.
19.	We believe that proposed section TMC 13.06.510.A.1.d. Historic buildings and sites and Note 15 at TMC 13.06A.060 are potentially misleading. We understand that this exemption from all parking quantity requirements is supposed to apply primarily to downtown commercial buildings that are individually listed on the Tacoma Register of Historic Places. However, historic districts are also individually listed on the Register and contributing structures within districts are individually identified. While we understand and support the intent of the exemption individually listed commercial buildings, we believe that as written it could be misconstrued as applying to residential historic districts. Therefore, we request that this exemption in these two locations be clarified.	Bardwill, Mark	The intent of the exemption is that it would apply to structures individually designated to the Tacoma Register of Historic Places by direct council action. Staff recommends clarifying this code language, which could mean excluding residential historic districts or creating some other limitation on its applicability, or by clarifying that the parking exemption is applicable only to individually designated landmarks.
20.	The proposed Conservation District is a good middle ground between zoning and the much more stringent requirements of a Historic District.	Fleming, Mike & Nancy; Quilici, Joe	Thank you for your comment.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
21.	The Code amendments make the mere nomination of any property for landmark designation as the basis for invoking the lengthy and expensive process for securing a Certificate of Approval. This is an open invitation to abuse by any person or group seeking to oppose a development project, and could chill development throughout the City of Tacoma. Our understanding of how the code amendments would work is that a nomination submitted any time prior to the issuance of a building permit would bar the permit from receiving final approval until a Certificate of Approval is issued. See proposed §13.05.047.A. 1. This raises serious questions regarding an applicant's right to due process of law and the vested rights doctrine. Pursuant to the Washington State Constitution and common law, an applicant has the right to fix the law applicable to a building permit by filing a complete application. The code amendments appear to allow any resident of Tacoma to change the rules by nominating the applicant's site or existing structure for landmark status after a complete permit application is filed. We urge staff and the Planning Commission to seek careful review of this proposal by the City Attorney.	Gary, Mark; Kendall, Bruce	<p>This provision was included in the municipal code in 2005 specifically to clarify the designation process (who may nominate). In 2008, a provision requiring design review for properties under consideration was added to the code. Neither amendment has had an appreciable impact on development activities, nor have complaints been received. The only proposal is to move this language from TMC 13.07 to 13.05 as a component of an overall code consolidation process.</p> <p>Safeguards against nuisance nominations have been largely effective, and include the following: 1. The process of researching and completing a nomination is lengthy and requires a high degree of effort. 2. The \$100 administrative filing fee is intended in part to ensure that nominations to the register are valid. 3. The Landmarks Preservation Commission has a two part nomination process, in which basic criteria must be met in order for a public hearing to be scheduled. This ensures the integrity of the process (the Commission has the right to review all nominations that it receives) but also allows the Commission to refuse to consider nominations after the preliminary meeting, in the case of specious or otherwise unmeritorious submittals.</p> <p>The requirement for design review for properties under consideration as City Landmarks is intended to ensure the cross departmental coordination between the Landmarks process and the permitting functions of the City. There are similar provisions in other jurisdictions.</p> <p>Staff is continuing to discuss this concern with the legal department to ensure that the proposed regulations are consistent with all legal standards.</p>
22.	The proposed changes would stop demolition of any structure for which a nomination has simply been received. The current code requires the designation to be in place to stop issuance of a demolition permit, with SEPA (the State Environmental Policy Act) providing some grounds for possibly stopping immediate issuance of a demolition permit if a structure is truly a "historic resource." We believe the current code allows adequate checks and balances and the proposed changes are not necessary.	Gary, Mark; Kendall, Bruce	<p>This provision is in the current code and is not proposed for change at this time. The demolition provisions were added to the municipal code in 2005 at the request of City Council, in part to clarify the review process involving demolition requests for City Landmarks following the lengthy and often confusing Elks Temple case. The only proposal is to move this language from TMC 13.07 to 13.05 as a component of an overall code consolidation process.</p>
23.	The criteria for designation of a Conservation District remain unclear. The proposed Code amendment relies on the vague terms of "traditional development pattern." What does this mean? We suggest that the Code amendments provide a definition for the terms "traditional development pattern" and otherwise clarify the criteria and purpose for designation of a Conservation District.	Gary, Mark; Kendall, Bruce	<p>To clarify, the term "traditional development pattern" is used to define Conservation District in the definitions section, but is not included within the designation "criteria." Additional clarification and the actual criteria can be found in the proposed 13.07.040.C.</p> <p>In addition, there is extensive language about the purpose and scope of Conservation District regulations in the Preservation Plan draft document Chapter 3 Goals and Policies, specifically in Action HP-28A and the sidebar located on p. 3-40.</p>

	COMMENTS	SOURCE(S)	STAFF RESPONSE
24.	We suggest the LPO be empowered to approve all Certificates of Necessity for properties located in a Conservation District. This is appropriate, given the Comprehensive Plan mandate that Conservation Districts merit a lower level of historic protection. The Comprehensive Plan speaks repeatedly to the need to distinguish between Historic and Conservation Districts, yet the proposed amendments fail to implement any distinction in administration of the Certificate of Approval regulations. Perhaps allow for the option of the LPO to refer a request to the Commission if deemed to pose a significant problem of compliance with the purpose of the Conservation District, or for the property owner to request review of the LPO decision. The Conservation District tool would perhaps merit greater use if the process is made more efficient for both staff and an applicant.	Gary, Mark; Kendall, Bruce	<p>The proposed amendments to the plan and regulations define a much lower threshold of review in Conservation Districts than in Historic Districts (limited primarily to new construction, demolition, and in some cases, changes in footprint of existing buildings).</p> <p>New construction within Conservation Districts will likely merit significant public interest and response, which is suitable for review in a public meeting context under the current code, given the discretionary nature of the design guidelines.</p> <p>In addition, there is language in the existing code that allows the Commission to delegate authority to the Historic Preservation Officer under certain circumstances (defined in the Commission bylaws).</p>
25.	The proposed conservation district language would allow the West Slope to apply to become a conservation district, preserving its designed character.	Geehan-Shilley, Victoria	Thank you for your comment.
26.	Adoption of the Preservation Plan and regulatory amendments will better integrate preservation into other city policy areas.	Knudson, Gary	Thank you for your comment.
27.	Adoption of the Preservation Plan and regulatory amendments will provide more predictability for owners renovating historic properties.	Knudson, Gary	Thank you for your comment.
28.	Incorporation of the Preservation Plan as public policy will directly contribute to the stabilization and enhancement of our older neighborhoods.	Knudson, Gary	Thank you for your comment.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
29.	Preserving a building for the sole purpose of view preservation regardless of its condition or historic significance is a new purpose. If a Conservation District is now intended to conserve views that have historically existed in neighborhoods that new purpose should be stated. That way, it is not the structure itself that is conserved but the neighborhood's view. It would seem that a new structure that fits into the character of traditional neighborhoods and "conserves" the view for the neighborhood could still be allowed. Prohibiting demolition or significant remodeling, however, is not the only way to preserve views. Regulating what is built after a demolition can preserve views as well without preventing demolition of a building that is cost prohibitive to "conserve".	Pierce, Kathleen	<p>At this time, the merits of a "West Slope Conservation District" are not under consideration by the Planning Commission.</p> <p>The Commission is currently reviewing code and policy changes that affect the use of the "conservation district" planning tool. Consistent with the comment, the primary focus of the conservation district tool is regulating new construction, as well as regulating demolitions in order to avert unnecessary "tear downs."</p> <p>However, in most cases, general remodeling of existing homes would not fall under review in a conservation district. In addition, demolition would not be "prohibited," but rather, discouraged in certain circumstances. The objectives and goals of each neighborhood would affect how this was manifested in specific circumstances.</p>
30.	The study that was done for the West Slope apparently confirmed that most of the homes are not "historic" because they are not 50 years old or more and there is not a uniform type of house to preserve, as there are in Tacoma's North End. Consequently, conserving the homes on the West Slope or conserving the area in general may, in some cases, preserve views, but it may also make it difficult to upgrade and improve homes in the area to take advantage of the views from these expensive properties. If, in fact, the designation as a "conservation district" requires people to spend significant money to preserve structures that were very poorly built to begin with or that were never built to maximize the view from the house, the value of the properties may be impacted in a negative fashion and the City's tax base will be adversely affected.	Pierce, Kathleen	<p>To clarify, the study found that most homes are over 50 years of age. The recommendation that the area may not be suited for designation as a historic district stemmed from two principal factors: 1. Many of the homes have been altered to an extent that they no longer possess "character defining" features, and 2) the objectives of the neighborhood seemed to be inconsistent with those generally of historic district designation.</p> <p>In addition, modifications to existing homes within existing floorplans would generally not be reviewed in a conservation district.</p> <p>However, at this time, the merits of a "West Slope Conservation District" are not under consideration by the Planning Commission.</p>
31.	Making an area a "Conservation District" will most definitely increase the cost of remodeling or otherwise renovating homes in this area. A home that cannot be changed or modified without special permitting or without meeting certain specific conservation requirements may not be as valuable as another home.	Pierce, Kathleen	To clarify, modifications to existing homes within existing floorplans would generally not be reviewed in a conservation district.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
32.	When commenting on the expansion of the Conservation District, the Staff report regarding the Economic Impact Assessment states that "While this ultimately may limit development potential for certain sites within these districts, if established, this impact is offset by an anticipated improvement in property values, stability and livability within these neighborhoods." I would be interested in seeing any economic data that would support this assertion.	Pierce, Kathleen	There are numerous studies that support the assertion that historic preservation is economically beneficial and improves property values and livability. In Washington State, the State Department of Archaeology and Historic Preservation released a study in 2006, titled "The Economic Benefits of Historic Preservation in Washington State," that concluded, among other findings, that historic districts did not diminish property values in comparison to similar non-historic district neighborhoods (and may have increased property values at a higher rate).
33.	I am concerned that changes to the code that define the Conservation District will require that structures be preserved no matter what their condition instead of structures and buildings that should be preserved and conserved because they are exceptionally well built, have unusual architecture, contain incredible craftsmanship (such as coved ceilings, staircases and banisters, lead glass windows etc) or are historically significant.	Pierce, Kathleen	The objectives and purpose of each conservation district would be defined at the time of designation. Please note that, at this time, the merits of a "West Slope Conservation District" are not under consideration by the Planning Commission.
34.	It seems that the logical approach for the protection of views would be an amendment to the restrictive covenants in the neighborhood that would specifically address the height of structures <i>and</i> vegetation or an amendment to the view sensitive portion of the City Code that would be specific to the West Slope rather than identical to the North End, where homes are often two or three stories tall on very narrow lots. In the North End a 25-foot restriction makes sense. On the West Slope it may not be adequate to protect and preserve the views. The configuration of the development on the West Slope is quite different from the North End and contains much larger lots with primarily single-story homes. It would seem appropriate for the height restriction in this view sensitive area to be lower than in the North End and it seems that the concerns of the West Slope Neighborhood Coalition could be addressed more directly and more fully in that fashion.	Pierce, Kathleen	Please note that, at this time, the merits of a "West Slope Conservation District" are not under consideration by the Planning Commission.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
35.	TMC 13.07.120.F states that one of the purposes of the Tacoma Landmarks and Historic Special Review Districts Code is now going to be the "conservation of resources through retention and enhancement of existing building stock" without any reference to it being historic in nature or whether the existing building stock is viable or worthy of restoration or the cost of retaining that stock.	Pierce, Kathleen	Thank you for your comment. This particular "purpose" is included to acknowledge the role of sustainable development practices in the City's overall sustainability efforts. Impacts to the waste stream and loss of "embodied energy" resulting from unnecessary demolition is a key policy component of the preservation plan. Please note that considerations of whether a building is "historic in nature or whether the existing building stock is viable or worthy of restoration or the cost of retaining that stock" is addressed in several other areas of the code, but not within the statements of purpose.
36.	The expansion of the definition of a Conservation District in TMC 13.07.030 to include the protection of "overall characteristics of traditional development patterns" is so broad that it lacks meaning. The previous definition tying a conservation district to a historic district or landmark is an objective criteria that is measurable. The new language would allow virtually any neighborhood to qualify as a conservation district if it had some sort of "traditional development pattern".	Pierce, Kathleen	Please see Staff Response at Comments 23.
37.	TMC 13.07.040(C) defines Conservation Districts. There appears to be very inconsistent language in this definition. When considering whether to impose a Conservation District the proposed language states that the district "should meet one of the following criteria" but then there are only two numbers: 1 and 3 and it appears that the criteria are actually listed in the subparts of #1 (a) through (c). The language says "should meet" but in the same section number 3 states that the District "shall possess" historic character. This seems inconsistent. The changes suggest that a conservation district would not have to possess the same requirements as a historic district but yet this language of "shall possess" remains.	Pierce, Kathleen	Staff is unclear which numbers the writer is referring to (it appears that there is some confusion over strikethrough language). Nonetheless, because these are evaluative criteria and not prescriptive absolutes, the policy intent seems clear. In any case, the Commission is the body that makes the initial determination whether a proposed area meets these requirements. In this case, the use of "should" and "shall" does not have a significant regulatory effect.
38.	Are all applications or requests for status as a Conservation District supposed to be required to show that the objectives of the community cannot be adequately achieved using other land use tools? If so, then the legislation should use the word "AND" following TMC 13.07.060(6) instead of the word "OR". In any event, my concern is simply that it is very unclear what will be required to be shown to have a district approved.	Pierce, Kathleen	These are not requirements but evaluative criteria for the City to "prioritize" requests for establishing districts; for instance, when a neighborhood makes a request that a neighborhood be studied. The use of "and" versus "or" reflects the grouping of the criteria. The first item refers to historic documentation (meaning that there are existing studies). The second refers to historic districts (evidence that the area is significant based on existing studies) and the third, to conservation districts (preliminary analysis indicates a distinctive character). The fourth refers to property owner support, and the last three refer to compatibility with existing planning efforts.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
39.	There are other cities that have utilized similar Conservation Districts for these purposes, and it works. A couple examples are Dallas, Texas, and closer to home - Portland Oregon; there are others.	Quilici, Joe	Thank you for your comment.
40.	The Union Station Conservation District is an example of a conservation district that achieved its purpose.	Quilici, Joe	Thank you for your comment.
41.	Suggest that paragraph d. proposed as an addition to 13.06.510 Off-street parking and storage be removed as potentially conflicting and redundant. By reading the current and unchanged use tables pertinent to this section it is obviously not the intent to impose this exemption on all properties within designated historic and conservation districts. The intent of this proposed addition is adequately and properly expressed in the proposed change at added Note 15 to Chapter 13-06A—Downtown.	Tomberg, Ralph	Please see Staff Response at Comment #19. Staff concurs that this is potentially confusing and recommends a language change. However, staff also notes that TMC 13.06.510 is general zoning, whereas 13.06A is Downtown. Therefore, Staff recommends that the exemption language be retained in both code areas.
42.	Encourage further integration of preservation policies into other City functions by: <ul style="list-style-type: none"> • educate staff in the importance of the values expressed in the Preservation Plan • adopt regulations that encourage partial, incremental development, use and occupancy • bring Code Enforcement within the purview of Building and Land Use • Develop a Demolition by Neglect ordinance, in particular with an enforcement component which forestalls the ultimate failure of owners to maintain their historic properties by imposing strictly enforceable maintenance standards. 	Winters, Sharon	Some of these issues lie outside of the scope of the Annual Amendment currently under review; however, the Planning Commission may make recommendations with regard to further study concerning building codes and minimum buildings/unfit buildings code.
43.	Encourage the creation of a Public Development Authority for preservation.	Winters, Sharon	Language regarding Public Development Authorities is included within the plan. Staff recommends, due to recently increasing interest in this tool, that additional language on this subject be included in the Preservation Plan.
#2011-04 – Water Level of Service Standard			
44.	No comment received.		
#2011-05 Transportation Element			
45.	No comment received.		

	COMMENTS	SOURCE(S)	STAFF RESPONSE
#2011-06 – Regional Centers & Safety-Oriented Design			
46.	Support policies for safety-oriented design and the use of CPTED as one tool to help prevent crime	Buck, Donna; Grote, Tilinda; Peterson, Jeanine; Langford, Mark;	Support noted.
47.	The use of CPTED strategies in the design of Ben Gilbert Park (adjacent to Municipal Building) demonstrates how attractive, accessible public spaces can be achieved while promoting public safety. CPTED should be applied to public open spaces, public/private projects and highly visible private projects.	Johnson, Blaine	Comment noted.
48.	Opposed to proposed downtown regional center boundary.	Gannett, Alexandra	Opposition noted.
49.	The Downtown boundary should not include the Stadium District, North Slope Historic District or Dome area. Including them will impact many historic homes.	Silva, Dorothy	The existing downtown center in the Comprehensive Plan was adopted in 1993 and includes the Tacoma Dome area. The City Council adopted a “working definition of downtown” that includes the Stadium district and MLK corridor in 2006. The North Slope Historic District is not included in the proposal. The proposal is to align the different downtown boundaries, including the adopted regional growth center boundary, for planning purposes. This proposal will not eliminate or change the existing plans or zoning in any of these areas.
50.	Opposed to expansion of downtown boundary from MLK to L Street. The expansion will affect many homes. Vacant spaces in downtown should be filled before any expansion occurs.	Stave, Kelly	The proposal is to recognize the adopted downtown regional growth center in the Comprehensive Plan and to align the boundaries with those adopted by the City Council in 2006 as the “working definition of downtown.” The proposal includes acknowledging the MLK district as a sub-area of the downtown regional center. Although many homes remain within the MLK Mixed-Use Center, the area has been planned and zoned for neighborhood mixed-use including stores, offices and multifamily developments.
#2011-07 – Park Zoning and Permitting			
51.	Expressing support for making community gardens an outright Permitted land use in residential zones.	McIlvor, Kristen	Support noted.
52.	Expressing support for the proposed amendments as a balanced approach to permitting many types of park improvements outright while ensuring a conditional use process for improvements that could impact the neighborhood.	Stark, Lois	Support noted.

	COMMENTS	SOURCE(S)	STAFF RESPONSE
53.	Expressing support for the proposal to improve the permitting process for pre-existing schools, parks, recreation, and open space uses.	Wall, Peter	Support noted.
54.	Requesting clarification that proposed landscaping exemptions for parks and recreation uses would also apply to athletic field, playfield, and recreation areas located on a school site.	Wall, Peter	<p>No changes recommended.</p> <p>Staff concur that school playgrounds and athletic fields are similar to parks – typically undeveloped except for play and athletic equipment, grass, pavement and similar features and are generally open and available to the public during non-school hours. The Comprehensive Plan recognizes schools as often providing important recreational assets. However, unlike parks, school sites always include a building as the primary feature and the grounds are more likely to be substantially developed with parking and other paved areas. Therefore, there is more likely to be a need to provide a vegetated buffer to address potential impacts to adjacent residents.</p> <p>Furthermore, schools have not been the subject of this project, and in staff’s view further analysis is needed to determine the appropriate landscaping approach. A comprehensive landscaping review is currently being conducted by the City’s Urban Forester, in order to implement the recently adopted Urban Forest Policy Element. Staff recommend taking up this issue as part of that process.</p>
55.	Requesting that one readerboard sign be allowed for schools and churches in residential districts (on larger sites) in addition to the current allowance of one freestanding sign and one building face sign.	Wall, Peter	<p>Staff recommends extending, to schools and churches, the proposed change to allow parks one additional free-standing sign, 30 square feet in area, on each additional street frontage.</p> <p>Readerboards are already an allowed sign type for conditional uses in residential zones, including churches and schools. The current allowance of one wall mounted and one free-standing sign can already be, or incorporate, readerboard signs. Since churches and schools, like parks, are often on large sites potentially with multiple street frontages, allowing an additional sign for each frontage is consistent with the proposed approach for parks. Limiting the number of signs to one free-standing sign per frontage ties the total number to the size of the site and prevents any single frontage from having a proliferation of signs.</p>

	COMMENTS	SOURCE(S)	STAFF RESPONSE
56.	Requesting that the Planning Commission consider future zoning code amendments to expedite the process for siting portable facilities on school sites.	Wall, Peter	<p>Per staff's analysis, one of the changes already proposed under the current draft would effectively address the school district's concern by enabling a certain number of portables to be sited without the need for a Major Modification to the site's Conditional Use Permit. Staff have been in contact with the School District to discuss the issue.</p> <p>The proposed amendments include a change to Section 13.06.640 which would indicate that pre-existing parks and schools which were not required to obtain a Conditional Use Permit at the time they were developed, will be viewed for zoning purposes as having a Conditional Use Permit authorizing the extent of development as of August 1, 2011. This change is intended to clarify that such uses are to be viewed as appropriate in residential zones, rather than as nonconforming uses that are intended to be phased out.</p> <p>Modifications or expansions to Conditional uses are subject to Section 13.05.080, which defines the thresholds under which a Major Modification would be required. In most cases, expansions (including siting portables) resulting in less than a 10 percent increase in square footage, and less than 25 percent increase in overall impervious surface, are not required to obtain a Major Modification to their Conditional Use Permit.</p> <p>The proposal would set August 1, 2011 as the date from which to measure the extent of development, for purposes of determining when a Major Modification is required. Parks and schools would be allowed a 10 percent square footage increase from that benchmark, before a Major Modification would be required.</p> <p>Based on information regarding typical school square footages, provided by Tacoma School District staff, there would be ample room for portables to be sited without triggering a Major Modification. Per the school district, most portables are approximately 900 square feet in size, and the following are typical school sizes: Elementary Schools 50,000-65,000 square feet; Middle schools 118,000-119,000 square feet; high schools 260,000-280,000 square feet.</p> <p>Based on this information, multiple portables would be permitted for most school sites without triggering the Major Modification process. Therefore, in staff's view it is unnecessary to modify the permitting process for portables at this time.</p>

	COMMENTS	SOURCE(S)	STAFF RESPONSE
57.	Staff recommend several technical and minor policy changes intended to improve code mechanics and better implement the policy intent.	Staff	<p>Staff have continued to vet the draft code to ensure it will function as intended, and recommend the following changes to the public review draft:</p> <ol style="list-style-type: none"> 1. Clarify when an existing site would require a Major Modification to its Conditional Use Permit: Staff noted that the public review draft did not clearly indicate when a Major Modification would be required for High-intensity recreation uses. The proposed changes clarify this issue and will increase predictability in terms of the permit pathway for future parks expansions and modifications. 2. Exempting accessory/ancillary structures from the Mixed-Use Centers/Commercial Districts' Maximum setback requirements: Within Mixed-Use Centers and some Commercial Districts, buildings have a maximum setback distance from the street, in order to promote the pedestrian vision of these areas. This is appropriate for primary park structures such as community centers. However, it is not necessarily appropriate to the design and function of a park to require that accessory structures such as picnic shelters, playground equipment and restrooms be located on the street. 3. Applying the Landscaping Overall Site requirement to parks: Staff, in discussion with Metro Parks staff, recommend applying this requirement to parks in residential and commercial zoning districts, in order to work toward achieving the City's tree canopy coverage objectives. This minimal requirement will not be difficult to achieve for parks, which are typically mostly landscaped area. 4. Minor wording and numbering clarifications, including clarifying two definitions (Assembly Facilities and Parks, Recreation and Open Space).
#2011-08 – Regulatory Code Refinements			
58.	No comment received.		
#2011-09 – SEPA Regulations Amendment			
59.	No comment received.		

**2011 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code
Source Key**

Oral Testimony on March 2, 2011

No.	Last Name	First Name	Affiliation	Address	City	State	Zip	E-mail	Date	Comment Key*
1.	Quilici	Joe	West Slope	1530 Fernside Dr. S.	Tacoma	WA	98465		3-2-11	-02
2.	Turner	Ted	West Slope	636 N. Fairview	Tacoma	WA	98406		3-2-11	-02
3.	Zurfluh	David	West Slope	1253 Fernside Dr. S.	Tacoma	WA	98465		3-2-11	-02
4.	Rickey	Tom	West Slope	1522 Fernside Dr. S.	Tacoma	WA	98465		3-2-11	-02
5.	Fleming	Mike	West Slope	1520 Fairview Dr. S.	Tacoma	WA	98465-1314		3-2-11	-02
6.	Adkins	Jori	Dome District	301 Puyallup Ave.	Tacoma	WA	98421	Jori.adkins@mac.com	3-2-11	-02
7.	Casey	Paul	The Casey Group Architects	5521 100 th St., SW	Lakewood	WA	98499	pcasey@caseygrouparch.com	3-2-11	-01
8.	Holcomb	Mark		820 A St., #600	Tacoma	WA	98402	meholcomb@bjmm.com	3-2-11	-01
9.	Gary	Mark	MultiCare	222 N. J St.	Tacoma	WA	98403	Mark.gary@multicare.org	3-2-11	-02
10.	Russell	Kathy		5005 S. Pine St.	Tacoma	WA	98409	Klij555@hotmail.com	3-2-11	-01
11.	Geehan-Shilley	Victoria		PMB 323 6824 19 th St. W.	University Place	WA	98466		3-2-11	-02
12.	Langford	Mark	Tacoma Police Department	3701 S. Pine St.	Tacoma	WA	98409	mlangfor@cityoftacoma.org	3-2-11	-06
13.	Knudson	Gary		3307 N. 25 th St.	Tacoma	WA	98406	gknudson@harbornet.com	3-2-11	-02
14.	Buck	Donna		3617 S. Monroe St.	Tacoma	WA	98409	donnabuck@clearwire.net	3-2-11	-06
15.	Grote	Tilinda		5824 S. Oakes St.	Tacoma	WA	98409		3-2-11	-06
16.	Peterson	Jeanine	Hilltop Action Coalition	1524 MLK Jr. Way	Tacoma	WA	98405	hac@harbornet.com	3-2-11	-06
17.	Grant	Art		3002 S. 47 th St.	Tacoma	WA	98409	agrant@lawdome.com	3-2-11	-01
18.	Johnson	Elly		2713 S. 52 nd St.	Tacoma	WA	98409		3-2-11	-01
19.	Abuan	Tony	Tacoma Police Department	3701 S. Pine St.	Tacoma	WA	98409	aabuan@cityoftacoma.org	3-2-11	-01, -07
20.	Walkup	Diane		413 S. M St.	Tacoma	WA	98405		3-2-11	-02

* Comment Key indicates which of the following applications was addressed:

- #2011-01 – 49th and Pine Intensity and Zoning Change
- #2011-02 – Historic Preservation Plan and Code Revisions
- #2011-04 – Water Level of Service Standard
- #2011-05 – Transportation Element
- #2011-06 – Regional Centers & Safety-Oriented Design
- #2011-07 – Park Zoning and Permitting
- #2011-08 – Regulatory Code Refinements
- #2011-09 – SEPA Regulations Amendment

Written Comments received by March 11, 2011

No.	Last Name	First Name	Affiliation	Address	City	State	Zip	E-mail	Date	Comment Key*
1.	Bardwil	Mark	North Slope Historic District	701 N. J St.	Tacoma	WA	98403		3-7-11	-02
2.	Casey	Paul	The Casey Group Architects	5521 100 th St. SW, Suite A	Lakewood	WA	98499	pcasey@caseygrouparch.com	3-1-11	-01
3.	Fleming	Mike & Nancy		1520 Fairview Dr. S.	Tacoma	WA	98465-1314		3-2-11	-02
4.	Gannett	Alexandra		936 S. Ainsworth Ave.	Tacoma	WA	98405	Ajgannett71@yahoo.com	1-27-11	-06
5.	Gary	Mark	MultiCare	315 Martin Luther King Jr. Way	Tacoma	WA	98415-0299	Mark.gary@multicare.org	3-2-11	-02
6.	Geehan-Shilley	Victoria		PMB 323 6824 19 th St. W.	University Place	WA	98466		3-2-11	-02
7.	Johnson	Blaine		708 Broadway, Suite M113	Tacoma	WA	98402	blaine@graphsर्व.com	3-2-11	-06
8.	Johnson	Elly		2713 S. 52 nd St.	Tacoma	WA	98409		2-17-11	-01
9.	Kendall	Bruce	Tacoma-Pierce County Economic Development Board	950 Pacific Ave., Suite 410	Tacoma	WA	98401-1555	info@edbtacomapierce.org	3-8-11	-02
10.	Knudson	Gary	Gary Knudson & Associates	3307 N. 25 th St.	Tacoma	WA	98406	gknudson@harboret.com	3-1-11	-02
11.	Mclvor	Kristen	Cascade Land Conservancy	615 Second Avenue, Suite 600	Seattle	WA	98104	kristenm@cascadeland.org	3-3-11	-07
12.	Moore	Chris	Washington Trust for Historic Preservation	1204 Minor Ave.	Seattle	WA	98101		3-2-11	-02
13.	Pierce	Kathleen		1502 Aurora Ave. S.	Tacoma	WA	98465		3-5-11	-02
14.	Pinto	Mark		3419 N. 27 th St.	Tacoma	WA	98407	markpinto@ymail.com	2-24-11	-02
15.	Quilici	Joe	West Slope	1530 Fernside Dr. S.	Tacoma	WA	98465		3-2-11	-02
16.	Rickey	Tom		1522 S. Fernside Dr.	Tacoma	WA	98465		3-2-11	-02
17.	Silva	Dorothy			Tacoma	WA		silvadorothy@aol.com	1-28-11	-06
18.	Stark	Lois	Metro Parks Tacoma	4702 S 19th Street	Tacoma	WA	98405		3-11-11	-07
19.	Stave	Kelly			Tacoma	WA		Markandkelly88@yahoo.com	2-3-11	-06
20.	Tomberg	Ralph		510 N. Sheridan Ave.	Tacoma	WA	98405	rtomberg@nventure.com	3-1-11	-02
21.	Turner	Julie & Jay		817 N. J St.	Tacoma	WA	98403	juliejayturner@gmail.com	3-3-11	-02
22.	Turner	Ted		636 N. Fairview	Tacoma	WA	98406		3-2-11	-02
23.	Wall	Peter	Tacoma Public Schools	3223 S. Union Ave.	Tacoma	WA	98409-3194	pwall@tacoma.k12.wa.us	3-1-11	-07
24.	Winters	Sharon	Historic Tacoma	P.O. Box 7664	Tacoma	WA	98417		2-24-11	-02
25.	Zurfluh	David	West Slope Neighborhood Coalition	P.O. Box 64321	Tacoma	WA	98464-0321	davidzurfluh@msn.com	3-2-11	-02

* Comment Key indicates which of the following applications was addressed:

- #2011-01 – 49th and Pine Intensity and Zoning Change
- #2011-02 – Historic Preservation Plan and Code Revisions
- #2011-04 – Water Level of Service Standard
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- #2011-07 – Park Zoning and Permitting
- #2011-08 – Regulatory Code Refinements
- #2011-09 – SEPA Regulations Amendment



2011 Annual Amendment Application No. 2011-07
Parks Zoning and Permitting

DRAFT LAND USE REGULATORY CODE CHANGES
March 30, 2011

These proposed amendments include modifications to the following Sections of *TMC* Title 13, the Land Use Regulatory Code:

13.06.100 – Residential Districts

13.06.200 – Commercial Districts

13.06.300 – Mixed-Use Center Districts

13.06.400 – Industrial Districts

13.06.500 – Requirements in all preceding districts

13.06.600 – Zoning code administration

13.06.700 – Definitions and Illustrations

*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~~. Additional changes proposed subsequent to the public comment period are highlighted yellow.

Chapter 13.06
ZONING

Sections:

- 13.06.100 Residential Districts.**
- 13.06.100.B.1 R-1 Single-Family Dwelling District.
- 13.06.100.B.2 R-2 Single-Family Dwelling District.
- 13.06.100.B.3 R-2 SRD Residential Special Review District.
- 13.06.100.B.4 HMR-SRD Historic Mixed Residential Special Review District.
- 13.06.100.B.5 R-3 Two-Family Dwelling District.
- 13.06.100.B.6 R-4-L Low-Density Multiple Family Dwelling District.
- 13.06.100.B.7 R-4 Multiple-Family Dwelling District.
- 13.06.100.B.8 R-5 Multiple-Family Dwelling District.
- 13.06.105 *Repealed.*
- 13.06.110 *Repealed.*
- 13.06.115 *Repealed.*
- 13.06.118 *Repealed.*
- 13.06.120 *Repealed.*
- 13.06.125 *Repealed.*
- 13.06.130 *Repealed.*
- 13.06.135 *Repealed.*
- 13.06.140 PRD Planned Residential Development District.
- 13.06.145 Small-lot single-family residential development.
- 13.06.150 Accessory dwelling units.
- 13.06.155 Day care centers.
- 13.06.200 Commercial Districts.**
- 13.06.200.A District purposes.
- 13.06.200.B Districts established.
- 13.06.200.B.1 T Transitional District.
- 13.06.200.B.2 C-1 General Neighborhood Commercial District.
- 13.06.200.B.3 C-2 General Community Commercial District.
- 13.06.200.B.4 HM Hospital Medical District.
- 13.06.200.B.5 PDB Planned Development Business District.
- 13.06.200.C Land use requirements.
- 13.06.200.D Building envelope standards.
- 13.06.200.E Maximum setback standards on designated streets.
- 13.06.200.F Common requirements.
- 13.06.300 Mixed-Use Center Districts.**
- 13.06.300.A District purposes.
- 13.06.300.B Districts established.
- 13.06.300.B.1 NCX Neighborhood Commercial Mixed-Use District.
- 13.06.300.B.2 CCX Community Commercial Mixed-Use District.
- 13.06.300.B.3 UCX and UCX-TD Urban Center Mixed-Use District.
- 13.06.300.B.4 RCX Residential Commercial Mixed-Use District.
- 13.06.300.B.5 CIX Commercial Industrial Mixed Use District.
- 13.06.300.B.6 NRX Neighborhood Residential Mixed-Use District.
- 13.06.300.B.7 URX Urban Residential Mixed-Use District
- 13.06.300.B.8 HMX Hospital Medical Mixed-Use District
- 13.06.300.C Applicability and pedestrian streets designated.
- 13.06.300.D Land use requirements.
- 13.06.300.E Building envelope standards.
- 13.06.300.F Maximum setback standards.
- 13.06.300.G Residential X-District Yard Space Standards.
- 13.06.300.H Common requirements.
- 13.06.400 Industrial Districts.**
- 13.06.400.A Industrial district purposes.
- 13.06.400.B Districts established.
- 13.06.400.B.1 M-1 Light Industrial District.
- 13.06.400.B.2 M-2 Heavy Industrial District.
- 13.06.400.B.3 PMI Port Maritime & Industrial District.
- 13.06.400.B.4 ST-M/IC South Tacoma Manufacturing/Industrial Overlay District.
- 13.06.400.C Land use requirements.
- 13.06.400.D Building envelope standards.
- 13.06.410 *Repealed.*
- 13.06.420 *Repealed.*
- 13.06.430 *Repealed.*
- 13.06.500 Requirements in all preceding districts.**
- 13.06.501 Building design standards.
- 13.06.502 Landscaping and/or buffering standards.
- 13.06.503 Residential transition standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.520 Signs.
- 13.06.521 General sign regulations.
- 13.06.522 District sign regulations.
- 13.06.525 Adult uses.
- 13.06.530 Juvenile community facilities.
- 13.06.535 Special needs housing.
- 13.06.540 Surface mining.
- 13.06.545 Wireless communication facilities.
- 13.06.550 Work release centers.
- 13.06.555 View-Sensitive Overlay District.
- 13.06.560 Parks, recreation and open space.
- 13.06.600 Zoning code administration – General purposes.**
- 13.06.601 Public Facility Sites – Development Regulation Agreements Authorized.

- 13.06.602 General restrictions.
- 13.06.603 Mineral resource lands.
- 13.06.605 Interpretation and application.
- 13.06.610 *Repealed.*
- 13.06.620 Severability.
- 13.06.625 *Repealed.*
- 13.06.630 Nonconforming
parcels/uses/structures.
- 13.06.635 Temporary use.
- 13.06.640 Conditional use permit.
- 13.06.645 Variances.
- 13.06.650 Application for rezone of property.
- 13.06.655 Amendments to the zoning
regulations.
- 13.06.700 Definitions and illustrations.**

8. Allow for the enhancement of residential neighborhoods with parks, open space, schools, religious institutions and other uses as deemed compatible with residential character.

* * *

13.06.100 Residential Districts.

The 100 series will contain regulations for all residential classifications, including the following:

- R-1 Single-Family Dwelling District
- R-2 Single-Family Dwelling District
- R-2SRD Residential Special Review District
- HMR-SRD Historic Mixed Residential Special
Review District
- R-3 Two-Family Dwelling District
- R-4 Multiple-Family Dwelling District
- R-4-L Low-Density Multiple-Family Dwelling
District
- R-5 Multiple-Family Dwelling District
- PRD Planned Residential Development
District (see Section 13.06.140)

A. District purposes. The specific purposes of the Residential Districts are to:

1. Implement the goals and policies of the City’s Comprehensive Plan.
2. Implement the Growth Management Act’s goals and county-wide and multi-county planning policies.
3. Provide a fair and equitable distribution of a variety of housing types and living areas.
4. Protect and enhance established neighborhoods.
5. Provide for predictability in expectations for development projects.
6. Allow for creative designs while ensuring desired community design objectives are met.
7. Strengthen the viability of residential areas by eliminating incompatible land uses, protecting natural physical features, promoting quality design, and encouraging repair and rehabilitation of existing residential structures.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
Master plans for any conditional use	CU	CU	CU	CU	CU	CU	CU	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.
Microbrewery/winery	N	N	N	N	N	N	N	N	
Microwinery, limited	N	N	N	N	N	N	N	N	
Mobile home/trailer court	N	N	N	N	N	CU	N	N	Subject to additional requirements contained in Section 13.06.502
Nursery	N	N	N	N	N	N	N	N	
Office	N	N	N	N	N	N	N	N	
<u>Parks, and recreation and open space</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>Parks, recreation and open space uses are permitted outright. However, the following parks and recreation features and facilities require a Conditional Use Permit:</u> <ul style="list-style-type: none"> • <u>Destination facilities</u> • <u>High-intensity recreation facilities</u> • <u>High-intensity lighting</u> • <u>Development of more than 20 off-street parking spaces</u> <u>Parks, recreation and open space uses are subject to the requirements of Section 13.06.560, where the above features are defined.</u>
Passenger terminal	N	N	N	N	N	N	N	N	
Personal services	N	N	N	N	N	N	N	P	For R-5, minor personal service uses, such as beauty parlors and instructional services, are permitted, provided they are within retirement homes, continuing care retirement communities, student housing, apartment complexes, or similar facilities and are designed primarily to serve on-site residents.
Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	N	N	N	N	N	N	
Public safety and public service facilities	CU	CU	CU	CU	CU	CU	CU	CU	Unless the specific use is otherwise allowed outright, public service facilities are permitted only upon issuance of a conditional use permit. See Section 13.06.640.
Religious assembly	CU	CU	CU	CU	CU	CU	CU	CU	
Repair services	N	N	N	N	N	N	N	N	

TMC 13.06.200 Commercial Districts

C. Land use requirements.

4. District use table.

Uses	T	C-1	C-2 ¹	HM	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)
Master plans for any conditional use	CU	CU	CU	CU	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.
Microbrewery/winery	N	N	N	N	N	
Microwinery, limited	N	CU	P	N	CU	Alcohol service, in C-1 and PDB zones, requires a conditional use permit. Must include a retail component that occupies a minimum of 500 gross square feet of usable space, fronts the street at sidewalk level or has a well-marked and visible entrance at sidewalk level, and is open to the public a minimum of forty (40) hours per week. All production activities must be conducted within an enclosed building. Within C-1 districts, no outside storage is allowed. Outside storage is allowed in all other districts where this use is permitted provided screening and/or buffer planting areas are provided in accordance with Section 13.06.502.B.
Mobile home/trailer court	N	N	CU	N	N	
Nursery	N	N	P	N	N	
Office	P	P	P	P	P	
Parks , and recreation <u>and open space</u>	P	P	P	P	P	<u>Subject to the requirements of Section 13.06.560.D.</u>
Passenger terminal	N	N	P	N	N	
Personal services	N	P	P	P	P	See Table 13.06.200.D for size limitation in PDB and HM.
Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	N	N	N	
Public safety and public service facilities	P	P	P	P	P	
Religious assembly	P	P	P	P	P	
Repair services	N	P	P	N	N	Must be contained within a building with no outdoor storage. Engine repair, see Vehicle Repair.

E. Maximum setback standards on designated streets. To achieve a pedestrian supportive environment, where buildings are located in close proximity to the street and designed with areas free of pedestrian and vehicle movement conflicts, maximum building setbacks are required as follows:

Designated Pedestrian Streets in Commercial Districts	Requirements
1. Designated Pedestrian Streets Requiring Maximum Setback	a. 6th Avenue (Madison Street to Alder Street). b. 6th Avenue (Sprague Avenue to I Street). c. North 30th Street (from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline).
2. Maximum Setback Applied	a. 10 feet maximum front and/or corner side setback from property lines at the public right-of-way shall be provided for at least 75 percent of building facing the designated street frontage. b. When the site is adjacent to a designated pedestrian street, that street frontage shall be utilized to meet the maximum setback requirement with the front, side, and/or corner side of the facade as indicated above. c. This requirement supersedes any stated minimum setback. d. Maximum setback areas shall be designed to be sidewalk, pedestrian plaza, public open space, landscaping, and/or courtyard and to be free of motor vehicles at all times.
3. Exceptions	a. Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided the addition does not increase the level of nonconformity as to maximum setback.. b. Buildings that are 100 percent residential do not have a maximum setback.. c. The primary building of a gas station, where gas stations are allowed, is subject to the maximum setback on only one side of the building on corner parcels. Kiosks without retail and intended for fuel payment only are exempt.. <u>d. Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.</u>

TMC 13.06.300 Mixed-Use Center Districts.

D. Land Use Requirements

Uses	NCX	CCX	UCX	UCX-TD	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4} (also see footnotes at bottom of table)
Intermediate care facility	P	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ²
Juvenile community facility	P	P	P	P	P/CU	P	N	P/CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.530 for additional information about size limitations and permitting requirements.
Lodging house	P	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. ²
Master plan for any conditional use	CU	CU	CU	CU	CU	CU	CU	CU	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.
Microbrewery/winery	N	N	N	P	N	P	N	N	N	Microbreweries shall be limited to 15,000 barrels per year of beer, ale, or other malt beverages, as determined by the filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
Microwinery, limited	P	P	P	P	N	P	N	N	N	Must include a retail component that occupies a minimum of 500 gross square feet of usable space, fronts the street at sidewalk level or has a well-marked and visible entrance at sidewalk level, and is open to the public a minimum of forty (40) hours per week. All production activities must be conducted within an enclosed building. Outside storage is allowed provided screening and/or buffer planting areas are provided in accordance with Section 13.06.502.D.
Mobile home/trailer court	N	N	N	N	N	N	N	N	N	
Nursery	P	P	P	N	N	P	N	N	N	
Office	P	P	P	P	P	P	P	N	N	Not subject to RCX residential requirement for properties fronting the west side of South Pine Street between South 40th Street and South 47th Street. ¹
Parks and recreation and open space	P	P	P	P	P	P	P	P	P	Not subject to RCX residential requirement. ¹ <u>Subject to the requirements of Section 13.06.560.D.</u>
Passenger terminal	P	P	P	P	N	P	N	N	N	

F. Maximum setback standards. To achieve a pedestrian serviceable environment, where buildings are located in close proximity to the street and designed with areas free of pedestrian and vehicle movement conflicts, maximum building setbacks are required as follows:

	Non-residential buildings and/or shopping centers of 30,000 square feet or less floor area	Non-residential buildings greater than 30,000 square feet floor area	Shopping centers greater than 30,000 square feet floor area
NCX, RCX, and UCX-TD Districts	<ul style="list-style-type: none"> 5 feet maximum front and corner side setback from the property lines at the public right-of-way for 75 percent of front and corner side facade. 	<ul style="list-style-type: none"> 5 feet maximum setback from property lines at the public right-of-way for 75 percent of front and corner side facade. 	<ul style="list-style-type: none"> 5 feet maximum setback from property lines at the public right-of-way for at least 75 percent of the front and corner side street frontage of the shopping center.
CCX Districts	<ul style="list-style-type: none"> 10 feet maximum front and corner side setback from the property lines at the public right-of-way for 50 percent of front and corner side facade. 	<ul style="list-style-type: none"> 10 feet maximum setback from the property line at the public right-of-way for 50 percent of the front or side of the facade. 	<ul style="list-style-type: none"> 10 feet maximum setback from the property lines at the public right-of-way for at least 25 percent of the front and corner side street frontage of the shopping center.
UCX, HMX and CIX Districts	<ul style="list-style-type: none"> 20 feet maximum front and corner side setback from the property lines at the public right-of-way for 50 percent of front and corner side facade. 	<ul style="list-style-type: none"> 20 feet maximum setback from the property line at the public right-of-way on either 50 percent of the front or side of the facade. 	<ul style="list-style-type: none"> 20 feet maximum setback from the property lines at the public right-of-way for at least 25 percent of the front and corner side street frontage of the shopping center.
Pedestrian Streets	<ul style="list-style-type: none"> When the site is adjacent to a designated pedestrian street(s), that street(s) frontage shall be utilized to meet the maximum setback requirement with the front, side, and/or corner side of the facade, as indicated above. When the site has more than two pedestrian street frontages, the primary pedestrian street frontage shall be utilized to meet the maximum setback requirement. 		
Motor Vehicles	<ul style="list-style-type: none"> Maximum setback areas shall be designed to be sidewalk, pedestrian plaza, public open space, landscaping, and/or courtyard, and to be free of motor vehicles at all times. 		
Exceptions	<ul style="list-style-type: none"> In UCX-TD, setback distance beyond the maximum may be used if the additional area is devoted to pedestrian plazas, public open spaces, and/or courtyards, with no motor vehicle use and at least 25 percent of the building frontage meets the maximum setback. In all X-Districts, when there is a steep slope (at least 25% slope with a vertical relief of 10 or more feet) located adjacent to the sidewalk the maximum setback requirement shall be measured from the top or toe of the slope, as appropriate. When a residential buffer is required, the buffer requirement shall supersede the maximum setback requirement (see Section 13.06.502.D). 		
Exemptions in all Mixed-Use Center Districts	<ul style="list-style-type: none"> Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided, the addition reduces the level of nonconformity as to maximum setback. Buildings that are 100 percent residential do not have a maximum setback. The primary building of a fueling station, where fueling stations are allowed, is subject to the maximum setback on only one side of the building on corner parcels. Kiosks without retail, and intended for fuel payment only, are exempt. Public facilities on sites greater than 5 acres in neighborhood, community and urban mixed-use centers shall be exempt from maximum setback requirements. This exemption shall expire upon the establishment of a new Institutional Zoning designation, an Institutional Master Plan process, or similar zoning process for reviewing, evaluating and approving large, public, campus-like facilities. <u>Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.</u> 		

13.06.400 Industrial Districts.

C. Land Use Requirements

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Intermediate care facility	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Juvenile community facility	P/N*	P/N*	P	See Section 13.06.530 for resident limits and additional regulations. *Not permitted within the South Tacoma M/IC Overlay District.
Lodging house	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District.
Master plan for any conditional use	CU	CU	CU	The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed.
Microbrewery/winery	P	P	P	
Microwinery, limited	P	P	P	
Mobile home/trailer court	N	N	N	
Nursery	P	P	N	
Office	P*	P*	P	*Within the South Tacoma M/IC Overlay District, unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district.
Parks, and recreation and open space	P	P	P	<u>Subject to the requirements of Section 13.06.560.D.</u>
Passenger terminal	P	P	P	
Personal services	P	P	P	

* * *

13.06.501 Building design standards.

A. General applicability. The design standards of this section are required to implement the urban design goals of the Comprehensive Plan of the City of Tacoma. The building design standards apply to all new development in C-1, C-2, HM, T, PDB, and Mixed-Use Center Districts, except as follows:

1. Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.

2. Additions/Remodels. Three thresholds are used to gauge the extent of design standard compliance on additions/remodels:

a. Level I remodels and additions include all remodels and/or additions within a two year period with cumulative value of less than 60% of the existing building value, as determined by the applicable Building Code. The requirement for such remodels and additions is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building façade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building modulation would not be required.

b. Level II remodels and additions include all remodels and/or additions within a two year period whose cumulative value ranges from 60% to 200% of the value of the existing structure, as determined by the applicable Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II Remodels.

c. Level III remodels and additions include all remodels and/or additions within a two year period whose cumulative value exceeds 200% of the value of the existing structure, as determined by the applicable Building Code. Such remodels shall conform to ALL standards.

d. The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.

e. No addition or remodel shall increase the level of nonconformity or create new nonconformities to the development or design standards.

3. Super regional malls. Additions to super regional malls of less than 10,000 square feet of floor area are exempt from the design standards of this section.

4. Temporary. Temporary structures are exempt from the design standards of this section.

5. Residential and/or mixed-use.

a. Single-family dwellings are exempt from these standards.

b. Two and three-family dwellings are subject only to the design standards in Section N.

c. Townhouses are subject only to the design standards in Section O.

d. The standards herein apply to all other residential uses unless otherwise noted.

6. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.

7. Religious assembly facilities which can demonstrate that the design standards impose a substantial burden, administratively or financially, on their free exercise of religion, shall be exempt from compliance.

8. Floor area. For purposes of this section of the code (Section 13.06.501), "floor area" shall not include spaces below grade.

[9. Parks, recreation and open space use. Accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters are exempt from the design standards of this section.](#)

Section 13.06.502.B Residential District Landscaping	R-1, R-2, R-2-SRD, HMR-SRD, R-3, R-4, R-4-L, R-5, R-1-PRD, R 2-PRD, R-3-PRD, R-4-PRD, R-4-L-PRD, R-5-PRD
Applicability	
<ul style="list-style-type: none"> • Unless specifically exempted, a landscaping plan shall be provided consistent with this table for all new development of structures and/or parking lots, as well as additions and substantial remodels, as outlined below. 	
Exemptions	
<ul style="list-style-type: none"> • Single-family detached, two-family, and three-family dwellings are exempt from all landscaping requirements contained in this table. • Remodel projects valued at less than 60 percent of the building value, as calculated in the Building Code, are exempt from all landscaping requirements contained in this table. • Building additions and buildings added to sites with existing structures are exempt from the landscaping requirements contained in this table, except for street tree requirements and Buffer Planting Areas. Street trees and Buffer Planting Areas are only required along property lines adjacent to the building addition. If the required Buffer Planting Area cannot be provided because of legally existing development, the maximum possible Buffer Planting Area shall be provided and this area shall be covered with a mixture of trees, shrubs, and groundcover plants. • Parking lots of 20 stalls or less, located behind buildings and accessed by alleys, are exempt from the perimeter strip, buffer and interior landscaping distribution requirements below. This exemption does not apply to the minimum landscaping area requirement; provided, the minimum area is fully planted with a mixture including the required quantity of trees, shrubs, and/or groundcovers. • <u>Parking lots of 20 stalls or less and loading areas are exempt from the interior landscaping distribution requirements to allow flexibility in placement of required landscaping.</u> • <u>Park and recreation uses are only required to meet the Overall Site and Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table.</u> 	
Minimum Landscaping Area	
Overall site	<ul style="list-style-type: none"> • A minimum of 5 percent of the entire site minus the area covered by structures in R-4-L, R-4, and R-5 Districts, and conditional uses permitted in Section 13.06.640. • The percentage identified above is the minimum requirement for these districts. Requirements that follow may necessitate more landscaping than this minimum. • Parking lots of 20 stalls or less, located behind buildings and accessed by alleys, are only required to meet the minimum percent for overall site landscaping, outlined above. • These landscaped areas shall be covered with a mixture of trees, shrubs, and groundcover plants.
Site perimeter strip	<ul style="list-style-type: none"> • Perimeter strips may be broken for primary structures, vehicle and pedestrian access crossings, and to allow limited access to and use of utility services located in alleys. • A minimum 7-foot wide site perimeter strip shall be provided on sides without abutting street trees. The required perimeter strip shall be reduced to 5 feet for parcels of 150 feet or less in depth. • A minimum 5-foot wide site perimeter strip shall be provided on sides with abutting street trees. • The perimeter strip shall be covered with a mixture of trees, shrubs, and groundcover plants.

Section 13.06.502.C Commercial District Landscaping	T, C-1, C-2, HM, PDB
Applicability	
<ul style="list-style-type: none"> • Unless specifically exempted, a landscaping plan shall be provided consistent with this table for all new development of structures and/or parking lots, as well as additions and substantial remodels, as outlined below. 	
Exemptions	
<ul style="list-style-type: none"> • Single-family, two-family, and three-family dwellings are exempt from all landscaping requirements contained in this table. • New buildings that are less than 250 square feet of floor area are exempt from all landscaping requirements contained in this table. However, such new buildings shall not be constructed within required Buffer Planting Areas. • Building remodels are exempt from all landscaping requirements contained in this table. • Building additions and buildings added to sites with existing structures are exempt from the landscaping requirements contained in this table, except for street tree requirements and Buffer Planting Areas. Street trees and Buffer Planting Areas are only required along property lines adjacent to the building addition. If the required Buffer Planting Area cannot be provided because of legally existing development, the maximum possible Buffer Planting Area shall be provided and this area shall be covered with a mixture of trees, shrubs, and groundcover plants. • Parking lots of 20 stalls or less, loading areas, and fueling stations are exempt from the Interior Landscaping Distribution requirements contained in the Planting Requirements section of this table, to allow flexibility in placement of required landscaping. • Parking lots of 20 stalls or less, located behind buildings and accessed by alleys, are exempt from the Perimeter Strip, Buffer and Interior Landscaping Distribution requirements below. • <u>C, T, HM, or PDB property across an arterial street or highway from R-District property is not required to provide a Buffer Planting Area along the affected property line abutting the arterial street or highway.</u> • <u>Park and recreation uses are only required to meet the Overall Site and Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table.</u> 	
Minimum Landscaping Area (unless exempted above)	
Overall site	<ul style="list-style-type: none"> • A minimum of 10 percent of the entire site minus the area covered by structures in T, C-1, C-2, HM, and PDB Districts. • Parking lots of 20 stalls or less, located behind buildings and accessed by alleys, are only required to meet the minimum percent for overall site landscaping, outlined above. • Landscaped areas shall be covered with a mixture of trees, shrubs, and groundcover plants.
Site perimeter strip	<ul style="list-style-type: none"> • Perimeter strips may be broken for primary structures, vehicle and pedestrian access crossings, and to allow limited access to and use of utility services located in alleys. • A minimum 7-foot wide site perimeter strip shall be provided on sides without abutting street trees. The required perimeter strip shall be reduced to 5 feet for parcels of 150 feet or less in depth. • A minimum 5-foot wide site perimeter strip shall be provided on sides with abutting street trees. • The perimeter strip shall be covered with a mixture of trees, shrubs, and groundcover plants.

Section 13.06.502.D X-District Landscaping	RCX, NCX, CCX, UCX, UCX-TD, CIX, URX, HMX, NRX
Applicability	
<ul style="list-style-type: none"> • Unless specifically exempted, a landscaping plan shall be provided consistent with this table for all new development of structures and/or parking lots, as well as additions and substantial remodels, as outlined below. 	
Exemptions	
<ul style="list-style-type: none"> • Single-family detached dwellings are exempt from all landscaping requirements contained in this table. • Buildings that are less than 250 square feet of floor area are exempt from all landscaping requirements contained in this table. However, such new buildings shall not be constructed within required Buffer Planting Areas. • Parking lots of 15 stalls or less, loading areas, and fueling stations are exempt from the Interior Landscaping Distribution requirements contained in the Planting Requirements section of this table, to allow flexibility in placement of required landscaping. • Parking lots of 15 stalls or less, located behind buildings and accessed by alleys, are exempt from the Perimeter Strip, Buffer and Interior Landscaping Distribution requirements below. • <u>Property across an arterial street or highway from R-District property is not required to provide a Buffer Planting Area along the affected property line abutting the arterial street or highway.</u> • <u>Park and recreation uses are only required to meet the Front Yard and Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table.</u> 	
Additions/Remodels.	
<p>Three thresholds are used to gauge the extent of landscaping standard compliance on additions/remodels:</p> <ul style="list-style-type: none"> • Level I remodels/additions include all remodels and/or additions within a two year period with value of less than 60% of the existing building value, as determined by the Building Code. The requirement for such remodels is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, for an expanded parking area, landscaping would be required for the new parking area, but the applicant would not be required to bring an existing parking lot into conformance with these landscaping standards. • Level II remodels/additions include all remodels and/or additions within a two year period whose value ranges from 60% to 200% of the value of the existing structure, as determined by the Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II. • Level III remodels/additions include all remodels and/or additions within a two year period whose value exceeds 200% of the value of the existing structure, as determined by the Building Code. Such remodels shall conform to ALL standards. <p>The standards do not apply to remodels that do not change the exterior appearance of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.</p>	
Minimum Landscaping Area (unless exempted above)	
Overall site	<ul style="list-style-type: none"> • A minimum of 15 percent of the entire site for single-purpose residential developments. • Exceptions and departures to landscaped area requirement. <ul style="list-style-type: none"> i. Requirements for developments with structured parking are relaxed based on the percentage of structured parking to the total number of on-site parking spaces. For example, if all parking is structured, there is no landscaping requirement. If 50 percent of the parking is structured, then the amount of required landscaping is reduced by 50 percent (to 7.5 percent). ii. Green roofs and roof gardens may be used to meet up to one-third of the landscaped area requirements. iii. Planting strips within street rights-of-way shall not be included in required landscaped areas. • Landscaped areas shall be covered with a mixture of trees, shrubs, and groundcover plants.

Section 13.06.502.E Port Maritime and Industrial District Landscaping	M-1, M-2, PMI
Applicability	
<ul style="list-style-type: none"> • Unless specifically exempted, a landscaping plan shall be provided consistent with this table for all new development of parking areas over 20,000 square feet of gross lot area, for perimeter strips adjacent to arterial street frontages, for street trees, and for buffer plantings abutting R-District property. • Required landscaping and perimeter strips may be substituted with central landscaping, except where necessary to screen an outdoor storage or industrial use from an R-District property. Central landscaping is in equal proportion to that which would have been required and that which can be provided with variations in spacing and/or grouped to accommodate driveways, building entrances, etc. Required landscaping and perimeter strips are those not otherwise exempted by the provisions in this section. 	
Exemptions	
<ul style="list-style-type: none"> • Building remodels are exempt from all landscaping requirements contained in this table. • Building additions and buildings added to sites with existing structures are exempt from the landscaping requirements contained in this table, except for street tree requirements and Buffer Planting Areas. Street trees and Buffer Planting Areas are only required along property lines adjacent to the building addition. If the required Buffer Planting Area cannot be provided because of legally existing development, the maximum possible Buffer Planting Area shall be provided and this area shall be covered with a mixture of trees, shrubs, and groundcover plants. • Required landscaping and perimeter strips may be exempted if demonstrated that such requirement would interfere with adjacent or intersecting railroads, including private spur railroads, existing storm water ditches, or national security requirements, or if demonstrated that there is a 20-foot vertical grade difference between the properties that offers comparable protection. • When there is a 20-foot vertical grade difference between M or PMI District property that is abutting R-District property, no buffer is required along the affected property line if such grade difference is demonstrated to provide comparable protection. • <u>When there is a 20-foot vertical grade difference between M or PMI District property that is located across the street or alley from R-District property or adjacent to R-District property within a mixed-use district center, no buffer is required along the affected property line if such grade difference is demonstrated to provide comparable protection.</u> • <u>Park and recreation uses are only required to meet the Minimum Landscaping Area-Overall site requirements and the Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table.</u> 	

* * *

13.06.511 Transit support facilities.

A. Purpose. It is found and declared that new development and redevelopment in the City of Tacoma creates a need for transit support facilities, namely benches and shelters, and that such development should provide for such facilities based on existing or potential transit ridership and Pierce Transit standards. Such seating and weather protection, where warranted, are needed for those who depend on transit for daily transportation; these facilities also help encourage use of the transit system, which is consistent with the Comprehensive Plan.

B. Applicability. These provisions apply Citywide to all new development, remodels exceeding 60 percent of building value as determined by the Building Code, and additions to existing buildings over 5,000 square feet of floor area or 75 percent of floor area on streets where regularly scheduled transit service is provided.

C. Projects required to provide transit support facilities. Any single-family or multiple-family residential, ~~or commercial, or industrial, project or park or recreation project~~ that will be located on, or within 500 feet of, a street where regularly scheduled transit service is provided, and meets the project size thresholds in Table 13.06.511.D.1 below, shall be

required to provide a concrete pad(s) for the required transit support facilities and pay to Pierce Transit the costs of providing and installing such facilities, unless mutually agreeable alternative arrangements for providing support facilities that conform to Pierce Transit’s standards are agreed to between the project applicant and Pierce Transit. In addition, for parks, recreation and open space uses required to obtain a Conditional Use Permit, the Land Use Administrator shall determine the appropriate transit support facilities based on the methodology outlined below. For projects subject to the transit support facilities standard, evidence of compliance with this requirement shall be provided to Building and Land Use Services prior to issuance of a certificate of occupancy.

D. Facility standards. Two benches and foundation pads are to be provided at a bus stop within 500 feet of the proposed project where at least five transit riders are expected to board buses on an average weekday. Two foundation pads and shelters are to be provided at a bus stop within 500 feet of the proposed project where at least ten transit riders are expected to board buses on an average weekday. Where there are multiple transit stops within 500 feet of the project site, Pierce Transit shall be consulted as to the need for an appropriate location for the transit support facilities.

TABLE 13.06.511.D.1	2 Benches and Foundation Pads (for future transit provided shelters)	2 Foundation Pads and Shelters
Office	16,000–32,000 square feet of floor area	Over 32,000 square feet
Retail and service	5,000–10,000 square feet of floor area	Over 10,000 square feet
Shopping center	4,000–8,000 square feet of floor area	Over 8,000 square feet
Convenience market	2,000-4,000 square feet of floor area	Over 4,000 square feet
Fast-food restaurant	1,000-2,000 square feet of floor area	Over 2,000 square feet
Manufacturing	45,000–90,000 square feet of floor area	Over 90,000 square feet
Single-Family Housing	60–120 dwelling units	More than 120 dwelling units
Duplexes, Triplexes and Multi-family Housing	30–60 dwelling units	More than 60 dwelling units
<u>Parks and recreation (as defined in Section 13.06.560.C)</u>	<u>High-intensity recreation facilities</u>	<u>Destination facilities</u>

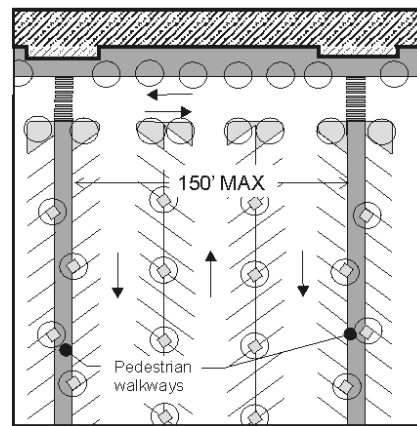
Note: These project thresholds are generally based on trip generation rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition, and Pierce Transit data showing 3% of weekday vehicular trips are on transit.

E. Exemptions. Where the required transit support facility(ies) (a bench or shelter) already exist(s) at the nearest bus stop pair (the closest stops on both sides

of the street), projects shall be exempt from these requirements.

13.06.512 Pedestrian and bicycle support standards.

A. General Applicability.	
1.	Application. The pedestrian and bicycle support standards apply to all new development, unless specifically exempted herein.
2.	Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.
3.	Additions. Additions up to 5,000 square feet of floor area or 75 percent of floor area, whichever is less, shall be exempt from these standards. Larger additions shall meet the requirements of this table at a ratio of at least 1 to 5 (such that a 1 percent increase in floor area will necessitate provision of 5 percent of the requirements of this table for the site; a 2 percent increase in floor area will necessitate provision of 10 percent of the requirements; and so forth, up to where a 20 percent or larger increase in floor area will necessitate provision of 100 percent of the requirements).
4.	Super regional malls. Additions to super regional malls which add less than 10,000 square feet of floor area shall be exempt from these standards. Larger additions shall meet the requirements of this table at a ratio of at least 1 to 3 for the entire mall site (in the same manner described above, under subsection 3), except that additions of an anchor tenant or 140,000 or more square ft. shall require full provision of these requirements for the entire mall site.
5.	Temporary. Temporary structures are exempt from the standards of this section.
6.	Remodel. Remodel projects valued below 60 percent of the building value, as determined by the Building Code are exempt from the standards of this section.
7.	Residential or Mixed-Use. Residential structures of 4 dwelling units or fewer only need to comply with the standards of subsection B, below. Mixed-use structures shall comply with all of the standards.
<u>8. Parks, recreation and open space uses shall meet the standards of this table, except as specifically exempted below.</u>	
89.	Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.
910.	Fractions. Any requirement resulting in a fraction when applied shall be rounded up or down to the nearest whole number.
B. Walkways (Illustrated). To support transportation choices, including walking, the following standards shall be met to assist pedestrian safety, comfort, and mobility, including access to uses from public ways and access from parking areas.	
1.	Direct. A direct walkway shall be provided between all customer and/or public entrances and the nearest public sidewalk. For residential dwellings, the required walkway shall be provided between the front entrance and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right-of-way.
2.	Multiple use sites. Shopping centers and sites with multiple uses shall provide a walkway network along building facades and through the parking lot that provides pedestrian circulation within the development and that links all customer and/or public building entrances to the public sidewalk. For walkways that are longer than 25 feet, trees shall be provided adjacent to the walkways at a ratio of 3 per 100 feet and pedestrian-scaled lighting at a ratio of 2 per 100 feet. For example, a 50-foot long walkway would require 2 trees and 1 pedestrian-scaled light while a 90-foot long walkway would require 3 trees and 2 pedestrian-scaled lights. Trees shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards.
3.	Minimum connection frequency. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 150 feet of street frontage or every three parking aisles, whichever is less. Walkways shall be located to provide the shortest practical route from the public sidewalk or walkway network to customer and/or public building entrances. - This standard does not apply to residential uses containing 4 or fewer dwelling units. <u>Parks and recreation uses (excluding passive open space), or portions thereof, which are undeveloped with buildings, shall provide a minimum of one walkway, and an additional walkway for each additional improved street frontage greater than 500 feet in length (unless topography, critical areas or public safety issues preclude reasonable provision of such additional accesses).</u>



<p>4. Size and materials. All walkways must either be a raised sidewalk or composed of materials different from parking lot and vehicle access areas. Required walkways must be at least 5 feet wide, excluding vehicular overhang, except for walkways accessing individual residential dwelling units, where the minimum width shall be 4 feet. When more than one walkway is required, at least one walkway must be 10 feet wide.</p>
<p>5. Transit access. A direct walkway shall be provided between the principal customer and/or public building entry and any bus stop adjacent to the site. This may be the same as the walkways above. A separate walkway is required if the bus stop is not within 100 feet of a walkway connection to the sidewalk. This standard does not apply to residential structures of 4 dwelling units or fewer. <u>or to parks, recreation and open space uses without buildings adjacent to the street.</u></p>
<p>C. Street Furniture. To support transportation choices, including walking, the following standards shall be met to assist pedestrian safety, comfort, and mobility, including resting places at reasonable intervals.</p>
<p>1. Minimum. A minimum of one fixed bench or equivalent seating area for every 250 feet of street frontage. This requirement determines quantity and not distribution, not required if site has less than 250 feet of street frontage. Projects in the PMI District are exempt from this requirement. <u>Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings.</u></p>
<p>2. Minimum on designated pedestrian streets in Mixed-Use Center Districts. A minimum of one fixed bench or equivalent seating area for every 150 feet of street frontage. This requirement determines quantity and not distribution, not required if site has less than 150 feet of street frontage. <u>Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings.</u></p>
<p>3. Design. Furniture shall be consistent with any applicable adopted business area improvement plans and shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture.</p>
<p>4. Credit. Any adjacent public street furniture can be counted toward this requirement.</p>
<p>D. Bicycle Parking. To support transportation choices, including biking, the following standards shall be met for more visible and secure locations for bicycle parking.</p>
<p>1. Quantity in T, C-1, C-2, HM, and PDB. Minimum 3 percent of the requirement for automobile parking spaces for the first 300 car stalls and 1 percent of car stalls in excess of 300. A minimum of 2 bike spaces is required, except sites requiring 5 or fewer car stalls are exempt from bike parking. Adjacent public bike racks can be counted toward this requirement.</p>
<p>2. Quantity in Mixed-Use Center Districts. Five percent of the requirement for automobile parking spaces for the first 300 automobile stalls and 1.5 percent of automobile stalls in excess of 300, but no less than 2 bicycle stalls. Sites requiring 5 or fewer automobile stalls are exempt from this requirement, except for sites exempted from parking requirements due to their location along core pedestrian streets in neighborhood mixed-use centers (see Section 13.06.510.A.1 Table 2), where the number of required bicycle parking stalls shall be based on the amount of parking that would've been required for the project if it were not exempted.</p> <p>Adjacent public bike racks can be counted toward this requirement. Any form of vehicle storage, including auto dealers, counts only customer and employee parking to determine bike parking requirement.</p>
<p><u>3. For park and recreation uses where no vehicular parking is required, a minimum of 2 bike spaces for every 500 feet of street frontage is required in all residential, commercial or industrial zones; in Mixed-Use Center zones a minimum of 2 bike spaces for 250 feet of street frontage is required. The amount shall be no less than 2 bike spaces. Adjacent public bike racks can be counted toward this requirement.</u></p>
<p><u>34. Location. Bicycle parking shall be located within 50 feet of the primary building entrance for individual sites. Bicycle parking may be grouped near an owner designated primary entrance in shopping centers. Bicycle parking may be shared at a common location on the same block and same side of the street; provided, the quantity meets the total requirement and is no more than 100 feet from any site served. Bicycle parking shall not block pedestrian use of a walkway.</u></p>

* * *

13.06.520 Signs.

B. Exempt signs. The following signs shall be exempt from all requirements of this section and shall not require permits; however, this subsection is not to be construed as relieving the user of such signage from responsibility for its erection and maintenance, pursuant to Title 2 or any other law or ordinance relating to the same.

* * *

18. Temporary public event signs not exceeding 12 square feet, and temporary event banners, placed on publicly owned land or adjacent public right-of-way. Signs or banners shall be securely attached to the ground or a structure and must be removed after the event.

* * *

K. Temporary signs. Special regulations governing temporary signs are as follows:

* * *

3. All temporary signs must be located on private property authorized by the public or private property owner.

* * *

13.06.522 District sign regulations.

A. R-1 Sign regulations. One non-illuminated sign, not exceeding 12 square feet in area shall be allowed pertaining to the lease, rental, or sale of a building or premises on which it is located. One non-illuminated nameplate, not exceeding one and one-half square feet in area, placed flat against the building, shall be allowed for each adult family home, staffed residential home, group home, residential care facility, and family day care home. One ground sign shall be allowed, with a maximum area of 30 square feet identifying a subdivision. A subdivision identification sign shall be approved by the Land Use Administrator. A 32-square-foot temporary sign advertising a subdivision during construction shall be allowed adjacent to each street abutting the site, in conformance with Chapter 13.04.

Parks, recreation and open space uses on sites that are under one acre in size or which have less than 100 feet of street frontage are allowed the following non-illuminated signs:

- One ground sign with a maximum area of 30 feet;
- Interpretive or directional signs not more than 7 feet in height and 20 feet in sign area.

Parks, recreation and open space uses on sites over one acre in area that have a minimum of 100 feet of street frontage shall be allowed the following:

- One freestanding sign, not exceeding 40 square feet in area per face and not greater than 8 feet in height (or, up to 15 feet in height in association with conditional parks and recreation uses);
- One building face sign, of the same maximum dimension. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.
- One additional ground sign with a maximum area of 30 square feet shall be allowed on each additional street frontage.
- Interpretive or directional signs, not to exceed 7 feet in height and 30 square feet in sign area.
- All signs shall meet the lighting, materials and location requirements applicable to signs for conditional uses in residential districts, as contained in this section.

* * *

I. Sign regulations for conditional uses in residential districts and specified uses in all districts.

1. Application. The following regulations apply to conditional uses as designated. These regulations also apply to the uses noted as permitted uses in any district when the provisions below provide the greater sign allowance, in whole or in part.

2. For conditional uses in residential districts limited to public and private schools, ~~public park facilities,~~ and churches on sites that are over one acre in area and have a minimum of 100 feet of street frontage, one freestanding sign, not exceeding 40 square feet in area per face and not greater than 15 feet in height, and one building face sign, of the same maximum dimension, shall be allowed for each conditional use. One additional ground sign with a maximum area of 30 square feet shall be allowed on each additional street frontage. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.

* * *

13.06.560 Parks, Recreation and Open Space

A. Purpose: This section describes the review process for parks, recreation and open space uses in residential zones, and provides development standards applicable to those uses in specified zones. Parks, recreation and open space uses are generally permitted outright in non-residential zones, as specified in the pertinent sections of the Zoning Code.

B. Scope and Applicability:

The review process provisions of this section apply to all parks, recreation and open space uses in residential zones; the development standards are applicable as specified.

C. Review Process in Residential Zoning Districts:

The following definitions of Conditional park and recreational features are intentionally descriptive, rather than proscriptive. The intent is to provide clarity, while retaining adequate flexibility to accommodate future trends in park and recreational activities.

1. Parks, recreation and open space uses are permitted outright in residential zones. The following park and recreation features and facilities require a Conditional Use Permit in residential zones, unless exempt per TMC 13.06.560.C.2:

a. Destination facilities: Zoos, stadiums, community centers, recreation centers, indoor or outdoor swimming pools, indoor recreational facilities, and similar large-scale buildings or facilities providing a site or forum for sports, events, major gatherings, exhibitions or similar activities. Destination facilities are likely to attract a substantial proportion of users from beyond the immediate neighborhood.

b. High-intensity recreation facilities: Outdoor sports fields, athletic facilities, specialized recreation facilities (e.g., spray parks, dog parks, skateboard parks), and other facilities accommodating high-intensity outdoor recreational activities. High-intensity recreation facilities are likely to attract a substantial proportion of users from beyond the immediate neighborhood. In some cases, high-intensity recreation facilities are defined by the presence of multiple sports fields, courts or other features which, when taken together, are likely to become attractions beyond the immediate neighborhood.

The following features, or combinations of features, constitute high-intensity outdoor recreation facilities. These thresholds could be exceeded either through a single development action, or cumulatively (for example, a second sports field added to a site already

developed with one, would constitute a high-intensity recreational facility).

(1) Two or more baseball, softball, football, soccer, rugby or similar sports fields improved with permanent sports and/or spectator features;

(2) Two or more basketball courts or four or more half basketball courts;

(3) Four or more tennis, handball or similar sports courts;

(4) Specialized high-intensity recreation facilities with a site footprint greater than 1,500 square feet;

Small-scale neighborhood-serving recreation facilities, play structures or equipment, picnic tables and shelters, street furniture, pervious fields without permanent sports, recreation or spectator facilities, and small-scale sports or recreation features dispersed within a substantially larger site do not constitute high-intensity recreation facilities.

c. High-intensity lighting: Flood lighting associated with, and bright enough to enable, organized team and/or spectator-oriented night-time sports, recreational or other outdoor events.

Parking lot lighting, pedestrian-scale lighting and security lighting do not constitute high-intensity lighting per this definition.

d. Parking: Development of more than 20 off-street parking spaces associated with a parks, recreation or open space use.

2. Expansions or modifications of existing Conditional park and recreation facilities shall require review as follows:

a. Expansions or modifications to Destination facilities, High-intensity lighting and Parking are subject to the Major Modification thresholds of Section 13.05.080.

b. High-intensity recreation facilities: Expansions or modifications exceeding one or more of the following thresholds shall require a Major Modification:

(1) Exceeds one or more of the numerical thresholds for specific types of high-intensity recreation facilities listed in Section 13.06.560.C.1.b. For example, development of two or more sports fields, or expansion of a specialized recreation facility, such as a spraypark, by 1500 square feet or more, requires a Major Modification.

(2) Exceeds any of the Major Modification thresholds of Section 13.05.080, with the exception that high-intensity recreation facilities are not subject to Section 13.05.080.B.2 pertaining to total site structures, or to Section 13.05.080.B.4 pertaining to total site impervious surface.

3. Distance-based Conditional Use Permit exemption. This provision modifies the review process for certain park and recreation features and facilities which would otherwise be conditional, when they are located far enough away that impacts to residential neighborhoods would be limited. Most potential impacts decrease with distance. However, substantial traffic, noise and light generation can cause impacts over longer distances.

a. Except for destination facilities and high-intensity lighting, park and recreation uses and facilities listed as conditional features in 13.06.560.C.1 are exempt from the Conditional Use Permit requirement if located more than 1,000 feet from any other residentially zoned property.

4. Pre-existing parks, recreation, open space and school uses which were not required to obtain a Conditional Use Permit at the time they were developed, but which have subsequently become Conditional Uses, shall be viewed for zoning purposes in the same manner as if they had an approved Conditional Use Permit authorizing the extent of development as of August 1, 2011. If proposed modifications or expansions to such uses exceed the Major Modification thresholds of Section 13.05.080 or the expansion/modification thresholds of Section 13.06.560.C.2, a Conditional Use Permit will be required for the new development activities proposed.

D. Development standards

1. Applicability: The standards contained in this section are specific to parks, recreation and open space uses, and are meant to be applied along with other applicable regulations though multiple other sections of the Zoning Code are also applicable to those uses.

The following standards apply to both permitted and conditional parks, recreation and open space uses, whether or not a permit or authorization is required. Additional requirements may be imposed through the Conditional Use Permit process, when required per Section 13.06.560.C.

2. Standards

a. Identification signage. Every park or recreation use (excluding passive open space) must be furnished with at least one sign, legible from an abutting public right-of-way, indicating the name of the site, the parties responsible for its management, and sufficient information for members of the public to contact those parties. The City of Tacoma and Metro Parks Tacoma's name constitutes adequate contact information. The required identification sign shall meet the requirements of Section 13.06.520 and does not constitute an additional sign allowance.

b. Ancillary sales and service features. Within residential zoning districts, commercial activities clearly ancillary to the recreational function may be located within park, recreation or open space sites provided the following:

(1) Only food sales, park or recreation-oriented concessions, or rental of recreational equipment are permitted;

(2) The feature must be a minimum of 100 feet from adjacent residentially zoned properties;

(3) Hours of operation are limited to the hours the park is open to the public;

(4) The footprint may not exceed 500 square feet;

(5) No signage visible from public rights-of-way is permitted;

(6) More substantial sales and service features may be considered through the Conditional Use Permit process, as part of a destination facility or high-intensity recreation facility as defined in Section 13.06.560.C.

Refer to Chapter 8.27 Parks Code, and to Sections 13.06.500 and 13.06.600 for the following requirements pertinent to parks, recreation and open space uses:

13.06.501 Building Design Standards

13.06.502 Landscaping and/or buffering standards.

13.06.510 Off-street parking and storage areas.

13.06.511 Transit Supportive Facilities.

13.06.512 Pedestrian and bicycle support standards.

13.06.520 Signs.

13.06.602 General restrictions.

* * *

13.06.602 General restrictions.

A. This section contains general provisions for use, height, area, setbacks and yards. The following provisions apply to all zoning districts, except as hereinafter provided, and except where modified by the provisions of Chapter 13.06A relating to Downtown Districts, Chapter 13.10 relating to Shoreline Management, and other sections of the TMC:

* * *

g. Side yard setbacks for schools, religious assemblies, and institutions. Public schools, public libraries, religious assemblies, colleges, universities, fraternities, sororities, private clubs, lodges, hospitals, sanitariums, educational institutions, philanthropic institutions, and other institutions, hereafter built in an R-1, R-2, R-3, HMR-SRD, or R-4-L District, shall provide side yard setbacks of not less than 20 feet (see Section 13.06.602.A.4.p. below, for parks, recreation and open space setbacks).

h. Side yard setbacks, institutions in Multiple-Family Dwelling Districts. Side yard setbacks for public schools, public libraries, religious assemblies, colleges, universities, fraternities, sororities, private clubs, lodges, hospitals, sanitariums, educational institutions, philanthropic institutions, and other institutions, hereafter built in an R-4 Multiple-Family Dwelling District, shall be not less than 25 feet in width and, in an R-5 Multiple-Family Dwelling District, not less than 30 feet in width (see Section 13.06.602.A.4.p. below, for parks, recreation and open space setbacks).

* * *

p. The following setbacks apply to parks, recreation and open space uses:

(1) Parking lots, designated areas for active play, play structures, picnic tables and areas, and structured gathering or seating areas shall provide a minimum 10-foot setback from abutting residentially zoned properties;

(2) Buildings and structures shall meet the setbacks for the zoning district, and shall provide a minimum 20-foot side yard setback in residential zoning districts;

(3) Garbage and recycling collection areas shall provide a minimum 20-foot setback from abutting properties. Trash receptacles for pedestrian use are exempt.

(4) Outdoor sports courts, sports fields, swimming pools, or other sports facilities, and any lighted outdoor recreation facilities, shall provide a minimum 50-foot setback from abutting residentially zoned properties and a minimum 25 foot setback from

abutting properties in all other zones (with the exception of industrial zones).

* * *

13.06.640 Conditional use permit.

* * *

I. Pre-existing parks, recreation, open space and school uses which were not required to obtain a Conditional Use Permit at the time they were developed, but which have subsequently become Conditional Uses, shall be viewed for zoning purposes in the same manner as if they had an approved Conditional Use Permit authorizing the extent of development as of August 1, 2011. If proposed modifications or expansions to such uses exceed the Major Modification thresholds of Section 13.05.080, or for park and recreation facilities the expansion/modification thresholds of Section 13.06.560.C.2, a Conditional Use Permit will be required for the new development activities proposed.

13.06.700 Definitions and illustrations.

For the purposes of this chapter, certain words and terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. For words that are not defined in this chapter, or that do not incorporate a definition by reference, refer to a Webster’s Dictionary published within the last ten years.

13.06.700.A

* * *

Assembly facilities. Privately operated facilities for the principle purpose of public meetings and social gatherings (including incidental recreation), including community halls, union halls, exhibition halls, social clubs, and youth centers. This use shall not include stadiums or public or quasi-public parks, recreation or open space.

Commercial recreation and entertainment. Private provision of participant or spectator recreation or entertainment. This classification includes uses such as privately operated sports stadiums and arenas, amusement parks, bingo parlors, bowling alleys, billiard parlors, poolrooms, dance halls, ice/roller skating rinks, miniature golf courses, golf driving ranges, archery ranges, scale-model courses, shooting galleries, tennis/racquetball courts, croquet courts, swim clubs, health/fitness clubs, and pinball arcades or electronic gaming centers having more than five coin-operated game machines. This use does not include public or quasi-public parks, recreation or open space, theaters or golf courses.

* * *

Open space. Land undeveloped with structures which may be managed or utilized for a variety of purposes. The term open space is employed differently in different code sections, generally either to refer to public or quasi-public land maintained for its natural features (see Parks, recreation and open space definition), or to an area within subdivisions or developments which provides a separation between structures, a buffer between different uses, recreation opportunities or similar functions.

* * *

Parks, and recreation and open space. Metropolitan Park District, City of Tacoma, or other public/quasi-public parks, playgrounds, community gardens, and active-use open spaces, including commonly associated uses and features such as recreation facilities and community centers located within such sites; and, undeveloped, passive use public or quasi-

public open space lands maintained primarily in a natural state for their conservation, aesthetic and other open space benefits. Open space may be enhanced with low-impact public access features such as trails and viewpoints, on-site parking, small buildings such as storage structures, bathrooms or picnic shelters, or interpretive signage and other limited improvements, and may serve additional public purposes. See Section 13.06.560.

2011 Annual Amendment Application No. 2011-08: Zoning Code Refinements

PROPOSED SUPPLEMENTARY CODE CLARIFICATIONS

March 30, 2011

Staff Note: *None of these represent substantive changes in the associated requirements, either to the existing code requirements or to the proposed changes that were included in the public review document. These proposed changes come from further staff review and code-testing and represent additional technical modifications to better ensure consistency and clarity, such as new references, language modifications, and removing conflicting text.*

DAYCARE CENTERS

Issue:

As part of the 2008 Annual Amendment, the City converted the residential portion of the code into a table format. The residential use table outlines which uses are permitting, not-permitted or conditional in the various residential zoning districts. It was recently discovered that the daycare section of the code (Section 13.06.155) includes a purpose statement that generally describes where daycare centers require conditional use permits. This discussion is unnecessarily repetitive and somewhat inconsistent with the new residential use table.

Proposed Change:

Remove the repetitive and conflicting language in 13.06.155:

13.06.155 Day care centers.

A. Purpose. It is found and declared that day care centers are facilities which perform a needed community service. The City of Tacoma recognizes the need for locating day care centers within areas which they service ~~and. When locating in R-1, R-2, R-2SRD, HMR-SRD, and R-3 Districts, day care centers shall obtain a conditional use permit. Day care centers with an enrollment of more than 50 children or adults in PRD Districts and in R-4 L, R-4, and R-5 Multiple Family Dwelling Districts shall also obtain a conditional use permit. The purpose of requiring a conditional use permit is to~~ ensure, to the extent possible, that day care centers in residential districts will be compatible with the neighborhood and will not adversely affect neighboring properties.

PARKING LOT TREES

Issue:

Within the X-Districts, parking lots are required to have internal islands with trees, with the intent of breaking up large parking areas. The existing requirement is not as clear as it should be and has caused some confusion in implementation.

Proposed Clarification:

Clarify the language as follows:

Parking Lot Landscaping	<ol style="list-style-type: none">2. Internal parking lot landscaping:<ol style="list-style-type: none">a. Planting areas with trees are required at all parking aisle ends.b. <u>Long rows of parking shall be broken by islands or peninsulas with trees such that there are</u> There are shall be no more than eight parking stalls in a row without a tree.c. Trees shall be provided at an average of 30-foot intervals along walkways within or adjacent to parking lots.d. Type C Landscaping shall be used for internal parking lot landscaping.e. Bioretention cells or swales may be incorporated into required planting areas.
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RESIDENTIAL PARKING RESTRICTION

Issue:

Required vehicle access and parking in Residential Districts is required to be located at the rear portion of the lot if suitable access is available (Section 13.06.510.A.6). This significant requirement sometimes goes unnoticed by applicants and thus should be moved to a more prominent location.

Proposed Clarification:

Move this residential parking restriction from the parking section of the code (replace with a reference there) to the end of the Development Standards table for the residential zoning districts (in 13.06.100), which is where all of the other basic residential development standards are outlined, such as height limits, setbacks, etc. While there is no proposed change to the standard, here is the text:

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<u>Other Development Standards</u>								
<u>Vehicle access and parking</u>	<u>All on-site parking for dwellings and buildings other than dwellings shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard, subject to determination by the City Engineer, then vehicular access to the front may be developed. However, in no case shall driveway and/or parking areas exceed a total of 50 percent of the front yard or 50 percent of a corner street side yard.</u>							

BUSINESS SIZE LIMITATION IN HM AND HMX DISTRICTS

Issue:

Within the HM (Hospital-Medical), HMX (Hospital-Medical Mixed-Use) and PDB (Planned Business) zoning districts the code includes a size restriction on certain types of businesses (retail, restaurant and personal services). The intent of this provision was to limit the potential for big-box retail and other large service uses to locate within the limited areas of the City that have been designated for large medical facilities and office complexes. Unfortunately, this restriction is described in a few different ways – in one part of the code it discusses this restriction as “per business” while in another portion it discusses this limitation as “per development site.” This can be a particular issue for large sites that wish to incorporate multiple small businesses, which is consistent with the intent and should be permitted.

Proposed Clarification:

Clarify and make consistent the business size limitation in the HM, HMX and PDB districts. In all cases, the limitation should be per business and not per site.

TOWNHOUSE DESIGN STANDARDS

Issue:

As part of the proposed amendments this year the townhouse design standards are being made consistent for all districts. Unfortunately, in the initial draft staff forgot to change the heading in the townhouse design standards section (13.06.501.O) to clarify that it will now apply to all districts.

Proposed Clarification:

Modify the existing language in the table heading as follows:

O. ~~X-District~~ Townhouse Standards. The following requirements apply to all townhouse dwellings in all X-districts. These requirements are intended to provide façade articulation that emphasizes individual units and reduces the apparent mass of structures, minimize impacts of vehicular access and service elements, and emphasize pedestrian access and building orientation to the street.

From: Heidi S. [mailto:heidigs@hotmail.com]
Sent: Thursday, March 24, 2011 12:30 PM
To: Planning
Subject: RE: Gray/Barlow Article

Hello Wung,

Sorry if my topic wasn't clear. No, this isn't relating to the billboard issue, but to an upcoming topic regarding the historic Gray Middle School and the Barlow Annex in South Tacoma (though we certainly don't want any billboards near it or anywhere along the Water Ditch Trail).

Instead of including just the weblink, I've pasted the contents of the article as text below (as well as some reader comments) for the members of the Planning Commission. However, here is the link to the office site about the project: <http://tacomaoutreachcenter.blogspot.com/>

South Tacoma Connections: Time

(22. March 2011, 06:52 by Tim Smith)

Time is running out for one of the most significant architectural structures in South Tacoma. The Old Gray Middle School and Barlow Annex complex at 3901 South 60th Street will be demolished this summer unless an acceptable plan is developed and implemented to re-purpose this building. After a period of almost six years, no group or developer has submitted a solution to preserve these buildings, which date back to 1910 and the very founding of the Tacoma School District. The Tacoma School District #10 (TSD10) has instead designated \$1,000,000.00 to demolish it and put it in a landfill. Once again, we are confronted with the conflict of cost and heritage. What can be done?

When Good Buildings get Abandoned – Finding New Use

The difficulty with finding a viable new mission for this valuable structure rests with the very ground it sits on. Because there will still be a working elementary school on the campus, the school district is required to retain a ten-acre buffer of school property. The unused land and buildings cannot be sold and TSD10 will retain ownership of the 3.2 acre property and the 99,000 square foot building complex. The property cannot be returned to the tax rolls or owned by any group(s) that occupies it.

The zoning is R-2 (single-family residential), but since this is also school property, any new use must not conflict with the educational environment and cannot take resources from the overall TSD10 K-12 mission. Strangely, a few of the activities possible with a conditional use permit would be a surface mine (probably wouldn't go down too well with the neighbors), a detox center (ditto), or a school public safety facility... in fact, the State Police recently used Old Gray for search and rescue training.

The school district has made a year-long effort to solicit public input, inform the neighborhood, and seek a new use for these buildings, but this outreach was to no avail until recently. In February, a small group of involved citizens put forth an idea that will meet the needs of the school district and comply with existing zoning and land-use activities – the Tacoma Outreach Center.

The Tacoma Outreach Center (TOC) would be a resource center, re-training center, social center and support center. Though it will be open to the public, the TOC would primarily serve a very under-provided-for group: the women veterans amongst us – as well as any honorably discharged vet. Veterans,

with all their tax-payer-funded training, would be able to put that training back into the building and outreach program, while learning additional trade skills from each other and professionals during the building's restoration and use.

In keeping with the preservation element of this idea, the proposed TOC could benefit greatly from placement on the historic register. Historic status would open up a wide range of options that fit perfectly with the facilities, rooms, and capabilities of the complex; furthermore, it would offer potential for arts/crafts production, assembly facilities, cultural institutions, professional offices, personal services, public safety/service facilities, parks/recreation and retail as incidental use (such as handmade items for sale and perhaps a coffee house canteen open to the public).

The TOC has the support of local and district VFWs and the South Tacoma Neighborhood Council. Supporters have communicated with Congressman Dicks and Senator Murray's offices, and found encouraging interest.

The Buildings Themselves

The Old Gray / Barlow Complex is worthy of saving for both structural and historical significance. It has a massive theatre, kitchen, basement gymnasium, classroom space, shop space and plenty of history to be preserved, restored and shared for generations to come. The buildings are structurally sound though sorely neglected. They have weathered at least 3 earthquakes (in the case of Gray, with its unique internal flying buttress bones), and have deep reinforced basements to serve as potential emergency shelters.

The complex is located just off the Water Ditch trail, within walking distance to the South Tacoma Sounder Station and close to the Tacoma Mall. If, as envisioned, it could be used as the Tacoma Outreach Center, it would be strategically situated between the Seattle and American Lake VA hospitals. The Tacoma Outreach Center would provide a unique and vibrant place for service members and their families, veterans, military retiree's, widows – anyone connected to the military. We envision it will become a destination and rest stop along the bike path to listen to music, view gardens, and have homemade organic root beer (much like Bavarian roadhouse stops).

Time to be Conscientious

If you've read this far then you're possibly one of the few people who understand that the "greenest" building is the one that is already built. Preserving a building makes financial and environmental sense. The public's investment is already embedded in the 99,000 square feet of Barlow/Gray, and time has given it historical and economic significance. This investment of energy and resources equates to true public capital; so why destroy it, only to waste more energy in its disposal – not to mention eventual possible rebuilding?

The Gray / Barlow complex is but one illustration of a growing need. Since there is no established benefit in continuing to maintain and improve a property which no longer "pencils out" in terms of depreciation vs. cost, schools and churches are often the first to be lost when there is no immediate use for them. This is the core idea behind our proposal for an "Embedded Energy Credit" (EEC). Such a program would fill a need for schools, churches, and other property in the control of non-profit (non-tax-paying) or faith-based organizations that do not qualify for the Historic Preservation Tax credits in our existing code (which offset improvement costs). However, if organizations received an EEC for a percentage of the total energy value, it might be a sufficient incentive for salvation of the structures.

In Tacoma, we own our power, water and waste management agencies, so it may be simpler than stakeholders might anticipate to arrange an EEC offsetting those costs. The savings would be useful to the non-profit entities and might help jumpstart a new wave of historic preservation for all owners of landmarks within the City of Tacoma. This innovative concept is being mentioned here as an integral part of inviting practical preservation dialog to defend against the loss of significant historic buildings.

Time Will Tell

Inside the Tacoma Mausoleum (just a few blocks due north of the Barlow/Gray school) is a 1,000-year time capsule sealed in 1910 and slated for opening in 2910. Next to the time capsule are the tombs of Orin Watts Barlow and his wife, Letitia, a couple who probably did more for South Tacoma than any other since. Orin Barlow was the first School District President and a school board member for six years. When he died in 1911, Barlow was one of the first persons to be placed in the Alaskan granite mausoleum, the only one of its kind west of the Mississippi. Shortly thereafter, Edison High was renamed in his honor. The Barlow Annex (designed by architect Frederick Heath, who also designed the Mausoleum) represents the best of our historical spirit and can serve for generations to come if we take the initiative to preserve it. The Tacoma Outreach Center may well be our best hope for doing so.

The founders of this area were skilled in thinking ahead – even in 1,000-year increments. They fully believed their creations would live on into posterity, and the quality of their construction holds up to that possibility. It is our obligation to honor their conviction and ingenuity.

###

COMMENTS

The Mayor made a point in her state of the city address to make the city of destiny more appealing to JBLM folks. I believe this project is a step in that direction. Tim Smith is a true Tacoma Action Figure!

[1](#) | Posted by [RR Anderson](#) | Mar 22, 10:41 AM

The “Embedded Energy Credit” is a good idea. There’s a tremendous amount of resources in older existing buildings by means of solid quality materials and already-applied-effort that we should be renovating instead of removing. Not to mention, if these sturdy old buildings are removed in a few years the school will invariably need more classroom space after all, and any replacement buildings will be overpriced-cheaply-constructed-lowest-bidder crap that won’t last more than a few decades at most.

[2](#) | Posted by Mirror Dog | Mar 22, 12:47 PM

Agree with the comments above... in addition, regardless if there’s a viable use for the buildings right now or not, these are OUR buildings (tax payers bought them) and just because the school isn’t using them at the moment doesn’t mean they can tear them down! How stupendously shortsighted! If they have a million dollars for demolition (though they’re kidding themselves if they think the job can be done for that little considering the lead and asbestos removal sure to be involved) they could put that million dollars toward keeping the buildings kept-up for the day they or us will use them again. Those buildings belong to the community which we’re letting the school use and we expect them to be maintained as well as respecting our local history.

[3](#) | Posted by Joel Stillman | Mar 22, 02:17 PM

I agree with all the comments made. I have asked the question, if school funding is limited why not fix the schools that are in use? This would take a legal change or a state of emergency by state officials to make capital improvement moneys available for maintainence. Then this could be repayed to the coffers when the economy is better \$1,000,000 dollars to fix not distroy.

[4](#) | Posted by Andrew Mordhorst | Mar 23, 10:25 AM

Both buildings represent what little is left of the historic towns of Edison / Excelsior, Now known as South Tacoma. Once it’s own vibrant community with its own zoo, horse track, early golf course and rail yards.

What would be left of our history if these are torn down?

The school district could easily do a boundary line adjustment to remove that portion of the property from the school site, they just don't have any incentive.

Tens of thousands of Tacoma residents went through the halls of these buildings. SAVE OUR HISTORY!!!

[5](#) | Posted by Gary Letzring | Mar 24, 07:05 AM

RECEIVED

MAR 25 2011

DATE: March 25, 2011

Per _____

TO: Tacoma Planning Commission and The Tacoma City Council

FROM: Homeowners Committee Opposed to Historic Designation

We are a group of homeowners who reside within the boundaries of the proposed Old Tacoma Historic District who are opposed to the formation of the Historic District. As you might recall, a similar petition was filed and processed in 1999 but there was so much citizen opposition to it that it was strongly defeated by the City Council. Again, we are opposed to the creation of the historic district for the same variety of reasons:

1. The creation of the district would severely limit our ability to modify, remodel, put an addition on, or even replace a window on our homes. Anything that would require a permit would require a full review by a new layer of bureaucratic government along with the design review "Police". We strongly object to this additional governmental intrusion and some design "panel" telling us what we can or cannot do to our own homes. We feel this will be a huge hurdle to improving our home. The municipal code states that, in a historic district, the city's landmark preservation commission must approve **any** modifications to the exterior of a home, including something as simple as a window replacement.
2. If we wished to demolish our home in order to build a new one, we would most likely be precluded from doing so if it lies within the new historic district boundary. We strongly object to this. Many homes need to be replaced.
3. We are not opposed to historic preservation per se. "Old Town" is historic, but there are simply too few structures which are architecturally significant. Many homes have been replaced and there is now a strong blend of old and new, traditional and modern, even contemporary and some with southwest style architecture. We like it that way. The few structures which may be architecturally significant can be nominated as historic structures without restricting the entire district.

Old Town is a great place to live and we want to keep it that way. But we also want the ability and flexibility to remodel and improve without governmental intervention or operation by committee.

Attached is a petition containing over 150 signatures in opposition. Only 4 volunteers obtained these signatures in 2 days with only 25% of homeowners being home to answer the door. We will continue our boots on the pavement petition drive and provide additional petitions showing opposition by over two thirds of homeowners in Old Town. We are confident that the Planning Commission and City Council will recognize that, absent strong community support (for which there is not) this proposed designation cannot move forward.

Sincerely,

Old Tacoma Boosters and Citizens Opposed
To Creation of an Old Tacoma Historic District

PETITION IN OPPOSITION TO OLD TACOMA

RESIDENTIAL HISTORIC DISTRICT

DESIGNATION

We the undersigned petition the City of Tacoma in opposition to the establishment of a Residential Historic District Old Town Tacoma. Although this area of Tacoma may be "historic", very few structures have any architectural significance or contain architectural characteristics that are unique. Furthermore, many new homes have recently be built in Old Town, most of which are not "historic" in design. We object to design standards or other restrictions on ability to demolish and rebuild, remodel, or do other alterations and/or repairs and replacement to our homes.

PRINT NAME	SIGNATURE	ADDRESS	DATE	E-MAIL ADD
Wm Kellis	<i>Wm Kellis</i>	2605 N. STARR	3-21-11	KELLWILLI@COL.CO.
EVA	<i>Eva Gueschick</i>	2516 N. STARR	3-21-11	
JOHN FERANZI	<i>John Feranzi</i>	2533 N. STARR	3-21-11	
Jennifer Feranzi	<i>Jennifer Feranzi</i>	2533 N. Starr St.	3-21-11	scarjoe24@yahoo.co
Peter Malustus	<i>Peter Malustus</i>	1132 N. 26th	3-21-11	
LEONID OTTO	<i>Leonid Otto</i>	1124 N. 26th St. N.	3-21-11	
Rich Knuth	<i>Rich Knuth</i>	1118 N. 26th St	3/21/11	
WILLA KLUDT	<i>Willa Kludt</i>	401 N. 11th St	3/21/11	
SAI KASTORIANA	<i>Sai Kastoriana</i>	1112 N E ST.	3/21/11	KASTORIANA@COMCAST
Lansing Andelin	<i>Lansing Andelin</i>	1106 N E ST	3/21/11	
Richard Martin	<i>Richard Martin</i>	1014 N E ST.	3/21/11	
Stephen Wachter	<i>Stephen Wachter</i>	1101 N. 26th	3/21/11	Stetkinw@nvalife.co
Jeff Brady	<i>Jeff Brady</i>	1105 N 26th	3/21/11	
John Gallup	<i>John Gallup</i>	1121 N. 26th	3-21-11	jdgalp@harbor.net
BILL HALL	<i>Bill Hall</i>	1125 N. 26th	3-21-11	BHALL3667@att.net
Gaylene Monroe	<i>Gaylene Monroe</i>	1125 N. 26th	3/21/11	"
Wm Lewis	<i>Wm Lewis</i>	2529 N STARR	3/22/11	-
Peter Bailey	<i>Peter Bailey</i>	1111 N Tacoma Ave	3/22/11	pbayl@comcast.net
Len Titman	<i>Len Titman</i>	3115 N. Jewett	3/22/11	ltitman@clearwire.net
Daniel E. Belsky	<i>Daniel E. Belsky</i>	1101 N. E. ST.	3-22-11	huber2@belsky.com
Steven Hild	<i>Steven Hild</i>	2615 N Starr	3-22-11	

PETITION IN OPPOSITION TO OLD TACOMA RESIDENTIAL HISTORIC DISTRICT DESIGNATION

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PRINT NAME	SIGNATURE	ADDRESS	DATE	E-MAIL ADD
EMITA BENDIS	<i>[Signature]</i>	2023 N 31st	3-21-11	
Louis Bergquist	<i>[Signature]</i>	2613 N. 31 st	3-21-11	N.A.
JANICE FISHER	<i>[Signature]</i>	2766 N. 31 st	3-21-11	janice.fisher@comcast.net
Fred Warwick	<i>[Signature]</i>	275 N. 31 st	3-21-11	fwarwick@comcast.net
Ken Collins	<i>[Signature]</i>	2413 N 30 th #R	3-21-11	Ken@PremierTrails.com
Bonnie Collins	<i>[Signature]</i>	2413 N. 30 th #B	3-21-11	
VENEZIA SCHIRO	<i>[Signature]</i>	2125 N. 30 th	3-21-11	veneziaschiro@hotmail.com
Debra Townsend	<i>[Signature]</i>	2715 N 30 th	3/21/11	rtownsend@tacoma.wa.gov
Beard Fors	<i>[Signature]</i>	2721 N 30 th	3/21/11	
Bennett Fors	<i>[Signature]</i>	2721 N 30 th	3/21/11	Same -
ISMAIL ABUSUNGIRA	<i>[Signature]</i>	2915 N. 30 th	3/21/11	
ISMAIL ABUSUNGIRA	<i>[Signature]</i>	2906 N 30 th	3/21/11	
Larry Landon	<i>[Signature]</i>	2918 N 30 th	3/21/11	llandon@gmail.com
SUEN MARTEN	<i>[Signature]</i>	2602 N. 30 th	3/21/11	
CHAS MARTEN	<i>[Signature]</i>	2602 N. 30 th	3/21/11	
ERIC F. SLIER	<i>[Signature]</i>	2706 N. 31 st ST	3/21/11	ERICK@HARRISOLIVE.COM
Delores Glump	<i>[Signature]</i>	2901 N. Junett St	3/21/11	
Spencer Lewis	<i>[Signature]</i>	2716 N 29 th St.	3/21/11	SpencerLewis@hotmail.com
Carl Halverson	<i>[Signature]</i>	3009 N Junett St	3/21/2011	

PETITION IN OPPOSITION TO OLD TACOMA

RESIDENTIAL HISTORIC DISTRICT

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PRINT NAME	SIGNATURE	ADDRESS	DATE	E-MAIL ADD
Matthew Flamm		1120 N 27th St 98403	3/21/2011	mflamm@comcast.net
Sherril Worswick		101 N 26th St 98403	3/21/2011	ambrij@comcast.net
Constance White		2209 N 27th St 98403	3/21/2011	connie1644@comcast.net
Nancy Jo King		2218 N. 27th 98403	3/21/11	
David George Becke		2110 N. 27th St 98403	3/21/11	SPEEDYVOICE@FARRISITE.COM
Edmonton Mante		1117 N 27th St 98403	3/21/11	
John S. Senior		1104 N. 27th 98403	3/21/11	jsr2022@comcast.net
Leslie Le		1174 N 27th St	3/21/11	lesliele23@comcast.net
Michael Castrese		1122 N 27th St	3/21/11	m.castrese@comcast.net
Erik Hall		2814 N. Carr Street	3/22/11	ehall@shopconcrete.com
Judy Brockhoff		1225 N. Tacoma Ave	3/22/11	jlbrockhoff@gmail.com
Hans Brockhoff		1225 N. Tacoma Ave	3/22/11	brockhoffh@comcast.net
ROBERT BOSNYAK		2423 N. 29th St	3/22/11	R.BOSNYAK@comcast.net
Pamela Bell-Bosnyak		2423 N. 29th St	3/22/11	
TERRY ODELL		3302 So. 26th St	3-23-11	
Maryanne Bell		2719 N. 29th St	3-23-11	lovesabba@comcast.net
David B. Brown		2316 N 29th St	3-23-11	midtown@comcast.net
NEIL BANDLE		2002 N Schuster Ave	3-23-11	DCAND@comcast.net
MARY BOSKOVICH		2218 N 29th	03-23-11	
Merrilee Brown		2910 No. 32nd	3/23-11	
JAMES BOWEN		2909 No. 31st	3/23/11	

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PRINT NAME	SIGNATURE	ADDRESS	DATE	E-MAIL ADD
Joyce Hakala	Joyce Hakala	2005 No 30th St	3/19/2011	Joycehakala@gmail.com
Lola Sutter	Lola Sutter	2609 No 3	"	REXCHASS@FINANCIAL
Juan Bruce	Juan Bruce	2421 No 30th	3/20/11	
Christina Viana	Christina Viana	2603 No 30th (Upper)	3/20/11	CAV1984@hotmail.com
Simone Piscaglia	Simone Piscaglia	2407 No 29th	3-22-11	
Cecilia Piscaglia	Cecilia Piscaglia	" " "		
Tim Robinson	Tim Robinson	2222 N 29th	3-22-11	TimRobinson@comcast.net
John Earl	John Earl	2126 N 29th	3-22-11	
Vivian Zehnder	Vivian Zehnder	2016 N 29th	3-22-11	
Mike Zehnder	Mike Zehnder	2213 No 29th St	3/22/11	msasbo@hotmail.com
Lynne Pining	Lynne Pining	2213 N 29th	3-22-11	mjz@hotmail.com
Heather Huffines	Heather Huffines	2313 N 29th	3-22-11	lyndina@msi.com
Matthew Williams	Matthew Williams	2211 N 29th	3/22	
Tanetta Lisicich	Tanetta Lisicich	2309 N 28th	3/22	

From: pttomorrow [mailto:pttomorrow@piercetransit.org]
Sent: Tuesday, March 29, 2011 2:03 PM
Subject: Pierce Transit Reduction Plan Update

Pierce Transit Reduction Plan to Begin Early Due to Fueling Station Fire

Due to the anticipated schedule for repair of the fueling station, Pierce Transit cannot return to regular service levels prior to beginning the planned service reductions. Emergency reduced service will continue to operate through June 11, 2011.

As a result of the economic recession and failure of Proposition 1, the Pierce Transit Board of Commissioners directed staff to implement a 35% reduction in service by October 2011 to address the agency's budget shortfall.

Since February 28, 2011, a fire in Pierce Transit's compressed natural gas fueling station has significantly reduced the agency's ability to operate the regular weekday service schedule. Regular service has been reduced by approximately 20% as a result.

Repairs to the fueling station will take several months and the agency will be unable to return to regular service levels prior to implementing permanent reductions.

The plan begins with a 20% reduction on June 12, 2011, and a 15% reduction on October 2, 2011.

Pierce Transit Chief Executive Officer, Lynne Griffith, stated, "In response to comments we heard from our riders, the focus of this service change will be to get people to jobs and school and reduce low ridership routes and trips." The June 2011 service change will begin to incorporate elements of the reduction plan. These service levels will be similar to the current emergency reduced service levels. Details of the June service change will be published in The Bus Stops Here booklet available at the usual locations in early June.

Beginning April 2, the Reduction Plan Rider Alert pamphlet will be available on board buses, at Bus Shop locations, at Pierce Transit Headquarters, and at piercetransit.org. This pamphlet provides route-by-route information about the proposed service reductions.

SHUTTLE paratransit service for people with disabilities will also be reduced on October 2, 2011. This service operates on the same days and during the same time within $\frac{3}{4}$ of a mile of bus routes. As bus service is reduced, SHUTTLE service will be reduced.

Public hearings are scheduled throughout April at five different locations to allow the public to comment on the June and October service reductions. Transit users and the community are encouraged to attend a Public Hearing to have their voice heard by the Pierce Transit Board of Commissioners.

Lakewood/University Place
Monday, April 11 4:00 PM – 6:00 PM
Pierce Transit Training Center

Rainier Room

3720 96th St SW, Lakewood

Gig Harbor/Key Peninsula

Monday, April 18 4:00 PM – 6:00 PM

Gig Harbor Civic Center

Council Chambers

3510 Grandview Street, Gig Harbor, WA 98335

Tacoma

Thursday, April 21 5:00 PM – 7:00 PM

Municipal Building

Council Chambers – 1st Floor

747 Market Street, Tacoma

Puyallup/South Hill

Monday, April 25 4:00 PM – 6:00 PM

Puyallup City Hall

Council Chambers

333 S. Meridian, Puyallup

East Pierce County

Thursday, April 28 5:30 PM – 7:30 PM

Interim Justice Center

Council / Court Chambers

9002 Main Street East, Bonney Lake

Visit piercetransit.org or call Customer Service 253.581.8000 for updates.