



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 19, 2013

The Honorable Marilyn Strickland
City of Tacoma
747 Market Street, Room 1200
Tacoma, WA 98402-3766

Re: City of Tacoma Comprehensive Shoreline Master Program Update – Conditional
Approval, Ordinance Number 28034

Dear Mayor Strickland:

I would like to take this opportunity to commend the city of Tacoma (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. I recognize this update represents a significant amount of effort by your staff and the community as a whole. The SMP will provide a framework to guide development and habitat restoration in the City's shoreline along the marine waters of Commencement Bay and the Tacoma Narrows, portions of the Puyallup River and Hylebos Creek and Wapato Lake.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Recommended changes are proposed in Attachment C. Ecology's findings and conclusions related to the City's proposed SMP update are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally submitted by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guideline requirements.



The Honorable Marilyn Strickland
August 19, 2013
Page 2

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that you, the City Council, Planning and Development Services staff (particularly Peter Huffman and Stephen Atkinson), the Planning Commission, and the community have put into the Shoreline Master Program update.

Thank you again for your efforts. We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Kim Van Zwalenburg, at Kim.vanzwalenburg@ecy.wa.gov or (360) 407-6520.

Sincerely,



Maia D. Bellon
Director

Enclosures

By Certified Mail [7012 1010 0003 3028 3379]

cc: Stephen Atkinson, City of Tacoma
Peter Huffman, City of Tacoma
Paula Ehlers, Ecology
Peter Skowlund, Ecology
Kim Van Zwalenburg, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR THE PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF TACOMA
SHORELINE MASTER PROGRAM**

SMP Submittal accepted February 28, 2012¹, Ordinance No. 28034
Prepared by Kim Van Zwalenburg on April 5, 2013, Revised July 17 and August 5, 2013

Brief Description of Proposed Amendment: The City of Tacoma (City) has submitted a comprehensive update to their Shoreline Master Program (SMP or TSMP) for review and approval by the Department of Ecology (Ecology). The updated master program contains locally tailored shoreline management policies, regulations, including a shoreline environment designation map and shoreline district maps, administrative provisions and critical area regulations. Additional reports and supporting information and analyses are included in the submittal and noted below. One of the key documents developed by the City in support of the SMP is a Public Access Alternatives Plan that will help further public access opportunities throughout the City.

FINDINGS OF FACT

Need for amendment: The proposed amendment would replace the City's existing SMP in its entirety. The amendment is needed to comply with the statutory deadline for a comprehensive update of the City's local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 (State master program approval/amendment procedures and master program guidelines) and WAC 173-27 (Shoreline management permit and enforcement procedures). The City's SMP was originally approved by Ecology in 1977, significantly rewritten in 1995 and last amended in 2008. As the City notes in the SMP Introduction, "...there have been substantial changes in the way shorelines are regulated. New scientific data and research methods have improved our understanding of shoreline ecological functions and their value in terms of fish and wildlife, water quality and human health. This information also helps us understand how development in these sensitive areas impacts these functions and values." (p. 2, TSMP)

Ecology finds that the City has documented the need to amend and update its shoreline master program.

Documentation of current conditions: The Tacoma SMP will regulate activities along approximately 46 miles of marine and freshwater shorelines including portions of Commencement Bay and the Tacoma Narrows, the lower portions of the Puyallup River and Hylebos Creek and Wapato Lake.

Puget Sound/Commencement Bay: The Inventory and Characterization divided the nearly 34 miles of marine shoreline into five reaches ranging from the least developed (Point Defiance) to the most developed (Waterways, which encompasses downtown and the Port of Tacoma). The table below gives a sense of the extent of shoreline modification.

¹ Initial documents were received 2/7/2012. Additional documentation was provided on 2/13 and 2/17/2012. Ecology's letter acknowledging receipt was dated 2/18/2012.

Table 4-2. Shoreline Armoring by Reach

Reach	Length (mi)/Percent of Reach with Armoring	Notes
1 – Narrows	4.4 mi / 76%	Primarily vertical wood bulkheads with and without riprap. Includes five docks.
2 – Point Defiance	0.5 mi / 18%	Primarily bulkheads. Area has also been modified by mass-wasting (i.e., landslides).
3 – Ruston Way	6.5 mi / 97%	Includes nine docks. Five of the bulkheads are described as “poor condition”
4 – Waterways	15.8 mi / 71%	Significant structural alterations with Port of Tacoma industrial waterways development.
7 – Marine View Drive	0.2 mi / 12%	Includes 159 docks, generally associated with marinas.

(Inventory & Characterization, Dec 2007)

Many of Tacoma’s marine shorelines consist of artificial fill, particularly along the rail line running along the Narrows, Ruston Way and the port area of Commencement Bay and shoreline bluffs have been cut off from direct interaction with the shoreline (thus limiting sediment inputs). There are also numerous drainages which discharge (often seasonally) to the nearshore area, via culvert in many cases, though there are a number of pocket estuaries and the opportunity to restore more. It is generally accepted that fully 99% of the tidal marshes in Commencement Bay are gone as are most of the historic mudflats.

There are also significant water quality and sediment impacts resulting from historic and current land uses. Remediation efforts (through both the Environmental Protection Agency’s Superfund actions and Washington’s Model Toxic Control Act) along the most industrialized shorelines have been underway for the past two decades and a number of nearshore mitigation sites have been developed.

Despite wide scale impacts, along Tacoma’s shorelines and throughout the Puyallup River watershed, there are documented areas that support forage fish, kelp and eelgrass, and riparian vegetation. The nearshore area is also known (and in some cases designated critical) habitat for a variety of fish and wildlife species, including threatened and endangered anadromous fish and marine mammals.

Puyallup River: Approximately 2.7 linear miles of the lower Puyallup River are located in the City upstream from the confluence with Commencement Bay. The river has been heavily impacted by modifications throughout the watershed, and is constrained by dikes, revetments and levees along the entire reach. The historic river delta and estuarine wetlands are largely gone after more than a century of development, and sediment and water quality are documented problems. However, the river provides habitat for salmon, steelhead and bull trout, and a number of off-channel and side-channel mitigation projects have been developed. In addition, the Puyallup Tribe continue to fish for salmon along the lower Puyallup.

Hylebos Creek: Approximately 0.5 mile of lower Hylebos Creek is within Tacoma. The watershed is one of the most developed in the state and modifications to the creek have been extensive including channelization and vegetation removal. Levees and revetments line a significant portion of the channel within the City. While conditions are unlikely to change west of Marine View Drive which is characterized by intense industrial-related development, the area east of Marine View Drive is less developed and slated for additional restoration projects.

Wapato Lake: At 34 acres, Wapato Lake consists of three hydrologically connected waterbodies which have been significantly modified over time. Much of the immediate surrounding shorelands are in an 87- acre city park, with a small amount of residential development adjacent to the uppermost lake. The upper two lakes are surrounded by wetlands and relatively well vegetated, while the lower lake is surrounded by open grassy areas and a general lack of fringing vegetation. Most of the water coming into the middle and upper waterbodies are from two storm drains which drain portions of the I-5 corridor and surrounding neighborhoods. The lake is shallow, has a high nutrient load and low dissolved oxygen leading to frequent algae blooms. It has been closed to swimming since 2006.

Ecology finds that the December 2007 Tacoma Shoreline Inventory & Characterization (ESA Adolfson) adequately inventories and analyzes the current conditions of the shorelines located in Tacoma. This document synthesizes existing information and was used to inform the master program update as well as provide a basis for future protection and restoration opportunities in the City's shoreline jurisdiction. The report is consistent with the Shoreline Guideline requirements in WAC 173-26-201(3)(c) and (d).

Shoreline Use Analysis: As part of Tacoma's inventory and analysis of their shorelines, two additional reports were developed. The *Tacoma Waterfront Lands Analysis, November 2008 (BST)* provides a detailed inventory of land ownership and uses along the entire Tacoma shoreline, focusing particularly on the water-dependent uses. It also includes an analysis of future demand for (a) general cargo and grain terminals, (b) other bulk terminals, and (c) commercial boat and vessel moorage. The report concludes that "any future water dependent uses will most likely occur in District S8 or S10" (page 7). In addition, regarding the lay berthing activity in the S-7 (Sperry Ocean Dock), the report found that "there are few (if any) places that this activity could be relocated to in the City" (page 5).

The *Shoreline Use Analysis, December 2008 (ESA Adolfson)* went a step further and, by shoreline district, looked at current use and development patterns, supply and demand for water-dependent uses, plans and trends, and potential use conflicts among other topics. As stated on page 2, "The key finding of this [the Waterfront Lands Analysis] analysis is that Tacoma's waterfront is well utilized, with few areas available and suitable for water-dependent industry that are not already being utilized as such."

Both reports concluded that the current S-7 district contains two existing water-dependent activities: the grain terminal and the Sperry Ocean Dock lay berthing (moorage) facility. Both note that the lack of suitable upland acreage², along with the potential conflict with neighboring residential uses, precludes the likelihood of any new water-dependent industrial uses along Schuster Parkway in the vicinity of the Sperry site.

² There are approximately seven acres of vacant land, mostly forested steep slope above Schuster Parkway.

Contingent on acceptance of required changes in Attachment B, Ecology finds that Tacoma has adequately considered supply and demand for SMA preferred uses and the potential for use conflicts consistent with WAC 173-26-201(3)(d)(ii) and WAC 173-26-201(2)(d).

SMP provisions to be changed by the amendment as proposed: This comprehensive SMP update is intended to entirely replace the City’s existing SMP and will regulate approximately 38 linear miles of marine shoreline, 6 miles of riverine shoreline (both banks) and a little over 1 mile of lake shoreline along four waterbodies: Puget Sound/Commencement Bay, Hylebos Creek, Puyallup River and Wapato Lake.

Shoreline Jurisdiction: The City proposes to use the minimum jurisdiction allowed including the water areas of all shoreline waterbodies, shorelands located within 200 feet of the Ordinary High Water Mark (OHWM), the designated floodway plus 200 feet on streams, and all associated wetlands (Section 4.1).

Ecology finds that the Tacoma SMP has appropriately defined shoreline jurisdiction consistent with the Act.

Shorelines of Statewide Significance (SSWS): RCW 90.58.020 specifically calls out SSWS for special consideration declaring the “the interest of all of the people shall be paramount in the management” of these shorelines. In Tacoma, the portion of Puget Sound located seaward of the line of extreme low tide and the Puyallup River and its shorelands are designated SSWS (Section 4.3).

Ecology finds that the SMP has appropriately identified SSWS within the City’s jurisdiction and has included policies for management of these areas (Sections 4.3 and 4.4). The policies are consistent with RCW 90.58.020 and WAC 173-26-251.

Shoreline Master Program Goals and Policies: The goals and objectives contained in Chapter 3 of the SMP address the elements outlined in RCW 90.58.100 General policy goals of the act and WAC 173-26-176 Guidelines for shorelines of the state.³

Ecology finds that the City has addressed the requirement to establish policies per RCW 90.58.100(2) and WAC 173-26-201(2)(e).

Shoreline Environment Designations⁴: Assignment of shoreline environment designations is a fundamental aspect of the SMP update. Tacoma’s existing SMP identifies four environment designations, but effectively uses only three, assigned across 14 shoreline districts⁵: Natural, Conservancy, and Urban. The Rural designation was never assigned to any shoreline within the City.

In the updated SMP, there are six (6) proposed designations (Natural, Urban Conservancy, Shoreline Residential, High Intensity, Downtown Waterfront and Aquatic) assigned to 17 Shoreline Districts. The Downtown Waterfront designation was created to address the special characteristics of the Thea Foss Waterway Shoreline District.

³ Also see the Shoreline Environment policies (Chapter 5), General policies (Chapter 6), the General Use policies (Chapter 7) and the Shoreline Modification policies (Chapter 8).

⁴ The City is not pre-designating shorelines within its adopted Urban Growth Area.

⁵ Tacoma’s shoreline jurisdiction is divided into shoreline districts which are zoning districts. Each district has a shoreline environment designation.

Each environment designation has a purpose statement, designation criteria and management policies. Each shoreline district has a stated intent, boundary description and district-specific use and modification regulations and development standards. There are multiple districts in the Natural, Urban Conservancy and High Intensity designations and the SMP allows for variation in allowed uses and development between districts within the same environment designation (see Table 9-2).

Figure 5. Comparison of Current and Proposed Shoreline Designation Systems

CURRENT CITY DESIGNATIONS	MILES	→ PROPOSED DESIGNATIONS	MILES	DESIGNATION CRITERIA
Conservancy	6.60	→ <i>Urban Conservancy</i>	14.51	<ul style="list-style-type: none"> • Planned for maintaining or restoring shoreline functions • Planned uses are publically beneficial
Urban	37.30	→ <i>High Intensity</i>	21.89	<ul style="list-style-type: none"> • High-intensity water-oriented commercial, transportation, industrial uses
Natural	2.20	→ <i>Natural</i>	5.97	<ul style="list-style-type: none"> • Free of human influence • Intact shoreline functions
New Designations		→ <i>Shoreline Residential</i>	0.36	<ul style="list-style-type: none"> • Primary zoned single-family residential
		→ <i>Downtown Waterfront</i>	3.55	<ul style="list-style-type: none"> • Thea Foss Waterway
		→ <i>Aquatic</i>		<ul style="list-style-type: none"> • Marine Waters

(Cumulative Impacts Analysis, Nov. 2011)

Figure 5 above provides an overview of how Tacoma designates its shorelines under the existing and proposed regulations.

Contingent on acceptance of required changes in Attachment B, Ecology finds that the process of evaluation used to assign shoreline designations was appropriately conducted. Ecology also finds that each shoreline designation in the SMP has a clearly stated purpose, designation criteria and policies and is adequately mapped on the Shoreline Environment Designations Map (TSMP Figure 5-1). The designations provide a framework for implementing shoreline policies and regulations. The allowed uses and regulations for each shoreline designation are generally similar but do vary by district (TSMP Table 9-2). District-specific regulations (TSMP, Chapter 9) have been developed that account for different shoreline conditions, while helping assure implementation of the purpose of each environment designation and the policy goals of the SMA including protection of existing shoreline ecological functions.

General Master Program Provisions: Chapter 6 includes regulations that address archaeological, cultural and historic resources; marine shoreline and critical areas protection; public access; vegetation conservation; views and aesthetics; and water quality and quantity.

To assist in implementation of public access policies, the City developed the Public Access Alternatives Plan (PAAL). This plan is not part of the SMP but will be central to implementing public access requirements and opportunities over time. The plan identifies existing and potential public access opportunities along the City's shoreline and includes criteria for prioritizing public access projects. In addition, it includes a strategy for implementation. In response to this planning effort, the Port of Tacoma stepped forward and, working closely with the City, has developed a public access plan for their properties which will be referenced in the PAAL.

Ecology finds that the City has included all the required general provisions in the proposed SMP consistent with WAC 173-26-221.

Shoreline Modifications: WAC 173-26-231(1) distinguishes shoreline modifications from shoreline uses by describing them as those actions “undertaken in support of or in preparation for a shoreline use”. Chapter 8 of the SMP specifically addresses these activities, including shoreline stabilization, fill, excavation and dredging, clearing and grading, ecological restoration and moorage facilities.

Ecology finds that the City has considered and addressed shoreline modifications as required in WAC 173-26-231.

Shoreline Uses: WAC 173-26-241 outlines specific common uses and types of development that can occur within shoreline jurisdiction. The SMP addresses applicable shoreline uses in Chapter 7 General Use Policies and Regulations and Chapter 9 District-Specific Regulations.

Contingent on the City's acceptance of required changes set forth in Attachment B, Ecology finds that the Tacoma SMP adequately identifies uses common along the City's shoreline, establishes a clear preference for water-oriented uses and public access, and clearly shows by shoreline designation, where certain uses are allowed, conditionally allowed and prohibited.

Critical Area Provisions: Tacoma has chosen to embed their critical area regulations in Section 6.4 of the SMP. These provisions address marine shorelines, fish and wildlife habitat conservation areas, wetlands, streams and riparian habitats, geologically hazardous areas, flood hazard areas and aquifer recharge areas.

Ecology finds that the City has adequately defined and protected critical areas, as defined in WAC 173-26-221(2), and that no net loss of shoreline ecological functions should be assured (RCW 36.70A.480(4)).

Cumulative Impacts Analysis (CIA): Draft reports (February 2010 and January 2011), evaluating the cumulative impacts of reasonably foreseeable future development, were produced on draft versions of the SMP. A final CIA was issued in November 2011 along with a No Net Loss Summary memorandum (ESA, February 2012). The CIA reports consistently found that implementation of the SMP over time (20 year planning horizon) was unlikely to result in cumulative impacts to shoreline ecological functions from the existing baseline conditions.

Ecology finds that Tacoma has evaluated the cumulative impacts of reasonably foreseeable future development over the next 20 years. The potential for net loss of shoreline ecological functions is low as identified in the CIA. The locally adopted SMP appears to fairly allocate the burden of addressing cumulative impacts among development opportunities. Ecology finds that the City's SMP and supporting Cumulative Impact Analysis and No Net Loss Summary are consistent with the SMP

Guidelines governing principle (WAC 173-26-186(8)) as well as the legislative intent of the Shoreline Management Act under RCW 90.58.

Restoration Plan: Tacoma developed a restoration plan based on the information in the Inventory and Characterization (ESA, 2007). The final Shoreline Restoration Plan (ESA, 2011) identifies specific and programmatic restoration opportunities and actions for each shoreline district and waterbody. The City's SMP includes both restoration goals and objectives in Chapter 3 and policies and regulations in Chapter 8 that permit and promote restoration efforts along all City shorelines and explicitly link restoration actions to the Shoreline Restoration Plan. In addition, the City developed a Shoreline Habitat Fee-in-lieu Prospectus should the City decide to develop such a mitigation program in the future.

Ecology finds that the Shoreline Restoration Plan is based on appropriate technical information available to the City during the SMP update and can serve as a tool for the City and others to restore shoreline conditions over time. Such restoration efforts are understood to help achieve the no-net-loss standard of the SMP Guidelines (WAC 173-26-186; WAC 173-26-201)).

Amendment History and Review Process: The record shows Tacoma began the comprehensive update to their SMP in early 2006 on their own initiative. Work on the update slowed for a time while the City responded to a Growth Management Hearings Board decision to include marine buffers in their newly updated critical areas ordinance. Beginning in July 2009, work began consistent with a scope of work described in *SMA Grant No. G10000141*. The grant provided \$125,000.

Public Participation: The Public Participation Report (January 2012) documents all public participation efforts proposed and carried out. A technical review committee was formed early to assist in review of the Inventory & Characterization, Restoration Plan and other technical documents. In addition to meetings with interested parties (including community groups, neighborhood councils, business interests and environmental organizations), the City held six general public workshops and informational meetings, issue-specific workshops on Thea Foss Waterway and public access (among others).

Notice of all public meetings was broad consisting of mailings and newspaper ads. The Planning Commission was briefed 39 times since 2006 (all meetings were open to the public) and members of City Council were briefed 24 times. A preliminary draft SMP was released in September 2010 for early public review and comment. The City established an SMP update webpage on their Planning website.

Local Review Process: In April 2011, the Planning Commission issued a revised draft SMP for review and comment and held a public hearing on June 1, 2011. Legal notice of the hearing was published in *The News Tribune* on May 12, 2011. The record indicates City Council held a public hearing on September 27, 2011. Concerns raised during the local process focused on the following issues: public access, existing and future uses at the Sperry Ocean Dock site located on Schuster Parkway and concerns about potential conflicts between industrial uses and future uses along the east side of the Thea Foss Waterway. With passage of Ordinance #28034 on November 29, 2011, the City Council authorized staff to forward the locally adopted SMP to Ecology for approval.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Preliminary Determination of Non-Significance (DNS) and Adoption of Existing Environmental Document for the proposed SMP amendments on May 2, 2011. Notice of

the SEPA determination was published in the *Tacoma Daily Index, Inc.* on May 9, 2011. Comments were accepted until June 10, 2011. The record indicates the DNS was final on June 17, 2011. Ecology did not comment on the DNS.

Ecology finds the record submitted adequately documents compliance with WAC 173-26-100 and 110.

State Review Process: The proposed SMP amendment was received by Ecology for state review on February 7, 2012 and verified as complete February 28, 2012. Notice of the state comment period was distributed to state task force members, potentially interested tribes, and interested parties identified by the City by mail on April 18, 2012 and by email April 19, 2012, in compliance with the requirements of WAC 173-26-120. The state comment period began on April 23, 2012 and continued through June 7, 2012. Notice was posted on the Ecology website for shoreline master programs:

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/tacoma.html> and on Ecology's Public Involvement Calendar and Ecology issued a News Release. In consultation with City staff, and recognizing the significant public participation effort of the City, Ecology staff determined a public hearing was not necessary but extended the comment period to 45 days.

Thirty-two individuals and four local agencies submitted a total of 36 comment letters during the public comment period. Ecology sent all written comments it received to the City on June 22, 2012. The City requested three separate extensions (8/20, 10/17 and 12/13/2012) in order to respond to the comments received. On December 27, 2012 the City submitted its responses to issues raised during the state comment period to Ecology.

Ecology staff met with City staff on three separate occasions (February 11, April 11 and June 20 (postponed from May 22 at the City's request) to discuss proposed changes to the locally adopted SMP.

Consistency with Chapter 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5).

Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of the SMP Submittal Checklist, which was completed by the City and provided with the submittal of the locally adopted SMP.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

- *Tacoma Public Participation Report, January 2012*
- *Tacoma Shoreline Inventory and Characterization, December 2007 (ESA Adolfson)*
- *Tacoma Shoreline Use Analysis, December 2008 (ESA Adolfson)*
- *Tacoma Waterfront Lands Analysis, November 2008 (BST)*
- *Cumulative Impacts Analysis November 2011*
- *No Net Loss Summary Memo, February 2012*
- *Shoreline Restoration Plan (undated but completed in 2011)*
- *Rationale for Proposed Shoreline Designations (memo), February 2012*

- *Public Access Alternatives Plan (undated)*

Additional References:

- Final Findings of Fact, Conclusions of Law and Order, SHB Nos. 89-4 & 89-7
- Dome to Defiance, Tacoma’s Urban Waterfront, A City Club of Tacoma Research Report, May, 1988
- Tacoma Planning Commission, Findings and Recommendations, August 17, 2011
- Maps prepared by BST Associates for the Waterfront Lands Analysis (2008), provided at the July 20, 2011 Planning Commission meeting
- Aerial photographs, Department of Ecology, Washington State Coastal Atlas
<https://fortress.wa.gov/ecy/coastalatlus/tools/ShorePhotos.aspx>

Summary of Issues Raised during the Ecology Public Review Process: Comments submitted generally focused on the re-designation of the segment containing the Sperry Ocean Dock site from the S-7 Schuster District to a transitional S-6/7 Schuster Parkway Transition Zone, the existing lay berthing activity at the Sperry site, public access along Schuster Parkway; aquaculture; environment designations and mitigation sequencing; buffers; and utilities.

The complete record of the City’s response to these comments is found in Attachment D.

Summary of Issues identified by Ecology as Relevant to its Decision: Ecology identified the following issues as relevant to its decision: consistency with the Urban Conservancy shoreline environment designation, water-dependent uses (aquaculture, lay berthing (deep water moorage)), the S-6/7 Schuster Parkway Transition Zone, and optimal implementation of Shorelines of Statewide Significance. These issues are addressed below.

Shorelines of Statewide Significance (SSWS): The SMP appropriately identifies SSWS within the City as the Puyallup River and those portions of Commencement Bay and Puget Sound lying seaward from the line of extreme low tide. This includes the S-9 Puyallup River and most of the S-13 Marine Waters of the State shoreline districts.

The Shoreline Guidelines in WAC 173-26-251 requires that local master programs recognize the specific use preferences identified in the SMA and provide for “*optimum implementation*” of the statutory policy. This is done by providing SMP provisions that implement: (a) statewide interest, (b) preserve resources for future generations and (c) give preference to uses identified in RCW 90.58.020. Ecology is required to ensure “optimum implementation of the policy of this chapter to ensure the statewide interest” (RCW 90.58.090). The Guidelines recognize that the state’s interest will vary depending on the geographic location, type of shoreline, and local conditions (WAC 173-26-251(2)).

In developing master program provisions, local governments are required to give preference to priority uses set forth in RCW 90.58.020 (1) through (7). Development standards must be established that: ensure long-term protection of ecological resources of statewide importance; provide for the shoreline needs of water-oriented uses and other shoreline economic resources of statewide importance, including navigable harbors; provide for the right of the public to use, access, and enjoy public resources of statewide importance.

Tacoma's SMP, in addition to explicitly citing the use preferences of RCW 90.58.020, includes twelve additional policies in Section 4.4.

Ecology finds that, contingent upon the City's acceptance of the required changes set forth in Attachment B related to commercial aquaculture and lay berthing along the S-6/7 Schuster Parkway Transition (see below), the SMP will provide "optimum implementation" of the statutory policy within SSWS set forth in RCW 90.58.020 and will also be consistent with the SMA and Guidelines use preferences.

Water Dependent Uses: This type of use is defined as "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." (WAC 173-26-020) By definition, these types of uses need to be directly adjacent to or on/in the waters of the state or they cannot exist.

The SMA is very clear that these uses are preferred: *... "To this end uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline."* (RCW 90.58.020, emphasis added).

The Guidelines (WAC 173-26-201(2)(d)) support this preference by requiring local government utilize the following preferences and priorities when determining allowable uses **and resolving use conflicts** on shorelines within their jurisdiction in the order listed (emphasis added):

(i) **Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.** In reserving areas, local governments should consider areas that are ecologically intact from the uplands through the aquatic zone of the area, aquatic areas that adjoin permanently protected uplands, and tidelands in public ownership. Local governments should ensure that these areas are reserved consistent with constitutional limits.

(ii) **Reserve shoreline areas for water-dependent and associated water-related uses.** Harbor areas, established pursuant to Article XV of the state Constitution, and other areas that have reasonable commercial navigational accessibility and necessary support facilities such as transportation and utilities should be reserved for water-dependent and water-related uses that are associated with commercial navigation unless the local governments can demonstrate that adequate shoreline is reserved for future water-dependent and water-related uses and unless protection of the existing natural resource values of such areas preclude such uses. Local governments may prepare master program provisions to allow mixed-use developments that include and support water-dependent uses and address specific conditions that affect water-dependent uses.

(iii) **Reserve shoreline areas for other water-related and water-enjoyment uses** that are compatible with ecological protection and restoration objectives.

(iv) **Locate single-family residential uses where they are appropriate** and can be developed without significant impact to ecological functions or displacement of water-dependent uses.

(v) **Limit nonwater-oriented uses** to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.

For Shorelines of Statewide Significance, local government must also apply the preferences in WAC 173-26-251(2).

Aquaculture – Aquaculture is a water-dependent use and as such is a preferred use on the state’s shorelines.

Furthermore, the Shoreline Guidelines make clear that this activity is of statewide interest, can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. The Guidelines go on to say: “*Local government should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions.*”(WAC 173-26-241(3)(b)) In addition, master programs should recognize that the potential locations for aquaculture can be relatively restricted, and some forms of the technology are in the formative stages and experimental. Thus master programs should provide some latitude in the development of this use. Lastly, the Guidelines state that “Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass or macroalgae, or **significantly conflict with navigation and other water-dependent uses.**” (Emphasis added).

There appear to be few areas, if any, for traditional commercial shellfish operations (i.e. few sandy beaches outside of those in Point Defiance Park). In many of the shallower and more protected areas, there are existing recreational marinas (Day Island, Breakwater Marina, and multiple marinas in the Thea Foss waterway and on the outer end of the Hylebos Waterway along Marine View Drive).

There are no known existing aquacultural activities in the City and no known history of interest by any applicant. Until receipt of the comment letter from the Pacific Coast Growers Association during the state comment period, there had been no interest or concern expressed regarding the proposed language of the SMP.

Ecology agrees that aquaculture is a critical industry for the state of Washington and a preferred use under the Shoreline Management Act. Ecology also agrees that it is an activity of statewide interest. However international trade and the port facilities to support that trade are also activities of statewide interest.

Ecology also recognizes that it is appropriate to identify areas where commercial aquaculture activities are unlikely to occur in the foreseeable future due to the presence of high quality ecological resources, existing water-dependent activities or legacy pollution.

Ecology finds that the existence of the Port of Tacoma, an international shipping port, the high demand for existing and future water-dependent recreational facilities, few undeveloped or lightly developed shorelines, and few if any appropriate sites justifies limits on the scale of commercial aquaculture. Ecology finds that Tacoma has not adequately demonstrated that a total prohibition of commercial aquaculture, in particular the type of small scale aquacultural activities referenced in Ecology’s required changes, is appropriate based on the existing conditions of the City’s shorelines. See Attachment B – Required Changes(Items 3 and 4).

Lay-berthing: The SMP classifies this activity as a Port/Industrial Development (Table 9-2) and defines it as follows: “Lay-berth or lay-by-berthing” is the berthing of oceangoing ships of at least 300’ in length, typically while awaiting deployment, repair and maintenance, and/or while awaiting a berth at a separate facility.” (Chapter 10, definition #79)

“Lay-berthing” is not defined in state statute or rule but is generally understood to mean a variation of “berth”: “(2) the place where a ship lies when at anchor or at a wharf.” (Mirriam-webster.com). The Shorelines Hearings Board described it as “berthing vessels in a reduced operating status with no movement for extended periods of time.”⁶

Regardless of the exact definition, this activity necessarily occurs within the S-13 Marine Waters of the State Shoreline District and requires deep water (thus locating within Shorelines of Statewide Significance). Uses located within the S-13 District “that are associated with an upland shoreline district” are only “permitted where the use or development is also permitted in the upland Shoreline District”. The SMP goes on to say that “those uses or development occurring between ordinary high water mark and the Outer Harbor Line shall be considered ‘associated’ with the upland zoning.” (Section 9.15 D(1))

The Sperry Ocean Dock site is currently used for the lay berthing of two vessels because of the natural deep water (greater than 50’ deep). Both the *Shoreline Use Analysis* and the *Waterfront Lands Analysis* clearly document that deep water moorage of this type is at a premium. The locally adopted SMP proposes to re-designate this stretch of shoreline from Urban to Urban Conservancy and to allow port/industrial activities but to prohibit lay berthing.

The lay-berthing use has continuously occupied the Sperry site since 1986. The two ships currently moored there are part of the U.S. Navy Ready Reserve fleet but the site could be used to berth any ship in need of deep water moorage. This use has been particularly controversial over the years with the neighborhood on the bluff above the site. While issues originally focused on the height of the vessels and impacts to residential views, in recent years concern has focused around apparent noise and air pollution events that may be related to the periodic running of the ships engines.

Ecology finds that this activity occurs in the S-13 Marine Waters of the State Shoreline District but allowance for this is controlled by the upland shoreline district. Ecology also finds that this activity occurs within Shorelines of Statewide Significance (waterward of extreme low tide) and in a designated Harbor Area. Lay berthing is a water dependent use, favored by the Shoreline Management Act and supported further by the preferences for uses located within Shorelines of Statewide Significance (RCW 909.58.020). Ecology finds that the record does not support prohibition of lay berthing in the proposed S-6/7 shoreline district. See Attachment B – Required Changes (Item 9).

Urban Conservancy (UC) Shoreline Environment Designation: The locally adopted SMP assigns the UC designation to seven shoreline districts. Four of the seven districts currently have an Urban designation under the existing SMP, including the proposed S-6/7 Schuster Parkway Transition and S-9 Puyallup River districts.

Section 5.5.4 of the SMP describes the purpose of the UC:

“The “urban conservancy” environment is intended to protect and restore the public benefits and ecological functions of open spaces, natural areas, restoration sites, 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

⁶ Final Findings of Fact, Conclusions of Law and Order, SHB Nos. 89-4 & 89-7, page 6

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.”

Taken nearly verbatim from the Guidelines⁷, the SMP lists the following UC designation criteria in Section 5.5.4.C:

“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.”

In general, the SMP has applied the UC shoreline designation to those shorelines with sensitive areas and/or sensitive species, existing or proposed recreational facilities (such as parks and marinas) and/or existing or proposed environmental restoration or mitigation sites. There is some variation in allowed uses and development between districts in the UC environment designation (Table 9-2). However, the intent of each shoreline district and its implementing regulations should be consistent with the purpose and management policies for the applicable environment designation.

The Guidelines recognize that the UC environment can apply to a range of shorelines, including those along commercially navigable waters and include a policy addressing this circumstance (WAC 173-26-211(5)(e)(ii) policy D). The SMP allows the upland shoreline district to control uses in the S-13 Marine Waters Shoreline District (see discussion above on lay-berthing). In addition, much of Tacoma’s shoreline fronts on commercially navigable waters but the UC policies fall to address this circumstance.

In addition to the findings below for the S-6/7 and S-9 Shoreline Districts, Ecology finds that the City has appropriately designated Urban Conservancy shorelines within the SMP. Ecology also finds that much of the designated UC shorelines are located along commercially navigable waters, many of which have designated Harbor Areas. For shorelines designated as UC that are adjacent to commercially navigable waters, the Guidelines state that water dependent uses should be give highest priority (see WAC 173-26-211(5)(e)(ii)(D)). See Attachment B – Required Changes (Item 2).

S-6/7 Schuster Parkway Transition Shoreline District (Urban Conservancy): The S-6/7 shoreline district was created during City Council review and deliberation in response to public comment regarding uses that occur or could occur along this stretch of shoreline⁸. At the City Council public hearing and during Ecology’s public comment period, most comments focused on the presence of the

⁷ WAC 173-26-211(5)(e)(iii)

⁸ In the SMP before the Council, the Planning Commission recommended extending the S-6 Ruston Way District to include the following properties: Jack Hyde and Chinese Reconciliation parks, the Tahoma Salt Marsh (a Natural Resources Damage Assessment (NRDA) mitigation site related to the Superfund cleanup of Commencement Bay) and the entirety of the Sperry Ocean Dock site (see Planning Commission Findings and Recommendations, dated August 17, 2011). All these parcels are within the S-7 under the existing SMP.

Sperry Ocean Dock facility and the existing lay-berthing activities. Comments reflected concerns regarding appropriate uses of the site, impacts to adjacent properties, and potential impacts to family-wage jobs should those uses be constrained by the master program.

As an alternative to the recommendation from the Planning Commission, the Council proposed this shoreline district include the Tahoma Salt Marsh and the Sperry Ocean Dock parcels which are currently located in the existing S-7 Schuster Parkway District (Urban). The proposed S-6/7 District is intended to be a transition zone between the proposed S-6 Ruston Way (Urban Conservancy) and S-7 (High Intensity). The two park properties (Jack Hyde and Chinese Reconciliation) would shift from the S-7 district to the S-6 (consistent with the Planning Commission recommendation).



Figure 1- Overwater warehouses (1977) where Sperry Ocean Dock is currently located

Historically, the shoreline stretching from Ruston to the Thea Foss along what is now Ruston Way and Schuster Parkway was part of Tacoma’s industrial center. However, like the Ruston Way shoreline, the shoreline adjacent to and within the proposed S-6/7 segment of Tacoma’s shoreline has been transitioning from historic warehousing activities and other commercial and industrial water-oriented uses, to recreational uses, open space and natural resource mitigation.



Figure 2 - Sperry Ocean Dock (L) and Jack Hyde Park (R) (1992)

The proposed transition zone recognizes both the change over time as well as the change in uses in geographic space. Over time, uses along the shoreline have been shifting from the historic commercial and industrial water-dependent and water-related uses to uses focused more on recreational and restoration activities. Along the shoreline, the Schuster Parkway transition zone acts as a buffer between more intensive uses, such as those allowed in the S-7 Schuster Parkway shoreline district (High Intensity) and the recreational and water-enjoyment commercial activities that occur in the S-6 Ruston Way shoreline district. The intent statement for the S-6/7 should more clearly state this purpose.

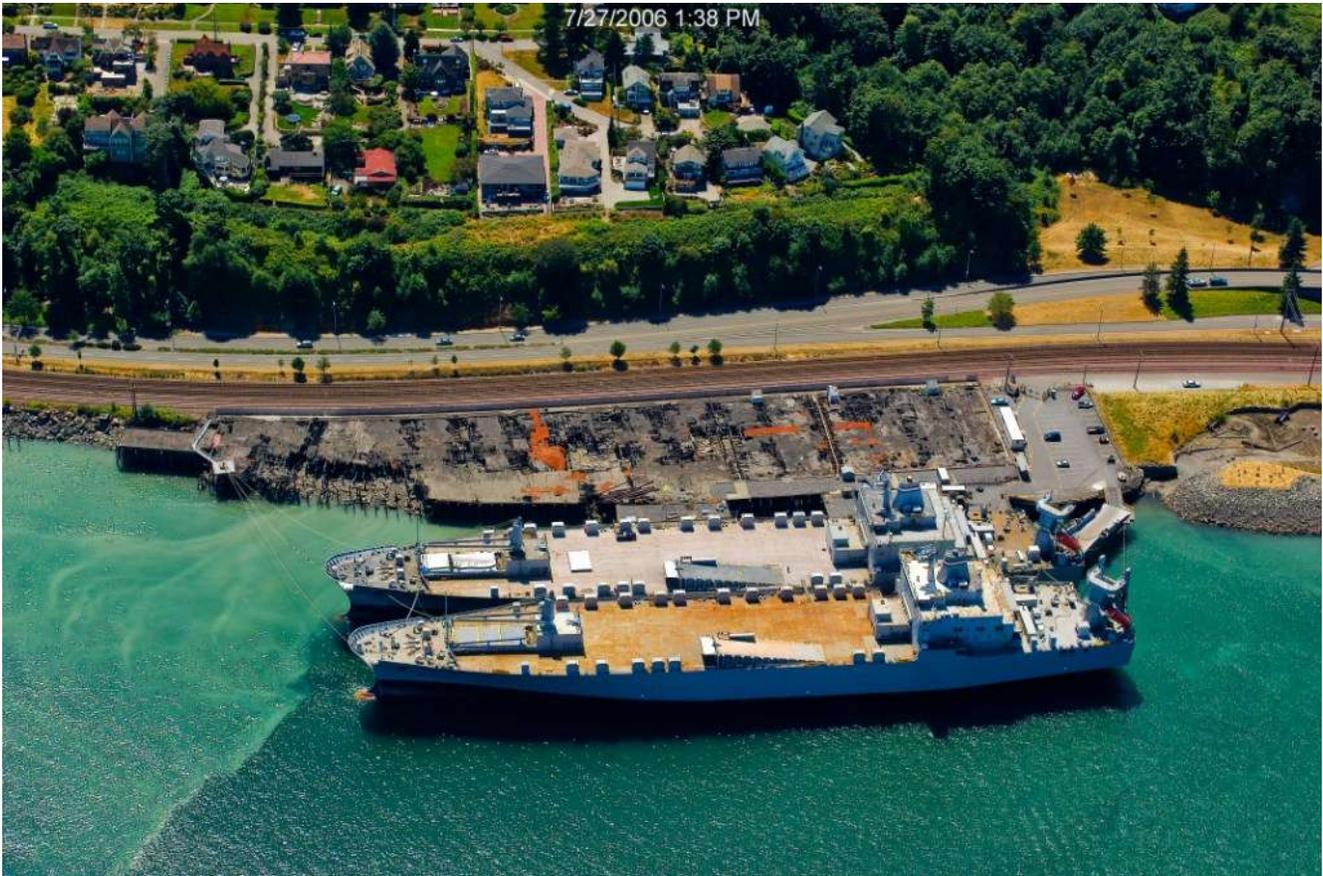


Figure 3-Sperry Ocean Dock (2006) and Tahoma Salt Marsh (r). Most of overwater decking has been removed.⁹

The area offshore of S-6/7, including the Sperry Ocean dock, is documented as having natural deep water and the *Waterfront Lands Analysis (BST, 2008)* found that “there are few (if any) places that this activity could be relocated to in the City” (page 5). This particular site is also desirable because of the existing land-based access (via dock and driveway). In addition, this site is within the Harbor Area identified in Commencement Bay. Both the *Waterfront Lands Analysis* and *Shoreline Use Analysis (ESA Adolfson, 2008)* also note that the lack of suitable upland acreage¹⁰, along with the potential conflict with neighboring residential uses, reduces the likelihood of any significant new water-dependent industrial use.

⁹ All photos are from the Department of Ecology, Coastal Zone Atlas

¹⁰ There are approximately seven acres of vacant land, mostly forested steep slope above Schuster Parkway. In addition, both Schuster Parkway and the main line of the Burlington Northern Santa Fe Railroad lie between this slope and the Ordinary High Water Mark.

In the locally adopted SMP, the S-6/7 District allows port/industrial water-dependent and water-related development with a conditional use permit but explicitly prohibits lay berthing.

Ecology finds that the trend in the area over time has been a shift away from high intensity water dependent commercial and industrial uses to open space, recreational and resource mitigation activities. Ecology finds the record shows that any significant new port/industrial use will be limited due to the lack of available upland and constrained site access within the S-6/7. The intent statement for this shoreline district should recognize these trends.

Ecology finds that uses allowed in the adjoining Aquatic shoreline designation (S-13 Shoreline District) are only permitted where the use or development is also permitted in the upland Shoreline District (S-13 District-Specific Use Regulations). Ecology finds that the S-6/7 is directly adjacent to deep water that is located in the S-13 Shoreline District. Ecology also finds that this activity is occurring within Shorelines of Statewide Significance and within a designated Harbor Area and is a preferred use of the state's shorelines (RCW 90.58.020). Ecology also finds it is well documented that the site provides deep water moorage, that long term moorage space for vessels requiring more than 35' depths is limited in Commencement Bay and that this use continues to exist. Therefore, as further described in the "Water Dependent Uses" section above, Ecology is eliminating the prohibition on lay berthing.

However, because port/industrial uses are generally not a typical use in the UC designation, Ecology finds that it is appropriate to require a conditional use permit for this use, including lay berthing. A conditional use permit allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020 (WAC 173-27-160) and in this case, allows for the continuation of a water dependent use at a location that is intrinsically suited for deep water moorage, while at the same time reflects the trend from port/industrial uses to recreational uses and natural resource mitigation. See Attachment B – Required Changes (Items 6 and 9).

S-9 Puyallup River Shoreline District: As stated in the SMP: "The intent of the S-9 Puyallup River Shoreline District is to encourage recreational development of the riverfront, ecological restoration activities that restore historic floodplain processes and functions, while allowing industrial development of adjacent upland areas, and to encourage continued preservation of Clear Creek, its associated wetlands, and related ecosystems. Permitted industrial uses will develop and operate in a manner that is compatible with shoreline ecological functions."

The Puyallup River is a Shoreline of Statewide Significance and, while heavily modified with levees and revetments along both banks, is designated by the City as a "stream of local significance" under the Critical Areas Preservation Ordinance (CAPO) due to the presence of rearing habitat for Chinook salmon and other salmonids (*Tacoma Inventory and Characterization*, pg. 8-27). The CAPO has established 150' buffers for the river.

In addition, it is clearly documented that the portion of the Puyallup River in the S-9 district has no water-dependent port/industrial uses "because the channel is not maintained for navigation and the series of fixed span bridges crossing the river make it unsuitable for ship or barge traffic." (*Shoreline Use Analysis*, page 23). There are existing industrial uses landward of the levees and current existing in-water uses are limited to tribal fishing, and habitat mitigation and restoration activities.

Ecology finds that it is appropriate to designate the S-9 Puyallup River Shoreline District as Urban Conservancy but also finds that it is not appropriate to allow water-dependent port/industrial uses due to the presence of the levees and the documented constraints on navigability. Ecology also finds that it is appropriate to allow for water-related and non-water-oriented industrial uses with a Conditional Use Permit based on the existing uses in the area, the 150' critical area buffer which will limit future development to the outer 50' of shoreline jurisdiction, the requirement to follow the mitigation sequence, and the limited vacant land remaining. See Attachment B – Required Changes (Item 10).

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's proposed comprehensive amendment to its SMP, subject to and including Ecology's required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)).

Ecology also concludes that a separate set of recommended changes to the submittal (identified during the review process and itemized in Attachment C) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required but can, if accepted by the City, be included in Ecology's approved SMP amendments.

Consistent with RCW 36.70A.480(4), Ecology concludes that those SMP provisions relating to critical areas within Shoreline Management Act jurisdiction assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

Ecology concludes that those SMP segments relating to shorelines of statewide significance, subject to and including Ecology's required changes (itemized in Attachment B) provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the Tacoma Shoreline Master Program are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules, once required changes set forth in **Attachment B** are approved by the City. The Department will take final action after receiving written notice that the City has agreed to the required changes. Approval of the updated SMP with required changes is effective fourteen (14) days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action on the amendment. Approval of the updated SMP and proposed alternative/s is effective fourteen (14) days from Ecology's final action approving the alternative/s.

Attachment B: Ecology Required Changes - Tacoma Shoreline Master Program, Ordinance No. 28034, adopted November 29, 2011. The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	DRAFT SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	1.11 Effective Date page 9		This Master Program shall take effect on _____, <u>14 days from Department of Ecology final approval</u> and shall apply to new applications....	The revision is needed for consistency with RCW 90.58.090(7)
2	5.5.4 Urban Conservancy Environment Page 55	D. Management Policies	<u>11. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.</u>	Uses in the S-13 Marine Waters shoreline district (Aquatic designation) that are directly adjacent to upland areas are controlled by the allowed uses in the upland environment. Tacoma has a significant amount of shoreline fronting on commercially navigable waters that are proposed to have an Urban Conservancy designation. Addition of this policy improves consistency with WAC 173-26-211(5)(e), the policies of RCW 90.58 and the priorities for Shorelines of Statewide Significance.
3	7.3.1 Aquaculture page 124	Policies	7.3.1 Policies 1. Commercial aquaculture should be <u>conditionally allowed</u> prohibited in appropriate locations and scale within the City of Tacoma. 2. <u>Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation or other water-dependent uses.</u> 3. <u>Aquaculture facilities should be designed and located to ensure that they do not spread disease to native aquatic life, establish nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.</u>	Aquaculture is a water dependent use and a preferred use of the state's shorelines. However, Tacoma already has other existing priority uses (port/industrial and water dependent recreational) established along its shorelines. It is appropriate to limit the scope and location for this use to ensure future use conflicts are minimized. The allowance is required to ensure consistency with the priorities of shorelines of the state in RCW 90.58.020 and WAC 173-26-201(2)(d), for consistency with WAC 173-26-241(3)(b), and for consistency with RCW 90.58.020 for shorelines of statewide significance in RCW 90.58.020 and WAC 173-26-251.

Attachment B – Ecology Required Changes-City of Tacoma SMP Update (Ordinance No. 28034)

ITEM	DRAFT SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
4	7.3.2 Aquaculture page 124	Regulations	7.3.2 Regulations 1. Aquaculture is prohibited in all shoreline districts, except for aquaculture for the purpose of enhancing indigenous salmonid populations and fisheries or for educational purposes <u>or restoration, is allowed in all shoreline districts.</u> 2. <u>Commercial aquaculture is limited to development of mini-seed nurseries including those which use FLUPSY¹ technology. These facilities are limited in size to those which can be installed in a marina slip or within an existing boathouse.</u> 3. <u>No more than 10% of the slips at a marina shall be occupied by commercial aquaculture to ensure conflicts with existing water-dependent recreational uses are minimized.</u>	See rationale above for Item #3 Note: Related changes are set forth in Item 9 below
5	8.3 Fill and Excavation, Dredging and Dredge Material Disposal Page 161		Fill <u>raises the elevation or is the creation</u> of dry upland area by the <u>addition placement or deposition</u> of sand, soil, gravel, <u>rock, sediment, earth retaining structure, or other material</u> contaminated sediments into a water body <u>waterward of the OHWM, in wetlands, or on shorelands.</u>	Revision is needed to ensure consistency with WAC 173-26-020(16)
6	9.8 S-6/7 Schuster Parkway Transition (UC) Page 179	Intent	A. The intent of the S-6/7 Schuster Parkway Transition Shoreline District is to conditionally allow for the development of deep water terminal and light industrial facilities <u>recognize that current trends in the area have focused on shoreline restoration and clean-up, open space, and public access; to conditionally allow for port/industrial uses associated with the natural deep water</u> that are demonstrably compatible with the directly adjacent residential areas and park properties; and to encourage low intensity water-oriented commercial, recreational, and open space development. Any development within the District must contribute to the extension of public access from the Ruston Way Shoreline District to a Schuster Parkway access trail system.	Revision to the intent statement is needed to ensure consistency with the goals and policies of RCW 90.58.020, WAC 173-26-211(2)(e), and to improve consistency within the SMP, including Sections 5.5.4 Urban Conservancy and 6.1 Shoreline Use. (see also Required Change #9 below)
7	9.10.2 West Side of the (Foss) Waterway Page 185	Height of pedestrian bridges	(2)(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 height limitations of this Chapter....	Deletion is needed because neither local government nor Ecology has the authority to remove a statutory requirement.
8	Figure 9-12 Port Industrial Area	S-10 Shoreline District	Revise Figure 9-12 to remove that portion of the Puyallup River (upstream of the East 11 th Street Bridge) which is in the S-9 shoreline district	Revision is needed to improve internal consistency in the SMP between the maps

¹ Floating upweller system

ITEM	DRAFT SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
10	Table 9-2, Shoreline District S-6/7 Schuster Parkway Transition	Port/industrial use	For lay berthing: delete the 'N' (prohibited) and replace with a 'CU' (conditional use) (see Exhibit 1- Table 9-2)	<p>The change is needed for consistency with the priorities of shorelines of the state in RCW 90.58.020 and WAC 173-26-201(2)(d); for consistency with the use preferences for shorelines of statewide significance in RCW 90.58.020 and WAC 173-26-251; and for consistency with the intent statement of the S-6/7 Shoreline District (see Required Change #6 above) and the purpose and policies of the Aquatic and Urban Conservancy environments in the SMP.</p> <p>Lay berthing is a water dependent use. The <i>Inventory & Characterization, Shoreline Use Analysis</i> and <i>Waterfront Lands Analysis</i> all document the lack of available deep water moorage for large ships in Tacoma. Consistent with WAC 173-26-241(2)(b), master programs may define uses and development that require shoreline conditional use permits “to provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific environment designation within a master program or with the Shoreline Management Act policies.”</p>
11	Table 9-2, Shoreline District S-9 Puyallup River	Port/industrial use	For water-dependent port/industrial development, delete the 'P' (permitted) and replace with an 'N' (prohibited)	The change is needed to improve internal consistency in the SMP with the proposed Urban Conservancy (UC) Environment

ITEM	DRAFT SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
			<p>For water-related port/industrial development, delete the ‘P’ (permitted) and replace with ‘CU’ (conditional use)</p> <p>(see Exhibit 1 – Table 9-2</p>	<p>purpose and management policies (Section 5.5.4), and the existing conditions documented in the <i>Inventory and Characterization</i> (ESA Adolphson, 2007). The <i>Inventory & Characterization, Shoreline Use Analysis</i> and <i>Waterfront Lands Analysis</i> all document the lack of navigability along the Puyallup River within the City. It is appropriate, in this instance, to prohibit water dependent port/industrial uses given the presence of the levees, the navigational constraints and the increased focus on restoration activities (for salmon recovery and improved river functions) along the Puyallup River.</p> <p>Existing industrial uses are located on the upland side of the levees and will still be allowed with a conditional use.</p> <p>Consistent with WAC 173-26-241(2)(b), master programs may define uses and development that require shoreline conditional use permits “to provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific environment designation within a master program or with the Shoreline Management Act policies.”</p>
12	Chapter 10 Definitions Page 210	Fill	<p>(52) Fill</p> <p>Landfill means the addition of soil, sand, rock, gravel, sediment, earth retaining</p>	<p>Revision needed to ensure consistency with WAC 173-26-020(16) definition and with Section 8.3 of the SMP.</p>

Attachment B – Ecology Required Changes-City of Tacoma SMP Update (Ordinance No. 28034)

ITEM	DRAFT SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
			<p><u>structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.</u> 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.</p>	
13	Chapter 10 Definitions Page 211	Floodway	<p>(58) "Floodway" means the area as identified in a master program as a floodway, and that has been established-as such in <u>effective</u> federal emergency management agency (FEMA) flood insurance rate maps (FIRM) or floodway maps. <u>The floodway shall not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.</u></p>	<p>This clarifies the application of the FEMA floodway the City will be using for purposes of the SMP and shoreline jurisdiction consistent with RCW 90.58.030(2)(b)</p>
14	Chapter 10 Definitions Page 210	Grading	<p>(20) "Grading" refers to excavating, filling, leveling, or artificially modifying surface contours. <u>Means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.</u></p>	<p>Revision needed to ensure consistency with WAC 173-26-020(20) definition.</p>

Attachment C: Ecology Recommended Changes - Tacoma Shoreline Master Program, Ordinance No. 28034. The following changes are recommended to clarify elements of the City's SMP locally adopted 11/29/2011:

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; striketrough = deletions)	RATIONALE
1	1.1 Introduction Page 4	Initial Procedures	Revise first paragraph: If you intend to develop or use lands adjacent to a shoreline of the state...first determine which shoreline district and shoreline environment designation applies to your site. Then check TSMP 2.3 to determine if your proposal is exempt from a shoreline permit. If not, Then refer to Table 9-2 to see if the proposed use is allowed outright, allowed as a conditional use or prohibited. <u>Then check TSMP 2.3 to determine if your proposal is exempt from a shoreline permit.</u> Then refer to the policies and shoreline district regulations in TSMP Chapters 6 through 9...	Suggested revisions help clarify that all activities, whether exempt from a shoreline permit or not, must comply with the policies and regulations of the SMP. A prohibited use or activity can't be allowed through an exemption.
2	2.3.3 Exemptions Listed Page 13		1. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand seven hundred and eighteen <u>six thousand four hundred and sixteen</u> dollars (\$5,718.00 <u>6,416.00</u>), if such development does not materially interfere...	Suggested language is consistent with the threshold increase implemented by the Office of Financial Management and effective September 15, 2012.
3	2.3.5 Shoreline Variance Page 17		5. 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)(bc), or within any wetland....	Typographical error
4	2.5 (B)(3) Nonconforming structures Page 33		<u>In addition to 3.a above,</u> Minor expansions, up to ten (10) percent of the total square footage of the structure, may be permitted when necessary to provide public access, to facilitate environmental restoration, or to meet building safety codes. The applicant shall record notice on Title.	Revision helps clarify the relationship to 3.a of the same section.
5	3.6.2 Flood Prevention page 38	Code references	Manage flood protection in accordance with the City's current flood hazard regulations, including Sections 2.12.040 through 2.12.050, Flood Hazard and Coastal High Hazard Areas, and Chapter 12.08 and the Surface Water Management Manual of the TMC for general and specific flood hazard protections.	General references will preclude inconsistencies if the specific references change in the future.
6	4.1 Shoreline Jurisdiction Page 43		Per the SMA (RCW 90.58.030), t 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	Suggested language will help improve clarity

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			<p>lake or streams subject to the SMA (WAC 173-22-030(1)). <u>Water bodies in Tacoma regulated under the SMA and this Program include the marine shorelines of Puget Sound and Commencement Bay, the Puyallup River, Hylebos Creek, and Wapato Lake.</u></p> <p>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.</p> <p>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.</p> <p>For the purposes of this Program, shoreline jurisdiction shall include designated floodways and the minimum 100-year floodplain, as outlined above, that are is 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.</p> <p>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.</p> <p>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</p>	

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

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			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.	
7	5.3 Shoreline Environment Designations Page 48		3. <u>Shoreline</u> Residential	Suggested language consistent with the term used in Section 5.5.3
8	Figure 5-1 Shoreline environment Designations Map Page 49	Map legend	Add color coding for the SEDs to the map legend.	Suggested change to improve clarity
9	5.5.6 Downtown Waterfront page 57		(A)(7) – Encourage a mix of uses, including water-oriented industrial uses and commercial uses.	Revision suggested by the City to eliminate redundant language.
10	5.5.6 Downtown Waterfront Page 57		(A)(8) – Encourage <u>high density residential development</u> uses on the west side of the Thea Foss Waterway and in that area of the east side of the Foss Waterway south of 11th Street.	City suggested revision due to revised District boundaries for the S-8. The exception on the east side is no longer needed.
11	5.5.6 Downtown Waterfront page 58	East Foss	(D) (1)(b) ii. Encourage residential uses only.	City suggested revision. Due to revised District boundaries this policy is no longer needed.
12	6.1 Shoreline Use page 61		Shoreline uses refer to specific common uses and types of development (e.g. residential recreation, commercial, industrial, etc.) that may occur in the City's shoreline jurisdiction. Shoreline areas are a limited ecological and economic resource and are the setting for multiple competing uses. The purpose of this section is to establish preferred shoreline uses. These preferences are employed in deciding what uses should be allowed in shorelines and resolving use conflicts. Consistent with the Act and Guidelines, preferred <u>uses</u> include, in order of preference....	Typographical error
13	6.1.2 Shoreline Use - Regulations Page 63	Non-water-oriented uses	11. Non-water-oriented uses shall not occupy <u>more than 25% of the</u> 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.	City requested revision to ensure internal consistency with standards for the S-8.
14	6.1.2 Shoreline Use - Regulations Page 63	Parking	12. Only parking on the landward side of the ground floor of a shoreline mixed-use structure is permitted. Where a mixed-use development is separated from the shoreline by a separate property, public right-of-way (excluding public access features), or existing	City requested revision to clarify that this regulation applies more broadly and is not limited just to mixed-use structures.

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			structure, or existing use, parking may be allowed anywhere around the building provided that it does not interfere with the normal operation of adjacent or nearby water-oriented uses.	
15	6.1.2 Shoreline Use - Regulations Page 63		13. Except where otherwise authorized in this Program, in no case may residential uses within a shoreline mixed-use structure <u>are not permitted to occupy the ground floor.</u>	City requested revision
16	6.2.2 Site Planning – Regulations Page 64		Add new regulation: <u>10. New development, including newly created parcels, shall be designed and located so as to prevent the need for future shoreline stabilization.</u> 1112- Accessory uses that do not require a shoreline location shall be sited away from the shoreline and upland of the principal <u>primary</u> use.	Suggested language to improve implementation of this requirement. City suggested change to improve consistency of terminology within the SMP.
17	6.4 Marine Shorelines and Critical Areas Protections Page 68	Intent	The Shoreline Management Act (SMA) mandates the preservation of the ecological functions of the shoreline by preventing impacts that would harm the fragile shorelines of the state. When impacts cannot be avoided, impacts must be mitigated to assure no-net-loss of ecological function necessary to sustain shoreline resources (WAC 173-26-201(2)(C)). The SMA also mandates that local master programs include goals, policies and actions for the restoration of impaired shoreline ecological functions to achieve overall improvements in shoreline ecological functions over time (WAC 173-26-201(f)).	Delete references.
18	6.4.2 General Regulations page 72	Innovative mitigation	(C)(3)(c)(ii) – 6 th bullet: Voluntary restoration projects initiated between 2006 and the adoption of this program when they comply with Section D Mitigation Plan Requirements. <u>If this option is used, the relief provisions set forth in RCW 90.58.580 do not apply.</u>	Suggested language clarifies that the statutory relief provisions are only available for restoration projects and are not triggered by mitigation actions.
19	6.4.2 General Regulations page 73	Fee-in-lieu mitigation	(C)(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 <u>Director</u> 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. <u>Approval of the in-lieu fee option is subject to the development and adoption of a formal City in-lieu fee program and mitigation site or the City's formal participation in an approved in-lieu fee program, and consistent with the</u>	Language suggested by Tacoma in response to comment from Citizens for a Healthy Bay (Comment # 51)

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

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			<p><u>criteria in b and c below.</u></p> <p>....</p> <p>c. <u>Any off-site mitigation, including expenditures associated with an adopted in-lieu fee program, would have to shall</u> be consistent with the goals and objectives of the Shoreline Restoration Plan.</p>	
20	6.4.3 Marine Shorelines Page 77	Table 6-1	(B)(3) – Table 6-1: Add S-6/7 to the 4 th line in the column titled Marine Habitat Area: S-5, S-6, <u>S-6/7</u> , S-7	Typographical error
21	6.4.5 Wetlands Page 87	Mitigation Ratios	I. (1) The ratios contained within Table 6-4 <u>6-5</u> shall apply to all Creation, Re-establishment, Rehabilitation, and Enhancement compensatory mitigation.	Typographical error
22	6.4.5 Wetlands Page 88	Table 6-5 Mitigation ratios	Re-establishment or Creation of All Category IV wetlands: Correct the ratio 5:1 to <u>1.5:1</u>	Typographical error
23	6.4.6 Streams and Riparian Areas Page 93	Stream mitigation requirements	<p>(I) Stream Mitigation Requirements</p> <p>1. Where a riparian wetland exists, all proposed alterations in the buffer of a stream shall be in accordance with the standards for the applicable wetland category.</p> <p><u>2. Compensatory mitigation shall be provided at a 3:1 ratio for each impacted function and shall be provided as close as possible to the ordinary high water mark.</u></p> <p>2.3.</p> <p>3.4.</p>	Language suggested by Tacoma in response to comment from Futurewise (comment # 52)
24	7.4 Boating Facilities Page 126	Overwater residential uses	7.4.2 (A) <u>4. Residential uses and structures within a marina or other boating facility located over or in water, including garages, accessory buildings, house barges and floating homes, are prohibited. Live-aboard vessels are permitted only when in compliance with the standards in Chapter 7.4.2 (K) below.</u>	Language suggested by the City to improve consistency with residential development policies and standards.
25	7.4 Boating Facilities Page 128	Water quality impacts from live-Aboards	<p>F. Waste Disposal at Boating Facilities</p> <p>1. Marinas shall provide pump out, holding, and/or treatment facilities for sewage <u>and</u></p>	Language suggested by Tacoma in response to comment from Futurewise (comment # 64)

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			<p>grey-water 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, <u>grey-water</u> and solid waste is that of the marina operator.</p>	
26	7.4 Boating Facilities Page 129-130	Residential uses	<p>K. Live-Aboards</p> <p>1. <u>Vessels used as a place of residence are prohibited except when located within a marina, where authorized by the marina operator, and when the vessel is licensed and designed primarily for recreational or commercial navigation. The following are the minimum requirements to qualify as a live-aboard vessel:</u></p> <p style="padding-left: 40px;">a. The vessel has:</p> <p style="padding-left: 80px;">1) <u>Steerage and self-propulsion;</u></p> <p style="padding-left: 80px;">2) <u>Decks fore and aft for line handling;</u></p> <p style="padding-left: 80px;">3) <u>Symmetric embarkation stations to allow boarding from both sides; and</u></p> <p style="padding-left: 80px;">4) <u>Symmetric mooring hardware; and</u></p> <p style="padding-left: 80px;">5) <u>Detachable utilities.</u></p> <p style="padding-left: 40px;">b. <u>The delivery voyage from place of purchase to moorage location was made without assistance and the vessel is capable of navigating in open water without assistance;</u></p> <p style="padding-left: 40px;">c. <u>The superstructure or deckhouse is constructed on neither a barge nor a float.</u></p> <p style="padding-left: 40px;">d. <u>The hull design must meet U.S. Coast Guard standards for floatation, safety equipment, and fuel, electrical, and ventilation systems.</u></p>	Language suggested by Tacoma to clarify distinctions between live-aboards, house barges and floating homes.
27	7.4 Boating Facilities Page 129-130	Residential uses and water quality impacts from live-aboards	<p>K. Live-Aboards</p> <p>12.</p> <p>23. No more than twenty (20) percent of the slips at a marina shall be occupied by live-aboard vessels. Any marina with live-aboard vessels shall require:</p> <p style="padding-left: 40px;">a. That all live-aboard vessels are connected to utilities that provide sewage <u>and grey-water</u> conveyance to an approved disposal facility; or</p> <p style="padding-left: 40px;">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</p>	Language suggested by Tacoma in response to comment from Futurewise (comment # 65) related to the impact of residential uses and the discharge of grey water

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

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			<p>vessel sewage and grey-water; or</p> <p>c. That a portable pump-out facility is readily available to live-aboard vessel owners¹;</p> <p>d. That all live-aboard vessels shall have access to utilities that provide potable water;</p> <p>e. That live-aboard vessels are of the cruising type, and are kept in good repair and seaworthy condition.</p> <p>34. 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 TSMP Section 7.4.32(K)(1)(a), (b), and (c) above) within the marina and on the live-aboard vessel.</p>	Typographical error
28	7.7.1 Recreational Development Page 139	Policies	<p>B. “S-3” Western Slope North Shoreline District, “S-4” Point Defiance Shoreline District, “S-13” Hylebos Creek Shoreline District</p> <p><u>1. Recreational uses should be consistent with the management policies for the Natural Shoreline Environment Designation.</u></p> <p>1.2. Recreational uses should not require structural modification of the shoreline.</p>	Language suggested by Tacoma in response to comment from Futurewise (comment # 79) regarding natural environment use limits.
29	7.7.2 Recreational Development Page 140	Regulations	<p>C. “S-3” Western Slope North Shoreline District, “S-4” Point Defiance Shoreline District, “S-13” Hylebos Creek Shoreline District</p> <p><u>1. Recreational uses shall be designed, located, and developed in accordance with the management policies for the Natural Shoreline Environment Designation.</u></p> <p>1.2. Recreational uses shall not require structural modification of the shoreline.</p>	Language suggested by Tacoma in response to comment from Futurewise (comment # 79) regarding natural environment use limits.
30	7.8.1 Residential Development Page 141	Overwater residential policy	8. New residential development <u>and uses located</u> overwater <u>or in-water</u> , including <u>accessory buildings, house barges</u> , and floating homes should be prohibited.	Revisions are suggested to improve consistency within the SMP and to clarify that overwater residential use is disfavored.
31	7.8.2 Residential Development Page 142		<p>A. General Regulations</p> <p>3. Residential <u>uses and structures development located</u> over or in-water, including garages, accessory buildings, house barges houseboats and floating homes, are</p>	Revisions are suggested to improve consistency with definitions and cross reference with Chapter 7.4 Boating Facilities.

¹ 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.

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

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			prohibited. <u>Live-aboard vessels are permitted when in compliance with the standards in Chapter 7.4.</u>	
32	7.10 Parking Facilities Page 144	CPTED	7.10.1 (6) contains the term CPTED. Add Definition to Chapter 10: <u>Crime Prevention Through Environmental Design: CPTED is an approach to planning and development that reduces opportunities for crime and liability and risk to the property owner. CPTED is part of a comprehensive approach to crime prevention. By emphasizing modifications to the physical environment it can reduce liability, and complement community-based policing and social programs that address some of the root causes of criminal behavior.</u>	To clarify the meaning of CPTED, the City is suggesting the acronym be defined in Chapter 10.
33	7.10 Parking Page 144	Policies	7.10.1 Policies 3. Parking for permitted uses should be <u>located</u> in a structure <u>when feasible</u> . 5. Where surface parking is developed within the shoreline jurisdiction, Low Impact Development techniques should be implemented <u>to the greatest extent feasible</u> .	Language revisions requested by the City for consistency with other code provisions.
34	7.10 Parking Page 144	Regulations	7.10.2 <u>A. General Regulations</u> 1. Parking as a primary or stand-alone use is prohibited. 2. Parking facilities are not required for new uses and development, but when parking is provided it should be provided in accordance with the dimensional standards 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. 3. Parking for a permitted use or activity shall not be permitted between the development and the adjacent shoreline. 43. Parking, loading and unloading zones shall be located outside of required buffers except when it is an inherent element of a water-oriented use and is	Language revisions requested by the City to correct typographical errors, remove redundant language, clarify requirements and identify regulations that are location specific.

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

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			<p>necessary for the operation of the primary use.</p> <p>5. Parking, loading and unloading zones shall be located on the street/landward side of the structure, unless the same are incorporated within a structure.</p> <p>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.</p> <p>74. Parking areas shall be landscaped in accordance with the standards in TMC 13.06.</p> <p>85. Parking areas shall contain lighting not exceeding 20 feet in height, except in the “S-7” Schuster Parkway, “S-9” Puyallup River, and “S-10” Port Industrial Shoreline District.</p> <p>96. Required landscaping, as specified in 7.109.2(69) 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.</p> <p>107. Parking facilities shall provide 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.</p> <p>11. Subsurface parking is allowed under view/access corridors, provided the structure is designed to optimize public access and views of the water. Public access over subsurface parking structures shall be designed to minimize grade discontinuation and meet the requirements for ADA accessibility.</p> <p>12 Subsurface parking should be located outside of any critical area and/or marine buffers.</p> <p>138. Above-grade structured parking shall not be allowed as a visible use on the waterward side of any building.</p> <p>149. Surface P parking facilities shall locate as far from the ordinary high water</p>	

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

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			<p>mark or critical area buffer as is feasible.</p> <p>1510. Public parking on public street ends that are within shorelines but outside of required buffers is permitted.</p> <p>1611. Angled street parking shall be prohibited where it conflicts with public transportation.</p> <p>1712. 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 use only, except as specified in TSMP 9.9<u>10</u>.2 for the western side of <u>the</u> Thea Foss Waterway.</p> <p>1813. Parking areas for public water access areas shall be connected to the water by access paths.</p>	
35	7.10.2 Parking	Thea Foss Waterway	<p>B. <u>“S-8” Thea Foss Waterway Shoreline District</u></p> <p><u>1. Subsurface parking is allowed under view/access corridors, and/or beyond development sites north of 11th Street where the esplanade is several feet higher in elevation than Dock Street, provided the structure is designed to optimize public access and views of the water.</u></p> <p><u>2. Public access over subsurface parking structures shall be designed to minimize grade discontinuation and meet the requirements for ADA accessibility.</u></p> <p><u>3. Loading and unloading zones and access to structured parking may be provided in designated view/access corridors; provided, that the applicant can demonstrate that no alternative is reasonably available, that public access along Dock Street and through the view/access corridor is unimpeded, and that the minimum area necessary is used.</u></p>	City requested revisions to create new subsection specific to the S-8 Thea Foss Waterway Shoreline District and move Foss specific parking regulations.
36	7.11 Transportation Pages 146 and 148	S-8 District title	<p>7.11.1(B) “S-8” Thea Foss <u>Waterway</u> Shoreline District</p> <p>7.11.2(D) “S-8” Thea Foss <u>Waterway</u> Shoreline District</p>	Typographical errors
37	7.12 Solid Waste Disposal Page 149		7.12.2(4) No person shall dump or discharge oil, spirits, in flammable liquid, or contaminated bilge water....	Suggested edit to improve clarity. Inflammable and flammable are synonyms but the term “flammable” is more frequently

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

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				used.
38	7.13.2 Utilities Page 151		A. General Regulations 1. Utility development shall, through coordination with local government agencies <u>and utility providers, allow provide</u> for compatible, multiple uses of sites and rights-of-way.	Revision suggested by Tacoma in response to a comment from Pierce Co Public Works and Utilities (comment #75)
39	7.13 Utilities Page 153	Public access regulation	E. Public Access 1. When feasible, <u>primary</u> 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.	Revision suggested by Tacoma in response to a comment from Pierce Co Public Works and Utilities (comment #55)
40	8.1 General Shoreline Modification Policies Page 155		Add new policy #7: <u>7. Shoreline modifications that provide transportation and utility services accessory to a primary use shall mitigate the common impacts of those facilities.</u> 78.	Addition suggested by Tacoma in response to a comment from Futurewise (comment # 77)
41	8.3 Fill and Excavation, Dredging and Dredge Material Disposal Page 161		Replace all instances of “landfill” with “fill”	The change is suggested to ensure consistent use of terms and to improve consistency with WAC 173-26-231(3)(c) and within the SMP including the definitions chapter.
42	8.4 Clearing and Grading Page 164	Regulations	8.4.2(3)(b) All clearing and grading activities shall be conducted in compliance with the shall protect shoreline critical areas and their buffers consistent with TSMP 6.4;	Typographical error
43	9.1 S-1A Western Slope South S(HI) Page 173	District Boundary description	B. District Boundary Description. The S-1a Shoreline District....at the end of the 1600 block of Wilton Road, and including that area <u>upland</u> 200’ from the ordinary high water mark...	Typographical error
44	9.6 S-5 Point Defiance Conservancy Pages 177-178		C. Map of District. Refer to Figure 9-6 below for a map of the S-5 Point Defiance – <u>Conservancy</u> district boundaries. E. District-Specific Development Standards....and uses in the S-5 Point Defiance – <u>Conservancy</u> Shoreline District shall comply....	Typographical errors
45	9.10 S-8 Thea Foss Waterway (DW) Page 183		D.1(b) To respond to short-term market conditions, mixed-use developments shall be permitted....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 <u>Table 9-2 and TSMP Section 9.10</u> are met.	Suggested language corrects an oversight.

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

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46	9.10.2 West Side of the Waterway Page 183		<p>1. Area Regulations</p> <p>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.” <u>The development sites are defined and depicted in the Foss Waterway Master Redevelopment Strategy.</u></p> <p>b. The Foss Waterway Development Authority (FWDA) shall administer development of publicly-owned properties...The required design review shall utilize the design guidelines and other requirements found in the The Foss-Tacoma Waterfront Design Guidelines and shall include consideration of view impacts, as further described <u>in Chapter 6.7</u> below. The findings and/or comments...</p>	<p>Addition requested by the City to clarify where the development sites are defined.</p> <p>Clarifying language suggested by the City.</p>
47	Table 9-1 Foss Waterway Building Envelope Standards Table, page 186		<p>In Row 1, columns 2 and 3, replace “Puget Sound Freight Building” with “Seaport Building”</p> <p>Correct reference in Column 2 under Alt. 2: See Section 13.10.110.G.1.g. <u>9.10.2(6)</u> below, for additional standards for Alternative 2</p>	Suggested language uses the updated name and corrects a typographical error
48	9.10.2 West Side of the Waterway Page 187		<p>3. Site Coverage Restrictions....</p> <p>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) <u>7.10.2</u> and/or beyond development sites north of 11th Street where the esplanade is several feet higher in elevation than Dock Street.)</p>	Typographical error
49	9.10.2 West Side of the Waterway Page 187		5. Reduction of the required modulations...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..	City requests deletion to improve readability
50	9.10.2 Foss Waterway Page 188	Public access view corridors	(6) Alternative 2 Development Option. As noted in the building envelope standards Table 9-1 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 <u>Seaport</u> Building and the center of the secondary public access.....	Typographical errors
51	9.15 S-13 Marine Waters of the State (A) page 195	District –Specific Use Regulations	<p>D.1 (h) New overwater structures shall comply with the provisions in TSMP Section 7.3.</p> <p>D .1 (h) Improvement or modifications to residential or non-water-oriented commercial uses on existing overwater structures shall be permitted; provided, that the</p>	Delete redundant regulation and correct typographical error.

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			modifications...and are consistent with the standards in Chapter 2.5 and 5.5 .	
52	Table 9-2 Use and Modification Table Page 199	Essential Public Facilities	Insert a new line above Educational, Cultural and Scientific titled: <u>Essential Public Facilities</u> Add the following language in the row: <u>Essential Public Facilities will be reviewed and permitted as the closest use described in the use table under the normal use categories with the determination to be made by the Administrator.</u>	Addition suggested by Tacoma in response to a comment from Futurewise (comment # 81)
53	Table 9-2 Use and Modification Table Pages 199-203		See Exhibit 1	The size of the table and the numerous changes made it simpler to create Exhibit 1 which shows all required and recommended changes in underline/strikeout. The rationale for each change is noted in the comments section of the document. All but two changes are recommended changes. (Required changes are discussed in Items 9 and 10 of Attachment B)
54	Chapter 10 Definitions Page 205	Appurtenance	(6) "Appurtenance, normal" is 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. <u>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. Driveways, walkways, and fences upon which the primary use is dependent.</u>	This definition is expansive and inconsistent with WAC 173-27-040(2)(g). It is also inconsistent with "appurtenance" as defined on page 223 under "Single Family Residence". Suggested deletion.
55	Chapter 10 Definitions Page 206	Barge	<u>Barge means a low draft, flat-bottomed boat or vessel used chiefly for the transport of goods and materials. Basic barges have uncovered (open) tops and are either pushed or towed. A "house barge" is a barge that has been converted or constructed for residential</u>	City request to add definition for cross-reference with the use of the term "House Barge"

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			<u>use with living quarters.</u>	
56	Chapter 10 Definitions Page 206	Bulkhead	(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. 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.	Deletion is suggested because “normal protective bulkhead” is defined on page 216 in definition #108. Also, definition #19 is more expansive and thus inconsistent with WAC 173-27-040(2)(c).
57	Chapter 10 Definitions Page 209	Exempt	(47) “Exempt” developments are those set forth in Section 5.7.4 <u>2.3</u> (Exemptions from Substantial Development Permit) of this Program....	Citation correction
58	Chapter 10 Definitions Page 210	Floating Home	(55) Floating Home “A “floating home” is <u>any vessel or any building constructed on a float, hull or barge, which is used whole or in part as a dwelling residence and not a vessel, and is typically characterized by permanent utilities, a semi-permanent anchorage/moorage design, and by lack of adequate self-propulsion to operate as a vessel. A vessel shall be considered a residence if used for overnight accommodation for more than 15 nights in a one-month period, or when the occupant or occupants identify the vessel or the facility where it is moored as the residence for voting, mail, tax, or similar purposes. (See also “live-aboard vessel”)</u>	City request to revise the definition of “floating home” to include any in-water vessel, float or barge which is used as a residence will help to clarify the permit process and code requirements.
59	Chapter 10 Definitions	FLUPSY	Add the following definition: <u>“FLUPSY” is an acronym for a floating upweller system used for aquaculture seed nurseries.</u>	The definition is necessary in order to understand allowances in the Aquaculture section
60	Chapter 10 Definitions Page 212	Houseboat	72. 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.	City requested deletion. The definition for houseboat is not clearly distinguishable from the definition for live-aboard vessel.
61	Chapter 10 Definitions	Land Use Administrator	78. Land use Administrator <u>Director</u>	Revision requested by the City consistent with recent Tacoma Municipal Code changes and

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
	Page 213		The “Land Use Administrator <u>Director</u> ” or “Administrator” refers to the Director of the <u>Planning and Development Services Department</u> is the City Land Use Administrator or his/her designee.	departmental reorganization.
62	Chapter 10 Definitions Page 213	Live-aboard vessel	<p>80. A “Live-aboard vessel” is a <u>licensed</u> 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. <u>A vessel shall be considered a residence if used for overnight accommodation for more than 15 nights in a one-month period, or when the occupant or occupants identify the vessel or the facility where it is moored as the residence for voting, mail, tax, or similar purposes. The following are the minimum requirements to qualify as a live-aboard vessel:</u></p> <p>a. The vessel has:</p> <ol style="list-style-type: none"> <u>1) Steerage and self-propulsion;</u> <u>2) Decks fore and aft for line handling;</u> <u>3) Symmetric embarkation stations to allow boarding from both sides;</u> <u>4) Symmetric mooring hardware; and</u> <u>5) Detachable utilities.</u> <p>b. <u>The delivery voyage from place of purchase to moorage location was made without assistance and the vessel is capable of navigating in open water without assistance;</u></p> <p>c. <u>The superstructure or deckhouse is constructed on neither a barge nor a float.</u></p> <p>d. <u>The hull design must meet U.S. Coast Guard standards for flotation, safety equipment, and fuel, electrical, and ventilation systems.</u></p>	Definition revisions suggested by the City to clarify residential uses in marinas.
63	Chapter 10 Definitions Page 214	Mean Higher High Water	92. “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	The elevation of mean higher high water is periodically adjusted by NOAA and is based on a 19-year tidal datum epoch.

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			Ordinary High Water cannot be determined or established.	
64	Chapter 10 Definitions Page 217	Parking	113. Parking “ Principal <u>Primary</u> use parking” is parking which is the principal use on the property and is not accessory to another use.	Revision suggested by the City
65	Chapter 10 Definitions Page 220	Shorelands/Shoreland Areas	(141) “Shoreland” or “shoreland areas” are <u>means</u> 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.	Recommend deletion of the list of waterbodies from the definition. These are all mapped in Figure 5-1 and the waterways are all considered part of Commencement Bay/Puget Sound.
66	Chapter 10 Definitions Page 221	Shoreline Stabilization	Replace definition with definition from Chapter 8.2: <u>Shore stabilization works include actions taken to stabilize the shoreline, addressing erosion impacts to property and improvements caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.</u> <u>Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, and/or planning and regulatory measures to avoid the need for structural stabilization. Structural methods can be “hard” or “soft. Hard structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads. These are static structures traditionally constructed of rock, concrete, wood, metal, or other materials that deflect, rather than absorb, wave energy. Soft structural measures rely on softer materials, such as vegetation, drift logs, and gravel. They are intended to absorb wave energy, mimicking the function of a natural beach.</u> <u>Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Structural shoreline stabilization methods also often result in vegetation removal and</u>	

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			<p><u>damage to near-shore habitat and shoreline corridors. The following methods of shoreline stabilization are organized from “soft” to “hard”. The use of “soft” methods is the preferred “best practices” choice (if non-structural methods cannot be used or are insufficient) when considering shoreline stabilization measures.</u></p> <p><u>"Soft"</u></p> <p><u>Vegetation enhancement;</u></p> <p><u>Upland drainage control;</u></p> <p><u>Bioengineering/biotechnical measures;</u></p> <p><u>Beach enhancement;</u></p> <p><u>Anchor trees; and</u></p> <p><u>Gravel enhancement.</u></p> <p><u>"Hard"</u></p> <p><u>Rock revetments;</u></p> <p><u>Gabions;</u></p> <p><u>Groins;</u></p> <p><u>Retaining walls and bluff walls;</u></p> <p><u>Bulkheads; and</u></p> <p><u>Seawalls.</u></p> <p><u>What constitutes normal repair and maintenance? As applied to shoreline stabilization, "normal repair" and "normal maintenance" include the patching, sealing, or refinishing of existing structures and the replenishment of sand or other material that has been washed away if part of a previous authorized activity. Normal maintenance and normal</u></p>	

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			<p><u>repair are limited to those actions that are typically done on a periodic basis. Construction that causes significant ecological impact is not considered normal maintenance and repair.</u></p> <p>What constitutes replacement? As applied to shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function when an existing structure can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures are considered new structures under this Master Program.</p> <p>In addition, repairs that exceed a certain threshold are also effectively “replacement,” providing a meaningful opportunity for the project applicant to consider and implement softer solutions to an existing hard structural stabilization. The following are thresholds for considering a repair to be effectively replacement: 1) when any repair is being conducted along more than 50 percent of the shoreline stabilization on the subject property, or 2) when repair is being conducted along more than 25 feet of shoreline stabilization when that repair work includes removal and replacement of the stabilization measure’s foundation material. Exemptions if the relevant exemption criteria are met; however, the replacement provisions of these regulations will apply.</p>	
67	Chapter 10 Definitions Page 221	Shorelines	(148) Shorelines “Shorelines” are 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.	Suggest deletion of extra language. The list is incomplete and the shorelines of the state in Tacoma are identified in Section 4.1 and mapped in Figure 5-1
68	Chapter 10 Definitions Pages 221-222	Shorelines of Statewide Significance	(149) ...Within the City of Tacoma, the Puyallup River is the only river which has been designated as having a 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.	Revision is suggested to simplify the definition.

Attachment C – Ecology Recommended Changes: City of Tacoma SMP – Ordinance No. 28034

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			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.	
69	Chapter 10 Definitions Pages 224	Substantial Development	(166) A “substantial development” is any development of which the total cost or fair market value exceeds five thousand seven hundred and eighteen <u>six thousand four hundred and sixteen</u> dollars (\$ 5,718-6,416), or as adjusted.....	Suggested language is consistent with the threshold increase implemented by the Office of Financial Management and effective September 15, 2012.
70	Chapter 10 Definitions Pages 225	Uses and Development Activities	{176} Uses and Development Activities “Uses and development activities” include the following uses and development activities as defined in the Final Guidelines of the Department of Ecology (WAC 173026-060), 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)	Suggest deleting the definition.
71	Global Change		Replace “Building and Land Use Services Division” with “Planning and Development Services Department”	Global change requested by the City consistent with recent Tacoma Municipal Code changes and departmental reorganization.
72	Global Change		Replace “Land Use Administrator” with “Director”	Global change throughout the document requested by the City consistent with recent Tacoma Municipal Code changes and departmental reorganization.
73	Global Change		Replace “Murray Morgan Bridge” with “11 th Street Bridge”.	Suggested change improves consistency within the SMP.
74	Global Change		Replace “Thea Foss Waterway Design Guidelines” with “Tacoma Waterfront Design Guidelines.”	Global change requested by the City to refer to the updated design guidelines.

Table 9-2. Shoreline Use and Development Standards

EXHIBIT 1 TO ECOLOGY ATTACHMENTS B & C

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE

District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	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 Transition	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Marine Waters of the State ²¹	Wapato Lake	Point Ruston / Slag Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
Shoreline Uses																	
Agriculture																	
Agriculture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Aquaculture																	
Aquaculture, general	CU ⁴	N	N	N	N	CU ⁴	N	CU ⁴	CU ⁴	N	N	N	CU ⁴	N	CU ⁴	N	CU ⁴
Artwork																	
Artwork	P	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	CU	P	P	N	P	P	N	P/CU ¹	N	P
Launch Ramps and Lifts	P	N	CU	N	N	P	N	CU	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	P
Commercial Development																	
Water-dependent	P	N	P	N	N	P ⁵	P	P	P	P	P	P	P	N	P	N	P
Water-related	P	N	P	N	N	P ⁵	P	P	P	P	P	N	P	N	N/P ³	N	P
Water-enjoyment	P	P	P	N	N	P ⁵	P	P	P	P	P	N	P	N	N/P ³	N	P
Non Water-oriented ⁴	CU ⁴	N	N	N	N	CU ⁵	CU ⁴	CU	CU	CU ⁶	CU/P ⁴	CU ⁴	CU ⁴	N	N/P	N	P/CU ⁷
Essential Public Facilities																	
Essential Public Facilities will be reviewed and permitted as the closest use described in the use table under the normal use categories with the determination to be made by the Director.																	
Educational, Cultural and Scientific																	
Educational, Cultural and Scientific	P	CU	P	P	P	P	P	P	P	P	P	P	P	P	P/N ⁸	P	P
Forest Practices																	
Forest Practices	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Port/Industrial Development																	
Water-dependent	CU ⁹	N	N	N	N	N	N	CU	P	P ¹⁰	PN	P	N ^{24,25}	N	P	N	N
Water-related	CU ⁹	N	N	N	N	N	N	CU	P	P ¹⁰	PCU	P	N	N	N	N	N
Non water-oriented ¹¹	N	N	N	N	N	N	N	N	N	CU ¹⁰	CU	CU	N	N	N	N	N
Cargo Terminal	N	N	N	N	N	N	N	CU	P	P ¹⁰	N	P	N	N	P	N	N
Log Rafting and Storage	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N
Lay Berthing	N	N	N	N	N	N	N	N ^{CU}	P	P ¹⁰	N	P	P	N	P	N	N
Mining																	
Mining	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Parking																	
Associated with an Approved Use	P	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	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	P	CU	P	P
Non-Water oriented	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Residential Development																	
Single-family ¹²	N	P	P	NP	N	N	N	N	N	N	N	N	P ¹³	N	N	P	N ¹⁴
Multifamily – stand alone	N/CU ¹⁵	N	N	N	N	N	N	N	N	N/CU ¹⁶	N	N	N/CU ^{13,15}	N	N	N	P ^{17,18} /CU ¹⁸

Comment [KV1]: All changes are recommended changes unless noted. Required changes are to Aquaculture, lay berthing in the S-6/7, and water dependent and water-related industrial uses in the S-9.

Comment [KV2]: Typographical error: missing superscript

Comment [KV3]: REQUIRED CHANGE. See items 3, 4 and 9 on Attachment B for rationale

Comment [KV4]: Revision suggested by the City in response to Futurewise comment (see Attachment D, comment 81).

Comment [KV5]: REQUIRED CHANGE. See Attachment B Item 11 for rationale.

Comment [KV6]: Typographical error: referenced incorrect note

Comment [KV7]: REQUIRED CHANGE. See Attachment B Item 10 for rationale.

Comment [KV8]: City-suggested change in response to Futurewise comments (see Attachment D, comments 79 and 83)

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE

District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	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 Transition	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Marine Waters of the State ²⁴	Wapato Lake	Point Ruston / Slag Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
Multifamily as part of a mix-use development	P	N	N	N	N	N	N	N	N	P ¹⁶	N	N	P ¹³	N	N	N	P ¹⁷
Home Occupation	P	P	P	P	N	N	N	N	N	P	N	N	P ¹³	N	N	N	P
Signs																	
Interpretive/Educational	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Other	P	P	P	N	N	P	P	P	P	P	P	P	P	N	CU	P	P
Solid Waste Disposal																	
Solid Waste Disposal	N	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	N	CU	P	P	N	N	N	N	P
New HOV or Transit-oriented Facilities	P	N	P	N	N	P	P	P	P	P	P	P	N	N	N	P	P
New Railways	N	N	N	N	N	N	N	N/P ³²	N/P ³²	N	P	P	N	N	N	N	N
Expansion of Existing Facilities	P	CU	P	NP	N	P	P	P ³²	P ³²	CU	P	P	P	EN	CU	P	P
Passenger only terminals for water based transportation	CU	N	CU	N	N	P	P	P	P	P	N	P	P	N	P	N	P
Fixed-wing landing areas	N	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	N	CU	N	N	N	N	N/CU ¹⁹
Seaplane Floats	CU	N	N	N	N	N	CU	CU	N	P	N	P	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	P
Utilities²⁰																	
Major	P	P	P	N	N	P	P	P	P	P	P	P	P	N	CU	P	P
Minor	P	P	P	N	N	P	P	P	P	P	P	P	P	N	CU	P	P
Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	CU	P	P
Wireless Communications Facility	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Shoreline Modification²¹																	
Shoreline Stabilization																	
For water-dependent uses ²²	P	P	P	NP	N	P	P	P	P	P	P	P	P	NP	P	P	P
For Non-water-dependent uses	CU	CU	CU	NEU	N	CU	CU	CU	CU	CU	CU	CU	CU	N	CU	CU	CU
Breakwaters, Jetties, Groins and Weirs																	
Associated with marinas and boating facilities	CU	N	N	N	N	CU	N	N	N	CU	N	CU	CU	N	CU	N	CU
For shoreline erosion control	CU	N	N	N	N	CU	N	N	N	CU	N	CU	CU	N	CU	N	N
For Navigational purposes	CU	N	CU	N	N	CU	N	N	N	CU	N	CU	CU	N	CU	N	N
As part of Ecological Restoration and Enhancement	P	N	P	NP	N	P	P	P	P	P	P	P	P	PN	P	N	P
Dredging and Dredge Material Disposal																	
Non-maintenance dredging	CU	N	N	N	N	N	CU	N	N	CU	CU	P	CU	N	CU	N	CU
Maintenance dredging	P	N	N	N	N	P	P	P	P	P	P	P	P	N	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	P
Fill and Excavation																	
Fill and Excavation, Below OHWM	CU	CU	N	N	CU	CU	CU	CU	CU	CU	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	P
Above OHWM	P	P	P	N	P	P	P	CU	CU	P	CU	P	CU	CU	N/A	NP	P
Flood Control Works and In-stream Structures	N	N	N	N	N	N	N	N	N	N	CU	CU	N	CU	CU	N	N
Ecological Restoration / Enhancement / Mitigation																	

Comment [KV2]: Typographical error: missing superscript

Comment [KV9]: City-suggested change in response to Futurewise comments (see Attachment D, comments 79 and 83)

Comment [KV10]: City-suggested change in response to Futurewise comments (see Attachment D, comments 79 and 83)

Comment [KV11]: City-suggested change in response to Futurewise comments (see Attachment D, comments 79 and 83)

Comment [KV12]: City-suggested change in response to Futurewise comments (see Attachment D, comments 79 and 83)

Comment [KV13]: City-suggested change in response to Futurewise comments (see Attachment D, comments 79 and 83)

Comment [KV14]: City-suggested change in response to Futurewise comments (see Attachment D, comments 79 and 83)

Comment [KV15]: City-suggested change in response to Futurewise comments (see Attachment D, comments 79 and 83)

Comment [KV16]: Suggested change by Ecology because this existing park facility will likely require future renovations to address lake water quality issues and recreational uses.

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE

District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	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 Transition	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Marine Waters of the State ²⁴	Wapato Lake	Point Ruston / Slag Pen.	
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI	
Ecological Restoration / Enhancement / Mitigation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Mooring Facilities²³																		
Piers, Wharves, Docks and Floats																		
Associated with Residential Uses	N	P	P	NP	N	N	N	N	N	N	N	N	N	N	P	N	N	
Associated Public Access Uses	P	P	P	NP	N	P	P	P	P	P	N	P	P	N	P	P	P	
Associated with Water Dependent Uses	P	N	P	NP	N	P	P	P	P	P	N	P	P	N	P	N	N	
Mooring Buoy ²⁴	P	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	CU	P	N	N	P	P	N	CU	N	P	
Navigational Aids	P	P	P	P	P	P	P	P	P	P	N	P	P	N	P	N	P	
Covered Moorages/Boat Houses	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
General Minimum Development Standards																		
Marine Shoreline Buffers, per TSMP Chapter 6 ²⁵	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	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	200 ft. from OHWM ²⁶	50 ft. from OHWM	
Height Limit ²⁷	35 ft within marine buffer; 75 ft upland and outside marine buffer with view study	35 ft	35 ft	100 ft for deep water facilities ²⁸ otherwise 35 ft ²⁹	Refer to S-8 Shoreline District Regulations	35 ft	100 ft ²⁹	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; 80 ft outside 200 ft of OHWM ³⁰						
Side Yard/View Corridor ³¹	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	30% of shoreline frontage ²⁹	30% of shoreline frontage	30% of shoreline frontage	0 ft ²⁹	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	20 ft ²⁹	20 ft	50 ft from centerline of Puyallup river Dike	0 ft ²⁹	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	10 ft ²⁹	10 ft	10 ft	0 ft ²⁹	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		

Comment [KV2]: Typographical error: missing superscript

Comment [KV17]: City-suggested change in response to Futurewise comments (see Attachment D, comments 79 and 83)

Comment [KV18]: City-suggested change in response to Futurewise comments (see Attachment D, comments 79 and 83)

Comment [KV19]: City-suggested change in response to Futurewise comments (see Attachment D, comments 79 and 83)

Key:
P Permitted
N Prohibited
CU Conditional Use

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 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.
- 4 Non-water-oriented commercial uses shall only be permitted in accordance with the regulations in TSMP Section 7.5.2 and only as a conditional use except where otherwise specified for the S-8 and S-15 Shoreline Districts.
- 5 New commercial development shall be limited to upland locations only. Existing water-oriented commercial uses at the Point Defiance Marina Complex may be continued and be modified provided modifications do not adversely affect ecological conditions and comply with all other provisions of this Program.
- 6 Non-water-oriented commercial uses shall be permitted 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 9.910\(D\)](#). In all other circumstances, non-water-oriented uses shall be processed as a conditional use
- 7 Non-water-oriented commercial uses shall be permitted outside 150' of OHWM only, except as specified in note 18. Commercial uses that are located outside shoreline jurisdiction and are consistent with the EIS for the Point Ruston development ~~shall be subject to a substantial development permit are allowed~~, those uses that are not consistent with the EIS shall be processed as a conditional use permit in accordance with the procedures in TMC 13.06.
- 8 New educational, historic, and scientific uses are permitted over-water or in the S-13 Shoreline District (Marine Waters of the State) only when water-dependent or as a reuse of an existing structure.
- 9 Water-dependent and -related port/industrial uses shall be permitted only in existing structures.
- 10 Port and industrial development shall be permitted on the easterly side of the Thea Foss Waterway, north of the centerline of East 15th Street and in addition, in that area to the east of East D Street.
- 11 Non-water-oriented industrial uses shall only be permitted in accordance with the regulations in TSMP Section 7.6.2.
- 12 New single-family residential development shall only be permitted in upland locations.
- 13 In the "S-11" Shoreline District, new single family and multi-family residential development is permitted only in that area north of 5410 Marine View Drive.
- 14 Detached single-family residential use and development is allowed in the S-15 shoreline district outside of shoreline jurisdiction.
- 15 New stand-alone multi-family residential uses may be permitted as a conditional use in accordance with the regulations in [TSMP Section 7.78.2](#).
- 16 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. 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. Residential and Hotel/Motel uses are prohibited to the east of East D Street.
- 17 Multifamily residential uses shall be permitted in upland locations, outside 150' of OHWM.
- 18 No more than 24 total townhouse units may be permitted in upland locations up to 100' from OHWM as an outright permitted use so long as such townhouses are constructed on the southeasterly shoreline of the Point Ruston site. Townhouses may be permitted in upland locations up to 100' from OHWM as a conditional use in all other locations. Townhouses in the S-15 may include an office use on the ground floor.
- 19 Helicopter landing pads are only allowed outside of shoreline jurisdiction as a conditional use and only as part of an approved structure.
- 20 Above ground utilities are only allowed consistent with [TSMP 7.4.313.2](#).
- 21 New uses and development in the S-13 Shoreline District that are associated with an upland shoreline district shall only be permitted where the use or development is consistent with the permitted uses in the upland Shoreline District. Please see Section [9.415\(D\)\(1\)\(a\)](#).
- 22 Structural shoreline stabilization shall be permitted only when necessity has been demonstrated as described in TSMP Section 8.2.2.
- 23 See application requirements in Section 2.4.4.
- 24 With the exception of the S-7, S-10 and S-11 Shoreline Districts, mooring buoys shall be designed, located and installed only for transient recreational boating, or in association with a single family residential development or a permitted marina. In the S-7, S-10 and S-11 Shoreline Districts mooring buoys may be designed, located and installed to accommodate port and industrial uses including the remote storage of oceangoing vessels and barges.
- 25 Buffer reductions allowed for water-dependent uses per TSMP 6.4.3([eC](#)).
- 26 Except that the buffer shall not extend beyond the centerline of Alaska street.
- 27 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.
- 28 The maximum height standard excludes equipment used for the movement of waterborne cargo between storage and vessel or vessel and storage.
- 29 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.
- 30 Maximum heights on Slag Peninsula are limited to 35 feet.
- 31 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.
- 32 New and/or expansion of an existing railroad siding is permitted when necessary to service a water-dependent port or industrial facility.

Comment [KV20]: Typographical error: incorrect citation

Comment [KV21]: Correction for consistency with the requirements of RCW 90.58. Shoreline permits are not required for development outside shoreline jurisdiction.

Comment [KV22]: Typographical error: incorrect citation

Comment [KV23]: Typographical error: incorrect citation

Comment [KV24]: Typographical error: incorrect citation

Comment [KV25]: Typographical error

