RESOLUTION NO. 38375

A RESOLUTION relating to the update of the Shoreline Master Program; authorizing the adoption of the Thea Foss Waterway Design Guidelines, which carry forward, update, and replace the design elements of the Thea Foss Waterway Design and Development Plan.

WHEREAS, pursuant to the Growth Management Act, the Planning Commission ("Commission") has recommended changes to the Comprehensive Plan ("Plan") and the Land Use Regulatory Code ("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

WHEREAS the City's update includes the development of the Thea Foss Waterway Design Guidelines, 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 *Thea Foss Waterway Design and Development Plan*, originally adopted in 1992 and last amended in 2005, was reviewed to identify recommended projects that had been successfully implemented, policy elements, regulatory elements, and design elements, and

WHEREAS these elements were incorporated into the TSMP, and

WHEREAS the design guidelines were moved into a new stand-alone document, entitled *Thea Foss Waterway Design Guidelines*, and

WHEREAS the *Thea Foss Waterway Design Guidelines* will be adopted as an implementing tool to be used in reviewing future Foss development projects, and

WHEREAS the Commission held a public hearing on June 1, 2011 on a draft Shoreline Master Program and on associated draft supporting documents, including a draft *Thea Foss Waterway Design Guidelines*, and

WHEREAS 41 citizens spoke at the public hearing and 52 written comments were submitted by the close of the comment period on June 10, 2011, and after review of said testimony and comments, the Commission made modifications to the draft *Thea Foss Waterway Design Guidelines*, and

WHEREAS the *Thea Foss Waterway Design Guidelines* were developed under the direction of the Commission, and establish design guidelines and
procedures applicable to the S-8 Thea Foss Waterway Shoreline District to help implement the TSMP's vision for the Foss Waterway, and

WHEREAS the *Thea Foss Waterway Design and Development Plan* shall be rescinded as an element of the Shoreline Master Program; however, it shall be retained as an element of the Comprehensive Plan and shall remain in effect except when there is a conflict with the TSMP or Thea Foss Waterway Design Guidelines, in which case the TSMP or Thea Foss Waterway Design Guidelines shall prevail, and

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

WHEREAS, the proposed amendments have been designed to maximize the public's opportunity to enjoy the physical and aesthetic qualities of the shoreline to the greatest extent feasible, and

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

Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to adopt, in association with the adoption of the Tacoma Shoreline Master Program, the Thea Foss Waterway Design Guidelines, said document to be substantially in
the form of the proposed implementation document on file in the office of the City Clerk.

Section 2. That the proper officers of the City are hereby authorized to submit the Thea Foss Waterway Design Guidelines to the State of Washington Department of Ecology by December 1, 2011.

Passed ___NOV 29 2011___

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney