



## Legislation Passed August 30, 2022

The Tacoma City Council, at its regular City Council meeting of August 30, 2022, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

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### **Resolution No. 41019**

A resolution authorizing the execution of an Interlocal Agreement with the City of Fife to implement and enforce a pretreatment program to regulate and control wastewater discharges from commercial/industrial sources within the City of Fife.

[Kurt Fremont, Business Operations Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

### **Resolution No. 41020**

A resolution authorizing the execution of an Interlocal Agreement with the City of Fircrest to implement and enforce a pretreatment program to regulate and control wastewater discharges from commercial/industrial sources within the City of Fircrest.

[Kurt Fremont, Business Operations Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

### **Resolution No. 41021**

A resolution appointing and reappointing individuals to the Equity in Contracting Advisory Committee and the Tacoma Creates Advisory Board.

[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

### **Ordinance No. 28828**

An ordinance amending Amended Ordinance No. 28786, to accept mandatory and recommended conditions of approval of Exhibit B, Title 19 of the Municipal Code, entitled "Shoreline Master Program", as provided by the Washington State Department of Ecology.

[Steve Victor, Deputy City Attorney; Peter Huffman, Director, Planning and Development Services]



## RESOLUTION NO. 41019

1 A RESOLUTION relating to wastewater; authorizing the execution of an  
2 Interlocal Agreement with the City of Fife to implement and enforce a  
3 pretreatment program to regulate and control wastewater discharges  
4 from commercial/industrial sources within the City of Fife.

4 WHEREAS the City and the City of Fife ("Fife") previously entered into the  
5 Wastewater Treatment and Disposal Agreement ("Agreement") dated May 28,  
6 1996, and executed July 12, 1996, where they established the quantity of  
7 allowable discharge of domestic and non-domestic wastewater, charges for  
8 treatment services, and agreed to coordinate and plan cooperatively their  
9 services and facilities, and  
10

11 WHEREAS one of the requirements of the Agreement was that the City  
12 and Fife enter into a pretreatment Interlocal Agreement that meets the  
13 requirements of the City's delegated wastewater discharge program, and  
14

15 WHEREAS the proposed Interlocal Agreement will require Fife to adopt a  
16 pretreatment ordinance that is substantially the same as the City's pretreatment  
17 ordinance codified in the Tacoma Municipal Code Chapter 12.08.C, and  
18 delegates the City the authority to enforce the Fife pretreatment ordinance and  
19 program; the Fife City Council has taken action to approve the Interlocal  
20 Agreement and has adopted the pretreatment ordinance, and  
21

22 WHEREAS commercial/industrial sources, users and facilities in Fife  
23 either currently contribute to, or may in the future contribute to, process  
24 wastewater discharges to the Fife municipal wastewater system, which are  
25 discharged to the City's Publicly Owned Treatment Works, and  
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WHEREAS at the time of the anticipated execution of this Interlocal Agreement, there are known significant industrial users in Fife that have been permitted under the City's pretreatment program, and

WHEREAS it is in the best interests of the parties of this Interlocal Agreement, and in the interest of the public health, safety and welfare of the area served by the parties that this Interlocal Agreement be executed; Now, Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to enter into an Interlocal Agreement with the City of Fife, to implement and enforce a pretreatment program to regulate and control wastewater discharges from commercial/industrial sources within the City of Fife, said Interlocal Agreement to be substantially in the form of the document on file in the office of the City Clerk.



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Section 2. That the City Manager, or designee, is hereby authorized to take and execute any additional measures or documents that may be necessary to complete this transaction which are consistent with the approved form of documents referenced by this Resolution and the intent of this Resolution.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Chief Deputy City Attorney



## RESOLUTION NO. 41020

1 A RESOLUTION relating to wastewater; authorizing the execution of an  
2 Interlocal Agreement with the City of Fircrest to implement and enforce a  
3 pretreatment program to regulate and control wastewater discharges  
4 from commercial/industrial sources within the City of Fircrest.

4 WHEREAS the City and the City of Fircrest ("Fircrest") previously  
5 entered into the Wastewater Treatment and Disposal Agreement ("Agreement")  
6 dated June 24, 2014, where they established the quantity of allowable  
7 discharge of domestic and non-domestic wastewater, charges for treatment  
8 services, and agreed to coordinate and plan cooperatively their services and  
9 facilities, and  
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11 WHEREAS one of the requirements of the Agreement was that the City  
12 and Fircrest enter into a pretreatment Interlocal Agreement that meets the  
13 requirements of the City's delegated wastewater discharge program, and  
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15 WHEREAS the proposed Interlocal Agreement will require Fircrest to adopt  
16 a pretreatment ordinance that is substantially the same as the City's pretreatment  
17 ordinance codified in the Tacoma Municipal Code Chapter 12.08.C, and delegates  
18 the City the authority to enforce the Fircrest pretreatment ordinance and program;  
19 the Fircrest City Council has taken action to approve the Interlocal Agreement and  
20 has adopted the pretreatment ordinance, and  
21

22 WHEREAS commercial/industrial sources, users and facilities in Fircrest  
23 either currently contribute to, or may in the future contribute to, process  
24 wastewater discharges to the Fircrest municipal wastewater system, which are  
25 discharged to the City's Publicly Owned Treatment Works, and  
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WHEREAS at the time of the anticipated execution of this Interlocal Agreement, there are no known significant industrial users in Fircrest that have been permitted under the City's pretreatment program, and

WHEREAS it is in the best interests of the parties of this Interlocal Agreement, and in the interest of the public health, safety and welfare of the area served by the parties that this Interlocal Agreement be executed; Now, Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to enter into an Interlocal Agreement with the City of Fircrest, to implement and enforce a pretreatment program to regulate and control wastewater discharges from commercial/industrial sources within the City of Fircrest, said Interlocal Agreement to be substantially in the form of the document on file in the office of the City Clerk.



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Section 2. That the City Manager, or designee, is hereby authorized to take and execute any additional measures or documents that may be necessary to complete this transaction which are consistent with the approved form of documents referenced by this Resolution and the intent of this Resolution.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Chief Deputy City Attorney



## RESOLUTION NO. 41021

1 BY REQUEST OF COUNCIL MEMBERS BLOCKER, BUSHNELL, DANIELS, AND  
RUMBAUGH

2 A RESOLUTION relating to committees, boards, and commissions; appointing and  
3 reappointing individuals to the Equity in Contracting Advisory Committee  
4 and the Tacoma Creates Advisory Board.

5 WHEREAS vacancies exist on the Equity in Contracting Advisory Committee  
6 and the Tacoma Creates Advisory Board, and

7 WHEREAS, at its meetings of July 26, August 9, and August 23, 2022, the  
8 Economic Development Committee conducted interviews and recommended the  
9 appointment and reappointment of individuals to said board and committee, and  
10

11 WHEREAS, pursuant to City Charter Section 2.4, the persons named on  
12 Exhibit "A" have been nominated to serve on the Equity in Contracting Advisory  
13 Committee and the Tacoma Creates Advisory Board; Now, Therefore,

14 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

15 That those nominees to the Equity in Contracting Advisory Committee and  
16 the Tacoma Creates Advisory Board, listed on Exhibit "A," are hereby confirmed  
17 and appointed or reappointed as members of such board and committee for such  
18 terms as are set forth on the attached Exhibit "A."  
19

20 Adopted \_\_\_\_\_

21 \_\_\_\_\_  
Mayor

22 Attest:

23 \_\_\_\_\_  
24 City Clerk

25 Approved as to form:

26 \_\_\_\_\_  
City Attorney





EXHIBIT "A"

1 **EQUITY IN CONTRACTING ADVISORY COMMITTEE**

2 Appointing **Timothy Pinckney** to the "Certified Business No. 1" position to serve a  
3 one-year term, effective September 1, 2022, to expire August 31, 2023.

4 Appointing **Robert Humes** to the "District No. 1" position to serve a one-year term,  
5 effective September 1, 2022, to expire August 31, 2023.

6 Appointing **Cassie Schmitt** to the "District No. 3" position to serve a one-year  
7 term, effective September 1, 2022, to expire August 31, 2023.

8 Appointing **Andre House** to the "TPU Service Area No. 1" position to serve a one-  
9 year term, effective September 1, 2022, to expire August 31, 2023.

10 Appointing **Jaison Briar** to the "Open Shop Firm" position to serve a two-year  
11 term, effective September 1, 2022, to expire August 31, 2024.

12 Appointing **Michael Jordan** to the "TPU Service Area No. 2" position to serve a  
13 two-year term, effective September 1, 2022, to expire August 31, 2024.

14 Appointing **Stephanie Caldwell** to the "Large Prime" position to serve a three-year  
15 term, effective September 1, 2022, to expire August 31, 2025.

16 Appointing **Trena Payton** to the "TPU Service Area No. 3" position to serve a  
17 three-year term, effective September 1, 2022, to expire August 31, 2025.

18 **TACOMA CREATES ADVISORY BOARD**

19 Appointing **Sophia Agtarap** to the "Community Engagement" position to serve a  
20 three-year term, effective September 1, 2022, to expire August 31, 2025.

21 Appointing **Katie Mattran** to the "Culture" position to serve a three-year term,  
22 effective September 1, 2022, to expire August 31, 2025.

23 Appointing **Chase Williams** to the "District No. 1" position to serve a three-year  
24 term, effective September 1, 2022, to expire August 31, 2025.

25 Reappointing **Megan Clark** to the "District No. 5" position to serve a three-year  
26 term, effective September 1, 2022, to expire August 31, 2025.



## ORDINANCE NO. 28828

1 AN ORDINANCE relating to zoning; amending Amended Ordinance No. 28786  
2 to accept mandatory and recommended conditions of approval of  
3 Exhibit "B," Title 19 of the Tacoma Municipal Code, entitled "Shoreline  
4 Master Program," as provided by the Washington State Department of  
5 Ecology.

6 WHEREAS, on November 16, 2021, the City Council passed Amended  
7 Ordinance No. 28786, replacing Amended Ordinance No. 28470, Tideflats  
8 Interim Regulations, as approved by the City Council and as previously  
9 extended by Ordinance Nos. 28542, 28583, 28619, 28671, Amended Ordinance  
10 No. 28696, and Ordinance No. 28759, and

11 WHEREAS Exhibit "B" of Amended Ordinance No. 28786 included  
12 amendments to Title 19 of the Tacoma Municipal Code, the Shoreline Master  
13 Program ("SMP"), which were developed through the joint review process  
14 outlined in WAC 173-26-104, and

15 WHEREAS Amended Ordinance No. 28786 was submitted as a locally  
16 initiated amendment of the SMP to the Washington State Department of  
17 Ecology ("Ecology") for final review and approval pursuant to RCW 90.58.090  
18 and WAC 173-26-120, and

19 WHEREAS the substance of the amendments required by Ecology is to  
20 add to Exhibit "B" of Amended Ordinance No. 28786 provisions from Tacoma's  
21 SMP which are already applicable to the regulations in Exhibit "B," but not  
22 repeated therein, and  
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WHEREAS the Ecology amendments are clarifying in nature and do not change the substance or process of the regulations in Exhibit “B” of Amended Ordinance No. 28786, and

WHEREAS, on July 8, 2022, the City of Tacoma received the Ecology’s letter of conditional approval, findings of fact and conclusions, and mandated and recommended amendments to Exhibit “B” of Amended Ordinance No. 28786, and

WHEREAS Exhibit “B” of Amended Ordinance No. 28786 becomes effective only upon final approval by Ecology, following City Council acceptance of the conditions of approval; Now, Therefore,

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

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That Amended Ordinance No. 28786 is hereby amended to accept mandatory and recommended conditions of approval of Exhibit “B,” Title 19 of the Tacoma Municipal Code, entitled “Shoreline Master Program,” as provided by the Washington State Department of Ecology, as set forth in the attached Exhibit “B.”

Section 3. That in codifying this Ordinance, the City Clerk is authorized to make adjustments to headings, subsections, and other adjustments



1 necessary to organize this code in an accessible and understandable manner  
2 without changing any substantive language.

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4 Passed \_\_\_\_\_  
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7 \_\_\_\_\_  
8 Mayor

9 Attest:  
10 \_\_\_\_\_  
11 City Clerk

12 Approved as to form:  
13 \_\_\_\_\_  
14 Deputy City Attorney

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**ATTACHMENT B: ECOLOGY CHANGES TO THE TACOMA SHORELINE MASTER PROGRAM LOCALLY INITIATED AMENDMENT**

Changes in **red** are **required** to comply with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue** are **recommended** and are consistent with SMA policy and the SMP Guidelines. Single ~~strike through~~ and underline reflect the City’s proposed amendments; double ~~strike through~~ and double underline reflect Ecology changes.

ITEM	SMP PROVISION	BILL FORMAT CHANGES (UNDERLINE = ADDITIONS; STRIKETHROUGH = DELETIONS)	DISCUSSION/RATIONALE															
Rec-1	7.6 Port/Industrial Use – 5. Petroleum Fuel Facilities	<p><u>b.</u></p> <p>...</p> <p><u>(2) Except as specifically authorized under <del>13.06.080.G.5.b.(3), (4), and (5)</del> (3), (4), (5), and (6) of this section</u>, the following new improvements are prohibited:</p>	<p><b>Recommended change:</b> The adopted language refers to the Land Use Code (Title 13). The provisions referenced are duplicated in this section of the SMP; the recommended change revises the citation to point to these internal provisions. The recommended change also adds provision (6) to the list of allowances for new improvements. Provision (6) allows for infrastructure to support vessel fueling, which is a water-dependent accessory facility and therefore particularly relevant to the SMP.</p>															
Rec-2	7.6 Port/Industrial use – 6. Cleaner Fuel Infrastructure	<p><u>a.</u></p> <p>...</p> <p><u>(2) ... The limitation on cumulative petroleum storage does not apply to expansions allowed under <del>TMC 13.06.080.G.5.b.(3), (4), and (5)</del> 7.6.5.b (3), (4), (5), and (6) above.</u></p>	<p><b>Recommended change:</b> Revise citation to SMP sections that are identical to the cited provisions in Title 13. See Rec-1, above.</p>															
Req-1	Table 9-1. Shoreline Use and Development Standards	<table border="1" data-bbox="712 857 1599 1015"> <thead> <tr> <th>District</th> <th>...</th> <th>S-10</th> <th>...</th> <th>S-13</th> </tr> </thead> <tbody> <tr> <td colspan="5"><b>Shoreline Uses</b></td> </tr> <tr> <td>Chemical Manufacturing, Processing, and Wholesale</td> <td><u>N</u></td> <td><u>N<sup>34</sup>/<del>PCU</del><sup>35</sup></u></td> <td><u>N</u></td> <td><u>N<sup>34</sup>/<del>PCU</del><sup>35</sup></u></td> </tr> </tbody> </table> <p>35 Prohibited in all districts: Petrochemical manufacturing, Explosives manufacturing, and Fertilizer Manufacturing</p>	District	...	S-10	...	S-13	<b>Shoreline Uses</b>					Chemical Manufacturing, Processing, and Wholesale	<u>N</u>	<u>N<sup>34</sup>/<del>PCU</del><sup>35</sup></u>	<u>N</u>	<u>N<sup>34</sup>/<del>PCU</del><sup>35</sup></u>	<p><b>Required change:</b> As part of this amendment, conditional use criteria specific to Chemical Manufacturing, Processing, and Wholesale Distribution have been added to Chapter 19.02, Section 2.3.7 Shoreline Conditional Use Permit, including an additional requirement that the final CUP decision authority shall be the Hearing Examiner (SMP 19.02(2.3.7.5)). This indicates an intent to require a CUP for this use. Internal conflicts in an SMP are generally inconsistent with the requirement that SMP regulations be “sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies” (WAC 173-26-191(2)(a)(ii)(A)). The required change corrects the conflict between the table and the regulations.</p>
District	...	S-10	...	S-13														
<b>Shoreline Uses</b>																		
Chemical Manufacturing, Processing, and Wholesale	<u>N</u>	<u>N<sup>34</sup>/<del>PCU</del><sup>35</sup></u>	<u>N</u>	<u>N<sup>34</sup>/<del>PCU</del><sup>35</sup></u>														
Req-2	Table 9-1. Shoreline Use and Development Standards –	<p><u>34 Primary uses are prohibited. Supportive water-dependent facilities may be permitted <b>subject to a conditional use permit.</b></u></p>	<p><b>Required change:</b> This footnote applies to Chemical Manufacturing, Processing, and Wholesale Distribution, which is described in SMP</p>															

**ATTACHMENT B: ECOLOGY CHANGES TO THE TACOMA SHORELINE MASTER PROGRAM LOCALLY INITIATED AMENDMENT**

Changes in **red** are **required** to comply with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue** are **recommended** and are consistent with SMA policy and the SMP Guidelines. Single ~~strickethrough~~ and underline reflect the City’s proposed amendments; double ~~strickethrough~~ and double underline reflect Ecology changes.

ITEM	SMP PROVISION	BILL FORMAT CHANGES (UNDERLINE = ADDITIONS; STRIKETHROUGH = DELETIONS)	DISCUSSION/RATIONALE
	footnotes – Chemical Manufacturing, Processing, and Wholesale Distribution		19.02(2.3.7.5) as requiring a CUP (see Req-1). The required change clarifies permit requirements consistent with these regulations and with the revised table entry in Req-1, correcting the internal conflict so that regulations ensure implementation in accordance with WAC 173-26-191(2)(a)(ii)(A).
Req-3 Rec-3 Req-4	Table 9-1. Shoreline Use and Development Standards – footnotes – Petroleum Fuel Facility	<del>36</del> <u>New facilities are prohibited. Improvements and expansions to existing facilities are permitted but subject to development standards in <del>Chapter 7, Section 7.6</del> <u>TSMP Section 19.07.060. Expansion of existing nonwater-oriented facilities, and expansion of existing nonwater-dependent facilities over water, shall require a conditional use permit. Expansion of overwater coverage for a nonwater-dependent facility is prohibited.</u></u>	<p><b>Required change:</b> The use allowances in the SMP apply to existing facilities only when a permit is triggered. The required change is necessary to clarify the applicability of SMP standards to existing facilities to ensure proper implementation of the Act, per WAC 173-26-191(2)(a)(ii)(A).</p> <p><b>Recommended change:</b> Numbering throughout the rest of the document has been reformatted as 19.XX.XXX, consistent with the City’s municipal code structure. The recommended change revises the code citation to match this format. Note this recommended change also applies to footnotes 4, 6, 7, 11, 15, 20, 21, 22, 23, and 25.</p> <p><b>Required change:</b> The existing SMP requires a CUP for all nonwater-oriented industrial development in the S-10 district (High Intensity Shoreline Environment Designation (SED)). Nonwater-dependent industrial development is prohibited in the S-13 district (Aquatic SED). These restrictions are supported by the port/industrial regulations (19.07.060) and the management policies for the High Intensity and Aquatic SEDs (19.05.050(B)(4) and (E)(4), respectively) in the SMP, and by WAC 173-26-241(3)(f) and 173-26-211(5)(c)(ii). The allowances and permit requirements in the existing SMP were analyzed as part of the required Cumulative Impacts Analysis (CIA) during the City’s comprehensive SMP update and were demonstrated to be consistent with the policy goals of the SMA (RCW 90.58.020).</p>

**ATTACHMENT B: ECOLOGY CHANGES TO THE TACOMA SHORELINE MASTER PROGRAM LOCALLY INITIATED AMENDMENT**

Changes in **red are required** to comply with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue are recommended** and are consistent with SMA policy and the SMP Guidelines. Single ~~strike through~~ and underline reflect the City’s proposed amendments; double ~~strike through~~ and double underline reflect Ecology changes.

ITEM	SMP PROVISION	BILL FORMAT CHANGES (UNDERLINE = ADDITIONS; STRIKETHROUGH = DELETIONS)	DISCUSSION/RATIONALE
			<p>The proposed amendment submitted for Initial Determination retained the CUP requirement for newly specified industries in the S-13 district and proposed a change from prohibited (“N”) to CUP in the S-10 district. While this change represented a new allowance for certain industrial uses over water, the use of a CUP ensured that the City would analyze the cumulative impacts of allowing such uses on a project-by-project basis.</p> <p>The revised amendment now proposes to allow expansion of existing petroleum fuel facilities in both the S-13 and S-10 districts as an outright allowed use. In addition to being inconsistent with the policies and regulations of the SMP for the S-13 district, the revised approach is not supported by the record. The record indicates that the rationale for this change is to prevent regulatory and economic barriers to industry locating, expanding, and/or improving existing operations in Tacoma’s Tideflats Manufacturing/Industrial Center, including by converting to cleaner technologies. However the amendments must also be evaluated against the policy goals of the SMA. As discussed in Ecology’s Initial Determination, the industries specifically identified in this amendment may have water-dependent components, but they are not water-dependent industries and do not require a location on the shoreline. The record does not indicate how the proposed amendment is consistent with the requirement to first reserve shoreline areas for water-dependent, water-related, and water-enjoyment uses and limit nonwater-oriented uses to those locations where water-oriented uses are inappropriate or where nonwater-oriented uses “demonstrably contribute to the objectives of the Shoreline Management Act” (WAC 173-26-201(2)(d)(v)). The record also fails to demonstrate consistency with the requirement to assure no net loss of ecological functions (WAC 173-26-201(2)(c)). At the same time, public comments and comments from the Puyallup Tribe of Indians raise substantive concerns regarding</p>

**ATTACHMENT B: ECOLOGY CHANGES TO THE TACOMA SHORELINE MASTER PROGRAM LOCALLY INITIATED AMENDMENT**

Changes in **red** are **required** to comply with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue** are **recommended** and are consistent with SMA policy and the SMP Guidelines. Single ~~strickthrough~~ and underline reflect the City’s proposed amendments; double ~~strickthrough~~ and double underline reflect Ecology changes.

ITEM	SMP PROVISION	BILL FORMAT CHANGES (UNDERLINE = ADDITIONS; STRIKETHROUGH = DELETIONS)	DISCUSSION/RATIONALE
			<p>the potential for significant adverse environmental impacts resulting from locating these industries on the shoreline.</p> <p>The required change modifies the amendment to retain the restrictions for nonwater-oriented/nonwater-dependent industrial development or, where new allowances are proposed, to require a CUP to ensure a higher level of scrutiny, including an analysis of cumulative impacts on a project-by-project basis.</p>
<p>Rec-4 Req-5</p>	<p>Table 9-1. Shoreline Use and Development Standards – footnotes – Cleaner Fuel Infrastructure</p>	<p>37 <del>Primary use Cleaner Fuel Infrastructure is prohibited.</del> <u>Supportive <del>W</del>water-dependent facilities, such as piers, wharves, docks, and floats and accessory facilities, such as <del>parking and</del> loading areas, may be permitted within shoreline jurisdiction. <b>Nonwater-oriented supportive facilities, such as parking and expanded cleaner fuel infrastructure, shall require a conditional use permit. Nonwater-dependent supportive facilities shall require a conditional use permit to locate over water. Expansion of overwater coverage for a nonwater-dependent facility is prohibited.</b></u></p>	<p><b>Recommended change:</b> The proposed footnote clarifies that only supportive, or accessory, facilities are allowed, and that a new primary use is prohibited. The recommended change further clarifies this distinction by adding the qualifying word “supportive,” consistent with the approach used in footnote 34.</p> <p><b>Required change:</b> As discussed in Req-4 above, the record does not support new allowances for nonwater-oriented facilities, or for nonwater-dependent facilities over water. The proposed definition for “Cleaner Fuel Infrastructure – Expanded” describes storage facilities only. Fuel storage is not a water-oriented use and does not require a location on the shoreline.</p> <p>The required change modifies the amendment to retain the permit requirements for nonwater-oriented/nonwater-dependent industrial development or, where new allowances are proposed, to require a CUP to ensure a higher level of scrutiny, including an analysis of cumulative impacts on a project-by-project basis.</p>