

RESOLUTION NO. 38374



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A RESOLUTION relating to the update of the Shoreline Master Program; authorizing the adoption of the Public Access Alternatives Plan, which, following the guidelines of Washington Administrative Code 173-26-221, identifies existing and planned public access projects and implementation strategies for enhancing public recreation within the shoreline.

WHEREAS, pursuant to the Growth Management Act, the Planning Commission ("Commission") has recommended changes to the Comprehensive Plan and the Land Use Regulatory Code to complete the update of the Shoreline Master Program, and

WHEREAS the Shoreline Management Act of 1971 ("SMA") requires local Shoreline Master Programs be updated to: (1) give priority to uses that require a shoreline location; (2) promote public access and enjoyment opportunities; and (3) protect the environmental resources of state shorelines, and

WHEREAS the 2003 Department of Ecology ("DOE") guidelines, codified in Chapter 173-26 of the Washington Administrative Code ("WAC"), include substantive, procedural, and process requirements to be followed by local jurisdictions in their comprehensive update to a shoreline master program, and require the update to be based on scientific and technical information to assure no net loss of shoreline ecological functions, and

WHEREAS the SMA was amended to establish a timeline for local jurisdictions to adopt updated Shoreline Master Programs consistent with DOE guidelines, and the adoption deadline for the City is December 1, 2011, and



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WHEREAS public access is defined as “the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations,” and

WHEREAS WAC 173-26-221(4) encourages local jurisdictions to plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access, and

WHEREAS the City’s update includes the development of the Public Access Alternatives Plan, one of five supporting studies or implementation documents to be adopted under separate legislative actions of the City Council, as required by DOE guidelines, as part of the adoption of the update to the Shoreline Master Program as a whole, and

WHEREAS the *Ruston Way Plan* was adopted in 1981, the *Shoreline Trails Plan* was adopted in 1989, and the *Thea Foss Waterway Design and Development Plan* was adopted in 1992 as elements of the Comprehensive Plan and the Shoreline Master Program, and

WHEREAS, as part of the Shoreline Master Program update, staff evaluated the *Ruston Way Plan*, *Thea Foss Waterway Design and Development Plan*, and the *Shoreline Trails Plan* to determine which planned public access projects had been successfully implemented, and

WHEREAS those projects that had not been implemented were incorporated into the documentation of potential public access sites in the Public Access Alternatives Plan, and



1 WHEREAS the Public Access Alternatives Plan and the TSMP promote
2 and enhance the public interest with regard to rights to access waters held in
3 public trust by the state while protecting private property rights and public
4 safety, and

5 WHEREAS the Public Access Alternatives Plan, to the greatest extent
6 feasible, consistent with the overall best interest of the state and the people
7 generally, protects the public's opportunity to enjoy the physical and aesthetic
8 qualities of the shorelines of the state, including views of the water, and

9 WHEREAS the Commission held a public hearing on June 1, 2011 on a
10 draft Shoreline Master Program and on associated draft supporting documents,
11 including a draft Public Access Alternatives Plan, and

12 WHEREAS 41 citizens spoke at the public hearing and 52 written
13 comments were submitted by the close of the comment period on June 10,
14 2011, and after review of said testimony and comments, the Commission made
15 modifications to the draft Public Access Alternatives Plan, and

16 WHEREAS the Public Access Alternatives Plan was developed under the
17 direction of the Commission, and, incorporating elements of the *Shoreline Trails*
18 *Plan*, *Ruston Way Plan*, and *Thea Foss Waterway Design and Development Plan*,
19 meets the WAC requirement that local jurisdictions identify existing public access
20 and opportunities for enhancing public access to the shoreline, and

21 WHEREAS the Commission has recommended changes to the
22 Comprehensive Plan and Land Use Regulatory Code on August 17, 2011, and
23 has conveyed the same to the City Council, in the form of the proposed TSMP,
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1 which will rescind and replace in its entirety the City's existing Master Program
2 for Shoreline Development, and

3 WHEREAS the Commission finds that it is appropriate to rescind the
4 *Thea Foss Waterway Design and Development Plan, Ruston Way Plan* and
5 associated *Design Booklet*, and the *Shoreline Trails Plan* as elements of the
6 Master Program, but to retain them as elements of the Comprehensive Plan so
7 that the design and implementation guidelines continue to apply to new uses
8 and development within shoreline jurisdiction, and

9 WHEREAS the City will continue to collaborate with the Port of Tacoma
10 and other stakeholders to modify the Public Access Alternatives Plan, to guide
11 the implementation of the public access and recreation goals and objectives
12 contained in the TSMP, and to provide further predictability, flexibility, and
13 accountability for the provision of public access in the shoreline by both public
14 and private entities, and

15 WHEREAS the City shall initiate a public process to evaluate the
16 desirability and feasibility of trail improvements between the Foss Waterway
17 and Ruston Way and develop a design concept for the envisioned public
18 access, and

19 WHEREAS multiple trail alignments have been identified in the Public
20 Access Alternatives Plan that should be evaluated, including an overwater or
21 waterside trail, a reconfiguration of Schuster Parkway and the existing sidewalk,
22 and the Bayside Trail, and



1 WHEREAS the City shall seek Federal, State, and regional funding for
2 the implementation of the preferred public access alternative for the Schuster
3 Parkway shoreline, and

4 WHEREAS the City Council will pursue the establishment of a public
5 access fund and administrative procedures for the deposit and expenditure of
6 those funds to implement priority public access projects, and

7 WHEREAS the City Council finds:

- 8
- 9 • That establishing a public access fund will allow for a more
10 coordinated and efficient approach to providing public access in
11 the shoreline;
 - 12 • That the public access fund option will facilitate a more
13 streamlined permit process; and
 - 14 • That the public access fund option will enable the City to more
15 effectively implement the goals and objectives of the TSMP and
16 the planned access envisioned for the City's shorelines; and

17
18 WHEREAS, on September 27, 2011, the City Council held a public hearing
19 to receive public comments on the Commission's proposed TSMP; Now,
20 Therefore,

21 **BE IT RESOLVED BY THE CITY OF TACOMA:**

22 Section 1. That the proper officers of the City are hereby authorized to
23 adopt, in association with the adoption of the Tacoma Shoreline Master Program,
24 the Public Access Alternatives Plan, said document to be substantially in the form
25 of the proposed implementation document on file in the office of the City Clerk.
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Section 2. That the proper officers of the City are hereby authorized to submit the Public Access Alternatives Plan to the State of Washington Department of Ecology by December 1, 2011.

Passed NOV 29 2011

Mark E. Frazier
Mayor

Attest:

Doris Borum
City Clerk

Approved as to form:

JAC
Deputy City Attorney

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