## Tacoma SMP - Summary of public comments received during Ecology public comment period 4/23/2012 through 6/7/2012

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<th>ITEM</th>
<th>Comment Topic or SMP Provision (Cite)</th>
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<tr>
<td>1</td>
<td>General</td>
<td>K. Price, North End Neighborhood Council</td>
<td>Supports the locally adopted SMP update – strikes a fair balance between competing interests</td>
<td>Support noted.</td>
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<td>2</td>
<td>General</td>
<td>B. Harp/Tacoma Pierce Co Health Dept</td>
<td>No objections to the proposal.</td>
<td>Comment noted.</td>
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<td>3</td>
<td>General</td>
<td>T. Pierson, Tacoma-Pierce Co Chamber</td>
<td>Acknowledges that water-dependent businesses are better off with this proposed SMP over earlier proposals and drafts.</td>
<td>Comment noted.</td>
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<td>4</td>
<td>General</td>
<td>S. Mauermann, Port of Tacoma</td>
<td>Appreciative of the City’s efforts to actively involve the Port in the update process. In general, the City has done a remarkable job.</td>
<td>Comment noted.</td>
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<td>5</td>
<td>General</td>
<td>D. Patterson, Futurewise; H. Trim, People for Puget Sound</td>
<td>Support the comprehensive update and appreciate that the City incorporated many of the recommended changes we made in previous letters.</td>
<td>Support noted.</td>
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<td>6</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>R. Talbert, Pierce County Council</td>
<td>Concern re: change in zoning that would force Sperry Ocean Dock and its federal vessels from a conforming status (S-7) into a new zone (S-6/S-7) and nonconforming status.</td>
<td>Concerns are noted.</td>
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<td>7</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>R. Talbert, Pierce County Council</td>
<td>Impact of proposed change affects larger Pierce County community because of economic, military and emergency capability along with environmental stewardship (cooperation re: Chinese Reconciliation Park and Saltwater Marsh).</td>
<td>Comment noted.</td>
</tr>
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<td>8</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>R. Shafer, Puglia Engineering</td>
<td>Endorse keeping Sperry Ocean Dock and Tahoma Salt Marsh in the S-7 light industrial zone rather than the proposed S-6/7. The proposed change will affect employment and industry and the downgrade of Sperry will lead to its demise.</td>
<td>Concerns and suggestion noted.</td>
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<td>9</td>
<td>Sperry Ocean Dock</td>
<td>P. Rose, Pierce</td>
<td>Please review boundary changes proposed for facilities currently located in the S-7 to</td>
<td>Please see response #12, 13, 1, 17 and</td>
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<td>8</td>
<td>– change from S-7 to S-6/7</td>
<td>County Central Labor Council</td>
<td>determine whether Sperry Ocean Dock and its operations should remain in the S-7 rather than the new S-6/7. Any changes to a company's status can have long-term negative impacts for the business, its workers and the community at large. The Department needs to ensure that any final document be balanced in regard to the economic, environment and public access to our common shorelines.</td>
<td>18.</td>
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<td>10</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>M. Elliott, Brotherhood of Locomotive Engineers and Trainmen</td>
<td>Endorse keeping Sperry Ocean Dock and Tahoma Salt Marsh in the S-7 light industrial zone rather than the proposed S-6/7. The proposed change will affect employment and industry and the downgrade of Sperry will lead to its demise. Sperry Ocean Dock provides a &quot;buffer&quot; between public access properties to the west and industrial properties owned by the railroad and the TEMCO Grain Elevator to the east. Concerned that this will set the stage for future urban creep and zoning changes that will adversely impact rail and Longshore jobs associated with the TEMCO Grain operation.</td>
<td>Comment noted.</td>
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<td>12</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>T. Pierson, Tacoma-Pierce Co Chamber</td>
<td>Disagrees with the shift from S-7 (industrial and terminal) to S-6/7 (recreation and pedestrian oriented. The mandate to give priority first to water-dependent uses (WAC 173-26-211(5)(d) was not followed. Concern with the downzoning of the Sperry property which will ultimately lead to the demise of the current water-dependent lay-berthing business. Future permits would likely not be allowed, maintenance of current operations would be difficult and capital lending will be</td>
<td>Comment noted. The Shoreline Management Act and Washington Administrative Guidelines give preference to water-dependent uses within the shoreline, among other preferences, including the protection of natural resources and the expansion of public access and water-enjoyment</td>
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| 13   | Sperry Ocean Dock – change from S-7 to S-6/7 | T. Murray, Murray Pacific Corp. | Strongly opposes the spot down-zoning of Sperry Ocean Dock. The transition zone is the wrong approach. “Grandfathering” the facilities and operations will lead to its end. Retain Sperry Ocean Dock in the S-7. | What the City has proposed as the S-6/7 transition zone is not “spot zoning” in any sense. The Washington State Supreme Court has defined “spot zoning” as follows:  
Spot zoning is a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the comprehensive plan.  
*Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wn.2d 861, 875, 947 |

hindered.  
Return to the original S-7 (industrial and terminal uses) ideally with boundary between Jack Hyde Park and the Tacoma Saltwater Marsh.  
Alternatively, change the current lay-berthing status in S-6/7 to “conditional use” from non-conforming or prohibited.  

activities. These preferences are implemented City-wide. Under the locally-adopted SMP over half the shoreline is reserved for water-dependent uses and considerable vacant properties remain within the S-10 Port/Industrial Area for accommodation of future demand. In addition, the S-6/7 District continues to allow and give priority to water-dependent uses.
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<td>Quite to the contrary of anything condemned by the Supreme Court above, the S-6/7 District reconciles the prior S-7 area with its two immediate neighbors on the shoreline. The S-6/7 proposal is in no way “totally different from, and inconsistent with, the classification of surrounding land.” Rather, it is proposed that it be harmonized more with both the more traditionally industrial proposed S-7 zone where Temco’s operation resides, and the S-6 zone to the NW. There is no inconsistency presented by the proposed zoning revision, nor does it make the current use unlawful. The State Supreme Court has stated that the “main inquiry” in addressing a spot zoning allegation is to determine “whether the zoning action bears a substantial relationship to the general welfare of the affected community.” Id., citing Save a Neighborhood Env’t v. City of Seattle, 101 Wn.2d 280, 286, 676 P.2d 1006 (1984). The locally adopted Urban Conservancy designation and S-6/7 District continues to allow water-oriented...</td>
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<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>L. Fox, Kidder Mathews</td>
<td>Spot-zone of the Sperry Ocean Dock sends a bad message to businesses thinking of locating here. There is a statewide priority given to water dependent commercial uses... and we should preserve the ones we have. I am hopeful Ecology will go by their own SMP Handbook, including Chapter 13 which guides jurisdictions to protect water-dependent, high intensity uses.</td>
<td>Please see response #12, 13 and 18.</td>
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<td>14</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>S. Mauermann, Port of Tacoma</td>
<td>The Port opposes the newly created spot zone for Sperry Ocean Dock, an existing water-dependent industrial use that becomes nonconforming if the master program is approved.</td>
<td>Please see response #12, 13, 16 and 18.</td>
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<td>to S-6/7</td>
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<td>The creation of an entirely new district between S-6 and S-7 applied exclusively to a single industry is in direct conflict with Ecology’s own SMP Handbook (Chapter 13) which guides jurisdictions to protect water-dependent, high-intensity land uses from incompatible uses, not the other way around.</td>
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<td>16</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>W. Lynn, Gordon Thomas Honeywell LLP on behalf of Sperry Ocean Dock</td>
<td>Objects to the redesignation of the Sperry Ocean Dock site which creates a hybrid designation, melding two inconsistent classifications into one that effectively applies to only one property, and is aimed at prohibiting the lay berthing use.</td>
<td>The S-6/7 designation does not prevent the present lay-berthing use from continuing. The contention that the revision is “aimed at prohibiting the lay berthing use” is speculative, and not supported by anything other than the fact that the use would become legal, but non-conforming. Such uses can continue indefinitely. The change affects three different parcels that happen to be in common ownership at present.</td>
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| 17 | Sperry Ocean Dock – change from S-7 to S-6/7 | W. Lynn, Gordon Thomas Honeywell LLP on behalf of Sperry Ocean Dock | The change in designation is not consistent with shoreline update regulations. Designation changes have a procedural element and a substantive requirement. The change must be based on three specifically identified factors: existing development patterns, biophysical features, and community goals “as reflected in the comprehensive land use plan”.

1. Existing development patterns: There has been no change in the development pattern in this area that would support a designation change. The uses have not changed for many years with shipping terminal and industrial uses of the Sperry property dating to last century. Lay berthing has occurred since the mid-1980’s.

2. Biophysical features: The Sperry site has natural deep water and does not have any environmental conditions, limitations or habitat that should limit its use. City findings do not identify any biophysical feature to support its decision. The Sperry site is much more like the S-7 (rather than the S-6) in terms of depth. This is also true with respect to upland physical characteristics with the site bounded by railroad tracks unlike the S-6 where the tracks are further inland. | Changes to the land use pattern in this area have been occurring gradually over the past several decades with the development of the Chinese Reconciliation Park and Tahoma salt marsh restoration site as two examples.

The Planning Commission and City Council considered environmental conditions as documented in the Inventory and Characterization Report, including the existing land use features and character of the area.

Staff concurs that the community vision... |
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| 18   | Sperry Ocean Dock – change from S-7 to S-6/7 | W. Lynn, Gordon Thomas Honeywell LLP on behalf of Sperry Ocean Dock | Redesignation of the Sperry property is contrary to specific provisions of the regulations relating to water-dependent uses and city harbor areas.  
1) The SMP and the SMP Guidelines establish a strong preference for water-dependent uses. Local governments are required to follow those preferences.  
2) In Harbor Areas, the preference is even stronger – areas should be reserved unless there is already adequate shoreline reserved for future water-dependent and water-related uses and that existing natural resource values preclude those uses.  
The record does not support that there is sufficient area for future water-dependent uses, particularly lay berthing. There was no demonstration by the City that adequate shoreline area was reserved for water-dependent uses.  
The City made no findings that there were natural resource values that required prohibiting Sperry’s water-dependent commercial navigation use.  
By prohibiting lay berthing, the SMP update eliminated the only reasonable water-dependent use. | Staff concurs that the SMA and SMP Guidelines give preference to water-dependent uses. However, this should not be taken to mean that all deep water sites must allow port industrial uses just by virtue of being deep water sites. The SMP Guidelines give preference to water-dependent uses but does not require that local jurisdictions allow all types of uses (port, industrial, commercial, transportation) in all situations strictly because they are water-dependent. Although lay-berthing is a water dependent use, it is afforded no special status among water dependent uses. |
<p>|      | 3. Community Aspirations: The Guidelines allow a change based on the “goals and aspiration of the local citizenry as reflected in the locally-adopted comprehensive land use plan.” The City admits its S-7 decision was based on “the goals and aspirations of the community as expressed in the public comment.” The Guidelines recognize the shortage of suitable shoreline lands and do not allow impacts to upland properties to form the basis for limiting water-dependent priority uses. Creating the new S-6/7 designation to meet the goals of a vocal group of upland residents is contrary to the criteria in WAC 173-26-110(3) and (4) and WAC 173-26-211(3)(b). | | for this shoreline as expressed in considerable public testimony was a significant factor and that the final decision by Council reflected a compromise approach between two different sets of community goals and interests. However, the City addressed all criteria, and the decision was based on their totality. The City supplied all information required by WAC 173-26-110(3) and (4) and such information provides a sound basis for its recommendation. |</p>
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<td><strong>Sperry Ocean Dock</strong> – change from S-7 to S-6/7</td>
<td>W. Lynn, Gordon Thomas Honeywell LLP on behalf of Sperry Ocean Dock</td>
<td>The change in designation is inappropriate since it is inconsistent with the High Intensity Comprehensive Plan designation of the Sperry property. Both the GMA and the SMA require that the SMP be internally consistent with the comprehensive plan. The Council’s creation of the hybrid S-6/7 is contrary to the comprehensive plan which designates the Sperry property as a high intensity one.</td>
<td>Where there are possible conflicts between the SMP and other elements of the Comprehensive Plan, the SMP prevails. The Land Use intensities in the Comprehensive Plan were reviewed by staff and discussed with the Planning Commission during the development of the proposed SED’s. The land use intensities in the Comprehensive Plan will be revised to ensure that the two</td>
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<td>20</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>W. Lynn, Gordon Thomas Honeywell LLP on behalf of Sperry Ocean Dock</td>
<td>The hybrid S-6/7 designation does not meet the designation criteria under the SMP update regulations. The Sperry property supports a high-intensity commercial and transportation use and it is suitable for such uses. The City was obligated to give it a high-intensity designation. The Sperry property does not meet the requirements for an urban conservancy environment. The Sperry Dock is not open space, floodplain or &quot;other sensitive land&quot;. It is a highly developed site. The hybrid designation is not internally consistent.</td>
<td>Please see response #16, 17, and 18. The Sperry site is part of a salmon migration corridor and does have potential for restoring nearshore salmonid habitat, including potential removal of overwater structures and creosote piling to improve water quality. In addition, the Planning Commission and City Council considered the existing land use pattern, changes that have occurred to the land use pattern since the previous SMP update, as well as the existing topography and adjacent land uses.</td>
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<td>21</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>D. Rietmann</td>
<td>Reluctantly supports the S-6/7 Schuster Parkway Transition shoreline district compromise, and asks Ecology to support this as well</td>
<td>Support is noted.</td>
</tr>
<tr>
<td>22</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>M.E. Donovan</td>
<td>Supports the S-6/7 Schuster Parkway Transition shoreline district compromise</td>
<td>Support is noted.</td>
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<tr>
<td>23</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>R. Aramburu, Aramburu &amp; Eustis LLP on behalf of STS Tacoma, Inc.</td>
<td>Supports the S-6/7 District compromise</td>
<td>Support is noted.</td>
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<td>24</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>R. Aramburu, Aramburu &amp; Eustis LLP on behalf of STS Tacoma, Inc.</td>
<td>Current use is for lay berthing of two large merchant ships. While originally promoted as pollution free, passive activity, they have become significant sources of pollution impacting the adjacent public access and residential, school and park areas. Impacts include air pollution, noise, views, and excessive lighting. These impacts affect private property and also public access areas.</td>
<td>Comments noted.</td>
</tr>
<tr>
<td>25</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>R. Aramburu, Aramburu &amp; Eustis LLP on behalf of STS Tacoma, Inc.</td>
<td>The S-6/7 would continue to allow water-dependent light industrial facilities but prohibited lay berthing to prevent a continuance of the adverse impacts from lay berthing uses in the area.</td>
<td>Staff concurs – the proposed district would continue to allow water-dependent industrial and commercial activities.</td>
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<tr>
<td>26</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>R. Aramburu, Aramburu &amp; Eustis LLP on behalf of STS Tacoma, Inc.</td>
<td>Lay berthing does not create significant jobs. Lay berthing is not a port activity. It is essentially a ship parking lot. The lay berthed ships do not provide significant training options.</td>
<td>Comment noted.</td>
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<tr>
<td>27</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>R. Aramburu, Aramburu &amp; Eustis LLP on behalf of STS Tacoma, Inc.</td>
<td>The S-6/7 District continues to allow port, industrial and commercial development (see Table 9-2 which allows water-dependent and water-related port and industrial developments with a shoreline conditional use permit). Water-oriented commercial uses are permitted.</td>
<td>Staff concurs.</td>
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<tr>
<td>28</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>D. McGovern, T. Donato</td>
<td>Supports S-6/7 rezoning Sperry Ocean Dock into a Transition Zone which 1) prevents future lay berthing uses and businesses and 2) requires public access connections.</td>
<td>Support noted.</td>
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<tr>
<td>29</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>S Schain, L. Heaton, R. Rose</td>
<td>Supports the extension of S-6 through the Tahoma Salt Marsh and the creation of the Schuster Parkway transition zone S-6/7. Believes changes will benefit the long term economic interests</td>
<td>Support noted.</td>
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<td>30</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>L. Herrmann, Walk the Waterfront</td>
<td>Supports the extension of S-6 through the Tahoma Salt Marsh and the creation of the Schuster Parkway transition zone S-6/7 until the entire Dome to Defiance shoreline can be given its own special zone with public recreation as the first priority.</td>
<td>Support noted.</td>
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<td>31</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>L. Keith Stone, Tacoma Dome District; D. Armstrong, Brown &amp; Haley</td>
<td>Supports creation of the S-6/7 Transition Zone. It is important for the ecology of the shoreline and the economy of Tacoma</td>
<td>Support noted.</td>
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<tr>
<td>32</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>P. Clair, Brown &amp; Haley; J. Lake</td>
<td>Supports creation of the S-6/7 Transition Zone. It is important for the ecology of the shoreline and the economy of Tacoma Lay berthing belongs in the core port area</td>
<td>Support and comment noted.</td>
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<tr>
<td>33</td>
<td>Sperry Ocean Dock – change from S-7 to S-6/7</td>
<td>R. Barker</td>
<td>Supports creation of the S-6/7 Transition Zone which would help protect our waters from further despoilment</td>
<td>Support noted.</td>
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<td>34</td>
<td>Sperry Ocean Dock - Change in environment designation</td>
<td>S. Mauermann, Port of Tacoma</td>
<td>The locally-adopted master program changed the shoreline environment, as established in the Tacoma Inventory and Characterization Report (Dec 2007) from High Intensity to Urban Conservancy. The Port believes the City wrongly applied WAC 173-26-201(2)(a) by considering testimony of a few residents during the update process rather than relying on the goals and aspirations of the community as expressed through their comprehensive plan. Given this criteria, nothing about the site warrants and Urban Conservancy designation with subsequent zoning prohibiting layberthing. At the City’s request, the Port investigated and concluded that there is no viable alternative layberth facility for MARAD vessels at the Port of Tacoma or anywhere else in Pierce County.</td>
<td>The Inventory and Characterization Report documented shoreline conditions as they were at the time the update was initiated, therefore, it categorized the SEDs and shoreline districts as they were previously established, rather than recommending changes. Proposed changes to these districts were developed in response to the findings in the Inventory and Characterization Report, the Waterfront Lands Analysis, and the public process.</td>
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<td>35</td>
<td>Public access - Schuster Parkway</td>
<td>S. Singh</td>
<td>Supports public access options along Schuster Parkway to improve connectivity of the Thea Foss and Ruston Way shorelines, specifically along the area of Sperry Ocean Dock.</td>
<td>Support noted.</td>
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| 36   | Public access                        | L. Herrmann, Walk the Waterfront | S-6/7 is part of the 1.2 mile missing link in the middle of seven miles of public access and public recreation waterfront between Thea’s Park and Chinese Reconciliation Park.  
Our waterfront should be a connected public recreation destination for all of our citizens and visitors. | Comment noted. |
| 37   | Public access                        | L. Keith Stone, Tacoma Dome District | Supports public access through the S-8 Thea Foss, S-7, S-6/7 Schuster Transition and S-6. Completion of a Dome to Defiance walkway/bikeway will support development of the Thea Foss Waterway which in turn helps support the Tacoma Dome/Museum District. | Support noted. |
| 38   | Public access                        | T. Murray, Murray Pacific Corp. | Urges the city to re-open the Bayside Trail to meet the desire of a Dome to Defiance trail. | Suggestion noted. City staff is continuing to explore the community’s desire and vision for the future of Bayside Trail. |
| 39   | Section 3.10.1 Transportation and Essential Public Facilities (pg 41) and/or | M. Galizio, Pierce County Public Works and Utilities | It should be clarified if the City’s two wastewater treatment plants are considered “essential public facilities”. | Comment noted. |

The Shoreline Master Program, including the Shoreline Environment Designations, is an element of the City’s Comprehensive Plan. The update of the Shoreline Master Program reflects community aspirations for this focused area (comparable to a subarea plan) as expressed through the public process. This does not mean that there is public consensus for each aspect.
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<td>40</td>
<td>Section 5.4 Shoreline Environment Designation Map Figure 5-1 (pg 49)</td>
<td>M. Galizio, Pierce County Public Works and Utilities</td>
<td>To assist readers with the identification of the City’s six Shoreline Environment Designations (SEDS) in Figure 5-1 (page 49), it is suggested that the color coding for the SEDs be included in the map legend.</td>
<td>Suggestion noted. This is a mapping error that will be fixed.</td>
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<td>41</td>
<td>Section 5.5 Shoreline Environment Designations 5.5.2.D.5.b Aquatic Environment (pgs 51-53)</td>
<td>L. Rose, Citizens for a Healthy Bay</td>
<td>Include a provision in this section to require removal of all remnant pilings and piling fields where no over-water structure or use remains. A number of large piling fields exist, particularly along Ruston Way and Schuster Parkway.</td>
<td>Existing remnant pilings and piling fields are considered part of the City’s existing shoreline conditions. The City cannot require mitigation for past impacts. However, removal of pilings is a high priority in the Shoreline Restoration Plan and can be used as mitigation for future impacts associated with new development activity.</td>
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<tr>
<td>42</td>
<td>Environment Designations and Mitigation Sequencing</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>The major problem of the SMP is the inability of the shoreline environment system to protect remaining intact areas. The City partially fixed one problem area but others remain. Designing the shoreline environments is particularly important because the environments control the corresponding use limits within those environments...the largest problem is the gap in protection for intact areas within the Urban Conservancy environments. It is critical to design the shoreline environments to protect the remaining ecological functions in the jurisdiction to meet the SMP Guidelines no net loss standard. This is accomplished by identifying the well-functioning areas and designating them with the Natural and Conservancy environments (or an equivalent), and equally importantly, by limiting uses in the Management Policies and use limits. By protecting the remaining areas of higher functions with protective environments, the SMP accomplishes the avoidance and minimization steps in mitigation sequencing.</td>
<td>The assignment of SEDs was a key part of the comprehensive update to the shoreline master program. Proposed SEDs went through a lengthy public process and were thoroughly reviewed by the Planning Commission before Council Adoption. During review of the SEDs, staff recommended and the Planning Commission concurred with the proposal to change large shoreline segments to the Natural designation. These included the S-3 Western Slope North District and the S-12 Hylebos North District.</td>
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<td>43</td>
<td>Urban</td>
<td>D. Patterson,</td>
<td>The largest problem is the gap in protection for intact areas within the Urban Conservancy (UC)</td>
<td>Please see also response to comment</td>
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According to the State’s shoreline guidelines, the SMP must balance the need to protect ecological functions with the need to protect individual property rights and opportunity for reasonable development.

Designations are to be assigned to “specific shoreline segments.” There is no requirement in the SMA to designate individual undeveloped properties Natural or prohibit development on undeveloped lots.

The purpose of the Natural designation is to protect and preserve those areas that are “relatively free” of human influence. Undeveloped individual lots or sites adjacent to developed sites are not necessarily considered “relatively free” of human influence so do not automatically meet the criteria for a Natural designation. This position has been stated previously by city staff.

The proposed SMP includes numerous protections of existing shoreline functions including protection of intact vegetation on these properties under Section 6.6 - Vegetation Conservation as well as Section 6.4 Critical Areas.
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<tr>
<td>44</td>
<td>Natural and Urban Conservancy</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Overall concern is that areas with intact vegetation be designated with environments that will protect that vegetation from intense development. The highly functioning areas need better protection than that provided by the UC environment. Our concern stems from the decision to use broad-brush environment designations across adjacent areas that are widely different from each other – ranging from highly developed to intact...It also stems from inappropriately using the inventory segments which are supposed to be established with a scientific basis) as the environment segments (which are based on land use patterns).</td>
<td>Intact vegetation is protected under Chapter 6.6 Vegetation Conservation as well as Chapter 6.4.</td>
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<tr>
<td>45</td>
<td>Environment Designation - Marine View Drive</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>The entire area is designated a monolithic UC segment even though part is intensively developed (marinas and parking lots), part is residential, part is the most pristine area in the city...Yet the allowed development in all these areas is based on the highly developed portions. Just as importantly, the buffers in the area are set at 115 feet which misses almost all the intact vegetation in the segment because it is behind roads or parking areas. This leaves the area unprotected and subject to loss of its ecological function. We recommend that the segment be split based on the actual land uses.</td>
<td>All development within the City of Tacoma’s shoreline jurisdiction is subject to a no net loss standard, whether it is within a critical area buffer or not. In addition, all general regulations apply concerning water quality, fish and wildlife habitat, vegetation conservation, as well as site planning.</td>
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<td>46</td>
<td>Environment Designation - West Slope North</td>
<td>D. Patterson, Futurewise;</td>
<td>Recommend that the segment be split based on the actual land uses: designate Salmon Beach as Shoreline Residential and the remainder as Natural.</td>
<td>The S-3 Western Slope North shoreline district, which is designated Natural, includes only the portion of the</td>
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<td>Heather Trim, People for Puget Sound</td>
<td>This segment is similar to Marine View Drive – it is a monolithic UC segment even though development ranges from intensive to intact. Recommend that the segment be split based on actual land uses.</td>
<td>jurisdictonal shoreline landward of the OHWM. This area is primarily undeveloped steep bluff. It is consistent with the designation criteria for Natural. The area is generally ecologically intact and it is generally unable to support new development without impacts to functions and/or public safety. The type of residential development allowed and encouraged by the shoreline residential designation would not be appropriate for the S-3 District. The Salmon Beach community is largely located overwater in the S-13 Waters of the State district, which is designated Aquatic. Similar new structures are expressly prohibited and expansion of these structures is strictly regulated in the district regulations found in section 9.15.</td>
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<td>47</td>
<td>Environment Designation - West Slope Central</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td></td>
<td>As stated previously, designations are applied to shoreline segments. They are not applied to individual properties. Although the district contains both Titlow Park and the railway, the S-2 - Western Slope Central is consistent with the designation criteria for Urban Conservancy. The area is appropriate for development that is consistent with maintaining or restoring shoreline</td>
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<td>48</td>
<td>Section 6.4 Marine Shoreline and Critical Areas Protection and Vegetation Management Section 6.4.2.A (pg 70) Vegetation behind waterline development</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>There are a number of areas with development along the waterline and intact vegetation behind it. The vegetation management regulations do not protect these areas and elimination of this vegetation will result in a loss of ecological function that the Cumulative Impact Analysis does not account for. Recommend adding a new regulation to Section 6.4.2.A “Native vegetation located outside required buffers shall be protected to the maximum extent feasible. Loss of native vegetation shall be accounted for in a compensatory mitigation plan.”</td>
<td>Vegetation Conservation standards apply shoreline-wide, not strictly within buffer areas.</td>
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<tr>
<td>49</td>
<td>Section 6.4 Marine Shoreline and Critical Areas Protection - Buffer Reductions Section 6.4.2.B.1 (pg 70) and Section 6.4.3 Marine Shorelines (pgs 76-78)</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Section 6.4.2.B.1 Critical area and marine buffer modifications - describes what uses are allowed with and without a variance. There is no criteria based on actual need like there is for a variance. However, Section 6.4.3 provides additional protections by adding important triggers for when a variance is needed. Support the later system but it should be applied to both critical area and marine buffers inside shoreline jurisdiction. Also recommend combining both sections for clarity.</td>
<td>Comment noted. Section 6.4 does allow for administrative buffer reductions when necessary to accommodate preferred uses within the shoreline. Reductions are only allowed when necessary and when mitigation sequencing is applied. Staff does not recommend a change in approach at this time.</td>
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<td>50</td>
<td>6.4 Marine Shoreline and Critical Areas Protection, Regulation 6.4.2.C.1 (pg 71)</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>The SMA and the SMP guidelines require a mitigation sequencing standard for individual projects to meet. The proposed SMP does include the requirement to use mitigation sequencing, but only in terms of modifications to specific features and buffers. To cover impacts to all shorelines (the water areas) and shorelands, and to clarify that compensatory mitigation is being addressed, recommend edits to Regulation 6.4.2.C.1:</td>
<td>Chapter 6.4 addresses mitigation sequencing as it applies to specific critical areas and critical area buffers. The SMP does not apply critical area standards to areas that do not have specifically identifiable critical areas. However, all uses and modifications</td>
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<td>51</td>
<td>6.4.2.C.4 Marine Shoreline and Critical Areas Protection (pgs 71-72)</td>
<td>L. Rose, Citizens for a Healthy Bay</td>
<td>“If modification to a marine shorelines and shorelands, wetland, stream, FWHCA, or buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be compensated for so as to result in no net loss of shoreline and/or critical area functions or processes.”</td>
<td>within the shoreline are required to achieve a standard of no net loss of ecological functions, which may require mitigating of impacts. Shoreline-wide policies and standards for vegetation conservation, water quality, and site planning apply to all uses and shoreline modifications. Suggestion noted. Please see attachment A.</td>
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| 52   | Section 6.4 Marine Shoreline and Critical Areas Protection - Buffer Ratios | D. Patterson, Futurewise; Heather Trim, People for Puget Sound | The SMP relies on a 1:1 replacement ratio for buffer impacts, and no ratio is established for stream critical area buffers. Recommend adding a 3:1 stream buffer mitigation ratio. Recommend the ratio system be reserved for expansions of existing development and refined. A system that uses a 1:1 ratio can only result in a loss of ecological function over time and across the city. Recommend the following ratios for marine and stream areas:  

- New development should compensate for impacts by re-establishing a narrow band of vegetation along a certain percentage of the water frontage so it can actually function to buffer and mitigate new impacts. The remaining non-vegetated areas are to be oriented on access and existing use areas.  

- Removal of existing native vegetation outside the buffer should be compensated at 2:1  

- Development inside the buffer should compensate for impacts at 2:1 for all new use areas, and areas of new impervious surface.  

- Removal of existing native vegetation inside the setback should be compensated 3:1. | Staff recommends providing clarity for stream mitigation ratios. Please see attachment B. |
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|      | Development in the water should compensate for impacts at 3:1 for all new use areas – including areas occupied by boats, swim areas, and similar use areas.  
      | The above mitigation should be additive to create wider vegetation areas and should be focused along the water. | D. Patterson, Futurewise; Heather Trim, People for Puget Sound | New development on vacant but degraded land needs special consideration. New impacts will be established by the new use and the only way to compensate is to re-establish the full buffer.  
      | | | We recommend that a general buffer standard be added that development on undeveloped land needs to be required to ensure the full buffer width is intact to compensate for the new impacts. | Mitigation sequencing is required to maintain no net loss of shoreline function. It is entirely possible that the standard could be achieved on a vacant but degraded property using means other than re-establishment of the full buffer.  
      | | | | | Anticipated impacts from proposed developments or uses will be evaluated on a site by site basis and mitigation will be required based on the specific determination of impacts as well as the principles of nexus and proportionality and consistent with the buffer standards in Chapter 6.4.  
      | | | | | Chapter 6.4 provides a general buffer standard. |
| 53   | Section 6.4 Marine Shoreline and Critical Areas Protection - Degraded buffers | D. Patterson, Futurewise; Heather Trim, People for Puget Sound | The proposed wetland buffers are well below the science-recommended buffers. Recommend improving wetland buffers consistent with the Ecology recommendations in Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands.  
<pre><code>  | Alternatively, establish a buffer mitigation and ratio system that can ensure the full width of intact buffers is protected, and for existing development establish specific compensatory mitigation | | The science on wetland protection suggests that there are ranges of buffer widths that can protect wetlands. The City’s buffer widths are generally within the ranges provided in the cited Ecology document. Ecology does not require a specific buffer width but allows the recommendations to be tailored to the specific urban context. It |
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<td>55</td>
<td>Section 6.5 Public Access Regulation 6.5.2.B.5 (pg 108)</td>
<td>M. Galizio, Pierce County Public Works and Utilities</td>
<td>It is also suggested that “utilities” be added to the list of exemptions to the public access regulations in Section 6.5.2.B.5 (page 108).</td>
<td>Suggestion noted. Staff will consider appropriate clarifications, including distinguishing between minor utilities associated with an approved use and major utility facilities such as new treatment plants. Please see Attachment C.</td>
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<td>56</td>
<td>Section 7.3, Aquaculture</td>
<td>S. Plauche’, J. DeNike for Pacific Coast Shellfish Growers Assoc (PCSGA)</td>
<td>Extremely concerned about the SMP policies and regulations on aquaculture, which prohibit commercial aquaculture in all shoreline environment designations and allow aquaculture only for the purpose of enhancing indigenous salmonid populations and fisheries for educational purposes. This prohibition is inconsistent with the Shoreline Management Act and threatens the viability of a preferred shoreline use that is critical to the state’s ecology, economy, and culture. Recommend aquaculture policies and regulations be amended to allow commercial aquaculture consistent with state law and policy.</td>
<td>The Shoreline Management Act and WAC Guidelines do not mandate that all water-dependent uses be allowed in all circumstances. In Tacoma’s case, priority shoreline locations have been reserved for water-dependent uses that support port and industrial uses as well as commercial operations, such as marinas. The commenter has not identified where aquaculture could be suitable within Tacoma’s shoreline without creating a significant conflict with other priority uses, including port/industrial activity, navigability of port waterways, public access and recreational uses along Ruston Way, Point Defiance, Marine View Drive and Titlow Park. In addition, the wave action along Tacoma Narrows and in Commencement Bay would pose serious risks to aquaculture operations</td>
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<td>Section 7.3, Aquaculture</td>
<td>S. Plauche', J. DeNike for Pacific Coast Shellfish Growers Assoc (PCSGA)</td>
<td>Aquaculture is a preferred, water-dependent use of the shoreline that provides important ecological benefits and must be encouraged. Under the state regulatory framework, a local SMP must 1) contain policies and regulations to promote this preferred, water-dependent, and ecologically beneficial use. And 2) must protect aquaculture from activities that threaten water quality and critical saltwater habitat, including shellfish beds. A complete prohibition violates both of these state mandates.</td>
<td>and aquaculture poses impacts to public views and recreational use of Tacoma’s water’s of the state which are both significant assets to Tacoma’s economy and waterfront. Aquaculture is more appropriately allowed in more rural shoreline areas without the high intensity of use and potential for conflict. Ecology has issued interim guidance on aquaculture for SMP updates. The guidance notes that aquaculture is considered a preferred use and a water-dependent use and that local government must generally allow these uses. However, the interim guidance also notes that “there may be some limited circumstances in which a jurisdiction-wide prohibition on aquaculture may be appropriate.” The City of Tacoma is an area in which aquaculture is not an appropriate use of the shorelines. Because of the current developed and planned land use pattern and historic pollution. Allowing aquaculture in Tacoma’s shoreline is analogous to requiring a rural area to allow container terminals simply because there is deep water. The SMA, although developed by</td>
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<td>58</td>
<td>Section 7.3, Aquaculture</td>
<td>S. Plauche’, J. DeNike for Pacific Coast Shellfish Growers Assoc (PCSGA)</td>
<td>State and national policies (see Shellfish initiatives) promote restoration and expansion of shellfish aquaculture. Tacoma’s aquaculture policies and regulations directly conflict with state and national policy regarding shellfish aquaculture by prohibiting all forms of commercial aquaculture. Policies and regulations must be revised to support initiatives.</td>
<td>The City of Tacoma’s locally-adopted Shoreline Master Program is consistent with the State Shoreline Management Act and the Washington Administrative Guidelines for shorelines.</td>
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indirect communities, is meant to protect the shorelines of the state at a broader watershed scale. There are numerous areas of Puget Sound in which aquaculture is appropriate and allowed. Tacoma is an area in which aquaculture is not a use that is compatible with available resources as well as current and planned land uses. Furthermore, there are currently no existing aquaculture facilities in the City of Tacoma shoreline jurisdiction nor has any demand for such uses been demonstrated through the Waterfront Lands Analysis or the public testimony. Lastly, the provisions of each jurisdiction’s SMP are dependent on its unique setting, circumstances and resources. Provisions of one SMP do not necessarily set a precedent for other jurisdictions with differing circumstances.
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<td>59</td>
<td>Section 7.3, Aquaculture</td>
<td>S. Plauche’, J. DeNike for Pacific Coast Shellfish Growers Assoc (PCSGA)</td>
<td>City’s proposed prohibition on commercial aquaculture is inconsistent with state law and state and national policy. Tacoma’s proposed aquaculture policies and regulations are much more extreme that Jefferson County’s rejected regulations. If there “is no authority for an outright ban” by Jefferson County on a subset of aquaculture activities, Tacoma certainly may not ban all commercial aquaculture. Tacoma’s aquaculture policies and regulations violate the SMA and must be revised in conformance with state law.</td>
<td>Please see response to comments #56, 57, and 58.</td>
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<tr>
<td>60</td>
<td>Section 7.3, Aquaculture</td>
<td>S. Plauche’, J. DeNike for Pacific Coast Shellfish Growers Assoc (PCSGA)</td>
<td>No justification to prohibit commercial aquaculture in Tacoma. It appears the proposed ban is based on concerns regarding degraded water quality and potential navigational conflicts. Neither of these concerns justifies the City’s proposed ban. Water Quality – 1) The SMA requires the City to give preference to aquaculture and protect it from other potentially harmful uses. The City must adopt policies and regulations requiring water quality to be improved and allowing aquaculture uses as sites are restored. 2) The City may not ban aquaculture based on water quality concerns because it has no authority to determine whether water quality is acceptable for aquaculture. 3) Various aquaculture operations can occur in areas that don’t have the highest levels of water quality. By prohibiting aquaculture based on existing water quality concerns, the city is not only suppressing a preferred use to other, harmful activities, but it is planning for the perpetual degradation of water quality within the City. This is a direct violation of the SMA. Navigation – Concern over potential navigational conflicts does not justify the City’s ban. The City can adopt a regulation to ensure new aquaculture activities don’t conflict with navigation but can’t prohibit aquaculture City-wide because of navigational concerns in some areas. The City’s approach is overly burdensome and prohibits a preferred water-dependent use that must be encouraged in the SMP.</td>
<td>Please see response to comments #56, 57, and 58.</td>
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<tr>
<td>61</td>
<td>Section 7.3, Aquaculture</td>
<td>S. Plauche’, J. DeNike for Pacific Coast Shellfish Growers Assoc (PCSGA)</td>
<td>The Shorelines Hearings Board has held activities supportive of shellfish growing and harvest operations are subject to the aquaculture policies and regulations in local SMPs. Tacoma’s proposed ban on commercial aquaculture would apply to these activities and prohibit uses and developments that are not dependent on high water quality.</td>
<td>Please see response to comments #56, 57, and 58.</td>
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<tr>
<td>62</td>
<td>Section 7.4 Boating Facilities (pg 126)</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Site location #6 should be limited only to existing marinas. New marinas should not be allowed if they affect littoral drift.</td>
<td>Site location regulations #1 and 2 prohibit new marinas when they will adversely impact specific shoreline functions and habitats, including areas of high energy littoral drift. In other circumstances, new marinas or marina expansions will be held to a no net loss standard and will be required to implement mitigation sequencing.</td>
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<td>63</td>
<td>Section 7.4 Boating Facilities - Boat ramps</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Ramp design standards need additional detail.</td>
<td>The City of Tacoma shoreline includes a variety of shoreline conditions, land use patterns and use types. Ramp design standards will be driven by the type of use it is serving and the shoreline conditions present. Section 7.4.2.I includes general standards for ramp design.</td>
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<td>64</td>
<td>Sections 7.4 Boating Facilities and Section 8.6 Moorage Facilities</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Some of the development standards for Boating Facilities are applicable to moorage facilities. Recommend that General Regulation 2, Site Location Regulations 1 and 2, and all the ramp regulations be included in the moORAGE development standards section.</td>
<td>Suggestion noted. A moorage facility that is for boating will also have to comply with the boating facilities standards and vice versa.</td>
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<td>65</td>
<td>Section 7.4.2.K Live-aboards and barge homes</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Concerned about the impact of these uses, especially the discharge of grey water and other polluted materials. Recommend: 1. They only be allowed in marinas</td>
<td>Suggestion noted. Staff will consider appropriate clarifications. Please see Attachment D.</td>
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<td>Section 7.5 Commercial Use (page 133)</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Restoration is required by the Guidelines. Policy 6 states this but there is no corresponding regulation. Recommend the following language: <strong>Commercial Regulation 5</strong> “An applicant for a non-water oriented commercial use shall demonstrate ecological restoration is undertaken to the greatest extent feasible.”</td>
<td>WAC 173-26-241 (3) (d) states that “Master programs should require that public access and ecological restoration be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development unless such improvements are demonstrated to be infeasible or inappropriate (emphasis added).” This language does not read as an outright, universal requirement that all commercial development include restoration of shoreline functions, except insofar as the restoration is tied to and as mitigation for demonstrable impacts to shoreline resources.</td>
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<td>67</td>
<td>Section 7.5 Commercial and Section 7.6 Industrial Uses (pgs 130-136)</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Commercial Regulation 4 and Industrial Regulation 3 allow non-water-oriented development in conjunction with water-oriented uses. The Guidelines only allow it in conjunction with water-dependent uses. Recommend changing the standards to use the correct term. Regulations 4 and 3 need limits to avoid abuse. Recommend adding a percentage of water-dependent use to non-water-oriented use of 50% (a ratio other jurisdictions use).</td>
<td>The Planning Commission and City Council find that mixed-use development is in the public interest when it supports water-oriented uses within the shoreline consistent with the public’s goals and aspirations. In addition, mixed-use development is required to provide additional public access and shoreline restoration. Providing flexibility for mixed-use development helps ensure that water-oriented uses are viable in the shoreline by helping subsidize the</td>
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<tr>
<td>68</td>
<td>Section 7.6 Industrial Use (pg 136)</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Industrial Regulations 7-11 deal with pollution issues but are very vague. Recommend that standards be converted into a requirement for operations plans to demonstrate how pollution standards are accomplished. Details should be added to emphasize containment redundancy, descriptions of how operations will avoid and minimize pollution and descriptions of compensation for spill/discharge events (beyond just clean up).</td>
<td>The SMP regulates shoreline uses and development. It is clear on what types of uses are allowed in specific areas and what development standards must be met. It clearly establishes the performance standard of no net loss of shoreline ecological functions for industrial uses. While there is no doubt air and water quality affect shoreline resources, industrial uses and activities are regulated by the federal Clean Air and Clean Water Acts through state and local controls which do not need to be repeated in the SMP. The SMP does clearly state that these other standards and practices must be adhered to.</td>
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<td>69</td>
<td>Section 7.7 Recreation, (pg 137)</td>
<td>D. Patterson, Futurewise;</td>
<td>Regulation 12 allows trails in the buffer. These should meet buffer requirements where possible. And if allowed in the buffer, there needs to be a shoreline that they can’t be located</td>
<td>The intent of allowing trails in the marine shoreline buffer is to fulfill the</td>
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<td>140</td>
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<td>Heather Trim, People for Puget Sound</td>
<td>outside the buffer and compensatory mitigation must be required.</td>
<td>Act’s public access priority of RCW 90.58.020 to preserve the public’s “ability to enjoy the physical and aesthetic qualities of natural shorelines of the state” To those ends, trails are allowed within the marine shoreline buffer, but only where they are “operated, located, designed and constructed to minimize and, where possible, avoid disturbance to shoreline functions and native vegetation to the maximum extent feasible (Section 6.4.2). They would also be subject to submittal of a critical area report and must comply with all other applicable policies and regulations of the Program (Section 6.4). All of the mitigation requirements of section 6.4.2(C) would be required.</td>
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<td>70</td>
<td>Section 7.8 Residential (pgs 140-142)</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Regulation 2 reads “Single family residences shall be permitted only when developed in a manner consistent with control of pollution and with prevention of damage to the natural environment.” The is a policy statement from the Guidelines, the SMA and residential policies. Implementing this is important but addition detail is needed. If our buffer recommendations are not accepted, then additional detail must be added to the residential section to accomplish this requirement. If residences or other non-water-dependent uses are allowed without full-width intact buffers, then they are causing impacts, not preventing damage. Degraded buffer conditions need to be corrected for undeveloped land; otherwise a hardship or need must be demonstrated through a Variance or similar process and compensatory.</td>
<td>There is only one location in the City’s shoreline where single-family residential development is located; that is in the S1b – Western Slope South. There are approximately nine residences at that location. Those homes are located waterward of the railway and for the most part behind bulkheads. There is currently little vegetation and little opportunity for vegetation enhancement.</td>
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<td>mitigation provided.</td>
<td>Additionally, there are no vacant shoreline properties zoned for single-family residential development, so there is no potential for new single-family residential development. Section 6.4.2(C) establishes that any modification to a shoreline buffer requires mitigation. It further requires that for the shoreline residential SED, compensatory mitigation for ecological functions shall be either in-kind and on site, or in-kind and within the same reach, subbasin, or drift cell. This only applies if the first four mitigation options are not applicable. Not solely requiring specific on-site buffer enhancement as mitigation is appropriate for Tacoma’s conditions. It gives the City and land owner flexibility to design compensatory mitigation that can have the greatest beneficial outcome. There are circumstances where off-site mitigation would enhance shoreline functions to a greater degree than on-site.</td>
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<tr>
<td>71</td>
<td>Section 7.8 Residential (pgs 140-142)</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Regulation 5 applies to multi-family development and has the same problems as Commercial Regulation 4 and Industrial Regulation 3: a non-water-oriented use is allowed simply by adding a water-oriented use. Our recommendations for commercial and industrial situations apply here as well.</td>
<td>Please see response #67.</td>
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<tr>
<td>72</td>
<td>Section 7.10</td>
<td>D. Patterson,</td>
<td>Regulations need to address parking over water. Recommend that overwater parking be</td>
<td>Currently there is only one overwater</td>
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<td>73</td>
<td>Section 7.10 Parking Policy 6 and Section 6.2.2.14 Lighting Impacts</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Habitat impacts from lighting is addressed in the policy but not implemented in the regulations. Also Section 6.2.2.14 addresses site lighting but also needs to address habitat impacts.</td>
<td>Comment noted.</td>
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<tr>
<td>74</td>
<td>Section 7.13 – Utilities Policies and Regulations (pg 150) and Chapter 10 – Definitions</td>
<td>M. Galizio, Pierce County Public Works and Utilities</td>
<td>There appears to be a discrepancy between these two sections regarding how utilities are classified. In Section 7.13, utilities are describes as “major” or “minor” but in Chapter 10 they are either “primary” or “accessory”. Reconcile the discrepancy and revise the Shoreline Use and Development Standards Table (pg 200-201)</td>
<td>The code draws two distinctions: The first is between utilities that are accessory to a residence, commercial use, etc. and a utility that is a primary use itself, such as a treatment plant or an outfall that is serving more than an individual use. This distinction is to delineate the applicability of the utilities section. The policies and development regulations in Section 7.13 apply to primary utilities rather than accessory. The second distinction pertains to the category of ‘primary’ utilities and further delineates between those that are major facilities and those that are minor. The intent is to provide a streamlined permit approach for those facilities that are considered minor.</td>
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<td>75</td>
<td>Utilities Regulation 7.13.2.A.1 (pg 151)</td>
<td>M. Galizio, Pierce County Public Works and Utilities</td>
<td>Revise the language in recognition of Interlocal agreements between local jurisdictions and utility providers: “Utility development shall, through coordination with local government agencies and utility providers, provide allow compatible, multiple uses of sites and rights-of-way.”</td>
<td>Suggestion noted. Staff will consider appropriate clarifications. Please see Attachment E.</td>
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<td>76</td>
<td>Utilities Regulation 7.13.2.E.1 (pg 153)</td>
<td>M. Galizio, Pierce County Public Works and Utilities</td>
<td>There is an implication that new utilities should provide public access improvements to the shoreline. These should be the responsibility of primary uses and not assigned to secondary uses. Therefore, it is recommended that this regulation should reworded to read: “When feasible, Utility development shall include not unduly interfere with or impede public access to the shorelines, trail systems, and other forms of recreation, provided such uses will not unduly interfere with utility operations or endanger the public health, safety, and welfare.”</td>
<td>Section 7.13 applies only to primary utilities and not utilities that are accessory to a primary use. Therefore, the public access requirements apply to utility development that is itself a primary use. For accessory utilities, the public access requirements would be reviewed as part of the review of the primary use and whether the use itself is subject to public access requirements.</td>
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<td>77</td>
<td>Utility and transportation facilities accessory to the primary use</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Recommend adding a new standard to the general modification regulations: “Modifications that provide transportation and utility services accessory to a primary use shall mitigate the common impacts of those facilities. Transportation modifications shall also meet the General Regulations of Section 7.10.2. Utility modifications shall also meet the Environmental Protection regulations of Section 7.12.2” (Alternatively specific relevant regulations can be cited.)</td>
<td>Suggestion noted. Staff will consider appropriate clarifications. Please see Attachment F. Transportation and utility improvements are subject to all applicable chapters and sections of the SMP including the environmental protection standards.</td>
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<td>78</td>
<td>Section 8.6 Moorage Facilities</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Need to state that docks and piers are only allowed for water-dependent uses. There are no size limits for floats and no dimensional standards for docks other than 60’ length and 6’ width. Recommend adding more standards to comply with the Guidelines and protect shorelines from adverse impacts.</td>
<td>Section 8.6.2(C) states that “New piers, wharves, docks, and floats may be permitted only for water-dependent uses or public access and shall be restricted to the minimum size necessary to serve a proposed water-dependent use.” Tacoma’s shoreline conditions are extremely varied. They include different water depths, high bluffs, varied tidal patterns. The land use pattern is uniquely varied as well. Docks in Tacoma may be located in several locations and may be accessory</td>
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<td>Table 9-2 Use and Modification Table – Natural environment designation (pgs 199-201)</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Natural environment use limits. Improved protection of areas designated natural should be reflected in the table by limiting uses that will convert intact areas to human use.</td>
<td>Uses and shoreline modifications are highly restricted in Naturally designated areas. Please see Attachment G.</td>
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<tr>
<td>79</td>
<td>Table 9-2 Use and Modification Table – Use Intensity (pgs 199-201)</td>
<td>D. Patterson, Futurewise; Heather Trim, People</td>
<td>Standards such as buffers, setbacks and height are not equivalent to creating low intensity. They also don’t get at the difference in uses. Recommend including the use intensity preference for intact areas. If not included in the</td>
<td>Only the ‘Natural’ and “Rural Conservancy” shoreline designations in the WAC utilize the low intensity standard. The City does not utilize the</td>
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<td>81</td>
<td>Table 9-2 Use and Modification Table - Essential Public Facilities (pgs 199-201)</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Plug remaining gaps in the table: Essential Public Facilities – Recommend adding a regulation for EPFs stating that they will be reviewed as the closest use described in the use table under the normal use categories with the determination to be made by the Administrator.</td>
<td>Suggestion noted. Staff will consider appropriate clarifications. Please see Attachment G.</td>
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<tr>
<td>82</td>
<td>Table 9-2 Subdivision of land</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>Subdivision of intact areas is a major concern. As currently proposed, the lot width and frontage standards could allow 5000 sq. ft. lots, 25 feet wide. In intact locations, whether Natural or Urban Conservancy, new lots should be created outside shoreline jurisdiction. In addition to differentiating the intact areas and designating them Natural, recommend that intact segments be given an “N” in all Lot Area table entries to prohibit subdivision in that location, with a note reading “New subdivision lots shall be created outside shoreline jurisdiction.” If subdivision is allowed, recommend that lot width be 300 feet in the Conservancy and Natural environments.</td>
<td>Comment noted. Subdivision of intact areas is a low risk within the City of Tacoma shoreline jurisdiction. Most of the areas along the West Slope and Tacoma Narrows are characterized by steep slopes and significant critical areas, or the land use pattern is already established.</td>
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<td>83</td>
<td>Table 9-2 – Natural environment</td>
<td>D. Patterson, Futurewise; Heather Trim, People for Puget Sound</td>
<td>The use table needs to be consistent with the Natural environment requirements in the Guidelines. Specifically some of the allowed uses and modifications are permitted to significantly alter the shoreline environment. These should be limited to very low intensity uses and activities.</td>
<td>Suggestion noted. Staff will consider appropriate clarifications. Please see response to #79.</td>
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<td>84</td>
<td>Ecology Role</td>
<td>W. Lynn, Gordon Thomas Honeywell LLP on behalf of Sperry Ocean Dock</td>
<td>Ecology’s role is to ensure that statewide goals, policies and priorities are met. The SMA recognizes both state and local interests but makes certain state requirements pre-eminent. RCW 90.58.020 establishes statewide policy goals and priority uses for shorelines.</td>
<td>Staff concurs.</td>
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<td>85</td>
<td>City required to follow established procedures</td>
<td>W. Lynn, Gordon Thomas Honeywell LLP on behalf of Sperry Ocean Dock</td>
<td>The City was required to follow established procedures to ensure a fact and rule-based SMP. Three procedural requirements: 1) the SMA and SMP regulations require a fact-based approach. 2) The update process requires special consultation with certain agencies that have expertise, in this case, including the Port of Tacoma and the Department of Natural Resources. This requires more than mere notice. The City must actively engage those agencies. 3) A local government has a duty to explain its reasoning to show that its update was based on established regulatory criteria. An explanation is expressly required where the local government has change the designation of a shoreline property. The City must show the necessity and justification for any change.</td>
<td>Staff concurs with Mr. Lynn’s outline of the procedural steps required under State law and the City has adhered to these throughout the process as demonstrated in the Planning Commission and City Council public record.</td>
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<td>86</td>
<td>Water-dependent, water-related industrial uses</td>
<td>S. Mauermann, Port of Tacoma</td>
<td>The Port firmly believes that the Tacoma master program “can and should provide maximum flexibility for water-dependent, water-related industrial uses in order to ensure and attract a diverse and sustained employment base, while at the same time protecting the natural environment and providing public access where safe, feasible and reasonable.”</td>
<td>Staff concurs that the SMP should provide maximum flexibility for water-dependent and water-related uses.</td>
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<td>87</td>
<td>Public Access Alternatives Plan (PAAL)</td>
<td>S. Mauermann, Port of Tacoma</td>
<td>The Port is drafting its own public access alternatives plan to guide public access over a 10-year planning period related to future Port development requiring a shoreline permit. The Port appreciates the collaborative process with the City in drafting the Port’s Public Access Plan and understand there will not be Ecology review of the Port’s plan.</td>
<td>Comment noted.</td>
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4. Fee-in-lieu.
   a. In cases where mitigation pursuant to this section (TSMP 6.4) is not possible, or where the maximum possible onsite mitigation will not wholly mitigate for anticipated impacts, or where an alternative location, identified in an adopted restoration plan, would provide greater ecological function, the Land Use Administrator may approve a payment of a fee-in-lieu of mitigation. The fee shall be reserved for use in high value restoration actions identified through the Shoreline Restoration Plan. Approval of the in-lieu fee option is subject to the development and adoption of a formal City in-lieu fee program and mitigation site or the City’s formal participation in an approved in-lieu fee program, and consistent with the criteria in b and c below.
   b. To aid in the implementation of off-site mitigation, the City may develop a formal program which prioritizes wetland and/or other critical areas for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed and approved through a public process and be consistent with state and federal rules. The program should address:
      i. The identification of sites within the City that are suitable for use as off-site mitigation. Site suitability shall take into account critical area functions, potential for degradation, and potential for urban growth and service expansion; and
      ii. The use of fees for mitigation on available sites that have been identified as suitable and prioritized for restoration and/or enhancement.
   c. Any off-site mitigation, including expenditures associated with an adopted in-lieu fee program, would have to be consistent with the goals and objectives of the Shoreline Restoration Plan.

5. Timing of Compensatory Mitigation. Compensation projects should be completed prior to activities that will disturb the on-site critical area. If not completed prior to disturbance, compensatory mitigation shall be completed immediately following the disturbance and prior to final occupancy. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

6. The Land Use Administrator may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified professional as to the rationale for the delay (i.e. seasonal planting requirements, fisheries window).

D. Mitigation Plan

1. A mitigation plan shall be prepared consistent with best available science. The intent of these provisions is to require a level of technical study and analysis sufficient to protect the shoreline and critical areas and/or protect developments and occupants from critical areas involving hazards. The analysis shall be commensurate with the value or sensitivity of a particular shoreline or critical area and relative to the scale and potential impacts of the proposed activity.
I. Stream Mitigation Requirements

1. Where a riparian wetland exists, all proposed alterations in the buffer of a stream shall be in accordance with the standards for the applicable wetland category.

2. Compensatory mitigation shall be provided at a 3:1 ratio for each impacted function and shall be provided as close as possible to the ordinary high water mark.

2.3. In the event stream corridor alterations or relocations, as specified above, are permitted, the applicant shall submit an alteration or relocation plan prepared in association with a qualified professional with expertise in this area. In addition to the general mitigation plan standards, the plan shall address the following information:

a. Creation of natural meander patterns and gentle side slope formations;

b. Creation of narrow sub channel, where feasible, against the south or west bank;

c. Provisions for the use of native vegetation;

d. Creation, restoration or enhancement of fish spawning and nesting areas;

e. The proposed reuse of the prior stream channel;

f. Provision of a qualified consultant, approved by the City, to supervise work to completion and to provide a written report to the Land Use Administrator stating the new channel complies with the provisions of this chapter; and

g. When streambank stabilization is necessary, bioengineering or soft armoring techniques are required, where possible.

3. The Washington Department of Fish and Wildlife has authority over all projects in State Waters which impact fish. Construction in State Waters is governed by Chapter 75.20 RCW, Construction Projects in State Waters.

6.4.7 Geologically Hazardous Areas

Geologically hazardous areas are areas susceptible to severe erosion; slide activity, or other geologic events. In the City of Tacoma shoreline, high marine bluffs, like those along the Tacoma Narrows, are the most visible type of geologically hazardous area, although seismic, tsunami and erosion hazards have also been mapped.

The more severe hazard areas are not suitable for placing structures or locating intense activities or uses due to the inherent threat to public health and safety. Vegetation removal during construction and development of adjacent properties alters surface runoff and ground water infiltration patterns that can lead to increased slope instability.

A certain level of erosion of shorelines and marine bluffs is natural to the Puget Sound area. Erosion from “feeder bluffs” is the primary source of sand and gravel found on beaches including accretion beaches (gravel bars, sand pits and barrier beaches). Extensive “hardening” of feeder bluff areas can eventually starve beaches down drift of the bluff, resulting in lowered beach profiles and the potential for increased erosion. Changes in the beach substrate resulting from reduced sediment deposition may result in negative habitat impacts. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the natural resource and ecology of the shoreline.
where the applicant can demonstrate that, due to economic, technical, environmental, or safety considerations, placing utilities underground is infeasible.

6. When they are necessary, stream crossings for utilities shall co-locate using existing crossings where feasible. New crossings shall be by the most direct route possible.

7. Underground utility crossings shall use the least impacting installation methods to the extent feasible.

8. Underground utility installation in high groundwater area shall avoid alteration of groundwater patterns to the extent feasible.

9. Utility developments shall be located and designed so as to avoid, to the extent practicable, the need for any structural or artificial shoreline modification works for the life of the project.

10. Major utilities should be avoided in floodplains to the greatest extent practicable; if necessary, flood protection structures shall not increase flood hazards in other areas along the waterbody.

11. Installation of utilities shall assure the prevention of siltation or beach erosion.

12. Undergrounding of utilities across a water body shall comply with all applicable local, state, and federal agency regulations and requirements; a shoreline permit is required.

E. Public Access

1. When feasible, primary utility development shall include public access to the shorelines, trail systems, and other forms of recreation, provided such uses will not unduly interfere with utility operations, or endanger the public health, safety and welfare.

2. When feasible, utilities within the shoreline area shall be placed underground and utility corridors shall be used for shoreline access.

F. “S-11” Marine View Drive Shoreline District

1. Open channels shall be used where feasible for discharge from existing springs to the salt water.
processes, efficiently use shoreline space, and minimize consumption of public water surface area unless:

- a. No suitable upland locations exist for such facilities; or
- b. It can be demonstrated that wet moorage would result in fewer impacts to ecological functions and processes; and
- c. It can be demonstrated that wet moorage would enhance public use of the shoreline.

2. Dry storage areas shall be located away from the shoreline and be landscaped with native vegetation to provide a visual and noise buffer for adjoining dissimilar uses or scenic areas.

F. Waste Disposal at Boating Facilities

1. Marinas shall provide pump out, holding, and/or treatment facilities for sewage and grey-water contained on boats or vessels. These facilities shall be low-cost or free, visible, and readily accessible by marina patrons. The responsibility for providing adequate facilities for the collection of vessel sewage, grey-water and solid waste is that of the marina operator.

2. Marinas and boating facilities shall implement best management practices to prevent and minimize water pollution. Applicants should consult the Department of Ecology’s current Resource Manual for Pollution Prevention in Marinas.

3. Discharge of solid waste or sewage into a water body is prohibited. Marinas and boat launch ramps shall provide adequate restroom and sewage disposal facilities in compliance with applicable health regulations.

4. Garbage, litter, and recycling receptacles and facilities shall be provided and maintained by the marina operator as required by federal, state, and local laws and regulations.

5. Marinas shall provide adequate disposal facilities for the discarding of fish or shellfish cleaning wastes, scrap fish, viscera, or unused bait.

6. Marina operators shall post all regulations pertaining to handling, disposal and reporting of waste, sewage, fuel, oil or toxic materials where all users may easily read them.

G. Oil Product Handling, Spills, and Wastes

1. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan for oil and other products, shall be required of new marinas and expansion or substantial alteration of existing marinas. Compliance with federal or state law may fulfill this requirement.

2. Handling of fuels, chemicals or other toxic materials must be in compliance with all applicable Federal and State water quality laws as well as health, safety and engineering requirements.

3. Rules for spill prevention and response, including reporting requirements, shall be posted on site.
H. Parking and Vehicle Access

1. Public or private launch ramps shall provide trailer spaces commensurate with projected demand.

2. Connecting roads between marinas and public streets shall have all weather surfacing, and be satisfactory to the City Engineer in terms of width, safety, alignment, sight distance, grade and intersection controls.

I. Launch Ramp Design

1. Preferred ramp designs, in order of priority, are:
   a. Open grid designs with minimum coverage of beach substrate;
   b. Seasonal ramps that can be removed and stored upland; and
   c. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in beach profile.

2. Ramps shall be placed and maintained near flush with the foreshore slope.

J. Accessory Uses

1. Accessory uses at marinas or launch ramps including parking, boat repair and services, open air storage, waste storage and treatment, in-water net pens for baitfish, stormwater management facilities, utility and upland transportation development, shall be permitted provided they are consistent with all other provisions of this Program (including those for parking, transportation, and utilities) and, where possible, provide public physical or visual shoreline access.

2. Water-oriented accessory uses reasonably related to marina operation may be located over water or at the waters edge by conditional use provided the operator can demonstrate that an over-water or waters’-edge location is essential to the operation of the use and that the accessory use will avoid or mitigate any impacts to shoreline functions so that no net loss of shoreline functions results.

3. Minor boat repair and maintenance shall be permitted in conjunction with marina operation provided that the operator can demonstrate such accessory use is clearly incidental and subordinate to the marina development, and that best management practices for small boat yards are employed.

K. Live-Aboards

1. Live-aboard vessels used as a place of residence are prohibited except when located within a marina, where authorized by the marina operator.

2. No vessel berthed in a marina shall be used as a place of residence except as authorized by the marina operator in conjunction with a permit from the City.

2-3. No more than twenty (20) percent of the slips at a marina shall be occupied by live-aboard vessels. Any marina with live-aboard vessels shall require:
a. That all live-aboard vessels are connected to utilities that provide sewage and grey-water conveyance to an approved disposal facility; or

b. That marina operators or live-aboards are contracted with a private pump-out service company that has the capacity to adequately dispose of live-aboard vessel sewage and grey-water; or

c. That a portable pump-out facility is readily available to live-aboard vessel owners;

d. That all live-aboard vessels shall have access to utilities that provide potable water;

e. That live-aboard vessels are of the cruising type, and are kept in good repair and seaworthy condition.

Marinas with live-aboard vessels shall only be permitted where compatible with the surrounding area and where adequate sanitary sewer facilities exist (as listed in TSMP Section 7.4.2(K)(1)(a), (b), and (c) above) within the marina and on the live-aboard vessel.

L. “S-8” Thea Foss Waterway Shoreline District

1. New marina development may only occur in conjunction with an adjacent upland, non-marina use.

2. For purposes of marina location, the designated primary or secondary public access/view corridors specified in TSMP Section 9.10 are extended into the Waterway on the west side, and are fixed in location. Marinas may not be located in or within 20 feet of these public access/view corridors. Further, marinas are prohibited south of the extension of South 18th Street to the south end of the Waterway. Visitor moorage is permitted, and required public access features for marinas such as viewing platforms and piers may be located in the public access/view corridors.

7.5 Commercial Use

Commercial use regulations apply to business uses or activities at a scale greater than a home occupation or cottage industry involving retail or wholesale marketing of goods and services. Examples include, but are not limited to, hotels, motels, grocery stores, restaurants, shops, offices, and indoor recreation facilities.

7.5.1 Policies General

A. General Policies

1. Commercial uses and development should be designed and constructed in such a manner as to result in no net loss of ecosystem functions.

2. Priority should be given to those commercial uses which are determined to be water-dependent uses or uses that will provide an opportunity for substantial numbers of the

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2 These requirements are in addition to the requirement that all marinas provide portable, floating, or stationary facilities for the disposal of sanitary waste as stated above.
a. Meet the needs of future populations in areas planned to accommodate this growth. Utilize existing transportation and utility sites, rights-of-ways and corridors, whenever possible.

b. Encourage Joint use of rights-of-way and corridors.

c. Preserve scenic views and aesthetic qualities of the shoreline area.

d. Be located such that shoreline armoring and defense works will not be required for the life of the project.

e. Non-water-oriented parts of wastewater treatment, water reclamation, desalinization, and power plant facilities shall be located outside shoreline jurisdiction unless it can be demonstrated that no other feasible option is available.

6. Utilities within shorelines should be under-grounded where practicable.

7. Upon completion of utility installation/maintenance projects on shorelines, banks should be restored to pre-project configuration, replanted and provided maintenance care until the newly planted vegetation is established. Plantings should be native species and/or be similar to vegetation in the surrounding area.

8. When reasonably feasible, the co-location of new public and private utility distribution facilities should be promoted in shared trenches and overhead rights-of-way. The timing of construction should be coordinated to minimize construction related disruptions to the public and reduce the cost to the public utility delivery.

9. Placement of utilities in shoreline areas should be planned and designed to avoid degradation of the shorelines and shoreline views during and after installation.

7.13.2 Regulations

A. General Regulations

1. Utility development shall, through coordination with local government agencies and utility providers, allow for compatible, multiple uses of sites and rights-of-way.

2. Utilities shall be designed and installed to meet future needs when possible.

3. Wireless communication facilities shall comply with City of Tacoma Municipal Code 13.06.545.

B. Uses

1. The following new major utility facilities may be permitted in shoreline jurisdiction if it can be shown that no practicable alternative exists outside of shoreline jurisdiction.

   a. Electrical energy generating plants, substations, and transmission lines;

   b. Sanitary sewer outfalls;
CHAPTER 8 SHORELINE MODIFICATION POLICIES AND REGULATIONS

Shoreline modification activities are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modifications include, but are not limited to, structures such as dikes, breakwaters, weirs, dredge basins, fill, bulkheads and piers and actions such as clearing, grading, and removing vegetation. Generally, shoreline modifications are undertaken for the following reasons:

- To prepare for a shoreline use;
- To support an upland use; or
- To provide shoreline stabilization or defense from erosion.

A single shoreline use may require several different shoreline modification activities. For example, a new boat storage yard may require clearing and grading of the upland yard and construction of a jetty and docks in the water. Proposals for shoreline modifications are to be reviewed for compliance with the applicable “Use” policies and regulations in Chapter 7 and the applicable “modification” policies and regulations of this Chapter. Shoreline modifications listed as “prohibited” are not eligible for consideration as a Shoreline Variance. Deviations from the minimum development standards may be approved under a Shoreline Variance unless specifically stated otherwise.

8.1 General Shoreline Modification Policies

1. Shoreline modification activities should protect or restore ecological processes and functions and minimize alterations of the natural shoreline, currents, and movement of sand and water circulation to avoid adverse effects on nearby shorelines.

2. Shoreline modification activities should not degrade water quality; and best management practices should be employed to prevent contamination of shoreline areas.

3. Shoreline modifications should be constructed in such a way as to minimize damage to fish and shellfish resources and habitats; minimize damage to wildlife propagation and movement; and to conform to Washington Department of Fish and Wildlife design criteria.

4. New development siting and design should be conducted in such a manner that the need for continued shoreline modification activities such as dredging or channelization, to maintain the use is unnecessary.

5. Proposals for shoreline modification activities and associated uses should demonstrate that the construction and subsequent operation will not be detrimental to the public interest and uses of the shoreline and water body, including navigation and recreation.

6. Shoreline modification activities should demonstrate that impacts have been avoided, minimized and mitigated.

7. Shoreline modifications that provide transportation and utility services accessory to a primary use shall mitigate the common impacts of those facilities.
14. Additional shoreline recreational lands should be acquired through a variety of means including donations and fee purchase. Acquisition of easements, options and development rights can also provide recreational opportunities.

15. To avoid wasteful use of the limited supply of recreational shoreline, parking areas should be located inland away from the immediate edge of the water. Access should be provided by walkways or other methods.

16. Maintain level of service to ensure that all people have access to the shoreline. Overuse of shoreline areas should be addressed by adding shoreline recreational capacity.

B. “S-3” Western Slope North Shoreline District, “S-4” Point Defiance Shoreline District, “S-13” Hylebos Creek Shoreline District

1. Recreational uses should be consistent with the management policies for the Natural Shoreline Environment Designation.

2. Recreational uses should not require structural modification of the shoreline.

C. “S-8” Thea Foss Shoreline District

1. Recreational boat building and restoration activities associated with maritime organizations (such as, but not limited to, the Sea Scouts and Maritime Center) are encouraged.

7.7.2 Regulations

A. General Regulations

1. Recreational development shall achieve no net loss of ecological processes and functions and should be designed to be compatible with surrounding properties.

2. Proposals for recreational developments which would substantially alter the natural characteristics of the shoreline shall be considered a conditional use.

3. Any recreational building or structure, excluding piers or docks or floats, proposed to be built over water, shall be considered a conditional use.

4. Non-water-oriented recreational development shall be located outside the shoreline jurisdiction.

5. Recreational development shall be designed and constructed so as to not unnecessarily interfere with public use of shorelines.

6. Recreational uses and improvements shall include public access to shorelines.

7. Proposals for recreational development shall be found to not have an adverse effect on industrial deep water terminal operations and facilities.

8. Accretional beaches shall be retained in their natural state for water-dependent uses such as swimming, clamming, and beachcombing.
9. Underwater parks and artificial reefs established in cooperation with State agencies shall include safety provisions to warn boating traffic of their location and shall not include materials toxic or otherwise hazardous to persons, fish, or wildlife.

10. Accesses for boats shall allow safe and convenient passage to the public water, dictated by the class of boats using the access; the public’s right to use navigable waters shall be protected.

11. Where public access has been unlawfully appropriated to private use, or otherwise unlawfully denied to the public, such prohibition shall be abated, and the area made accessible to the public.

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-3” Western Slope North Shoreline District, “S-4” Point Defiance Shoreline District, “S-13” Hylebos Creek Shoreline District

C. “S-4” Point Defiance Shoreline District

1. Recreational uses shall be designed, located, and developed in accordance with the management policies for the Natural Shoreline Environment Designation.

4.2. 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
### Table 9-2. Shoreline Use and Development Standards

<table>
<thead>
<tr>
<th>District Name</th>
<th>Western Slope South</th>
<th>Western Slope Central</th>
<th>Western Slope North</th>
<th>Point Defiance</th>
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<th>Ruston Way</th>
<th>Schuster Parkway Transition</th>
<th>Schuster Parkway</th>
<th>Thea Foss Waterway</th>
<th>Puget Sound</th>
<th>Port of Seattle</th>
<th>Marine View Drive</th>
<th>Hylebos Creek</th>
<th>Marine Waters of the State</th>
<th>Wapato Lake</th>
<th>Point Ruston/Slag Pen.</th>
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**Note:** Essential Public Facilities will be reviewed and permitted as. No changes are described as the use-classes under the current use category with the determinations to be made by the Administrator.
## GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE

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<th>5-1b</th>
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\(^a\) For water-dependent uses

\(^b\) For Non-water-dependent uses

\(^c\) N/A

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Comprehensive Plan and Chapter 13.10 Amendments
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<tr>
<th>District</th>
<th>S-1a</th>
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**General Minimum Development Standards**

- **Marine Shoreline Buffers, per TSMF Chapter**
  - 50 ft. from OHWM
  - 50 ft. from OHWM
  - 50 ft. from OHWM
  - 200 ft. from OHWM
  - 200 ft. from OHWM
  - 115 ft. from OHWM
  - 115 ft. from OHWM
  - 115 ft. from OHWM
  - 115 ft. from OHWM
  - 115 ft. from OHWM
  - 30 ft. from Shoreline
  - 30 ft. from Shoreline
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  - 30 ft. from Shoreline

- **Side Yard/View Corridor**
  - 30% of shoreline frontage
  - 30% of shoreline frontage
  - 30% of shoreline frontage
  - 30% of shoreline frontage
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- **Front Yard Setback**
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- **Rear Yard Setback (from edge of applicable buffer)**
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- **Lot Area**
  - Minimum Avg. Width
  - 50 ft
  - 50 ft
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- **Minimum Lot Frontage**
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- **Minimum Lot Area for 1F Dwelling**
  - 5,000 sq ft
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- **Minimum Lot Area for MF Dwelling**
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  - 6,000 sq ft

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

*Comprehensive Plan and Chapter 13.10 Amendments*
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 15th 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 7.5.2 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 18. Commercial uses that are located, vested, and developed shall not exceed a height 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 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/industrial uses shall be permitted only in existing structures.
10. Port 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 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 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. No more than 24 total townhouse units may be permitted in upland locations up to 100’ from OHWM as an outright permitted use so long as such townhouses are constructed on the southeastery shoreline of the Point Ruston site. Townhouses may be permitted in upland locations up to 100’ from OHWM as a conditional use in all other locations. Townhouses in the S-15 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 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.
25. Buffer reductions allowed for water-dependent uses per TSMP 6.4.3(c).
26. Except that the buffer shall not extend beyond the centerline of Alaska street.
27. 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.
28. The maximum height standard excludes equipment used for the movement of waterborne cargo between storage and vessel or vessel and storage.
29. 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, unless 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.
30. Maximum heights on Slag Peninsula are limited to 35 feet.
31. 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.
32. New and/or expansion of an existing railroad siding is permitted when necessary to service a water-dependent port or industrial facility.