



**TO:** Rey Arellano, Interim City Manager

**FROM:** Ryan Petty, Director  
Community and Economic Development Department

**SUBJECT:** Shoreline Master Program Update

**DATE:** November 9, 2011

On Tuesday's agenda is an ordinance to adopt the Shoreline Master Program (SMP). The City Council held a public hearing on September 27<sup>th</sup> on the draft proposal. Since that time, the Environment and Public Works and Economic Development Committees have been meeting jointly to review public comments and consider possible modifications. Based on the Council Committee discussions several modifications to the SMP, recommended by the Planning Commission have been identified. These changes have been incorporated into the adopting ordinance. Attached are excerpted pages from the draft SMP which show in a tracked changes format the proposed modifications. In addition, staff has been asked to prepare further revisions to emphasize the protection of the economic viability of industrial uses located east of East D Street and south of the Murray Morgan Bridge. Below is a brief summary of the proposed modifications that are shown in the attachment.

1. **Non-conforming Uses and Structures**  
The proposed modifications allow a non-conforming structure to rebuild if the structure is damaged or destroyed by fire, flood, explosion, or other natural disaster.
2. **Public Access General Requirements**  
Several revisions are proposed to add clarity on when public access will be required for uses that are non-water dependent or non-water oriented. In addition, text is being added to more clearly state that public access is not required for single-family development.
3. **Public Access District Requirements**  
The standards in the S-7 Schuster Parkway shoreline district which describe how public access (when it is required) will be provided have been removed. Future development in the S-7 district will still be subject to the general public access requirements and, when required, should implement priority projects identified in the Public Access Alternatives Plan.
4. **Port, Terminal and Industrial Uses**  
The use category has been revised to remove 'terminal' from the title and to replace it with a subcategory line item for 'cargo terminal' in Table 9-2. In addition, lay-berthing has been added as a specific subcategory of Port Industrial Uses and the applicability of the use category has been revised to specify that lay-berth facilities and terminal facilities associated with port or industrial activities are to be considered port/industrial uses.

5. **Residential Uses**  
Residential use standards are revised to specify that single-family residential development of four or fewer units is not required to provide public access. Other revisions will more closely align the residential standards with the Department of Ecology guidelines to achieve no net loss of ecological functions.
6. **Moorage Facilities**  
Modifications to this section clarify that the standards apply to piers, wharves, docks and floats even when those structures are not used for moorage but for some other activity, such as a public fishing pier. Additionally, mooring buoys will be permitted only in association with recreation, residential development or a marina and in some districts may be used for port/industrial or other commercial activity. An additional modification will require that as part of the permit submittal for a mooring facility, the applicant will need to provide a description of the intended use of the mooring facility to determine whether the use is permitted in the shoreline district.
7. **In-Water Uses**  
Clarifications were made for the S-13 Shoreline District Marine Waters of the State to address consistency between in-water uses and upland shoreline districts. The boundary description is revised to bring it into consistency with the S-13 district boundary map.
8. **S-15 Port Ruston**  
The intent language was modified to recognize the priority given to the protection of the site-wide superfund cleanup.
9. **Definitions**  
New definitions were added for 'lay-berth', 'cargo terminal', 'log booming' and 'log storage'. Also the definitions for 'terminal' 'mixed-use project' and 'mixed-use facility' were revised.

The Shoreline Master Program update includes five supporting documents that are not included in the ordinance. These documents will be adopted by resolution and will be on the City Council agenda on November 22, 2011. If you or any of the Council members have a question on any of the proposed modifications, they may contact Steve Atkinson, Associate Planner, at 591-5531 or [satkinson@cityoftacoma.org](mailto:satkinson@cityoftacoma.org)

RP:ds

Attachment

This change adds a permit application requirement for proposed moorage facilities.

#### 2.4.4 Moorage Facilities

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

#### 2.4.5 Major Utilities

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

#### 2.4.6 Archaeological, Cultural and Historic Resources

##### A. Known Archaeological, Cultural and Historic Resources

1. Applications for a shoreline permit shall identify whether the property is within 500 feet of a site known to contain an historic, cultural or archaeological resource(s). Records of known sites are restricted. Consultation with Washington Department of Archaeology and Historic Preservation or a certified archaeologist will be required. If the property is determined to be within 500 feet of a site known to contain an historic, cultural, or archaeological resources, the City shall require a cultural resource site assessment; provided that, the provisions of this section may be waived if the Land Use Administrator determines that the proposed development activities do not include any ground disturbing activities and will not impact a known historic, cultural or archaeological site. The site assessment shall be conducted in

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

B. Nonconforming Structures

These edits remove the 75% threshold and allow nonconforming uses and structures to be rebuilt

- 1. Nonconforming structures include shoreline structures which were lawfully constructed or placed prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present bulk, height, dimensional, setback, or density requirements. A legally nonconforming structure may be maintained as follows:

- a. If a nonconforming structure or development is damaged by fire, flood, explosion, or other natural disaster ~~and the damage is less than seventy five percent (75%) of the replacement cost of the structure or development~~, it may be restored or reconstructed to those configurations existing at the time of such damage, provided:
  - i. The rebuilt structure shall not expand the footprint or height of the damaged structure;
  - ii. No degree of relocation shall occur, except to increase conformity or to increase ecological function, in which case the structure shall be located in the least environmentally damaging location possible;
  - iii. The submittal of applications for permits necessary to restore the development is begun within eighteen (18) months of the damage. The Land Use Administrator may waive this requirement in situations with extenuating circumstances; and
  - iv. The reconstruction is commenced within one (1) year of the issuance of permits. The Land Use Administrator may allow a one (1) year extension.

~~b. Except where otherwise specified in this Program, if a non-conforming structure or development is damaged by fire, flood, explosions, or other natural disaster and the damage exceeds seventy five percent (75%) of the replacement cost of the original structure or development, all reconstructed or restored structures shall conform to the provisions of this Program and all applicable City codes. Where the strict application of this provision may result in a 'taking' the Administrator may permit the restoration or reconstruction of the structure to those configurations existing at the time of such damage through a shoreline variance.~~

~~e.b. A nonconforming building or structure may be repaired and maintained as provided in and as limited by this section. The maintenance of such building or structure shall not extend the nonconformity of such building or structure; provided that necessary alterations may be made as required by other law or ordinances. The maintenance of such building or structure shall include only necessary repairs and incidental alterations, which alterations, however, shall not extend the noneonformity of such building or structure; provided that necessary alterations may be made as required by other law or ordinance.~~

~~d.c. Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming structure; provided that the cost of the desired improvement or repair does not exceed one-half of the replacement cost of the nonconforming~~

Edits to public access provisions to distinguish between specific kinds of private developments

- a. The use or development is a project is publicly funded or on public lands project.
- b. The project is a water-enjoyment or non-water-oriented use or development.
- c. The project is a private water-dependent or water-related use or development and one of the following conditions exists: ~~Where any of the following conditions exist:~~
  - i. The project increases or creates demand for public access;
  - ii. The project impacts or interferes with existing access by blocking access or discouraging use of existing access;
  - iii. The project impacts or interferes with public use of waters subject to the Public Trust Doctrine; or
  - ~~iv. The project is a non-water dependent use, or a non-preferred use under the SMA;~~
- 2. The City bears the burden of demonstrating that a proposed use or development meets any of the preceding conditions.
- 3. If public access is required pursuant to TSMP Ssection 6.5.25(B)(1)(cb), the City shall impose permit conditions requiring public access that is roughly proportional to the impacts caused by the proposed use or development. The City bears the burden of demonstrating that any public access required pursuant to TSMP Ssection 6.5.25(B)(1)(cb) is roughly proportional to the impacts caused by the proposed use or development.
- 4. When public access is required pursuant to TSMP Section 6.5.25(B)(1)(cb), the Land Use Administrator shall make specific findings that the use or development satisfies any of the conditions in TSMP Section 6.5.25(B)(1)(cb) and that the permit conditions requiring public access are roughly proportional to the impacts caused by the proposed use or development.
- 5. Public access to the shoreline shall not be required of the following:
  - a. Activities qualifying for a shoreline exemption, per TSMP Section 2.3; or
  - b. New single family residential development of four (4) or fewer units.
- ~~5. Pedestrian access shall be required along new and reconstructed dikes, jetties, and groins, except where the access meets the test in TSMP 6.5.5(C)(2).~~

This edits specifically excepts single family residential and exempt activities from public access requirements

C. Access Preferences and Alternatives

- 1. When required, onsite, physical access is preferred consistent with the standards of this Chapter and consistent with the planned public access system identified in the Public Access Alternatives Plan, except in S-10 as provided in 6.5.2(D)(5).
- 2. Required public access shall be commensurate with the scale and intensity of the proposed use or development.
- 3. Public agencies may rely on their own master plans that incorporate public access planning in-lieu of providing public access on a permit by permit basis for development identified in



the master plan, provided that the agency's public access planning satisfies the following requirements: a) the City of Tacoma must first approve and adopt the master plan including City review for consistency with the requirements of this Program and WAC 173-27-221(4); b) the planned public access shall be commensurate with the agency's projected development plans for a time period to be established as part of the agency's master plan; c) the agency's adoption of its plan must provide public participation consistent with RCW 90.58.130 and WAC 173-26-201(3)(b)(i); and d) the plan shall include a timeline for implementation, a maintenance plan, and a schedule for reporting and monitoring to ensure ongoing compliance with the requirements of this Program.

4. New water-enjoyment or non-water-oriented uses and development that front on the shoreline and are required to provide public access subject to TSMP 6.5.2(B)(1) shall provide continuous public access between the use and the water's edge. Improvements should be consistent with the district-specific standards in TSMP 6.5.2(D), where applicable.
5. New uses and developments within the shoreline that do not have shoreline frontage but are required to provide access according to TSMP 6.5.2(B)(1) shall consider view improvements, trail linkages or access corridors through or from their sites and connecting to an adjacent public access way.
6. The Administrator may approve alternatives to on-site, physical access to the shoreline if the applicant can demonstrate with substantial and credible evidence that one or more of the following conditions exist:
  - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
  - b. The configuration of existing parcels and structures, block potential access areas in such a way that cannot be reasonably remedied by the proposed development;
  - c. Public access will jeopardize inherent security requirements of the proposed development or use and the impacts on security cannot be satisfied through the application of alternative design features or other solutions;
  - d. The cost of providing on-site access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
  - e. Environmental impacts that cannot be mitigated, such as damage to spawning areas or nesting areas, will result from the public access; or
  - f. Public access is infeasible due to incompatible adjacent uses where the incompatibility cannot be mitigated.
  - g. If the required pursuant to 6.5.2(B)(1) band access consistent with these standards is access is disproportionate to the impact of the use or development, the Land Use Administrator may consider alternative on-site access, including a reduced minimum average width, or different types of access, such as a viewing platform.
7. Prior to approving alternatives to on-site physical access due to one or more of the conditions listed in 6.5.2(C)(26) the land use administrator should first consider on-site

access alternatives such as limiting hours to daylight use, or alternative site configurations or incorporating design elements, such as fences, terraces, hedges, and/or other landscaping to separate uses and activities cannot be accommodated.

8. Projects which meet the criteria in TSMP 6.5.2(C)(~~62~~) must construct off-site public access improvements of comparable function and value to the public access that would otherwise be required on-site or contribute funds of equivalent value to a locally established public access fund that will be used for developing or enhancing system capacity.
9. When off-site public access is required, including contributions to an established public access fund, preference will be given to projects that further implement the continuous access system between the Foss Waterway and Point Defiance and projects listed in the Public Access Alternatives Plan for this shoreline area.
10. Required public access may include the preservation of shoreline views consistent with Section 6.7, the establishment of public access easements to and along the shoreline, enhancement of an adjacent street-end or park or other public access features commensurate with the degree of impact caused by the development.
11. Where a project is located within an area covered by an adopted public access plan, including the Open Space Habitat and Recreation Plan, the Public Access Alternatives Plan, Mobility Master Plan, or any other adopted public access plan, public access improvements shall be generally consistent with the adopted plan. However, the City may approve an alternative proposed by the Applicant that meets the goals, objectives, and policies in this Program.
12. A project applicant may participate in “advance mitigation” by providing public access improvements prior to the time a project is constructed.
13. In the "S-10" Port Industrial Area Shoreline District, when new uses or development are required to provide public access, the access may be provided on-site or off-site or via a public access fund contribution and shall not be subject to the on-site preference or waiver criteria in 6.5.2(B)(1).

#### D. District-Specific Standards

1. As a result of past sub-area planning efforts, including the Ruston Way Plan (1981) and the Thea Foss Waterway Design and Development Plan (1992), the following shoreline districts have specific area-wide public access standards as a condition for new use and development.
- ~~3.2.~~ If the ~~preferred-required~~ access identified for the shoreline districts in this section is determined to be disproportionate to the ~~scale or intensity~~ ~~impact~~ of the use or development, the Land Use Administrator shall consider alternative on-site access, including a reduced minimum average width, or different types of access, such as a viewing platform or ~~beach-direct water~~ access- prior to allowing off-site mitigation.
- ~~4.3.~~ “S-15” Point Ruston/Slag Peninsula Shoreline District and “S-6” Ruston Way Shoreline Districts

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

~~3. “S-7” Schuster Parkway Shoreline District~~

- ~~a. All new development that fronts on the shoreline shall provide a continuous public access walkway along the entire site’s shoreline, improved to a minimum average width of 15 feet and ADA accessible.~~
- ~~b. When public access cannot be provided on site, off site improvements shall be accomplished that helps to implement one of the following:~~
  - ~~i. Completion of the multi-modal Schuster Parkway Trail Access Alternatives Plan, including site amenities;~~
  - ~~ii. Completion of the Bayside Trail, including site amenities;~~
  - ~~iii. Improving connections between Schuster Parkway and the Bayside Trail or Schuster Parkway and Stadium Way;~~

This edit removes specific preferences for the S-7 Schuster Parkway Shoreline and instead relies on the general public access requirements for uses located in the S-7 District as well as priority projects identified in the Public Access Alternatives Plan

~~4. Provide access to the shoreline via flyovers or pedestrian bridges to permit viewing of industrial properties and Commencement Bay. “S-8” Thea Foss Waterway Shoreline District~~

- a. On the west side of the Thea Foss Waterway, new development shall provide a continuous, unobstructed, publicly accessible esplanade or boardwalk fronting on the shoreline edge where the minimum improved surface shall be 20 feet wide. Connections between Dock Street and the esplanade or boardwalk shall be provided through designated public access/view corridors, and possibly additional public access corridors.
- b. On the east side of the Thea Foss Waterway, new development located to the south of, and including, the East 11<sup>th</sup> Street right of way, shall provide a continuous, unobstructed, publicly accessible walkway or boardwalk fronting on the shoreline edge where the improved surface shall be a minimum of 15 feet wide. Connections between the walkway and East D Street shall be provided through public access/view corridors as required in TSMP 6.5.2.
- c. A public access/view corridor from the street right-of-way to the public esplanade, walkway or boardwalk shall be provided for each development, and shall be a minimum of 10 feet wide and ADA accessible. The required pedestrian circulation link shall be located within the required side yard/view corridor and be counted toward said side yard/view corridor requirement. Provision shall be made to provide access from the parking lot to the main building entrance.



- d. On both the west and east sides of the Thea Foss Waterway, site amenities, such as benches, lights, and landscaping, as well as surfacing materials shall be included as part of the esplanade, walkway or boardwalk construction consistent with the Thea Foss Waterway Design Guidelines.
- e. On the western side of the Thea Foss Waterway, new permanent buildings are not permitted in any designated waterfront esplanade, boardwalk, or public access/view corridor unless otherwise specified, except that pedestrian bridges connecting development site buildings, weather protection features, public art or structures provided primarily as public access or a public amenity such as viewing towers, decks, and public restrooms may be located in or over these areas.

~~5. "S-10" Port Industrial Area~~

This provision was moved to the preferences section

~~a. When new water-oriented uses or development are required to provide public access, the access may be provided on-site or off-site or via a public access fund contribution and shall not be subject to the on-site preference or waiver criteria in 6.5.2(B)(1).~~

E. Design

1. When public access is provided it shall be designed and located to achieve no net loss of existing shoreline ecological functions.
2. New public access shall be sited and appropriately designed to avoid causing detrimental impacts to the operations of existing water-dependent and water-related uses.
3. Public access shall be provided on the waterward side of the proposed development or use or, where safety or security considerations prevent access in close proximity to the water, the access shall be provided as close to the shoreline edge as is practicable.
4. Water-enjoyment uses and non-water-oriented uses that front on the shoreline shall provide a continuous public access walkway between the use and the shoreline edge.
5. Public access improvements shall be designed to minimize impacts to critical areas, ecological functions, and ecosystem-wide processes. A biological assessment or a habitat management plan consistent with TSMP ~~section~~Section 6.4 may be required for public access developments in shoreline jurisdiction. The City may require that buffers be increased based upon the results of that assessment. Full mitigation of impacts shall be required.
6. In instances where public access is proposed in conjunction with a restoration or environmental mitigation project that includes work within a critical area or its buffer, the public access element may be provided within a critical area or its buffer provided it is the minimum necessary to provide an access function appropriate to the site and is consistent with applicable requirements in this Program. The design and location of said access feature shall not compromise the ability of the restoration project's ability to achieve its intended objectives.
7. Public access sites shall be connected directly to adjacent public streets and trails.

- f. That the proposed development will be designed to have a minimum adverse impact on the natural environment of the site, and shall fully mitigate for any adverse impact.
- 4. New non-water-oriented commercial uses or development are prohibited unless they meet one of the following tests and as a conditional use unless otherwise specified:
  - a. The use is part of a mixed-use project or facility that supports water-oriented uses and provides a significant public benefit with respect to the public access and restoration goals of this Program.
  - b. Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the public access and restoration goals of this Program.
  - c. The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way, or existing use, and provides a significant public benefit with respect to the public access and restoration goals of this Program. For the purposes of this Program, public access trails and facilities do not constitute a separation.
- 5. An applicant for a non-water-oriented commercial use shall demonstrate ecological restoration is undertaken to the greatest extent feasible.
- 6. Non-water-dependent commercial uses shall avoid impacts to existing navigation, recreation, and public access.
- 7. Non-water-dependent commercial uses are prohibited over water except for water-related and water-enjoyment commercial uses in an existing structures, and where necessary to support a water-dependent use.
- 8. Artisan/craftsperson uses must demonstrate that the use is compatible with surrounding uses and protection of public safety. Further, the site must be consistent with public access components as specified for water-enjoyment uses.
- 9. Outdoor uses are encouraged, including mobile vendors and uses associated with permitted indoor uses such as a restaurant or cafe. Outdoor uses shall not obstruct public accessways or access to public recreation facilities.

B. "S-8" Thea Foss Shoreline District

- 1. Mobile vendors shall not be permitted in the Dock Street and East D Street rights-of-way.

**7.6 Port, ~~Terminal and~~ Industrial Use**

'Terminal' was deleted from use category name but added as a line item in the use table

The past geologic development of the Puget Sound Basin has created one of the few areas in the world which provides several deepwater inland harbors. The use of Puget Sound waters by deep-draft vessels is increasing due in part to its proximity to the Pacific Rim countries. This increased trade will attract more industry and more people which will put more pressure on the Sound in the forms of recreation and the requirements for increased food supply.

The Port of Tacoma is a major center for waterborne traffic and as such has become a gravitational point for industrial and manufacturing firms. Heavy industry may not specifically require a shoreline location, but is attracted to the port because of the variety of transportation modes available.

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

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

Some port, ~~terminal~~ and industrial developments are often associated with a number of uses and modifications that are identified separately in this Master Program (e.g., parking, dredging). Each use activity and every type of shoreline modification Lay-berth facilities specifically defined as a port/ industrial use must comply with all applicable sections.

For the purposes of determining to which uses and activities this classification applies, the use of moorage facilities, such as a wharf or pier, for the layberthing, or lay-by berthing of cargo, container, military, or other oceangoing vessels shall be permitted only where port and industrial uses are allowed. This use category shall likewise apply to facilities that handle the loading and unloading of cargo and materials associated with port and/or industrial uses. Facilities for the loading and unloading of passengers associated with passenger vessels, such as ferries, cruise ships, and water taxi's shall be classified as a transportation facility or commercial activity as applicable.

Port ~~and terminal and~~ industrial facilities are intensive and have the potential to negatively impact the shoreline environment. When impacts cannot be avoided, they must be mitigated to assure no net loss of the ecological function necessary to sustain shoreline resources.

## 7.6.1 Policies

### A. General Policies

1. Because of the great natural deep water potential of Commencement Bay, new deep water terminal and port-related industrial development is encouraged.
2. Because of the exceptional value of Puget Sound shorelines for residential, recreational, resource and other economic elements requiring clean water, deep water terminal expansion should not include oil super tanker transfer or super tanker storage facilities.
3. Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources for all water-related and -dependent port and industrial uses consistent with all relevant constitutional and other legal limitations on the regulation of private property per TSMP 6.5, Public Access.
4. Expansion or redevelopment of water-dependent port and industrial facilities and areas should be encouraged, provided it results in no net loss of shoreline functions.
5. Port and industrial uses and related redevelopment projects are encouraged to locate where environmental cleanup can be accomplished.
6. The preferred location for future non-water-dependent industry is in industrial areas away from the shoreline.

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

B. “S-2” Western Slope Central Shoreline District

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

C. “S-4” Point Defiance Shoreline District

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

## 7.8 Residential Development

Residential development refers to one or more buildings, structures, lots, parcels, or portions of parcels that are used or intended to be used to provide a dwelling for human beings. Residential development includes single-family residences, duplexes, other detached dwellings, multifamily residences, apartments, townhouses, mobile home parks, group housing, condominiums, subdivisions, planned unit developments, and short subdivisions. Residential development also includes accessory uses and structures such as garages, sheds, tennis courts, swimming pools, driveways, parking areas, fences, cabanas, and saunas, but not guest cottages. Residential development does not include hotels, motels, or camping facilities. Bed and Breakfast establishments proposed within a shoreline district are required to meet the policies and regulations for both Residential and Commercial use.

Uses and facilities associated with residential development, which are identified as separate use activities or modifications in this Master Program, such as clearing, grading and fill, are subject to the regulations established for those uses in addition to this section.

### 7.8.1 Policies

A. General Policies

Minor edit to move and rephrase that all residential development is subject to no net loss requirements

1. Residential development should result in no net loss of ecological function.

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

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

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

4. In cases where either large tracts are subdivided into single-family residential parcels or where contiguous individual building sites are developed for single-family residences, community access areas and one joint-use dock should be developed for the use of residents of the subject subdivision.

2. Single family residences shall ~~only be considered a priority use~~ ~~be permitted only~~ when developed in a manner consistent with control of pollution and with prevention of damage to the natural environment.
3. Residential development over water, including garages, accessory buildings, houseboats, and floating homes, are prohibited.
4. Mobile homes shall not be permitted within the shoreline.
5. New multifamily residential uses and development is prohibited unless they meet one of the following criteria:
  - a. The use is part of a mixed-use project or facility that supports water-oriented uses and provides a significant public benefit with respect to the public access and restoration goals of this Program;
  - b. Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the public access and restoration goals of this Program;
  - c. The use is within the shoreline jurisdiction but physically separated from the shoreline by a separate property, public right-of-way, or existing use, and provides a significant public benefit with respect to the public access and restoration goals of this Program. For the purposes of this Program, public access trails and facilities do not constitute a separation.
6. Residential uses shall not be permitted on the ground floor of mixed-use structures.
7. Outdoor parking areas shall be located on the street/landward side of residential units.
8. Public access to and from the water's edge shall be included in ~~multi-family residential developments and the subdivision of land into more than four parcels.~~ ~~multiple family developments of four or more dwelling units.~~
9. Residential development shall be designed, located, and developed to meet future stabilization. Edit clarifies when residential development is subject to public access requirements or
10. Sewage disposal, water supply and storm drainage facilities shall be provided in full compliance with TMC 12.08.
11. New (subdivided) lots shall be designed, configured, and developed to:
  - a. Prevent the loss of ecological functions at full build-out of all lots; and
  - b. Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions. This statement no longer necessary with changes to the nonconforming use provisions

B. "S-3" Western Slope North Shoreline District

~~1. Due to the historic nature of the Salmon Beach residential community, any residential structure existing at the time of the adoption of this Program may be rebuilt in accordance with the Non-Conforming Use and Development regulations in 2.5.~~



7. Restoration projects shall be designed such that there are no adverse impacts on ecological resources or functions within the same watershed or sub-drainage.
8. Restoration projects shall include a maintenance and monitoring plan, as well as a contingency plan in the event that said project does not achieve its intended objective. The maintenance and monitoring plan shall be consistent with the requirements in 6.4.2, but does not require a bond.

## 8.6 Moorage Facilities

Moorage facilities refer to piers, wharves, docks, floats, mooring buoys and other structures (either fixed or floating), to which vessels may be secured.- [Where piers, wharves, docks, and floats are proposed for purposes other than moorage, for example a fishing pier, the structure shall be subject to the policies and standards of this section, where applicable](#)

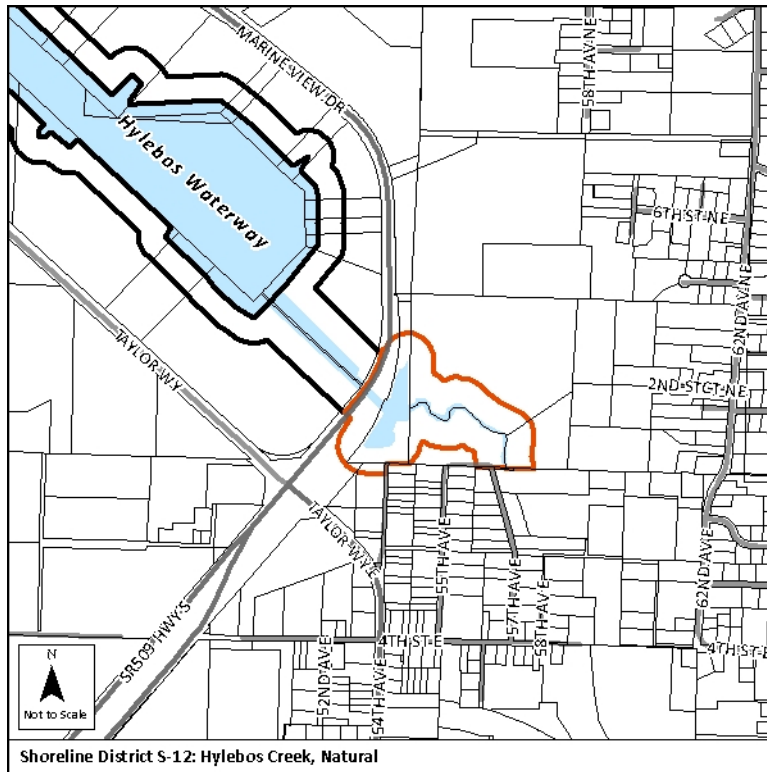
This edit clarifies the applicability of the policies and regulations of this section.

### 8.6.1 Policies

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

- B. District Boundary Description. The S-12 Shoreline District boundary includes both the in-water portion of the stream and the areas upland within 200' of the OHWM from SR 509 landward to the City limit.
- C. Map of District. Refer to Figure 9-13 below for a map of the “S-12” Hylebos Creek Shoreline District boundaries:

**Figure 9-13. Hylebos Creek**



- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. District-Specific Development Standards. Developments in the “S-12” Hylebos Creek Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Program.

### 9.14 S-13 Marine Waters of the State (A)

- A. The intent of the “S-13” Marine Waters of the State Shoreline District is to maintain these water bodies for the use by the public for navigation, commerce and recreation purposes and to manage in-water structures in a consistent manner throughout the City’s shorelines.
- B. District Boundary Description. The S-13 Shoreline District boundary includes all marine waters waterward from below the ordinary high water mark to, ~~waterward to the Outer Harbor Line of Commencement Bay and the Tacoma Narrows, or the Federal Pierhead Line in areas where the Outer Harbor Line is nonexistent, and~~ the seaward City limit common to the City of Tacoma and Pierce County, except that area lying within the Town limits of the Town of Ruston. S-13 also includes the portion of the Puyallup River waterward of the OHWM and downstream of 11<sup>th</sup> Street.

C. Map of District. Refer to Figure 9-14 below for a map of the “S-13” Marine Waters of the State Shoreline District boundaries:

Figure 9-14. Marine Waters of the State



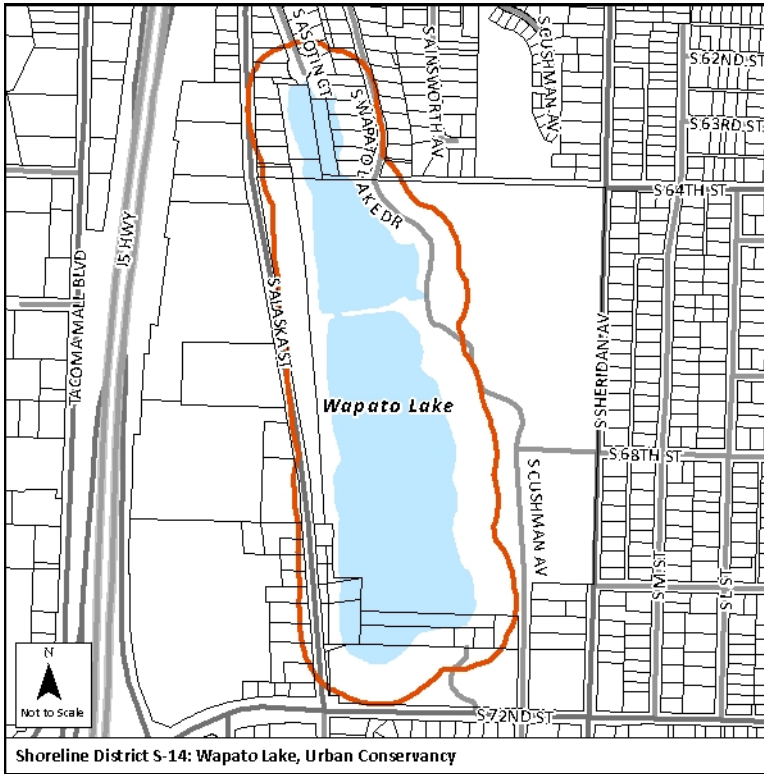
D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit. Permitted uses and activities are also subject to the district-specific regulations listed below:

1. The following regulations shall apply to overwater uses and development within the “S-13” Shoreline District:

This edit clarifies the relationship of in-water uses to upland shoreline zoning.

- a. 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 also permitted consistent with the permitted uses in the upland Shoreline District. In determining whether an in-water use or development is associated with an upland shoreline district, those uses or development occurring between ordinary high water mark and the Outer Harbor Line shall be considered ‘associated’ with the upland zoning. Uses or development occurring entirely beyond the outer harbor line shall be permitted in accordance with the provisions of the S-13 Shoreline District. The in-water use or development will be considered ‘associated’ with whichever upland Shoreline District is closest or that district with which the use or development has a direct physical connection. Where two or more shoreline districts are equidistant from a proposed use or development that does not have a physical upland connection, the more restrictive zone shall apply. ~~which upland shoreline district the use or development is associated with, the regulations shall apply from the closest shoreline district or that district with which the use or development has a physical connection. Where two or more shoreline districts are equidistant from the proposed use or development, the more restrictive standards shall apply.~~

**Figure 9-15. Wapato Lake**



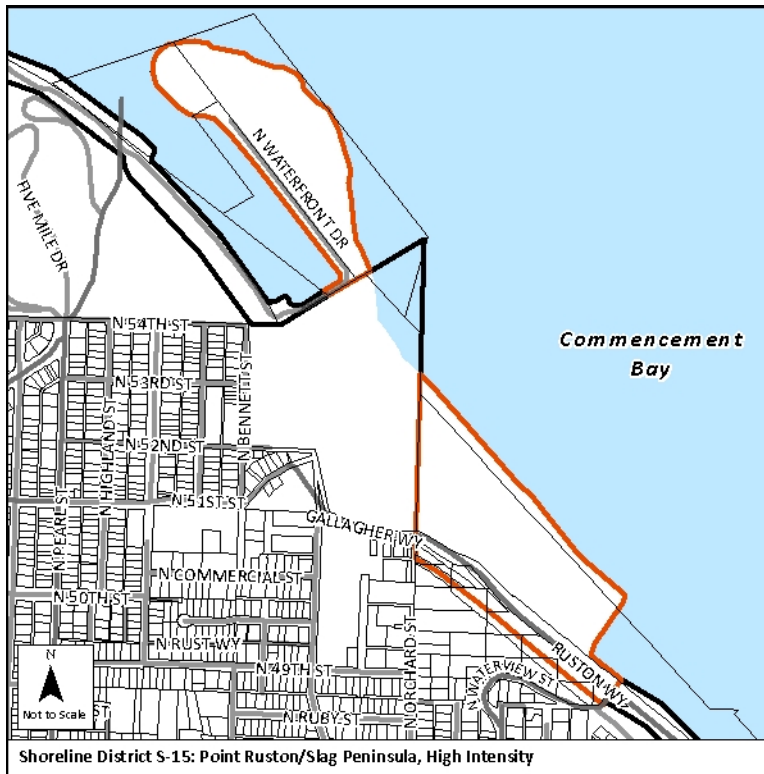
- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. District-Specific Development Standards. Developments in the “S-14” Wapato Lake Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Chapter.

**9.16 S-15 Point Ruston / Slag Peninsula (HI)**

This edit recognizes the protection of the Superfund cap as a priority for the district.

- A. The intent of the “S-15” Point Ruston / Slag Peninsula Shoreline District is to establish continuous public access along the shoreline that will take full advantage of the unique shoreline location and views of Puget Sound and Commencement Bay while integrating high intensity upland development that includes mixed-use residential and commercial structures and protecting the integrity of the site wide cap Superfund remedy consistent with EPA directives.
- B. District Boundary Description. The S-15 Shoreline District extends from N Waterfront Drive at the midpoint between the west and east bank of the Tacoma Yacht Club Boat Basin Tacoma Yacht Club gate southeast to the centerline of N 49th Street, including the entirety of Slag Peninsula and excluding that area within the jurisdiction of the Town of Ruston. The upland boundary shall extend from the ordinary high water mark to the BNSF railroad.
- C. Map of District. Refer to Figure 9-16 below for a map of the “S-15” Point Ruston / Slag Peninsula Shoreline District boundaries:

**Figure 9-16. Point Ruston/Slag Peninsula**



- D. District-Specific Use Regulations. Table 9-2 lists permitted uses, prohibited uses and uses permitted through issuance of a shoreline conditional use permit.
- E. District-Specific Development Standards. Developments in the “S-15” Point Ruston / Slag Peninsula Shoreline District shall comply with the development standards included in Table 9-2 and the general regulations included in this Chapter.



Table 9-2. Shoreline Use and Development Standards

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE																
District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Marine Waters of the State	Wapato Lake	Point Ruston / Slag Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
<b>Shoreline Uses</b>																
<b>Agriculture</b>																
Agriculture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>Aquaculture</b>																
Aquaculture, general	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>Artwork</b>																
Artwork	P	P	P	P	P	P	P	P	P	P	P	P	P	CU	P	P
<b>Boating Facilities</b>																
Marinas	P	N	N	N	N	P	N	P	P	N	P	P	N	P/CU <sup>1</sup>	N	P
Launch Ramps and Lifts	P	N	CU	N	N	P	N	N	P <sup>2</sup>	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
<b>Commercial Development</b>																
Water-dependent	P	N	P	N	N	P <sup>5</sup>	P	P	P	P	P	P	N	P	N	P
Water-related	P	N	P	N	N	P <sup>5</sup>	P	P	P	P	N	P	N	N/P <sup>3</sup>	N	P
Water-enjoyment	P	P	P	N	N	P <sup>5</sup>	P	P	P	P	N	P	N	N/P <sup>3</sup>	N	P
Non Water-oriented <sup>4</sup>	CU <sup>4</sup>	N	N	N	N	CU <sup>5</sup>	CU <sup>4</sup>	CU	CU <sup>6</sup>	CU/P <sup>4</sup>	CU <sup>4</sup>	CU <sup>4</sup>	N	N/P	N	P/CU <sup>7</sup>
<b>Educational, Cultural and Scientific</b>																
Educational, Cultural and Scientific	P	CU	P	P	P	P	P	P	P	P	P	P	P	P/N <sup>8</sup>	P	P
<b>Forest Practices</b>																
Forest Practices			N	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>Port, Terminal, and Industrial Development</b>																
Water-dependent			N	N	N	N	N	P	P <sup>10</sup>	P	P	N <sup>23</sup>	N	P	N	N
Water-related			N	N	N	N	N	P	P <sup>10</sup>	P	P	N	N	N	N	N
Non water-oriented <sup>11</sup>			N	N	N	N	N	N	CU	CU	CU	N	N	N	N	N
<u>Cargo Terminal</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P<sup>10</sup></u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Log Rafting and Storage	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N
<u>Lay Berthing</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P<sup>10</sup></u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<b>Mining</b>																
Mining	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>Parking</b>																
Associated with an Approved Use	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P	P
As a Primary Use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>Recreational Development</b>																
Water-oriented (including public and private facilities and off-street bicycle and pedestrian paths and trails)	P	P	P	P	P	P	P	P	P	P	P	P	P	CU	P	P
Non-Water oriented	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>Residential Development</b>																
Single-family <sup>12</sup>	N	P	P	P	N	N	N	N	N	N	N	P <sup>13</sup>	N	N	P	N <sup>14</sup>
Multifamily – stand alone	N/CU <sup>15</sup>	N	N	N	N	N	N	N	N	N/CU <sup>16</sup>	N	N/CU <sup>13,15</sup>	N	N	N	P <sup>17</sup> /CU <sup>18</sup>
Multifamily as part of a mix-use development	P	N	N	N	N	N	N	N	N	P <sup>16</sup>	N	P <sup>13</sup>	N	N	N	P <sup>17</sup>

These edits add specificity for permitting certain types of port/industrial uses

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE

District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Marine Waters of the State	Wapato Lake	Point Ruston / Slag Pen.
<b>Shoreline Designation</b>	HI	SR	UC	N	N	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
Home Occupation	P	P	P	P	N	N	N	N	P	N	N	P <sup>13</sup>	N	N	N	P
<b>Signs</b>																
Interpretive/Educational	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	N	CU	P	P
<b>Solid Waste Disposal</b>																
Solid Waste Disposal	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	N	N
<b>Transportation</b>																
New SOV-oriented Facilities	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	N	N	N	P	P
New Railways	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N
Expansion of Existing Facilities	P	CU	P	P	N	P	P	P	CU	P	P	P	CU	CU	P	P
<a href="#">Passenger only terminals for water based transportation</a> <a href="#">Passenger only ferry and water taxi related Facilities</a>	CU	N	CU	N	N	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
Helicopter landing pads				N	N	N	N	N	N	N	CU	N	N	N	N	N/CU <sup>19</sup>
Seaplane Floats				N	N	N	CU	N	P	N	P	CU	N	P	N	N
Non-motorized facilities, new (street)				P	P	P	P	P	P	P	P	P	P	P	P	P
<b>Utilities<sup>20</sup></b>																
Major	P	P	P	N	N	P	P	P	P	P	P	P	N	CU	P	P
Minor	P	P	P	N	N	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	CU	P	P
Wireless Communications Facility	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
<b>Shoreline Modification<sup>21</sup></b>																
<b>Shoreline Stabilization</b>																
For water-dependent uses <sup>22</sup>	P	P	P	P	N	P	P	P	P	P	P	P	P	P	P	P
For Non-water-dependent uses	CU	CU	CU	CU	N	CU	CU	CU	CU	CU	CU	CU	N	CU	CU	CU
<b>Breakwaters, Jetties, Groins and Weirs</b>																
Associated with marinas and boating facilities	CU	N	N	N	N	CU	N	N	CU	N	CU	CU	N	CU	N	CU
For shoreline erosion control	CU	N	N	N	N	CU	N	N	CU	N	CU	CU	N	CU	N	N
For Navigational purposes	CU	N	CU	N	N	CU	N	N	CU	N	CU	CU	N	CU	N	N
As part of Ecological Restoration and Enhancement	P	N	P	P	N	P	P	P	P	P	P	P	P	P	N	P
<b>Dredging and Dredge Material Disposal</b>																
Non-maintenance dredging	CU	N	N	N	N	N	CU	N	CU	CU	PCU	CU	N	CU	N	CU
Maintenance dredging	P	N	N	N	N	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
<b>Fill and Excavation</b>																
Fill and Excavation, Below OHWM	CU	CU	N	N	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
Above OHWM	P	P	P	N	P	P	P	CU	P	CU	P	CU	CU	N/A	N	P
<b>Flood Control Works and In-stream Structures</b>																
Ecological Restoration / Enhancement / Mitigation																
Ecological Restoration / Enhancement / Mitigation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

This edit broadens the use category but does not change where the activities would be permitted.

**GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE**

District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway	Thea Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylebos Creek	Marine Waters of the State	Wapato Lake	Point Ruston / Slag Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
<b>Mooring Facilities<sup>23</sup></b>																
Piers, Wharves, Docks and Floats																
Associated with Residential Uses	N	P	P	P	N	N	N	N	N	N	N	N	N	P	N	N
Associated Public Access Uses	P	P	P	P	N	P	P	P	P	N	P	P	N	P	P	P
Associated with Water Dependent Uses	P	N	P	P	N	P	P	P	P	N	P	P	N	P	N	N
Mooring Buoy <sup>24</sup>	P	P	P	P	P	P	P	P	N	N	P	P	N	P	N	P
Mooring Buoy Field	P	N	N	N	N	P	CU	P	N	N	P	P	N	CU	N	P
Navigational Aids	P	P	P	P	P	P	P	P	P	N	P	P	N	P	N	P
Covered Moorages/Boat Houses <sup>25</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>General Minimum Development Standards</b>																
Marine Shoreline Buffers, per TSMP Chapter 6 <sup>25a</sup>	50 ft. from OHWM	50 ft. from OHWM	115 ft. from OHWM	200 ft. from OHWM	200 ft. from OHWM	115 ft. from OHWM	115 ft. from OHWM	115 ft. from OHWM	50 ft. from OHWM	150 ft. from OHWM	50 ft. from OHWM	115 ft. from OHWM	150 ft. from OHWM	N/A	200 ft. from OHWM <sup>26a</sup>	50 ft. from OHWM
Height Limit <sup>27a</sup>	35 ft within marine buffer; 75 ft upland and outside marine buffer with view study	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	100 ft for deep water facilities <sup>28a</sup> otherwise 35 ft <sup>29a</sup>	Refer to S-8 Shoreline District Regulations	35 ft	100 ft <sup>29a</sup>	35 ft	35 ft	35 ft, unless associated with Port/Industrial or transportation facilities	35 ft within 100 ft of OHWM; 50 ft from 100 – 200 ft; 80 ft outside 200 ft of OHWM <sup>30a</sup>
Side Yard/View Corridor <sup>31a</sup>	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 <sup>29a</sup>	30% of shoreline frontage	30% of shoreline frontage	0 ft <sup>29a</sup>	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 <sup>29a</sup>	20 ft	50 ft from centerline of Puyallup river Dike	0 ft <sup>29a</sup>	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 <sup>29a</sup>	10 ft	10 ft	0 ft <sup>29a</sup>	10 ft	10 ft	N/A	10 ft	10 ft
Lot Area																
Minimum Ave. Width	50 ft	50 ft	50 ft	50 ft		50 ft	50 ft			50 ft		50 ft	50 ft	N/A	50 ft	
Minimum Lot Frontage	25 ft	25 ft	25 ft	25 ft		25 ft	25 ft			25 ft		25 ft	25 ft	N/A	25 ft	
Minimum Lot Area for SF Dwelling	5,000 sq ft	5,000 sq ft	5,000 sq ft	5,000 sq ft		5,000 sq ft	5,000 sq ft			5,000 sq ft		5,000 sq ft	5,000 sq ft	N/A	5,000 sq ft	
Minimum Lot Area for MF Dwelling	6,000 sq ft	6,000 sq ft	6,000 sq ft	6,000 sq ft		6,000 sq ft	6,000 sq ft			6,000 sq ft		6,000 sq ft	6,000 sq ft	N/A	6,000 sq ft	

**Key:**  
P Permitted  
N Prohibited  
CU Conditional Use

Edits have been made to the use table notes to fix references, to clarify the uses that mooring buoys may be used for, to clarify the relationship between in-water uses and the upland zoning.

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 15<sup>th</sup> 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~~Section 7.54.2 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 9.9(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 186. 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, 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, ~~terminal and~~/industrial uses shall be permitted only in existing structures.
- 10 Port, ~~terminal,~~ 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~~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~~Section 7.7.2.
- 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 Townhouses may be permitted in upland locations up to 100' from OHWM as a conditional use and may include an office use on the ground floor.
- 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 7.1.3.
- 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 9.14\(D\)\(1\)\(a\).](#)
- 22 Structural shoreline stabilization shall be permitted only when necessity has been demonstrated as described in TSMP ~~section~~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.](#)
- 253 Buffer reductions allowed for water-dependent uses per TSMP 6.4.3(c).
- 264 Except that the buffer shall not extend beyond the centerline of Alaska street.
- 275 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.
- 286 The maximum height standard excludes equipment used for the movement of waterborne cargo between storage and vessel or vessel and storage.
- 297 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, ~~u~~nless 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.
- 3028 Maximum heights on Slag Peninsula are limited to 35 feet.

[3129](#) 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.



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

#### 20. Buoy

“Buoys” are floating devices anchored in a waterbody for navigational purposes or moorage. See also “moorage buoy.”

#### 21. Cargo Terminal

New definition.

A “cargo terminal” is a facility in which quantities of bulk, roll on roll off or other goods or container cargo are stored without undergoing any manufacturing processes, transferred to other modes of transportation or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, support and fender pilings, cargo handling equipment and offices.

#### ~~21.~~22. City

“City” is ~~the~~ The City of Tacoma, Washington

#### ~~22.~~23. Clearing

“Clearing” ~~means~~ is the destruction or removal of logs, scrub shrubs, stumps, trees or any vegetative material by burning, chemical, mechanical or other means.

#### ~~23.~~24. Commercial

“Commercial” ~~means~~ is a business use or activity at a scale greater than a home occupation or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include restaurants, offices, and retail shops.

#### ~~24.~~25. Commercial Fishing

“Commercial fishing” is the activity of capturing fish and other seafood under a commercial license.

#### ~~25.~~26. Conditional Use

“Conditional uses” ~~means~~ are a uses, developments, or substantial developments which ~~is~~ are classified as a conditional use or ~~is~~ not classified within the Master Program.

#### ~~26.~~27. Covered Moorage

“Covered moorages” ~~means~~ are boat moorages, with or without walls, that ~~has~~ have a roof to protect the vessel.

#### ~~27.~~28. Critical Saltwater Habitat

“Critical saltwater habitats” include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

#### ~~28.~~29. Cumulative Impact

“Cumulative Impacts” ~~means~~ are the impacts on the environment which results from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions

74. Industrial Use

“Industrial use” is the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

74.75. Inner Harbor Line

The “inner harbor line” ~~means~~ is the line established by the State in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area. This line determines the seaward extent of private ownership in tidal or shoreland areas (often corresponds to the “bulkhead line”).

75.76. In-stream Structure

An “in-stream structure” ~~means~~ is a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

76.77. Jetty

A “jetty” is a structure that is generally perpendicular to shore extending through or past the intertidal zone. Jetties are built singly or in pairs at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift in entrance channels, which may or may not be dredged. Jetties also serve to protect channels from storm waves or cross currents, and stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.

77.78. Land use Administrator

The “Land Use Administrator” or “Administrator” is the City Land Use Administrator or his/her designee.

New definitions related to use categories in Table 9-2

79. Lay-berth or Lay-by Berthing

“Lay-berth or lay-by berthing” is the berthing of oceangoing ships while awaiting deployment, repair and maintenance, and/or while awaiting a berth for the loading and off-loading of cargo and materials.

79.80. Live-aboard vessel

A “Live-aboard vessel” ~~means~~ is a vessel used primarily as a residence, and if used as a means of transportation or recreation, said transportation or recreation is a secondary or subsidiary use. Any vessel used for overnight accommodation for more than 15 nights in a one-month period shall be considered a residence.

80.81. Local Government

"Local government" ~~means~~ is the City of Tacoma.

82. Log Booming

“Log booming” is placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility.

83. “Log Storage”

“Log storage” is the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility

#### 83.84. Lot Frontage

“Lot frontage” means-is that portion of a lot abutting upon the lot line running parallel to and farthest landward of the ordinary high water mark. Low Impact Development (LID)

#### 84.85. Low Impact Development (LID)

“Low ~~i~~mpact ~~d~~evelopment” means-is a stormwater management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings. “LID” can include the following:

- Permeable pavements;
- Vegetated roofs;
- Rainwater harvesting; and
- Bioretention areas (rain gardens).

For further information, please refer to [http://www.psp.wa.gov/downloads/LID/LID\\_manual2005.pdf](http://www.psp.wa.gov/downloads/LID/LID_manual2005.pdf)

#### 85.86. Maintenance Dredging

“Maintenance dredging” refers to dredging for the purpose of maintaining a prescribed minimum depth previously authorized by a federal, state, and/or local permit as part of any specific waterway project.

#### 86.87. Marina

A “marina” means-is a water-dependent facility that provides launching, storage, supplies, moorage and other accessory services for five or more pleasure and/or commercial water craft.

#### 87.88. Marine

"Marine" means-refers pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

#### 88.89. Maritime Facility

A “maritime facility” is a facility which is open to the public and in which the primary activities relate to the commercial fishing industry; boat building and repair; or other maritime activities or the history thereof.

#### 89.90. Master Program

"Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

#### 90.91. May

"May" means the action is acceptable, provided it conforms to the provisions of this Master Program.

#### 91.92. Mean Higher High Water

“Mean Higher High Water” is the line on tidal beaches where the mean of the higher of each day's high tides has left a mark upon the beach distinctly separating the tidal area from adjoining uplands. For Tacoma, 11.80 feet above Mean Lower Low Water shall constitute the line of Mean Higher High Water, in those cases where the line of Ordinary High Water cannot be determined or established.

#### 92.93. Mitigation

167.168. Support

“Support” means that a non-water-oriented component of a mixed-use project is necessary to pay the costs of or provide a basis for the ~~completion~~ of the water-oriented component.

New definition consistent with Department of Natural Resources

169. Terminal

A “terminal” is a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers.

169.170. Townhouse

A “Townhouse” ~~means is~~ a building on its own separate parcel of land containing one single-family dwelling unit that occupies space from the foundation to the roof and is attached to one or more other townhouse dwelling units by at least one common wall. In the S-15 Shoreline District, the townhouses will not include a separate parcel of land and will include only the area from the foundation to the roof.

170.171. Transient

“Transient” means passing through or by a place, staying 10 days or less.

171.172. Transmit

“Transmit” means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination.

172.173. Transportation Facility

A “transportation facility” includes roads and railways, related bridges and culverts, fills, embankments, causeways, parking lots, parking structures, and bus and truck terminals. Not included is off-street bicycle or recreational trails.

173.174. Underground Utilities

“Underground utilities” ~~means are~~ services which produce and carry electric power, gas, sewage, communications, oil, water, and storm drains below the surface of the ground.

174.175. Uplands

“Uplands” ~~means are~~ dry lands landward of OHWM.

175.176. Uses and Development Activities

“Uses and development activities” ~~for the purposes of this chapter means include~~ the following uses and development activities as defined in the Final Guidelines of the Department of Ecology (WAC 173-16-060), RCW 90.58.030, and the adopted Master Program for the City of Tacoma: Tacoma Municipal Code City Clerk’s Office 13-285 (Revised 08/2009)

176.177. Utilities

“Utilities” are services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. Utilities have been categorized in this Master Program as primary, accessory, and personal wireless facilities:

1. Primary utilities are services and facilities that produce, transmit, carry, store, process or dispose of power, gas, water, sewage, communications (excepting wireless facilities, see below), oil and the like. For example: sewage treatment plants and outfalls, public high-