



To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: **Shoreline Master Program (SMP) Periodic Review**
Meeting Date: December 5, 2018
Memo Date: November 28, 2018

Action Requested:

Staff request direction on preliminary staff recommendations to address the topics included in the scope of the SMP Periodic Review.

Discussion:

At the next meeting on December 5, 2018, the Commission will discuss Application 2019-03 Shoreline Master Program Periodic Review and update. Staff and consultants have developed preliminary recommendations and are seeking Commission direction to move forward and complete the policy analysis. The consultants will participate in a discussion of the policy framework, the project scope and the initial recommendations.

Summary:

The Shoreline Management Act (SMA) requires a periodic review of comprehensively updated Master Programs (SMPs). Local governments must review amendments to the SMA and Ecology rules that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance. Local governments must also review changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them. Local governments should consider during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data. Tacoma's periodic review must be completed by June 30, 2019.

Prior Actions:

June 6, 2018 – the Commission conducted a public hearing on the 2019 Amendments and accepted comments on this item.

June 20, 2018 – the Commission accepted this application into the 2019 Work Program, concluded the scoping process, and directed staff to begin the analysis.

- Moving forward, no new issues will be added to the scope of the current effort
- The Port/Tideflats area is excluded from the scope and will be addressed through a separate planning initiative

Staff Contact:

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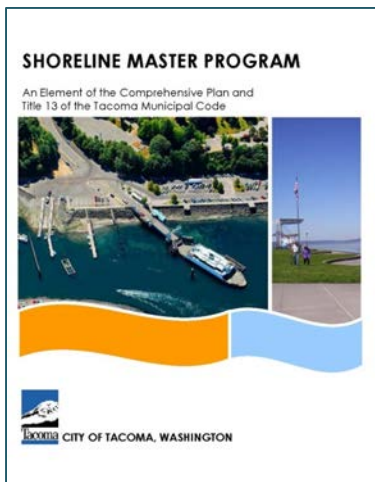
Attachments:

1. Scope and Assessment summary
2. Discussion outline

c: Peter Huffman, Director

Shoreline Master Program

Scope and Assessment Report: 2019 Amendment



The Shoreline Management Act (SMA) requires a periodic review of comprehensively updated Master Programs (SMPs). Local governments must review amendments to the SMA and Ecology rules that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance. Local governments must also review changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them. Local governments should consider during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data.

The schedule to complete these reviews is established for every community by the Legislature. The first round of periodic reviews is due on or before June 30, 2019 for Snohomish, King and Pierce counties and their cities and towns. This will be the first Periodic Review conducted for Tacoma’s SMP since the Comprehensive Update was approved by the Department of Ecology in 2013.

Project Summary	
Applicant:	Planning and Development Services
Amendment Type:	Plan and Code
Location and Size of Area:	The review area includes all shorelines city-wide.
Current Land Use and Zoning:	The area is comprised of Shoreline Zoning Districts, S-1a to S-15.
Neighborhood Council Area:	Multiple.
Type of Amendment:	Plan and Code.
Staff Recommendation:	Approve Scope and Assessment for 2019 Amendment.
Project Proposal:	<ul style="list-style-type: none"> To ensure that the master program complies with applicable law and guidelines in effect at the time of the review; To assure consistency of the master program with the local government’s comprehensive plan and development regulations; To consider whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data, and whether the significance of the changed circumstances, new information or improved data warrants amendments.

1. Area of Applicability

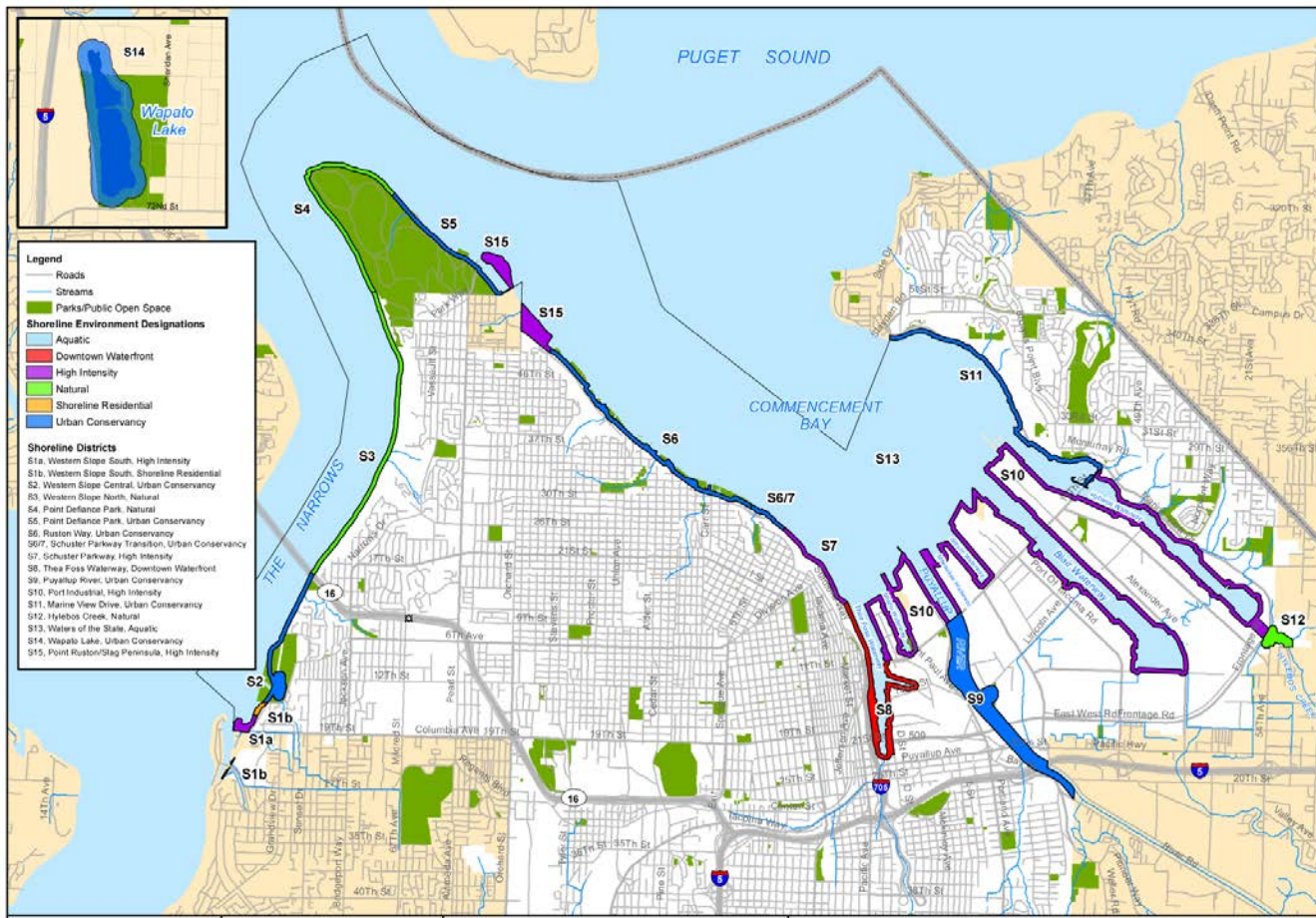


Planning and Development Services
City of Tacoma, Washington

Peter Huffman, Director

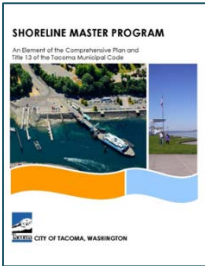
Project Manager:
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The review area includes all shorelines city-wide, both marine and freshwaters, and lands within 200' of the ordinary high water mark. The following map depicts the City's regulated shorelines and the current shoreline Environmental Designations. For the purposes of this review, shoreline issues that are unique or specific to the Port/Tideflats (S-9, S-10, S-11, and S-12 Shoreline Districts) shall be considered within the scope of the Tideflats Subarea Plan.



**Figure 5-1: SHORELINE ENVIRONMENT DESIGNATIONS
TACOMA SHORELINE MASTER PROGRAM UPDATE**

May-June 2018	The Planning Commission reviews the proposed scope of work and assessment report; a public hearing is held to solicit public input on the proposed scope of work; the Commission finalizes the work plan.
July – November 2018	The Planning Commission considers the available options to address the issues. The Commission determines the specific options to develop for public review. Staff conducts outreach efforts to solicit comments, feedback and suggestions from stakeholders, interested entities and the community
November – January 2018	The Planning Commission develop the proposed Plan and Code Amendment exhibits and staff conducts a technical analysis and staff report evaluating the proposals.
February/March 2019	The Planning Commission conducts a public hearing
April/May 2019	The Planning Commission makes recommendations to the City Council Infrastructure, Planning and Sustainability Committee and other pertinent City Council standing committees review the proposed amendments
May 2019	City Council conducts a study session and a public hearing
June 2019	City Council considers adoption of amendments



Shoreline Master Program

Key Issues Summary: 2019 Amendment

This table summarizes the topics included in the scope of work, and outlines preliminary staff and consultant recommendations.

TOPICS

PRELIMINARY STAFF & CONSULTANT RECOMMENDATIONS

BEST AVAILABLE SCIENCE

Geological Hazards (staff)

Since the last substantive update to the City's standards for Geologically Hazardous Areas, significant progress has been made in scientific understanding of the associated risks.

Identify changes to the SMP Critical Areas standards related to Geologically Hazardous Areas that ensure standards are consistent with Best Available Science (BAS), achieve no net loss of critical areas functions and values, and allow reasonable use that does not pose a threat to the health and safety of citizens and property.

Staff have completed a Best Available Science and benchmarking review and summary for geologically hazardous areas, and recommending appropriate updates to the SMP standards for Geologically Hazards standards. The City has engage a Geotechnical consultant to provide recommendations related to the following issues:

- Classifications for erosion and landslide hazard areas
- Application of mitigation sequencing
- Inconsistencies between standards for Geologically Hazardous areas and geo-setback areas
- Update submittal requirements for technical studies
- Update resources and maps used to identify Geologically Hazardous areas
- Other updates indicated by BAS

Base Flood Elevation and Building Heights (staff)

The FEMA base flood elevations were modified in 2017. In some cases, the change in flood elevation and requirements to raise structures to meet those elevations has resulted in a shrinking building envelope that impacts the viability of new development.

Update standards regarding measurement of base flood elevation.

Staff recommend updating standards to measure building height from the average grade **or** the new base flood elevation, **whichever is greater**. This approach would enable existing development to raise structures to adapt to climate risks without adverse impacts, and ensure that new development is able to meet new flood elevations while also maintaining the building envelope that was intended in the code.

FEMA Base Flood Elevations

The FEMA base flood elevations were modified in 2017. FEMA Flood Insurance Rate Mapping (FIRM effective March 2017) establishes base flood elevations (BFE) ranging from 14 feet (Ruston Way shoreline), to 17 feet

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(Narrows shoreline, including Salmon Beach) along the Puget Sound. In some cases, the change in flood elevation and requirements to raise structures to meet those elevations has resulted in a reduced building envelope than what was originally allowed for in the SMP.

Existing Building Height

Building height is typically measured from average grade of the site or, for overwater structures, ordinary high water mark. In some cases, existing non-conforming uses are prohibited from increasing building heights.

View Impacts

As integrated into the City's existing SMP (6.7.4.A – View Regulations), the Shoreline Management Act (SMA) limits the height of new or expanded structures and buildings to 35 feet above average grade level (RCW 90.58.320). However, under the SMA, this limit is only required where such permitted structures or buildings would “obstruct the view of a substantial number of residences on areas adjoining such shorelines.” The City's current SMP includes language directly from the SMA.

Currently, heights above 35 feet are allowed only in a few shoreline districts (Thea Foss Waterway, Port Industrial Area, Point Ruston, Narrows Marina). Current code provisions require a view analysis, but the standards apply only in specific areas. If the Commission concurs with the staff proposal to allow height measurement from the Base Flood Elevation when it exceeds the average grade, then staff recommends adding a ‘visual impact assessment’ wherever the building height is based on BFE, or otherwise exceeds 35 feet above average grade.

Biodiversity Corridors/Areas (staff)

The City adopted amendments to TMC 13.11 to standards for Fish and Wildlife Habitat Conservation Areas, specifically Biodiversity Areas/Corridors which are a listed Priority Habitat.

Integrate the policy direction adopted through the new FWHCA standards with SMP Critical Areas standards.

The SMP Critical Areas standards are generally consistent with the Critical Areas standards of TMC Title 13.11 which pertain to non-shoreline areas. However, there are some differences in how the SMP is structured that need to be considered (for example, the SMP utilizes different development thresholds than those used in non-shoreline districts). Staff recommend that the standards be integrated as appropriate into the structure of the SMP.

SEA LEVEL RISE

Sea Level Rise (staff)

In 2015, the City’s Comprehensive Plan update included new policies on planning for, mitigating, and adapting to climate change, including sea-level rise. The Shoreline Master Program does not specifically incorporate or address these policies.

Conduct a sea-level rise policy review to determine how to reflect this direction in the SMP, based on the current scientific understanding of potential sea level rise and its impacts over the foreseeable future.

Background

In 2015 the City updated the Comprehensive Plan to more specifically address climate change and the associated risks. While the City’s policies address efforts to reduce greenhouse gas emissions, the policies also recognize the need to adapt to climate change and to minimize the risks to life and property. The following Comprehensive Plan policies provide a baseline for this Shoreline Periodic Review:

Policy EN–1.18 Evaluate climate data and consider climate risks in the development of regulations, plans and programs.

Policy EN–1.26 Maintain, implement and periodically update a climate action plan and greenhouse gas inventory, and adjust greenhouse gas emission targets accordingly to ensure successful implementation and consistency with regional and state goals.

Policy EN–1.27 Assess the risks and potential impacts on both City government operations and on the community due to climate change, with regard to social equity.

Policy EN–1.28 Incorporate climate change considerations into City operational plans.

Policy EN–1.29 Protect processes and functions of Tacoma’s environmental assets (wetlands, streams, lakes) in anticipation of climate change impacts.

Policy EN–1.30 Promote community resilience through the development of climate change adaptation strategies. Strategies should be used by both the public and private sectors to help minimize the potential impacts of climate change on new and existing development and operations, include programs that encourage retrofitting of existing development and infrastructure to adapt to the effects of climate change.

Following the adoption of the One Tacoma Plan, the City has taken the following efforts to advance our understanding of climate risks:

2016: Environmental Action Plan was adopted with actions relating to the City’s resiliency, mitigation of climate risk, and adaptation.

2016: Climate Risk Assessment
2018: Washington Coastal Resilience Project and Projected Sea Level Rise Modeling

The consultant will review City policy relevant to sea level rise as well as available scientific findings and benchmarking from other jurisdictions to provide policy options.

CHANGED LOCAL CIRCUMSTANCES

Salmon Beach (scoping comments)

Nonconforming Overwater Residences: Salmon Beach has expressed concern over the existing limitations on development for nonconforming overwater residences and has requested the following:

1. Greater recognition of the existing community and infrastructure in the Environment Designation policies.
2. Consideration to be reclassified as “conforming.”
3. An allowance for a 25 feet building height.
4. Flexibility to adapt to sea level rise.

Explore options to provide additional flexibilities that reflect the presence of geologically hazardous areas and are consistent with SMA rules and WAC definitions to Salmon Beach homeowners.

The circumstances at Salmon Beach are highly unique in Washington State, given the location of the homes overwater and at the base of a geologically hazardous steep slope. While the SMP already allows minimal building expansions, any further allowance must be closely reviewed to ensure that the outcomes will result in improved safety and reduced environmental impacts. Staff will be engaging with the Department of Ecology to evaluate any proposed changes.

OPTIONS:

1. Amend the intent and policies of the Environmental Designation and the S-13 Shoreline District to recognize the historic Salmon Beach Community.
2. Consider expressly reclassifying this community as legally non-conforming.
3. Consider allowance for 25 feet building height with mitigation for impacts. Mitigation approaches may include: Improving light penetration, raising the height of the structures, and moving the structures away from the shoreline edge.
4. Require a conditional use permit for proposed expansions that exceed existing limitations.

Wapato Lake area (staff)

The shoreline zoning district at Wapato Lake extends across Alaska Street and partially applies to residential areas on the western half of Alaska Street. The current zoning is highly restrictive in use and was primarily intended to apply to the

Remove this item from the current update.

Wapato Lake is currently designated as an Urban-Conservancy Environment with a unique S-14 zoning district. Shoreline jurisdiction, and therefore the City-State shoreline regulations, apply to all use and development within 200 feet of the ordinary high water mark. In this instance, the majority of the shoreline district is in a singular use with a singular ownership – Wapato Park, which is owned and managed by Metro Parks Tacoma. The specific uses allowed at this site were generally tailored to the specific primary use.

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publicly owned park and recreation facilities.

However, in some limited circumstances, the shoreline jurisdiction extends beyond Alaska Street onto private properties. These properties are designated in the Comprehensive Plan for commercial use and are currently zoned R-2 Single Family. These properties are within the scope of work of the Commercial Zoning update.

Initially, when the shoreline scope of work was developed, staff anticipated that the commercial rezone review would proceed concurrently with this shoreline amendment and that therefore this would be an opportunity to ensure improved consistency of use for these sites. As the Commercial Zoning update has been extended beyond this year, staff recommends removing this item from the Shoreline Scope of Work and to address this issue alongside the Commercial Zoning update.

Ruston Way planning (staff)

The City of Tacoma and Metro Parks Tacoma are currently conducting a joint process to re-envision the future of Ruston Way. Information on the project is available at: <https://www.metroparkstacoma.org/envisionourwaterfront>.

Remove this item from the current update.

This item was a placeholder for joint planning work being conducted between the City of Tacoma and Metro Parks Tacoma. The schedule for that work has been delayed and as such staff no longer anticipates that potential amendments will come forward on the current timeline for the 2019 Amendments. It is likely that amendments will be coming forward as part of the 2020 amendment cycle.

CONSISTENCY UPDATES

DOE Periodic Review Checklist (DOE)

The Department of Ecology (DOE) has provided a table of recent legislative and WAC changes. As part of the scoping process, staff identified a list of topics which need to be evaluated through this effort.

Make appropriate changes to reflect DOE's Periodic Review Checklist.

DOE outlines the latest statewide changes to the shoreline rules by year. The City's comprehensive SMP was locally adopted in 2011, so only those legislative changes after 2011 are applicable.

For example, in 2017, the Office of Financial Management adjusted the overall threshold for SSDP to \$7,057; therefore, all developments proposed within shoreline jurisdiction whose estimated cost or fair market value is over \$7,047 requires a SSDP unless it meets exemption criteria. The City's SMP currently reflects the old limit of \$6,416.

Other changes include items like exemptions for ADA compliance, permit processing timelines, definitions, forestry uses, policy for floating on-water residences, and exclusion of federal lands.

TOPICS

PRELIMINARY STAFF & CONSULTANT RECOMMENDATIONS

CLARIFICATIONS/CODE CLEANUPS

Review Process clarification (staff)

There is an opportunity to clarify the SMP review process for certain activities that do not meet the definition of “development”. These are subject to the standards of the SMP, but do not trigger a permit review. One example is vegetation clearing in shoreline jurisdiction not occurring as part of a development proposal.

Make changes to clarify the review process for activities that do not meet the definition of “development”.

Options could include requiring staff review of an exemption or permit within shoreline jurisdiction for non-development projects like vegetation clearing.

The consultant is reviewing other local programs. For example, the City of Tukwila regulates tree removal and vegetation management through Section 18.44.080 of the Tukwila SMP. A Shoreline Tree Removal and Vegetation Management Permit is required to modify vegetation within the shoreline jurisdiction.

As another example, in Island County, the SMP states that the Shoreline Administrator may deny a request or condition approval of vegetation management or removal proposals for view maintenance if it is determined the action will not result in an adverse effect to slope stability, habitat value, risk of wind damage to surrounding vegetation, or nearby water quality.

Improve consistency with citywide development standards (staff)

Staff have noted opportunities to clarify how development standards contained in other sections of the Tacoma Municipal Code do, or do not, apply in Shoreline Districts.

Make changes as appropriate to improve consistency and achieve the intent of the SMP.

The SMP contains linkages with other code sections, which creates the potential for inconsistencies. Because the SMP is a stand-alone document, it may need to be separately updated to reflect changes to other code sections. Standards such as landscaping, parking, street design and building design have been updated more recently than the SMP.

The consultant will review City staff recommendations. Generally, citywide development standards make sense in Shoreline Districts as well. However, there are unique considerations in Shoreline Districts which must be carefully considered to ensure that there are no unintended outcomes.

Language and terminology clarifications (staff)

Staff have noted opportunities for minor clarifications to make the language clear and consistent.

Integrate clarifications as appropriate.

The Consultant will review uses of the term and provide recommendations for appropriate alternatives. Staff anticipate that these changes will be non-substantive.